#### PLANNING COMMISSION FINAL REPORT

**Case No.**: 0816-03 **HTE No.** 16-10000028

Planning Commission Hearing Date: August 24, 2016

Applicant: Rangeland Products Terminal, LLC

Owner: Norma Lee Stockseth & Rafael Leal Cavazos Representative: Ram Munoz, Munoz Engineering

**Location:** 8110 and 8520 Agnes Street (State Highway 44) between Agnes and Alpine Streets and between Chickery Street (unimproved) and Manning

Road (County Road 53).

Applicant & Legal Description

**Legal Description:** Being a 189.1490-acre tract of land, situated in the C.C. & S.F.R.R. Survey No. 313, Abstract 817, J.R. Ward Survey No. 316, Abstract 1005, Charles Land Patent No. 245, Survey No. 404, Abstract 975 and Abstract 976, and being a portion of Lots 1, 2, 11 & 12 of the H.B. Sheppard Farm Lots, and being a portion of the same tract of land known as a Share 6, a called 97.60 acres as conveyed to H.W. Isensee in Volume 317, Page 248 Deed Records of Nueces County, Texas, being the same tract of land as conveyed to Norma Lee Stockseth in Document No. #2011026126 O.P.R.N.C.T. and also being a portion of the same tract of land known as Share 7 conveyed to Nellie Isensee Fisher in Volume 317, Page 248 Deed Records of Nueces County, Texas, being the same tract of land conveyed to Rafael Leal Cavazos in Document No. #2004056050 O.P.R.N.C.T.

**Zoning Request** 

From: "IL" Light Industrial District

To: "IL/SP" Light Industrial District with a Special Permit for the wholesale

storage and distribution of fuels and lubricants

Area: 189.1490 acres

**Purpose of Request**: To allow construction of a tank farm for wholesale storage of fuels and lubricants and accessory uses including an office,

employee parking and rail yard.

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	<b>Existing Zoning District</b>	Existing Land Use	Future Land Use
Site	"IL" Light Industrial	Vacant	Light Industrial
North	"IL" Light Industrial	Vacant	Light Industrial
South	"IL" Light Industrial	Vacant	Light Industrial
South	ic Light industrial	Public Semi-Public	Public Semi-Public
East	"IL" Light Industrial	Vacant Light Industrial Heavy Industrial	Light Industrial
West	"IH" Heavy Industrial	Vacant Light Industrial	Light Industrial

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Area Development Plan: The subject property is located in the Port/Airport/Violet Area Development Plan (ADP) and is planned for light industrial uses. The proposed change of zoning to the "IL/SP" Light Industrial District with a Special Permit for a heavy industrial use is not consistent with the Comprehensive Plan Future Land Use designation of the property for light industrial uses.

**Map No.**: 057044

Zoning Violations: None

Fransportation **Transportation and Circulation**: The subject property has approximately 2,800 feet of frontage along State Highway 44, which is an "F1" Freeway/Expressway and same amount of frontage on Alpine Street, a designated "C2" Collector Street. There is approximately 2,860 feet of frontage on Manning Road, a designated A2 Secondary Arterial Roadway and also on Chickery Street, an unimproved Local Street.

R.O.W.	Street	Urban Transportation Plan Type	Proposed Section	Existing Section	Traffic Volume
Street R.O.W.	Agnes Street (SH 44)	"F1" Freeway/Expressway	400' ROW varies paved	326' ROW 160' paved	15,788 E 12,589 W (2007)
	Manning Road	"A2" Secondary Arterial	100' ROW 54' paved	60' ROW 24' paved	NA
	Alpine Street	"C2" Secondary Collector	65' ROW 41' paved	60' ROW 24' paved	NA
	Chickery Street	Local Street	50' ROW 28' paved	60' ROW Unimproved	NA

#### **Staff Summary**:

#### Requested Zoning:

The applicant is requesting a change of zoning from the "IL" Light Industrial District to the "IL/SP" Light Industrial District with a Special Permit to allow construction of a facility for aboveground wholesale storage and distribution of fuels and lubricants. The proposed use is classified as "petroleum, gasoline, and lubricating oil refining, and wholesale storage," which is a "heavy industrial" use and may be allowed by Special Permit in the "IL" Light Industrial District. The facility will also contain an office, an employee parking lot, a rail yard, train loading and a truck loading facility.

