

**NOTICE OF REGULAR MEETING
CITY OF SOUTH PADRE ISLAND
CITY COUNCIL MEETING**

NOTICE IS HEREBY GIVEN THAT THE CITY COUNCIL OF THE CITY OF SOUTH PADRE ISLAND, TEXAS, WILL HOLD A REGULAR MEETING ON:

WEDNESDAY, AUGUST 18, 2010

5:30 P.M. AT THE MUNICIPAL BUILDING,
JOYCE H. ADAMS BOARD ROOM, 2ND FLOOR
4601 PADRE BOULEVARD, SOUTH PADRE ISLAND, TEXAS

1. Call to order
2. Pledge of Allegiance
3. Public Comments and Announcements: *This is an opportunity for citizens to speak to Council relating to agenda or non-agenda items. Speakers are required to address Council at the podium and give their name before addressing their concerns. [Note: State law will not permit the City Council to discuss, debate or consider items that are not on the agenda. Citizen comments may be referred to City Staff or may be placed on the agenda of a future City Council meeting]*
4. Presentations and Proclamations:
5. Approve Consent Agenda:
 - a. Approve minutes of August 2, 2010 Workshop, August 3, 2010 Workshop and August 4, 2010 Regular meeting. (Hill)
 - b. Approve invoices for payment. (Homan)
 - c. Approve Tax Collection and Adjustment Report for taxes collected during July 2010. (Homan)
 - d. Approve the City of South Padre Island's Investment Portfolio Summary for quarter ending June 30, 2010 as prepared by Estrada Hinojosa & Company. (Homan)
 - e. Approve the submission of the 2009-2010 Cameron County CIAP grant application and authorizing a designated official to execute all documents and application forms on behalf of the City of South Padre Island. (Trevino)
 - f. Approve a budget adjustment in the Debit Service Fund in the amount of \$5,000 for payment of the interest on the 2009 General Obligation Refunding Bonds that were used to retire the 2002 Series Combination Tax and Revenue Refunding Bonds for the Convention Centre. (Homan)
 - g. Approve excused absence request from Council Member JoAnn Evans from the August 11, 2010 Special Meeting. (Evans)
 - h. Approve excused absence request from Council Member Sam Listi for the August 25, 2010 Special Meeting. (Listi)
6. Presentation by the Laguna Madre Water District on capital needs and information on the upcoming Bond Election. (Gavino Sotelo)

7. Discussion and action to consider the adoption of the Kemps Ridley Sea Turtle as the official City of South Padre Island Mascot. (Courtney Hayden)
8. Discussion and action on submitted cost estimation for the construction of a Fire Station in accordance to specifications provided by the City's selected Architectural firm BRW. (Baskett)
9. Discussion and action on report from Citizen's Advisory Committee regarding financing options for the proposed new Fire Station. (Baskett)
10. Discussion and action to approve Resolution No. 2010-18 calling and establishing procedures for a Special Election on November 2, 2010 for the purpose of:
 - a. Bond Election in which voters will choose to borrow funds for the construction and equipping of a new Fire Station. (Hill)
 - b. To dissolve the South Padre Island Economic Development Corporation (Type "A") and the discontinuance of its one-half (1/2) of the one percent (1%) Sales and Use Tax; and to adopt a Type "B" Economic Development Corporation Sales and Use Tax at the rate of one-half (1/2) of one percent (1%). (EDC)
11. Discussion and action on First Reading of Ordinance No. 10-26 amending Article III (Regulation of Smoking) of Chapter 10 of the Code of Ordinances of the City of South Padre Island, Texas prohibiting smoking in certain public places, establishing definitions; dispensing with a culpable mental state; and repealing all ordinances in conflict. (Listi)
12. Discussion and possible action regarding a review of the purpose, goals, and objectives of established City of South Padre Island Boards, Committees and Commissions and to evaluate the reorganization of these committees, creation of new committees and/or possible elimination of existing committees. (Clarke)
13. Discussion and action to develop a five year annexation plan in accordance with Chapter 42 of the Texas Local Government Code. (Vasquez)
14. Discussion and action to approve a Beachfront Construction Certificate and Dune Protection Permit for Kirana Properties LLC/Mejia & Rose, Inc. The proposed Kirana Condominiums will consist of a modern 40 story with 91 dwelling units to be located at 1203 Padre Boulevard. (Trevino)
15. Discussion and action regarding an update on the Palm Street Boat Ramp rehabilitation project. (Fry)
16. Discussion and action to select a firm for professional Auditing services. (Homan)
17. Discussion and action to approve 2010/11 Towing Service Agreement, authorizing the Mayor to sign the agreement for towing/wrecker services for the City of South Padre Island. (Smith)

18. EXECUTIVE SESSION: PURSUANT TO SECTIONS 551.071, CONSULTATION WITH ATTORNEY; 551.087, DELIBERATIONS REGARDING ECONOMIC DEVELOPMENT; TO DISCUSS:

- a. Discussion to request public participation in financing expansion to stimulate business and commercial activity in the City.

19. Adjourn.


WE RESERVE THE RIGHT TO GO INTO EXECUTIVE SESSION REGARDING ANY OF THE ITEMS POSTED ON THIS AGENDA, PURSUANT TO SECTIONS 551.071, CONSULTATION WITH ATTORNEY; 551.072, DELIBERATIONS ABOUT REAL PROPERTY; 551.073, DELIBERATIONS ABOUT GIFTS & DONATIONS; 551.074, PERSONNEL MATTERS; 551.076, DELIBERATIONS ABOUT SECURITY DEVICES; AND/OR 551.086, DISCUSS (A) COMMERCIAL OR FINANCIAL INFORMATION RECEIVED FROM A BUSINESS PROSPECT WITH WHICH THE CITY IS CONDUCTING NEGOTIATIONS, OR (B) FINANCIAL OR OTHER INCENTIVES TO THE BUSINESS PROJECT.

DATED THIS THE 13TH DAY OF AUGUST, 2010



Susan M. Hill, City Secretary

I, THE UNDERSIGNED AUTHORITY, DO HEREBY CERTIFY THAT THE ABOVE NOTICE OF MEETING OF THE GOVERNING BODY OF THE CITY OF SOUTH PADRE ISLAND, TEXAS IS A TRUE AND CORRECT COPY OF SAID NOTICE AND THAT I POSTED A TRUE AND CORRECT COPY OF SAID NOTICE ON THE BULLETIN BOARD AT CITY HALL/MUNICIPAL BUILDING ON **AUGUST 13, 2010**, AT/OR BEFORE 5:00 P.M. AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF SAID MEETING.



Susan M. Hill, City Secretary

THIS FACILITY IS WHEELCHAIR ACCESSIBLE, AND ACCESSIBLE PARKING SPACES ARE AVAILABLE. REQUESTS FOR ACCOMMODATIONS OR INTERPRETIVE SERVICES MUST BE MADE 48 HOURS PRIOR TO THIS MEETING. PLEASE CONTACT BUILDING OFFICIAL, JAY MITCHIM; ADA DESIGNATED RESPONSIBLE PARTY AT (956) 761-1025.



**CITY COUNCIL MEETING
CITY OF SOUTH PADRE ISLAND
CONSENT AGENDA**

MEETING DATE: August 18, 2010

ITEM DESCRIPTION

NOTE: All matters listed under Consent Agenda are considered routine by the Town of South Padre Island Board of Aldermen and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the Consent Agenda and considered separately.

Items to be considered are:

- a. Approve minutes of August 2, 2010 Workshop, August 3, 2010 Workshop and August 4, 2010 Regular meeting. (Hill)
- b. Approve invoices for payment. (Homan)
- c. Approve Tax Collection and Adjustment Report for taxes collected during July 2010. (Homan)
- d. Approve the City of South Padre Island's Investment Portfolio Summary for quarter ending June 30, 2010 as prepared by Estrada Hinojosa & Company. (Homan)
- e. Approve the submission of the 2009-2010 Cameron County CIAP grant application and authorizing a designated official to execute all documents and application forms on behalf of the City of South Padre Island. (Trevino)
- f. Approve a budget adjustment in the Debit Service Fund in the amount of \$5,000 for payment of the interest on the 2009 General Obligation Refunding Bonds that were used to retire the 2002 Series Combination Tax and Revenue Refunding Bonds for the Convention Centre. (Homan)
- g. Approve excused absence request from Council Member JoAnn Evans from the August 11, 2010 Special Meeting. (Evans)
- h. Approve excused absence request from Council Member Sam Listi for the August 25, 2010 Special Meeting. (Listi)

RECOMMENDATIONS/COMMENTS

Approve Consent Agenda

COUNCIL ACTION

Motion: _____

Second: _____

Vote: Ayes: _____ Nays: _____

Abstentions: _____

5-1

**CITY OF SOUTH PADRE ISLAND
CITY COUNCIL MEETING
AGENDA REQUEST FORM**

MEETING DATE: August 18, 2010

NAME/DEPT.: Susan Hill, City Secretary

ITEM

Approval of minutes for August 2, 2010 Workshop, August 3, 2010 Workshop and August 4, 2010 Regular meeting.

ITEM BACKGROUND

RECOMMENDATIONS/COMMENTS

BUDGET/FINANCIAL SUMMARY

COMPREHENSIVE PLAN GOAL

COUNCIL ACTION

Motion: _____

Second: _____

Vote: Ayes: _____ **Nays:** _____

Abstentions: _____

5-2

**MINUTES
CITY OF SOUTH PADRE ISLAND
CITY COUNCIL WORKSHOP**

MONDAY, AUGUST 2, 2010

I. CALL TO ORDER

The City Council Members of the City of South Padre Island, Texas held a Workshop on Monday, August 2, 2010 at the Municipal Complex Building, 2nd Floor, 4601 Padre Boulevard, South Padre Island, Texas. Mayor Pinkerton called the meeting to order at 3:00 p.m. A quorum was present: Council Member JoAnn Evans, Courtney Hayden, Sam A. Listi, and Rick Ridolfi. Absent was Council Member Alita Bagley.

City staff members present were City Manager Joni Clarke, Assistant City Manager Darla Jones, Fire Chief Burney Baskett, Public Works Director Scott Fry, Finance Director Larry Homan, Police Chief Randy Smith, Transit & Development Director Rick Vasquez, Information Services Director Tim Howell, Administrative Services Director Wendi Delgado, Environmental Health Services Director Victor Baldovinos, General Manager of Public Transportation Jesse Arriaga, Senior Accountant Rodrigo Gimenez and City Secretary Susan Hill.

II. PLEDGE OF ALLEGIANCE

Mayor Pinkerton led the Pledge of Allegiance.

III. PUBLIC COMMENTS AND ANNOUNCEMENTS

IV. DISCUSSION ON REQUESTS FROM OUTSIDE AGENCIES FOR THE 2010-11 FISCAL YEAR BUDGET (EACH PRESENTATION IS LIMITED TO 5 MINUTES EACH).

- a. BOYS & GIRLS CLUB OF LAGUNA MADRE**
- b. CLUB PADRE**
- c. FRIENDS OF THE PORT ISABEL LIBRARY**
- d. LAGUNA MADRE HUMANE SOCIETY**
- e. VALLEY PROUD ENVIRONMENTAL COUNCIL**

Representatives from Outside Agencies gave a brief presentation along with their request for funding.

Listed below are the Outside Agency requests that were heard today:

- \$ 15,000 – Boys & Girls Club of Laguna Madre
- 50,000 – Laguna Madre Humane Society
- 25,000 – Port Isabel Library (Friends of the Library)
- 32,000 – S.P.I. Club Padre

5-3

10,000 – Valley Proud Environmental Council

In addition, Sea Turtle Inc. is requesting funding in the amount of \$6,000.

V. DISCUSSION REGARDING THE PROPOSED 2010-11 FISCAL YEAR BUDGET FOR GENERAL FUND.

City Manager Joni Clarke and Finance Director Larry Homan presented the preliminary budget for the General Fund for the Fiscal Year 2010-11. The General Fund is the primary operating fund for the City and is supported primarily by Ad Valorem and Sales Tax revenues. Joni Clarke stated that this was a very conservative budget as the projected revenues were not as good as it has been in the past years.

VI. DISCUSSION REGARDING THE PROPOSED 2010-11 FISCAL YEAR BUDGET FOR THE FOLLOWING FUNDS:

- a. TRANSPORTATION FUND**
- b. STREET IMPROVEMENTS FUND**
- c. BEACH MAINTENANCE FUND**
- d. BEACH ACCESSES FUND**
- e. BAY ACCESSES FUND**
- f. BEACH NOURISHMENT FUND**
- g. GENERAL DEBT SERVICE FUND**
- h. CAPITAL REPLACEMENT FUND**
- i. MUNICIPAL COURT TECHNOLOGY FUND**
- j. MUNICIPAL COURT SECURITY FUND**

Discussion was held and guidance was given.

VII. ADJOURN.

There being no further business, Mayor Pinkerton adjourned the meeting at 4:57 p.m.

Susan M. Hill, City Secretary

APPROVED

Robert N. Pinkerton, Jr., Mayor

5-4

**MINUTES
CITY OF SOUTH PADRE ISLAND
CITY COUNCIL WORKSHOP**

TUESDAY, AUGUST 3, 2010

I. CALL TO ORDER

The City Council Members of the City of South Padre Island, Texas held a Workshop on Tuesday, August 3, 2010 at the Municipal Complex Building, 2nd Floor, 4601 Padre Boulevard, South Padre Island, Texas. Mayor Pinkerton called the meeting to order at 5:30 p.m. A full quorum was present: Council Member JoAnn Evans, Courtney Hayden, Sam A. Listi, Rick Ridolfi and Alita Bagley.

City staff members present were City Manager Joni Clarke, Assistant City Manager Darla Jones, CVB Executive Director Dan Quandt, Fire Chief Burney Baskett, Public Works Director Scott Fry, Finance Director Larry Homan, Police Chief Randy Smith, Transit & Development Director Rick Vasquez, Information Services Director Tim Howell, Administrative Services Director Wendi Delgado, Environmental Health Services Director Victor Baldovinos, Building Official Jay Mitchim, Coastal Resources Manager Reuben Trevino and City Secretary Susan Hill.

II. PLEDGE OF ALLEGIANCE

Mayor Pinkerton led the Pledge of Allegiance.

III. PUBLIC COMMENTS AND ANNOUNCEMENTS

IV. CONTINUATION OF DISCUSSION REGARDING THE PROPOSED 2010-11 FISCAL YEAR BUDGET FOR GENERAL FUND (IF NECESSARY).

City Council took a look at the current fee schedule and suggested that staff bring the fee schedule in line with other communities and to bring back to the Council for consideration and approval.

V. CONTINUATION OF DISCUSSION REGARDING THE PROPOSED 2010-11 FISCAL YEAR BUDGET FOR THE FOLLOWING FUNDS (IF NECESSARY):

- a. TRANSPORTATION FUND**
- b. STREET IMPROVEMENTS FUND**
- c. BEACH MAINTENANCE FUND**
- d. BEACH ACCESSES FUND**
- e. BAY ACCESSES FUND**
- f. BEACH NOURISHMENT FUND**
- g. GENERAL DEBT SERVICE FUND**
- h. CAPITAL REPLACEMENT FUND**

- i. **MUNICIPAL COURT TECHNOLOGY FUND**
- j. **MUNICIPAL COURT SECURITY FUND**
- k. **MUNICIPAL COMPLEX CONSTRUCTION FUND**
- l. **LONG RANGE PLANNING FUND**

Larry Homan briefly went over the Municipal Complex Construction Fund and Long Range Planning Fund.

VI. DISCUSSION REGARDING THE PROPOSED 2010-11 FISCAL YEAR BUDGET FOR HOTEL/MOTEL AND CONVENTION CENTRE FUNDS:

- a. **HOTEL/MOTEL TAX FUND**
- b. **CONVENTION CENTRE FUND**

Dan Quandt, Executive Director for the Convention and Visitor Bureau gave a power point presentation of the proposed 2010-11 budget and was available to answer any questions that the Council had.

VII. ADJOURN.

There being no further business, Mayor Pinkerton adjourned the meeting at 4:27 p.m.

Susan M. Hill, City Secretary

APPROVED

Robert N. Pinkerton, Jr., Mayor

5-6

**MINUTES
CITY OF SOUTH PADRE ISLAND
CITY COUNCIL REGULAR MEETING**

WEDNESDAY, AUGUST 4, 2010

I. CALL TO ORDER

The City Council Members of the City of South Padre Island, Texas held a Regular Meeting on Wednesday, August 4, 2010 at the Municipal Complex Building, 2nd Floor, 4601 Padre Boulevard, South Padre Island, Texas. Mayor Pinkerton called the meeting to order at 5:32 p.m. A full quorum was present: Council Member JoAnn Evans, Courtney Hayden, Sam A. Listi, Rick Ridolfi and Alita Bagley.

City staff members present were City Attorney Paul Cunningham, City Manager Joni Clarke, Assistant City Manager Darla Jones, CVB Executive Director Dan Quandt, Fire Chief Burney Baskett, Public Works Director Scott Fry, Finance Director Larry Homan, Police Chief Randy Smith, Transit & Development Director Rick Vasquez, Information Services Director Tim Howell, Administrative Services Director Wendi Delgado, Environmental Health Services Director Victor Baldovinos, Coastal Resources Manager Reuben Trevino and Assistant City Secretary Marta Martinez.

II. PLEDGE OF ALLEGIANCE

Mayor Pinkerton led the Pledge of Allegiance.

III. PUBLIC COMMENTS AND ANNOUNCEMENTS

IV. PRESENTATIONS AND PROCLAMATIONS:

- A. PROCLAMATION: NATIVE PLANT OF THE MONTH FOR AUGUST 2010: SCARLET PEA (SCIENTIFIC NAME: INDIGOFERA MINIATA)**
- B. PROCLAMATION: CHILDREN'S BOOK OF THE MONTH FOR AUGUST 2010: *I STINK* BY KATE AND JIM MCMULLAN**

V. APPROVE CONSENT AGENDA:

Council Member JoAnn Evans made a motion, seconded by Council Member Listi, to approve the Consent Agenda. Motion carried unanimously.

- A. APPROVE MINUTES OF JULY 21, 2010 WORKSHOP AND REGULAR MEETING. (HILL)**
- B. APPROVE INVOICES FOR PAYMENT. (HOMAN)**

Invoices approve for payment were paid by General Fund checks numbered 117442 through 117612 for a total amount of \$649,129.53.

C. APPROVE TAX COLLECTION AND ADJUSTMENT REPORT FOR TAXES COLLECTED FOR THE MONTH OF JUNE 2010 BY THE POINT ISABEL INDEPENDENT SCHOOL DISTRICT TAX OFFICE. (HOMAN)

D. DISCUSSION AND ACTION TO APPROVE BUDGET AMENDMENT IN THE AMOUNT OF \$30,000 FOR A GRANT THAT WAS APPROVED JANUARY 20, 2010 WITH THE LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL FOR A REGIONAL SOLID WASTE GRANTS PROGRAM IN WHICH THE CITY OF SOUTH PADRE ISLAND WISHES TO PURCHASE TWO RECYCLING TRAILERS. (BALDOVINOS)

VI. PRESENTATION BY MARIE GARRETT, COASTAL SOLUTIONS REGARDING THE BEACH STABILIZATION DEMONSTRATION PROJECT. (CLARKE)

Marie Garrett (now Marie Robb) gave a brief update on the Beach Stabilization Demonstration Project in which they are finalizing the scope and plan of the project. Marie also stated that the deployment of instruments is planned to be around mid August, then again in October and December.

VII. DISCUSSION AND ACTION TO AUTHORIZE THE CITY MANAGER TO EXECUTE AGREEMENTS WITH VARIOUS PROPERTY OWNERS TO PROVIDE TEMPORARY PARKING LOTS DURING THE MONTHS OF AUGUST AND SEPTEMBER 2010 AND THE "SUMMER MONTHS" FOR 2011. (JONES)

Council Member Hayden moved to go ahead with a one month agreement for the Rován's parking area and accept the free parking that has been offered. Motion was seconded by Council Member Evans. Ayes: Hayden, Evans, Bagley Nays: Listi, Pinkerton, Ridolfi. Motion did not pass.

Council Member Listi then made a motion to work with the free lots to the end of this season and then take a new look at everything after the season. Motion was seconded by Council Member Ridolfi which passed on a 5 to 1 vote with Council Member Hayden casting a nay vote.

VIII. DISCUSSION AND ACTION TO APPROVE THE FORMATION OF A SPI WALL OF HONOR AND TO APPROVE THE APPOINTMENT OF A STEERING COMMITTEE WHO WILL EVALUATE PROPOSED APPLICANTS AND BE RESPONSIBLE FOR FINANCING, FUND RAISING, PUBLIC RELATIONS AND SITE PREPARATION. (RIDOLFI)

Council Member Listi moved to approve the formation of a SPI Wall of Honor and commissioned the Historic Preservation Committee to be the Steering Committee for this project. Motion was seconded by Council Member Evans, which carried unanimously.

- IX. DISCUSSION AND ACTION TO ENTER INTO AN AGREEMENT WITH HILLCO PARTNERS FOR GOVERNMENT CONSULTING SERVICES FOR ONE YEAR BEGINNING AUGUST 15, 2010 IN THE AMOUNT OF \$144,000 PLUS EXPENSES WITH 50% TO BE PAID BY THE CITY'S GENERAL FUND, 25% TO BE PAID BY THE HOTEL MOTEL TAX FUND AND 25% TO BE PAID BY EDC. (CLARKE)**

Council Member Ridolfi made a motion to approve the agreement with HillCo Partners in the amount of \$144,000, plus expenses with 50% to be paid by the City's General Fund, 25% to be paid by the Hotel Motel Tax Fund (subject to the CVA's approval) and 25% to be paid by the EDC. Motion was seconded by Council Member Hayden. Motion passed unanimously.

- X. DISCUSSION AND ACTION TO AWARD BID FOR PURCHASE AND INSTALLATION OF TWO USED 300 TON TRANE SCREW CHILLERS FOR \$145,000 PLUS OPTION TO PURCHASE EXTENDED WARRANTY AND/OR SERVICE CONTRACT. (QUANDT)**

Council Member Evans made a motion, seconded by Council Member Ridolfi to approve the bid award with options. Motion carried unanimously.

- XI. DISCUSSION AND ACTION ON A BEACHFRONT CONSTRUCTION CERTIFICATE AND DUNE PROTECTION PERMIT FOR MEJIA & ROSE, INC. FOR THE CONSTRUCTION OF A FIVE STORY CONDOMINIUM WITH AMENITIES AT 2400 GULF BOULEVARD. (TREVINO)**

Council Member Hayden made a motion to approve Beachfront Construction Certificate and Dune Protection Permit for the construction of a five story condominium located at 2400 Gulf Boulevard. Motion carried on a 5 to 0 vote with Council Member Listi abstaining from the vote.

- XII. DISCUSSION AND ACTION TO ACCEPT AWARD OF TRANSPORTATION STATE CONTRACT IN THE AMOUNT OF \$425,483 TO BE USED FOR ADMINISTRATIVE, OPERATING, PREVENTIVE MAINTENANCE AND CAPITAL COSTS RELATED TO THE WAVE. (VASQUEZ/ARRIAGA)**

Council Member Hayden made a motion, seconded by Council Member Evans to accept the award of \$425,483 from the Transportation State Contract. Motion passed unanimously.

- XIII. DISCUSSION, COMMENTS AND GUIDANCE FROM THE CITY COUNCIL REGARDING THE PROPOSED 2010-11 FISCAL YEAR BUDGET. (CLARKE/HOMAN)**

City Manager Joni Clarke stated that the Council was presented with a balanced budget in which discussion has been held in previous workshops. Mayor Pinkerton suggested that Outside Agency requests remain the same amounts as was budgeted last year.

XIV. DISCUSSION, COMMENTS AND GUIDANCE FROM THE CITY COUNCIL REGARDING CALLING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 2, 2010 FOR THE PURPOSE OF ISSUING BONDS FOR CONSTRUCTING AND EQUIPPING A NEW FIRE STATION. (CLARKE)

The Council indicated that they will more than likely proceed with a November 3, 2010 Special Election for the purpose of issuing bonds for a new Fire Station and will know more on the cost after SpawGlass has given its report which is due at the August 18, 2010 Regular Council meeting.

XV. EXECUTIVE SESSION: PURSUANT TO SECTIONS 551.071, CONSULTATION WITH ATTORNEY; 551.072, DELIBERATIONS ABOUT REAL PROPERTY; TO DISCUSS:

A. CONSULTATION WITH ATTORNEY, DELIBERATION REGARDING THE VALUE AND POSSIBLE ACQUISITION AND/OR SALE OF REAL PROPERTY.

At 6:26 p.m., Council Member Ridolfi made a motion, seconded by Council Member Hayden to go into Executive Session. Motion carried unanimously.

At 6:44 p.m., the City Council reconvened into Open Session.

XVI. DISCUSSION AND ACTION REGARDING THE VALUE AND POSSIBLE ACQUISITION AND/OR SALE OF REAL PROPERTY.

Mayor Pinkerton made a motion, seconded by Council Member Ridolfi to put the property owned by the City which is located by the Travel Lodge on the market for sale. Motion passed unanimously.

XVII. ADJOURN.

There being no further business, Mayor Pinkerton adjourned the meeting at 6:45 p.m.

Marta Martinez, Assistant City Secretary

APPROVED

Robert N. Pinkerton, Jr., Mayor

**CITY OF SOUTH PADRE ISLAND
CITY COUNCIL MEETING
AGENDA REQUEST FORM**

MEETING DATE: August 18, 2010

NAME/DEPT.: Larry Homan, Finance Director

ITEM

Approval of invoices for payment by General Fund checks numbered 117613 through 117782 for a total of \$422,564.01.

ITEM BACKGROUND

RECOMMENDATIONS/COMMENTS

BUDGET/FINANCIAL SUMMARY

COMPREHENSIVE PLAN GOAL

COUNCIL ACTION

Motion: _____

Second: _____

Vote: Ayes: _____ **Nays:** _____

Abstentions: _____

KEY: 06762 Regular Payments 8-06-10

IDOR SET: 01

ID : 01 GENERAL FUND

DEPARTMENT: N/A NON-DEPARTMENTAL

BANK: OPER

BUDGET TO USE: CB-CURRENT BUDGET

IDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
001297	AMERICAN FUNDS					
		I-080410	01 -2485	AMERICAN GENE EMPLOYEE SALARY ALLOC.7/30/10	117613	83.08
002434	CINDY BOUDLOCHE, TRUSTE					
		I-DW5201008022630	01 -2469	DEBTORS WAGE A/N 07-10758-B-13	117615	662.30
		I-DW9201008022630	01 -2469	DEBTORS WAGE CASE NO 10-10137-B-13	117616	478.85
003185	OFFICE OF THE ATTY GENL					
		I-C09201008022630	01 -2473	CHILD SUPPORT A/N 0010486563	117618	212.31
		I-C10201008022630	01 -2473	CHILD SUPPORT A/N 2004094864B	117619	282.92
		I-C14201008022630	01 -2473	CHILD SUPPORT A/N N002589726	117620	100.00
		I-C24201008022630	01 -2473	CHILD SUPPORT A/N 0011488748	117621	451.38
		I-C31201008022630	01 -2473	CHILD SUPPORT A/N 0011545222	117622	161.54
		I-C32201008022630	01 -2473	CHILD SUPPORT A/N 2007031654D	117623	169.18
		I-C34201008022630	01 -2473	CHILD SUPPORT A/N 0009255855	117624	154.15
		I-C37201008022630	01 -2473	CHILD SUPPORT A/N 2008-10-5941-D	117625	492.46
		I-C47201008022630	01 -2473	CHILD SUPPORT CASE # 0009943810	117626	9.37
		I-C48201008022630	01 -2473	CHILD SUPPORT NO. 2008-08-4758-H	117627	383.08
		I-C49201008022630	01 -2473	CHILD SUPPORT 0009648707	117628	165.69
		I-C50201008022630	01 -2473	CHILD SUPPORT AG CASE #0011346896	117629	634.62
003720	COLONIAL LIFE INS. CO.					
		I-E7061344-0801434	01 -2467	COLONIAL LIFE AUGUST 2010 EMPLOYEE PREM	117631	7,611.35
006163	AMERICAN GENERAL LIFE I					
		I-80410	01 -2485	AMERICAN GENE EMPLOYEE SALARY ALLOC 7/30/10	117635	528.78
007001	ANA GARZA					
		I-C04201008022630	01 -2473	CHILD SUPPORT A/N 2003-03-1480-B	117636	194.88
009097	INTERNAL REVENUE SERVIC					
		I-IR6201008022630	01 -2459	IRS LEVY A/N XXX-XX-1603	117638	383.00
012108	HERMELINDA LONGORIA					
		I-C16201008022630	01 -2473	CHILD SUPPORT A/N 2002031289D	117640	146.77
016686	PUTNAM INVESTMENTS					
		I-80410	01 -2485	AMERICAN GENE EMPLOYEE SALARY ALLOT 7/30/10	117642	62.15
019222	S.P.I. FIREFIGHTERS ASS					
		I-080410	01 -2472	FIREFIGHTERS ASSOCIATION DUES 8/04/10	117645	233.00
019327	SOUTH PADRE ISLAND PROF					
		I-80410	01 -2487	POLICE DEPT A ASSOCIATION DUES 8/04/10	117646	345.00
019997	TG					
		I-DX1201008022630	01 -2469	DEBTORS WAGE CS239406800	117647	153.04
020615	TOWN OF SOUTH PADRE ISL					

8/06/2010 10:29 AM

REGULAR DEPARTMENT PAYMENT REGISTER

PAGE: 2

PACKET: 06762 Regular Payments 8-06-10

VENDOR SET: 01

FUND : 01 GENERAL FUND

DEPARTMENT: N/A NON-DEPARTMENTAL

BANK: OPER

BUDGET TO USE: CB-CURRENT BUDGET

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-020615	TOWN OF SOUTH PADRE ISL	continued				
	I-80510	01 -2479	EMPLOYEE ACTI	EMPLOYEE CONTRIBUTION 8/04/10	117649	129.00
01-021109	UNITED WAY OF S. CAMERO					
	I-080410	01 -2468	UNITED WAY	EMPLOYEE DONATIONS 8/04/1	117651	228.50
01-023200	MICHELLE WILBURN					
	I-C21201008022630	01 -2473	CHILD SUPPORT	A/N 0011549506	117654	146.31
				DEPARTMENT	NON-DEPARTMENTAL	TOTAL:
						14,602.71

8/06/2010 10:29 AM

REGULAR DEPARTMENT PAYMENT REGISTER

PAGE: 3

PACKET: 06762 Regular Payments 8-06-10

VENDOR SET: 01

FUND : 01 GENERAL FUND

DEPARTMENT: 521 POLICE DEPARTMENT

BANK: OPER

BUDGET TO USE: CB-CURRENT BUDGET

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-018084	RICHARD RIGSBY					
		I-061210	01 -521-0550	TRAVEL EXPENS MISC. REIBURSEMENT	117644	29.22
01-023053	WALMART COMMUNITY					
		I-006567	01 -521-0111	K9 FOOD MISC. ITEMS FOR 1ST RESPONDER	117652	62.70
DEPARTMENT 521 POLICE DEPARTMENT					TOTAL:	91.92

8/06/2010 10:29 AM

REGULAR DEPARTMENT PAYMENT REGISTER

PAGE: 4

PACKET: 06762 Regular Payments 8-06-10

VENDOR SET: 01

FUND : 01 GENERAL FUND

DEPARTMENT: 522 FIRE DEPARTMENT

BANK: OPER

BUDGET TO USE: CB-CURRENT BUDGET

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-018046	ISLA GRAND BEACH RESORT					
		I-2664/2657	01 -522-0102	LOCAL MEETING RGVFFMA BANQUET/MEETING	117643	2,882.74
01-023053	WALMART COMMUNITY					
		I-002777	01 -522-0170	DORM AND KITC MISC. SOFT DRINKS	117652	15.42
		I-004766	01 -522-0113	BATTERIES BATTERIES AND MISC.	117652	39.88
		I-004766	01 -522-0170	DORM AND KITC BATTERIES AND MISC.	117652	30.80
		I-007952	01 -522-0170	DORM AND KITC MISC. KITCHEN ITEMS	117652	67.68
		I-009046	01 -522-0101	OFFICE SUPPLI MISC. INK CARTRIDGES	117652	115.57
		I-009538	01 -522-0101	OFFICE SUPPLI ITEMS NEEDED FOR MEETING	117652	19.35
		I-009538	01 -522-0150	MINOR TOOLS & ITEMS NEEDED FOR MEETING	117652	208.76
		I-71610	01 -522-0150	MINOR TOOLS & MISC. CHARGES	117652	15.16
DEPARTMENT 522 FIRE DEPARTMENT					TOTAL:	3,395.36

8/06/2010 10:29 AM

REGULAR DEPARTMENT PAYMENT REGISTER

PAGE: 5

PACKET: 06762 Regular Payments 8-06-10

VENDOR SET: 01

FUND : 01 GENERAL FUND

DEPARTMENT: 543 PUBLIC WORKS DEPARTMENT

BANK: OPER

BUDGET TO USE: CB-CURRENT BUDGET

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-023053	WALMART COMMUNITY					
		I-002121	01 -543-0150	MINOR TOOLS & MOSQUITO SPRAY	117652	52.32
		I-005719	01 -543-0150	MINOR TOOLS & 12-MOSQUITO REPELLANT	117652	52.32
DEPARTMENT 543 PUBLIC WORKS DEPARTMENT TOTAL:						104.64

8/06/2010 10:29 AM

REGULAR DEPARTMENT PAYMENT REGISTER

PAGE: 6

PACKET: 06762 Regular Payments 8-06-10

VENDOR SET: 01

FUND : 01 GENERAL FUND

DEPARTMENT: 570 GENERAL SERVICES

BANK: OPER

BUDGET TO USE: CB-CURRENT BUDGET

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-002805	ALLIED WASTE SERVICES #					
		I-0863000383824	01 -570-0581	WATER, SEWER, 4501 PADRE BLVD	117617	234.60
01-003430	CNA SURETY					
		I-61810	01 -570-9060	OFFICIALS/LAW TX P E H B	117630	371.00
01-004089	DEPT OF INFO RESOURCES					
		I-10050567T	01 -570-0501	COMMUNICATION TEX-AN 2000 CHARGES	117632	168.47
		I-10060567T	01 -570-0501	COMMUNICATION TEX-AN 2000 CHARGES	117632	219.85
				DEPARTMENT 570 GENERAL SERVICES	TOTAL:	993.92

				FUND 01 GENERAL FUND	TOTAL:	19,188.55

8/06/2010 10:29 AM

REGULAR DEPARTMENT PAYMENT REGISTER

PAGE: 7

PACKET: 06762 Regular Payments 8-06-10

VENDOR SET: 01

FUND : 02 HOTEL/MOTEL TAX FUND

DEPARTMENT: 590 VISITORS BUREAU

BANK: OPER

BUDGET TO USE: CB-CURRENT BUDGET

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-001353	ASCOM HASLER/GE CAP PRO					
		I-72636865	02 -590-0510	RENTAL OF EQU LEASING MAILING MACHINE	117614	230.02
01-002805	ALLIED WASTE SERVICES #					
		I-0863000384770	02 -590-0581	WATER,SEWER & 600-B PADRE BLVD	117617	78.99
01-004089	DEPT OF INFO RESOURCES					
		I-10050567T	02 -590-0501	COMMUNICATION TEX-AN 2000 CHARGES	117632	48.82
		I-10060567T	02 -590-0501	COMMUNICATION TEX-AN 2000 CHARGES	117632	49.31
01-021095	UNITED PARCEL SERVICE					
		I-0000648239300	02 -590-0108	POSTAGE MISC. SHIPPING CHARGES	117650	128.33
				DEPARTMENT 590 VISITORS BUREAU	TOTAL:	535.47

PACKET: 06762 Regular Payments 8-06-10

VENDOR SET: 01

FUND : 02 HOTEL/MOTEL TAX FUND

DEPARTMENT: 592 SALES & MARKETING

BANK: OPER

BUDGET TO USE: CB-CURRENT BUDGET

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-004089	DEPT OF INFO	RESOURCES				
		I-10050567T	02 -592-0501	COMMUNICATION TEX-AN 2000 CHARGES	117632	35.44
		I-10060567T	02 -592-0501	COMMUNICATION TEX-AN 2000 CHARGES	117632	26.20
01-00612	FEDEX					
		I-7-097-01650	02 -592-0108	POSTAGE MISC. SHIPPING CHARGES	117634	6.88
01-009104	DESTINATION MARKETING A					
		I-INV-23452-2JVDM5	02 -592-0551	DUES & MEMBER DUES FOR 7/01/10-7/30/11	117639	5,600.00
01-020185	TIME WARNER CABLE					
		I-60410	02 -592-0501	COMMUNICATION 7355 PADRE	117648	479.90
		I-60410	02 -592-0501	COMMUNICATION 2921 EXPWY 83	117648	919.90
		I-60410	02 -592-0501	COMMUNICATION 2921 S. EXPWY 83	117648	919.90
		I-70410	02 -592-0501	COMMUNICATION 7355 PADRE BLVD	117648	479.90
				DEPARTMENT 592 SALES & MARKETING	TOTAL:	8,468.12

				FUND 02 HOTEL/MOTEL TAX FUND	TOTAL:	9,003.59

8/06/2010 10:29 AM

REGULAR DEPARTMENT PAYMENT REGISTER

PAGE: 9

PACKET: 06762 Regular Payments 8-06-10

VENDOR SET: 01

FUND : 06 CONVENTION CENTER FUND

DEPARTMENT: 565 CONVENTION CENTER OPER

BANK: OPER

BUDGET TO USE: CB-CURRENT BUDGET

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-004089	DEPT OF INFO RESOURCES					
		I-10050567T	06 -565-0501	COMMUNICATION TEX-AN 2000 CHARGES	117632	81.07
		I-10060567T	06 -565-0501	COMMUNICATION TEX-AN 2000 CHARGES	117632	76.25
01-004232	DISH NETWORK					
		I-51810	06 -565-0415	SERVICE CONTR SERVICES FOR 6/01-30/10	117633	650.09
		I-71810	06 -565-0415	SERVICE CONTR SERVICE FOR 8/01-8/31/10	117633	6.36
01-009007	IKON OFFICE SOLUTIONS					
		I-82585631	06 -565-0510	RENTAL OF EQU RENTAL OF COPY MACHINE	117637	110.00
DEPARTMENT 565 CONVENTION CENTER OPER					TOTAL:	923.77

FUND 06 CONVENTION CENTER FUND					TOTAL:	923.77

PACKET: 06762 Regular Payments 8-06-10

VENDOR SET: 01

FUND : 30 TRANSPORTAION GRANT

DEPARTMENT: 591 TRANSPORTATION DEPT

BANK: OPER

BUDGET TO USE: CB-CURRENT BUDGET

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-002805	ALLIED WASTE SERVICES #					
		I-0863000383824	30 -591-0581	WTR/SWR/GARBA 4501 PADRE BLVD	117617	33.51
DEPARTMENT 591 TRANSPORTATION DEPT						TOTAL: 33.51

FUND 30 TRANSPORTAION GRANT						TOTAL: 33.51

PACKET: 06762 Regular Payments 8-06-10

VENDOR SET: 01

FUND : 44 LONG RANGE PLANNING FUND

DEPARTMENT: 572 ** INVALID DEPT **

BANK: OPER

BUDGET TO USE: CB-CURRENT BUDGET

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-013171	MARLOWE & COMPANY					
		I-10-277-04	44 -572-0530	PROFESSIONAL SERVICES FOR MARCH 2010	117641	3,600.00
				DEPARTMENT 572 ** INVALID DEPT **	TOTAL:	3,600.00
				FUND 44 LONG RANGE PLANNING FUND TOTAL:		3,600.00

PACKET: 06762 Regular Payments 8-06-10

VENDOR SET: 01

FUND : 99 HURRICANE RECOVERY

DEPARTMENT: 599 HURRICANE RECOVERY

BANK: OPER

BUDGET TO USE: CB-CURRENT BUDGET

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-023053	WALMART COMMUNITY					
		I-002577	99 -599-0105	CHEMICALS BUG SPRAY	117652	47.30
		I-002577	99 -599-0113	BATTERIES BATTERIES	117652	43.76
		I-003721	99 -599-0102	LOCAL MEETING WATER FOR EMPLOYEES	117652	66.60
		I-006567	99 -599-0150	MINOR TOOLS & MISC. ITEMS FOR 1ST RESPONDER	117652	140.43
		I-006567	99 -599-0102	LOCAL MEETING MISC. ITEMS FOR 1ST RESPONDER	117652	77.27
		I-02577	99 -599-0150	MINOR TOOLS & PAPER TOWELS	117652	8.87
DEPARTMENT 599 HURRICANE RECOVERY TOTAL:						384.23

FUND 99 HURRICANE RECOVERY TOTAL:						384.23
REPORT GRAND TOTAL:						33,133.65

:KET: 06788 Regular Payments
 IDOR SET: 01
 ID : 01 GENERAL FUND
 PARTMENT: N/A NON-DEPARTMENTAL
 GET TO USE: CB-CURRENT BUDGET

