

ORDINANCE AMENDING CHAPTER 2, DIVISION 11 (JOINT AIRPORT ZONING BOARD), OF THE CODE OF ORDINANCES BY REPEALING ALL PROVISIONS RELATED TO THE JOINT AIRPORT ZONING BOARD; DESIGNATING THE CITY'S PLANNING COMMISSION AS THE AIRPORT ZONING COMMISSION FOR ALL PURPOSES UNDER THE AIRPORT ZONING ACT ("ACT"), TEXAS LOCAL GOVERNMENT CODE §241.001 ET SEQ., AND INVESTING SUCH AIRPORT ZONING COMMISSION WITH THE POWERS AND DUTIES AUTHORIZED TO BE EXERCISED UNDER THE PROVISIONS OF THE ACT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PUBLICATION.

WHEREAS, Nueces County, by motion of its Commissioners Court on April 18, 1957 (Volume 6, Pages 255-256, Commissioners Court Minutes), and the City of Corpus Christi, by motion of its City Council on May 1, 1957 (as duly entered in the minutes of said Court and Council, respectively), established the Joint Airport Zoning Board ("JAZB") of Nueces County and the City of Corpus Christi;

WHEREAS, the City of Corpus Christi, by Ordinance No. 10277 on June 2, 1971, amended the City's Code of Ordinances to reconstitute the JAZB and prescribe the composition of the board, its powers, and jurisdiction;

WHEREAS, the City of Corpus Christi, by Ordinance No. 15280, on December 26, 1979, re-established the JAZB as the Joint Airport Zoning Board of Nueces County, San Patricio County, and the City of Corpus Christi by adding San Patricio County as a new governmental member and increasing the composition of the JAZB by two members;

WHEREAS, on March 6, 1980, the JAZB passed an "Ordinance Adopting Airport Zoning Regulations pertaining to the Corpus Christi International Airport";

WHEREAS, on February 19, 1987, the JAZB passed an "Ordinance Adopting Military Airport Zoning Regulations";

WHEREAS, the JAZB last met in 1992 and has been inactive for 25 years;

WHEREAS, the City of Corpus Christi desires to establish an airport zoning commission in order to preserve, protect, and maintain the importance of the operations of the Corpus Christi International Airport and of the military flight training mission of Naval Air Station Corpus Christi;

WHEREAS, the City Council finds that an airport zoning commission is an important tool to effectively implement the policies developed in the U.S. Navy's "Joint Land Use Study" and the exercise of the City's police powers for the health, safety, and welfare of the citizens and future development of the community;

WHEREAS, the City Council specifically finds and adopts the legislative findings set out in Section 241.002 of the Texas Local Government Code as necessary to the public health, public safety, and general welfare of the citizens of Corpus Christi;

WHEREAS, the City Council finds and declares the Joint Airport Zoning Board to be defunct and without appointed members, therefore, lacking the ability to exercise any powers nor fulfill any duties; and

WHEREAS, the City Council finds it important for the City of Corpus Christi to abolish the inactive Joint Airport Zoning Board, establish an airport zoning commission, and designate the City's existing Planning Commission as the Airport Zoning Commission for all intents and purposes under State law, and to name any ex-officio non-voting members deemed necessary.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CORPUS CHRISTI, TEXAS:

SECTION 1. The City Council finds the foregoing preamble language stated in this ordinance to be true and correct and adopts such findings for all intents and purposes related to the enactment of this ordinance.

SECTION 2. Chapter 2, Division 11, of the Code of Ordinances is amended by repealing all provisions related to the former Joint Airport Zoning Board; establishing and designating the City's Planning Commission as the City's Airport Zoning Commission ("AZC"); and investing the AZC with the powers and duties authorized to be exercised pursuant to State law, to read as follows:

"Sec. 2-130. - Established.

~~"By virtue of the authority of Article 46e 3, V.A.C.S., Texas Chapter 241, Texas Local Government Code, as amended, there is hereby established the Joint Airport Zoning Board of Nueces County, Texas, San Patricio County, Texas, and the City of Corpus Christi, Texas, which may be commonly called the joint airport zoning board, in cooperation with the Counties of Nueces and San Patricio, Texas airport zoning commission.~~

"Sec. 2-131. - Composition.

