



Corpus Christi

1201 Leopard Street
Corpus Christi, TX 78401
cctexas.com

Meeting Minutes City Council

Tuesday, June 25, 2013

11:30 AM

Council Chambers

A. CALL MEETING TO ORDER.

Mayor Martinez called the meeting to order at 11:30 am.

B. INVOCATION

The invocation was delivered by Pastor Linda Morrow, St. Peter's by the Sea United Methodist Church.

C. PLEDGE OF ALLEGIANCE.

The Pledge of Allegiance was led by Ron Olson, City Manager.

D. ROLL CALL.

City Secretary Chapa verified that the necessary quorum of the Council and the required Charter Officers were present to conduct the meeting.

Charter Officers: City Manager Ron Olson, City Attorney Carlos Valdez, and City Secretary Armando Chapa.

Present: 9 - Council Member Kelley Allen, Council Member Priscilla Leal, Council Member David Loeb, Mayor Nelda Martinez, Council Member Mark Scott, Council Member Chad Magill, Council Member Colleen McIntyre, Council Member Lillian Riojas, and Council Member Rudy Garza

E. Proclamations / Commendations

1. Proclamation declaring July 4, 2013 as "July 4th Big Bang Celebration 2013"
Swearing-in ceremony for newly appointed Board, Commission and Committee Members

Mayor Martinez read and presented the Proclamation and conducted a swearing-in ceremony of newly appointed board and commission members.

H. EXECUTIVE SESSION: (NONE)

G. CITY MANAGER'S COMMENTS / UPDATE ON CITY OPERATIONS:

I. MINUTES:

2. Approval of Meeting Minutes -Workshop Meeting of June 4, 2013 and Regular Meeting of June 11, 2013.

A motion was made by Council Member Magill, seconded by Council Member Garza to approve the minutes as presented and passed.

J. **BOARDS & COMMITTEE APPOINTMENTS: (NONE)**

L. **CONSENT AGENDA: (ITEMS 3 - 12)**

Mayor Martinez referred to the Consent Agenda, Items 3 - 12. Mayor Martinez asked for comments from the public and the following citizens spoke: Trian Serbu spoke in opposition to Item No. 12 on the day's agenda related to a grant for Sam Kane Beef Processors; Abel Alonzo spoke in support of Item No. 12 and thanked the Type A board and staff for their work; Unidentified Citizen stated that the street in which he resides is not maintained by the city and will he be required to pay the street fee. There were no comments from the council. The items were approved by one vote:

3. **Purchase and Installation of Security Equipment**

Motion approving the purchase and installation of sixteen (16) CCTV cameras and an access control system from MCS Fire & Security, Corpus Christi, Texas in accordance with the State of Texas Cooperative Purchasing Program for a total expenditure of \$76,634.81. Funds have been budgeted by the Aviation Department in FY 2012- 2013.

The foregoing motion was passed and approved with the following vote:

Aye: 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Abstained: 0

Enactment No: M2013-103

4. **Application for a Hazardous Materials Emergency Preparedness Planning Grant**

Resolution authorizing the City Manager, or designee, to submit a grant application in the amount of \$65,000 to the Texas Department of Public Safety, Governor's Division of Emergency Management, for FY 2014 Hazardous Materials Emergency Preparedness (HMEP) grant program to conduct a detailed hazardous materials vulnerability assessment to increase effectiveness in safely and efficiently handling hazardous materials accidents and incidents and to further enhance implementation of the Emergency Planning and Community Right-to-Know Act of 1986, with a hard match of \$13,000; and authorizing the City Manager, or designee, to apply for, accept, reject, alter or

terminate the grant.

The foregoing motion was passed and approved with the following vote:

Aye: 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Abstained: 0

Enactment No: 029868

5. Engineering Design Contract - for emissions and odor control improvements at the Greenwood Wastewater Treatment Plant

Motion authorizing the City Manager, or designee, to execute a Contract for Professional Services with Coym, Rehmert & Gutierrez Engineering, L.P. of Corpus Christi, Texas in the amount of \$85,954.00, for the Greenwood Wastewater Treatment Plant Emissions and Odor Control Improvements.