#### **Development Plan:**

The applicant plans to construct a wholesale distribution facility for fuels and lubricants. The proposed development will include a tank farm consisting of approximately 16 storage tanks containing petrochemicals including fuels, lubricants, propane and crude oil. The storage tanks will range in size from 70-foot diameter to 150-foot diameter with capacities ranging from 1,134,000 to 5,040,000 gallons. The facility will also contain an office, employee parking lot with approximately 40 parking spaces, rail yards, train loading facility and a four spot truck loading facility. The maximum height proposed for any structure is 100-feet above mean sea level, or 56.5-feet above the ground elevation. The property will have driveway access to Alpine Road. The facility will comply with all fire safety regulations and will be located at least 400 feet away from existing residential uses.

#### **Existing Land Uses & Zoning:**

North of the subject property is zoned for "IL" Light Industrial District including vacant land and Low Density Residential uses. East of the subject property is zoned with the "IL" Light Industrial District containing vacant land, one commercial and two heavy industrial uses. South of the subject property is zoned "IL" Light Industrial District with property uses including Agnes Street (SH 44) right-of-way, vacant land and a commercial use. West of the subject property is zoned with the "HI" Heavy Industrial District and includes unimproved Chickery Street right-of-way, vacant land and one light industrial use.

#### Navy Land Use Compatibility in Accident Potential Zones (APZs):

Navy Air Installation Compatibility Use Zones (AICUZ) do not officially exist around the runways of Corpus Christi International Airport (CCIA). However, as part of the Naval Air Station Corpus Christi (NAS) Joint Land Use Study (JLUS), AICUZs have been proposed for CCIA runways, and the subject property is located in APZ-I of the CCIA existing main runway. Due to the explosive characteristics of the proposed use, the Navy would discourage the proposed use at this location within an APZ.

The Navy's Land Use Compatibility Recommendations Table (table), which is included in the City's UDC, identifies broad categories of land uses that are acceptable in the Clear Zones and APZs. The proposed use is specifically classified as "petroleum bulk stations and terminals – wholesale." This category falls into the broader category identified in the table of "wholesale trade," which is a compatible land use in the APZ-I and APZ-II. However, in a footnote under the compatible land use table it does state that the explosive characteristics of a proposed use should be considered when determining if a proposed use is appropriate within an APZ. After consulting with the Navy, this footnote should apply to the "wholesale trade" use category and they will recommend that the next version of the table include the footnote that consideration be given to a land use's explosive characteristics. The Navy also commented on the fact that the table does not allow "manufacturing or petroleum refining and related industries" in a Clear Zone or APZ.

As part of the NAS JLUS, the City created two new zoning districts to increase land use compatibility around the runways. Those districts are the "IC" Industrial Compatible District and the "CC" Commercial Compatible District, and both districts specifically prohibit aboveground fuel storage of any capacity. These new districts were intended for properties within an AICUZ.

#### **Corpus Christi International Airport (CCIA) Comments:**

The existing main runways approach path will be directly over the subject property, making the aboveground bulk storage of fuels of particular concern to the City. The City Aviation Department has not objected to the proposed development provided that property owner complies with FAA filing requirements and the City Airport Hazard Ordinance.

#### Federal Aviation Administration (FAA) - Determinations of Hazards

The applicant is required to request a determination of hazards from the FAA for each structure constructed on the subject property. The applicant will also have to submit a "Notice of Actual Construction" to the FAA for each structure.

#### Comprehensive Plan & Area Development Plan (ADP) Consistency:

The proposed rezoning is within the boundaries of the Port/Airport/Violet ADP, which designates the property for a light industrial use. If this Special Permit is approved, the base zoning district of "IL" Light Industrial will not change and therefore the Future Land Use Map will not be modified by this rezoning.

