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| MINUTES CITY OF SOUTH PADRE ISLAND CITY COUNCIL REGULAR MEETING |
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WEDNESDAY, APRIL 6, 2016

I. CALL TO ORDER

The City Council Members of the City of South Padre Island, Texas held a Regular Meeting on Wednesday, April 6, 2016 at the Municipal Complex Building, 2nd Floor, 4601 Padre Boulevard, South Padre Island, Texas. Mayor Patel called the meeting to order at 5:30 p.m. A full quorum was present: Council Member Dennis Stahl, Alex Avalos, Theresa Metty, Alita Bagley and Paul Munarriz. Also present was City Attorney Paul Cunningham.

City staff members present were City Manager William DiLibero, Assistant City Manager Darla Jones, Public Safety Director Randy Smith, Public Works Director Armando Gutierrez, Finance Director Rodrigo Gimenez, Development Director Sungman Kim, Administrative Services Director Wendi Delgado, CVB Director Keith Arnold, Environmental Health Director Victor Baldovinos, Information Technology Director Juan Infante, Interim Fire Chief Albert Perez, Permit/Parks & Recreation Program Manager Mary Kay Hancock and City Secretary Susan Hill.

II. PLEDGE OF ALLEGIANCE

Mayor Patel led the Pledge of Allegiance.

III. PUBLIC COMMENTS AND ANNOUNCEMENTS

Public comments and announcements were given at this time.

IV. PRESENTATIONS AND PROCLAMATIONS

None

V. APPROVE CONSENT AGENDA:

Mayor Patel announced that Item 5b and 5i will be pulled to be considered separately. Item 5j was voted on separately as it was erroneously not included with the other items.

Council Member Bagley made a motion, seconded by Council Member Patel to approve Items 5a, 5c, 5d, 5e, 5f, 5g, and 5h on the Consent Agenda. Motion carried unanimously.

Council Member Bagley made a motion to approve Item 5b on the Consent Agenda. Motion was seconded by Mayor Patel, which passed on a 5 to 0 vote with Council Member Avalos abstaining from the vote.

Mayor Patel made a motion, seconded by Council Member Bagley to approve Item 5i on the Consent Agenda, which was the second and final reading of Ord. No. 16-08. After some discussion, motion was withdrawn. Mayor Patel made another motion to approve Item 5i as the first reading of Ord. No. 16-08 with the amendment in Section 1(A) to read "... and shall not exceed 6.5 feet in height when located within 10 feet of a property line." in place of "... and shall not exceed first floor level in height when located within 10 feet of a property line. The height of a pool slide shall be limited to standard 6.5 feet or lower". Motion carried unanimously.

Council Member Bagley made a motion to approve Item 5j on the Consent Agenda. Motion was seconded by Council Member Metty, which passed on a unanimous vote.

a. APPROVE MINUTES OF MARCH 2, 2016 REGULAR MEETING, MARCH 8, 2016 SPECIAL MEETING AND MARCH 14, 2016 SPECIAL MEETING. (HILL)

b. APPROVE INVOICES FOR PAYMENT. (GIMENEZ)

Invoices approved for payment were paid by General Fund checks numbered 134885 through 135141 and EFT payments totaling \$1,332,678.73.

- c. **APPROVE BUDGET AMENDMENT TO ALLOCATE TIFMAS (TEXAS INTRASTATE FIRE MUTUAL AID SYSTEM) GRANT FUNDS FOR TRAINING IN THE AMOUNT OF \$2,655. (PEREZ)**
- d. **APPROVE BUDGET AMENDMENT AND CHANGE ORDER NO. 4 IN THE AMOUNT OF \$7,408.7 FOR CHANGES MADE TO THE INTERIOR FINISH OF THE SOUTH PADRE ISLAND COMMUNITY CENTER. (GUTIERREZ)**
- e. **APPROVE BUDGET AMENDMENT AND CHANGE ORDER NO. 2 IN THE AMOUNT OF \$3,223 FOR THE CHANGES MADE TO THE BASKETBALL COURT SLAB AND DEDUCTION OF SIDEWALK AND RAMPS ALONG PADRE BOULEVARD. (GUTIERREZ)**
- f. **APPROVE BUDGET AMENDMENT AND CHANGE ORDER NO. 6 IN THE AMOUNT OF \$35,777.68 FOR THE FINAL QUANTITIES ADJUSTMENTS OF CONCRETE AND ASPHALT ON THE IMPROVEMENTS MADE TO GULF BOULEVARD AND SUNSET DRIVE. (GUTIERREZ)**
- g. **APPROVE SECOND AND FINAL READING OF ORDINANCE NO. 16-05 ADDING TO CHAPTER 10, SEC. 10-31 THROUGH SEC. 10-33 ALLOWING MOBILE FOOD ESTABLISHMENTS IN THE CITY OF SOUTH PADRE ISLAND. (BALDOVINOS)**