The foregoing motion was passed and approved with the following vote:

Aye: 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Abstained: 0

Enactment No: M2013-104

6. Agreement with Texas Department of Transportation (TXDOT) to contribute Right of Way funds for highway improvements on FM 43 (Weber Road) from SH 286 (Chapman Ranch Road) to Yorktown Boulevard

Resolution authorizing the City Manager, or designee, to execute an Agreement to Contribute Right of Way Funds with the Texas Department of Transportation (TXDOT) for the acquisition of certain rights of way and the relocating and adjusting of utilities within the project's scope of FM 43 (Weber Road) from SH 286 (Chapman Ranch Road) to Yorktown Boulevard, with the City's participation in the amount of \$5,500.

The foregoing resolution was passed and approved with the following vote:

Aye: 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Abstained: 0

Enactment No: 029869

7. Agreement with Texas Department of Transportation (TXDOT) to

contribute Right Of Way funds for highway improvements on FM 2444 (Staples Street) from SH 286 (Chapman Ranch Road) to Oso Parkway

Resolution authorizing the City Manager, or designee, to execute an Agreement to Contribute Right of Way Funds with the Texas Department of Transportation (TXDOT) for the acquisition of certain rights of way and the relocating and adjusting of utilities within the project's scope of FM 2444 (Staples Street) from SH 286 (Chapman Ranch Road) to Oso Parkway, with the City's participation in the amount of \$67,000.

The foregoing resolution was passed and approved with the following vote:

Aye: 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Abstained: 0

Enactment No: 029870

8. Second Reading Ordinance - Rezoning from Resort Commercial to Multifamily with a Planned Unit Development for Townhouses for Alex Harris, on property located at 14306 through 14334 Nemo Court (1st Reading 6/11/13)

Case No. 0513-01 Alex H. Harris: A change of zoning from the "CR-2/IO" Resort Commercial District with an Island Overlay to the "RM-1/IO/PUD" Multifamily 1 District with an Island Overlay and a Planned Unit Development Overlay, not resulting in a change to the Future Land Use Plan on the property described as Lots 17 - 24, Block 45, Padre Island - Corpus Christi Island Fairway Estates, located along the east side of Nemo Court, approximately 525 feet west of South Padre Island Drive (PR 22).

Planning Commission and Staff Recommendation (May 22, 2013): Approval of the change of zoning from the "CR-2/IO" Resort Commercial District with an Island Overlay to the "RM-1/IO/PUD" Multifamily 1 District with an Island Overlay and a Planned Unit Development Overlay, subject to 10 conditions.

Ordinance

Ordinance amending the Unified Development Code ("UDC") upon application by Alex H. Harris, acting as agent on behalf of Williams Airline Partners, Ltd., owner of Lots 17-21, and by Alex H. Harris, owner of Lots 22-24, Block 45, Padre Island - Corpus Christi - Island Fairway Estates, from the "CR-2/IO" Resort Commercial District with an Island Overlay to the "RM-1/IO/PUD" Multifamily 1 District with an Island Overlay and a Planned Unit Development Overlay; amending

the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

The foregoing ordinance was passed and approved on second reading with the following vote:

Aye: 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Abstained: 0

Enactment No: 029871

9. Second Reading Ordinance - Rezoning from Estate Residential to Low Density Residential for Kitty Hawk Development, Ltd. on property located at 3142 South Staples Street (Tabled on 5/28/13) (1st Reading 6/11/13)

Case No. 0413-02 Kitty Hawk Development, Ltd.: A change of zoning from the "RE" Residential Estate District to the "CN-1" Neighborhood Commercial District on Tract 1, the "RE" Residential Estate District to the "RS-15" Single-Family 15 District on Tract 2, and the "CN-1" Neighborhood Commercial District to the "RS-15" Single-Family 15 District on Tract 3. The property is described as being a 58.969-acre tract of land out of the south half of Section 31, Laureles Farm Tracts, located along the south side of South Staples Street (FM 2444) and along the east side of County Road 41.

Planning Commission and Staff Recommendation (April 24, 2013): Approval of the change of zoning from the "RE" Residential Estate District to the "CN-1" Neighborhood Commercial District on Tract 1, from the "RE" Residential Estate District to the "RS-15" Single-Family 15 District on Tract 2, and from the "CN-1" Neighborhood Commercial District to the "RS-15" Single-Family 15 District on Tract 3.