- Areas surrounding existing private, public, and military airports should be developed in a manner that is compatible with the operation of the airports. (Corpus Christi Policy Statements, General, Policy Statements i)
- Minimize incompatible land uses surrounding the airport while encouraging aviation dependent industrial businesses to take advantage of the proximity and access to the airport. (Port/Airport/Violet ADP, Principal Plan Objective f.)
- This Port/Airport/Violet ADP identifies State Highway 44 as a scenic corridor. Heavy industrial uses, such as a tank farm, and billboards should be prohibited along scenic corridors. (Port/Airport/Violet ADP, Policy Statement B.7)

#### **Department Comments:**

- The proposed heavy industrial use is not consistent with the Future Land Use Map designation of Light Industrial use. The City planned for light industrial uses to be located around Corpus Christi International Airport (CCIA), so that manufacturing uses would not conflict with airport operations.
- While <u>all</u> heavy industrial uses would not be compatible with the airport, the
  proposed "SP" is a zoning tool that can be used to narrowly define and control the
  desired heavy industrial use in a manner that will not conflict with the intent of the
  Comprehensive Plan or the operations at Corpus Christi International Airport. The
  primary intent of the Comprehensive Plan at this location is airport land use
  compatibility and creating an attractive entryway to the city (scenic corridor).

- The proposed development is directly underneath the existing main runway at CCIA. The property is subject to the City's Conical Surfaces map which controls height and limits any use that would interfere with flight operations at the airport. The maximum allowable height of a structure at the southeast corner of the subject property is approximately 85-feet above mean sea level, however most of the property is under the 100-foot or higher height restriction. The ground elevation of the property is at 42-feet. The maximum height of a proposed structure by the applicant is 100-feet above sea level.
- Storing flammable products aboveground could create explosions and thick smoke in the event of an accident, which cause hazards for pilots and airport operation.

#### **Staff Recommendation:**

Approval of the change of zoning from the "IL" Light Industrial District to the "IL/SP" Light Industrial District with a Special Permit subject to a site plan and the following conditions:

- Allowed Uses: The only use allowed on the Property other than those
  uses allowed by-right in the "IL" Light Industrial District is the wholesale
  storage of fuel and lubricants. The number of above ground fuel tanks on
  the site plan is illustrative and therefore, could include more or less above
  ground fuel tanks as desired by the applicant, provided that all other
  requirements are in compliance. Hemispheric pressurized tanks shall be
  prohibited on the Property.
- 2. **Fire Department Approval:** Development of the Property, including the storage of fuels and lubricants, shall comply with all Fire Department requirements.
- 3. **Storm Water Detention:** The Owner shall construct and maintain any necessary aboveground detention facilities in a manner that prevents water from standing for longer than 48 hours after the design storm and the drainage facilities shall remain completely dry between storms.
- 4. **Federal Aviation Administration (FAA):** The Owner shall submit notice to the FAA prior to obtaining building permits for each structure or tank or to the temporary location of potential aviation hazards such as construction cranes on site.

#### 5. Airport Hazards:

- a. Height: The Maximum height of structures shall comply with the City's Airport Zoning Ordinance and the most current conical surfaces map of Corpus Christi International Airport.
- Lighting: All lighting shall be shielded toward the site and shall not conflict with airport flight operations per the Corpus Christi Airport Zoning Regulations.
- c. **Other Airport Hazards:** No use or activity shall create electrical interference with navigational signals or radio communication

between airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport.

- 6. Landscaping and Screening: The Owner shall install and maintain landscaping in the southeast corner of the Property at the corner of Agnes Street and Manning Road. A landscape street yard shall be delineated by a triangle formed by a line tangent to the proposed railroad tracks and the street right-of-way lines of Agnes Street and Manning Road. Within this landscape street yard, the minimum required landscaped area shall be 15% of the total street yard and the street yard shall be landscaped with plant material approved by Corpus Christi International Airport and listed in the UDC to achieve a minimum of 0.02 points per square foot of total street yard area. Landscaping shall not be required along Manning Road, Alpine Street or the unimproved Chickery Street right-of-way, however, landscape screening of parking lots and truck loading facilities within 100 feet of any street right-of-way shall be required in accordance with UDC Section 7.3.11.
- 7. Land Use Compatibility in Accident Potential Zones: The Owner shall not exceed a maximum Floor Area Ratio (FAR) of 0.28 in Accident Potential Zone (APZ) 1 and 0.56 in APZ-2.
- 8. Time Limit: This Special Permit shall be deemed to have expired within 12 months of this ordinance unless a complete building permit application has been submitted. In the case of a phased project, subsequent building permit applications shall be submitted within 18 months from the date of issuance of the Certificate of Occupancy or final approved inspections for the previous phase of the development. The Special Permit shall expire if the use is discontinued for more than six consecutive months.