A true and correct copy of said Ordinance was placed in the City's Ordinance Book and entitled Ordinance No. 16-05, and, by reference hereto, included in these Minutes as if fully set out and spread upon the pages of the Minutes Book.

- h. **APPROVE SECOND AND FINAL READING OF ORDINANCE NO. 16-07 AMENDING CHAPTER 13 BY ADDING A NEW SECTION 13-17.1 TO ALLOW BEACH FRONT PROPERTIES THAT HOLD PERMITS FOR FOOD SERVICE ESTABLISHMENT MAY SERVE FOOD AND BEVERAGES TO THE BEACH THAT ABUTS THE BEACH FRONT PROPERTY SUBJECT TO THE PUBLIC USE EASEMENT. (STAHL)**

A true and correct copy of said Ordinance was placed in the City's Ordinance Book and entitled Ordinance No. 16-07, and, by reference hereto, included in these Minutes as if fully set out and spread upon the pages of the Minutes Book.

- i. **APPROVE SECOND AND FINAL READING OF ORDINANCE NO. 16-08 AMENDING SECTION 20-13(A) OF CHAPTER 20 ZONING BY ADDING ALLOWABLE USES FOR REAR YARD SETBACK AREAS. (KIM)**

This item was amended and approve as first reading with amendment.

- j. **APPROVE SECOND AND FINAL READING OF ORDINANCE NO. 16-09 AMENDING SECTION 20-14(A)(6)(E) OF CHAPTER 20 ZONING TO CLARIFY THE USAGE OF A CONDITIONAL USE PERMIT. (KIM)**

A true and correct copy of said Ordinance was placed in the City's Ordinance Book and entitled Ordinance No. 16-09, and, by reference hereto, included in these Minutes as if fully set out and spread upon the pages of the Minutes Book.

Note: At this time, with no objections from the City Council, Mayor Patel moved Item X behind Item V.

VI. PUBLIC HEARING: TO DISCUSS THE BAY AREA ANNEXATION. (KIM)

At 6:14 p.m., Mayor Patel opened the Public Hearing.

Proponents: Dana Allison

Opponents: None

Mayor Patel closed the Public Hearing at 6:16 p.m.

VII. DISCUSSION AND ACTION TO APPROVE ORDINANCE NO. 16-10 AUTHORIZING THE ISSUANCE, SALE AND DELIVERY OF APPROXIMATELY \$3,870,000 IN AGGREGATE PRINCIPAL AMOUNT OF "CITY OF SOUTH PADRE ISLAND, TEXAS TAX NOTES, SERIES 2016"; SECURING THE PAYMENT THEREOF BY AUTHORIZING THE LEVY OF AN ANNUAL AD VALOREM TAX; AND APPROVING AND AUTHORIZING THE EXECUTION OF A PAYING AGENT/REGISTRAR AGREEMENT, A PURCHASE CONTRACT, AN OFFICIAL STATEMENT AND ALL OTHER INSTRUMENTS AND PROCEDURES RELATED THERETO (FOR THE PLANNING, ENGINEERING AND CONSTRUCTION OF MEDIANS AND DRAINAGE ON PADRE BOULEVARD). (GIMENEZ)

Council Member Stahl made a motion to approve Ordinance No. 16-10 authorizing the issuance, sale and delivery of approximately \$3,870,000 in Series 2016 Texas Tax Notes. Council Member Metty seconded the motion, which passed unanimously. Only one reading is required.