Ordinance

Ordinance amending the Unified Development Code ("UDC") upon application by Kitty Hawk Development, Ltd. ("Owner"), by changing the UDC Zoning Map in reference to a 58.969-acre tract of land out of the south half of Section 31, Laureles Farm Tracts, from the "RE" Residential Estate District to the "CN-1" Neighborhood Commercial District on Tract 1 and to the "RS-15" Single-Family 15 District on Tract 2, and from the "CN-1" Neighborhood Commercial District to the "RS-15" Single-Family 15 District on Tract 3; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

The foregoing ordinance was passed and approved on second reading with the following vote:

Aye: 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Abstained: 0

Enactment No: 029872

10. Second Reading Ordinance - Approving the Annual Audit Plan (1st Reading 6/11/13)

Ordinance to approve the Annual Audit Plan for FY 2013-2014

The foregoing ordinance was passed and approved on second reading with the following vote:

Aye: 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Abstained: 0

Enactment No: 029873

11. Second Reading Ordinance - Appropriating funds to reimburse John C. and Cheryl L. Hooper for the wastewater development fees paid in 2003 (1st Reading 6/11/13)

Ordinance appropriating \$5,495.10 from the No. 4220 Wastewater Trunk System Trust Fund to refund John C. and Cheryl L. Hooper wastewater lot/acreage fees previously paid for Lot 7, Block 4, Oak Terrace Unit 2 and authorizing the City Manager or designee to issue payment.

The foregoing ordinance was passed and approved on second reading with the following vote:

Aye: 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Abstained: 0

Enactment No: 029874

12. Second Reading Ordinance - Type A Grant for Sam Kane Beef Processors, LLC (1st Reading 6/11/13)

Ordinance approving a Business Incentive Agreement between the Corpus Christi Business and Job Development Corporation ("Type A Corporation") and Sam Kane Beef Processors, LLC ("Sam Kane") to provide a grant of up to \$3,000,000 for the retention of jobs at their beef packing plant in the City of Corpus Christi extra territorial jurisdiction, amending the budget to allow for this funding of up to

\$3,000,000 from the Unreserved Fund balance in the No. 1140 Business/Job Development Fund and appropriating up to \$3,000,000 to the Unreserved Fund Balance in the No. 1140 Business/Job Development Fund.

The foregoing ordinance was passed and approved on second reading with the following vote:

Aye: 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Abstained: 0

Enactment No: 029875

F. PUBLIC COMMENT

Mayor Martinez referred to Public Comment and the following citizens spoke: Mr. Fred Segundo, Airport Director recognized Dale Morris, Intergovernmental Affairs for American Airlines and was instrumental for bringing the large aircraft to Corpus Christi; Mike Tracey, Manager - Corner Bakery Cafe invited the Council to the opening on June 29th at The Shop at La Palmera; Foster Edwards, CEO Chamber of Commerce recognized Tom Tagliabue, Director of Intergovernmental Affairs for his hard work.

M. REGULAR AGENDA: (ITEMS 13 - 20)

13. **Second Reading Ordinance - Establishing a Street Maintenance Fee (1st Reading - 2/26/13)**

Ordinance establishing a street maintenance fee to be implemented by policies, rates, and methodologies established by separate ordinance.

Mayor Martinez referred to Item No. 13, Establishing a Street Maintenance Fee and asked for comments from the audience. Mr. Gonzales, Owner of Taxi Service spoke of impact the street maintenance fee will have on his business; Wilson Wakefield asked to look at other areas to generate revenue and to let the voters decide; Kevin Aguilar Ferrari, Small Business Owner, stated that the street fee will impact his business and suggested that different classes of businesses should be billed differently and asked the Council to consider a gas tax; Rolando Garza asked the Council to let the voters decide the street fee in the form of an Ad Valorem Tax; Jose Marroquin stated that the voters should decide the street fee; Trian Serbu in support of no street fee and that voters already pay their taxes; Mary Lou Huffman spoke in honor of Ruth Gill the first elected Councilwoman; Tony Norrell spoke about the formula used to calculate the fee and does not support the street fee; Foster Edwards, CEO Chamber of Commerce spoke in support of the street fee; Abel Alonzo thanked staff for their work, street fee is necessary but asked that it be fair; Reverend Sean Maloney, St. Bartholomew's Episcopal Church asked the Council consider looking at a fee for churches and non-profit organizations; Mario Lopez asked for public education on the disbursement of the fee; and Hector Morales spoke in support of a state tax for the street fee.