BANK: OPER

IDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
-001287 AMERICAN EXPRESS						
		I-80610	01 -1402	CLEARING AMEX:JULY 2010 MTGS/TRAVEL	117655	4,753.98
-003069 CAMERON CNTY.CLERK OFFI						
		I-80610	01 -2422	COUNTY ESCROW EDUARDO ULLOA,DWI,A0194-10	117678	500.00
		I-80610	01 -2422	COUNTY ESCROW RICHARD SULLINS,DWI,A0218-10	117678	1,000.00
		I-80610	01 -2422	COUNTY ESCROW ROBERT FOEHRINGER,DWI,A019510	117678	500.00
		I-80610	01 -2422	COUNTY ESCROW JOHN SHELANDER,,DWI,A011610	117678	1,500.00
		I-80610	01 -2422	COUNTY ESCROW ARMANDO CASAS,FAIL ID,A011710	117678	500.00
		I-80610	01 -2422	COUNTY ESCROW PHILLIP ROMER,DWI,A0233-10	117678	500.00
		I-80610	01 -2422	COUNTY ESCROW S. MANLEY,INTASSLT,A0081-10	117678	5,000.00
		I-80610	01 -2422	COUNTY ESCROW S. MANLEY,INTASSLT,A0082-10	117678	5,000.00
		I-80610	01 -2422	COUNTY ESCROW S. MANLEY,INTASSLT,A0083-10	117678	5,000.00
-006133 FORT DEARBORN LIFE INS						
		I-81010	01 -2465	VTL LIFE INSU EMPLOYEE PREMIUMS ~ VTL	117695	234.21
-020100 T.M.R.S.						
		I-81010	01 -2470	T.M.R.S. JULY 2010 CONTRIBUTIONS	117746	35,892.93
-1 MISC. VENDORS						
	RIVAS, SARAH LINDS	I-000201008042633	01 -2424	MUN. COURT BO Bond Refund:34032A -01	117769	67.00
	BARRERA, DELINA	I-000201008042634	01 -2424	MUN. COURT BO Bond Refund:E0006081 -01	117770	2.00
	OBREGON, MARIANA	I-000201008042635	01 -2424	MUN. COURT BO Bond Refund:838875T -01	117771	21.00
	NELSON, JOSEPH STE	I-000201008042636	01 -2424	MUN. COURT BO Bond Refund:33486A -01	117772	67.00
	MEDINA, JOHN ANTHO	I-000201008042637	01 -2424	MUN. COURT BO Bond Refund:33556A -01	117773	265.00
	KIRK, JOSHUA DON	I-000201008042638	01 -2424	MUN. COURT BO Bond Refund:33588A -01	117774	265.00
	GONZALEZ, JESUS	I-000201008042639	01 -2424	MUN. COURT BO Bond Refund:33825A -01	117775	5.00
	WHITEHEAD, LAUREL	I-000201008042640	01 -2424	MUN. COURT BO Bond Refund:33872A -01	117776	265.00
	MAYORGA, ANTONIO	I-000201008042641	01 -2424	MUN. COURT BO Bond Refund:34009A -01	117777	67.00
	ATHANAS, ALEXANDER	I-000201008042642	01 -2424	MUN. COURT BO Bond Refund:34008A -01	117778	67.00
	ALVAREZ-SALAS, GUS	I-000201008042643	01 -2424	MUN. COURT BO Bond Refund:34023A -01	117779	67.00
	FILLE, CORLEEN ANN	I-000201008062644	01 -2424	MUN. COURT BO Bond Refund:33870A -01	117780	564.00
				DEPARTMENT	NON-DEPARTMENTAL	TOTAL: 62,103.12
=====						

8/13/2010 10:32 AM

REGULAR DEPARTMENT PAYMENT REGISTER

PAGE: 2

PACKET: 06788 Regular Payments

VENDOR SET: 01

FUND : 01 GENERAL FUND

DEPARTMENT: 512 CITY ADMINISTRATION

BANK: OPER

BUDGET TO USE: CB-CURRENT BUDGET

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-001129	A & W OFFICE SUPPLY INC					
		I-433542-0	01 -512-0101	OFFICE SUPPLI BINDERS, MEETING NOTEBOOK	117660	130.14
01-013011	MACE GRANT CONSULTING					
		I-1	01 -512-0530	PROFESSIONAL GRANTS WORK	117715	130.00
01-019638	TEXAS COMPTROLLER OF PU					
		I-81010	01 -512-0551	DUES & MEMBER CPA CO-OP ANNUAL MEMBERSHIP	117741	100.00
01-020100	T.M.R.S.					
		I-81010	01 -512-0080	TMRS JULY 2010 CONTRIBUTIONS	117746	3,004.23
				DEPARTMENT 512 CITY ADMINISTRATION	TOTAL:	3,364.37

8/13/2010 10:32 AM

REGULAR DEPARTMENT PAYMENT REGISTER

PAGE: 3

PACKET: 06788 Regular Payments

VENDOR SET: 01

FUND : 01 GENERAL FUND

DEPARTMENT: 513 FINANCE DEPARTMENT

BANK: OPER

BUDGET TO USE: CB-CURRENT BUDGET

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-001129	A & W OFFICE SUPPLY INC					
	I-434695-0	01 -513-0101	OFFICE SUPPLI	Office furniture	117660	1,138.37
	I-434695-0	01 -513-0150	MINOR TOOLS &	Office furniture	117660	373.79
01-007150	GOVERNMENT FINANCE OFFI					
	I-0136006	01 -513-0551	DUES & MEMBER	MEMBERSHIP DUES:	117699	160.00
01-020100	T.M.R.S.					
	I-81010	01 -513-0080	TMRS	JULY 2010 CONTRIBUTIONS	117746	2,419.29
DEPARTMENT 513 FINANCE DEPARTMENT					TOTAL:	4,091.45

8/13/2010 10:32 AM

REGULAR DEPARTMENT PAYMENT REGISTER

PAGE: 4

PACKET: 06788 Regular Payments

VENDOR SET: 01

FUND : 01 GENERAL FUND

DEPARTMENT: 514 PLANNING DEPARTMENT

BANK: OPER

BUDGET TO USE: CB-CURRENT BUDGET

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-020100	T.M.R.S.					
		I-81010	01 -514-0080	TMRS		
				JULY 2010 CONTRIBUTIONS	117746	1,090.32
DEPARTMENT 514 PLANNING DEPARTMENT					TOTAL:	1,090.32

PACKET: 06788 Regular Payments

VENDOR SET: 01

FUND : 01 GENERAL FUND

DEPARTMENT: 515 TECHNOLOGY DEPARTMENT

BANK: OPER

BUDGET TO USE: CB-CURRENT BUDGET

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-001161	AT&T					
		I-071910	01 -515-0415	SERVICE CONTR MIS W/MANAGED ROUTER	117662	382.50
01-003423	CDW GOVERNMENT, INC.					
		I-TJW7030	01 -515-0150	MINOR TOOLS & 1-APC BACK-UPS ES 80UT 550VA	117679	53.99
01-004085	DELL					
		I-XF1FD4NT9	01 -515-0150	MINOR TOOLS & 220 W POWER SUPPLY	117685	66.99
01-006101	FIRST CHECK APPLICANT S					
		I-11435	01 -515-0530	PROFESSIONAL PRE-EMPLOYMENT SCREENING	117693	20.25
01-020100	T.M.R.S.					
		I-81010	01 -515-0080	TMRS JULY 2010 CONTRIBUTIONS	117746	1,072.06
				DEPARTMENT 515 TECHNOLOGY DEPARTMENT	TOTAL:	1,595.79

8/13/2010 10:32 AM

REGULAR DEPARTMENT PAYMENT REGISTER

PAGE: 6

PACKET: 06788 Regular Payments

VENDOR SET: 01

FUND : 01 GENERAL FUND

DEPARTMENT: 516 HUMAN RESOURCES

BANK: OPER

BUDGET TO USE: CB-CURRENT BUDGET

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-020100	T.M.R.S.					
		I-81010	01 -516-0080	TMRS	JULY 2010 CONTRIBUTIONS	117746 819.75
DEPARTMENT 516 HUMAN RESOURCES						TOTAL: 819.75

8/13/2010 10:32 AM

REGULAR DEPARTMENT PAYMENT REGISTER

PAGE: 7

PACKET: 06788 Regular Payments

VENDOR SET: 01

FUND : 01 GENERAL FUND

DEPARTMENT: 520 MUNICIPAL COURT

BANK: OPER

BUDGET TO USE: CB-CURRENT BUDGET

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-013410	MUNICIPAL SERVICES BURE					
		I-81010	01 -520-0531	WARRANT COLLE JUNE 2010 MUNICIPAL COLLECTION	117722	88.75
01-020100	T.M.R.S.					
		I-81010	01 -520-0080	TMRS JULY 2010 CONTRIBUTIONS	117746	667.95
DEPARTMENT 520 MUNICIPAL COURT					TOTAL:	756.70

8/13/2010 10:32 AM

REGULAR DEPARTMENT PAYMENT REGISTER

PAGE: 8

PACKET: 06788 Regular Payments

VENDOR SET: 01

FUND : 01 GENERAL FUND

DEPARTMENT: 521 POLICE DEPARTMENT

BANK: OPER

BUDGET TO USE: CB-CURRENT BUDGET

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-012103	LONE STAR UNIFORMS, INC.					
		I-180580	01 -521-0130	WEARING APPAR PD-PATROL UNIFORMS 2ND	117714	35.90
01-013239	MEMORIAL HERMANN HOSPIT					
		I-01306597AHH	01 -521-0530	PROFESSIONAL PD-S/ASSUALT EXAM/K KIM	117720	711.00
01-014026	NATIONAL ASSC. OF TOWN					
		I-14682	01 -521-0150	MINOR TOOLS & PD-NAT'L NIGHT OUT PRODUC	117723	405.70
01-020100	T.M.R.S.					
		I-81010	01 -521-0080	TMRS JULY 2010 CONTRIBUTIONS	117746	16,989.47
01-020602	TOUCAN GRAPHICS					
		I-10684	01 -521-0101	OFFICE SUPPLI 1000 HANG TAG PARKING PERMITS	117751	145.00
01-1	MISC. VENDORS					
	MEMORIAL PATHOLOGY	I-1000563	01 -521-0530	PROFESSIONAL MEMORIAL PATHOLOGY CONS:	117781	107.00
				DEPARTMENT 521 POLICE DEPARTMENT	TOTAL:	18,394.07

PAGE: 9

BANK: OPER

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-001097	ACETYLENE OXYGEN COMPAN					
	I-100120252	01 -522-0114	MEDICAL	OXYGEN TANK RENTAL	117659	21.18
01-013136	MANNY'S UNIFORMS					
	I-11621	01 -522-0130	WEARING APPAR	REPLACEMENT UNIFORMS	117718	431.64
01-015012	O'REILLY AUTOMOTIVE, IN					
	C-393303	01 -522-0150	MINOR TOOLS &	SOCKET RETURNED	117728	9.99-
	C-393303	01 -522-0150	MINOR TOOLS &	SPLITTER	117728	6.99
	I-224695	01 -522-0150	MINOR TOOLS &	1-ANGLE GAUGE SET	117728	36.21
	I-225409	01 -522-0150	MINOR TOOLS &	ANGLE GAUGE, EDGE TRIM	117728	45.98
	I-391340	01 -522-0150	MINOR TOOLS &	1-SPRAY PAINT	117728	5.49
	I-393297	01 -522-0150	MINOR TOOLS &	1- SOCKET	117728	9.99
	I-393480	01 -522-0150	MINOR TOOLS &	REFLECTIVE TAPE	117728	7.38
	I-393668	01 -522-0150	MINOR TOOLS &	3 GAL ANTIFREEZE	117728	35.97
	I-393696	01 -522-0150	MINOR TOOLS &	FUEL HOSE	117728	6.10
01-016110	PADRE ISLAND'S ACE HARD					
	I-064654	01 -522-0150	MINOR TOOLS &	NYLON TWINE	117730	3.79
01-020100	T.M.R.S.					
	I-81010	01 -522-0080	TMRS	JULY 2010 CONTRIBUTIONS	117746	13,570.40
				DEPARTMENT 522	FIRE DEPARTMENT	TOTAL:
						14,171.13

PACKET: 06788 Regular Payments
 VENDOR SET: 01
 FUND : 01 GENERAL FUND
 DEPARTMENT: 532 CODE ENFORCEMENT
 BUDGET TO USE: CB-CURRENT BUDGET

BANK: OPER

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-001129	A & W OFFICE SUPPLY INC					
		I-434536-0	01 -532-0101	OFFICE SUPPLI COPY PAPER	117660	79.31
01-001950	B & N TRACTOR SERVICE					
		I-BN-182	01 -532-0545	LOT MOWING MOWING @ 116 E. SWORDFISH	117670	79.00
		I-BN-183	01 -532-0545	LOT MOWING MOWING:118 E. SWORDFISH	117670	150.00
		I-BN-184	01 -532-0545	LOT MOWING MOWING:105 & 107 E. PIKE	117670	59.00
		I-BN-185	01 -532-0545	LOT MOWING MOWING 109 E. PIKE	117670	34.00
		I-BN-186	01 -532-0545	LOT MOWING MOWING:111 E.PIKE	117670	34.00
01-016110	PADRE ISLAND'S ACE HARD					
		I-063955	01 -532-0105	CHEMICALS PAINT ROLLER, DUSTPAN, BROOM	117730	8.98
01-019644	THE SUPPLIES GUYS					
		I-290731A	01 -532-0101	OFFICE SUPPLI INK TONER FOR DELL COPY MACHIN	117742	85.38
01-020100	T.M.R.S.					
		I-81010	01 -532-0080	TMRS JULY 2010 CONTRIBUTIONS	117746	2,048.72
DEPARTMENT 532 CODE ENFORCEMENT					TOTAL:	2,578.39

8/13/2010 10:32 AM

REGULAR DEPARTMENT PAYMENT REGISTER

PAGE: 11

PACKET: 06788 Regular Payments
VENDOR SET: 01
FUND : 01 GENERAL FUND
DEPARTMENT: 540 FLEET MANAGEMENT
BUDGET TO USE: CB-CURRENT BUDGET

BANK: OPER

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-014030	NAPA AUTO PARTS					
		I-572803	01 -540-0420-02	REPAIRS & MAI 12 QTS OIL & FILTER	117724	50.86
01-015020	OIL PATCH FUEL & SUPPLY					
		I-315286	01 -540-0104	FUELS & LUBRI FUEL DELIVERED 8/03/10	117729	1,321.25
01-019310	SOUTH SHORE AUTOMOTIVE					
		I-3055	01 -540-0420-04	REPAIRS & MAI FLAT REPAIR FORD RANGER	117739	15.00
		I-3107	01 -540-0420-01	REPAIRS & MAI FLAT REPAOR UNIT # C-03	117739	15.00
01-020100	T.M.R.S.					
		I-81010	01 -540-0080	TMRS JULY 2010 CONTRIBUTIONS	117746	734.29
DEPARTMENT 540 FLEET MANAGEMENT TOTAL:						2,136.40

PAGE: 12

BANK: OPER

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-006113	JOE W. FLY CO., INC.					
		I-11191	01 -541-0410	MACHINERY & E FILTER	117694	263.10
01-007600	GULF COAST PAPER CO. IN					
		I-41809	01 -541-0160	LAUNDRY & JAN JANITORIAL SUPPLIES	117701	525.98
		I-44309	01 -541-0411	BUILDINGS & S JANITORIAL SUPPLIES	117701	158.82
		I-44314	01 -541-0411	BUILDINGS & S JANITORIAL SUPPLIES	117701	168.54
01-013111	MARINE ELECTRIC SVC INC					
		I-14432	01 -541-0410	MACHINERY & E A/C FOR TRANSIT OFFICE	117716	250.00
01-016110	PADRE ISLAND'S ACE HARD					
		I-063277	01 -541-0411	BUILDINGS & S AIR FILTERS FOR FIRE DEPT	117730	18.84
		I-063378	01 -541-0411	BUILDINGS & S WOOD STAKES, REPELLANT, TIES	117730	21.98
		I-063670	01 -541-0411	BUILDINGS & S A/C FILTERS, ALUM HAND SKIMMER	117730	10.57
		I-063955	01 -541-0411	BUILDINGS & S PAINT ROLLER, DUSTPAN, BROOM	117730	48.47
01-020016	TERMINIX					
		I-297289342	01 -541-0415	SERVICE CONTR MONTHLY PEST CONTROL 4501	117744	60.00
01-020100	T.M.R.S.					
		I-81010	01 -541-0080	TMRS JULY 2010 CONTRIBUTIONS	117746	770.61
01-020181	THYSSENKRUPP ELEVATOR C					
		I-551145	01 -541-0415	SERVICE CONTR ELEVATOR MAINT.	117750	1,197.00
01-021102	UNIFIRST CORP.					
		I-1844211	01 -541-0130	WEARING APPAR UNIFORMS, ETC	117756	32.29
		I-1844211	01 -541-0160	LAUNDRY & JAN UNIFORMS, ETC	117756	33.49
		I-1846349	01 -541-0130	WEARING APPAR UNIFORMS, ETC	117756	32.29
		I-1846349	01 -541-0160	LAUNDRY & JAN UNIFORMS, ETC	117756	83.20
				DEPARTMENT 541 BUILDING MAINTENANCE	TOTAL:	3,675.18

8/13/2010 10:32 AM

REGULAR DEPARTMENT PAYMENT REGISTER

PAGE: 13

PACKET: 06788 Regular Payments

VENDOR SET: 01

FUND : 01 GENERAL FUND

DEPARTMENT: 542 INSPECTIONS DIVISION

BANK: OPER

BUDGET TO USE: CB-CURRENT BUDGET

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-001211	ALEX AVALOS PRINTING					
		I-8610	01 -542-0101	OFFICE SUPPLI SEVERAL PERMIT FORMS	117664	497.30
01-013403	JUANITA MOTA					
		I-32110	01 -542-0130	WEARING APPAR PURCHASE REIMBURSEMENT	117721	71.00
01-020100	T.M.R.S.					
		I-81010	01 -542-0080	TMRS JULY 2010 CONTRIBUTIONS	117746	1,946.56
DEPARTMENT 542 INSPECTIONS DIVISION					TOTAL:	2,514.86

PACKET: 06788 Regular Payments

VENDOR SET: 01

FUND : 01 GENERAL FUND

DEPARTMENT: 543 PUBLIC WORKS DEPARTMENT

BANK: OPER

BUDGET TO USE: CB-CURRENT BUDGET

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-001090	ACE BOLT & SCREW CO.					
		I-115858-00	01 -543-0150	MINOR TOOLS & MISC. SCREWS, WASHERS, NUTS	117658	93.60
01-001097	ACETYLENE OXYGEN COMPAN					
		I-100137219	01 -543-0510	RENTAL OF EQU CYLINDER RENTAL	117659	21.74
01-001129	A & W OFFICE SUPPLY INC					
		I-434536-0	01 -543-0101	OFFICE SUPPLI COPY PAPER	117660	79.31
01-003704	CAMERON COUNTY					
		I-72310	01 -543-0432	CAUSEWAY LIGH CAUSEWAY LTNG 6/11/10-7/13/10	117681	451.50
01-013114	MATHESON TRI-GAS					
		I-01663548	01 -543-0510	RENTAL OF EQU WELDING SUPPLIES RENTAL	117717	108.02
01-016110	PADRE ISLAND'S ACE HARD					
		I-064340	01 -543-0150	MINOR TOOLS & 1-UTILITY KNIFE	117730	13.49
		I-064521	01 -543-0150	MINOR TOOLS & 7" FOLDING PRUNING SAW	117730	23.99
		I-064649	01 -543-0150	MINOR TOOLS & 2-50' YLLW ROPE	117730	11.98
		I-064694	01 -543-0150	MINOR TOOLS & JIG SAW AND BLADE	117730	122.31
		I-064913	01 -543-0150	MINOR TOOLS & 50ROLLS NAT JUTE TWINE	117730	10.77
01-018058	RELIABLE ELECTRIC CO.					
		I-23367	01 -543-0416	STREETS & RIG EMERGENCY LIGHT REPAIRS	117733	680.00
01-019100	SEA GARDEN SALES					
		I-1345708	01 -543-0150	MINOR TOOLS & SQ TUBING, METAL, PIPE, BOOTS	117735	137.17
		I-1346692	01 -543-0416	STREETS & RIG 5 ROLLS ORANGE BARRICADE FEN	117735	117.80
01-020100	T.M.R.S.					
		I-81010	01 -543-0080	TMRS JULY 2010 CONTRIBUTIONS	117746	6,369.87
01-021102	UNIFIRST CORP.					
		I-1844211	01 -543-0130	WEARING APPAR UNIFORMS, ETC	117756	231.73
		I-1846349	01 -543-0130	WEARING APPAR UNIFORMS, ETC	117756	203.27
01-022184	VASQUEZ AUTO SERVICE					
		I-71810	01 -543-0410	MACHINERY & E LABOR	117761	180.00
		I-71810-1	01 -543-0410	MACHINERY & E A/C REFILL ON SWEEPER	117761	70.00
01-024202	ZIMCO MARINE, INC.					
		I-0061996-IN	01 -543-0150	MINOR TOOLS & 4 EA. GALV. . ROD ,PIPE	117767	18.98
		I-0062026-IN	01 -543-0150	MINOR TOOLS & BLACK STEEL ANGLE	117767	25.68
01-040010	DELTA SPECIALTY SUPPLY					
		I-20067	01 -543-0112	SIGNS STREET SIGNS	117768	1,353.76
		I-20139	01 -543-0112	SIGNS STREET NAME SIGNS	117768	81.52

DEPARTMENT 543 PUBLIC WORKS DEPARTMENT TOTAL: 10,406.49

PACKET: 06788 Regular Payments
 VENDOR SET: 01
 FUND : 01 GENERAL FUND
 DEPARTMENT: 570 GENERAL SERVICES
 BUDGET TO USE: CB-CURRENT BUDGET

BANK: OPER

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-002805	ALLIED WASTE SERVICES #					
		I-0863000387128	01 -570-0581	WATER, SEWER, ROLL-OFF SERVICE- 108 W. RETAM	117677	3,048.41
01-003805	PAUL CUNNINGHAM					
		I-2000159	01 -570-9030	LEGAL SERVICE GENERAL LEGAL SERV JULY2010	117682	8,767.50
01-004231	DIRECT ENERGY					
		I-1074486	01 -570-0580	ELECTRICITY SERVICE THROUGH 7/29/10	117688	19,685.99
01-012071	LAGUNA MDRE WTR DIST NO					
		I-201008102645	01 -570-0581	WATER, SEWER, 80 FT E. NEW CAUSEWAY	117707	271.48
		I-201008102647	01 -570-0581	WATER, SEWER, 600 PADRE BLVD	117707	25.82
		I-201008102648	01 -570-0581	WATER, SEWER, 1313 PADRE BLVD MDN	117707	10.80
		I-201008102649	01 -570-0581	WATER, SEWER, SERV @ 911 PADRE BLVD MDN	117707	10.80
		I-201008102650	01 -570-0581	WATER, SEWER, 1201 PADRE BLVD MDN	117707	10.80
		I-201008102651	01 -570-0581	WATER, SEWER, 1612 PADRE BLVD MDN	117707	11.48
		I-201008102652	01 -570-0581	WATER, SEWER, 2000 PADRE BLVD	117707	10.80
		I-201008102653	01 -570-0581	WATER, SEWER, 2412 PADRE BLVD	117707	10.80
		I-201008102654	01 -570-0581	WATER, SEWER, 2700 PADRE BLVD MDN	117707	10.80
		I-201008102655	01 -570-0581	WATER, SEWER, 3000 PADRE BLVD MDN	117707	10.80
		I-201008102656	01 -570-0581	WATER, SEWER, CRN PADR & TARPON MDN	117707	15.29
		I-201008102657	01 -570-0581	WATER, SEWER, SERV @ 1800 GULF BLVD	117707	269.43
		I-201008102658	01 -570-0581	WATER, SEWER, 2712 PADRE BLVD	117707	10.80
		I-201008102659	01 -570-0581	WATER, SEWER, 3420 GULF BLVD ACCESS 11	117707	109.15
		I-201008102660	01 -570-0581	WATER, SEWER, 104 W. RETAMA ST.	117707	21.86
		I-201008102661	01 -570-0581	WATER, SEWER, 110 E. MORNINGSIDE DR	117707	72.03
		I-201008102662	01 -570-0581	WATER, SEWER, 6100 PADRE BLVD	117707	14.95
		I-201008102664	01 -570-0581	WATER, SEWER, 108 W. HUISACHE ST.	117707	28.91
		I-201008102665	01 -570-0581	WATER, SEWER, 4380 GULF BLVD	117707	10.80
		I-201008102666	01 -570-0581	WATER, SEWER, 4501 PADRE BLVD	117707	154.87
		I-201008102667	01 -570-0581	WATER, SEWER, 4501 PADRE BLVD	117707	60.67
		I-201008102668	01 -570-0581	WATER, SEWER, 4501 PADRE BLVD	117707	49.66
		I-201008102669	01 -570-0581	WATER, SEWER, 4501 PADRE BLVD	117707	171.97
		I-201008102670	01 -570-0581	WATER, SEWER, 4601 PADRE BLVD F/L	117707	50.25
		I-201008102671	01 -570-0581	WATER, SEWER, 4601 PADRE BLVD	117707	810.12
		I-201008102672	01 -570-0581	WATER, SEWER, LAGUNA & VENUS	117707	72.03
01-020047	TML - INTERGOVERNMENTAL					
		I-80110	01 -570-9061	ERRORS & OMIS JUNE 10 REIMB DEDUCT 08FY	117745	933.50
01-021066	ROBINSON, DUFFY & BARNA					
		I-C2010-194	01 -570-9026	APPRAISAL SER Real Estate Appraisal	117753	1,825.00
01-021095	UNITED PARCEL SERVICE					
		I-000034965X320	01 -570-0108	POSTAGE MISC. SHIPPING CHARGES	117755	82.09
01-022000	VALLEY BOTTLE WATER CO.					
		I-790156	01 -570-0581	WATER, SEWER, BOTTLED WATER PUBLIC WORKS	117757	19.25
		I-801055	01 -570-0581	WATER, SEWER, BOTTLED WATER PUBLIC WORKS	117757	48.75

PACKET: 06788 Regular Payments
VENDOR SET: 01
FUND : 01 GENERAL FUND
DEPARTMENT: 570 GENERAL SERVICES
BUDGET TO USE: CB-CURRENT BUDGET

BANK: OPER

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-022000	VALLEY BOTTLE WATER CO.	continued				
	I-801056	01 -570-0581		WATER, SEWER, BOTTLED WATER PUBLIC WORKS	117757	55.25
	I-801057	01 -570-0581		WATER, SEWER, BOTTLED WATER PUBLIC WORKS	117757	22.75
	I-801058	01 -570-0581		WATER, SEWER, BOTTLED WATER FIRE DEPT	117757	35.75
01-023906	XEROX CORPORATION					
	I-049058633	01 -570-0510		RENTAL OF EQU COPIER LEASE PWKS	117766	1,251.15
DEPARTMENT 570 GENERAL SERVICES					TOTAL:	38,082.56

PACKET: 06788 Regular Payments

VENDOR SET: 01

FUND : 01 GENERAL FUND

DEPARTMENT: 572 SPECIAL PROJECTS

BANK: OPER

BUDGET TO USE: CB-CURRENT BUDGET

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-003697 A	CLEAN PORTOCO BRWNSVL					
		I-01-127618-11	01 -572-9177	PARK IMPROVEM PORTA POTTIES: FARMERS MKT	117680	100.00
DEPARTMENT 572 SPECIAL PROJECTS						TOTAL: 100.00

FUND	01	GENERAL FUND			TOTAL:	165,880.58

8/13/2010 10:32 AM

REGULAR DEPARTMENT PAYMENT REGISTER

PAGE: 18

PACKET: 06788 Regular Payments

VENDOR SET: 01

FUND : 02 HOTEL/MOTEL TAX FUND

DEPARTMENT: N/A NON-DEPARTMENTAL

BANK: OPER

BUDGET TO USE: CB-CURRENT BUDGET

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-001287	AMERICAN EXPRESS					
		I-80610	02 -1402	CLEARING AMEX:JULY 2010 MTGS/TRAVEL	117655	4,077.70
				DEPARTMENT	NON-DEPARTMENTAL	TOTAL: 4,077.70

PACKET: 06788 Regular Payments

VENDOR SET: 01

FUND : 02 HOTEL/MOTEL TAX FUND

DEPARTMENT: 590 VISITORS BUREAU

BANK: OPER

BUDGET TO USE: CB-CURRENT BUDGET

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-001210	AIR FILTER COMPANY					
		I-0000050490	02 -590-0411	BUILDINGS & S AIR FILTER SERVICE VISITOR CTR	117663	24.00
01-001215	AIRTECH					
		I-19508	02 -590-0411	BUILDINGS & S REPAIR ON A/C	117665	107.24
01-004231	DIRECT ENERGY					
		I-1074486	02 -590-0580	ELECTRICITY SERVICE THROUGH 7/29/10	117688	1,492.19
01-007600	GULF COAST PAPER CO. IN					
		I-34978	02 -590-0160	LAUNDRY & JAN 1 CS. MANGO AIR FRESHNER	117701	58.91
01-012071	LAGUNA MDRE WTR DIST NO					
		I-201008102646	02 -590-0581	WATER,SEWER & 600 PADRE BLVD	117707	28.91
01-015009	OFFICE EQUIPMENT CO.					
		I-52256	02 -590-0150	MINOR TOOLS & REPAIR OF POSTAGE MACHINE	117727	125.00
01-016110	PADRE ISLAND'S ACE HARD					
		I-064615	02 -590-0411	BUILDINGS & S MASKING TAPE, DUCT TAPE,ETC	117730	14.25
01-020100	T.M.R.S.					
		I-81010	02 -590-0080	TMRS JULY 2010 CONTRIBUTIONS	117746	612.46
01-020104	TEXAS APPROACH/GROUP TE					
		I-45	02 -590-0108	POSTAGE VISITOR INFO REQ. FULFILLMENT	117748	2,466.32
		I-46	02 -590-0108	POSTAGE VISITOR INFO REQ. JULY 2010	117748	5,399.71
01-021095	UNITED PARCEL SERVICE					
		I-0000648239310	02 -590-0108	POSTAGE MISC. SHIPPING CHARGES	117755	30.77
01-023906	XEROX CORPORTATION					
		I-048777891	02 -590-0415	SERVICE CONTR WC7345 PRINTER - V C	117766	543.43
DEPARTMENT 590 VISITORS BUREAU						TOTAL: 10,903.19

PACKET: 06788 Regular Payments

VENDOR SET: 01

FUND : 02 HOTEL/MOTEL TAX FUND

DEPARTMENT: 592 SALES & MARKETING

BANK: OPER

BUDGET TO USE: CB-CURRENT BUDGET

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-001020	DEEONDA AHADI					
	I-73110	02 -592-0535	FAMILIARIZATI MILEAGE AND MISC. REIMBURSE	117657	48.36	
01-001323	AMERICAN SOCIETY OF ASS					
	I-1613311	02 -592-0551	DUES & MEMBER MEMBERSHIP RENEWAL	117666	295.00	
01-011098	DEBORAH LEVIERE					
	I-60410	02 -592-0538	CONVENTION SE MISC. REIMBURSEMENT	117705	13.38	
01-012019	CONNIE LEDBETTER					
	I-72610	02 -592-0550	TRAVEL EXPENS MILEAGE REIMBURSEMENT	117706	860.68	
01-018087	ISLAND GEEK					
	I-1031	02 -592-0530	PROFESSIONAL RETAINER TECH SERVICES	117734	1,500.00	
01-019285	SMITH TRAVEL RESEARCH					
	I-231007	02 -592-0530	PROFESSIONAL DESTINATION REPORTS THRU3/10	117738	4,000.00	
01-020100	T.M.R.S.					
	I-81010	02 -592-0080	TMRS JULY 2010 CONTRIBUTIONS	117746	4,533.44	
			DEPARTMENT 592 SALES & MARKETING	TOTAL:	11,250.86	

8/13/2010 10:32 AM

REGULAR DEPARTMENT PAYMENT REGISTER

PAGE: 21

PACKET: 06788 Regular Payments

VENDOR SET: 01

FUND : 02 HOTEL/MOTEL TAX FUND

DEPARTMENT: 593 EVENTS MARKETING

BANK: OPER

BUDGET TO USE: CB-CURRENT BUDGET

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-020100	T.M.R.S.	I-81010	02 -593-0080	TMRS	JULY 2010 CONTRIBUTIONS	117746 431.12
DEPARTMENT 593 EVENTS MARKETING						TOTAL: 431.12
=====						
FUND	02	HOTEL/MOTEL TAX FUND			TOTAL:	26,662.87

PACKET: 06788 Regular Payments

VENDOR SET: 01

FUND : 06 CONVENTION CENTER FUND

DEPARTMENT: N/A NON-DEPARTMENTAL

BANK: OPER

BUDGET TO USE: CB-CURRENT BUDGET

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-001287	AMERICAN EXPRESS					
		I-80610	06 -1402	CLEARING AMEX:JULY 2010 MTGS/TRAVEL	117655	1,344.99
01-019238	SPI BIKEFEST, INC.					
		I-81210	06 -2420	DEFERRED REVE BIKEFEST 2010 ADVANCE PYMT	117737	6,000.00
				DEPARTMENT	NON-DEPARTMENTAL	TOTAL:
						7,344.99

PACKET: 06788 Regular Payments

VENDOR SET: 01

FUND : 06 CONVENTION CENTER FUND

DEPARTMENT: 565 CONVENTION CENTER OPER

BANK: OPER

BUDGET TO USE: CB-CURRENT BUDGET

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-001014	ADMIRAL LINEN & UNIFORM					
		I-AU73282	06 -565-0160	LAUNDRY & JAN MOPS, AIR FRESHNERS, ETC	117656	43.00
		I-AU73283	06 -565-0510	RENTAL OF EQU MISC. TABLECOVERS	117656	42.10
		I-JL69333	06 -565-0160	LAUNDRY & JAN MOPS, AIR FRESHNERS, ETC	117656	43.00
		I-JL69334	06 -565-0510	RENTAL OF EQU MISC. TABLECOVERS	117656	42.10
01-001142	AT&T GLOBAL SERVICES, I					
		I-SB611085	06 -565-0415	SERVICE CONTR MAINTENANCE PER CONTRACT	117661	189.96
01-002005	BELLA BAGNO, INC.					
		I-116015	06 -565-0160	LAUNDRY & JAN JANITORIAL SUPPLIES	117671	2,519.23
01-004204	DOOR DIRECT					
		I-2431	06 -565-0411	BUILDING & ST REPAIR ON AUTOMATIC DOOR	117686	120.00
01-004231	DIRECT ENERGY					
		I-1074486	06 -565-0580	ELECTRICITY SERVICE THROUGH 7/29/10	117688	30,438.51
01-004283	ECOLAB INC.					
		I-2932906	06 -565-0510	RENTAL OF EQU MACHINE RENTER FEE	117690	137.63
01-007600	GULF COAST PAPER CO. IN					
		I-42293	06 -565-0160	LAUNDRY & JAN JANITORIAL SUPPLIES	117701	302.91
01-011098	DEBORAH LEVIERE					
		I-60410	06 -565-0501	COMMUNICATION MISC. REIMBURSEMENT	117705	54.11
		I-60410	06 -565-0550	TRAVEL EXPENS MISC. REIMBURSEMENT	117705	28.02
		I-72710	06 -565-0176	CONCESSION SU MISC. REIMBURSEMENT	117705	84.55
01-012071	LAGUNA MDRE WTR DIST NO					
		I-201008102663	06 -565-0581	WATER, SEWER 7355 PADRE BLVD	117707	2,512.47
01-013111	MARINE ELECTRIC SVC INC					
		I-11161	06 -565-0411	BUILDING & ST FIRE PUMP CHECKED	117716	75.00
		I-14426	06 -565-0411	BUILDING & ST 2-AUX.CONTACTORS REPLACED	117716	330.00
01-016110	PADRE ISLAND'S ACE HARD					
		I-064679	06 -565-0115	LAMPS & GLOBE FLOUR BULBS, HOSE CLAMP	117730	18.32
		I-064679	06 -565-0150	MINOR TOOLS & FLOUR BULBS, HOSE CLAMP	117730	14.04
01-020100	T.M.R.S.					
		I-81010	06 -565-0080	TMRS JULY 2010 CONTRIBUTIONS	117746	2,761.00
01-020119	TEJAS FIRE SYSTEMS					
		I-16888	06 -565-0415	SERVICE CONTR FIRE EXTINGUISHERS	117749	332.00
01-020816	TROPI TEX					
		I-6163	06 -565-0412	LANDSCAPE MAI FERTILIZED	117752	1,475.00

8/13/2010 10:32 AM

REGULAR DEPARTMENT PAYMENT REGISTER

PAGE: 24

PACKET: 06788 Regular Payments

VENDOR SET: 01

FUND : 06 CONVENTION CENTER FUND

DEPARTMENT: 565 CONVENTION CENTER OPER

BANK: OPER

BUDGET TO USE: CB-CURRENT BUDGET

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-021102	UNIFIRST CORP.					
		I-1844213	06 -565-0130	WEARING APPAR UNIFORMS, FLOOR MATS ETC	117756	87.53
		I-1844213	06 -565-0160	LAUNDRY & JAN UNIFORMS, FLOOR MATS ETC	117756	8.15
		I-1846352	06 -565-0160	LAUNDRY & JAN UNIFORMS, ETC	117756	8.15
		I-1846352	06 -565-0130	WEARING APPAR UNIFORMS, ETC	117756	87.53
01-022000	VALLEY BOTTLE WATER CO.					
		I-080154	06 -565-0581	WATER, SEWER BOTTLED WATER CVB	117757	35.50
01-022184	VASQUEZ AUTO SERVICE					
		I-7710	06 -565-0420	MOTOR VEHICLE REPAIR MASTER CYL. FORD VAN	117761	154.00
01-023100	WHITE LUMBER & SUPPLY I					
		I-135973	06 -565-0401	FURNITURE & F PLASTIC GLASS , HORNET SPRAY	117763	199.89
					DEPARTMENT 565 CONVENTION CENTER OPER TOTAL:	42,143.70

					FUND 06 CONVENTION CENTER FUND TOTAL:	49,488.69

PACKET: 06788 Regular Payments

VENDOR SET: 01

FUND : 30 TRANSPORTAION GRANT

DEPARTMENT: 591 TRANSPORTATION DEPT

BANK: OPER

BUDGET TO USE: CB-CURRENT BUDGET

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-001129	A & W OFFICE SUPPLY INC					
		I-431482-0	30 -591-0101	OFFICE SUPPLI PENS, PADS, HILITER, ETC	117660	132.70
01-001211	ALEX AVALOS PRINTING					
		I-8310	30 -591-0420	MOTOR VEHICLE 500 WAVE WORKORDERS	117664	135.94
01-001359	JESUS ARRIAGA					
		I-80610	30 -591-0550	TRAVEL EXPENS MILEAGE * MISC. REIMBURSE	117668	237.26
01-002196	BLANCO'S DETAILING SERV					
		I-167	30 -591-0420	MOTOR VEHICLE WASH & DETAIL BUSES-10	117674	400.00
		I-169	30 -591-0420	MOTOR VEHICLE WASH & DETAIL BUSES-10	117674	400.00
01-002435	BOGGUS MOTOR COMPANY					
		I-234675	30 -591-0420	MOTOR VEHICLE 1- SENDER	117676	149.99
01-004231	DIRECT ENERGY					
		I-1074486	30 -591-0580	ELECTRICITY SERVICE THROUGH 7/29/10	117688	1,371.47
01-004297	EL NORTE					
		I-485297	30 -591-0533	MARKETING 2 FULL COLOR PAGES	117691	300.00
		I-485298	30 -591-0533	MARKETING 2 FULL COLOR PAGES	117691	300.00
01-006997	G & K SERVICES					
		I-1103457789	30 -591-0130	WEARING APPAR UNIFORMS	117697	104.10
		I-1103460993	30 -591-0130	WEARING APPAR UNIFORMS	117697	102.76
01-012071	LAGUNA MDRE WTR DIST NO					
		I-201008102671	30 -591-0581	WTR/SWR/GARBA 4601 PADRE BLVD	117707	115.73
01-013111	MARINE ELECTRIC SVC INC					
		I-14431	30 -591-0410	MACHINERY & E A/C FOR TRANSIT OFFICE	117716	1,841.51
01-014046	NATIONAL BUS SALES & LE					
		I-210980	30 -591-0420	MOTOR VEHICLE 1-SOLENOID BUS	117725	126.29
01-020100	T.M.R.S.					
		I-81010	30 -591-0080	TMRS JULY 2010 CONTRIBUTIONS	117746	2,222.69
01-021102	UNIFIRST CORP.					
		I-1844211	30 -591-0130	WEARING APPAR UNIFORMS, ETC	117756	11.05
		I-1846349	30 -591-0130	WEARING APPAR UNIFORMS, ETC	117756	11.07
DEPARTMENT 591 TRANSPORTATION DEPT					TOTAL:	7,962.56
FUND 30 TRANSPORTAION GRANT					TOTAL:	7,962.56

PACKET: 06788 Regular Payments

VENDOR SET: 01

FUND : 44 LONG RANGE PLANNING FUND

DEPARTMENT: 572 ** INVALID DEPT **

BANK: OPER

BUDGET TO USE: CB-CURRENT BUDGET

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-008253	HILLCO PARTNERS					
		I-16739	44 -572-0530	PROFESSIONAL 75% PROF SERV FOR AUG 2010	117702	9,375.00
		I-16740	44 -572-0530	PROFESSIONAL 25% PROF SERV.EDC AUG 2010	117702	3,125.00
01-013171	MARLOWE & COMPANY					
		I-10-277-08	44 -572-0530	PROFESSIONAL SERVICES FOR JULY 2010	117719	3,600.00
DEPARTMENT 572 ** INVALID DEPT **					TOTAL:	16,100.00
=====						
FUND 44 LONG RANGE PLANNING FUND TOTAL:						16,100.00