Public Notification Number of Notices Mailed – 26 within 200' notification area; 0 outside notification area

As of August 17, 2016:

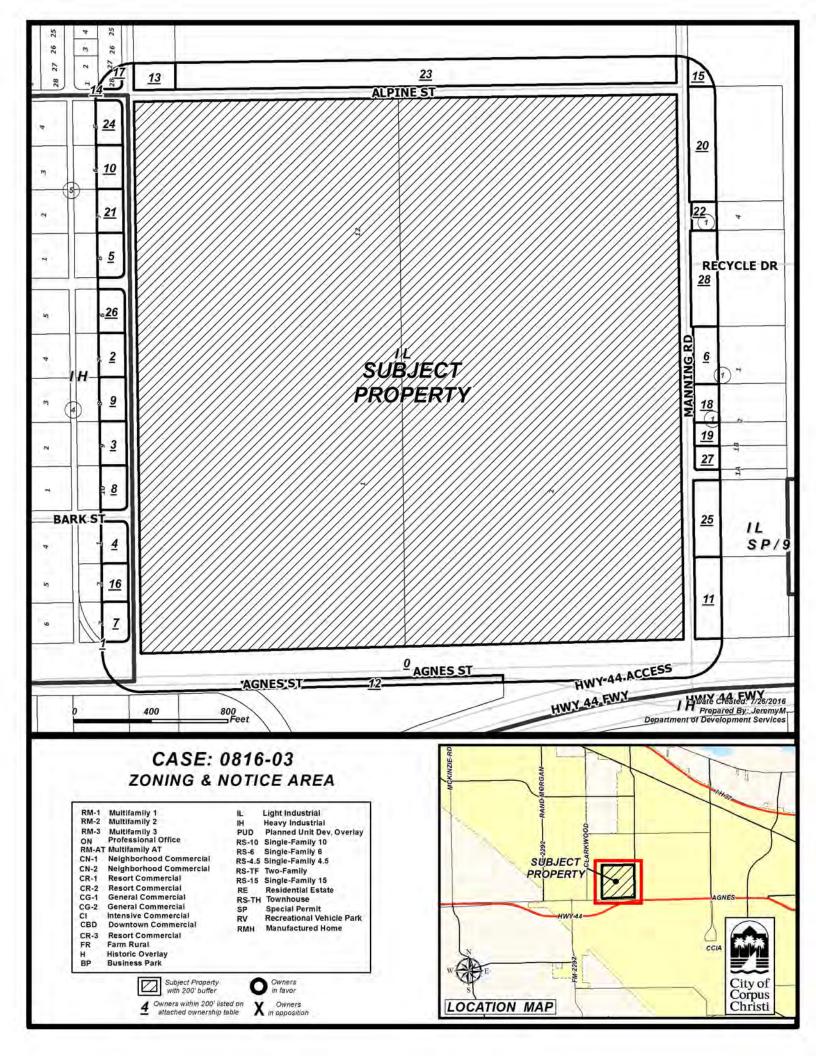
In Favor — 0 (inside notification area); 0 (outside notification area)