Council Member Magill made a motion to create a ballot item for Ad Valorem

Taxes to pay for street maintenance fee, and should it fail, enact Option No. 17 immediately thereafter, seconded by Council Member Garza. After clarification by City Attorney Carlos Valdez that the item being discussed relates to establishing the street maintenance fee, Mr. Magill amended his motion to read, motion to put before the voters in November a ballot item for Ad Valorem funding for the street maintenance, seconded by Council Member Garza. City Secretary Chapa polled the council for their vote and the motion failed with the following vote: Garza, Leal and Magill voting "Aye"; Allen, Loeb, Martinez, McIntyre, Riojas, and Scott voting "No".

Mr. Oscar Martinez, Assistant City Manager informed the Council of the following amendments to the ordinance prior to passage on second reading: 1) remove Commercial Residential Benefitted Property Designation and 2) redefined Residential Benefitted Property Designation to include single family residential, and multi family residential. A motion was made by Council Member Loeb, seconded by Council Member McIntyre and passed with the following vote: Allen, Loeb, Martinez, McIntyre, Riojas, and Scott voting "Aye"; Garza and Magill voting "No"; Leal - No Vote.

City Secretary Chapa polled the council for their vote on the ordinance on Second Reading as amended and it passed with the following vote: Allen, Loeb, Martinez, McIntyre, Riojas, and Scott voting "Aye"; Garza, Leal and Magill voting "No".

Aye: 6 - Council Member Allen, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member McIntyre and Council Member Riojas

Nay: 3 - Council Member Leal, Council Member Magill and Council Member Garza

Abstained: 0

Enactment No: 029876

14. Second Reading Ordinance - Establishing policies, methodologies, and rate to be charged for implementing the Street Maintenance Fee (1st Reading 3/19/13)

Ordinance establishing rates, policies, and methodologies to implement the street maintenance fee created by separate ordinance.

Mayor Martinez referred to Item No. 14, Establishing policies for implementing the Street Maintenance Fee. Mayor Martinez asked for comments from the public and there were none. Mr. Oscar Martinez, Assistant City Manager provided a presentation and discussed the calculation formula, land survey results, recommended rate model, ordinances for approval and amendment summary. Mr. Martinez stated that the projected revenue from the street maintenance fee does not include administrative overhead, low income discount and uncollectibles.

After council discussion, the following amendments were made:

A motion was made by Council Member McIntyre to amend Section 7, after the 4th paragraph where an individual business has multiple meters on an individual lot or parcel that in total exceed the cap on square footage, the director shall calculate the fee for that business as if they had a single meter. This paragraph does not apply to properties or meters that serve multiple

businesses, seconded by Council Member Loeb and passed with the following vote: Allen, Loeb, Martinez, McIntyre, Riojas and Scott voting "Aye"; Garza, Leal and Magill voting "No".

A motion was made by Council Member McIntyre that we adopt Option 16 and go with the 85th percentile at trip factor cap at 5.78, and the square footage cap at the 99th percentile when re-calculated in light of the previous motion, seconded by Council Member Scott and passed with the following vote: Allen, Loeb, Martinez, McIntyre, Riojas and Scott voting "Aye"; Garza, Leal and Magill voting "No".

Mayor Martinez made a motion directing staff to get data analysis of the square footage on non-profits and come back to Council for direction before the street regulatory fee goes into effect, seconded by Council Member Loeb and passed with the following vote: Allen, Garza, Leal, Loeb, Magill, Martinez, McIntyre, and Riojas voting "Aye"; Scott voting "No".

A motion was made by Council Member Scott to approve the following staff amendments: 1) remove Commercial Residential Benefitted Property Designation, 2) redefine Residential Benefitted Property Designation to include: single family residential and multi family residential, 3) Define Land use as having 131 Categories, 4) update Trip Factor Index, 5) remove all elements of an appeal process, to be adopted by separate action, 6) clarified the formula for fee calculation, 7) updated rate to match recommended rate, 8) updated Trip Factor and Square Footage caps to match recommendations, 9) add an effective implementation date of January 1, 2014, seconded by Council Member Loeb and passed with the following vote: Allen, Loeb, Martinez, McIntyre, Riojas and Scott voting "Aye"; Garza and Magill voting "No"; Leal - No Vote.

City Secretary Chapa polled the council for the vote on the ordinance on Second Reading as amended and it passed with the following vote: Allen, Loeb, Martinez, McIntyre, Riojas and Scott voting "Aye"; Garza, Leal and Magill voting "No".