PACKET: 06788 Regular Payments

VENDOR SET: 01

FUND : 50 GENERAL DEBT SERVICE

DEPARTMENT: 567 DEBT SERVICE

BANK: OPER

BUDGET TO USE: CB-CURRENT BUDGET

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-002007	BANK OF AMERICA NA					
		I-1010044928	50 -567-0622	INTEREST EXPE INTEREST PAYMENT	117672	15,036.76
01-002009	THE BANK OF NEW YORK					
		I-71510	50 -567-0652	INTEREST 2005 DEBT SERV. REQUIREMENTS	117673	88,936.88
DEPARTMENT 567 DEBT SERVICE					TOTAL:	103,973.64

FUND 50 GENERAL DEBT SERVICE					TOTAL:	103,973.64

PACKET: 06788 Regular Payments

VENDOR SET: 01

FUND : 60 BEACH MAINTENANCE FUND

DEPARTMENT: 522 BEACH PATROL / PT TIME

BUDGET TO USE: CB-CURRENT BUDGET

BANK: OPER

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-016110	PADRE ISLAND'S ACE HARD					
		I-064278	60 -522-0410	MACHINERY & E 1-QT 10W40 MOTOR OIL	117730	3.29
01-021077	ROBERT'S AUTO REPAIR					
		I-6185	60 -522-0410	MACHINERY & E REPAIRS ON 2007 DODGE PU	117754	103.71
		I-6190	60 -522-0410	MACHINERY & E REPAIR DODGE PU	117754	210.21
01-022182	VALLEY SCOOTERS OF TEXA					
		I-121	60 -522-0410	MACHINERY & E REPAIR OF ATV FOR BEACH PATROL	117759	467.40
		I-123	60 -522-0410	MACHINERY & E EMRG. REPAIR ATV-BEACH PATROL	117759	361.95
01-022183	VALLEY RADIO CENTER					
		I-066483	60 -522-0150	MINOR TOOLS & EMERGENCYREPAI BEACH PATROL	117760	495.00
					DEPARTMENT 522 BEACH PATROL / PT TIME TOTAL:	1,641.56

PAGE: 29

BANK: OPER

FUND	60	BEACH MAINTENANCE FUND	TOTAL:	3,998.45
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PACKET: 06788 Regular Payments

VENDOR SET: 01

FUND : 80 ECONOMIC DEVELOPMENT CORP

DEPARTMENT: N/A NON-DEPARTMENTAL

BANK: OPER

BUDGET TO USE: CB-CURRENT BUDGET

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-001404	ATLAS SCREEN PRINTING					
		I-144453	80 -1401	GIFT SHOP INV EDCSPIBNC:GIFT SHOP ITEMS	117669	792.54
		I-144478	80 -1401	GIFT SHOP INV EDC/SPIBNC:GIFT SHOP ITEMS	117669	58.76
01-002212	BLUE Q					
		I-247321	80 -1401	GIFT SHOP INV EDC/SPIBNC: GIFT SHOP ITEMS	117675	103.83
01-003859	COMMON GROUND DISTRIBUT					
		I-445190	80 -1401	GIFT SHOP INV EDCSPIBNC:GIFT SHOP ITEMS	117683	89.30
01-003867	CREATIVE CO-OP, INC.					
		I-52447050	80 -1401	GIFT SHOP INV EDC/SPIBNC:GIFT SHOP ITEMS	117684	291.50
01-004238	EARTH SUN MOON TRADING					
		I-64402	80 -1401	GIFT SHOP INV EDC/SPIBNC: GIFT SHPO ITEMS	117689	793.61
01-007044	GEOCENTRAL					
		I-5980251-IN	80 -1401	GIFT SHOP INV EDCSPIBNC:GIFT SHOP ITEMS	117698	465.78
01-012097	DARLA LAPEYRE					
		I-81010	80 -1401	GIFT SHOP INV EDC: MISC. REIMBURSEMENT	117713	9.38
01-016182	PEGGY'S TREASURES					
		I-71910-1	80 -1401	GIFT SHOP INV EDC/SPIBNC:INV. ADJ. GIFT SHOP	117732	49.50
01-019100	SEA GARDEN SALES					
		I-1344833	80 -1401	GIFT SHOP INV EDC/SPIBNC:CS. REPELLANT GIFT	117735	159.12
01-019600	STATE COMPTROLLER					
		I-081010	80 -2427	SALES TAX SALES TAX FOR JULY 2010	117740	319.33
		I-081010	80 -48042	MISC. REVENUE	117740	1.60-
		I-081010	80 -48042	MISC. REVENUE SALES TAX FOR JULY 2010	117740	0.03
01-023138	WILD REPUBLIC					
		C-SCM38876	80 -1401	GIFT SHOP INV EDC/SPIBNC: MERCHANDISE RET.	117765	5.00-
		I-SI743688	80 -1401	GIFT SHOP INV EDC/SPIBNC: GIFT SHOP ITEMS	117765	187.70
		I-SI744706	80 -1401	GIFT SHOP INV EDC/SPIBNC:GIFT SHOP ITEMS	117765	33.70
				DEPARTMENT	NON-DEPARTMENTAL	TOTAL:
						3,347.48

PACKET: 06788 Regular Payments

VENDOR SET: 01

FUND : 80 ECONOMIC DEVELOPMENT CORP

DEPARTMENT: 580 EDC

BANK: OPER

BUDGET TO USE: CB-CURRENT BUDGET

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-001335	AnswerONE, L.L.C.					
		I-90767	80 -580-0501	COMMUNICATION EDC:VOICE MAIL 8/01 -8/28/10	117667	23.95
01-003805	PAUL CUNNINGHAM					
		I-2000159	80 -580-0530	PROFESSIONAL GENERAL LEGAL SERV JULY2010	117682	1,645.00
01-009662	JONES & COOK STATIONERS					
		I-3120702-0	80 -580-0101	OFFICE SUPPLI EDC:MISC. OFFICE SUPPLIES	117703	209.06
01-012097	DARLA LAPEYRE					
		I-81010	80 -580-0102	LOCAL METTING EDC: MISC. REIMBURSEMENT	117713	40.00
		I-81010	80 -580-0540	ADVERTISING EDC: MISC. REIMBURSEMENT	117713	219.00
		I-81010	80 -580-0108	POSTAGE EDC: MISC. REIMBURSEMENT	117713	9.28
01-020100	T.M.R.S.					
		I-81010	80 -580-0080	TMRS JULY 2010 CONTRIBUTIONS	117746	482.30
01-1	MISC. VENDORS					
	ANCA	I-20180	80 -580-0540	ADVERTISING ANCA:EDC ONLINE AD FOR MGR	117782	30.00
			DEPARTMENT 580 EDC		TOTAL:	2,658.59

PACKET: 06788 Regular Payments

VENDOR SET: 01

FUND : 80 ECONOMIC DEVELOPMENT CORP

DEPARTMENT: 581 BIRDING CENTER

BANK: OPER

BUDGET TO USE: CB-CURRENT BUDGET

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
01-002805	ALLIED WASTE SERVICES #					
		I-0863000384336	80 -581-0581	WATER, SEWER, EDCSPIBNC: WASTE COLLECTION	117677	78.99
01-004207	DIGITAL OFFICE SYSTEMS					
		I-108723	80 -581-0415	SERVICE CONTR EDCSPIBNC: COPIER MAINT CONT	117687	155.94
01-004231	DIRECT ENERGY					
		I-1074486	80 -581-0580	ELECTRICITY SERVICE THROUGH 7/29/10	117688	2,250.78
01-006162	FLORES LANDSCAPING & GR					
		I-273	80 -581-0415	SERVICE CONTR EDC/SPIBNC:LAWN MAINT AUG	117696	1,412.50
01-007501	GREEN ELECTRICAL SUPPLY					
		I-880910	80 -581-0590	JANITORIAL EDC:REPLACEMENT LAMPS	117700	109.99
01-009662	JONES & COOK STATIONERS					
		I-3119373-0	80 -581-0101	OFFICE SUPPLI	117703	33.46
		I-3120825-0	80 -581-0101	OFFICE SUPPLI EDC:MISC. OFFICE SUPPLIES	117703	10.45
01-009679	JIVE COMMUNICATIONS					
		I-23779	80 -581-0501	COMMUNICATION EDCSPIBNC: PHONES	117704	181.22
01-012071	LAGUNA MDRE WTR DIST NO					
		I-201008122673	80 -581-0581	WATER, SEWER, EDC: 6801 PADRE BLVD IRRIG.	117707	447.34
		I-201008122674	80 -581-0581	WATER, SEWER, EDC:6801 PADRE BLVD	117707	171.97
		I-201008122675	80 -581-0581	WATER, SEWER, EDC: 6801 PADRE BLVD F/L	117707	50.25
01-016110	PADRE ISLAND'S ACE HARD					
		I-064870	80 -581-0590	JANITORIAL EDC:12 FURNACE FILTERS	117730	15.48
01-020100	T.M.R.S.					
		I-81010	80 -581-0080	TMRS JULY 2010 CONTRIBUTIONS	117746	463.03
01-022153	VALLEY SANITARY SUPPLY,					
		I-5145	80 -581-0590	JANITORIAL EDCSPIBNC:JANITORIAL SUPPLIES	117758	33.00
		I-5325	80 -581-0590	JANITORIAL EDCSPIBNC:JANITORIAL SUPPLIES	117758	28.81
01-023083	WELLS FARGO FINANCIAL L					
		I-6745677287	80 -581-0415	SERVICE CONTR EDC/SPIBNC:COPIER LEASE	117762	154.37
DEPARTMENT 581 BIRDING CENTER						TOTAL: 5,597.58
FUND 80 ECONOMIC DEVELOPMENT CORP						TOTAL: 11,603.65

PACKET: 06788 Regular Payments

VENDOR SET: 01

FUND : 85 BIRDING CENTER CONSTRUCTI

DEPARTMENT: 580 ** INVALID DEPT **

BANK: OPER

BUDGET TO USE: CB-CURRENT BUDGET

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-019196	SHAMROCK BUILDERS					
		I-81110	85 -580-1001	BUILDINGS & S EDC; INSTALLATION OF DOOR	117736	74.00
01-019697	SURFSIDE SIGNS & DESIGN					
		I-1089	85 -580-1001	BUILDINGS & S EDC:SIGNS FOR BIRDING CTR	117743	905.17
.						
DEPARTMENT 580 ** INVALID DEPT **					TOTAL:	979.17

FUND	85	BIRDING CENTER CONSTRUCTI	TOTAL:			979.17

PACKET: 06788 Regular Payments

VENDOR SET: 01

FUND : 99 HURRICANE RECOVERY

DEPARTMENT: 599 HURRICANE RECOVERY

BANK: OPER

BUDGET TO USE: CB-CURRENT BUDGET

VENDOR	NAME	ITEM #	G/L ACCOUNT NAME	DESCRIPTION	CHECK#	AMOUNT
=====						
01-002805	ALLIED WASTE SERVICES #					
		I-A121820/A12182A	99 -599-0581	WTR, SWR, & G HURRICAN ALEX	117677	1,070.00
01-023137	WILLIS DEVELOPMENT					
		I-2-1	99 -599-0411-01	BUILD & STRUC POLICE VEHICLE CANOPY	117764	1,710.75
DEPARTMENT 599 HURRICANE RECOVERY					TOTAL:	2,780.75

FUND 99 HURRICANE RECOVERY					TOTAL:	2,780.75
REPORT GRAND TOTAL:						389,430.36

**CITY OF SOUTH PADRE ISLAND
CITY COUNCIL MEETING
AGENDA REQUEST FORM**

MEETING DATE: August 18, 2010

NAME/DEPT.: Larry Homan, Finance Director

ITEM

Approve Tax Collection and Adjustment Report for taxes collected during July 2010.

ITEM BACKGROUND

RECOMMENDATIONS/COMMENTS

BUDGET/FINANCIAL SUMMARY

COMPREHENSIVE PLAN GOAL

COUNCIL ACTION

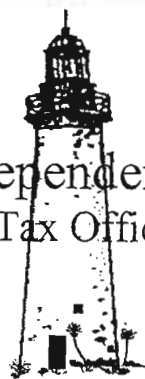
Motion: _____

Second: _____

Vote: Ayes: _____ **Nays:** _____

Abstentions: _____

Point Isabel Independent School District
Tax Office



Filomena Saenz, CTA
Tax Assessor – Collector

101 Port Road
Port Isabel, Texas 78578
Phone: (956) 943 - 0016
(956) 943 - 0017
Fax: (956) 943 - 0014
[Http://www.pi-isd.net](http://www.pi-isd.net)

August 4, 2010

**Mr. Larry Homan, Finance Director
Town of South Padre Island
P.O. Box 3410
South Padre Island, Texas 78597**

Dear Mr. Homan:

**Attached for your verification and presentation to the Board of Aldermen,
please find the Tax Collection and Adjustment Reports for taxes collected
July 1, 2010 through July 31, 2010.**

Respectfully,

**Filomena Saenz, CTA
Tax Assessor-Collector**

**I, the above signed, do certify that the information contained in this report is true and
correct to the best of my knowledge.**

SOUTH PADRE ISLAND
MONTHLY REPORTS

JULY 2010			JULY 2010			JULY 2009		
COLLECTIONS			YTD COLLECTIONS			YTD COLLECTIONS		
CURRENT 2009	\$	52,674.26	CURRENT 2009	\$	5,749,377.16	CURRENT 2008	\$	5,757,589.42
2008 & PRIOR	\$	15,333.41	2008 & PRIOR	\$	199,624.46	2007 & PRIOR	\$	179,673.52
P & I	\$	13,796.32	P & I	\$	128,353.68	P & I	\$	103,616.98
ATTORNEY'S FEE	\$	6,114.86	ATTORNEY'S FEE	\$	39,727.14	ATTORNEY'S FEE	\$	34,857.90
LATE RENDITION	\$	49.03	LATE RENDITION	\$	1,942.33	LATE RENDITION	\$	2,143.33
TOTAL	\$	87,967.88	TOTAL	\$	6,119,024.77	TOTAL	\$	6,077,881.15
DISCOUNTS	\$		DISCOUNTS	\$	(112,656.80)	DISCOUNTS	\$	(105,531.79)

BEGINNING			CURRENT			BALANCE		
BALANCE AS OF			MONTH			AS OF		
1-Oct-09			ADJUSTMENTS			1-Aug-10		
2009 TAX LEVY	\$	5,946,300.31	(642.89)	\$	129,511.77	(52,674.26)	\$	326,434.92
2008 & PRIOR	\$	494,975.56	(135.09)	\$	(6,482.65)	(15,333.41)	\$	288,868.45
TOTAL	\$	6,441,275.87	(777.98)	\$	123,029.12	(68,007.67)	\$	615,303.37

COLLECTIONS	2009 TAX LEVY	\$	5,946,300.31	2008 TAX LEVY	\$	5,944,224.75
PERCENTAGE	COLLECTION	\$	5,749,377.16	COLLECTION	\$	5,757,589.42
			94.63%			94.80%

5-14

TOWN OF SOUTH PADRE ISLAND
YEAR TO DATE FROM OCTOBER 1, 2008 TO SEPTEMBER 30, 2009
COLLECTIONS

MONTH	2009	PRIOR	P & I	DISCOUNT	TOTAL	ATTORNEY'S	LATE RENDITIONS
Oct-09	\$ 2,877,136.91	\$ 39,699.93	\$ 12,437.31	\$ (85,830.24)	\$ 2,843,443.91	\$ 6,740.53	\$ 738.19
Nov-09	\$ 790,380.55	\$ 24,735.58	\$ 6,185.48	\$ (19,609.29)	\$ 801,692.32	\$ 3,925.67	\$ 190.06
Dec-09	\$ 604,056.98	\$ 15,385.18	\$ 8,146.26	\$ (6,604.32)	\$ 620,984.10	\$ 3,469.39	\$ 82.82
Jan-10	\$ 729,921.03	\$ 30,806.84	\$ 11,579.00	\$ (680.33)	\$ 771,626.54	\$ 5,582.30	\$ 135.89
Feb-10	\$ 328,780.45	\$ 17,385.16	\$ 10,697.51	\$ (27.11)	\$ 356,836.01	\$ 2,733.98	\$ 67.59
Mar-10	\$ 122,662.53	\$ 25,669.01	\$ 23,842.53	\$ 36.67	\$ 172,210.74	\$ 5,251.69	\$ 86.25
Apr-10	\$ 94,824.83	\$ 7,713.54	\$ 12,556.49	\$ 1.80	\$ 115,096.66	\$ 1,312.86	\$ 392.82
May-10	\$ 74,367.58	\$ 15,072.30	\$ 15,736.00	\$ 56.39	\$ 105,232.27	\$ 3,217.83	\$ 47.68
Jun-10	\$ 74,572.04	\$ 7,823.51	\$ 13,376.78	\$ (0.37)	\$ 95,771.96	\$ 1,378.03	\$ 200.93
Jul-10	\$ 52,674.26	\$ 15,333.41	\$ 13,796.32	\$ -	\$ 81,803.99	\$ 6,114.86	\$ 49.03
Aug-10							
Sep-10							
TOTAL;	\$ 5,749,377.16	\$ 199,624.46	\$ 128,353.68	\$ (112,656.80)	\$ 5,964,698.50	\$ 39,727.14	\$ 1,942.33

5-15

FISCAL START: 10/01/2009 END: 09/30/2010 JURISDICTION: 0003 TOWN OF SOUTH PADRE ISLAND

YEAR	TAXES DUE	MONTH ADJ	ADJUSTMENT YTD	LEVY PAID	PAID YTD	BALANCE	COLL %	YTD UNCOLL
2009	5,946,300.31	642.89-	129,511.77	52,674.26	5,749,377.16	326,434.92	94.63	0.00
2008	267,856.66	135.09-	6,343.59-	10,966.77	133,386.60	128,126.47	51.01	0.00
2007	92,161.75	.00	0.00	3,667.69	30,899.63	61,262.12	33.53	0.00
2006	38,330.39	.00	139.06-	627.01	13,638.08	24,553.25	35.71	0.00
2005	22,986.36	.00	0.00	71.94	6,737.36	16,249.00	29.31	0.00
2004	9,684.90	.00	0.00	0.00	4,032.29	5,652.61	41.63	0.00
2003	10,880.94	.00	0.00	0.00	2,642.20	8,238.74	24.28	0.00
2002	8,695.39	.00	0.00	0.00	1,836.82	6,858.57	21.12	0.00
2001	4,115.73	.00	0.00	0.00	575.62	3,540.11	13.99	0.00
2000	2,740.44	.00	0.00	0.00	156.94	2,583.50	5.73	0.00
1999	6,014.98	.00	0.00	0.00	1,418.84	4,596.14	23.59	0.00
1998	883.29	.00	0.00	0.00	0.00	883.29	0.00	0.00
1997	1,501.60	.00	0.00	0.00	0.00	1,501.60	0.00	0.00
1996	3,653.07	.00	0.00	0.00	314.04	3,339.03	8.60	0.00
1995	6,588.88	.00	0.00	0.00	1,329.53	5,259.35	20.18	0.00
1994	6,302.40	.00	0.00	0.00	1,329.53	4,972.87	21.10	0.00
1993	6,010.53	.00	0.00	0.00	1,326.98	4,683.55	22.08	0.00
1992	1,669.39	.00	0.00	0.00	0.00	1,669.39	0.00	0.00
1991	208.18	.00	0.00	0.00	0.00	208.18	0.00	0.00
1990	2,953.70	.00	0.00	0.00	0.00	2,953.70	0.00	0.00
1989	127.28	.00	0.00	0.00	0.00	127.28	0.00	0.00
1988	1,609.70	.00	0.00	0.00	0.00	1,609.70	0.00	0.00
***	6,441,275.87	777.98-	123,029.12	68,007.67	5,949,001.62	615,303.37		0.00

5-16

08/03/2010 08:38:36 894629
 TC298-D SELECTION: SYSTEM
 RECEIPT DATE: ALL

TAX COLLECTION SYSTEM
 DEPOSIT DISTRIBUTION
 FROM: 07/01/2010 THRU 07/31/2010
 JURISDICTION: 0003 TOWN OF SOUTH PADRE ISLAND

PAGE: 4
 INCLUDES AG ROLLBACK

YEAR	FUND	TAX RATE	LEVY PAID	DISCOUNT GIVEN	PENALTY INTEREST	TIF AMOUNT	DISBURSE TOTAL	ATTORNEY FEES	REFUND AMOUNT	PAYMENT AMOUNT
2009	M & O	.218400	46,838.74	.00	7,718.45	.00	54,557.19	3,514.63	.00	58,071.82
	I & S	.027210	5,835.52	.00	961.62	.00	6,797.14	.00	.00	6,797.14
	TOTAL	.245610	52,674.26	.00	8,680.07	.00	61,354.33	3,514.63	.00	64,868.96
2008	M & O	.219310	9,792.43	.00	2,950.75	.00	12,743.18	1,800.82	.00	14,544.00
	I & S	.026300	1,174.34	.00	353.85	.00	1,528.19	.00	.00	1,528.19
	TOTAL	.245610	10,966.77	.00	3,304.60	.00	14,271.37	1,800.82	.00	16,072.19
2007	M & O	.216810	3,237.63	.00	1,258.40	.00	4,496.03	636.66	.00	5,132.69
	I & S	.028800	430.06	.00	167.17	.00	597.23	.00	.00	597.23
	TOTAL	.245610	3,667.69	.00	1,425.57	.00	5,093.26	636.66	.00	5,729.92
2006	M & O	.219598	543.99	.00	293.77	.00	837.76	144.84	.00	982.60
	I & S	.033512	83.02	.00	44.83	.00	127.85	.00	.00	127.85
	TOTAL	.253110	627.01	.00	338.60	.00	965.61	144.84	.00	1,110.45
2005	M & O	.230197	65.43	.00	43.18	.00	108.61	17.91	.00	126.52
	I & S	.022913	6.51	.00	4.30	.00	10.81	.00	.00	10.81
	TOTAL	.253110	71.94	.00	47.48	.00	119.42	17.91	.00	137.33
ALL	M & O		60,478.22	.00	12,264.55	.00	72,742.77	6,114.86	.00	78,857.63
ALL	I & S		7,529.45	.00	1,531.77	.00	9,061.22	.00	.00	9,061.22
ALL	TOTAL		68,007.67	.00	13,796.32	.00	81,803.99	6,114.86	.00	87,918.85
DLQ	M & O		13,639.48	.00	4,546.10	.00	18,185.58	2,600.23	.00	20,785.81
DLQ	I & S		1,693.93	.00	570.15	.00	2,264.08	.00	.00	2,264.08
DLQ	TOTAL		15,333.41	.00	5,116.25	.00	20,449.66	2,600.23	.00	23,049.89
CURR	M & O		46,838.74	.00	7,718.45	.00	54,557.19	3,514.63	.00	58,071.82
CURR	I & S		5,835.52	.00	961.62	.00	6,797.14	.00	.00	6,797.14
CURR	TOTAL		52,674.26	.00	8,680.07	.00	61,354.33	3,514.63	.00	64,868.96

5-17

08/03/2010 08:38:52 894626
TC298-R SELECTION: DEPOSIT

TAX COLLECTION SYSTEM
DEPOSIT DISTRIBUTION
RENDITION PENALTY ALLOCATION

FROM: 07/01/2010 THRU 07/31/2010
JURISDICTION: 0003 TOWN OF SOUTH PADRE ISLAND

PAGE: 3
INCLUDES AG ROLLBACK

TU	ACCOUNT	YEAR	TP	DEPOSIT	DEP DATE	RENDTN AMOUNT	PEN INT	ATTORNEY	AGENT	OWNER / AGENT
0003	0001000210843696	2009	OL	100729H1	2010/07/29	41.55	7.48	6.13		SOUTHERN MULTIFO
	ACCOUNT TOTAL					41.55	7.48	6.13		
	2009					41.55	7.48	6.13		
	JURISDICTION TOTAL					41.55	7.48	6.13		
	JURISDICTION FUNDS					49.03	0.00	0.00		

5-18

**CITY OF SOUTH PADRE ISLAND
CITY COUNCIL MEETING
AGENDA REQUEST FORM**

MEETING DATE: August 18, 2010

NAME/DEPT.: Larry Homan, Finance Director

ITEM

Approve the City of South Padre Island's Investment Portfolio Summary for quarter ending June 30, 2010 as prepared by Estrada Hinojosa & Company.

ITEM BACKGROUND

RECOMMENDATIONS/COMMENTS

BUDGET/FINANCIAL SUMMARY

COMPREHENSIVE PLAN GOAL

COUNCIL ACTION

Motion: _____

Second: _____

Vote: Ayes: _____ **Nays:** _____

Abstentions: _____

5-19

City of South Padre Island

INVESTMENT PORTFOLIO SUMMARY

For the Quarter Ended

June 30, 2010

Prepared by

Estrada Hinojosa & Company, Inc.

The investment portfolio of the City of South Padre Island is in compliance with the Public Funds Investment Act and the City's Investment Policy and Strategies.

City Manager

Finance Director

02-5

Strategy Summary:

The Federal Open Market Committee (FOMC) maintained the Fed Funds target at a range between 0.00% and 0.25% and have pledged to continue the current policy for the foreseeable future. Investment Pools and short term investments earn +/-0.20%. The stock market has fallen recently on reoccurring domestic and international economic uncertainty. The rate of growth and resulting employment are the main bond market concerns. The yield curve remains steep, but has fallen to lower yields. Bank deposits still provide the best investment option.

Quarter End Results by Investment Category:

<u>Asset Type</u>	<u>Ave. Yield</u>	June 30, 2010		March 31, 2010	
		<u>Book Value</u>	<u>Market Value</u>	<u>Book Value</u>	<u>Market Value</u>
Bank Deposits	0.94%	\$1,951,030.47	\$1,951,030.47	\$1,913,491.69	\$1,913,491.69
Pools	0.21%	820,470.92	820,470.92	907,067.08	907,067.08
CDs/Securities	1.14%	8,097,004.13	8,097,004.13	9,076,620.98	9,076,620.98
Totals		\$10,868,505.52	\$10,868,505.52	\$11,897,179.75	\$11,897,179.75

Average Yield (1)

Total Portfolio 1.03%

Rolling Three Mo. Treas. Yield
Rolling Six Mo. Treas. Yield

0.15%
0.20%

Fiscal Year-to-Date Average Yield (2)

Total Portfolio 0.73%

Rolling Three Mo. Treas. Yield 0.11%
Rolling Six Mo. Treas. Yield 0.20%
Average Quarter End TexPool Yield 0.19%

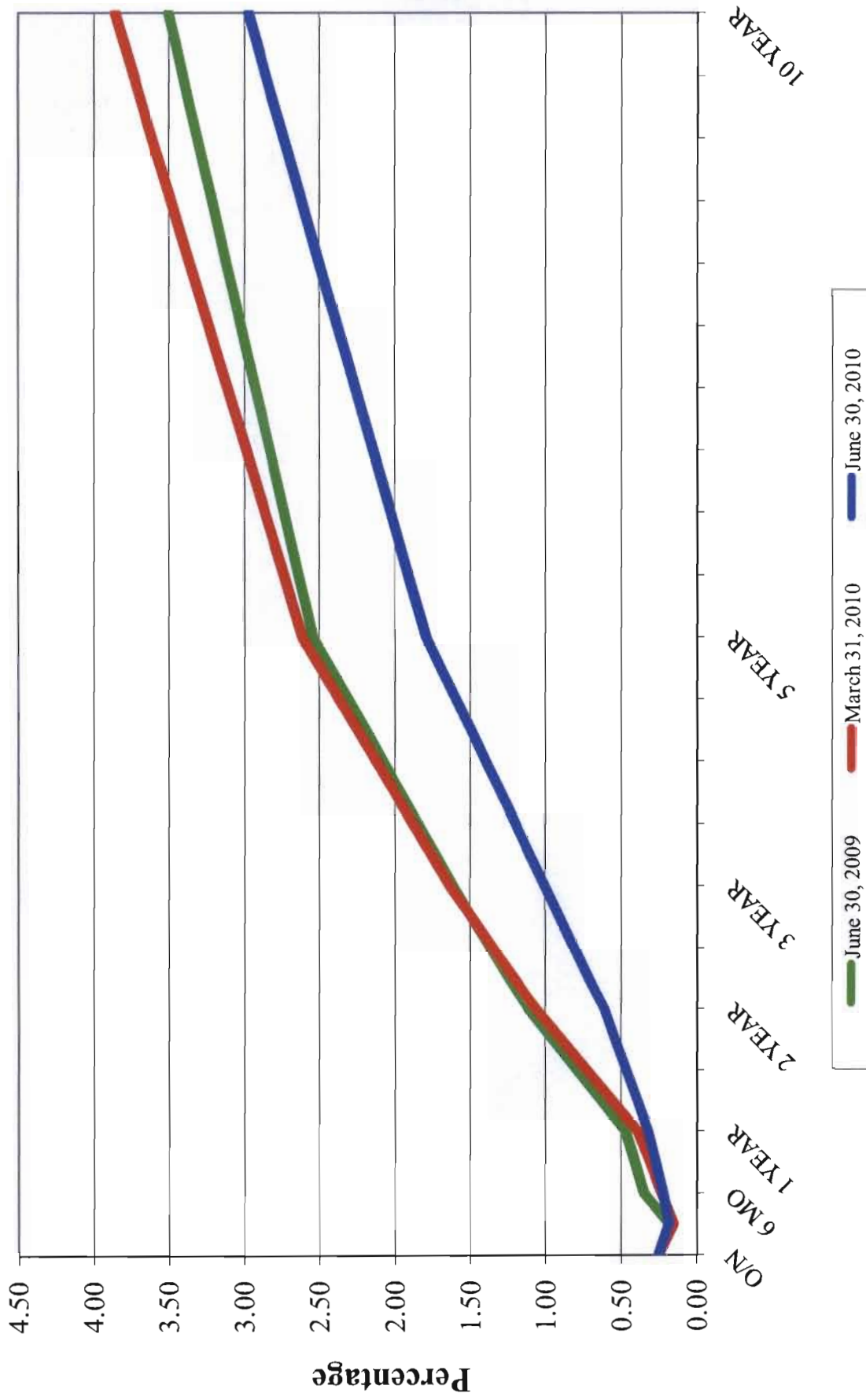
Interest Income (unaudited)

This Quarter \$41,285.46
Fiscal Year to Date \$88,153.43

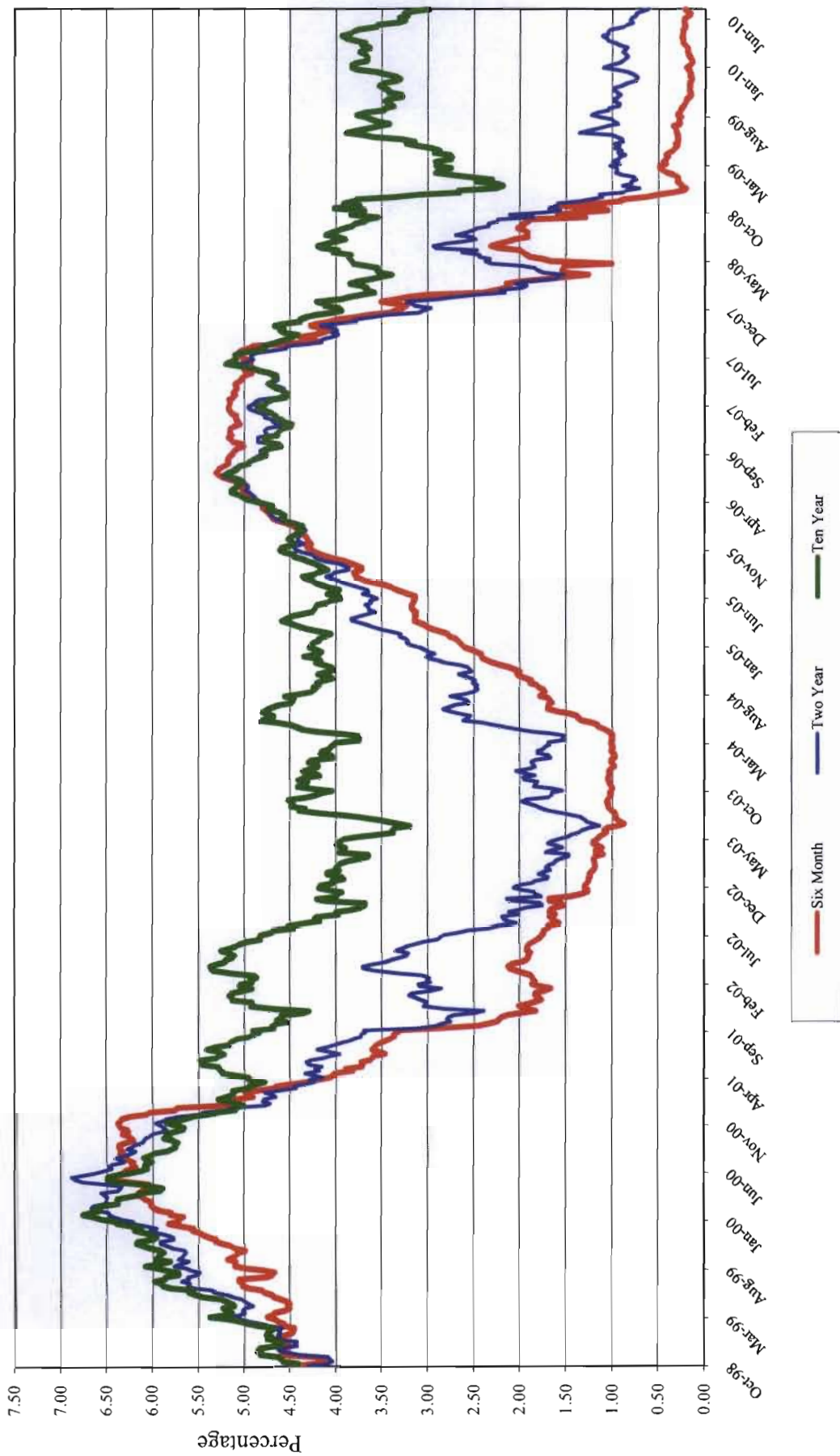
(1) Average Yield calculated using quarter end report yields and adjusted book values and does not reflect a total return analysis or account for advisory fees.

(2) Fiscal Year-to-Date Average Yields calculated using quarter end report yields and adjusted book values and does not reflect a total return analysis or account for advisory fees.

Treasury Yield Curves

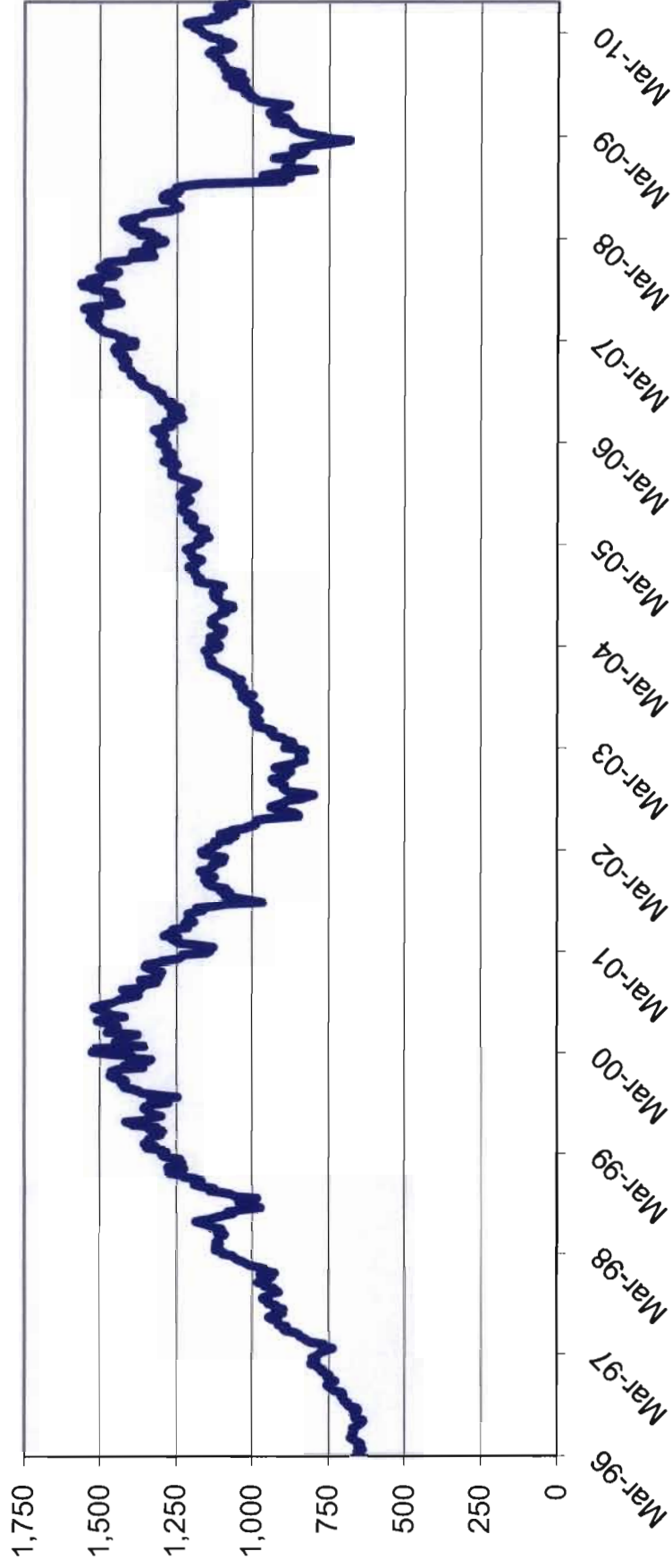


US Treasury Historical Yields



30.5

S&P 500



Holdings June 30, 2010

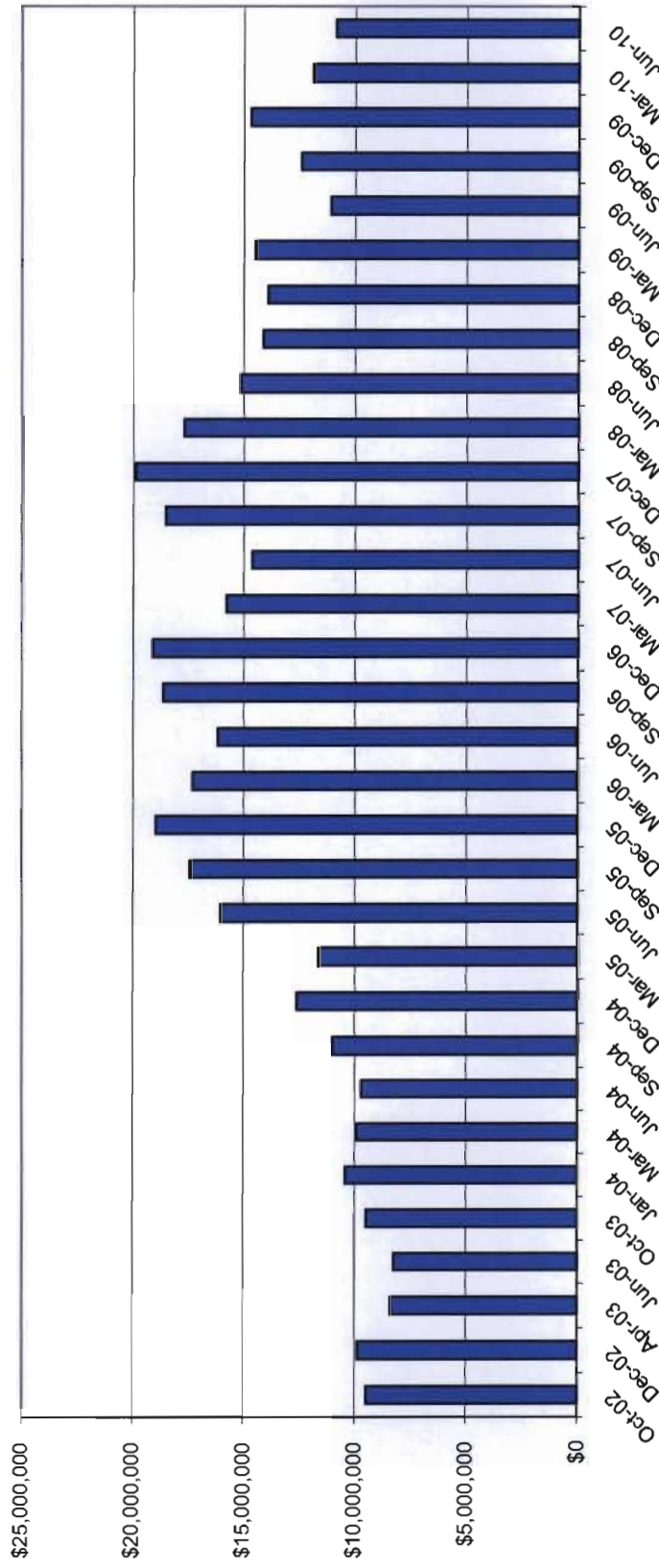
Security Description	Rating	Coupon/ Discount	Maturity Date	Settlement Date	Par Value	Book Value	Market Price	Market Value	Life (days)	Yield
IBC (3)		0.59%	7/1/2010	6/30/2010	865,359.30	\$865,359.30	1.00	\$865,359.30	1	0.59%
FNB (3)		0.82%	7/1/2010	6/30/2010	83,632.20	83,632.20	1.00	83,632.20	1	0.82%
SPB MMA (3)		1.25%	7/1/2010	6/30/2010	1,002,038.97	1,002,038.97	1.00	1,002,038.97	1	1.25%
TexasDAILY	AAA	0.21%	7/1/2010	6/30/2010	113,517.10	113,517.10	1.00	113,517.10	1	0.21%
TexPool	AAA	0.21%	7/1/2010	6/30/2010	706,953.82	706,953.82	1.00	706,953.82	1	0.21%
BBVA CD		1.30%	8/31/2010	9/1/2009	2,021,772.06	2,021,772.06	100.00	2,021,772.06	62	1.30%
SPB CD		1.26%	9/18/2010	3/17/2010	1,000,000.00	1,000,000.00	100.00	1,000,000.00	80	1.26%
IBC CD		0.75%	9/23/2010	3/8/2010	3,006,534.01	3,006,534.01	100.00	3,006,534.01	85	0.75%
LSNB CD		1.21%	11/24/2010	11/24/2009	527,999.22	527,999.22	100.00	527,999.22	147	1.21%
Comerica CD		1.67%	3/10/2011	9/10/2009	1,011,520.15	1,011,520.15	100.00	1,011,520.15	253	1.67%
LSNB CD		1.40%	3/15/2011	9/15/2009	529,178.69	529,178.69	100.00	529,178.69	258	1.40%
					10,868,505.52	\$10,868,505.52				
							(1)	(2)	86	1.03%

(1) **Weighted average life** - For purposes of calculating weighted average life bank, pool, and money market balances are assumed to have a one day maturity.