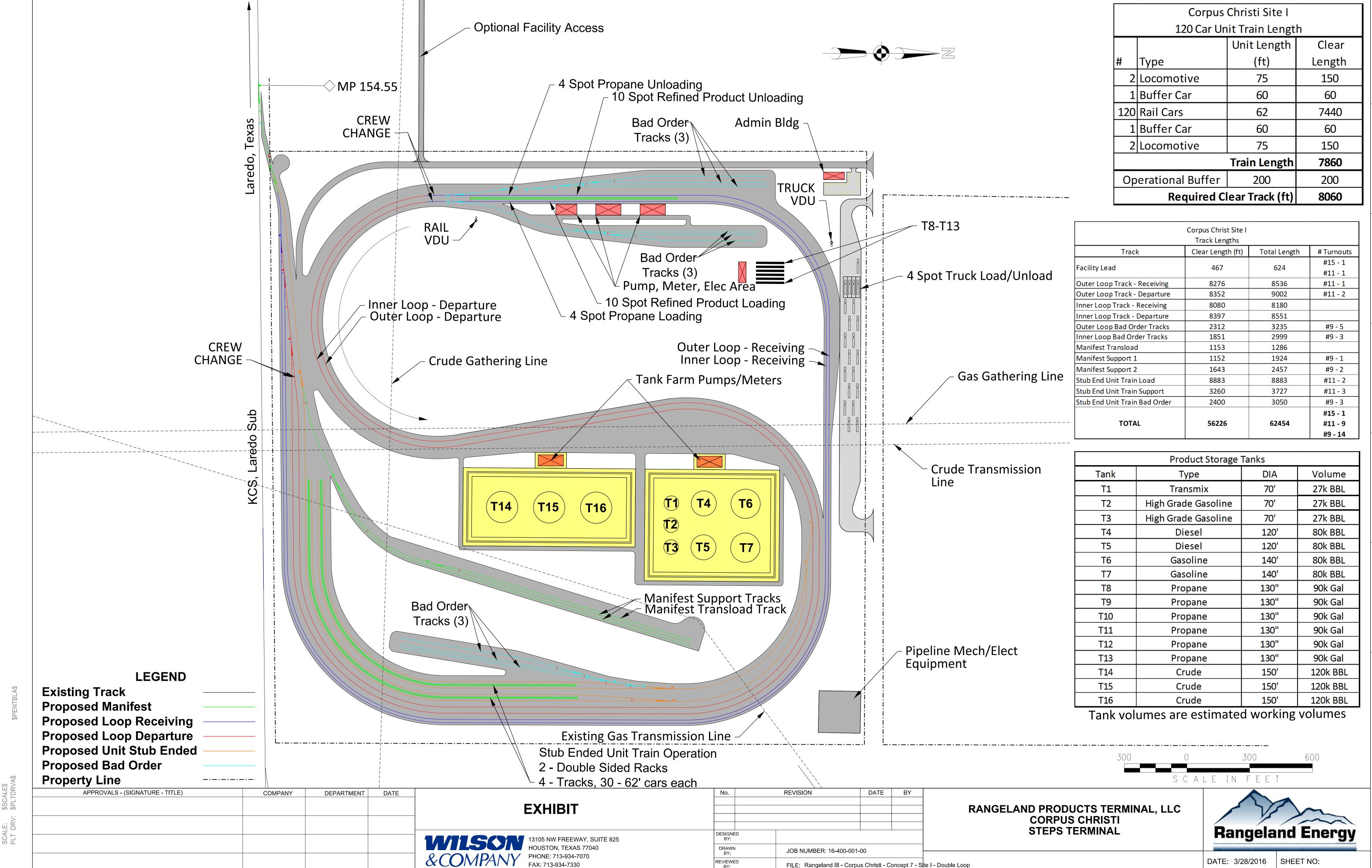
In Opposition – 0 (inside notification area); 0 (outside notification area)

For 0.00% in opposition.

Attachments: 1. Location Map (Existing Zoning & Notice Area)

- 2. Site Plan
- 3. Future AICUZ Map
- 4. Airport Conical Surfaces Map excerpt
- 5. Application
- 6. Returned Opposition/Support (if any)





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P.O. Box 9277 Corpus Christi, Texas 78469-9277 (361) 826-3240 Located at 2406 Leopard Street

1.00 - 9.99 acres

10.00 - 24.99 acres

25 + acres

\$1,692.50

\$ 1,976.75

over 25 acres

\$ 1,976.75 plus \$50.00 per acre

# APPLICATION FOR A CHANGE OF ZONING

Office Use Only

\*Planning Commission He

Location: City Hall Cou

\*A maximum of five application

Map No.:	057044	

10,176.75

10,266.75

Total:

PAV

ADP:

90.00

\*Planning Commission Hearing Date: August 24, 2016

Location: City Hall Council Chambers, 1201 Leopard Street at 5:30 p.m.