Aye: 6 - Council Member Allen, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member McIntyre and Council Member Riojas

Nay: 3 - Council Member Leal, Council Member Magill and Council Member Garza

Abstained: 0

Enactment No: 029877

15.

Emergency Ordinances to Accept and appropriate funds for a State grant to be disbursed for the Texas Safe Shelter Initiative (Related Items 15 - 17)

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept grants from the Texas Department of Public Safety, Texas Division of Emergency Management, in the amount of \$1,800,000 for Calallen ISD shelter project for the Texas Safe Shelter Initiative with a match of 25% to be provided by Calallen ISD per Interlocal Agreement; appropriating \$1,800,000 from the

Hazardous Mitigation Grant Program in the No. 1062 Fire Grants Fund to be disbursed to Calallen ISD for reimbursement for design and construction costs for the shelter projects; authorizing the City Manager or designee to execute Interlocal Agreement between the City of Corpus Christi and Calallen ISD to establish terms for administration of the Hazardous Mitigation Grant Program for the Texas Safe Shelter Initiative; and declaring an emergency.

An emergency was declared and the foregoing ordinance was passed and approved with the following vote:

Aye: 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Abstained: 0

Enactment No: 029878

16.

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept grants from the Texas Department of Public Safety, Texas Division of Emergency Management, in the amount of \$1,800,000 for Del Mar College shelter project for the Texas Safe Shelter Initiative with a match of 25% to be provided by Del Mar College per Interlocal Agreement; appropriating \$1,800,000 from the Hazardous Mitigation Grant Program in the No. 1062 Fire Grants Fund to be disbursed to Del Mar College for reimbursement for design and construction costs for the shelter projects; and authorizing the City Manager or designee to execute Interlocal Agreement between the City of Corpus Christi and Del Mar College to establish terms for administration of the Hazardous Mitigation Grant Program for the Texas Safe Shelter Initiative; and declaring an emergency.

An emergency was declared and the foregoing ordinance was passed and approved with the following vote:

Aye: 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Abstained: 0

Enactment No: 029879

17.

Ordinance authorizing the City Manager or designee to execute all documents necessary to accept grants from the Texas Department of Public Safety, Texas Division of Emergency Management, in the amounts of \$1,800,000 for Tulosso-Midway ISD shelter project at the High School and \$1,080,000 for the Tulosso-Midway ISD project at the intermediary school for the Texas Safe Shelter Initiative with a match of 25% to be provided by Tulosso-Midway ISD per Interlocal Agreement;

appropriating \$1,800,000 and \$1,080,000 from the Hazardous Mitigation Grant Program in the No. 1062 Fire Grants Fund to be disbursed to Tulo-so-Midway ISD for reimbursement for design and construction costs for the shelter projects; authorizing the City Manager or designee to execute Interlocal Agreement between the City of Corpus Christi and Tulo-so-Midway ISD to establish terms for administration of the Hazardous Mitigation Grant Program for the Texas Safe Shelter Initiative; and declaring an emergency.

An emergency was declared and the foregoing ordinance was passed and approved with the following vote:

Aye: 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Abstained: 0

Enactment No: 029880

18. Setting a Public Hearing for the Fiscal Year 2013-2014 Operating Budget

Motion setting a public hearing for the City of Corpus Christ Fiscal Year 2013-2014 Operating Budget for July 9, 2013 during the regular City Council meeting beginning at 11:30 a.m. at City Hall, 1201 Leopard Street, Corpus Christi, Texas.

The foregoing motion was passed and approved with the following vote:

Aye: 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Abstained: 0

Enactment No: M2013-105

19. Federal grant application and Interlocal Agreement for the Edward Byrne Memorial Justice Assistance Grant (JAG)

Resolution authorizing the City Manager, or designee, to submit a grant application in the amount of \$162,583 to the U.S. Department of Justice, Bureau of Justice Assistance for funding eligible under the Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY 2013 Local Solicitation with 50% of the funds to be distributed to Nueces County under the established Interlocal Agreement; and authorizing the City Manager or designee to execute Interlocal Agreement between the City of Corpus Christi and Nueces County to establish terms for the sharing of the Edward Byrne Memorial Justice Grant (JAG) Program FY 2013 Local Solicitation.

The foregoing resolution was passed and approved with the following vote:

Aye: 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Abstained: 0

Enactment No: 029881

20. Federal grant application for funding eligible under the Port Security Grant Program

Resolution authorizing the City Manager, or designee, to submit a grant application in the amount of \$66,191 to the U.S. Department of Homeland Security FEMA for funding eligible under the FY 2013 Port Security Grant Program with City cash match of \$22,064 for a total project cost of \$88,255.