(2) **Weighted average yield to maturity** - The weighted average yield to maturity is based on adjusted book value, realized and unrealized gains/losses and investment advisory fees are not considered. The yield for the reporting month is used for bank, pool, and money market balances.

(3) **Bank account yields estimated.**

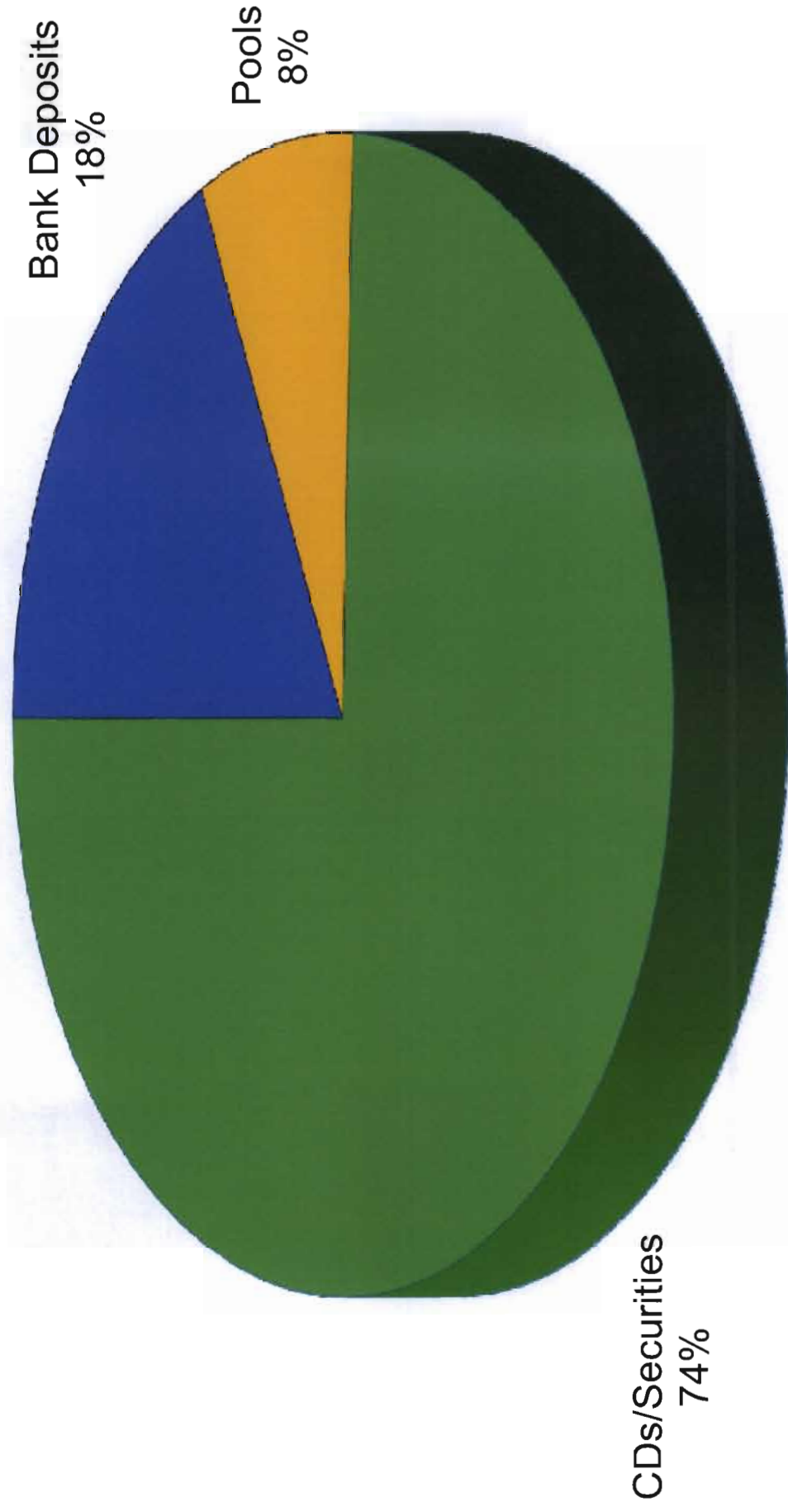
Total Portfolio



■ Quarter End Book Value

92-5

Portfolio Composition



6-5

Book Value Comparison

Security Description	Coupon/ Discount	Maturity Date	Settlement Date	March 31, 2010			June 30, 2010		
				Par Value	Book Value	Purchases/ Accruals	Sales/ Maturities	Par Value	Book Value
IBC	0.59%	7/1/2010	6/30/2010	1,830,021.25	1,830,021.25		(964,661.95)	865,359.30	865,359.30
FNB	0.82%	7/1/2010	6/30/2010	83,470.44	83,470.44	161.76		83,632.20	83,632.20
SPB MMA	1.25%	7/1/2010	6/30/2010			1,002,038.97		1,002,038.97	1,002,038.97
TexasDAILY	0.21%	7/1/2010	6/30/2010	113,460.79	113,460.79	56.31		113,517.10	113,517.10
TexPool	0.21%	7/1/2010	6/30/2010	793,606.29	793,606.29		(86,652.47)	706,953.82	706,953.82
SPB CD	0.75%	4/17/2010	3/17/2010	500,000.00	500,000.00		(500,000.00)		
SPB CD	1.00%	5/17/2010	3/17/2010	500,000.00	500,000.00		(500,000.00)		
BBVA CD	1.30%	8/31/2010	9/1/2009	2,015,230.03	2,015,230.03	6,542.03		2,021,772.06	2,021,772.06
SPB CD	1.26%	9/18/2010	3/17/2010	1,000,000.00	1,000,000.00			1,000,000.00	1,000,000.00
IBC CD	0.75%	9/23/2010	3/8/2010	3,000,000.00	3,000,000.00	6,534.01		3,006,534.01	3,006,534.01
LSNB CD	1.21%	11/24/2010	11/24/2009	526,180.73	526,180.73	1,818.49		527,999.22	527,999.22
Comerica CD	1.67%	3/10/2011	9/10/2009	1,007,594.23	1,007,594.23	3,925.92		1,011,520.15	1,011,520.15
LSNB CD	1.40%	3/15/2011	9/15/2009	527,615.99	527,615.99	1,562.70		529,178.69	529,178.69
TOTAL				11,897,179.75	11,897,179.75	\$1,022,640.19	(\$2,051,314.42)	\$10,868,505.52	\$10,868,505.52

5-28

Market Value Comparison

Security Description	Coupon/ Discount	Maturity Date	March 31, 2010			June 30, 2010		
			Par Value	Market Price	Market Value	Qtr-to-Qtr Change	Par Value	Market Price
IBC	0.59%	7/1/2010	1,830,021.25	1.00	1,830,021.25	(964,661.95)	865,359.30	1.00
FNB	0.82%	7/1/2010	83,470.44	1.00	83,470.44	161.76	83,632.20	1.00
SPB MMA	1.25%	7/1/2010				1,002,038.97	1,002,038.97	1.00
TexasDAILY	0.21%	7/1/2010	113,460.79	1.00	113,460.79	56.31	113,517.10	1.00
TexPool	0.21%	7/1/2010	793,606.29	1.00	793,606.29	(86,652.47)	706,953.82	1.00
SPB CD	0.75%	4/17/2010	500,000.00	100.00	500,000.00	(500,000.00)		
SPB CD	1.00%	5/17/2010	500,000.00	100.00	500,000.00	(500,000.00)		
BBVA CD	1.30%	8/31/2010	2,015,230.03	100.00	2,015,230.03	6,542.03	2,021,772.06	100.00
SPB CD	1.26%	9/18/2010	1,000,000.00	100.00	1,000,000.00	-	1,000,000.00	100.00
IBC CD	0.75%	9/23/2010	3,000,000.00	100.00	3,000,000.00	6,534.01	3,006,534.01	100.00
LSNB CD	1.21%	11/24/2010	526,180.73	100.00	526,180.73	1,818.49	527,999.22	100.00
Comerica CD	1.67%	3/10/2011	1,007,594.23	100.00	1,007,594.23	3,925.92	1,011,520.15	100.00
LSNB CD	1.40%	3/15/2011	527,615.99	100.00	527,615.99	1,562.70	529,178.69	100.00
TOTAL			11,897,179.75		11,897,179.75	(\$1,028,674.23)	\$10,868,505.52	
							\$10,868,505.52	

Fund Allocation **June 30, 2010**

Book & Market Value	Consolidated/ Operating	Payroll	Police Forfeiture	EDC	EDC Debt Reserve	Totals
IBC	\$340,416.82	\$5,597.28	\$11,103.03	\$73,009.36	\$435,232.81	865,359.30
FNB	83,632.20					83,632.20
SPB MMA	1,002,038.97					1,002,038.97
TexasDaily	113,517.10					113,517.10
TexPool	674,808.63			32,145.19		706,953.82
8/31/2010	\$2,021,772.06					2,021,772.06
9/18/2010	\$1,000,000.00					1,000,000.00
9/23/2010	\$3,006,534.01					3,006,534.01
11/24/2010	527,999.22					527,999.22
3/10/2011	\$1,011,520.15					1,011,520.15
3/15/2011	529,178.69					529,178.69
Totals	\$10,311,417.85	\$5,597.28	\$11,103.03	\$105,154.55	\$435,232.81	\$10,868,505.52

5-30

Fund Allocation

March 31, 2010

Book Value	Consolidated/ Operating	Payroll	Police Forfeiture	EDC	EDC Debt Reserve	Totals
IBC	1,285,376.74	26,051.58	11,086.94	72,903.60	434,602.39	1,830,021.25
FNB	83,470.44					83,470.44
TexasDaily	113,460.79					113,460.79
TexPool	674,488.25			119,118.04		793,606.29
4/17/2010	500,000.00					500,000.00
5/17/2010	500,000.00					500,000.00
8/31/2010	2,015,230.03					2,015,230.03
9/18/2010	1,000,000.00					1,000,000.00
9/23/2010	3,000,000.00					3,000,000.00
11/24/2010	526,180.73					526,180.73
3/10/2011	1,007,594.23					1,007,594.23
3/15/2011	527,615.99					527,615.99
Totals	\$11,233,417.20	\$26,051.58	\$11,086.94	\$192,021.64	\$434,602.39	\$11,897,179.75

Market Value	Consolidated/ Operating	Payroll	Police Forfeiture	EDC	EDC Debt Reserve	Totals
IBC	1,285,376.74	26,051.58	11,086.94	72,903.60	434,602.39	1,830,021.25
FNB	83,470.44					83,470.44
TexasDaily	113,460.79					113,460.79
TexPool	674,488.25			119,118.04		793,606.29
4/17/2010	500,000.00					500,000.00
5/17/2010	500,000.00					500,000.00
8/31/2010	2,015,230.03					2,015,230.03
9/18/2010	1,000,000.00					1,000,000.00
9/23/2010	3,000,000.00					3,000,000.00
11/24/2010	526,180.73					526,180.73
3/10/2011	1,007,594.23					1,007,594.23
3/15/2011	527,615.99					527,615.99
Totals	\$11,233,417.20	\$26,051.58	\$11,086.94	\$192,021.64	\$434,602.39	\$11,897,179.75

5-31

Disclaimer

These reports were compiled using information provided by the City. No procedures were performed to test the accuracy or completeness of this information. The market values included in these reports were obtained by Estrada Hinojosa & Company, Inc. from sources believed to be accurate and represent proprietary valuation. Due to market fluctuations these levels are not necessarily reflective of current liquidation values. Yield calculations are not determined using standard performance formulas, are not representative of total return yields, and do not account for investment advisor fees.

5-32

**CITY OF SOUTH PADRE ISLAND
CITY COUNCIL MEETING
AGENDA REQUEST FORM**

MEETING DATE: August 18, 2010

NAME/DEPT.: Reuben Trevino, Coastal Resources Manager

ITEM

Discussion and Action to Approve the submission of the 2009-2010 Cameron County CIAP grant application and authorizing a designated official to execute all documents and application forms on behalf of the City of South Padre Island.

ITEM BACKGROUND

The Cameron County Coastal Impact Assistance Program 2009-2010 is now available. The Cameron County Coastal Task Force Cameron County will be receiving a combined \$1,393,313.00 (FY 2009 - \$700,249 & FY 2010 - \$693,064). All applications must be completed by August 31, 2010. Staff will be submitting one application for the large scale South Padre Island Beach and Dune Restoration requesting \$250,000.

RECOMMENDATIONS/COMMENTS

Staff recommends submission of this grant.

BUDGET/FINANCIAL SUMMARY

The financial summary for this project is below it shows both committed funds and funds that are being sought after to complete the project.

CIAP 2009-2010 (County) - \$250,000 (seeking)

City of South Padre Island - \$1,220,185(committed)

- Funds consist of \$1,000,000 in funding for sand and \$220,185 in inkind services consisting of completed design surveys, final design documents (plans, and specifications), and finalized permitting of the proposed project

CIAP 2008 (State) - \$2,500,000 (committed)

CIAP 2008 (County) - \$500,000 (committed)

5-33

CIAP 2009-2010 (State) - \$3,500,000 (seeking)
CEPRA Cycle VII - \$3,000,000 (seeking)

COMPREHENSIVE PLAN GOAL

Chapter 5 – Protection and enhancement of the beach and dunes

5.6 Establish or strengthen an ongoing, regular dune maintenance program. Continue to leverage access to State and Federal funds to continuously sustain this activity.

COUNCIL ACTION

Motion: _____

Second: _____

Vote: Ayes: _____ **Nays:** _____

Abstentions: _____

**CITY OF SOUTH PADRE ISLAND
CITY COUNCIL MEETING
AGENDA REQUEST FORM**

MEETING DATE: August 18, 2010

NAME/DEPT.: Larry Homan, Finance Director

ITEM

Discussion and action to approve a budget adjustment in the Debt Service Fund for payment of the Interest on the 2009 General Obligation Refunding Bonds.

ITEM BACKGROUND

The 2009 General Obligation Refunding Bonds were used to retire the 2002 Series Combination Tax and Revenue Refunding Bonds. The refunding was authorized by City Council and took place on December 16, 2009. The Convention Center Fund 2010 budget contains amounts adequate to cover the transfer to the Debt Service Fund of the amount needed for the debt service payments. The Debt Service Fund 2009 budget mistakenly did not include the appropriation to make the payment of \$5,000 as well as recognize the transfer from the Convention Center.

RECOMMENDATIONS/COMMENTS

It is important to note that the ultimate source of this payment is from the Convention Center Fund and that the money has been transferred into the Debt Service Fund. Staff is requesting the appropriation in the form of a budget amendment to expend the \$5,000. Staff therefore recommends an increase in expenditure authority in line item 50-567-0622 from \$53,413 to \$58,413 and the receipt of \$5,000 in line item 50-49090.

BUDGET/FINANCIAL SUMMARY

The budgetary/financial

COMPREHENSIVE PLAN GOAL

COUNCIL ACTION

Motion: _____

Second: _____

Vote: Ayes: _____ **Nays:** _____

Abstentions: _____

5-35

**CITY OF SOUTH PADRE ISLAND
CITY COUNCIL MEETING
AGENDA REQUEST FORM**

MEETING DATE: August 18, 2010

NAME/DEPT.: JoAnn Evans, Council Member

ITEM

Approve request for excused absence from the August 11, 2010 Special Meeting.

ITEM BACKGROUND

RECOMMENDATIONS/COMMENTS

BUDGET/FINANCIAL SUMMARY

COMPREHENSIVE PLAN GOAL

COUNCIL ACTION

Motion: _____

Second: _____

Vote: Ayes: _____ **Nays:** _____

Abstentions: _____

5-36

**CITY OF SOUTH PADRE ISLAND
CITY COUNCIL MEETING
AGENDA REQUEST FORM**

MEETING DATE: August 18, 2010

NAME/DEPT.: Sam Listi, Council Member

ITEM

Approve request for excused absence from the August 25, 2010 Special Meeting.

ITEM BACKGROUND

RECOMMENDATIONS/COMMENTS

BUDGET/FINANCIAL SUMMARY

COMPREHENSIVE PLAN GOAL

COUNCIL ACTION

Motion: _____

Second: _____

Vote: Ayes: _____ **Nays:** _____

Abstentions: _____

537

**CITY OF SOUTH PADRE ISLAND
CITY COUNCIL MEETING
AGENDA REQUEST FORM**

MEETING DATE: August 18, 2010

NAME/DEPT.: Gavino Sotelo, General Manager – Laguna Madre Water District

ITEM

Presentation by the Laguna Madre Water District on capital needs and information on the upcoming Bond Election.

ITEM BACKGROUND

RECOMMENDATIONS/COMMENTS

BUDGET/FINANCIAL SUMMARY

COMPREHENSIVE PLAN GOAL

COUNCIL ACTION

Motion: _____

Second: _____

Vote: Ayes: _____ **Nays:** _____

Abstentions: _____

Capital Needs FY 2010-2015

Laguna Madre Water District

City of South Padre Island, Texas
2010 Bond Election
August 18, 2010



LAGUNA MADRE WATER DISTRICTS - WATER										
CAPITAL IMPROVEMENT PROJECTS - WATER										
No.	PROJECT DESCRIPTION	Age	FISCAL YEARS				FUNDING SOURCES			
			FY 10-11	NOTE	FY11-12	NOTE	FY12-15	TOTALS	REV. BOND	LOCAL REV. TAX BOND GRANT
1	RAW WATER TRANSMISSION River Pump Station	24					\$1,500,000	\$1,500,000		
2	Raw Water 36-inch line						\$8,954,000	\$8,954,000		
3	Cuates Transmission Main (a)				\$13,840,660			\$13,840,660		
	Pump Station Replacement (b)				\$1,833,363			\$1,833,363		
4	WATER TREATMENT Water Plant No.2	22								
	Chlorine Bldg. (Jlb Crane)		\$20,000					\$20,000		
	Rehab Clarifiers				\$1,500,000			\$1,500,000		
	Chemical feed System						\$250,000	\$250,000		
	Filtration System				\$3,000,000			\$3,000,000		
	Raw Water Pump Station						\$300,000	\$300,000		
	Transfer Pump Station						\$300,000	\$300,000		
	Sludge Lagoon		\$250,000	C				\$250,000		
5	Microfiltration				\$6,000,000			\$6,000,000		
6	Water Plant No.1									
	High Service PS						\$100,000	\$100,000		
	Hydraulic Improv						\$150,000	\$150,000		
	Clear Well Improv						\$1,500,000	\$1,500,000		
	Raw Water Pump						\$150,000	\$150,000		
	Clarifier Improvements						\$150,000	\$150,000		
	Rapid Mix Improve						\$600,000	\$600,000		
	Water Distribution									
7	Water Main Replacement				\$183,750		\$7,500,000	\$7,683,750		
8	Laguna Heights Imp		\$14,000					\$14,000		
9	HWY 100 & 510 Line Replacement		\$64,104					\$64,104		
10	Queen Isabella Causeway		\$25,000					\$25,000		
11	Water Valve Replacement				\$90,000		\$320,000	\$410,000		
12	Ground Water Tanks Rehabilitation				\$1,500,000		\$2,500,000	\$4,000,000		
13	Elevated Water Towers Huisache		\$95,234	A				\$95,234		
	Laguna Vista		\$277,950	A				\$277,950		
	AB, LH, & PL				\$1,313,410	B		\$1,313,410		
	TOTALS		\$746,288		\$29,261,183		\$24,274,000	\$54,281,471		

References:

- 2004 Comprehensive Plan for W & WW facilities (NRS Consulting Engineers)
- 2008 Asset Mgt. Plan (Alan Plummer Associates Inc.)

Notes

- A Huisache, & Laguna Vista Water Towers
- B Andy Bowie, Laguna Heights, Port Isabel Water Towers
- C \$77,000 available from USDA Grant

LAGUNA MADRE WATER DISTRICT											
CAPITAL IMPROVEMENT PROJECTS - WASTEWATER											
No.	PROJECT DESCRIPTION	Age	FISCAL YEARS				NOTES	FY12-15	Local	Revenue	Grant
			FY 10-11	NOTES	FY11-12	NOTES					
	WW- TREATMENT PLANTS										
	Port Isabel WWTP	34									
	Andy Bowie WWTP	34									
	Isla Blanca WWTP	34									
	COLLECTION										
14	Sewage Lift Stations				\$ 150,000						\$ 150,000
15	Lift Station No. 11		\$ 499,534								\$ 499,534
16	Sewage Main Rehabilitation		\$ 80,000		\$ 160,000			\$3,750,000			\$ 3,990,000
17	Manhole Rehabilitation		\$ 100,000		\$ 250,000			\$ 250,000			\$ 600,000
	TOTALS		679,534		560,000			4,000,000			\$ 5,239,534

LAGUNA MADRE WATER DISTRICT									
CAPITAL IMPROVEMENT PROJECTS - W & WW									
No.	PROJECT DESCRIPTION	FY 10-15	Construction Start Date					2015	
			2011	2012	2013	2014	2015		
	RAW WATER TRANSMISSION	TOTALS							
	a) Cuates Transmission Main \$5,608,524		July						
1	b) Pump Station Replacement \$1,508,808	\$7,117,332		May					
	WATER TREATMENT								
	Water Plant No.2								
2	Microfiltration	\$6,088,675	July						
	W, WW, & Reuse								
3	W, WW Line Replacement & Reuse	\$7,800,000	July						
	New Source of Water								
4	Seawater Desalination	\$13,798,850							
	TOTALS	\$34,804,857							



6-5

6-6

Funding

\$ 39,300,000

- Present Tax Rate at \$ 0.0808
- Tax Rate Needed to fund Bond Issue
\$ 0.0808
- No Change

2010 BOND ELECTION TIMETABLE OF EVENTS	
Events	November Election Dates
Pass Order Calling Bond Election	Tuesday, August 24, 2010
Delivery Notice of Election to County Clerk	Friday, September 3, 2010
Pass Notice of Election	Tuesday, October 12, 2010
Projected Receipt of Preclearance From U.S Department of Justice	Monday, October 18, 2010
Early Voting Begins	Monday, October 18, 2010
Publish Notice of Election in English and Spanish	Monday, October 18, 2010
Early Voting Ends	Friday, October 29, 2010
Election Day	Tuesday, November 2, 2010
Canvass Election Return	Monday, November 15, 2010
LMWD files Bond Application with TCEQ	November 16, 2010
End of Election Contest Period	30 days after canvassing.
Bonds Sale	February 2011

**SOUTH PADRE ISLAND
CITY COUNCIL MEETING
AGENDA REQUEST FORM**

MEETING DATE: August 18, 2010

NAME/DEPT.: Courtney Hayden, Council Member

ITEM

Discussion and action to name the Kemps Ridley Sea Turtle as the mascot of the City of South Padre Island.

ITEM BACKGROUND

Every spring and summer, we know our island is the nesting place for Kemps Ridley Sea Turtles. Dozens of volunteers patrol the beaches so that their eggs can be gathered and protected until they hatch. We take steps to let visitors know about the importance of these turtles and seek their cooperation in reporting nesting sites. When the turtles emerge from their shells, hundreds of people show up to witness their race into the water of the Gulf of Mexico to attempt their dangerous journey, but somehow, those who survive are drawn back to our Island to continue their cycle of life.

Through the efforts of the Ila Loetscher, the "Turtle Lady" for many years, and the continuing efforts of Sea Turtle, Inc. much work has been done to create a safe haven here for these remarkable turtles, the smallest of the marine variety. We strive to protect them, and they show their thanks by bringing entertainment and education to ourselves and our visitors.

It seems fitting that we now recognize this amazing animal as our City mascot, and encourage local businesses to develop means of further emphasizing the Kemps Ridley Sea Turtle to our residents and our tourists.

RECOMMENDATIONS/COMMENTS

BUDGET/FINANCIAL SUMMARY

None

COMPREHENSIVE PLAN GOAL

COUNCIL ACTION

Motion: _____

Second: _____

Vote: Ayes: _____ **Nays:** _____

Abstentions: _____

**CITY COUNCIL MEETING
CITY OF SOUTH PADRE ISLAND
AGENDA REQUEST FORM**

MEETING DATE: August 18, 2010

NAME/DEPT.: Burney Baskett, Fire Chief

ITEM

Discussion and action on submitted cost estimation for the construction of a Fire Station in accordance to specifications provided by the City's selected Architectural firm (BRW).

Your packet contains:

- a summary sheet with cost estimates for 3 options (complete, 3rd floor shell, 2 story)
- Detailed cost listing for each of the 3 options (7 pages each)
- Construction plans review and a construction schedule

ITEM BACKGROUND

The City of South Padre Island had requested SpawGlass provide cost estimation services. Estimate includes all costs to complete and activate the station.

RECOMMENDATIONS/COMMENTS

Direction from Council

BUDGET/FINANCIAL SUMMARY

Proposed Total Cost: \$4,822,807 -- Funding to be determined by Council

COMPREHENSIVE PLAN GOAL

6.J. Continue to support the needs of the Public Works, Police and Fire Departments to ensure adequate protection of the population

6.19 Plan and budget for additional fire and police staffing and the requisite vehicles, equipment, and facilities.

COUNCIL ACTION

Motion: _____

Second: _____

Vote: Ayes: _____ **Nays:** _____

Abstentions: _____

6-1



August 12, 2010

Project: Fire Station No. 1

Client: South Padre Island Fire Department

Address: 110 West Padre Blvd

South Padre Island, TX 78597

Subject: Budget pricing for the new Fire Station

Attention: Chief Burney Baskett

South Padre Island Fire Department

Estimator: Farid (Fred) Ehsai, P.E.

Senior Estimator, SpawGlass Contractors Inc.

Tel: 956-412-9880 Cell: 956-535-2496

Email: fred.ehsai@spawglass.com

Contents

1. Cover sheet
2. Estimate recap for three options
 - Option-1: Complete finish out
 - Option-2: Shell 3rd floor
 - Option-3: Delete 3rd floor
3. Estimate detail for three options
4. Constructability review comments
5. Preliminary Schedule based on assumed start date

SpawGlass Contractors, Inc.

4909 Cap. Grimes, Suite 1116

Haltom City, Texas 76117

956-412-9880

Fax 956-412-3581

www.spawglass.com



SpawGlass Contractors, Inc.

South padre Island Fire Station

South Padre Island, Texas

Three options shown

Preliminary budget est Based on 50% CD Doc's

Estimate date: August 12, 2010

Estimator: Fred Ehsai, P.E.

		Option-1 complete Finish out		Option-2 Shell 3rd floor		Option-3 Delete 3rd floor	
		\$ 20,216	\$/sf	\$ 20,216	sf	\$ 16,600	sf
01000	General Requirements	\$ 92,468	\$ 4.57	\$ 90,388	\$ 4.47	\$ 78,512	\$ 4.73
02000	SITEWORK	\$ 214,824	\$ 10.63	\$ 214,824	\$ 10.63	\$ 214,824	\$ 12.94
03000	CONCRETE	\$ 730,049	\$ 36.11	\$ 730,049	\$ 36.11	\$ 620,465	\$ 37.38
04000	MASONRY	\$ 304,120	\$ 15.04	\$ 304,120	\$ 15.04	\$ 271,573	\$ 16.36
05000	METALS	\$ 110,540	\$ 5.47	\$ 110,540	\$ 5.47	\$ 89,540	\$ 5.39
06000	WOOD & PLASTICS	\$ 90,000	\$ 4.45	\$ 79,643	\$ 3.94	\$ 75,500	\$ 4.55
07000	THERMAL & MOISTURE	\$ 367,580	\$ 18.18	\$ 367,580	\$ 18.18	\$ 327,171	\$ 19.71
08000	OPENINGS	\$ 312,356	\$ 15.45	\$ 296,358	\$ 14.66	\$ 280,011	\$ 16.87
09000	FINISHES	\$ 331,420	\$ 16.39	\$ 275,764	\$ 13.64	\$ 258,830	\$ 15.59
10000	SPECIALTIES	\$ 27,760	\$ 1.37	\$ 26,260	\$ 1.30	\$ 23,760	\$ 1.43
11000	EQUIPMENT/ Radio alert	\$ 55,000	\$ 2.72	\$ 55,000	\$ 2.72	\$ 55,000	\$ 3.31
12000	FURNISHINGS	\$ 100,000	\$ 4.95	\$ 100,000	\$ 4.95	\$ 100,000	\$ 6.02
13000	SPECIAL CONSTRUCTION	None in project		None in project		None in project	
14000	ELEVATORS	\$ 54,000	\$ 2.67	\$ 54,000	\$ 2.67	\$ 44,000	\$ 2.65
15000	H.V.A.C.	\$ 187,879	\$ 9.29	\$ 173,415	\$ 8.58	\$ 161,400	\$ 9.72
15100	PLUMBING	\$ 121,296	\$ 6.00	\$ 110,448	\$ 5.46	\$ 104,580	\$ 6.30
15300	FIRE SPRINKLER SYSTEM	\$ 101,080	\$ 5.00	\$ 101,080	\$ 5.00	\$ 83,000	\$ 5.00
16000	ELECTRICAL, rough-in by elect, data cabling by owner	\$ 283,024	\$ 14.00	\$ 257,712	\$ 12.75	\$ 242,360	\$ 14.60
Subtotal		\$ 3,483,395	\$ 172.31	\$ 3,347,180	\$ 165.57	\$ 3,030,526	\$ 182.56
	CMAR Contingency 5.00%	\$ 174,170	\$ 8.62	\$ 167,359	\$ 8.28	\$ 151,526	\$ 9.13
	Owner allowance	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
	All. for Util. Tap & Imp fees	\$ 15,000	\$ 0.74	\$ 15,000	\$ 0.74	\$ 15,000	\$ 0.90
	Escalation Factor 0.00%	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Subtotal		\$ 3,672,565	\$ 181.67	\$ 3,529,539	\$ 174.59	\$ 3,197,052	\$ 192.59
	General Conditions 7.00%	\$ 257,080	\$ 12.72	\$ 247,068	\$ 12.22	\$ 223,794	\$ 13.48
	Subcontractor Bonds	In trades		In trades		In trades	
	General Liability Insurance	\$ 36,726	\$ 1.82	\$ 35,295	\$ 1.75	\$ 31,971	\$ 1.93
	Builder's Risk Insurance	\$ 146,903	\$ 7.27	\$ 141,182	\$ 6.98	\$ 127,882	\$ 7.70
Subtotal		\$ 4,113,272	\$ 203.47	\$ 3,953,084	\$ 195.54	\$ 3,580,698	\$ 215.70
	Performance and Payment Bond	\$ 40,196	\$ 1.99	\$ 39,008	\$ 1.93	\$ 36,318	\$ 2.19
Subtotal		\$ 4,153,468	\$ 205.45	\$ 3,992,092	\$ 197.47	\$ 3,617,016	\$ 217.89
	General contractor's fee 4.00%	\$ 166,139	\$ 8.22	\$ 159,684	\$ 7.90	\$ 144,681	\$ 8.72
Subtotal		\$ 4,319,607	\$ 213.67	\$ 4,151,775	\$ 205.37	\$ 3,761,697	\$ 226.61
	<u>Owner allowances</u>						
	Bond sale fee	\$ 140,000	\$ 6.93	\$ 140,000	\$ 6.93	\$ 140,000	\$ 8.43
	Design fee	\$ 363,200	\$ 17.97	\$ 363,200	\$ 17.97	\$ 363,200	\$ 21.88
TOTAL		\$ 4,822,807	\$ 238.56	\$ 4,654,975	\$ 230.26	\$ 4,264,897	\$ 256.92



SpawGlass Contractors, Inc.
Harlingen office

South padre Island Fire Station No. 1
 South Padre Island, Texas
Option-1 Complete buildout
 Preliminary budget est Based on 50% CD Doc's
 Estimate date: August 12, 2010
 Estimator: Fred Ehsai, P.E.

Square footages

1st floor	6,644
Apparatus bay	4,059
Office area	616
Shop area	
2nd floor	390
Mezz	4,617
Office area	
3rd floor	3,616
4th floor	274
Modified bit roof	10,603
Standing seam roof	1,056

Code	Description	Quantity	Unit	Unit price	Total	Item Total	Division Total
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General Information

Gross Area

01000 GENERAL REQUIREMENTS

Dimensional control	8	wks	\$ 2,080.00	16,640		
Material handling for duration	6	mo	\$ 4,500.00	27,000		
Dewatering	-	mo	\$ 8,764.00	-		
Electrical Power Consumption & Startup	12	mo	\$ 1,750.00	21,000		
Temporary Water Meter, Lines and Consumption	12	mo	\$ 500.00	6,000		
Temporary Fence & Gates	680	lf	\$ 3.50	2,380		
Current cleanup	20	wks	\$ 750.00	15,000		
Final cleanup	20,216	sf	\$ 0.22	4,448		
Security for site	-	ls	\$ -	-		
GENERAL REQUIREMENTS					\$92,468	92,468

02000 SITEWORK

Erosion Control

Construction Entrance	1	ea	\$ 1,500.00	1,500		
Silt Fence	600	lf	\$ 1.85	1,110		
Rock Berm	-	ea	\$ 300.00	-		
Inlet Protection- Allowed	3	ea	\$ 75.00	225		
Concrete Washout Pit	1	ea	\$ 750.00	750		
Maintain and Remove Erosion Control	12	mos	\$ 500.00	6,000		
SWPPP	1	ls	\$ 5,000.00	5,000		
Erosion Control					\$14,585	

Protect Existing Trees

Fence and Board Existing Trees at East Price and Alley
 Protect Existing Trees

	-	ea	\$ -	-		\$0
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Code	Description	Quantity	Unit	Unit price	Total	Item Total	Division Total
20,216	Sf						
	Site Demolition	1	Is	\$ 27,600.00	27,600		
	Sawcut and remove existing concrete				Incl		
	Sawcut/remove existing concrete curb and repair				Incl		
	Remove existing concrete wall				Incl		
	Sawcut and remove existing concrete sidewalk				Incl		
	Remove existing flagpole				Incl		
	Remove existing building and associated foundation				Incl		
	Site Demolition					\$27,600	
	Site Preparation						
	Strip topsoil, clear grubs, fill depressions as needed	461	Cy	\$ 2.00	923		
	Area grading around the building	24,914	Sf	\$ 0.25	6,229		
	Hauloff	1	Is	\$ 6,500.00	6,500		
	Site Preparation					\$13,651	
2210	Excavation						
	Building excavation	1,677	Cy	\$ 5.75	9,642		
	Detention pond excavation	-	Cy	\$ -	-		
	Hauloff	1	Is	\$ 8,000.00	8,000		
	Excavation for Foundation					\$17,642	
	Hardscape						
	Asphalt	-	Is	\$ -	None shown		
	Concrete paving	9,667	Sf	\$ 4.50	43,502		
	Curbs	238	Lf	\$ 14.00	3,332		
	Sidewalks, sawcut as shown	2,014	Sf	\$ 3.75	7,553		
	Wheel Stops	1	ea	\$ 35.00	35		
	Stripping, fire lane, and handicap signage	1	Is	\$ 3,200.00	3,200		
	Hardscape					\$57,621	
2250	Termite Control						
	Termite Control	11,319	Sf	\$ 0.15	1,698		
	Termite Control					\$1,698	
	Allowance for other misc sitework						
		1	Is	\$ 15,000.00	15,000		
	Allowance for site utilities					\$15,000	
		1	Is	\$ 50,000.00	50,000		
	Allowance for site utilities					\$50,000	
	Landscape & Irrigation						
	Trees	5	ea	\$ 800.00	4,000		
	Shrubs and bushes	18	ea	\$ 32.00	576		
	Ground cover, planting and bedding	3,027	Sf	\$ 2.25	6,811		
	Lanscaping and Irrigation	3,027	Sf	\$ 1.50	4,541		
	Edging	1	Is	\$ 1,100.00	1,100		
	Site furniture	-	Is	\$ -	none included		
	Landscape & Irrigation					\$17,027	
	Sitework						
	Sitework					\$17,027	
03000	CONCRETE						214,824
	Building concrete						

Code	Description	Quantity	Unit	Unit price	Total	Item Total	Division Total
20,216			sf				
2466	Piers						
	Piers, 60 ea, cased	3,600	lf	\$ 58.00	208,800		
	Columns						
	Concrete columns	1,494	lf	\$ 80.00	119,520		
	First floor						
	Grade beams on carton forms	11,319	sf	\$ 17.00	192,423		
	Structural slab on carton forms				Incl		
	Rebar and ready-mix				Incl		
	forming and placement				Incl		
	Second floor						
	Elevated support beams	633	lf	\$ 75.00	47,475		
	Second floor office area & Mezzanene, Hollowcore						
	planks, erected and finished- 8"	5,007	sf	\$ 9.00	45,063		
	Topping for hollow core planks	5,007	sf	\$ 2.50	12,518		
	Third floor						
	Elevated support beams	520	lf	\$ 75.00	39,000		
	Third floor office area, Hollowcore planks, erected and						
	finished- 8"	3,616	sf	\$ 9.00	32,544		
	Topping for hollow core planks	3,616	sf	\$ 2.50	9,040		
	Fourth floor						
	Elevated support beams	113	lf	\$ 75.00	8,475		
	Second floor office area, Hollowcore planks, erected and						
	finished- 8"	274	sf	\$ 9.00	2,466		
	Topping for hollow core planks	274	sf	\$ 2.50	685		
	Shear walls	430	sf	\$ 28.00	12,040		
	Concrete					\$730,049	
	CONCRETE						730,049
04000	MASONRY						
	Unit Masonry						
	CMU/Brick - Building Columns						
	8" exterior walls	17,205	sf	\$ 9.50	163,448		
	6" interior CMU	10,273	sf	\$ 8.75	89,889		
	Face brick	4,232	sf	\$ 12.00	50,784		
	MASONRY					\$304,120	304,120
05000	METALS						
	Structural Steel						
	Pan filled steel stairs with railing	14	flights	\$ 4,500.00	63,000		

Code	Description	Quantity	Unit	Unit price	Total	Item Total	Division Total
		20,216	SF				
	Allowance for misc and structural steel	1	ls	\$ 20,000.00	20,000		
	1' wide traffic rated trench grates & frame	200	ls	\$ 85.00	17,000		
	rails at handicap ramp	70	lf	\$ 72.00	5,040		
	Dumpster gate	1	ea	\$ 5,500.00	5,500	\$110,540	
	Structural Steel						
	METALS						110,540
06000	CARPENTRY						
6100	Rough Carpentry	1	ls	\$ 65,000.00	65,000	\$65,000	
	Allowance						
6400	Millwork and Finish Carpentry	1	ls	\$ 25,000.00	25,000	\$25,000	
	Millwork allowance						
	Millwork and Finish Carpentry						
	CARPENTRY						90,000
07000	THERMAL AND MOISTURE PROTECTION						
	Building Insulation	17,205	SF	\$ 2.20	37,851	\$37,851	
	2" rigid insulation at CMU cavity						
	Roofing						
	Mod. Bit. Roofing, Insul & Sht Metal - Building	10,603	SF	\$ 12.00	127,236		
	Standing seam metal roof	1,056	SF	\$ 17.00	17,952		
	Roof Hatch	2	ea	\$ 1,080.00	2,160		
	Raised walk pads at outdoor cooking area, 2nd floor	315	SF	\$ 35.00	11,025	\$158,373	
	Roofing						
	Metal siding						
	Metal siding- allowance	7,152	SF	\$ 10.25	73,308	\$73,308	
	Metal siding						
	Waterproofing/Dampproofing/Sealants						
	Allowance for caulking and sealants	20,216	SF	\$ 3.25	65,702		
	Allowance for waterproofing/Dampproofing	20,216	SF	\$ 1.60	32,346	\$98,048	
	Waterproofing/Dampproofing/Sealants						
	THERMAL AND MOISTURE PROTECTION						367,580
08000	OPENINGS						
	Doors, frames, hardware						
8110	Hollow Metal	61	ea	\$ 112.00	6,832		
	HM frames	21	ea	\$ 140.00	2,940		
	HM Doors						

20,216 sf

Code	Description	Quantity	Unit	Unit price	Total	Item Total	Division Total
8211	Wood Doors	40	ea	\$ 280.00	11,200		
8710	Finish Hardware	61	sets	\$ 480.00	29,280		
	Install doors, frames, hardware	61	ea	\$ 270.72	16,514		
	Doors, frames, hardware					\$66,766	
	Roll-up doors						
	Sectional rollup door, 14x14	5	ea	\$ 13,720.00	68,600		
	Rollup door, 5x8	1	ea	\$ 650.00	650		
	Roll-up doors					\$69,250	
8553	Glass & Glazing						
	Aluminum storefronts and entrances	2,366	sf	\$ 65.00	153,790		
	Punched windows	270	sf	\$ 45.00	12,150		
	Shading devices	160	lf	\$ 65.00	10,400		
	Glass & Glazing					\$176,340	
	OPENINGS						312,356
09000 FINISHES							
09220	Stucco						
	Stucco- STO	4,284	ls	\$ 9.00	38,556		
	Stucco- STO					\$38,556	
	Drywall						
	Interior drywalls	10,858	sf	\$ 4.75	51,576		
	gyp inside walls at office area	9,296	sf	\$ 2.25	20,916		
	Drywall					\$72,492	
	Flooring						
	Tile	843	sf	\$ 8.00	6,744		
	Carpet	2,402	sf	\$ 4.50	10,809		
	Rubber tile	600	sf	\$ 4.00	2,400		
	Fitness flooring	1,405	sf	\$ 14.00	19,670		
	Polished and sealed concrete	14,966	sf	\$ 3.50	52,381		
	Flooring					\$92,004	
	Ceilings						
	Drywall ceiling	12,872	sf	\$ 2.50	32,180		
	Acoustical Ceilings	7,344	sf	\$ 3.75	27,540		
	Ceilings					\$59,720	
9900	Painting & VWC						
	Interior and exterior painting	20,216	ls	\$ 3.00	60,648		
	Seal Concrete Floors				In flooring		
	Touch up painting of MEP and decking	1	ls	\$ 8,000.00	8,000		

Code	Description	Quantity	Unit	Unit price	Total	Item Total	Division Total
20,216 sf							
Painting & VWC						\$68,648	
FINISHES							331,420
10000 SPECIALTIES							
10431	Signage	1	ls	\$ 20,000.00	20,000	\$20,000	
	Signage allowance- Exterior & Interior						
Fire Extinguishers & Cabinets							
	Fire Extinguishers & Cabinets	6	ea	\$ 300.00	1,800		
	Install	6	ea	\$ 60.00	360	\$2,160	
Fire Extinguishers & Cabinets							
Marker and Tackboards							
	Marker and Tackboards	-	ea	\$ -	Owner furnish & install	\$0	
Mail Boxes							
	Faculty Mail Boxes	-	ls	\$ -	Owner furnish & install	\$0	
Toilet Partitions & Accessories							
	Toilet accessories	1	ls	\$ 5,600.00	5,600	\$5,600	
	Allowance for accessories						
10265	Lockers	-	ls	\$ -	Owner furnish & install		
SPECIALTIES							
11000 EQUIPMENT							
	Owner allowance	1	ea	\$ 55,000.00	55,000	\$55,000	
	Allowance						
12000 FURNISHINGS							
	Furnishing allowance	1	ls	\$ 100,000.00	100,000	\$100,000	
				\$ -			100,000
13000 SPECIAL CONSTRUCTION							

Code	Description	Quantity	Unit	Unit price	Total	Item Total	Division Total
20,216	sf						
	SPECIAL CONSTRUCTION	-	ls	\$ -	None in project		
14000 CONVEYING SYSTEMS							
Elevator							
3000# Hydraulic Passenger elevator allowance		1	ls	\$ 54,000.00	54,000	\$54,000	54,000
15000.1 HVAC							
Heating And Venting							
HVAC and Temperature Control		20,216	sf	8.70	175,879		
Testing & Balancing		1	ls	\$ 12,000.00	12,000	\$187,879	187,879
15000.2 Plumbing							
Plumbing		20,216	sf	\$ 6.00	121,296	\$121,296	121,296
15000.3 Fire Sprinkler System							
Fire Protection							
Sprinkler System		20,216	sf	\$ 5.00	101,080	\$101,080	101,080
16000 Electrical							
Electrical							
Electrical							
Rough in for Data Cabling		20,216.00	ls	\$ 14.00	283,024		
Fire Alarm					Incl		
Data Cabling					Incl		
Television					excl		
					excl	\$283,024	283,024
Subtotal	Direct Cost				3,483,395	3,483,395	3,390,927



SpawGlass Contractors, Inc.
Harlingen office

South padre Island Fire Station No. 1
 South Padre Island, Texas
 Option-2 Shell 3rd floor
 Preliminary budget est Based on 50% CD Doc's
 Estimate date: August 12, 2010
 Estimator: Fred Elisal, P.E.