\*A maximum of five applications are scheduled per hearing. Applications received after the five maximum will be scheduled to the next available meeting.

(		led to the next available meeting. Applications received after the five
1.	Applicant/Representative: RAMIRO MUNOZ III	Telephone: (361) 944-1301
	Address (City, State, Zip): 8631 OLD BROWNSVILLE ROAD	
	E-mail Address: RAM@MUNOZENGRG.COM	Cell Phone: (361 ) 944-1301
2.	Property Owner(s): RAFAEL LEAL CAVAZOS	Telephone: (281 ) 566-3000
	Address (City, State, Zip): PO BOX 270815, CORPUS CHRIS	STI, TEXAS, 78427
	E-mail Address:	Cell Phone: (281 ) 566-3000
	Ownership Type:  Sole  Partnership  Corporation [	Other:
3.	Current Zoning and Use: IL	Proposed Zoning and Use: IL - SP
	Current Zoning and Use: IL Project Address: 8110 AGNES STREET	Area of Request (sq. ft./acres): 97.07
	12-Digit Nueces County Tax ID:	0700
	If platted, Subdivision Name: NOT PLATTED	Block: Lot(s):
	Legal description: ISENSEE PARTITION 97.07 ACS OUT OF	SHR 7
4.	DOCUMENTS ATTACHED  REQUIRED:  Land Use Statement Disclosure of Interest	est 🔽 Copy of Warranty Deed
	IF APPLICABLE:  Executed Appointment of Agent	
	✓ Metes and bounds if request is for a port	ion of a platted lot or an opplatted lot
	Owner's Signature  (Owner's Printed Name)  All signatures on this application shall be original s	(Applicant's Signature) (Applicant's Printed Name)
	INCOMPLETE APPLICATIONS	
	A 2011 1931 2010 194 7 19 19 10 10 10 10 A 200 B 20 B 20 B	fice Use Only te Received: Received By:

Notice Sign Fee \$10.00 per sign Form Revised 8/24/12

K-DEVELOPMENTSVCS/SHARED/LAND DEVELOPMENT/ORDINANCE ADMINISTRATION/APPLICATION FORMS/FORMS AS PER LEGAL/2012/ZONING APPLICATION 2012 DOC

Application Fee:

Sign Posting Date:

No. Signs Required 9 X \$10 Sign Fee:



## **APPLICATION FOR A CHANGE OF ZONING**

Case No.:	Map No.:	
*Planning Commission	Hearing Date:	
I anations City Hall C		- 20

(	P.O. Box 9277 Corpus Christi, Texas 78469-9277 (361) 826-3240 Located at 2406 Leopard Street Corner of Leopard Street and Port Avenue)	Location: City *A maximum of fi	y Hall Council Chambers, 1201 Leopard Street at 5:30 p.m. we applications are scheduled per hearing. Applications received after the five scheduled to the next available meeting.
1.	Applicant/Representative: RAN	IIRO MUNOZ III	Telephone: (361) 944-1301
	Address (City, State, Zip): 8631		
	E-mail Address: RAM@MUNOZE		Cell Phone: (361)944-1301
2.	Property Owner(s): NORMA L	EE STOCKSETH	Telephone: ( 361 ) 851-2018
	Address (City, State, Zip): 450	O OCEAN DRIVE, APT 8	A, CORPUS CHRISTI, TEXAS, 78412
			Cell Phone: (361-)851-2018
	Ownership Type:  Sole		
3.	Current Zoning and Use: IL		Proposed Zoning and Use: IL - S P
	Project Address: 8520 AGNES	STREET	Area of Request (sq. ft./acres): 91.35
	12-Digit Nueces County Tax II	D: 3715 _ 0000	_ 0600
	If platted Subdivision Name	NOT PLATTED	Block: Lot(s):
	Legal description. ISENSEE P	ARTITION 91.35 ACS OL	JT OF SHR 6 AKA LOTS 1 & 12 SHEPPARD H B FARM LOTS
	IF APPLICABLE:  Execute	d Appointment of Agent	Interest  Copy of Warranty Deed  a portion of a platted lot or an unplatted lot
	Owner's Signatu	Munoz II	s accurate correct and signed by all owners.  (Applicant's Signature)  (Applicant's Printed Name)
			ginal signatures. No copied prints or faxed copies. ONS WILL NOT BE ACCEPTED
0. 1. 10.		.50 .50	Office Use Only Date Received: Received By: Application Fee: No. Signs Required X \$10 Sign Fee: Total: Sign Posting Date: ADP:
N	otice Sign Fee \$10.0	0 per sign	Form Revised 8/24/12