A true and correct copy of said Ordinance was placed in the City's Ordinance Book and entitled Ordinance No. 16-10, and, by reference hereto, included in these Minutes as if fully set out and spread upon the pages of the Minutes Book.

VIII. DISCUSSION AND ACTION TO APPROVE RESOLUTION NO. 2016-08 WHICH APPROVES A RESOLUTION OF THE SOUTH PADRE ISLAND ECONOMIC DEVELOPMENT CORPORATION WITH RESPECT TO THE ISSUANCE OF UP TO \$3,700,000 IN PRINCIPAL AMOUNT OF SALES TAX REVENUE REFUNDING BONDS, SERIES 2016, TO REFUND FOR SAVINGS A PORTION OF THE CORPORATION'S OUTSTANDING SALES TAX REVENUE BONDS, SERIES 2007, WHICH WERE ISSUED TO FINANCE THE CONSTRUCTION OF THE BIRDING AND NATURE CENTER. (DILIBERO)

Council Member Stahl made a motion, seconded by Council Member Avalos to approve Resolution No. 2016-08 which approves resolution made by the South Padre Island Economic Development Corporation for refinancing of Sales Tax Revenue Bonds. Motion carried on a unanimous vote.

A true and correct copy of said Resolution was placed in the City's Resolution Book and entitled Resolution No. 2016-08, and, by reference hereto, included in these Minutes as if fully set out and spread upon the pages of the Minutes Book.

IX. DISCUSSION AND ACTION TO APPROVE RECOMMENDATION FROM PARKS, RECREATION AND BEAUTIFICATION COMMITTEE REGARDING THE SOUTH PADRE ISLAND COMMUNITY CENTER LOCATED AT 4501 PADRE BOULEVARD. (DILIBERO)

Council Member Bagley made a motion to approve recommendation from the Parks, Recreation and Beautification Committee regarding the Community Center Reservation Policy and Facility Use Application/Fee Schedule. Motion was seconded by Council Member Stahl and passed on a unanimous vote.

X. DISCUSSION AND POSSIBLE ACTION TO ALLOW SKIPJACK PROPERTIES TO ACCESS PUBLIC RIGHT OF WAY (WEST SWORDFISH STREET) FOR EXPANSION OF EXISTING BOAT RAMP. (STAHL)

Council Member Stahl made a motion, seconded by Council Member Munarriz to:

1. Approve the Skipjack Properties to have access to the City's Right of Way on and adjacent to West Swordfish Street to improve their existing boat ramp consistent with the plans submitted to the City Council.
2. Authorize Skipjack Properties to charge the general public for the use of the boat ramp.
3. To allow complete access to West Swordfish Street Righty of Way for additional improvements on the existing boat ramp subject to approval of plans by the City Council.

Motion carried on a 5 to 1 vote with Council Member Avalos casting a nay vote.

XI. DISCUSSION AND ACTION REGARDING A CONDITIONAL USE PERMIT FOR THE PROPOSED VALET PARKING PLAN (COURTYARD BY MARRIOTT). (KIM)

Council Member Stahl made a motion to approve a Conditional Use Permit for proposed Valet Parking Plan for the Courtyard by Marriott. Motion was seconded by Council Member Munarriz, which passed on a 5 to 0 vote with Mayor Patel abstaining from the vote.

XII. DISCUSSION AND ACTION REGARDING APPROVAL OF THE PROPOSED PERMIT APPLICATION BY FURCRON REALTORS & PROPERTY MANAGEMENT CO. (ON BEHALF OF THE CASTAWAY CONDOMINIUMS AT 3700 GULF BOULEVARD) FOR THE PROJECT TO EXTEND A DUNE WALKOVER 50 FEET SEAWARD TO THE VEGETATION LINE. (KIM)

Mayor Patel made a motion, seconded by Council Member Avalos to approve the permit application on behalf of Castaway Condominiums to extend dune walkover 50 feet seaward to the vegetation line, which includes the seven conditions recommended by the Shoreline Task Force and the two additional conditions set by staff. Motion carried unanimously.