Square footages	
1st floor	6,644
Apparatus bay	4,059
Office area	616
Shop area	
2nd floor	390
Mezz	4,617
Office area	
3rd floor	3,618
4th floor	274
Modified bit roof	10,603
Standing seam roof	1,056
Shelled	

Code	Description	Quantity	Unit	Unit price	Total	Item Total	Division Total
General Information							
01000	GENERAL REQUIREMENTS						
	Dimensional control	7	wks	\$ 2,080.00	14,560		
	Material handling for duration	6	mo	\$ 4,500.00	27,000		
	Dewatering	-	mo	\$ 8,764.00	-		
	Electrical Power Consumption & Startup	12	mo	\$ 1,790.00	21,000		
	Temporary Water Meter, Lines and Consumption	12	mo	\$ 500.00	6,000		
	Temporary Fence & Gates	680	lf	\$ 3.50	2,380		
	Current cleanup	20	wks	\$ 750.00	15,000		
	Final cleanup	20,216	Sf	\$ 0.22	4,448		
	Security for site	-	ls	\$ -	-		
	GENERAL REQUIREMENTS					\$90,388	90,388

02000 SITEWORK							
Erosion Control							
	Construction Entrance	1	ea	\$ 1,500.00	1,500		
	Silt Fence	600	lf	\$ 1.95	1,110		
	Rock Bern	-	ea	\$ 300.00	-		
	Inlet Protection- Allowed	3	ea	\$ 75.00	225		
	Concrete Washout Pit	1	ea	\$ 750.00	750		
	Maintain and Remove Erosion Control	12	mos	\$ 500.00	6,000		
	SWPPP	1	ls	\$ 5,000.00	5,000		
	Erosion Control					\$14,585	
Protect Existing Trees							
	Fence and Board Existing Trees at East Price and Alley	-	ea	\$ -	-		
	Protect Existing Trees					\$0	
Site Demolition							
	Sawcut and remove existing concrete	1	ls	\$ 27,600.00	27,600		
	Sawcut/remove existing concrete curb and repair				Incl		
					Incl		

Code	Description	Quantity	Unit	Unit price	Total	Item Total	Division Total
	Remove existing concrete wall						
	Sawcut and remove existing concrete sidewalk						
	Remove existing flagpole						
	Remove existing building and associated foundation						
	Site Demolition						
2100	Site Preparation					\$27,600	
	Strip topsoil, clear grubs, fill depressions as needed	461	CY	\$ 2.00	923		
	Area grading around the building	24,914	SF	\$ 0.25	6,229		
	Hauloff	1	LS	\$ 6,500.00	6,500		
	Site Preparation					\$13,651	
2210	Excavation						
	Building excavation	1,677	CY	\$ 5.75	9,642		
	Detention pond excavation	-	CY	\$ -	-		
	Hauloff	1	LS	\$ 8,000.00	8,000		
	Excavation for Foundation					\$17,642	
	Hardscape						
	Asphalt	-	LS	\$ -	None shown		
	Concrete paving	9,667	SF	\$ 4.50	43,502		
	Curbs	238	LF	\$ 14.00	3,332		
	Sidewalks, sawcut as shown	2,014	SF	\$ 3.75	7,553		
	Wheel Stops	1	EA	\$ 35.00	35		
	Stripping, fire lane, and handicap signage	1	LS	\$ 3,200.00	3,200		
	Hardscape					\$57,621	
2250	Termite Control						
	Termite Control	11,319	SF	\$ 0.15	1,698		
	Termite Control					\$1,698	
	Allowance for other misc sitework	1	LS	\$ 15,000.00	15,000		
	Allowance for site utilities	1	LS	\$ 50,000.00	50,000		
	Allowance for site utilities					\$50,000	
	Landscape & Irrigation						
	Trees	5	EA	\$ 800.00	4,000		
	Shrubs and bushes	18	EA	\$ 32.00	576		
	Ground cover, planting and bedding	3,027	SF	\$ 2.25	6,811		
	Lanscaping and irrigation	3,027	SF	\$ 1.50	4,541		
	Edging	1	LS	\$ 1,100.00	1,100		
	Site furniture	-	LS	\$ -	none included		
	Landscape & Irrigation					\$17,027	
03000	CONCRETE						214,824
	Sitework						
	Building concrete						
2466	Piers						
	Piers, 60 ea, cased	3,600	LF	\$ 58.00	208,800		
	Columns						
	Concrete columns	1,494	LF	\$ 80.00	119,520		

Code	Description	Quantity	Unit	Unit price	Total	Item Total	Division Total
20,216	sf						
	First floor	11,319	sf	\$ 17.00	192,423		
	Grade beams on carton forms				Incl		
	Structural slab on carton forms				Incl		
	Rebar and ready-mix forming and placement				Incl		
	Second floor						
	Elevated support beams	633	lf	\$ 75.00	47,475		
	Second floor office area & Mezzanine, Hollowcore planks, erected and finished	5,007	sf	\$ 9.00	45,063		
	Topping for hollow core planks	5,007	sf	\$ 2.50	12,518		
	Third floor						
	Elevated support beams	520	lf	\$ 75.00	39,000		
	Third floor office area, Hollowcore planks, erected and finished	3,616	sf	\$ 9.00	32,544		
	Topping for hollow core planks	3,616	sf	\$ 2.50	9,040		
	Fourth floor						
	Elevated support beams	113	lf	\$ 75.00	8,475		
	Second floor office area, Hollowcore planks, erected and finished	274	sf	\$ 9.00	2,466		
	Topping for hollow core planks	274	sf	\$ 2.50	685		
	Shear walls	430	sf	\$ 28.00	12,040		
	Concrete					\$730,049	
	CONCRETE						730,049
04000	MASONRY						
	Unit Masonry						
	CMU/Brick - Building Columns						
	8" exterior walls	17,205	sf	\$ 9.50	163,448		
	6" interior CMU	10,273	sf	\$ 8.75	89,889		
	Face brick	4,232	sf	\$ 12.00	50,784		
	MASONRY					\$304,120	304,120
05000	METALS						
	Structural Steel						
	Pan filled steel stairs with railing	14	flights	\$ 4,500.00	63,000		
	Allowance for misc and structural steel	1	ls	\$ 20,000.00	20,000		
	1' wide traffic rated trench grates & frame	200	ls	\$ 85.00	17,000		
	rails at handicap ramp	70	lf	\$ 72.00	5,040		
	Dumpster gate	1	ea	\$ 5,500.00	5,500		
	Structural Steel					\$110,540	
	METALS						110,540

Code	Description	Quantity	Unit	Unit price	Total	Item Total	Division Total
20,216 sf							
06000 CARPENTRY							
6100 Rough Carpentry							
Allowance		1	ls	\$ 65,000.00	65,000		
Reduced for 3rd floor shell		3,616	Sf	\$ (3.00)	(10,848)	\$54,152	
	Rough Carpentry						
6400 Millwork and Finish Carpentry							
Millwork allowance		1	ls	\$ 32,000.00	32,000		
Reduced for 3rd floor shell		3,616	Sf	\$ (1.80)	(6,509)	\$25,491	
	Millwork and Finish Carpentry						
	CARPENTRY						79,643
07000 THERMAL AND MOISTURE PROTECTION							
Building Insulation							
2" rigid insulation at CMU cavity		17,205	Sf	\$ 2.20	37,851	\$37,851	
Roofing							
Mod. Bit. Roofing, Insul & Sht Metal - Building		10,603	Sf	\$ 12.00	127,236		
Standing seam metal roof		1,056	Sf	\$ 17.00	17,952		
Roof Hatch		2	ea	\$ 1,080.00	2,160		
Raised walk pads at outdoor cooking area, 2nd floor		315	Sf	\$ 35.00	11,025	\$158,373	
	Roofing						
Metal siding							
Metal siding- allowance		7,152	Sf	\$ 10.25	73,308	\$73,308	
	Metal siding						
Waterproofing/Dampproofing/Sealants							
Allowance for caulking and sealnts		20,216	Sf	\$ 3.25	65,702		
Allowance for waterproofing/Dampproofing		20,216	Sf	\$ 1.60	32,346	\$98,048	
	Waterproofing/Dampproofing/Sealants						
	THERMAL AND MOISTURE PROTECTION						367,580
08000 OPENINGS							
Doors, frames, hardware							
8110 Hollow Metal							
HM frames		47	ea	\$ 112.00	5,264		
HM Doors		21	ea	\$ 140.00	2,940		
8211 Wood Doors		26	ea	\$ 280.00	7,280		
8710 Finish Hardware		47	sets	\$ 480.00	22,560		
Install doors, frames, hardware		47	ea	\$ 270.72	12,724	\$50,768	
	Doors, frames, hardware						

20,216 sf

Code	Description	Quantity	Unit	Unit price	Total	Item Total	Division Total
Roll-up doors							
	Sectional rollup door, 14x14	5	ea	\$ 13,720.00	68,600		
	Rollup door, 5x8	1	ea	\$ 650.00	650		
	Roll-up doors					\$69,250	
8553 Glass & Glazing							
	Aluminum storefronts and entrances	2,366	Sf	\$ 65.00	153,790		
	Punched windows	270	Sf	\$ 45.00	12,150		
	Shading devices	160	If	\$ 65.00	10,400		
	Glass & Glazing					\$176,340	
OPENINGS							
09000 FINISHES							296,358
09220 Stucco							
	Stucco- STO	4,284	ls	\$ 9.00	38,556		
	Stucco- STO					\$38,556	
Drywall							
	Interior drywalls	10,858	Sf	\$ 4.75	51,576		
	Reduce for 3rd floor interior drywalls	(3,594)	Sf	\$ 4.75	(17,072)		
	gyp inside walls at office area	9,296	Sf	\$ 2.25	20,916		
	reduce for 3rd floor- gyp inside walls at office area	(1,800)	Sf	\$ 2.25	(4,050)		
	Drywall					\$51,370	
Flooring							
	Tile	843	Sf	\$ 8.00	6,744		
	Deduct 3rd floor Tile	(136)	Sf	\$ 8.00	(1,088)		
	Carpet	2,402	Sf	\$ 4.50	10,809		
	deduct 3rd floor Carpet	(1,160)	Sf	\$ 4.50	(5,220)		
	Rubber tile	826	Sf	\$ 4.00	3,304		
	Deduct 3rd floor Rubber tile	(412)	Sf	\$ 4.00	(1,648)		
	Fitness flooring	1,405	Sf	\$ 14.00	19,670		
	Polished and sealed concrete	14,740	Sf	\$ 3.50	51,590		
	Deduct 3rd floor Polished and sealed concrete	(1,908)	Sf	\$ 3.50	(6,678)		
	Flooring					\$77,483	
Ceilings							
	Drywall ceiling	12,872	Sf	\$ 2.50	32,180		
	Deduct drywall ceiling	(1,346)	Sf	\$ 2.50	(3,365)		
	Acoustical Ceilings	7,344	Sf	\$ 3.75	27,540		
	Deduct Acoustical Ceilings	(2,270)	Sf	\$ 3.75	(8,513)		
	Ceilings					\$47,843	
9900 Painting & VWC							
	Interior and exterior painting	20,216	ls	\$ 3.00	60,648		
	Deduct for 3rd floor painting	(3,516)	ls	\$ 2.25	(8,136)		
	Seal Concrete Floors				In flooring		
	Touch up painting of MEP and decking	1	ls	\$ 8,000.00	8,000		
	Painting & VWC					\$60,512	

Code	Description	Quantity	Unit	Unit price	Total	Item Total	Division Total
20,216 sf							
FINISHES							
10000 SPECIALTIES							275,764
10431 Signage	Signage allowance- Interior & Exterior	1	ls	\$ 18,500.00	18,500	\$18,500	
Fire Extinguishers & Cabinets							
Fire Extinguishers & Cabinets	Fire Extinguishers & Cabinets	6	ea	\$ 300.00	1,800		
Install	Install	6	ea	\$ 60.00	360	\$2,160	
Fire Extinguishers & Cabinets							
Marker and Tackboards							
Marker and Tackboards	Marker and Tackboards	-	ea	\$ -	Owner furnis and install	\$0	
Mail Boxes							
Faculty Mail Boxes	Mail Boxes	-	ls	\$ -	Owner furnish and install	\$0	
Toilet Partitions & Accessories							
Toilet accessories							
Allowance for accessories	Toilet accessories	1	ls	\$ 5,600.00	5,600	\$5,600	
10265 Lockers	Lockers	-	ls	\$ -	Owner furnish and install		
SPECIALTIES							
11000 EQUIPMENT							
Owner allowance	Owner allowance	1	ea	\$ 55,000.00	55,000	\$55,000	
EQUIPMENT							
12000 FURNISHINGS							
Furnishing allowance	Furnishing allowance	1	ls	\$ 100,000.00	100,000	\$100,000	
FURNISHINGS							
13000 SPECIAL CONSTRUCTION							
SPECIAL CONSTRUCTION							
-	-	-	ls	\$ -	None in project		

Code	Description	Quantity	Unit	Unit price	Total	Item Total	Division Total
20,216 sf							
14000 CONVEYING SYSTEMS							
Elevator							
3000# Hydraulic Passenger elevator allowance	Elevator	1	ls	\$ 54,000.00	54,000	\$54,000	54,000
15000.1 HVAC							
Heating And Venting							
HVAC and Temperature Control		20,216	Sf	\$ 8.70	175,879		
Deduct for 3rd floor finish out		(3,616)	Sf	\$ 4.00	(14,464)		
Testing & Balancing	HVAC	1	ls	\$ 14,000.00	12,000	\$173,415	173,415
15000.2 Plumbing							
Plumbing		20,216	Sf	\$ 6.00	121,296		
Deduct for 3rd floor Plumbing		(3,616)	Sf	\$ 3.00	(10,848)	\$110,448	110,448
15000.3 Fire Sprinkler System							
Fire Protection							
Sprinkler System	Fire Protection	20,216	Sf	\$ 5.00	101,080	\$101,080	101,080
16000 Electrical							
Electrical							
Deduct for 3rd floor Electrical		20,216	Sf	\$ 14.00	283,024		
Rough in for Data Cabling		(3,616.00)	Sf	\$ 7.00	(25,312)		
Fire Alarm							
Data Cabling	Electrical				Incl		
Television					Incl		
					excl	\$257,712	257,712
Subtotal	Direct Cost				3,347,180	3,347,180	3,256,793



SpawGlass Contractors, Inc.
Harlingen office

South padre Island Fire Station No. 1

South Padre Island, Texas

Option-3 delete 3rd floor

Preliminary budget est Based on 50% CD Doc's

Estimate date: August 12, 2010

Estimator: Fred Ehsai, P.E.

Square footages

1st floor	6,644
Apparatus bay	4,059
Office area	616
Shop area	
2nd floor	
Mezz	390
Office area	4,617
3rd floor	0
4th floor	274
Modified bit roof	10,603
Standing seam roof	1,056

Code	Description	Quantity	Unit	Unit price	Total	Item Total	Division Total
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16,600 sf

Gross Area

47,335 sf

01000 GENERAL REQUIREMENTS

Dimensional control	6	wks	\$ 2,080.00	12,480		
Material handling for duration	5	mo	\$ 4,500.00	22,500		
Dewatering	-	mo	\$ 8,764.00	-		
Electrical Power Consumption & Startup	10	mo	\$ 1,750.00	17,500		
Temporary Water Meter, Lines and Consumption	10	mo	\$ 500.00	5,000		
Temporary Fence & Gates	680	lf	\$ 3.50	2,380		
Current cleanup	20	wks	\$ 750.00	15,000		
Final cleanup	16,600	sf	\$ 0.22	3,652		
Security for site	-	ls	\$ -	-		
GENERAL REQUIREMENTS					\$78,512	78,512

02000 SITEWORK

Erosion Control						
Construction Entrance	1	ea	\$ 1,500.00	1,500		
Silt Fence	600	lf	\$ 1.85	1,110		
Rock Berm	-	ea	\$ 300.00	-		
Inlet Protection- Allowed	3	ea	\$ 75.00	225		
Concrete Washout Pit	1	ea	\$ 750.00	750		
Maintain and Remove Erosion Control	12	mos	\$ 500.00	6,000		
SWPPP	1	ls	\$ 5,000.00	5,000		
Erosion Control					\$14,585	
Protect Existing Trees						
Fence and Board Existing Trees at East Price and Alley	-	ea	\$ -	-		
Protect Existing Trees					\$0	
Site Demolition						
	1	ls	\$ 27,600.00	27,600		

Code	Description	Quantity	Unit	Unit price	Total	Item Total	Division Total
		16,600	SF				
	Sawcut and remove existing concrete						
	Sawcut/remove existing concrete curb and repair						
	Remove existing concrete wall						
	Sawcut and remove existing concrete sidewalk						
	Remove existing flagpole						
	Remove existing building and associated foundation						
	Site Demolition						
2100	Site Preparation					\$27,600	
	Strip topsoil, clear grubbs, fill depressions as needed	461	CY	\$ 2.00	923		
	Area grading around the building	24,914	SF	\$ 0.25	6,229		
	Hauloff	1	LS	\$ 6,500.00	6,500		
	Site Preparation					\$13,651	
2210	Excavation						
	Building excavation	1,677	CY	\$ 5.75	9,642		
	Detention pond excavation	-	CY	\$ -	-		
	Hauloff	1	LS	\$ 8,000.00	8,000		
	Excavation for Foundation					\$17,642	
	Hardscape						
	Asphalt		LS	\$ -	None shown		
	Concrete paving	9,667	SF	\$ 4.50	43,502		
	Curbs	238	LF	\$ 14.00	3,332		
	Sidewalks, sawcut as shown	2,014	SF	\$ 3.75	7,553		
	Wheel Stops	1	EA	\$ 35.00	35		
	Stripping, fire lane, and handicap signage	1	LS	\$ 3,200.00	3,200		
	Hardscape					\$57,621	
2250	Termite Control						
	Termite Control	11,319	SF	\$ 0.15	1,698		
	Termite Control					\$1,698	
	Allowance for other misc sitework	1	LS	\$ 15,000.00	15,000		
	Allowance for site utilities	1	LS	\$ 50,000.00	50,000		
	Allowance for site utilities					\$50,000	
	Landscape & Irrigation						
	Trees	5	EA	\$ 800.00	4,000		
	Shrubs and bushes	18	EA	\$ 32.00	576		
	Ground cover, planting and bedding	3,027	SF	\$ 2.25	6,811		
	Lanscaping and irrigation	3,027	SF	\$ 1.50	4,541		
	Edging	1	LS	\$ 1,100.00	1,100		
	Site furniture	-	LS	\$ -	none included		
	Landscape & Irrigation					\$17,027	
	Sitework						
	Sitework					214,824	
03000	CONCRETE						
2466	Building concrete						
	Piers						

Code	Description	Quantity	Unit	Unit price	Total	Item Total	Division Total
		16,600	sf				
	Piers, 60 ea, cased	3,600	If	\$ 58.00	208,800		
	Columns						
	Concrete columns	1,170	If	\$ 80.00	93,600		
	First floor						
	Grade beams on carton forms	11,319	Sf	\$ 17.00	192,423		
	Structural slab on carton forms			Incl			
	Rebar and ready-mix			Incl			
	forming and placement			Incl			
	Second floor						
	Elevated support beams	633	If	\$ 75.00	47,475		
	Second floor office area & Mezzanene, Hollowcore						
	planks, erected and finished- 8"	5,007	Sf	\$ 9.00	45,063		
	Topping for hollow core planks	5,007	Sf	\$ 2.50	12,518		
	Third floor						
	Elevated support beams	-	If	\$ 75.00	-		
	Third floor office area, Hollowcore planks, erected and						
	finished- 8"	-	Sf	\$ 9.00	-		
	Topping for hollow core planks	-	Sf	\$ 2.50	-		
	Fourth floor						
	Elevated support beams	113	If	\$ 75.00	8,475		
	Second floor office area, Hollowcore planks, erected and						
	finished- 8"	274	Sf	\$ 9.00	2,466		
	Topping for hollow core planks	274	Sf	\$ 2.50	685		
	Shear walls	320	Sf	\$ 28.00	8,960		
	Concrete					\$620,465	
	CONCRETE						620,465
04000	MASONRY						
	Unit Masonry						
	CMU/Brick - Building Columns						
	8" exterior walls	13,779	Sf	\$ 9.50	130,901		
	6" interior CMU	10,273	Sf	\$ 8.75	89,889		
	Face brick	4,232	Sf	\$ 12.00	50,784		
	MASONRY					\$271,573	271,573
05000	METALS						
	Structural Steel						
	Pan filled steel stairs with railing	10	flights	\$ 4,500.00	45,000		
	Allowance for misc and structural steel	1	ls	\$ 17,000.00	17,000		

Code	Description	Quantity	Unit	Unit price	Total	Item Total	Division Total
16,600	sf						
8211	Wood Doors	45	ea	\$ 280.00	12,600		
8710	Finish Hardware	45	sets	\$ 480.00	21,600		
	Install doors, frames, hardware	61	ea	\$ 270.72	16,514		
	Doors, frames, hardware					\$58,386	
	Roll-up doors						
	Sectional rollup door, 14x14	5	ea	\$ 13,720.00	68,600		
	Rollup door, 5x8	1	ea	\$ 650.00	650		
	Roll-up doors					\$69,250	
8553	Glass & Glazing						
	Aluminum storefronts and entrances	2,075	sf	\$ 65.00	134,875		
	Punched windows	191	sf	\$ 45.00	8,595		
	Shading devices	137	lf	\$ 65.00	8,905		
	Glass & Glazing					\$152,375	
	OPENINGS						280,011
09000	FINISHES						
09220	Stucco						
	Stucco- STO	3,740	sf	\$ 9.00	33,660		
	Stucco- STO					\$33,660	
	Drywall						
	Interior drywalls	6,800	sf	\$ 4.75	32,300		
	gyp inside walls at office area	4,354	sf	\$ 2.25	9,797		
	Drywall					\$42,097	
	Flooring						
	Tile	706	sf	\$ 8.00	5,648		
	Carpet	1,213	sf	\$ 4.50	5,459		
	Rubber tile	379	sf	\$ 4.00	1,516		
	Fitness flooring	1,405	sf	\$ 14.00	19,670		
	Polished and sealed concrete	12,897	sf	\$ 3.50	45,140		
	Flooring					\$77,432	
	Ceilings						
	Hard ceiling	11,527	sf	\$ 2.50	28,818		
	Acoustical Ceilings	5,073	sf	\$ 3.75	19,024		
	Ceilings					\$47,841	
9900	Painting & VWC						
	Interior and exterior painting	16,600	ls	\$ 3.00	49,800		
	Seal Concrete Floors				In flooring		
	Touch up painting of MEP and decking	1	ls	\$ 8,000.00	8,000		
	Painting & VWC					\$57,800	

Code	Description	Quantity	Unit	Unit price	Total	Item Total	Division Total
16,600 sf							
FINISHES							
10000 SPECIALTIES							258,830
10431 Signage	Signage allowance- Interior & Exterior	1	ls	\$ 16,000.00	16,000	\$16,000	
Fire Extinguishers & Cabinets							
Fire Extinguishers & Cabinets	Fire Extinguishers & Cabinets	6	ea	\$ 300.00	1,800		
Install	Install	6	ea	\$ 60.00	360	\$2,160	
Fire Extinguishers & Cabinets							
Marker and Tackboards	Marker and Tackboards	-	ea	\$ -	Owner furnish & Install	\$0	
Mail Boxes	Mail Boxes	-	ls	\$ -	Owner furnish & Install	\$0	
Toilet Partitions & Accessories							
Toilet accessories	Toilet accessories	1	ls	\$ 5,600.00	5,600	\$5,600	
10265 Lockers	Lockers	-	ls	\$ -	Owner furnish & Install		
SPECIALTIES							
11000 EQUIPMENT							23,760
Owner allowance	Owner allowance	1	ea	\$ 55,000.00	55,000	\$55,000	
EQUIPMENT							
12000 FURNISHINGS							55,000
Furnishing allowance	Furnishing allowance	1	ls	\$ 100,000.00	100,000	\$100,000	
FURNISHINGS							
13000 SPECIAL CONSTRUCTION							100,000

Code	Description	Quantity	Unit	Unit price	Total	Item Total	Division Total
	SPECIAL CONSTRUCTION	-	ls	\$ -	-	\$0	0
14000 CONVEYING SYSTEMS							
Elevator		1	ls	\$ 44,000.00	44,000	\$44,000	44,000
3000# Hydraulic Passenger elevator allowance	Elevator						
15000.1 HVAC							
Heating And Venting							
HVAC and Temperature Control		16,600	Sf	\$ 9.00	149,400		
Testing & Balancing		1	ls	\$ 12,000.00	12,000	\$161,400	161,400
15000.2 Plumbing							
Plumbing		16,600	Sf	\$ 6.30	104,580	\$104,580	104,580
15000.3 Fire Sprinkler System							
Fire Protection							
Sprinkler System		16,600	Sf	\$ 5.00	83,000	\$83,000	83,000
16000 Electrical							
Electrical							
Electrical		16,600.00	ls	\$ 14.60	242,360		
Rough in for Data Cabling				Incl			
Fire Alarm				Incl			
Data Cabling				excl			
Television				excl			
	Electrical					\$242,360	242,360
Subtotal	Direct Cost				3,030,526	3,030,526	3,030,526



CONSTRUCTABILITY REVIEW

Owner:	Town of South Padre Island
Project:	Fire Station No. 1
Location:	South Padre Island, TX

Architect:	Brown Reynolds Watford Architects
Project #	29132
Date:	11-Aug-10
SpawGlass Project #	

Description of Facility

Three story concrete and masonry fire station

Review Level

Schematic Design (SD)
Design Development (DD)
Construction Documents (CD)

% Complete

50

Documents

Drawings only

Participants

Bob Farmer
Farid (Fred) Ehsai, P.E.
Ron Wylie

Distribution

Chief Burney Basket
Rene capistran
Bob Farmer
Doug Worrell



CONSTRUCTABILITY REVIEW

Project: Fire Station No. 1

Resolution/Response Code

- 1 Agree - will provide suggested solution
- 2 Agree - will provide alternate solution
- 3 Disagree - no action to be taken
- 4 Owner's input/ clarification required

Primary Comments: Drawings

Drawing#	Comment	Resolution
	General Comment: The drawings have not progressed to the point where an effective constructability review can be conducted. It is highly recommended that a follow-up review be provided once the documents are sufficiently complete. Also, no specifications were issued with the documents.	
T1.1	The index of drawings will need to be coordinated with actual sheet titles and content	
T1.2	No comments on the title sheet.	
C1.2	Many of the "arrowed" keynotes are not included on the keynote list	
C1.2	The site legend symbols need to be more distinguishable from each other	
C1.2	H.C. Sign section and elevations - identify "type X" masonry. Are these signs intended to be circular? Potential cost savings to eliminate the masonry on these sign posts.	
C1.3	Show material sizes for dumpster gate.	
C1.0	Sht number is duplicated. This does not appear to be a grading plan	
C2.0	Purpose of this sheet is unknown. This does not appear to be a utility plan. Darken the new utilities so they are clear.	
C3.0	Coordinate title with index	
C4.0	Coordinate title with index	
C5.0	Coordinate title with index - same details as C4.0	
C6.0	Sheet not included	
L1.1	Provide enlarged plan of planting areas	
L1.1	Complete the Summary box	
S1.1	Add slab thicknesses to the Legend. Plans are still very incomplete.	
S1.1	Foundation plan is difficult to read	
S1.2	Coordinate title with index. Sections and framing detail are not completed.	
S1.2	Second floor framing plan is difficult to read	
S1.3	Coordinate title with index. The framing plans and details are not completed.	
S1.3	Framing plans are difficult to read	
Gen'l	Complete all reinforcing schedules and framing details	
Gen'l	Consider the attached detail for hollow core planks where possible.	



Resolution/Response Code

- 1 Agree - will provide suggested solution
- 2 Agree - will provide alternate solution
- 3 Disagree - no action to be taken
- 4 Owner's input/ clarification required

CONSTRUCTABILITY REVIEW

Project: Fire Station No. 1

Primary Comments: Drawings

Drawing#	Comment	Resolution
A1.1	1180.03 - provide details and dimensions for recycling station. Key note bubbles are left blank.	
A1.1	3340.07 - could not find info on civil drawings	
A1.1	Plan detail for Stair 12C should read 5/A4.2	
A1.1	Potential cost savings to use lighter gauge framing re: 0920.02 and 0920.04	
A1.2	Floor Plan 1 - remove the partition rating designations from all floor plan except the life safety plan	
A1.2	Floor Plan 3 - enlarged plan detail should read 3/A4.2	
A1.3	Provide layout/dimensions for trench drains and floor slopes	
A1.3	Confirm dimension strings are tied to a column line and darken col lines for clarity	
A1.5	Fill-in the blank keynote bubbles	
A1.6	Fill-in the blank keynote bubbles	
A2.1	Provide section/detail for 1070.01 Custom Shading Devices. Fill-in the blank keynote bubbles.	
A2.1	Provide specification for unidentified ext. wall material. Fill-in the keynote bubbles.	
A3.2	Confirm parapet height at terrace areas. Will a guard rail be required? Fill-in the blank keynote bubbles and section designations. Define the pedestals on the balcony.	
A3.3	Confirm parapet height at terrace areas. Will a guard rail be required? Fill-in the keynote bubbles and section designations. Show information for the wall cavities.	
A4.1	Coordinate plan detail numbers at stair landings with correct detail	
A4.2	Coordinate plan detail numbers at stair landings with correct detail	
A5.1	Complete the door schedule table. Fill-in the jamb, sill, head, and hardware details.	
A5.1	Consider less glass at overhead doors. This is an operational issue and requires owner input.	
A5.2	Provide window frame details and specifications	
A6.1	Coordinate section references with the correct detail on subsequent sheets	
A6.2	Add Keynote 1130.13 "Under-Counter Ice Maker" and show on the appropriate elevation	



CONSTRUCTABILITY REVIEW

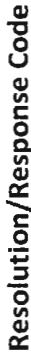
Project: Fire Station No. 1

Resolution/Response Code

- 1 Agree - will provide suggested solution
- 2 Agree - will provide alternate solution
- 3 Disagree - no action to be taken
- 4 Owner's input/ clarification required

Primary Comments: Drawings

Drawing#	Comment	Resolution
A7.1	Could not find details for what appears to be a tensile structure/shading device	
A7.2	Could not find details for what appears to be a tensile structure/shading device	
A8.1	Provide specifications for PC1 and PC2	
A8.1	Clarify requirements for P9. The legend describes P9 at four folding doors at apparatus bays	
A8.1	Consider sealed concrete vs polished concrete for cost savings	
	Mechanical comments	
	Specific mechanical comments	
M1.0	Mech equipment schedule lacks Cooling equipment	
M2.1	VRF (as assumed) condensing units not shown	
M2.1	Confirm condensate will work with ceiling heights and flush mount FCU's	
M2.1	Detail-3No HVAC shown 3rd fl for 3/4 of the floor	
M2.1	Will EF's be needed in truck bays for exhausting fumes? Carbon Mon sensors also?	
	General mechanical comments	
	Show information regarding return air. Grills or door undercut.	
	Are exhaust fans required for bays?	
	Show Co and Co2 sensors where needed. I.e. Bays, sleeping quarters, common areas, etc.	
	Provide exhaust system/Agastat system details and specifications	
	Plumbing comments	
P0.1	No current flow data for FP design	
P0.1	Drainage product note states "solenoid valve supplied by Electric Contractor"	
P0.1	Plumbing Materials note states "above ground gas piping to be welded joints".	
P0.1	Underground Gas piping to be welded steel	
P0.1	All FP piping shown to be seamless steel.	



- 1 Agree - will provide suggested solution
- 2 Agree - will provide alternate solution
- 3 Disagree - no action to be taken
- 4 Owner's input/ clarification required

Project: Fire Station No. 1

Drawing#	Comment	Resolution
P0.1	No information on RO system	
P0.1	RO system piping product not defined	
P0.2	Grease trap on detail sheet.	
P1.1	No elev pit sump pump shown	
P1.2	Detail-5 Gas pipe to WH not shown.	
	Electrical comments	
	Specific electrical comments	
E0.1	No schedule for Emergency Generator, UPS, or ATS	
E0.2	Not all panel schedules included	
E1.1	Emer Lighting seems short of coverage	
E1.2	Emer Lighting seems short of coverage	
E1.2/1.2	No exit lighting shown	
E1.2	Detail-1, Lights on S wall btw columns 3 & 4 not defined	
E2.1/2.2	No HVAC power shown for FCU's, EF's, VRF CU's, etc.	
E2.1/2.2	No GFCI outlets defined in wet areas	
E1.1/1.2	No elev pit lighting/FA shown	
E2.2	Detail-3, No Elevator power shown in rm 403	
E3.2	Smoke Detectors in truck bays. Will exhaust set them off?	
	General electrical comments	
	The light fixture schedule lists Lithonia fixtures. Allow alternate equal light fixtures. If Daybrite, Metalux and Lightolier are listed as approved equals, we will receive more competitive pricing on the light fixture package. The savings for this item can be substantial.	
	Electrical General Note G2 - States that if homerun must be upsized for a circuit then the entire circuit must be of that size. Typically if had to upsize the homerun to say #10 we would leave the rest of the circuit #12.	
	Allow the use of MC cable in air conditioned spaces per SPI rules.	