~~"Said board~~ The commission shall be composed of seven (7) members, two (2) of whom shall be appointed by the city council, two (2) of whom shall be appointed by the commissioners' court of Nueces County, Texas, and two (2) of whom shall be appointed by the commissioners' court of San Patricio County, Texas. The seventh member shall be elected by a majority of the members so appointed and shall serve as the chairman of said board. Each member shall serve for a term of three (3) years from the date of his appointment the same nine registered voters who are members of the City's duly appointed planning commission. The airport zoning commission members shall serve staggered terms of three years coterminous with the term each member serves on the planning commission. Any vacancy in an unexpired term on the airport zoning commission shall be filled for the remainder of the term, by appointment of the city council, by the same planning commission member appointed to fill the vacancy on the planning commission.

“Sec. 2-132. - Officers; attendance of airport and planning ex-officio officials.

“The commission members shall elect a chairperson and a vice-chairperson from among its membership at the first regular meeting, who shall serve until August; the members shall then elect a new chairperson and vice-chairperson annually at the first meeting held each August. In addition to the chairman and vice-chairperson, said board the commission may provide for the selection of such other officers from among its membership as it deems proper. The manager director of the Corpus Christi International Airport and the director of planning and urban development the environmental and strategic initiatives department of the City of Corpus Christi, or their designees, shall be entitled to attend all meetings and sessions of the said board commission but shall have no vote in matters acted upon by said board the commission. The director of the development services department of the City of Corpus Christi, or the director’s designee, shall serve as the secretary for the commission and provide administrative support but shall have no vote on matters acted upon by the commission. A naval representative of Naval Air Station Corpus Christi shall be entitled to attend all meetings and sessions of the commission but shall have no vote in matters acted upon by the commission.

“Sec. 2-133. - Jurisdiction, powers and procedures.

“The joint airport zoning board airport zoning commission shall possess and exercise all the jurisdiction, powers and procedures described by Article 46e—3 and by Article 46e—5, V.A.C.S., Texas as set out in the Airport Zoning Act (“Act”), Chapter 241, Texas Local Government Code, and by such other provisions of said Article 46e the Act as are applicable to said board the commission. In making recommendations to the city council, the commission shall take into consideration the then-current joint land use study pertaining to the military flight training mission and operations of Naval Air Station Corpus Christi.

“Sec. 2-134. – Adopting bylaws; meetings and conducting business.

“The board commission shall adopt bylaws to govern the conduct of its business and may amend the same from time to time. The commission shall meet not less than once each month; however, the chairperson (or the vice-chairperson, in the absence of the chairperson) may cancel any monthly meeting for which no business of the commission needs to be conducted.

“Sec. 2-135. - Ratification of regulations and rulings. Reserved.

“All regulations and rulings of said board heretofore promulgated, issued and made are hereby ratified, confirmed and approved.

“Secs. 2-136—2-139. - Reserved.”

SECTION 3. As authorized by the provisions of the Airport Zoning Act (“Act”), Texas Local Government Code §241.001 et seq., the City Council appoints and designates the members of the City’s Planning Commission as the members of the Airport Zoning Commission, which commission is invested with the powers and shall exercise the duties set forth in the Act and this ordinance.

SECTION 4. The operation of the provisions of this ordinance is necessary for the protection and preservation of the public health, public safety, and general welfare; and this ordinance shall be in full force and effect from and after its final passage by this City Council, following publication.

SECTION 5. If any section, paragraph, clause, or provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this ordinance.

SECTION 6. Publication shall be made by the City Secretary in a newspaper of general circulation as required by State law and the City’s Charter.

The foregoing ordinance was read for the first time and passed to its second reading on this the _____ day of _____, 20_____, by the following vote:

Joe McComb	_____	Ben Molina	_____
Rudy Garza	_____	Lucy Rubio	_____
Paulette Guajardo	_____	Greg Smith	_____
Michael Hunter	_____	Carolyn Vaughn	_____
Debbie Lindsey-Opel	_____		

The foregoing ordinance was read for the second time and finally passed on this the _____ day of _____, 20_____, by the following vote:

Joe McComb	_____	Ben Molina	_____
Rudy Garza	_____	Lucy Rubio	_____
Paulette Guajardo	_____	Greg Smith	_____
Michael Hunter	_____	Carolyn Vaughn	_____
Debbie Lindsey-Opel	_____		

PASSED AND APPROVED on this _____ day of _____, 20_____

ATTEST:

CITY OF CORPUS CHRISTI

Rebecca Huerta
City Secretary

Joe McComb
Mayor