XIII. APPEAL HEARING, DISCUSSION AND ACTION REGARDING JUAN ROLAND MARTINEZ WHO WAS DENIED A TAXICAB LICENSE AND HAS REQUESTED AN APPEAL PROCEDURE AS SET OUT IN SEC. 11-50 OF THE CITY'S CODE OF ORDINANCES. (SMITH)

After presentation from Mr. Juan Roland Martinez and City staff, Mayor Patel moved to deny Mr. Juan Roland Martinez's request for appeal of Taxicab License denial. Council Member Bagley seconded the motion. Motion carried unanimously.

XIV. PUBLIC HEARING: TO DISCUSS THE BAY AREA ANNEXATION. (KIM)

At 6:54 p.m., Mayor Patel opened the Public Hearing.

Proponents: Sam Listi, Dana Allison Opponents: None

Mayor Patel closed the Public Hearing at 6:57 p.m.

XV. UPDATE AND DISCUSSION REGARDING RESTORE ACT PROJECTS. (METTY)

City Manager Bill DiLibero gave an update on the RESTORE Act projects.

XVI. UPDATE AND STATUS REGARDING CURRENT CITY PROJECTS INCLUDING SCHEDULE, TIMING AND REPORTS. (STAHL)

Bill DiLibero gave an update on status of City projects including grants and introduced a project-scheduling chart, which shows at a glance where the project is in relation to its particular timeline.

XVII. UPDATE AND DISCUSSION ON POTENTIAL PURCHASE OF CHAOS BUILDING AND SURROUNDING PROPERTY. (STAHL)

Council Member Stahl gave a brief update on the potential purchase of Chaos Building and stated that the project has been delayed in order to conduct further research.

XVIII. DISCUSSION AND ACTION TO ESTABLISH A PERMANENT HOT ORDINANCE SUB-COMMITTEE TO ESTABLISH POLICIES, CLOSELY MONITOR AND ENFORCE THE ORDINANCE. (STAHL)

Council Member Stahl made a motion, seconded by Council Member Metty to approve a new permanent CVA subcommittee comprised initially of the City Manager, CVA

Chairman and current HOT committee member Eleana Jones and have the option to expand up to 6 members at their discretion. Motion was withdrawn

Council Member Metty made a motion to narrow the focus, appoint three people and then have them come back with recommendations. Mayor Patel seconded motion. Motion passed unanimously.

XIX. DISCUSSION AND ACTION TO AUTHORIZE THE CITY MANAGER TO EXECUTE AGREEMENT WITH C.H. JOHNSON CONSULTING TO UPDATE THE AMPHITHEATER MARKET ANALYSIS PORTION OF THE FEASIBILITY STUDY; AND APPROVE BUDGET AMENDMENT IN THE AMOUNT OF \$19,500. (BAGLEY/ DILIBERO)

Council Member Bagley made a motion to authorize the City Manger to execute agreement with C.H. Johnson Consulting for the Amphitheater Market Analysis update; and approve budget amendment in the amount of \$19,500. Council Member Avalos seconded the motion, which carried unanimously.

XX. EXECUTIVE SESSION: PURSUANT TO SECTIONS 551.071, CONSULTATION WITH ATTORNEY; 551.074, PERSONNEL MATTERS; TO DISCUSS:

a. CITY MANAGER EVALUATION

At 7:41 p.m., Council Member Bagley made a motion, seconded by Council Member Metty to go into Executive Session. Motion carried unanimously.


At 8:53 p.m., the City Council reconvened into open session.

XXI. DISCUSSION AND POSSIBLE ACTION REGARDING EVALUATION OF CITY MANAGER. (PATEL)

Mayor Patel made a motion, seconded by Council Member Bagley to have the City Attorney and Human Resources renegotiate the City Manager's contract. Motion passed unanimously.

XXII. ADJOURN.

There being no further business, Mayor Patel adjourned the meeting at 8:54 p.m.


Susan M. Hill, City Secretary

APPROVED


Bharat R. Patel, Mayor