CONSTRUCTABILITY REVIEW

Project: Fire Station No. 1

Resolution/Response Code

- 1 Agree - will provide suggested solution
- 2 Agree - will provide alternate solution
- 3 Disagree - no action to be taken
- 4 Owner's input/ clarification required

Primary Comments: Drawings

Drawing#	Comment	Resolution
	Allow the use of PVC conduit outdoors where exposed due to the salt spray rusting metal conduits per SPI rules.	
	Allow the use of plenum rated wire for low voltage systems and provide conduit stub-ups to accessible ceiling spaces in place of a full conduit system for these systems	
	Locate the utility company transformer as close as possible to the main electrical panel to shorten the lengths of the underground electrical conductors.	
	Generally, do not sole spec any electrical equipment as it limits competition and	

Activity ID	Activity Description	Orig Dur	Rem Dur	%	Early Start	Early Finish
Mobilize						
100	NTP	0	0	0	03JAN11	
110	Setup Construction Fence	5	5	0	03JAN11	07JAN11
120	Install Silt Fence	2	2	0	03JAN11	04JAN11
130	Trailer Setup	8	8	0	10JAN11	19JAN11
Site						
140	Demo & Clean-up	10	10	0	20JAN11	02FEB11
150	Clear Site	5	5	0	03FEB11	09FEB11
170	Build Up Pad	10	10	0	10FEB11	23FEB11
160	Install UG Utilities	15	15	0	24FEB11	16MAR11
180	Build Up Parking Areas	5	5	0	17MAR11	23MAR11
190	Curb & Gutter	5	5	0	24MAR11	30MAR11
200	Irrigation	10	10	0	31MAR11	13APR11
210	Sidewalks	5	5	0	14APR11	20APR11
240	Lay Asphalt	3	3	0	14APR11	18APR11
220	Signage & Stripe	3	3	0	19APR11	21APR11
230	Punch	1	1	0	22APR11	22APR11
Foundation						
250	Layout	5	5	0	24FEB11	02MAR11
260	Drill and Pour Piers	20	20	0	03MAR11	30MAR11
270	MEP R/I	15	15	0	03MAR11	23MAR11
280	Excavate Grade Beams	10	10	0	31MAR11	13APR11
290	Pour Void Caps	5	5	0	31MAR11	06APR11
300	Form, Tie Rebar & Pour Foundation	15	15	0	31MAR11	20APR11
310	Drill and Sleeve Elevator Shaft	1	1	0	31MAR11	31MAR11
450	Set Block	10	10	0	21APR11	04MAY11
Structural						
2nd Floor						
320	Form Concrete Columns & Pour	5	5	0	05MAY11	11MAY11
330	Form Elevated Beams & Pour	8	8	0	12MAY11	23MAY11
340	Install Planks & Pour	4	4	0	24MAY11	27MAY11
350	Set Block	8	8	0	30MAY11	08JUN11
360	Wreck & Clean Up	3	3	0	30MAY11	01JUN11

NTP
 Setup Construction Fence
 Install Silt Fence
 Trailer Setup

Demo & Clean-up
 Clear Site
 Build Up Pad
 Install UG Utilities
 Build Up Parking Areas
 Curb & Gutter
 Irrigation
 Sidewalks
 Lay Asphalt
 Signage & Stripe
 Punch

Layout
 Drill and Pour Piers
 MEP R/I
 Excavate Grade Beams
 Pour Void Caps
 Form, Tie Rebar & Pour Foundation
 Drill and Sleeve Elevator Shaft
 Set Block

Form Concrete Columns & Pour
 Form Elevated Beams & Pour
 Install Planks & Pour
 Set Block
 Wreck & Clean Up

Start Date
 Finish Date
 Data Date
 Run Date

01JAN11
 21NOV11
 01JAN11
 11AUG10 09:40

Early Bar
 Progress Bar
 Critical Activity

SPIF

SpawGlass
 SPI Fire Department
 Classic Schedule Layout

Sheet 1 of 3

Date	Revision	Checked	Approved

Activity ID	Activity Description	Orig Dur	Ram Dur	%	Early Start	Early Finish	2011 JAN FEB MAR APR MAY JUN JUL AUG SEP OCT NOV DEC											
3rd Floor							<div>Form Concrete Columns & Pour</div> <div>Form Elevated Beams & Pour</div> <div>Install Planks & Pour</div> <div>Set Block</div> <div>Wreck & Clean Up</div>											
370	Form Concrete Columns & Pour	10	10	0	09JUN11	22JUN11												
380	Form Elevated Beams & Pour	15	15	0	23JUN11	13JUL11												
390	Install Planks & Pour	8	8	0	14JUL11	25JUL11												
400	Set Block	4	4	0	26JUL11	29JUL11												
410	Wreck & Clean Up	8	8	0	26JUL11	04AUG11												
4th Floor Roof							<div>Form Concrete Columns & Pour</div> <div>Form Elevated Beams & Pour</div> <div>Install Planks & Pour</div> <div>Wreck & Clean Up</div>											
420	Form Concrete Columns & Pour	5	5	0	01AUG11	05AUG11												
430	Form Elevated Beams & Pour	8	8	0	09AUG11	17AUG11												
440	Install Planks & Pour	4	4	0	18AUG11	23AUG11												
460	Wreck & Clean Up	3	3	0	18AUG11	22AUG11												
Roof							<div>Install Wood Blocking</div> <div>Install Roof Insulation & Dry In</div> <div>Install Roof Accessories</div> <div>Install Roofing Final Top</div> <div>Install Metal Roofs</div> <div>Install Coping</div>											
470	Install Wood Blocking	20	20	0	26JUL11	22AUG11												
480	Install Roof Insulation & Dry In	25	25	0	26JUL11	29AUG11												
490	Install Roof Accessories	5	5	0	23AUG11	29AUG11												
500	Install Roofing Final Top	10	10	0	30AUG11	12SEP11												
520	Install Metal Roofs	8	8	0	30AUG11	08SEP11												
510	Install Coping	10	10	0	13SEP11	26SEP11												
Interiors							<div>Interior MEP R/I</div> <div>Interior Framing</div> <div>Ceiling R/I</div> <div>Block Fill Walls</div> <div>Ceiling Framing</div> <div>Sheetrock Walls</div> <div>1st Coat Walls</div> <div>Sheetrock Ceilings</div> <div>Finish Coat Paint All</div> <div>Tape & Float Walls & Ceilings</div> <div>Prime Ceilings</div> <div>Wall & Ceiling Trimout</div> <div>A/C Online</div> <div>Install Ceiling Tiles</div> <div>Flooring</div> <div>All Interior Accessories</div> <div>Install Woodmill</div>											
530	Interior MEP R/I	60	60	0	21APR11	13JUL11												
540	Interior Framing	60	60	0	05MAY11	27JUL11												
570	Ceiling R/I	90	90	0	19MAY11	21SEP11												
580	Block Fill Walls	60	60	0	09JUN11	31AUG11												
560	Ceiling Framing	20	20	0	30JUN11	27JUL11												
550	Sheetrock Walls	15	15	0	30AUG11	19SEP11												
590	1st Coat Walls	33	33	0	01SEP11	17OCT11												
600	Sheetrock Ceilings	15	15	0	13SEP11	03OCT11												
660	Finish Coat Paint All	20	20	0	15SEP11	12OCT11												
610	Tape & Float Walls & Ceilings	20	20	0	20SEP11	17OCT11												
620	Prime Ceilings	10	10	0	20SEP11	03OCT11												
640	Wall & Ceiling Trimout	15	15	0	04OCT11	24OCT11												
630	A/C Online	0	0	0	18OCT11													
650	Install Ceiling Tiles	10	10	0	18OCT11	31OCT11												
670	Flooring	20	20	0	18OCT11	14NOV11												
690	All Interior Accessories	20	20	0	18OCT11	14NOV11												
680	Install Woodmill	15	15	0	25OCT11	14NOV11												
Start Date Finish Date Data Date Run Date							01JAN11 21NOV11 01JAN11 11AUG10 09:40							SPIF		Early Bar Progress Bar Critical Activity		
© Primavera Systems, Inc.							SpawGlass SPI Fire Department Classic Schedule Layout							Date Revision Checked Approved				

Sheet 2 of 3

**CITY OF SOUTH PADRE ISLAND
CITY COUNCIL MEETING
AGENDA REQUEST FORM**

MEETING DATE: August 18, 2010

NAME/DEPT.: Burney Baskett, Fire Chief

ITEM

Discussion and action on report from Citizen's Advisory Committee regarding financing options for the proposed new Fire Station.

ITEM BACKGROUND

The City Council appointed the committee to examine financing options.

RECOMMENDATIONS/COMMENTS

Direction from Council

BUDGET/FINANCIAL SUMMARY

Funding method to be determined by Council

COMPREHENSIVE PLAN GOAL

6.J. Continue to support the needs of the Public Works, Police and Fire Departments to ensure adequate protection of the population

6.19 Plan and budget for additional fire and police staffing and the requisite vehicles, equipment, and facilities.

COUNCIL ACTION

Motion: _____

Second: _____

Vote: Ayes: _____ **Nays:** _____

Abstentions: _____

**CITY OF SOUTH PADRE ISLAND
CITY COUNCIL MEETING
AGENDA REQUEST FORM**

MEETING DATE: August 18, 2010

NAME/DEPT.: Susan Hill, City Secretary

ITEM

Discussion and action to approve Resolution No. 2010-18 calling and establishing procedures for a Special Election on November 2, 2010 for the purpose of:

- a. Bond Election in which voters will choose to borrow funds for the construction and equipping of a new Fire Station.
- b. To dissolve the South Padre Island Economic Development Corporation (Type "A") and the discontinuance of its one-half (1/2) of the one percent (1%) Sales and Use Tax; and to adopt a Type "B" Economic Development Corporation Sales and Use Tax at the rate of one-half (1/2) of one percent (1%).

ITEM BACKGROUND

RECOMMENDATIONS/COMMENTS

BUDGET/FINANCIAL SUMMARY

COMPREHENSIVE PLAN GOAL

COUNCIL ACTION

Motion: _____

Second: _____

Vote: Ayes: _____ **Nays:** _____

Abstentions: _____



RESOLUTION 2010-18

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH PADRE ISLAND, TEXAS ESTABLISHING PROCEDURES FOR A SPECIAL ELECTION IN SOUTH PADRE ISLAND, TEXAS ON NOVEMBER 2, 2010, FOR THE PURPOSE OF AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS; TO DISSOLVE THE SOUTH PADRE ISLAND ECONOMIC DEVELOPMENT CORPORATION (TYPE "A") AND THE DISCONTINUANCE OF ITS ONE-HALF (1/2) OF THE ONE PERCENT (1%) SALES AND USE TAX, AND TO ADOPT A TYPE "B" ECONOMIC DEVELOPMENT CORPORATIN SALES AND USE TAX AT THE RATE OF ONE-HALF (1/2) OF ONE PERCENT (1%)

WHEREAS, the City Council finds and is of the opinion that public improvements in the City are necessary and desirable and seeks to obtain approval of the citizens of the City for the issuance of general obligation bonds to fund such improvements for a new fire station; and to dissolve the South Padre Island Economic and the discontinuance of its one-half (1/2) of One Percent (1%) of its Use and Sales Tax, being a corporation formed by Section 4A of Article 5190.6 of the Texas Revised Civil Statutes now known as a Type "A" corporation of Chapter 504 of the Texas Local Government Code and the adoption of a Type "B" corporation Sales and Use Tax at the rate of one-half (1/2) of One Percent (1%) to undertake projecting as described in the proposition below; and

WHEREAS, the City Council now deems it advisable to call the election hereinafter ordered; and

WHEREAS, it is hereby officially found and determined that the meeting at which this Resolution was passed was open to the public, and public notice of the time, place, and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code.

THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOUTH PADRE ISLAND, TEXAS THAT:

1. TIME. An election shall be held between the hours of 7:00 A.M. and 7:00 P.M. on **Tuesday, November 2, 2010**, in the City.

2. PRECINCT AND POLLING PLACE. The election shall be held in the regular voting precinct established by the City (which is comprised of all of Cameron County Election Precinct No. 52) at the Municipal Complex Building, 4601 Padre Boulevard, South Padre Island, Texas.

3. **PRESIDING JUDGES.** The Presiding Judge and the Alternate Presiding Judge for the election precinct and polling place described above shall be Kathy Hawkinson and Sharon Taylor, respectively.

4. **ELECTION CLERKS.** The Presiding Judge shall appoint no more than three qualified election clerks to serve and assist in conducting said election; provided that if the Presiding Judge actually serves as expected, the Alternate Presiding Judge shall be one of such clerks.

5. **EARLY VOTING.** Electors may cast their early votes by mail or by personal appearance at the following address: Municipal Complex Building, 4601 Padre Boulevard, South Padre Island, Texas 78597. The Early Voting Clerk shall be Susan Hill and in her absence, Marta Martinez will serve as Clerk for Early Voting.

During the period early voting is required or permitted by law, being Monday, October 25, 2010, through Friday, October 29, 2010, the hours designated for early voting by personal appearance shall be from 8:00 a.m. to 5:00 p.m. with the exception of October 26, 2010 and October 28, 2010 where hours will be from 7:00 a.m. to 7:00 p.m., and the Early Voting Clerk shall keep said early voting place open during such hours for early voting by personal appearance.

6. **EARLY VOTING BALLOT BOARD.** An Early Voting Ballot Board is hereby created to process early voting results. The Presiding Judge and the Alternate Presiding Judge of said Board shall be Sherry Wolf and Glenda Brown, respectively. The Presiding Judge shall appoint at least two other members of said Board.

7. **PAY RATE.** The City Council shall set the pay rate for Election Officials at \$8.00 per hour for clerks and \$10.00 per hour for judges.

8. **MAILING ADDRESS.** The mailing address to which Ballot Applications and Ballots by may be sent is as follows: 4601 Padre Boulevard, South Padre Island, Texas 78597.

9. **BALLOTS.** Early Voting by Personal Appearance and by Mail, and voting on Election Day shall be by paper ballots. The Early Voting Presiding Judge, the Early Voting Alternate Presiding Judge and a clerk shall canvass the paper ballots cast during Early Voting. The Alternate Presiding Judge and two clerks shall canvass the paper ballots cast on Election Day.

10. **ELECTORS.** All resident, qualified electors of the City shall be entitled to vote at said election.

11. **OFFICIAL PROPOSITIONS.** At said election the following PROPOSITIONS shall be submitted in accordance with law:

**PROPOSITION NO. 1
(Fire Station Proposition)**

"Shall the City Council of the City of South Padre Island, Texas be authorized to issue bonds of the City, in one or more series, in the aggregate principal amount

of \$ _____ for the purpose of constructing and equipping a new Fire Station, with said bonds to mature, bear interest, and be issued and sold in accordance with law at the time of issuance, all within the discretion of the City Council; and shall the City Council be authorized to levy and cause to be assessed and collected annual ad valorem taxes on all taxable property in the City in an amount sufficient, within the limit provided by law, to pay the annual interest on said bonds and provide a sinking fund to pay said bonds at maturity?"

PROPOSITION NO. 2
(Economic Development Corporation)

"Dissolution of the South Padre Island Economic Development Corporation and the discontinuance of its one-half (1/2) of one percent (1%) Sales and Use Tax (a corporation governed by Section 4A of Article 5190.6 of the Texas Revised Civil Statutes now Type A corporation of Chapter 504 of the Texas Local Government Code) and the adoption of a Type B corporation Sales and Use Tax at the rate of one-half (1/2) of one percent (1%) to undertake projects as described in Chapters 505, 501 and 502 of the Texas Local Government Code, including but not limited to projects related to beach nourishment, entertainment, tourism, and exhibition facilities, amphitheaters, concert halls, marinas, marine science center, museums and related stores, restaurant, concession and any other improvements, expenditures or facilities that are related to any of the above projects and any other project that the Board determines will promote new or expanded business enterprises that create or retain primary jobs, and the maintenance and operations expenses for any of the above described projects and the assumption of all debts, obligations, projects, programs and assets of the dissolved South Padre Island Economic Development Corporation."

12. FORM OF BALLOT. The official ballots for said election shall be prepared in accordance with the Texas Election Code so as to permit the electors to vote "FOR" or "AGAINST" the aforesaid PROPOSITIONS with the ballots to contain such provisions, markings, and language as required by law, and with such PROPOSITIONS to be expressed substantially as follows:

PROPOSITION NO. 1
(Padre Boulevard Improvements Proposition)

- | | | |
|--------------------------|---------|--|
| <input type="checkbox"/> | FOR | THE ISSUANCE OF \$ _____ OF BONDS FOR
CONSTRUCTING AND EQUIPPING A NEW FIRE STATION, AND
LEVYING THE TAX IN PAYMENT IN PAYMENT THEREOF |
| <input type="checkbox"/> | AGAINST | |

PROPOSITION NO. 2
(Economic Development Corporation)

- FOR DISSOLUTION OF THE SOUTH PADRE ISLAND ECONOMIC DEVELOPMENT CORPORATION AND THE DISCONTINUANCE OF ITS ONE-HALF (1/2) OF ONE PERCENT (1%) SALES AND USE TAX (A CORPORATION GOVERNED BY SECTION 4A OF ARTICLE 5190.6 OF THE TEXAS REVISED CIVIL STATUTES NOW TYPE A CORPORATION OF CHAPTER 504 OF THE TEXAS LOCAL GOVERNMENT CODE) AND THE ADOPTION OF A TYPE B CORPORATION SALES AND USE TAX AT THE RATE OF ONE-HALF (1/2) OF ONE PERCENT (1%) TO UNDERTAKE PROJECTS AS DESCRIBED IN CHAPTERS 505, 501 AND 502 OF THE TEXAS LOCAL GOVERNMENT CODE, INCLUDING BUT NOT LIMITED TO PROJECTS RELATED TO BEACH NOURISHMENT, ENTERTAINMENT, TOURISM, AND EXHIBITION FACILITIES, AMPHITHEATERS, CONCERT HALLS, MARINAS, MARINE SCIENCE CENTER, MUSEUMS AND RELATED STORES, RESTAURANT, CONCESSION AND ANY OTHER IMPROVEMENTS, EXPENDITURES OR FACILITIES THAT ARE RELATED TO ANY OF THE ABOVE PROJECTS AND ANY OTHER PROJECT THAT THE BOARD DETERMINES WILL PROMOTE NEW OR EXPANDED BUSINESS ENTERPRISES THAT CREATE OR RETAIN PRIMARY JOBS, AND THE MAINTENANCE AND OPERATIONS EXPENSES FOR ANY OF THE ABOVE DESCRIBED PROJECTS AND THE ASSUMPTION OF ALL DEBTS, OBLIGATIONS, PROJECTS, PROGRAMS AND ASSETS OF THE DISSOLVED SOUTH PADRE ISLAND ECONOMIC DEVELOPMENT CORPORATION.
- AGAINST

13. ELECTION CODE. In all respects said election shall be conducted in accordance with the Texas Election Code.

14. BILINGUAL ELECTION MATERIALS. All election materials (including notice of the election, ballots, instruction cards, affidavits, and other forms which voters may be required to sign) and all early voting materials shall be printed in both English and Spanish, or Spanish translations thereof, and/or other assistance shall be provided, as required by the Texas Election Code and the Federal Voting Rights Act of 1965, each as amended.

15. NOTICE. Notice of said election in substantially the form attached hereto as Exhibit A shall be given by (i) publishing, both in English and Spanish, on the same day in each of two successive weeks, in the *Port Isabel/South Padre Press*, with the first publication being not more than 30 days and not less than 14 days prior to the date set for said election, and (ii) posting a substantial copy of such notice, both in English and in Spanish, at three public places in the City and at the Municipal Complex Building bulletin board used for posting notices of the meetings of the City Council of the City not later than the 21st day before the election. It is hereby found and declared that the *Port Isabel/South Padre Press* is a newspaper of general circulation within the City.

16. EFFECTIVE DATE. Pursuant to the provisions of Section 1201.028, Texas Government Code, as amended, this Resolution shall become effective immediately upon adoption thereof.

APPROVED BY THE CITY COUNCIL OF THE CITY OF SOUTH PADRE ISLAND, TEXAS AT A REGULAR MEETING HELD ON THE 18TH DAY OF AUGUST 2010.

Robert N. Pinkerton, Mayor

Attest:

Susan M. Hill, City Secretary

**CITY COUNCIL MEETING
CITY OF SOUTH PADRE ISLAND
AGENDA REQUEST FORM**

MEETING DATE: August 18, 2010

NAME/DEPT.: Sam Listi, Council Member

ITEM

Discussion and possible action regarding approval of First Reading of "No Smoking" Ordinance No. 10-26.

ITEM BACKGROUND

Smoking is an addiction. Tobacco smoke contains nicotine, a drug that is addictive and can make it very hard, but not impossible, to quit. More than 400,000 deaths in the U.S. each year are from smoking-related illnesses. Smoking greatly increases your risks for lung cancer and many other cancers.

RECOMMENDATIONS/COMMENTS

Recommend adoption of an ordinance to prohibit smoking in offices, retail shops, hotel/motels, restaurants (except outdoor areas) and bars that derive more than 50% of it's gross receipts from the sale of food.

BUDGET/FINANCIAL SUMMARY

Costs should be minimal.

COMPREHENSIVE PLAN GOAL

To make our Island a more pleasing place to enjoy.

COUNCIL ACTION

Motion: _____

Second: _____

Vote: Ayes: _____ **Nays:** _____

Abstentions: _____

ORDINANCE NO. 10-26

AN ORDINANCE AMENDING ARTICLE III (REGULATION OF SMOKING) OF CHAPTER 10 OF THE CODE OF ORDINANCES OF THE CITY OF SOUTH PADRE ISLAND, TEXAS PROHIBITING SMOKING IN CERTAIN PUBLIC PLACES ESTABLISHING DEFINITIONS; DISPENSING WITH A CULPABLE MENTAL STATE; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR CRIMINAL PENALTY FOR VIOLATION NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00); PROVIDING FOR SEVERABILITY; AND AUTHORIZING PUBLICATION IN CAPTION FORM; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of South Padre Island, Texas believes that primary and secondary tobacco smoke inhalation has been shown to be harmful to health, contributing to several different cancer formations, respiratory deterioration, cardiac and circulatory diseases, that smoking in public places creates a nuisance and a health hazard for those persons gathered in and occupying public places, and that in order to promote the public health safety and welfare that smoking in public places should be limited as hereinafter set out.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH PADRE ISLAND, TEXAS:

Section 1. Article III of Chapter 10 of the Code of Ordinances, City of South Padre Island is hereby amended regarding Regulation of Smoking which said Article III shall hereafter read as follows:

“ARTICLE III

REGULATION OF SMOKING

Sec. 10-50. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) **Bar** means any commercial establishment that derives fifty-one percent (51%) or more of its annual gross sales receipts from the sale of alcoholic beverages as defined by the Texas Alcoholic Beverage Code and has a valid on-premises consumption license issued by the Texas Alcoholic Beverage Commission or a portion of a commercial/food establishment that is physically separated from the rest of the establishment by an impermeable barrier exclusive of appropriate openings for ingress and egress and that portion of the establishment is independently ventilated and that portion of the establishment derives fifty-one percent (51%) or more of its annual gross sales receipts from the sale of alcoholic beverages as defined by the Texas Alcoholic Beverage Code

11-2

and has a valid on-premises consumption license issued by the Texas Alcoholic Beverage Commission.

(b) **Director** means the director of the department designated by the City Manager to enforce and administer this article or the director's designated representative.

(c) **Employee** means any person who is employed by any employer from direct or indirect monetary wages, commissions or profit, or is in a position that would lead one to believe that such person is so employed.

(d) **Employer** means any person, partnership, corporation, association or other entity that employs one or more persons.

(e) **Enclosed** means closed in by a roof and solid walls, with or without windows and with appropriate openings for ingress and egress.

(f) **Food establishment** means any operation engaged in the preparation or sale of prepared ready-to-eat food, if such operation accounts for more than fifty-one percent (51%) of annual gross sales receipts. For the purpose of this section a food establishment does not include an outdoor patio or deck which may or may not be covered.

(g) **Governmental entity** means a state, a municipality, county, school district, or appraisal district.

(h) **Health care facility** means any hospital or institution that provides medical or surgical services for patients.

(i) **Independently ventilated** means that the heating, ventilation and air conditioning system for a bar area does not allow for the mixing of air from the bar area to a public area or public place served by the same ventilation system or another ventilation system.

(j) **Public place** means any enclosed area that is open to or is used by the general public, or that is a place of employment and includes, but is not limited to: retail stores, grocery stores, offices, professional, commercial or financial establishments, food establishments, movie theaters, public and private institutions of education, health care facilities, nursing and convalescent homes, residential treatment facilities, buildings owned or occupied by political subdivisions and public restrooms. For the purpose of this article, a public place does not include a private residence, bar, tobacco shop, hotel and motel rooms that are rented to guests, private clubs or outdoors or private offices. Any public places regulated by other statutes or other governmental administrative rules which conflict with or which preempt local regulation are exempt from the provisions hereof to the extent of such conflict or preemption.

(k) **Private club** means any building, premises or portion thereof which is wholly owned or leased from other than a governmental entity by a non-profit corporation organized under Chapter 501 (c)(3) of the United States Internal Revenue Code, as amended.

(l) **Private Office** is an individual's office from which the public is not barred but to which the public goes primarily by invitation or appointment. Such office shall be an office in which there are no employees.

(m) **Movie theater** means any establishment engaged in the business of exhibiting motion pictures to public. The same are regulated hereby even if meeting the definition of private club.

(n) **Outdoors** means any area that is not enclosed.

(o) **Smoke or smoking** means the carrying or holding of a lighted pipe, cigar or cigarette of any kind, or any other lighted smoking material, equipment or device, and the lighting, emitting or exhaling the smoke of a pipe, cigar, or cigarette of any kind.

(p) **Tobacco** means any tobacco, cigarette, cigar, pipe tobacco, smokeless tobacco, snuff or any other form of tobacco, which may be utilized for smoking, chewing, inhalation or other means of ingestion or absorption.

(q) **Tobacco shop** means any commercial establishment that derives fifty-one percent (51%) of its annual gross receipts from the sale of tobacco and tobacco accessories.

Sec. 10-51. Smoking Prohibited in Public Places.

Smoking is hereby prohibited in all public places within the city limits of the City of South Padre Island.

It is an affirmative defense to prosecution under this article that the person was smoking in a bar, tobacco shop, a rented hotel or motel room of any kind, private clubs, outdoors, or in a place where these regulations are in conflict with or preempted by other laws.

Sec 10-52. Signs and Receptacles.

A) "Designated Smoking Area" or "No Smoking" signs, whichever are appropriate, with letters of not less than one inch (1") in height or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly, sufficiently and conspicuously posted at every entrance to every building where smoking is regulated by this Ordinance. Such signs shall state, "No Smoking City Ordinance No. 10-____".

B) Receptacles shall be provided in sufficient numbers and locations so that the same are readily accessible for the extinguishment of smoking materials prior to entry into buildings and other places where smoking is regulated by this Ordinance.

Sec. 10-53. Reporting Violations.

This article does not require the owner, operator, employer, manager or any employee to report a violation of this Article.

Sec. 10-54. Penalties for Violation.

A) Any person, firm, partnership or corporation who violates any provision of this section shall be guilty of a Class "C" Misdemeanor and upon conviction thereof shall be fined an amount not less than Twenty-Five Dollars (\$25.00) nor more than Two Thousand Dollars (\$2,000.00). Each day that violation is permitted to exist shall constitute a separate offense.

B) It is hereby declared that the culpable mental state required by Chapter 6.02 of the Texas Penal Code is specifically negated and clearly dispensed with, and such offense is declared to be a strict liability offense.

Sec. 10-55. Other Applicable Laws

A) This Article shall not be construed or interpreted to permit smoking where it is otherwise restricted by other applicable laws.

B) This Article shall be and is hereby declared to be cumulative of all other ordinances of the City of South Padre Island, and this Article shall not operate or repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provision, if any, in such other ordinance or ordinances are hereby repealed.

C) All of the regulations provided by this Ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any City Official or employee charged with the enforcement of this Ordinance, acting for the City of South Padre Island in the discharge of his duties, shall not thereby render himself personally liable; and he is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of said duties.

D) Any violation of this Ordinance can be enjoined by a suit filed in the name of the City of South Padre Island in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this Ordinance or in the Code of the City of South Padre Island.

E) It shall be a violation of this Article for any person to smoke where the owner of the property has posted a "No Smoking" sign even if smoking is not prohibited by this Article."

Section 2. This Ordinance repeals all portions of any prior ordinances or parts of ordinances of the Code of Ordinances in conflict herewith.

Section 3. Any violation of this Ordinance may be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) for each offense or for each day such offense shall continue and the penalty provisions of Section **21-1** of the Code of Ordinances is hereby adopted and incorporated for all purposes.

Section 4. If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this Ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this Ordinance for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

Section 5. This Ordinance shall become effective when published in summary form or by publishing its caption.

PASSED, APPROVED AND ADOPTED on First Reading, this ____ day of _____
2010.

PASSED, APPROVED AND ADOPTED on Second Reading, this __ day of _____
2010.

ATTEST:

**CITY OF SOUTH PADRE
ISLAND, TEXAS**

Susan Hill, CITY SECRETARY

ROBERT N. PINKERTON, JR., MAYOR

**CITY OF SOUTH PADRE ISLAND
CITY COUNCIL MEETING
AGENDA REQUEST FORM**

MEETING DATE: August 18, 2010

NAME/DEPT.: Joni Clarke, City Manager

ITEM

Discussion and possible action regarding a review of the purpose, goals and objectives of established City of South Padre Island Boards and Commissions and to evaluate the reorganization of these committees, creation of new committees and/or possible elimination of existing committees.

ITEM BACKGROUND

While we all appreciate the value, expertise and insight provided by the City of South Padre Island's Boards and Commissions, effectively using our resources is also important. Each meeting that is held by a committee takes a significant amount of staff time as each committee requires a minimum of one staff liaison (typically a departmental leader), an administrative support person (agenda preparation and minutes) and a staff member from Information Services Department to video stream the meeting.

Current committees consist of the following:

Committee	Staff Liaison	Administrative Support	Monthly Meeting Dates
City Council	Joni Clarke, City Manager	Susan Hill	1 st & 3 rd Wednesday
Bay Area Task Force	Scott Fry, PW Director	Mary Ann Guillen	4 th Thursday
Board of Adjustments & Appeals Zoning (Vasquez) Building (Mitchim)	Rick Vasquez, Transit & Dev. Director Jay Mitchim, Building Official	Marta Martinez	1 st Tuesday
Beach & Dune Task Force	Reuben Trevino, Coastal Manager	Mary Ann Guillen	1 st & 4 th Monday
Convention & Visitors Authority Board	Dan Quandt, CVB Executive Director	Dinora Garcia	3 rd Wednesday
Development Plan and Review Board	Jay Mitchim, Building Official	Janie Mota	2 nd & 4 th Tuesday
Economic Development Corporation	Larry Homan, Finance Director	Darla Lapayre	3 rd Tuesday
Ethics Commission	Wendi Delgado, Admin Services Director	Susan Hill	Mondays (currently weekly)
Food Service Board of Appeals	Victor Baldovinos, Health Director	Amy Bush	Only meets when there is an appeal request

Form Based Code	Rick Vasquez, Transit & Dev. Director	Marta Martinez	2 nd Tuesday
Historical Preservation Committee	Dan Quandt, CVB Executive Director	Dinora Garcia	1 st Tuesday
Keep SPI Beautiful	Victor Baldovinos, Joseph Ramirez	Amy Bush	2 nd Thursday
Padre Boulevard Revitalization Committee	Rick Vasquez, Transit & Dev. Director	Marta Martinez	3 rd Tuesday
Planning & Zoning Commission	Rick Vasquez, Transit & Dev. Director	Marta Martinez	3 rd Thursday
Special Events Committee	Dan Quandt, CVB Executive Director	Dinora Garcia	3 rd Wednesday
South Texas Emergency Care	Burney Baskett, Fire Chief	N/A	2 nd Monday/Harlingen
SPI Chamber	Joni Clarke, City Manager	N/A	2 nd Tuesday/VC
Website Task Force	Tim Howell, Info Services Director	Minerva Lopez	Not currently meeting

Staff is requesting that the City Council review the purpose of each committee and consider merging some of the committees that share like goals and objectives. For example, The City Council may consider merging Padre Boulevard Revitalization Committee, Form Based Code Commission and Development Plan and Review Board into one committee as they share a common theme of regulating design standards. It is an appropriate time to review the established guidelines and overall structure of our committees as many terms expire at the end of September. Further, our volunteers are a limited resource that we need to use wisely and many of our citizens have been extravagant in the giving of their time and may need a break from service to reenergize.

It may be less confusing for a citizen wanting to stay informed to clarify the role of each committee. Presently, citizens need to attend (or view) multiple meetings and know the specific role of each committee to stay informed. A consolidated approach may provide a little more focus of broader areas of responsibility and provide a little more clarity regarding the objective of each committee and be a more effective use of volunteer time addressing the issue of some committees having very little on their agendas and some volunteers spending a great deal of time serving on multiple committees

It would be interesting to get input from those who currently serve on the various Boards and Commissions and incorporate their insight into the process.

RECOMMENDATIONS/COMMENTS

The goal is to begin a process that will streamline the Boards and Commissions in order to use volunteer resources and staff time effectively.

BUDGET/FINANCIAL SUMMARY

N/A

COMPREHENSIVE PLAN GOAL

Comprehensive plan goals varies for each committee.

12-2

COUNCIL ACTION

Motion: _____

Second: _____

Vote: Ayes: _____ **Nays:** _____

Abstentions: _____

RESOLUTION NO. 853

As Amended 10-04-06*

A RESOLUTION OF THE BOARD OF ALDERMEN OF THE TOWN OF SOUTH PADRE ISLAND, TEXAS, ESTABLISHING A BAY AREA TASK FORCE IMPLEMENTATION COMMITTEE.

WHEREAS, the Board of Aldermen passed Resolution No. 808 on July 6, 2005 which re-established a seven-member ad hoc Bay Area Task Force; and

WHEREAS, said Resolution No. 808 tasked the committee with reviewing various issues involving the bayside of the Town; and

WHEREAS, the committee worked diligently to develop ideas and recommendations to the Board of Aldermen and rendered their final report and recommendations to the Board of Aldermen on September 6, 2006; and

WHEREAS, the Board of Aldermen is desirous of implementing the majority of the recommendation contained in the said report; and

WHEREAS, the Bay side street endings are a valuable resource of the Town and should be protected for the adjacent property owners and all the citizens of the Town; and

WHEREAS, the Board of Aldermen wishes to form the Bay Area Task Force Implementation Committee for the purpose of prioritizing its recommendations, listing the financing available and the sources of funding for each of the recommendations.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF SOUTH PADRE ISLAND, TEXAS:

Section 1. That a seven-member* ad hoc Bay Area Task Force Implementation Committee is hereby created to prioritize the recommendations of the Ad Hoc Bay Area Task Force, determine and recommend the financing, and the sources of funds to implement said recommendation.

Section 2. The Board of Aldermen may appoint seven (7) members* to serve on the Bay Area Task Force Implementation Committee which members may consist of the prior members of the Ad Hoc Bay Area Task Force willing to serve and the Board of Aldermen will appoint any additional members to complete the seven-member committee.

**NOTE: The Board of Aldermen amended Resolution 853 on October 4, 2006, changing the membership to seven regular members and three alternates and naming them: Jack Fitch, Sam Wells, ~~Don Evans~~, Troy Giles, Steve O'Neil, Lynn Hughes, Mike Saban and Dr. Gerald Sher as*



12-4

regular members and Todd Moore, Alex Grossman and Richard Wolf as alternates.)

(IX

A. DISCUSSION AND ACTION TO INCREASE THE NUMBER OF MEMBERS ON THE BAY AREA TASK FORCE

Discussion was held. Ridolfi made a motion, seconded by Hoff to amend Resolution No. 853, to add three alternates to the seven member committee. Motion carried unanimously.

B. DISCUSSION AND ACTION TO APPOINT MEMBERS TO THE BAY AREA TASK FORCE IMPLEMENTATION COMMITTEE


Ridolfi made a motion, seconded by Evans to appoint Jack Fitch, Sam Wells, Don Evans, Troy Giles, Steve O'Neil, Lynn Hughes, Mike Saban and Dr. Gerald Sher as regular members and Captain Randy Rogers, Alex Grossman and Richard Wolf as alternates. Motion carried unanimously.)

Section 3. The committee working with the Town Staff will develop an appropriate method and/or agreement both with the General Land Office and Army Corp of Engineers that they will not permit any type of improvements at the end of Town streets abutting the bay and that area extended into the bay.

Section 4. This Resolution shall become effective immediately upon its passage.

PASSED, APPROVED AND ADOPTED as amended in Section 2, on this the 4th day of October, 2006.

ATTEST:


JOYCE ADAMS, CITY SECRETARY



TOWN OF SOUTH PADRE
ISLAND, TEXAS


ROBERT N. PINKERTON, JR., MAYOR

12-5

Sec. 22-3. BEACH AND DUNE TASK FORCE-APPOINTMENT

The Board of Aldermen may appoint seven (7) individuals to serve on the Beach and Dune Task Force. The appointment of individuals shall be for two (2) year terms, such terms to be staggered, and all terms shall expire on September 30 of the year said members term is scheduled to expire or until their successor is appointed. The Task Force shall elect one of the members as Chairperson, and the Chairperson may not make or second motions and may only vote to break a tie vote and if the Chairperson is absent the members shall appoint a temporary Chairperson to preside at the meeting. The Board of Aldermen may remove any appointee to the Beach and Dune Task Force at anytime. The initial members appointed by the Board of Alderman shall have three (3) members appointed for a one (1) year term and four (4) members appointed for a two (2) year term, and thereafter all appointments will be for a two year term.

Sec. 22-3.1 MEETINGS.

The Beach and Dune Task Force shall conduct all its meetings in a public setting and shall follow all of the procedures required by the Open Meetings Act in the conduct of all its business.

Sec. 22-3.2 GUIDELINES.

The Beach and Dune Task Force has adopted general guidelines as stated within this plan for the construction of a continuous dune line based upon a 1993 study conducted by Robert A. Morton:

Beach and Dune Conditions at South Padre Island, Texas; Assessment and Recommendations

(Bureau of Economic Geology, The University of Texas at Austin). Additional specifications and/or guidelines for the preservation and enhancement of dunes shall be consistent with the above 1993 study as well as *Dune Protection and Improvement Manual for the Texas Gulf Coast* (as published and amended by the General Land Office).

ORDINANCE NO. 10-04

AN ORDINANCE OF THE CITY OF SOUTH PADRE ISLAND, TEXAS, AMENDING SEC. 20-16 OF CHAPTER 20 OF THE CODE OF ORDINANCES OF THE CITY OF SOUTH PADRE ISLAND BY PROVIDING FOR THE ESTABLISHMENT OF **BOARD OF ADJUSTMENT**, APPOINTMENT AND FUNCTIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR A PENALTY OF UP TO TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH VIOLATION, AND PROVIDING FOR PUBLICATION IN CAPTION FORM.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF SOUTH PADRE ISLAND, TEXAS THAT:

Section 1. That Sec. 20-16 of Chapter 20 of the Code of Ordinance be amended to read as follows:

- (a) **Creation of Board of Adjustment.** There is hereby created a board of adjustment consisting of five (5) members and three (3) alternate members to be appointed by the City Council. All members, including alternates, must be residents of the City of South Padre Island. Said board shall have all powers vested by the Texas Local Government Code Ch. 211.
- (b) **Terms, Removal of Members.** All members of the board shall be appointed for two year terms and shall serve until their successors are appointed and qualified and shall be removable for cause by the City Council upon written charges and after public hearing.
- (c) **Vacancies.** Vacancies in the regular membership of the board of adjustment shall be filled by the city council. Vacancies of the alternate board of adjustment member(s) shall be appointed at large by the city council, and determined by majority vote, for the unexpired term of vacancy. The alternate members serve for the same period and are subject to removal the same as regular members.
- (d) **Minimum of four (4) Members at Hearings.** The alternate members of the board of adjustment shall serve in the absence of one (1) or more regular members when requested by the Mayor or City Manager so that all cases heard by the board of adjustment will always be heard by a minimum of four (4) members, in conformity with state law requiring that seventy-five (75) percent of the members of the board hear each case. Alternates may participate in meetings on a rotating basis subject to availability.
- (e) **Minutes/Records.** The board shall keep minutes of its proceedings showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official action, all of which shall be immediately filed in the office of the City Secretary and shall be a public record.
- (f) **Meetings and Rules.** The board shall have monthly meetings or at the call of the chairman or in his absence the acting chairman, and at such other times as the board may determine. All board meetings shall be open to the public. The board may adopt rules consistent with this chapter or state law to govern its proceedings.

(g) **Powers of Board.** The board of adjustment shall have the following powers and duties which must be exercised in accordance with this chapter and state law:

- To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of the Zoning Ordinance.
- To authorize upon appeal in specific cases, and subject to appropriate conditions and safeguards, such variances from the terms of this chapter as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship, and so that the spirit of the chapter shall be observed and substantial justice done. A variance may not be granted to relieve a self-created or personal hardship, nor for financial reasons. In exercising its authority, the board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the board has the same authority as the administrative official. The concurrent vote of seventy-five (75) percent of the members of the board is necessary to reverse an order, requirement, decision, or determination of an administrative official; decide in favor of an applicant on a matter on which the board is required to pass under the zoning ordinance; or authorize a variation from the terms of a zoning ordinance.

(h) **Compensation of Members.** None

(i) **Notice of Hearings.** Public notice of hearings before the board of adjustment shall be given for each separate appeal thereby by publication one (1) time in a paper of general circulation in the city, stating the time and place of such hearing which shall not be earlier than ten (10) days from the first date of such publication, and in addition thereto, the board of adjustment shall mail notice of such hearing to the petitioner and to the owners of property lying within two hundred (200) feet of any point of the lot or portion thereof on which a variation, or exception, is desired and to all other persons deemed by the board of adjustment to be affected thereby. Such owners and persons shall be determined according to the current tax rolls of the city.

Sec. 20-16.1 VARIANCES AND APPEALS, SPECIAL EXCEPTIONS

Sec. 20-16.1. Generally.

(a) **Notice of Hearings.** Public notice of hearings before the board of adjustment shall be given for each separate appeal thereby by mailing notice of such hearing to the petitioner and to the owners of property lying within two hundred (200) feet of any point of the lot or portion thereof on which a variation, or exception, is desired and to all other persons deemed by the board of adjustment to be affected thereby. Such owners and persons shall be determined according to the current tax rolls of the city.

(b) **Powers Strictly Construed.** Nothing herein contained shall be construed to empower the board of adjustment to change the terms of the Zoning Ordinance, to effect changes in the official map or to add to the specific uses permitted in any district.

(c) **Findings of Fact.** Every decision of the board of adjustment shall be based upon findings of fact and every finding of fact shall be supported in the record of its proceedings. The enumerated conditions required to exist on any matter upon which the board is required to pass under this article or to affect any variance in this chapter shall be construed as limitations on the power of

the board to act. A mere finding or recitation of the enumerated conditions unaccompanied by findings of specific facts shall not be deemed findings of fact and shall not be deemed in compliance with this article.

(d) **Recommendation From Other Public Agencies.** The board of adjustment shall receive and consider recommendations from public and semipublic agencies before rendering a decision in any case before the board. To this end, the board shall, in addition to the other requirements of this chapter, notify all agencies deemed to have an interest in the case.

(e) **Postponement of a Case.**

(1) Prior to the city publishing the board of adjustment case in the newspaper, an applicant may request in writing for the city to postpone the case. In such cases, the applicant shall have six (6) months from the date of the written request for postponement to reactivate the case. After expiration of the six-month period the fees paid shall be non-refundable and the applicant will have to submit a new application with new fees for further consideration of the request.

(2) If a written request for postponement is submitted by the applicant after the city has published the case in the newspaper, the fees paid shall be non-refundable and the hearing will not be rescheduled until the postponement fee has been paid by the applicant. In such cases, the applicant shall have six (6) months from the date of the written request for postponement to reactivate the case; after expiration of the six-month period, the applicant will have to submit a new application with new fees for further consideration of the request.

(3) If a written request for postponement is submitted by the applicant after the agenda has been posted (seventy-two (72) hours prior to the public hearing), the postponement will be considered by the board of adjustment. If approved by the board, the fees paid shall be non-refundable and the hearing will not be rescheduled until the postponement fee has been paid by the applicant. In such cases, the applicant shall have six (6) months from the date of the board's decision to grant the postponement, to reactivate the case; after expiration of the six-month period, the applicant will have to submit a new application with new fees for further consideration of the request.

Sec. 20-16.2. Appeals to Board of Adjustment.

(a) **Applicability.**

(1) Generally. Any of the following persons may appeal to the board of adjustment a decision made by an administrative official:

- A person aggrieved by the decision; or
- Any officer, department, board, or bureau of the city affected by the decision.

(b) **Initiation.**

(1) **Application.** Such appeal shall be taken by filing with the Planning Department and with the board of adjustment, within the time provided by this chapter, a notice of appeal specifying the particular grounds upon which the appeal is taken and the payment of the fee. Upon receipt of a notice of appeal, the Planning Department shall transmit to the board of adjustment all of the original documents and materials, or true copies thereof, constituting the record upon which the order or decision appealed from was based.

(2) **Automatic Stay.** An appeal from an order of the Public Works Director or Planning Director to the board of adjustment shall stay all proceedings unless the Town Planner certifies that, by reason of the facts stated in the certificate, a stay in his opinion would cause imminent peril to

life or property. When such a certificate is filed, proceedings shall not be stayed except by a restraining order granted by the board of adjustment or a court of proper jurisdiction.