P.O. Box 9277 Corpus Christi, TX 78469-9277 (361) 826-3240 Located at: 2406 Leopard St.

### **LAND USE STATEMENT**

Complete land use statement form containing the following information:

1. State the purpose of the request and include applicable background information as to the development plan for the property, i.e., usage of property, number and square footage(s) of existing and/or proposed building(s)/unit(s), building(s)/unit(s) height, parking plans/spaces, phasing schedule of development, number of employee(s) associated with the office, business or industrial development, hours of operation, modification or demolition plans for existing structure(s), type, area and setback of signage, etc.

PURPOSE OF THE REQUEST IS TO ALLOW THE LAND USE TO BE "WHOLESALE STORAGE" CONSISTING OF (16) ABOVE GROUND STORAGE TANKS RANGING FROM 70-FOOT DIAMETER TO 150-FOOT DIAMETER CONTAINING GASOLINE, DIESEL, PROPANE & CRUDE OIL WHICH IS PERMITTED IN LIGHT INDUSTRIAL ZONED AREAS WITH A SPECIAL PERMIT AS SUCH IS BEING APPLIED FOR.

THE DEVELOPEMENT OF LAND WILL ALSO CONSIST OF A ~3,300 SQUARE FOOT ADMIN BUILDING AT THE NORTHWEST CORNER WITH A TOTAL OF (40) PARKING SPACES, INCLUDING (2) ACCESSIBLE SPACES. THE OFFICE AND SITE WILL BE EQUIPPED WITH A TOTAL OF (40) EMPLOYEES AND WILL BE OPERATING FROM THE HOURS OF 6AM TO 5PM.

THE SITE IS ZONED "IL" LIGHT INDUSTRIAL.