The foregoing resolution was passed and approved with the following vote:

Aye: 9 - Council Member Allen, Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Abstained: 0

Enactment No: 029882

N. PUBLIC HEARINGS: (ITEM 21)

21. Public Hearing and First Reading Ordinance - Rezoning from Commercial and Residential to Light Industrial on Tract 1 and from Residential to Commercial on Tract 2 for Jubalee Properties, Ltd., on property located at 9801 South Padre Island Drive (SH 358), 1130 Baywood Lane, and 1133 Baywood Lane.

Case No. 0413-05 Jubalee Properties, Ltd.: A change of zoning from the "CG-1" General Commercial District and "RS-6" Single-Family 6 District to the "IL" Light Industrial District on Tract 1 and from the "RS-6" Single-Family 6 District to the "CG-1" General Commercial District on Tract 2, resulting in a change to the Future Land Use Plan from commercial to industrial uses on Tract 1 and not resulting in a change to the Future Land Use Plan on Tract 2. Tract 1 is described as being Lots 1 through 5, Block 2, Baywood Addition, and Tract 2 is described as being Lot 4 and the northeast 25 feet of Lot 5, Block 1, Baywood Addition. The property to be rezoned is located south of South Padre Island Drive (SH 358) on Baywood Lane.

Planning Commission and Staff Recommendation (May 22, 2013):

Tract 1 - Denial of the change of zoning from the "CG-1" General Commercial District and "RS-6" Single-Family 6 District to the "IL" Light Industrial District and, in lieu thereof, approval of the "CG-1/SP"

General Commercial District with a Special Permit, subject to the nine conditions. **Tract 2** - Approval of the change of zoning from the "RS-6" Single-Family 6 District to the "CG-1" General Commercial District.

Ordinance

Ordinance amending the Unified Development Code ("UDC") upon application by Jubalee Properties, Ltd., acting as agent on behalf of Mostafa Bighamian, Morteza Shafinury and First National Bank ("Owners"), by changing the UDC Zoning Map in reference to Lots 1 through 5, Block 2, Baywood Addition ("Tract 1"), and Lot 4 and the northeast 25 feet of Lot 5, Block 1, Baywood Addition ("Tract 2"), from the "CG-1" General Commercial District and the "RS-6" Single-Family 6 District to the "CG-1/SP" General Commercial District with a Special Permit on Tract 1 and from the "RS-6" Single-Family 6 District to the "CG-1" General Commercial District on Tract 2; amending the Comprehensive Plan to account for any deviations; and providing for a repealer clause and publication.

Mayor Martinez referred to Item No. 21. Mark Van Vleck, Director of Development Services stated that the request is to rezone from Commercial and Residential to Light Industrial on Tract 1, and from Residential to Commercial on Tract 2 for property located at 9801 S. Padre Island Drive, 1130 Baywood Lane, and 1133 Baywood Lane. He added that the purpose to rezone the property is to allow a manufacturing facility for small fiberglass boats and trailers on Tract 1, and outdoor display/storage of completed boats on Tract 2. Mr. Van Vleck stated that the Planning Commission and Staff are recommending denial of the change and in lieu thereof recommend approval of General Commercial District with a Special Permit subject to nine conditions on Tract 1, and approval of General Commercial District on Tract 2.

A motion was made by Council Member Scott, seconded by Council Member Magill to open the public hearing and passed. Marcos Villarreal, expressed concern on the use of the land and asked if the manufacturing of fiberglass boats be conducted on the premises. A motion was made by Council Member McIntyre, seconded by Council Member Scott to close the public hearing and passed.

The foregoing ordinance was passed and approved on first reading with the following vote:

Aye: 8 - Council Member Leal, Council Member Loeb, Mayor Martinez, Council Member Scott, Council Member Magill, Council Member McIntyre, Council Member Riojas and Council Member Garza

Absent: 1 - Council Member Allen

Abstained: 0

Enactment No: 029883

O. FIRST READING ORDINANCES: (NONE)

P. FUTURE AGENDA ITEMS: (NONE)

Q. BRIEFINGS TO CITY COUNCIL: (NONE)

R. ADJOURNMENT

There being no further business to come before the Council, Mayor Martinez declared the meeting adjourned at 2:50 pm.