(3) **Time Limit for Appeal.** The board of adjustment shall set a reasonable time for the appeal hearing and shall give public notice of the hearing and due notice to the parties in interest. Appeals to the zoning board of adjustment from any order, requirement, decision or determination made by an administrative official in the enforcement of this chapter shall be made within thirty (30) days after such order, requirement, decision or determination by filing with the director of the department of development services and with the board of adjustment a notice of appeal.

(b) **Completeness Review.** The Planning Director shall review the notice of appeal for completeness within five (5) working days. The appellate agency for purposes of completeness shall be the board of adjustment.

(c) **Decision.**

(1) **Appearance.** A party may appear at the appeal hearing in person or by agent or attorney.

(2) **Hearing.** The board of adjustment shall consider the appeal at a quasi-judicial public hearing pursuant to section 35-404. Pursuant to V.T.C.A. Local Government Code § 211.009(b), the board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the board has the same authority as the administrative official. Pursuant to V.T.C.A. Local Government Code § 211.009(b), the concurring vote of seventy-five (75) percent of the members of the board is necessary to reverse an order, requirement, decision, or determination of an administrative official.

(3) **Time Limit for Decision.** The board shall decide the appeal within a reasonable time.

(e) **Appeal from Board of Adjustment.** An appeal from a board of adjustment decision shall be filed pursuant to V.T.C.A. Local Government Code § 211.011(b) with the District Court or County Court at Law.

Section 2. Any violation of this Ordinance may be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) for each offense or for each day such offense shall continue and the penalty provisions of Section 21-2 of the Code of Ordinances is hereby adopted and incorporated for all purposes.

Section 3. If for any reason any section, paragraph, subdivision, clause, phrase, word, or provision of this Ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word, or provision of this Ordinance for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word, or provision hereof be given full force and effect for its purpose.

Section 4. All other ordinances or portions of ordinances that may be in conflict with the provisions of this ordinance are hereby repealed.

Section 5. This Ordinance shall become effective when published in summary form or by publishing its caption.

PASSED, APPROVED, AND ADOPTED on First Reading, this 20th day of January 2010.

PASSED, APPROVED, AND ADOPTED on Second Reading, this _____ day of _____, 2010.

ATTEST:

**CITY OF SOUTH PADRE ISLAND,
TEXAS**

SUSAN HILL, CITY SECRETARY

ROBERT N. PINKERTON, JR. MAYOR

ORDINANCE NO. 10-01

AN ORDINANCE OF THE CITY OF SOUTH PADRE ISLAND, TEXAS, AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES OF THE CITY OF SOUTH PADRE ISLAND BY PROVIDING FOR THE ESTABLISHMENT OF AN INDEPENDENT **BOARD OF ETHICS**; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES.

WHEREAS, Section 7.01 of the City of South Padre Island City Charter provides that the City Council shall by ordinance establish an independent Board of Ethics to establish a Code of Ethics and to administer and enforce the conflict of interest and financial disclosure State laws; and

WHEREAS, the City Council wishes to establish such Board to be composed of five (5) members.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH PADRE ISLAND, TEXAS:

Section 1. Chapter 2 of the Code of Ordinances of the City of South Padre Island is hereby amended to add a new Article III, as follows:

“ARTICLE III Board of Ethics

Sec. 2-70 Board of Ethics.

A Board of Ethics is hereby established to be composed of five (5) members all of whom shall reside in the City of South Padre Island.

Sec. 2-70.1 Member Positions.

Each member of the Board of Ethics shall be appointed by the City Council and occupy a position on the Board. Such positions shall be numbered 1 through 5.

Sec. 2-70.2 Member Terms.

The Board members shall be appointed for two (2) year staggered terms. Positions 1, 3 and 5 shall expire on February 1, 2012 and thereafter those positions shall be filled with successive two-year terms and positions 2 and 4 shall expire on February 1, 2011 with successive two-year terms. Any vacancies for a position shall be filled for the unexpired term of that position. A member shall hold office until his/her successor has been appointed by the City Council.

Sec. 2-70.3 Chairman of Board.

The Board shall elect a Chairman and the Vice-Chairman to a one-year term. The Vice-Chairman shall act as Chairman in the absence of the Chairman.

Sec. 2-70.4 Quorum.

Three or more members of the Board shall constitute a quorum but no action of the Board shall be of any force or effect unless its adopted by a favorable vote of four (4) or more members.

Sec. 2-70.5 Code of Ethics.

The Board of Ethics shall establish a Code of Ethics and administer and enforce the conflict of interest and Finance Disclosure State Laws.

Sec. 2-70.6 Prohibition.

No member of the Board may hold elective or appointed office under the City or any other government or hold any political party office.

Sec. 2-70.7 Authority.

City Council authorizes the Board to issue binding opinions, conduct investigations on its own initiative and on referral or complaint from officials or citizens, subpoena witnesses and documents, refer cases for prosecution, impose administrative fines, and to hire independent counsel with City Council approval.

Sec. 2-70.8 Training.

The Board will provide annual training and education of City Officials and employees, including candidates for public office, regarding the ethics code established by the Board."

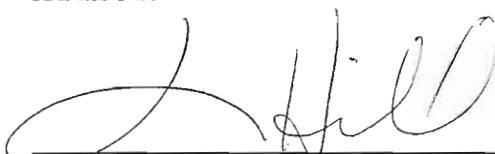
Section 2. If for any reason any section, paragraph, subdivision, clause, phrase, word, or provision of this Ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word, or provision of this Ordinance for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word, or provision hereof be given full force and effect for its purpose.

Section 3. All other ordinances or portions of ordinances that may be in conflict with the provisions of this ordinance are hereby repealed.

PASSED, APPROVED, AND ADOPTED on First Reading, this 6th day of January 2010.

PASSED, APPROVED, AND ADOPTED on Second Reading, this 20th day of January, 2010.

ATTEST:



SUSAN HILL, CITY SECRETARY

**CITY OF SOUTH PADRE ISLAND,
TEXAS**



ROBERT N. PINKERTON, JR. MAYOR



RESOLUTION NO. 815-A

A RESOLUTION OF THE BOARD OF ALDERMEN OF THE TOWN OF SOUTH PADRE ISLAND AMENDING RESOLUTION 815 (CREATING THE CONVENTION AND VISITORS AUTHORITY) TO ADD THE CITY MANAGER AS A BOARD MEMBER OF THE CONVENTION AND VISITORS AUTHORITY.

WHEREAS, the Board of Aldermen by Resolution No. 815 established the Convention and Visitors Authority and the Board of Aldermen desires to add the City Manager as a voting member of the Convention and Visitors Authority board:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF SOUTH PADRE ISLAND, TEXAS:

Section 1. Section 3 of Resolution No. 815 is hereby amended to read as follows;

"Section 3. Board members of the Convention and Visitors Authority shall be appointed by the Board of Aldermen using the following criteria:

Four appointed from the hotel industry (two full service hotels, two limited service hotels)
Two condominium industry representatives
One tourism-related industry representative
One citizen at large
The sitting chair of the South Padre Island Chamber of Commerce
The City Manager of South Padre Island"

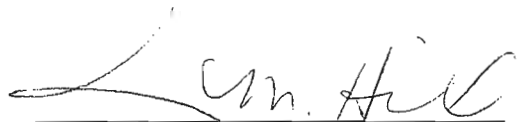
Section 2. Those portions of any resolution heretofore enacted in conflict with this Resolution are repealed only to the extent of their conflict with this Resolution.

Section 3. This Resolution shall become effective immediately upon its passage.

PASSED, APPROVED AND AMENDED THIS 19th DAY OF December, 2007.

ATTEST:

TOWN OF SOUTH PADRE
ISLAND, TEXAS



Susan M. Hill, Asst. City Secretary



Robert N. Pinkerton, Jr. Mayor

ORDINANCE NO. 09-01

AN ORDINANCE OF THE TOWN OF SOUTH PADRE ISLAND AMENDING THE CODE OF ORDINANCES OF SUCH TOWN BY AMENDING CHAPTER 4, ARTICLE V, SECTION 4-40 AND 4-42 TO INCREASE THE **DEVELOPMENT PLAN REVIEW BOARD** TO NINE (9) MEMBERS AND THE QUORUM TO 5; PROVIDING FOR A PENALTY OF FIVE HUNDRED DOLLARS (\$500.00) FOR ANY VIOLATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PUBLICATION IN CAPTION FORM.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF SOUTH PADRE ISLAND, TEXAS:

Section 1. Sections 4-40 and 4-42 of Article V of Chapter 4 of the Code of Ordinances of the Town of South Padre Island is hereby amended to provide increase in number of members of the Development Plan Review Board and the quorum requirement and Sections 4-40 and 4-42 shall hereafter read as follows:

Sec. 4-40 Composition.

"There is hereby established an advisory Board called the Development Plan Review Board (hereafter "Review Board"). The Review Board shall consist of nine (9) members of the public appointed by the Board of Aldermen.

Sec. 4-42 Quorum.

Five (5) members of the Review Board shall constitute a quorum. No Board member shall act in any case in which he or she has a personal interest."

Section 2. Any violation of the above amended section of Chapter 4 of the Code of Ordinances of the Town of South Padre Island may be punished by a fine not to exceed Five Hundred Dollars (\$500.00) for each offense or for each day such offense shall continue and the penalty provisions of Section 21-1 of the Code of Ordinances is hereby adopted and incorporated for all purposes.

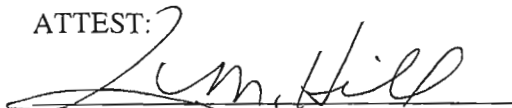
Section 3. If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this ordinance for it is the definite intent of this Board of Aldermen that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

Section 4. This Ordinance shall become effective when published in summary form or by publishing its caption.

PASSED, APPROVED AND ADOPTED on First Reading, the 4th day of February 2009.

PASSED, APPROVED AND ADOPTED on Second Reading, the 18TH day of February 2009.

ATTEST:


Susan M. Hill, CITY SECRETARY


ROBERT N. PINKERTON, JR., MAYOR



Sec.4-34 Term of Office

Each member of the Board shall be appointed for a term of two (2) years. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Continued absence of any member from regular meetings of the Board shall, at the discretion of the Board of Aldermen, render any such member liable to immediate removal from office.

Sec.4-35 Quorum.

Four (4) members of the Board shall constitute a quorum. In varying the application of any provision of this Code or in modifying an order of the Building Official, the concurring votes of four (4) members, shall be required. A Board member shall not act in a case in which he has a personal interest. [See § 211.009 Local Government Code.]

Sec.4-36 Records.

The Board shall make a detailed record of all its proceedings, which shall set forth the reasons for their decisions, the vote of each member participating therein, the absence of a member, and any failure of a member to vote.

Sec.4-37 Procedure.

- (A) The Board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this Code.
- (B) The Board shall meet at regular intervals, to be determined by the Chairman.
- (C) Any person requesting a special meeting, other than those regularly scheduled, shall be assessed a fee of \$25.00 per meeting. *(Ord. No. 51, 1-18-78)

Sec.4-38 & Sec.4-39 Reserved for future expansion.

ARTICLE V **Development Plan Review Board**

Sec. 4-40 Composition.

There is hereby established an advisory Board called the Development Plan Review Board (hereafter "Review Board"). The Review Board shall consist of seven (7) members of the public appointed by the Board of Aldermen.

Sec. 4-41 Term of Office.

Each member of the Review Board shall be appointed for a term of two (2) years. Vacancies shall be filled for an unexpired term in the same manner in which the original appointments are made. Continued absences of a member of the Review Board shall, at the discretion of the Board of Aldermen, subject any such member to immediate removal from office.

Sec. 4-42 Quorum.

Four (4) members of the Review Board shall constitute a quorum. No Board member shall act in any case in which he or she has a personal interest.

Sec. 4-43 Procedure.

- A) The Review Board shall establish rules and regulations for its own procedures consistent with the provisions of this Code.
- B) The Review Board shall meet at least twice each month at a regularly established time and may hold any such additional meetings that the Chairman may call.

Sec. 4-44 Chairman.

The Review Board shall elect a Chairman, Vice Chairman and such other offices as the Board may determine to be necessary to carry out its duties.

Sec. 4-45 Purpose.

The purpose of the Development Plan Review Board is to develop recommended site plan and exterior design guidelines and ordinances for non-residential uses [all uses other than One (1) or Two (2) family structures] to the Board of Aldermen, as well as to review all such non-residential building site plans and specifications to insure their compliance with Town Ordinances and Town Design Guidelines. Review and approval of said site plans and specifications shall take place prior to receipt of a building permit for said structure(s).

Sec. 4-46 Appeal

Any person aggrieved by the decision of the Development Plan Review Board may appeal such decision to the Board of Aldermen. Such appeal to the Board of Aldermen must be made within ten (10) days from the date the applicant received Notice from the Development Plan Review Board. The Board of Aldermen will hear the appeal within Thirty (30) days of receipt of Notice of the Appeal. The decision of the Board of Aldermen is final.

Sec. 4-47 Required Review by the Development Plan Review Board

Prior to issuance of permits from the Public Works Department, the Development Plan Review Board shall first review and approve the following:

- (A) Site plans and elevation drawings for all structures excluding one (1) or two (2) family structures and multifamily structures with two (2) or less stories or with sixteen (16) or less units in one (1) building.
- (B) All structures, excluding one (1) or two (2) family use structures and multifamily structures with two (2) or less stories or with sixteen (16) or less units in one (1) building, desiring exterior color and material use changes (i.e. painting, siding, stucco, etc.) must obtain a permit from the Public Works Department, except color changes that comply with the design guidelines do not require review by the development plan review board. [Ord 08-04, April 2008]

Amended by Res. 458
on 8-17-94

RESOLUTION NO. 406

A RESOLUTION OF THE TOWN OF SOUTH PADRE ISLAND APPROVING AND ADOPTING THE ARTICLES OF INCORPORATION OF THE SOUTH PADRE ISLAND **ECONOMIC DEVELOPMENT CORPORATION** AND RESOLVING OTHER MATTERS INCIDENT THERETO.

WHEREAS, the Board of Aldermen of the Town of South Padre Island, Texas hereby finds and determines that the best interest of the said Town and its inhabitants makes it advisable and desirable that a corporation pursuant to Section 4A of the Development Corporation Act of 1979 be established; and

WHEREAS, the Board of Aldermen has nominated Five (5) persons to serve as directors of such corporation, the creation of the offices to occur by virtue of the execution of the Articles of Incorporation of the said corporation; and

WHEREAS, those so nominated and set forth in said Articles of Incorporation have accepted and agree to serve in such offices; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF SOUTH PADRE ISLAND, TEXAS:

Section 1. That the said Articles of Incorporation, a copy of which is attached to this Resolution, are hereby adopted and approved.

Section 2. That those persons listed in Article VII of the attached Articles of Incorporation are hereby confirmed as Directors of the Board of the said corporation.

Section 3. That such Board shall approve and submit By-Laws after the formation of such corporation to be approved by the Board of Aldermen of the Town of South Padre Island, Texas.

Section 4. That the Board of Aldermen on this date authorizes the said corporation, the South Padre Island Economic Development Corporation, to act on its behalf to further the public purpose of expediting and enhancing economic development in the Town of South Padre Island, Texas, to promote and encourage employment and the public welfare, as set forth herein and in said Articles of Incorporation, which have been approved hereby. To this extent, the said Articles of Incorporation cannot be amended without the prior written consent of the Board of Aldermen of the Town of South Padre Island, Texas.

Section 5. That Paul Y. Cunningham, Jr., is hereby authorized and directed to execute the attached Articles of Incorporation.

PASSED, ADOPTED AND APPROVED on this 2nd day of December 1992.

ATTEST:


JOYCE A. ARP, CITY SECRETARY


EDMUND K. CYGANIEWICZ,
MAYOR PRO TEMPORE

12-18

TOWN OF SOUTH PADRE ISLAND CODE OF ORDINANCES

Sec.10-18 Board of Appeals.

(A) There is hereby established a board to be called the Food Services Board of Appeals(hereinafter called the Board) which will consist of five regular members and four alternate members, which Board shall be appointed by the Board of Aldermen of the Town.

(B) Each member of the Board shall be appointed for a term of two years except that the initial Board have two of its regular members appointed for one year, and two of the alternate members appointed one year. All Board members' term of office shall be considered to commence as of May 1, and term as of April 30 of the year appropriate for their term of office. Vacancies shall be filled for an unexpired term for the particular Board member. Each member shall continue to serve until his successor is appointed. The Board of Aldermen may remove any Board member at its discretion.

ORDINANCE NO. 09 - 06

AN ORDINANCE OF THE TOWN OF SOUTH PADRE ISLAND, TEXAS, AMENDING CHAPTER 20 SECTION 20-4 (Districts) AND A NEW SECTION 20-8.3 TO ADD A NEW DISTRICT C-3 -ENTERTAINMENT URBAN DESIGN DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR A PENALTY OF UP TO TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH VIOLATION; PROVIDING FOR THE EFFECTIVE DATE; AND AUTHORIZING PUBLICATION IN CAPTION FORM.

NOW, THEREFORE, BE IT ORDAINED BY BOARD OF ALDERMEN OF THE TOWN OF SOUTH PADRE ISLAND, TEXAS:

SECTION 1: Section 20-4 of Chapter 20 [Zoning Regulations] of the Town Code of Ordinances is hereby amended to insert in alphabetical sequence the following new district to read as follows:

“C-3” Entertainment Urban Design District.

SECTION 2: Chapter 20 [Zoning Regulations] of the Town Code of Ordinances is hereby amended to insert a new Sec 20-8.3 that creates a new District the language for the new district to read as follows:

“Section 20-8.3 DISTRICT “C-3” ENTERTAINMENT URBAN DESIGN DISTRICT

(a) Purpose and Intent.

The purpose of the Entertainment Urban Design District is to establish design standards and guidelines for new construction and certain renovations of property in the Entertainment Urban Design District in order to protect and enhance the character of the Entertainment District, the bay front, and to encourage economic development and protect property values.

(b) Boundaries of the Entertainment Urban Design District. The Entertainment Urban Design District boundary shall be determined by the Board of Aldermen.

(c) **Form Based Code Commission (FBCC).** The FBCC is a 5 member body appointed by the Board of Alderman and charged with the administration of Town’s urban design districts. The FBCC shall serve 3 year staggered terms. The initial board shall be appointed with three members serving three year terms and two members serving two year terms.

1) Entertainment District Development Standards and Guidelines. The Entertainment District Development Standards and Guidelines shall be developed

by the FBCC and approved by the Board of Aldermen; and, may be amended upon recommendation by the FBCC.

2) Zoning Ordinance Design Standards in the Urban Design Districts:

- a) Building Height. As approved by the Form Based Code Commission.
- b) Parking Requirements. As approved by the Form Based Code Commission.
- c) Front, Side and Rear Yard. As approved by the Form Based Code Commission.
- d) Entertainment Urban Design District abutting standard zoning districts.
- e) Setback requirement as approved by the Form Based Code Commission.

(d) Certificate of Appropriateness Required.

- 1) Within the Entertainment Urban Design District, issuance of a Certificate of Appropriateness reflecting compliance with the Entertainment District Development Standards and Guidelines is required as a condition of the following:

- (a) Issuance of a building permit for new construction.
- (b) Issuance of a building permit for expansion of an existing structure.
- (c) Issuance of a building permit for renovation, remodeling or other alterations of the exterior of an existing structure.
- (d) Construction of surface parking lots.
- (e) Signs.

- 2) Applications for a building permit may be submitted in conjunction with an application for a Certificate of Appropriateness, however, no building permit shall be issued for construction, expansion, renovation, remodeling or other alterations of any building within the Entertainment Urban Design District until a Certificate of Appropriateness reflecting compliance with the Entertainment District Development Standards and Guidelines is approved by the Form Based Code Commission.

- (e) Pre-design conference. A pre-design conference with the Staff Design Review Team is required before an applicant makes application for a Certificate of Appropriateness. Two copies of the site plan containing the following information shall be submitted to the Staff Design Review Team for discussion at the pre-design conference:

- (1) Footprints of all existing structures;
- (2) Proposed footprints of all new structures;
- (3) Existing structures adjacent to the property;
- (4) Existing and proposed floor plans of first and second floors (schematic drawings)
- (5) Specific building location and/or build-to line.
- (6) Location of parking areas
- (7) Location of landscape areas
- (8) Two copies of building elevations for all sides of proposed buildings
- (9) Photographs of the site and adjoining properties

- (f) Application for a Certificate of Appropriateness. The following materials shall be submitted at least ten days before the meeting of the Form Based Code Commission at

which the application for a Certificate of Appropriateness will be considered. Required documents:

- 1). Five copies of site plan including:
 - a. Footprints of all existing structures
 - b. Proposed footprints of all new structures
 - c. Existing structures adjacent to the proposed project
 - d. Specific building location or build-to line
 - e. Location of parking areas, parking lot islands, driveways, sidewalks, walkways, loading areas, walls or fences, utilities, lighting, signage, at grade mechanical units, dumpsters, and all other site improvements.
 - 2). Five copies of landscape plan including location and dimension of areas to be landscaped (including private property, adjoining right-of-way, and parking lot islands); total amount of landscaped area; location, number and planting side of all trees, shrubs, and groundcover; location and coverage of irrigation system; and location and description of street furniture.
 - 3) Five copies of schematic floor plans depicting the arrangement of interior spaces, location of windows and doors, mechanical equipment, electric meter and utility locations. First floor site plans should show the relationship between the first floor and the site.
 - 4) Five copies of schematic building elevations for all sides of the building(s) showing design of all elevations, existing grade, proposed grade, finish floor elevations, roof slopes, mechanical vents and equipment, location and type of outdoor light fixtures, design and location of all wall sign(s) and notations regarding exterior colors and material. Submission should include sufficient material to determine compliance with the Entertainment District Development Standards and Guidelines.
 - 5) Material specification outline with samples, brochures, and/or photographs of all exterior building and site materials, finishes and fixtures.
 - 6) For all detached signs, five site plans drawn to scale indicating sign location and drawings of proposed sign, lettering and graphics, drawn to scale of at least one-quarter inch to the foot including any support structure. Colors of the proposed sign shall be indicated on the drawing and actual color samples shall be furnished. Any proposed illumination shall be indicated on the drawing.
- (g) Authority to Approve Certificate of Appropriateness.
- (1) The Form Based Code Commissions is authorized to review and approve projects to determine if the proposed projects comply with the Entertainment District Development Standards & Guidelines.
 - (2) Appeal of a decision of the Form Based Code Commission shall be made in writing to the Board of Aldermen.
- (h) Appeals of Decisions by Form Based Code Commission (FBCC)

- (1) All decisions by the FBCC may be appealed to the Board of Aldermen.
 - a) All appeals must be filed with the Planning Department within 15 days after receipt of notification of decision by the FBCC.
 - b) The appeal must state that the decision of the FBCC is unreasonable, in whole or part and outline the grounds for the appeal.
- (2) The Board of Aldermen shall schedule a hearing on such appeal within 30 days after receipt of the notice of appeal, or as soon thereafter as reasonable and practicable. Notice of such hearing shall be published by the City Secretary in the official newspaper not less than the 15th day before the hearing. The Secretary of the FBCC shall forward to the Board of Aldermen a complete record of the matter.
- (3) Consideration of an appeal.
 - a) The Board of Aldermen shall:
 - 1) Hear and consider testimony and evidence concerning the previous recommendations and actions of the FBCC.
 - 2) Hear new testimony and consider new evidence that was not available at the time of the hearing before the FBCC.
 - 3) Apply the substantial evidence test to the decision of the FBCC, considering the record made before the FBCC.
 - 4) Have the option to remand any case back to the FBCC for further proceedings.
 - 5) The Board of Aldermen may uphold, reverse or modify the decision of the FBCC, unless a continuance is agreed to by the owner/applicant.
 - 6) A hearing before the Board of Aldermen shall exhaust the administrative remedies of the property owner/appellant under this title. Any owner/appellant aggrieved by the decision of the Board of Aldermen may file in district court.

(i) Amendment of current zoning to the C-3 Entertainment Urban Design District.

- 1) A property owner and/or the Board of Aldermen is authorized to initiate the process to rezone property from its current zoning to the C-3 district. “

SECTION 3: This ordinance repeals all portions of any prior ordinances or parts of ordinances of the Code of Ordinances in conflict herewith.

SECTION 4: Any violation of this Ordinance may be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) for each offense or for each day such offense shall continue and the penalty provisions of Section 21-2 of the Code of Ordinances is hereby adopted and incorporated for all purposes.

SECTION 5: If for any reason, any section, paragraph, subdivision, clause, phrase, word, or provision of the Ordinance shall be held unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word, or provision of this Ordinance, for it is the definite intent of this Board of Aldermen that every section, paragraph, subdivision, clause, phrase, word, or provision hereof be given full force and effect for its intended purpose.

SECTION 6: This Ordinance shall become effective when published in caption form according to law.

PASSED, APPROVED, AND ADOPTED on First Reading, this 20th day of May 2009.

PASSED, APPROVED, AND ADOPTED on Second Reading, this 3rd day of June 2009.

ATTEST:

Susan Hill
Susan Hill, City Secretary

TOWN OF SOUTH PADRE ISLAND

Robert N. Pinkerton, Jr.
Robert N. Pinkerton, Jr., Mayor



RESOLUTION NO. 862

**A RESOLUTION OF THE BOARD OF ALDERMEN OF THE
TOWN OF SOUTH PADRE ISLAND, TEXAS, ESTABLISHING AN
HISTORICAL PRESERVATION COMMITTEE**

WHEREAS, the Board of Aldermen authorized the creation of the Historical Preservation/Cultural Tourism Research Commission in October of 2006; and

WHEREAS, the committee worked diligently to develop a list of potential strategies for historical preservation; and

WHEREAS, the committee presented these options to the Board of Aldermen at their February 21, 2007 regular meeting; and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE TOWN OF SOUTH PADRE ISLAND, TEXAS:

Section 1. A Historical Preservation Committee shall be established;

Section 2. The Board of Aldermen and the CVA may appoint seven (7) members to serve on the Historical Preservation Committee, which members may consist of at least four South Padre Island residents and three others who may be either South Padre Island or residents of other Laguna Madre Area communities.

Section 3. The committee members will have two year staggered terms with officers elected annually.

Section 4. The MISSION shall be:

- a. Preserve, protect and enhance the distinctive elements of South Padre Island's historic, architectural, archeological and cultural heritage;
- b. Foster civic pride in the accomplishments of the past; and
- c. Develop and promote cultural/heritage tourism; and

Section 5. The DUTIES shall be:

- a. Prepare rules and procedures as necessary to carry out the business of the committee, which shall be ratified by the Convention and Visitors Authority Board (CVAB) and the Board of Aldermen;
- b. Work under the direction of the CVAB to promote cultural and heritage tourism;

12-25

c. Make recommendations to the CVA and Board of Aldermen concerning historical preservation initiatives;

d. Adopt criteria for the designation of historic, architectural and/or cultural interpretive markers or landmarks, which shall be ratified by the CVA and Board of Aldermen;

e. Conduct surveys and maintain an inventory of significant historical and cultural places and artifacts;

f. Increase public awareness of the value of historic preservation;

g. Recruit and coordinate volunteers for special projects;

h. Network with regional and state historical organizations;

i. Seek state, federal and private funding to support historic preservation initiatives; and

j. Provide monthly reports to the CVA and Board of Aldermen and an annual report summarizing the work completed the previous year.

PASSED, APPROVED, AND ADOPTED on this the 7th day of March, 2007.

ATTEST:


JOYCE ADAMS, CITY SECRETARY



TOWN OF SOUTH PADRE
ISLAND, TEXAS


ROBERT N. PINKERTON, JR., MAYOR

RESOLUTION NO. 922

A RESOLUTION OF THE BOARD OF ALDERMEN OF THE TOWN OF SOUTH PADRE ISLAND, TEXAS, SUPPORTING THE KEEP TEXAS BEAUTIFUL, INC. ORGANIZATION IN SOUTH PADRE ISLAND, TEXAS AND ESTABLISHING A KEEP SPI BEAUTIFUL COMMITTEE.

WHEREAS, South Padre Island desires to improve the physical quality of community life; and

WHEREAS, a clean environment contributes to the emotional, physical and economic well-being of our citizens; and

WHEREAS, the Affiliate program, developed by Keep Texas Beautiful, Inc. will assist greatly in reducing the improper handling of waste and reducing litter; and

WHEREAS, the Affiliate program, developed by Keep Texas Beautiful, Inc. will assist greatly in promoting efforts to beautify the community;

NOW, THEREFORE, BE IT RESOLVED BY South Padre Island's Board of Aldermen that the governing body hereby creates a Keep SPI Beautiful Committee, and supports the participation with Keep Texas Beautiful, Inc., and

FURTHER, To ensure the long-term success of the organization, the Board of Aldermen shall appoint seven members to the committee.

The committee shall include:

- three (3) at-large members who have an interest in promoting litter prevention and beautification; and
- four (4) representatives from local organizations that promote anti-litter and beautification initiatives, including but not limited to The South Padre Island Chamber of Commerce Beautification Committee, Valley Proud, Sea Turtle Inc., Sons of the Beach, Surfrider International, SPI Gardens and The Garden Club.

Members will be appointed for two year terms. For the initial appointments members will draw for term lengths. Three (3) of the appointments will be for one (1) year; four (4) of the appointments will be for two (2) years.

Members will elect the committee chairman and co-chairman annually.

The Duties and functions of the Committee shall include:

- Educate and engage SPI residents and visitors to SPI to take responsibility for improving the community environment;
- Draft bylaws and organizational guidelines necessary to carry out the business of the committee and submit these to the Board of Aldermen for approval;
- Conduct a community assessment;
- Prioritize anti-litter and beautification projects based on the assessment results

- Set goals and objectives, and create a Calendar of Events;
- Recommend projects or initiatives to be included in the SPI Board's annual budget;
- Develop a media list and list of community/volunteer organizations to assist the Keep SPI Beautiful Committee in accomplishing the projects;
- Participate in annual training and state endorsed programs;
- Seek state, federal and private funding for anti-litter and beautification initiatives;
- Provide quarterly reports to the Board of Aldermen and an annual KTB report summarizing the work completed the previous year.

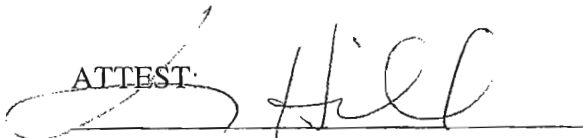
This resolution shall be in full force and effect from and after its adoption.

PASSED ADOPTED AND APPROVED ON THIS THE 17TH DAY OF DECEMBER, 2008.



ROBERT N. PINKERTON JR., Mayor

ATTEST:


SUSAN HILL, City Secretary

**CITY OF SOUTH PADRE ISLAND
CITY COUNCIL MEETING
AGENDA REQUEST FORM**

MEETING DATE: August 18, 2010

NAME/DEPT.: Rick Vasquez, Transit & Development Director

ITEM

Discussion and Action to develop a five year annexation plan in accordance with Chapter 42 of the Texas Local Government Code.

ITEM BACKGROUND

They are two fundamental policy questions the City Council must answer prior to completing an annexation plan. First, why does the City Council want to annex? Does the City Council want municipal control of unincorporated areas or are we trying to expand the tax base? Secondly, does the City Council wish to use the procedure required under Texas Local Government Code to develop an annexation plan which requires the City to wait three years before annexing property or does the City Council wish to use exemptions provided in the Texas Local Government Code and begin annexing eligible tracts immediately? Without answers these first two questions, it is difficult for staff to develop a proposed annexation plan.

The City is authorized to annex ten percent of its gross acreage, currently 1,528 acres. Should the City Council elect to proceed with the procedure to develop an annexation plan then after a three year waiting period the City may annex as follows:

Year 1	153 Acres
Year 2	168 Acres
Year 3	185 Acres
Year 4	203 Acres
Year 5	224 Acres

To annex areas, the City Council may also consider employing a provision provided in the Local Government Code which exempts areas that contain fewer than 100 tracts from the annexation plan requirements. In this case, annexation could be initiated in FY 2010-2011 and the areas annexed would count towards the City's ten percent gross acreage ceiling.

Also, voluntary annexations may be initiated by property owners and the area annexed does not count towards the limits on gross acreage that may be annexed annually.

Finally, the Bay Area Task Force requested the City Council consider annexing the Tompkins Channel. The channel is approximately 120 acres as identified in staff's map. The Local Government Code, Chapter 43.027 allows cities to annex navigable streams and the channel's area would not count towards the annual ten percent gross acreage ceiling.

RECOMMENDATIONS/COMMENTS

Schedule a workshop for City Council to identify preferred annexation goals, policies, procedures, and review financial impact.

BUDGET/FINANCIAL SUMMARY

Yes, to be further developed as specific tracts are identified for annexation.

COMPREHENSIVE PLAN GOAL

Chapter 6 Growth and Infrastructure

Goal 6.A Develop a staged annexation strategy to accommodate future growth and development over the next 20 years.

COUNCIL ACTION

Motion: _____

Second: _____

Vote: Ayes: _____ Nays: _____

Abstentions: _____

**MINUTES OF REGULAR MEETING
CITY OF SOUTH PADRE ISLAND
BAY AREA TASK FORCE IMPLEMENTATION COMMITTEE**

THURSDAY, JULY 22, 2010

I. CALL TO ORDER

Troy Giles Chairman called the meeting to order at 3:02 p.m. in the Second Floor Board Room of the Municipal Complex Building, located at 4601 Padre Boulevard. Members in attendance were: Troy Giles, Lynn Hughes, Neil Rasmussen, Steve O'Neal, Rob Kniech and Dr. Gerald Sher. Staff members present were Assistant City Manager Darla Jones, Public Works Director Scott Fry, and Public Works Secretary Mary Ann Guillen.

II. PLEDGE OF ALLEGIANCE

Troy Giles led the Pledge of allegiance.

III. PUBLIC COMMENTS AND ANNOUNCEMENTS

No public comments.

IV. APPROVAL OF THE MINUTES FOR THE JUNE 24, 2010 MEETING AND SPECIAL MEETING MINUTES OF JULY 12, 2010.

Ms. Lynn Hughes made a motion to approve the minutes of the June 24th meeting, seconded by Rob Nixon. Dr. Gerald Sher abstained. Motion carried 5-1.

Ms. Lynn made a motion to approve the minutes of the July 12, 2010 Special Meeting, seconded by Dr. Gerald Sher. Motion carried unanimously.

V. REPORT, DISCUSSION AND ACTION ON THE 2010-2011 FY BUDGET. (SCOTT FRY)

Public Works Director Scott Fry stated that he would have Finance Director Larry Homan send the budget report to the committee. No action was taken.

VI. REPORT, DISCUSSION AND ACTION REGARDING THE CHANNEL SIGNAGE AND MARKERS FOR THE ISLAND WATERWAYS SPECIFICALLY THE BOARDWALK CHANNELS. (TROY GILES)

Public Works Director Scott Fry stated that he would get in contact with the contractor to install the missing signs at the Boardwalk Channel before the next BATF meeting. No action was taken.

VII. REPORT, DISCUSSION AND ACTION REGARDING HAZARDOUS DEBRIS IN THE BAY JUST WEST OF THE VICTORIA CANAL. (SCOTT FRY)

Public Works Director Scott Fry stated that the debris is out the City's jurisdiction and the City and BATF Committee should not get involved as per the City attorney's advice. No action was taken.

VIII. REPORT, DISCUSSION AND ACTION REGARDING THE BATF RETAINING ROBERT FUDGE AS A CONSULTING ENGINEER TO ASSIST IN THE NEEDS OF WORK ON THE ISLAND'S BAY FRONT. (TROY GILES)

Discussion was held. No action was taken.

IX. REPORT, DISCUSSION AND ACTION REGARDING THE BATF RETAINING MIKE GONZALEZ AS AN ENVIRONMENTAL CONSULTANT TO ASSIST IN OBTAINING COE AND GLO PERMITS. (TROY GILES)

The committee discussed on making a recommendation to the City Council to hire Mike Gonzalez as an Environmental Consultant to the City of SPI. No action was taken.

X. REPORT, DISCUSSION AND ACTION REGARDING THE CITY ANNEXING THE TOMPKINS CHANNEL. (TROY GILES)

Chairman Troy Giles stated that he would like to see The Tompkins Channel get annexed to the City of South Padre Island, since the City spends tax payers' money on dredging, boat ramp work, maintenance, wind surfing accesses, and litter pick up.

Dr. Gerald Sher made a motion to ask the City Council to annex the Tompkins Channel, seconded by Steve O'Neal. Motion carried unanimously.

XI. REPORT, DISCUSSION AND ACTION TO PERFORM MAINTENANCE DREDGE OF THE TOMPKINS CHANNEL. (SCOTT FRY)

Public Works Director Scott Fry stated that FEMA approved 68% of the cost which comes out to be \$146,000.00. This was presented to the City Council on Wednesday, July 21, 2010. City council directed staff to move forward to develop plans, specs and obtain the easement necessary to perform maintenance dredge of the Tompkins Channel. No action was taken.

XII. REPORT, DISCUSSION AND ACTION ON A PROJECT TO REPAIR THE PALM STREET BOAT RAMP. (SCOTT FRY)

Public Works Director Scott Fry is waiting on the plans from Southwest Consulting Engineers for review before awarding the contract to the lowest bidder. No action was taken.

XIII. ADJOURN.

There being no further business, Chairman Troy Giles adjourned the meeting at 4:05p.m.

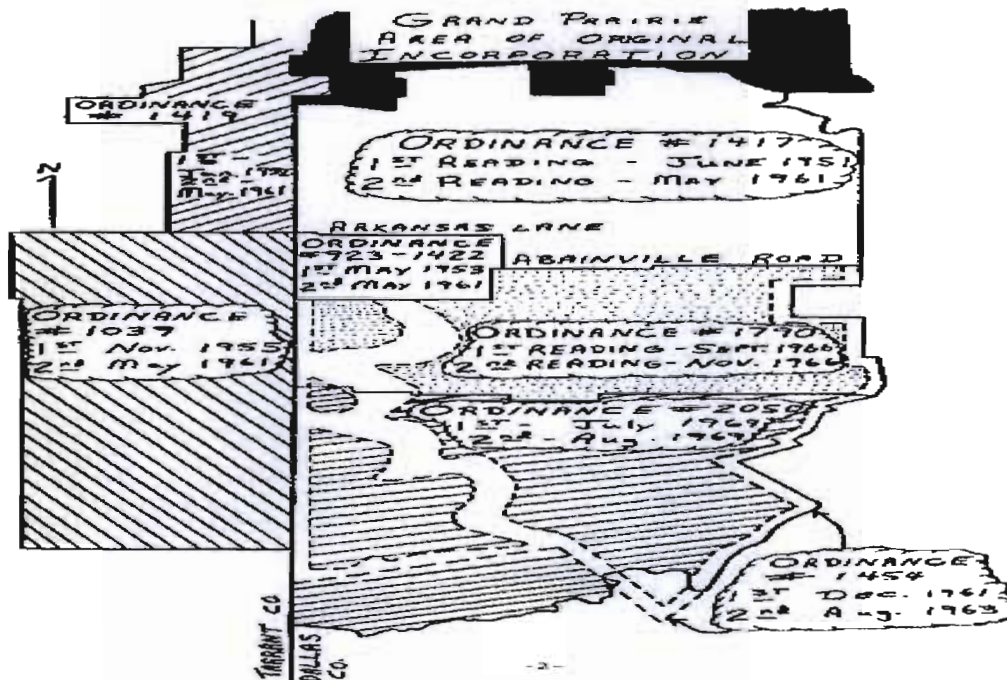
Troy Giles, Chairman

Mary Ann Guillen, Secretary

DRAFT

MUNICIPAL ANNEXATION IN TEXAS

"IS IT REALLY THAT COMPLICATED?"



SCOTT HOUSTON

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-Updated March 2010-

TABLE OF CONTENTS

I.	Introduction.....	5
II.	A (Not So) Brief Legislative Background of Annexation.....	6
III.	The Importance of Municipal Annexation Authority to the Life and Prosperity of Texas Cities..	12
IV.	An Overview of How Annexation Works	13
	A. The Three Questions of Annexation	13
	B. Annexation Plan	16
	C. Senate Bill 89 Procedures	20
V.	Annexation Authority	20
	A. Requirement to Offer Development Agreement	21
	B. Requirement that Area be in the City's ETJ.....	25
	C. Authority to Unilaterally Annex an Area	26
	1. Charter Provisions (Home Rule Cities)	26
	2. Local Government Code Provisions (General Law Cities).....	27
	D. Other Annexation Authority.....	28
	1. Annexation by Petition of Area Voters	28
	2. Annexation by Petition of Area Landowners	29
	3. Miscellaneous Provisions.....	30
VI.	Procedures for Areas Exempt From the Annexation Plan Requirement... ..	30
	A. Introduction	30
	B. Annexation of Area Exempt from the Annexation Plan Requirement.....	30

1.	100 Tracts Exemption and Other Exemptions	30
2.	Applicable Provisions.....	31
3.	Procedure	34
VII.	Unilateral Annexation after December 31, 2002 for Area Included in Annexation Plan	36
A.	Inventory....	36
B.	Applicable Provisions.....	37
C.	Service Plan.....	38
D.	Procedure.....	38
E.	Negotiations/Arbitration.....	40
VIII.	Other Matters Affecting All Annexations	41
A.	Preclearance.....	41
B.	Secretary of State Notification	42
C.	Comptroller Notification.....	42
D.	Filing with County Clerk	43
E.	Map of Municipal Boundaries and Extraterritorial Jurisdiction.....	43
E-1.	Right-of-Way Fees	43
F.	Disannexation	44
1.	Disannexation for Failure to Provide Services	44
2.	Home Rule Disannexation According to Charter.....	45
3.	General Law Disannexation	45
4.	Refund of Taxes and Fees.....	46
IX.	Miscellaneous Annexation Issues.....	46

A.	Extraterritorial Jurisdiction Expansion.....	46
B.	Validation and Presumed Consent.....	47
C.	Types of Annexation Challenges	48
D.	City Motives for Annexation Irrelevant	50
E.	Area Receiving Longstanding Treatment as Part of City	50
F.	Agreements in Lieu of Annexation	51
G.	Prior Uses	51
H.	Special Districts/Water Supply Corporations	53
X.	Provision of Services	53
XI.	Conclusion	56
XII.	Example Documents	57

I. INTRODUCTION

Annexation, specifically unilateral annexation, is to say the least one of the most debated issues in municipal law. Rarely a week goes by that annexation battles do not show up in newspaper headlines across the state. Interesting, however, is the fact that from the enactment of the Municipal Annexation Act in 1963 until very recently, the legislature rarely acted to restrict city authority in this area.