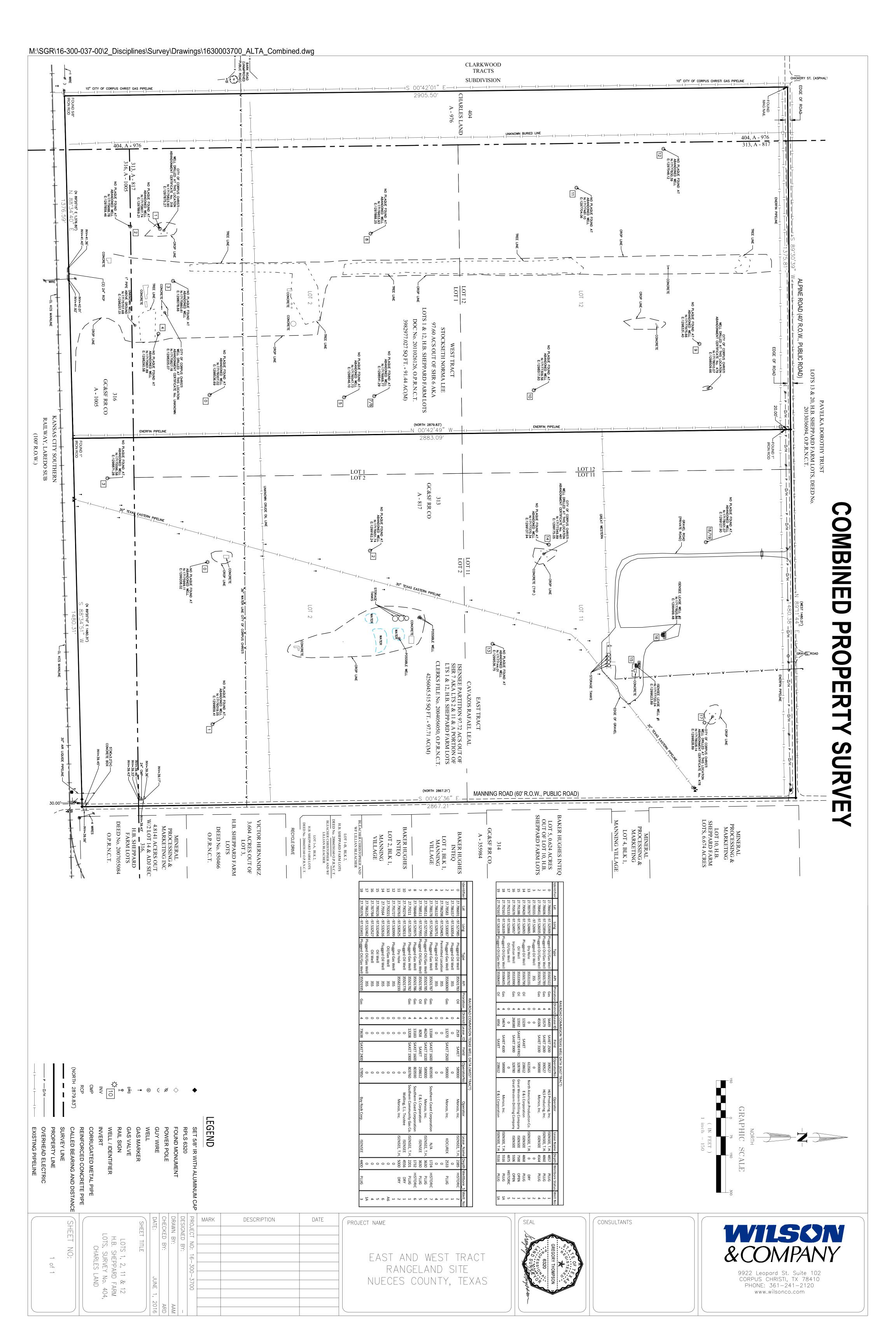
2. Identify the existing land uses adjoining the area of request:

North - VACANT - LIGHT INDUSTRIAL

South - AMERICAN EAGLE LOGISTICS - LIGHT INDUSTRIAL

East - BAKER HUGHES, H&H OIL & BRRT - LIGHT INDUSTRIAL

West - MOBLEY SAFWAY SOLUTION & DELTA GULF RENTAL TOOL - HEAVY INDUSTRIAL





City of Corpus Christi, Texas
Department of Development Services
P.O. Box 9277
Corpus Christi, Texas 78469-9277
(361) 826-3240
Located at: 2406 Leopard Street
(Corner of Leopard St. and Port Ave.)

#### **DISCLOSURE OF INTERESTS**

City of Corpus Christi Ordinance 17112, as amended, requires all persons or firms seeking to do business with the City to provide the following information. Every question must be answered. If the question is not applicable, answer with "NA".

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		D	DISCLOSURE QU	ESTIONS			
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		each "official" ore of the owners			having an	"own	ership interest
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on any	matter related	ach employee or d to the subject o ip in the above na	f this contract a				
on any more of Name N/A  I certify vithheld dis	that all informatic sclosure of any Corpus Christi,	d to the subject of	CERTIFICA e and correct as cested; and that su	Consultant N/A  ATE  of the date of this supplemental states	rship intere	hat I ha	onstituting 3% o

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City of Corpus Christi, Texas
Department of Development Services
P.O. Box 9277
Corpus Christi, Texas 78469-9277
(361) 826-3240
Located at: 2406 Leopard Street
(Corner of Leopard St. and Port Ave.)

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TREET: PO BOX 270815	CITY: CORE	PUS CHRISTI		ZIP: 78427
IRM is: Corporation Partnership	Sole Owner	☐ Association	Other	
	DISCLOSURE QU	JESTIONS	G a mar	
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