The legislative outlook for annexation changed dramatically in the 1990s. In 1996, the City of Houston annexed an upscale subdivision called Kingwood, bringing in almost 50,000 new residents. At the time, Kingwood was a twenty-year-old subdivision that was fully built-out with large, expensive, homes. When the developer first approached Houston for water and sewer extensions, the city and the developer agreed that when the City of Houston got closer to the subdivision, the subdivision would consent to annexation. It took Houston close to twenty years to get there. Upon the city's arrival, the citizens of Kingwood organized and showed up literally in busloads at the Seventy-Fifth Legislative Session in 1997 with banners that read "Free Kingwood."

The protests of Kingwood residents and others ultimately resulted in the passage of Senate Bill 89 in 1999, the provisions of which are still being debated (and often litigated) over ten years later. S.B. 89 does not prohibit cities from annexing. The bill merely makes the process much more difficult, expensive, and time consuming in certain circumstances. However, the changes made by S.B. 89 do not have much significance for general law cities and home rule cities that annex smaller, sparsely-occupied areas or only annex by petition. The greatest impact is on home rule cities that wish to exercise unilateral annexation authority to bring in large, existing residential subdivisions.

In response to several annexations over the past years, several state legislators have stated that they believe that residents of an area should have the right to vote on whether or not to be annexed. The annexation policies of the City of San Marcos succinctly and clearly summarize the arguments against voter permission:

Cities annex territory to provide urbanizing areas with municipal services and to exercise regulatory authority necessary to protect public health, safety and welfare. Annexation is also a means of ensuring that residents and businesses outside a city's corporate limits who benefit from access to the city's facilities and services share the tax burden associated with constructing and maintaining those facilities and services. Annexation may also be used as a technique to manage growth.¹

Any materials provided by TML are intended for informational purposes only and should not be substituted for the advice of local counsel. For a PDF copy of this paper, please

¹ http://www.ci.san-marcos.tx.us/departments/planning/Annexation_Policies.htm?menu=DP6.

visit www.tml.org. Please contact Scott Houston with the TML Legal Services Department at 512-231-7400 or shouston@tml.org with questions or concerns.

II. A (NOT SO) BRIEF LEGISLATIVE BACKGROUND OF ANNEXATION

The original method of incorporation of cities under the Republic of Texas, and later the State of Texas, was by special law. In other words, the Congress or the Legislature passed a bill, very similar in appearance to a modern home rule charter, that incorporated a city and delineated its powers and duties. For the most part, special law cities had no annexation authority. To expand the city's boundaries, the Congress or legislature had to amend the law that created the city.

In 1858, the first statute allowing incorporation of a city under the general laws was passed. An 1858 amendment allowed for annexation by petition, and this law, along with others passed over the next several years, became the basis for general law annexation by petition as it is known today.

In 1912, the voters of Texas passed the Home Rule Amendment to the Texas Constitution. TEX. CONST. Art. XI, §5. This amendment and its accompanying legislation in 1913 gives cities over 5,000 population that adopt a home rule charter by election the full power of local self government, including the ability to unilaterally annex property. Except for the Home Rule Amendment, relatively few substantial changes were made to annexation laws from 1858 through 1963.

In 1963, the Legislature enacted the Municipal Annexation Act (Act). The Act provided procedures for annexation and created the concept of extraterritorial jurisdiction (ETJ). The Act is now codified in Chapter 43 of the Texas Local Government Code. As mentioned previously, from the enactment of the Act until the passage of S.B. 89 in 1999, the Legislature rarely acted on a broad scale to restrict or modify city annexation authority.²

Nonetheless, annexation powers have given rise to complaints and have routinely come under attack in the legislature. The residents of unincorporated areas rarely favor being brought into a city involuntarily, and any city that has gone through a major annexation is well aware of how controversial the process can become. Rural landowners and others have regularly turned to their legislators for relief from city expansions, with the result that bills to curb unilateral annexations have surfaced in every session for the past fifty years. The battle heated up substantially in 1987, and the legislature passed a bill (S.B. 962, now codified as Local Government Code Sections 43.054 and 43.056) that, among other things, prohibited strip annexations of less than 1,000 feet (as opposed to the previous standard of 500 feet) and changed the requirement that the construction of capital improvements necessary for providing services to newly annexed

² Most of the previous information in this introduction is summarized from D. Brooks, *Municipal Law and Practice*, 22 Texas Practice Ch. 1 and T. O'Quinn, *History, Status, and Function*, Introduction to Title 28 of the TEX. REV. CIV. STAT. (Vernon 1963).

areas be initiated within 2 ½ years to a new requirement that construction begin within 2 ½ years and be substantially complete within 4 ½ years.

In 1989, the onslaught continued. That year's major piece of legislation (H.B. 3187, now codified as Local Government Code Section 43.056) provided, in addition to other requirements, that cities provide full municipal services to annexed areas within 4 ½ years, but the provision that capital improvements must only be "substantially completed" within that 4 ½ years remained intact. "Full municipal services" are defined as "services provided by the annexing municipality within its full purpose boundaries," but cities retained the right to provide varying levels of service for reasons related to topography, land use, and population density.

Very few bills related to annexation were considered by the 1991 legislature. The 1993 legislature didn't seriously consider any bills that would have restricted the annexation powers of home rule cities, but the House Urban Affairs Committee was charged with the task of examining the subject of annexation during the 1994 interim leading up to the 1995 legislative session. The committee held several public hearings around the state. Many cities and TML testified at those hearings. Disgruntled landowners who had been annexed or who feared annexation also testified before the committee.

During the 1995 session, only one annexation bill passed, but the 1997 legislative session turned out to be the "Mother of All Annexation Battles." Opponents of municipal annexation authority began to organize early with the goal of substantially amending annexation laws. The highest priority of those groups was to seek legislation that would allow the residents in an area proposed for annexation to vote on approval or rejection of the annexation. Scores of annexation bills were filed, and legislative committees held numerous hearings on these bills in front of raucous, standing-room-only crowds. City officials from all over the state testified before these committees and contacted their legislators on this issue. In the end, all efforts to erode municipal annexation authority were defeated.

The Lieutenant Governor and the Speaker of the House each appointed legislative committees to study this issue during the 1997-98 interim. These committees held hearings throughout the state – again hearing from numerous "annexation reformers" and city officials.

The 1999 legislative session turned out to be the "Mother of All Annexation Battles – Part II." Cities were committed to finding some workable solution that addressed the needs of all parties. TML met with "annexation reformers" throughout the legislative session because the League was convinced there was a very real risk of losing significant authority to annex if a compromise could not be reached. S.B. 89 was pre-filed early in December 1998 and was a massive rewrite of Texas annexation laws. TML and city officials testified numerous times, offered amendments, and worked to eliminate or modify the more onerous provisions. The same process occurred in the House. Although the bill dramatically changed annexation laws, it contained several key provisions that mitigated the more onerous requirements. It appeared that there

was little doubt that the bill would pass, and most of the major concerns of cities had been addressed. One of the key components for cities was that the bill did not apply its more complicated procedures to areas that are not densely populated. A major blow occurred when this provision was deleted by an amendment that was actively supported by rural unincorporated interests. Several other very detrimental amendments were added to the bill. The senate requested a conference committee to work out the differences. A conference committee was appointed, and the committee held a rare public hearing. Detrimental amendments added on the house floor were deleted, and the conference committee report was adopted on the last day that conference committee reports could be adopted.

It was difficult to predict what would occur on the annexation front during the 2001 legislative session. The Senate Committee on Intergovernmental Relations had been charged during the 2000 interim to monitor the implementation of S.B. 89. The committee sent out a survey to cities and held several public hearings. TML and city officials urged legislators to allow S.B. 89 to take full effect and to exercise extreme caution with regard to any further major modifications to the annexation statute.

In the end, that is exactly what the legislature did. Only a handful of annexation bills were filed or passed during the 2001 legislative session. H.B. 2200, a very detrimental bill for cities, did not pass. H.B. 958, H.B. 1264, and H.B. 1265 were the only bills directly relating to annexation that passed.

The most detrimental annexation bill introduced during the 2001 Legislative Session was H.B. 2200. H.B. 2200 would have, among other things: (1) removed the annexation plan exemption for an area containing fewer than 100 tracts of land on which one or more residential dwellings are located on each tract; (2) required a city to include in its annexation plan a map of areas proposed for annexation, including each county road and right-of-way that is exempt from property tax and within or contiguous to the boundaries of the area; (3) required complex notice procedures, along with public hearings, in an area proposed for annexation when a city amends its annexation plan to include that area; (4) reduced from 90 days to 20 days the time required for notice after an amendment to an annexation plan; (5) required, in most annexations, a city to obtain a petition signed by the owners of at least one-half of the appraised value of property located in the area and by the owners of property that would be subject to taxation by the city after annexation prior to the annexation; (6) required a city, for most annexations, to adopt zoning classifications that permit densities and uses that are no more restrictive than those permitted in the area prior to the annexation; and (7) required a city to obtain a petition from property owners prior to annexing a municipal utility district. H.B. 2200 never made it to the House floor.

H.B. 958, which passed, amended Chapter 43 of the Texas Local Government Code by adding §43.106, which provides that a city that proposes to annex a portion of a county road must annex the entire width of the county road and the adjacent right-of-way. H.B. 1264 also passed and amended §43.901 of the Local Government Code to provide that after two years have passed without an objection, an annexation is conclusively

presumed to have been adopted with the consent of all appropriate persons, except another city. This bill was filed in response to the Texas Supreme Court decision in *City of Murphy v. City of Parker*, 932 SW.2d 479 (Tex. 1996). Finally, H.B. 1265 amended §43.906(a) of the Local Government Code to require a city to apply for preclearance under Section 5 of the Voting Rights Act of 1965 on the earliest date permitted under federal law. This change was made because the United States Department of Justice will not preclear an action that is not final. Thus, a city should adopt its annexation ordinance and submit it for preclearance well in advance of its next municipal election.

In response to annexations by different cities during the 2002 interim, many state lawmakers vowed to further restrict annexation authority. In cities like New Braunfels, San Antonio, Wichita Falls, Santa Fe, and others, landowners protested annexations as “taxation without representation.”

In a 1999 article for the *Houston Review*, the argument was stated as this:

Of course, the cities consider any bill requiring a vote to be punitive. *When American colonists wanted the right to vote on British tax increases, you can bet many of the British aristocrats also felt such a proposal was punitive! It is amazing that the democratic right to vote on becoming part of a city could be considered punitive.*³

This argument appears flawed because, upon annexation and after preclearance, residents of an annexed area are granted the power to vote in all matters relating to the city. Thus, annexation does not impose taxation without representation. While a handful of Texas cities were accused of abusing the power to annex, the vast majority of cities use this power as a tool to manage growth and support infrastructure.

Texas cities are some of the fastest growing in the United States. Evidence of the importance of unilateral annexation exists in other states where cities do not have that power. The broad power of Texas home rule cities to annex has permitted cities in Texas to share the benefits of growth in the surrounding areas. According to many national authorities, this annexation power is the primary difference between the flourishing cities of Texas and the declining urban areas in other parts of the nation. If San Antonio, for example, had the same boundaries it had in 1945, it would contain more poverty and unemployment than Newark, New Jersey.⁴ With a vote requirement, Texas cities might languish economically as do northern cities with no annexation power at all.

A massive assault on annexation authority took place during the Seventy-Eighth Legislative Session. House Bill 568, which did not pass, would have required voter approval of all annexations in Texas, including voluntary annexations. TML, to stave off

³ *Proposal for Vote on Annexation Stimulates Debate in Texas Legislature*, Friday, April 30, 1999 by Phil Arnold.

⁴ TEXAS HOME RULE CHARTERS, Terrell Blodgett (Texas Municipal League 2010)(citing an unpublished study from the Urban Policy Group, the White House (Washington, D.C. 1978).

the assault, commissioned a study on the effects of annexation, not only on cities, but on the state as a whole. A report issued by The Perryman Group on April 14, 2003, shows that overly restrictive annexation policies would harm the Texas economy by reducing gross state product, personal income, sales, employment, and population. The study identified H.B. 568 as a bill that would have drastically reduced or eliminated annexations and thus damaged the state's economy.

The Perryman report (available from TML) concludes that the H.B. 568 restrictions on annexation would have meant that "the entire character of the Texas economy will be changed in a way which notably limits its capacity to support future growth and prosperity." Restricting annexation would result in a loss of more than \$300 billion in gross state product over the next 30 years, according to the report. In addition, the state would lose 1.2 million jobs and 2.3 million in population. Without annexation authority, the report says, core urban areas would deteriorate, thus eroding the viability of central cities, diminishing support networks, and imposing future costs on the entire metropolitan region. As a result, prospects for business locations, expansions, and retentions would be negatively affected.

H.B. 1541 dealt with the general powers of water districts. In addition, the bill made some changes to annexation laws dealing with strategic partnership agreements, which are used by a handful of cities.

The 2005 legislative session saw the return of annexation reform legislation in the form of H.B. 323. The bill was voted out of the House Land and Resource Management Committee early in the session, but was never sent to the House floor. A new twist proposed by agricultural interests was H.B. 1772. H.B. 1772 at one point in the process would have required a city to first offer a development agreement in lieu of annexation to a landowner to allow the landowner to keep farming. Due to a procedural mistake, those provisions were removed, and the bill only applied to the rare case when general law cities annex unilaterally under Local Government Code Section 43.033. H.B. 1772 also allows certain general law cities to annex areas that they surround without the consent of property owners.

The 2007 legislation session saw numerous detrimental bills filed that did not pass, including H.B. 328 (would have made it easier for a property owner to petition for disannexation for failure to provide services), and H.B. 2869 (also dealing with disannexation for failure to provide services).

H.B. 610, which passed, largely makes technical modifications to provisions dealing with provision of services by: (1) providing that a city's annexation service plan, which must be completed in the time period provided by law, must include a program under which the city will provide full municipal services in the annexed area, and must include a list of all services required by law to be provided under the plan; (2) allowing a city, under a contract for provision of services in lieu of annexation, to annex an area for full or limited purposes at any time in response to a petition of the owner of the area if the area is in the city's annexation plan, or was previously in the city's annexation plan but

was removed from the plan; and (3) allowing the governing body of a city with a population of less than 1.6 million to negotiate and enter into a written agreement for the provision of services and the funding of the services in an area to be annexed with: (a) representatives of the area appointed by the county commissioners court, if the area is included in the city's annexation plan; or (b) an owner of an area within the extraterritorial jurisdiction of the city if the area is not included in the city's annexation plan.

The big news of the 2007 session was the return of a mandatory offer of a development agreement in lieu of annexation for agricultural and other rural land. H.B. 1472 applies to land that is either: (1) eligible to be the subject of a development agreement under Subchapter G of Chapter 212 of the Local Government Code; or (2) appraised as agricultural, wildlife management, or timber land. The bill provides that: (1) a city may not annex an area described above unless: (a) the city offers to make a development agreement with the landowner that would guarantee the continuation of the extraterritorial status of the area and authorize the enforcement of all regulations and planning authority of the city that do not interfere with the use of the area for agriculture, wildlife management, or timber; and (b) the landowner declines to make the agreement; (2) an area adjacent or contiguous to an area that is the subject of a development agreement is considered adjacent or contiguous to the city; (3) a provision of a development agreement that restricts or otherwise limits the annexation of all or part of the area is void if the landowner files any type of subdivision plat or related development document for the area with a governmental entity that has jurisdiction over the area, regardless of how the area is appraised for ad valorem tax purposes; and (4) a development agreement under the bill does not create vested rights. While many city officials argued that farming operations already had sufficient protections from city regulations, the Texas Farm Bureau and others strongly supported H.B. 1472. The bill adds an additional layer of bureaucracy to the process, but amendments to the bill throughout the process sought to ensure that it would not limit annexations of land that is truly poised for development, rather than for farming.

The 2009 session was relatively quiet on the annexation front. H.B. 98 would have attempted to overturn the Waco appeals court decision in *Karen Hall v. City of Bryan*, which dealt with disannexation for failure to provide services. Another bill, H.B. 1424, would have "flip-flopped" the burden in disannexation for failure to provide services, and would have required a city to bear the burden of proof if it received a petition. Neither bill passed.

For 2010, the Senate Committee on Intergovernmental Relations has been charged to *"Review state and local policies related to development and growth in rural and unincorporated regions of the state with regard to annexation and zoning authority. Focus on impacts to private property rights. Determine the appropriateness of existing extraterritorial jurisdiction authority. Make recommendations regarding possible changes to this authority."* A hearing was held in February, and the Texas Farm Bureau raised several issues with regard to the development agreement requirement in current law. TML staff testified, and stated that over 1,000 people move to Texas each day. Growth

in both urban and rural areas of the state is inevitable. Cities should retain their current authority to deal with that growth inside city limits, in the ETJ, and through subsequent annexation. Balancing the need for sustainable development with private property rights is the goal. Specifically, the League testified that:

- **Current Extraterritorial Authority is Vital to Preparing for Future Annexation:** One of the few powers that a city may exercise to regulate in its ETJ is the ability to approve subdivision plats. A subdivision ordinance simply sets standards for infrastructure and shows lot lines, streets, alleys, parks, or other parts of the tract intended to be dedicated to public use. With the exception of border counties and Harris County and surrounding counties, each city must enter into an agreement with its county to streamline the process for plat approval in the city's ETJ. ETJ subdivision authority provides minimum standards for areas that will be annexed in the future and prevents cities from having to spend taxpayer funds to support substandard infrastructure and development after annexation. (Note on county land use authority: TML has no position on additional county land use authority, so long as city authority in the ETJ remains superior to county authority.)
- **Annexation is Vital to the Texas Economy:** Texas cities, unlike the cities of other states, don't receive state financial assistance or state revenue-sharing. They don't ask the state to help fund the facilities and services on which the city, region, and state rely. But cities do ask that their authority to take care of themselves not be eroded. The power to annex is one of those key authorities, and to lose it would be very detrimental to the state. A 2003 report of The Perryman Group, a well-respected economic and financial analysis firm, shows that overly restrictive annexation policies would harm the Texas economy by reducing gross state product, personal income, sales, employment, and population. The study – available from TML – demonstrates that laws limiting annexation authority would severely damage the state's economy. It is important to note that a law passed in 2007 provides that a city may not annex property that is used for agricultural purposes. Instead, the city must offer a non-annexation agreement to the property owner. So long as the property is not developed, it may not be annexed. That law, along with other laws, protects truly rural land from being annexed or unreasonably regulated.

III. THE IMPORTANCE OF MUNICIPAL ANNEXATION AUTHORITY TO THE LIFE AND PROSPERITY OF TEXAS CITIES⁵

Why is annexation authority so critical to Texas cities?

To understand the answer to those questions, one must look to the most basic elements of municipal finance and intergovernmental relations.

⁵ This section is taken from an article authored by Frank Sturzl, TML's Executive Director.

1. Cities (city taxpayers) pay for a wide array of services and facilities that benefit entire regions and the entire state. For example, it goes without saying that such basic activities as mail delivery couldn't take place if cities don't construct and maintain streets. The economy of Texas would crumble without city investments in the basic infrastructure upon which business and industry rely. Cities are centers of employment, health care, entertainment, transportation, and merchandising used by non-city-residents throughout the region. This means that cities must support public safety services and a physical infrastructure sufficient to serve a daily influx of visitors from throughout the metropolitan region.

2. Most states recognize that cities should be assisted in making these expenditures that benefit entire regions and the whole state. Virtually every state transfers state-generated revenue to cities to assist in the provision of services and facilities. They do this in recognition of the fact that cities (city taxpayers) are making expenditures that benefit all residents of the state. For example, all populous states give a portion of state gasoline tax revenue to cities to assist in street construction and repair. Many states share vehicle registration revenue or motor vehicle sales tax revenue with cities. A survey conducted by the National League of Cities found that cities across the nation receive 13 percent of their revenue from state aid.

3. In Texas, there is virtually no state aid to cities. Take a look at a municipal budget and try to find a revenue line item called "Transfer from State" or "State Financial Assistance." While such line items are common in other states, they're simply not present in Texas.

4. But Texas has allowed cities to annex. Cities have used that authority to bring adjacent areas into the city and into the system through which cities finance the services and facilities that benefit the region and state.

5. To erode or eliminate municipal annexation authority without considering the issues of municipal revenue and intergovernmental relations would cripple cities and city taxpayers. If annexation authority were to be eliminated, Texas would become the only state in the nation that denies both state financial assistance and annexation authority to its cities. Opponents of annexation cannot point to a single state that has restricted annexation authority without implementing fiscal assistance programs under which the state helps cities pay for the infrastructure on which the entire state depends.

IV. An Overview of How Annexation Works

A. The Three Questions of Annexation

Is annexation really that complicated? It depends. A better word for it might be tedious. The Municipal Annexation Act of 1963 (now found in Chapter 43 of the Texas Local Government Code) has been amended so many times over the years to address

specific situations, it is sometimes hard to understand. That being said, there are essentially three questions to ask when annexing any piece of property.

1. **Why does the city want to annex?** The TML Legal Department largely advises on the annexation process from a legal rather than a policy standpoint, but it is critical for a city to understand the reasons behind an annexation to explain it to the current city residents and those targeted for annexation. Most cities annex for two basic reasons: (1) to control development; and/or (2) to expand the city's tax base. Each city should carefully consider the pros and cons of annexation, and also have an understanding of why or whether it is necessary, prior to annexing. There are numerous city officials and planning and law firms in Texas with expertise in this area, and cities should take advantage of their expertise. Imposing land use controls in an area is a fairly simple proposition, but the financial aspects of why cities annex is more complicated.
2. **Does the city have authority to annex?** Once a city has decided that it wants to annex property, the first step is to determine whether it has the *authority* to annex. To determine a city's authority, it is important to understand the fundamental difference between a general law city and a home rule city. Volumes have been written on the differences between the two. For purposes of brevity, and as a basic rule of thumb, the following statement will suffice:

A home rule city may do anything authorized by its charter that is not specifically prohibited or preempted by the Texas Constitution or state or federal law; A general law city has no charter and may only exercise those powers that are specifically granted or implied by statute.

The previous statement is very generalized, but it serves to illustrate the fundamental difference between the two types of cities for all purposes, including annexation. Annexation authority is discussed in detail later, but as a general rule the authority to annex is found in Subchapter B of Chapter 43 of the Local Government Code. For example, Section 43.021 authorizes a home rule city to annex according to its charter, and most home rule charters authorize unilateral annexation. On the other hand, general law cities, for most annexations, must receive a request from landowners or voters prior to annexing. Some exceptions allow general law cities to annex without consent, but those are very limited. The bottom line for general law cities is that the legislature has seen fit to severely limit when they can annex.

Requirement to offer development agreement. Section 43.035 of the Texas Local Government Code was enacted in 2007. The provision should be the first place a city looks when it decides to annex because it prohibits a city from annexing an area that is appraised for ad valorem tax purposes as agricultural, wildlife management, or timber management, unless the city offers a development agreement to the landowner that would:

- guarantee the continuation of the extraterritorial status of the area; and
- authorize the enforcement of all regulations and planning authority of the city that do not interfere with the use of the area for agriculture, wildlife management, or timber.

A landowner may either: (1) accept the agreement; or (2) decline to make the agreement and be subject to annexation. An annexation that is completed without offering an agreement is void. The intent is to allow a landowner who truly intends to continue using his land for agriculture, wildlife management, or timber management to remain outside of a city's limits, but not to allow unscrupulous developers to subvert municipal regulations.

Requirement that area be in the city's ETJ. An area to be annexed must be within the city's extraterritorial jurisdiction (ETJ), and the area to be annexed cannot be located within the ETJ of another city.

Authority to annex unilaterally (without consent). Most home rule charters in Texas, read in conjunction with Chapter 43 of the Local Government Code, provide for unilateral (non-consent) annexation by home rule cities. Chapter 43 provides the statutory authority for general law cities to annex, and Section 43.033 of the Texas Local Government Code is the only major exception to the rule that general law cities may only annex by petition (with consent). That section allows for unilateral annexation by a city with a population between 1,000 and 5,000 if the city: (1) is providing the area with water or sewer service; and (2) the area: (A) does not include unoccupied territory in excess of one acre for each service address for water and sewer service; or (B) is entirely surrounded by the city and the city is a type A general-law city. Other specific provisions may allow a general law city to annex without consent, but they are very limited.

Authority to annex by petition (with consent). All cities are authorized to annex a sparsely occupied area on petition of the area's landowners, if the area meets certain requirements. In addition, general law cities may annex inhabited areas if the majority of the qualified voters of the area are in favor of becoming part of the city.

3. **What annexation procedures must a city follow?** The provisions that give a city the power or *authority* to annex are generally codified in Subchapter B of the Texas Local Government Code and in the charter of a home rule city. However, the *procedures* that a city must follow for an annexation are codified in Subchapters C (plan annexations – three-year process) or C-1 (exempt annexations – much shorter process) of the Local Government Code. What subchapter to follow is based on whether or not the area must be included in an

annexation plan. The procedures prescribed by Subchapters C or C-1 must be followed for every annexation of any type.⁶

Annexation Plan. Every city in Texas was required to adopt an annexation plan on or before December 1, 1999. The term “annexation plan” is a term of art, and is adopted for the purposes of deciding which procedures apply to the annexation of a particular area. Certain types of area are exempt from the plan requirement. For example, if an area contains fewer than 100 residential dwellings, the area is not required to be placed in an annexation plan. Also, if the land is annexed by petition of area landowners or voters, the area is not required to be in a plan. Because of these exemptions, it is probably fair to say that most annexations will not be required to be in an annexation plan. Thus, many cities will have a one page plan stating that they do not intend to annex any area for which an annexation plan is required.

B. Annexation Plan

Every city in Texas was required to adopt an annexation plan on or before December 1, 1999.⁷ TEX. LOC. GOV'T CODE §43.052(c), *Statutory note (b)*. The plan must identify annexations that will occur beginning three years after the date the plan is adopted. *Id.* at §43.052(c). The term “annexation plan” is a term of art, and is adopted for the purposes of deciding which procedures apply to the annexation of a particular area.

Certain types of area are exempt from the plan requirement. For example, if an area contains fewer than 100 separate tracts of land on which one or more residential

⁶ The Municipal Annexation Act of 1963 (the Act that imposed the procedural requirements for annexation) provided that the provisions of the Act do not repeal any other law or part of law unless they are expressly inconsistent with other laws. In *Sitton v. City of Lindale*, 455 S.W.2d 939 (Tex. 1970), the Texas Supreme Court held that there is no inconsistency between the source of a city's power to annex (i.e., its authority to annex without consent or on petition), and the procedural requirements of the Act (i.e., the notice and hearing requirements). Because there was no inconsistency, the procedural requirements of the Act had to be followed.

There are at least two other cases involving voluntary annexations in which the courts state that the notice and hearing procedures apply to the voluntary annexations of those territories. In the first case, *Universal City v. City of Selma*, 514 S.W. 2d 64 (Tex. Civ. App. – Waco 1974) writ ref. n.r.e., Mr. R.L. Ham petitioned Universal City to annex his 65 acres. Seven days later, Universal City annexed the Ham tract. With regard to the annexation, the court stated: “The record fails to show that Universal City complied with the notice provisions of Sec. 6, Article 970a [now codified at Tex. Local Gov't Code § 43.063] when it enacted the Ham Tract annexation ordinance. Indeed the proof on the question supports an implied finding that these notice requirements were not met. Noncompliance with these provisions would render the ordinance void when enacted.” In *City of Bells v. Greater Texoma Utility Authority*, 790 S.W. 2d 6 (Tex. Ct. App. – Dallas 1990), writ den., found that the ordinance purporting to annex land at the request of the property owners, which was passed without complying with any of the notice requirements, was not valid when enacted. (In that case, the invalidity was cured by the legislature's subsequent enactment of a statute granting blanket approval to all annexations conducted three years prior.)

⁷ If a city has an Internet Web site, the plan and any amendments must be posted on the Web site. TEX. LOC. GOV'T CODE §43.052(j).

dwelling is located on each tract, the area is not required to be placed in an annexation plan. *Id.* at §43.052(h)(1). In other words, an area with any number of tracts so long as no more than 99 of the tracts contain residential dwellings is not required to be in a plan.⁸ Also, if the land is annexed by petition of area landowners or voters, the area is not required to be in a plan. *Id.* at §43.052(h)(2). Because of these exemptions, it is probably fair to say that most annexations will not be required to be in an annexation plan. Thus, many cities will have a one page plan stating that they do not intend to annex any area for which an annexation plan is required.⁹

If land is required to be in a plan, nothing prohibits a city from amending the plan to include new areas, but the city may not annex such areas until three years after the area is included in the plan. *Id.* at §43.052(c). If an area is removed from the plan within 18 months of being placed in the plan, the area cannot be placed back in the plan for one year. *Id.* at §43.052(e). Similarly, if an area is removed from the plan after 18 months of being placed in the plan, the area cannot be placed back in the plan for two years. *Id.* If an area is placed in, and stays in, the plan, its annexation must be completed 31 days after the three-year “procedures/negotiation” period, or the city must wait five more years to annex the area. *Id.* at §43.052(g).

In addition, §43.052(f) requires that, before the 90th day after the city adopts or amends an annexation plan, the city is required to give written notice to:

1. each property owner in the affected area, as indicated by the appraisal records furnished by the appraisal district for each county in which the affected area is located;

⁸ Op. Tex. Att’y Gen No. GA-0737 (2009). In addition, §43.052(h) contains several other examples of exempt areas, including area that is or was the subject of an industrial district contract under §42.022 or a strategic partnership agreement under §43.0751, area that is located in a colonia, area that is annexed under §§ 43.026, 43.027, 43.029, or 43.031, area that is within a closed military base, or the city determines that the annexation is necessary to protect the area from imminent destruction of property or injury to persons or a public or private nuisance.

⁹ In *City of San Antonio v. Hardee*, 70 S.W.3d 207 (Tex. App.—San Antonio 2001, no pet.), the plaintiff landowners challenged an annexation of their property by the City of San Antonio based on the fact that the city acted outside its authority by failing to adopt a required annexation plan under §43.052 (the landowners also argued that the city failed to request an inventory of services and facilities for an annexation service plan and to compile a comprehensive inventory of services for the annexation service plan under §43.052). The court rejected the argument, noting that Section 17 of S.B. 89 clearly states that “a municipality may continue to annex any area during the period beginning December 31, 1999, and ending December 31, 2002, under Chapter 43, Local Government Code, as it existed immediately before September 1, 1999, if the area is not included in the annexation plan, and the former law is continued in effect for that purpose.” This case appears to stand for the proposition that, even if a city has never adopted an annexation plan, it may nonetheless conduct “grandfathered annexations” under the old law before December 31, 2002 or perhaps exempt annexations under §43.052(h). However, annexing any property without a plan could leave the annexation open to a procedural challenge through a *quo warranto* action. See *City of Balch Springs v. Lucas*, 101 S.W.3d 116 (Tex. App.—Dallas 2002).

2. each public entity, as defined by §43.053¹⁰, or private entity that provides services in the area proposed for annexation; and
3. each railroad company that serves the municipality and is on the city's tax roll if the company's right-of-way is in the area proposed for annexation.

One issue in particular has arisen with several cities. That question is whether land that is included by a city in an annexation plan, but that is not technically required to be in the plan, may be removed without incurring the time penalties in §43.052. At least one district court has held that the answer to that question is "yes," the area may be removed without incurring penalties. In *Lago Santa Fe Property Owners' Association v. City of Santa Fe, Texas* (Cause No. 01-CV-0981), the city's motion for summary judgment in the District Court, 212th Judicial District, Galveston County, was granted in April of 2002, and the landowners did not appeal.

This suit was one of the first to involve a claim under the amended annexation provisions of §43.052. The City of Santa Fe's annexation plan, which was passed and adopted on December 9, 1999, included the Lago Santa Fe subdivision. The city subsequently realized that the subdivision was exempt from the annexation plan requirement under §43.052(h)(1) and that it was authorized to annex the area immediately. The city notified the landowners that they had been removed from the plan and that the city would annex them immediately.

The landowners petitioned the city to be placed back in the annexation plan and argued unsuccessfully that, while the city was authorized to remove them from the plan, the city would be bound by the waiting periods under §43.052. The court rejected the landowners' argument and granted summary judgment in favor of the city. Thus, the question of whether land that was included by a city in an annexation plan, but that was not technically required to be in the plan, may be removed without incurring the time penalties in §43.052, is answered in the affirmative by at least one district court.¹¹

Section 43.052(i) provides a remedy to a landowner who believes that his property should be in an annexation plan. That provision provides that:

¹⁰ A "public entity" includes a municipality, county, fire protection service provider, including a volunteer fire department, emergency medical services provider, including a volunteer emergency medical services provider, or a special district, as that term is defined by Section 43.052. *Id.* at §43.053(a).

¹¹ See also, *Town of Fairview v. H. Roger Lawler*, No. 05-07-01617-CV (Tex. App.—Dallas May 2, 2008). Lawler sued the city after it annexed his property under Section 43.033 of the Local Government Code. Lawler argued that the annexation was void under Section 43.141 because the city had re-annexed the land after the property had been disannexed, and that it was not within the city's three-year plan. The city argued that the land was properly annexed, that the annexation could only be disputed by a quo warranto proceeding, and that Section 43.141 did not apply because the land was not disannexed for failure to provide services under Section 43.141, but was disannexed under section 43.033. The city filed a plea to the jurisdiction on these issues, which the trial court denied. In the interlocutory appeal, the court of appeals held that Lawler did not have standing to sue because a quo warranto proceeding was the only proper procedure to dispute the annexation, and that the ten year waiting period for re-annexation does not apply in every disannexation, but only applies when property is disannexed under Section 43.141.

A municipality may not circumvent the requirements of this section by proposing to separately annex two or more areas described by Subsection (h)(1) if no reason exists under generally accepted municipal planning principles and practices for separately annexing the areas. If a municipality proposes to separately annex areas in violation of this section, a person residing or owning land in the area may petition the municipality to include the area in the municipality's annexation plan. If the municipality fails to take action on the petition, the petitioner may request arbitration of the dispute.

In *Hughes v. City of Rockwall*, 153 S.W.3d 709 (Tex. App.-Dallas 2005, pet. filed February 23, 2005), the principal issue before the court was whether Texas Local Government Code Section 43.052(i) is procedural or substantive in nature. In that case, the city denied a private landowner's petition to include its land in the city's three-year annexation plan, and the landowner sued to enforce its right to arbitration provided by §43.052(i) after the city rejected – through a resolution of the city council – the request to arbitrate the dispute. The Dallas court acknowledged the general rule that procedural defects must be raised in a *quo warranto* proceeding, but held that §43.052(i) provides specific legislative authorization for a private person to initiate and sue to compel arbitration when a city takes no action or denies the petition for inclusion of land. *Hughes*, 153 S.W.3d at 713-14. The city appealed the decision to the Texas Supreme Court in early 2005, and a decision was finally issued in January of 2007. The Supreme Court concluded that the plain language of the statute controls, and that so long as a city considers and rejects a request for arbitration, the city has done its part. The available remedy for the landowner in that case is a *quo warranto* proceeding (a suit brought by the district or county attorney on behalf of the state to challenge alleged procedural irregularities in an annexation).¹² The last line of the opinion is one that will surely continue the legislative debate on annexation: “If the Legislature desires to amend the statute to add words so that the statute will then say what is contended for by the Estate, we are confident it will do so.”

¹² No. 05-0126. The dissent seemed to misunderstand the basic foundation of state law governing municipal annexation. According to footnote 11: “The record suggests that few cities enact three-year municipal annexation plans. In fact, amicus curiae The Texas Municipal League (“TML”), an association of more than 1,070 incorporated cities that advocates municipal interests, notes that many of its member “cities will have a one page plan stating that they do not intend to annex any area for which an annexation plan is required.” See Scott N. Houston, Tex. Mun. League, *Municipal Annexation in Texas: “Is It Really That Complicated?”* 13 (2003)...The City of Rockwall’s annexation “plan” is a near carbon copy: “[t]he City does not intend to annex any territory that in order to be annexed, is required to be in an annexation plan.” City of Rockwall, Tex., Ordinance 99-49 (Dec. 20, 1999). Hughes argues that such “plans” clash with a key objective underlying the Legislature’s 1999 rewrite, that annexation decisions should be driven not by circumvention of the three-year planning process but by order, thoughtfulness, and predictability. Judging by the myriad amicus briefs filed by Texas cities, expedited annexations under (h)(1) are so common that (h)(1) is actually the rule. TML’s brief admits as much, saying the (h)(1) exception “is routinely used by most home rule cities. Only a handful of cities annex under an annexation plan” at all.” Author’s note: the purpose of S.B. 89 was to ensure provision of adequate services to highly-populated areas, and most annexations aren’t of that type of area.

C. Senate Bill 89 Procedures

Senate Bill 89, the comprehensive rewrite of Texas annexation statutes that became law in 1999, was enacted to restrict perceived abuses of the annexation process by certain cities. The bill was effective over ten years ago, but it is still frequently referred to by name rather than where it is codified. The end result of the S.B. 89 negotiations is a complex, sometimes difficult to understand, rewrite of the procedures required to annex under Chapter 43 of the Texas Local Government Code.

Under S.B. 89, there are two basic procedural schemes, both of which are based on the inclusion or exclusion of an area in a city's annexation plan (discussed above):

1. annexation of area that is **exempt** from the annexation plan requirement, and
2. annexation of area **included in** an annexation plan.

First, city officials must decide whether an area the city wishes to annex falls under one of the exemptions from the annexation plan requirement found in Local Government Code §43.052(h). If an area is exempt from the plan requirement, a city should use Local Government Code Chapter 43, Subchapter C-1 procedures. The Subchapter C-1 procedures are almost identical to the pre-S.B. 89 procedures (see "Procedures for Areas Exempt From the Annexation Plan Requirement"), with the exception of certain more stringent notice requirements.¹³

If an area is not exempt, a city must place it in an annexation plan and wait three years to annex the area under Chapter 43, Subchapter C procedures. **Note: "three-year waiting period" is actually a misnomer, because a city must begin notice, inventory, service plan, hearing, and negotiation procedures almost immediately after placing an area in an annexation plan (see "Unilateral Annexation for Area Included in Annexation Plan").**

V. ANNEXATION AUTHORITY

By way of a very brief introduction, it is important to understand the fundamental difference between a general law city and a home rule city. Volumes have been written on the differences between the two. For purposes of brevity, and as a basic rule of thumb, the following statement will suffice:

¹³ For example, §43.063(c) requires the notice of hearings to be published in the city's Internet Web site, if the city has one, and, for annexations that are exempt from the plan requirement under §43.052(h)(1)(100 tracts exemption), additional written notice must be sent to property owners, service providers, and railroads in the area to be annexed.

A home rule city may do anything authorized by its charter that is not specifically prohibited or preempted by the Texas Constitution or state or federal law; A general law city has no charter and may only exercise those powers that are specifically granted or implied by statute.

The previous statement is very generalized, but it serves to illustrate the fundamental difference between the two types of cities for all purposes, including annexation. For more information on the differences or a more detailed evolution of the history and powers of Texas cities, please contact the TML Legal Services Department at 512-231-7400.¹⁴

A. Requirement to Offer Development Agreement

House Bill 1472, which became effective on May 25, 2007, enacted Section 43.035 of the Texas Local Government Code. The bill provides that a city may not annex an area that is appraised for ad valorem tax purposes as agricultural, wildlife management, or timber management unless the city offers a development agreement to the landowner that would:

- guarantee the continuation of the extraterritorial status of the area; and
- authorize the enforcement of all regulations and planning authority of the city that do not interfere with the use of the area for agriculture, wildlife management, or timber.

TEX. LOC. GOV'T CODE § 43.035(b). Under the bill, the landowner may either: (1) accept the agreement; or (2) decline to make the agreement and be subject to annexation. An annexation that is completed without offering an agreement is void. As such, a city should document the offer and its acceptance or rejection. Even if an annexation is voluntary, a city should document the fact that the owner has rejected the offer of an agreement.

Subchapter G of Chapter 212 of the Texas Local Government Code, which was enacted in 2003, allows any city (other than the City of Houston) to enter into a written contract with an owner of land in the city's extraterritorial jurisdiction to: (1) guarantee the land's immunity from annexation for a period of up to fifteen years; (2) extend certain aspects of the city's land use and environmental authority over the land; (3) authorize enforcement of land use regulations other than those that apply within the city; (4) provide for infrastructure for the land; and (5) provide for the annexation of the land as a whole or in parts and to provide for the terms of annexation, if annexation is agreed to by the parties. TEX. LOC. GOV'T CODE § 212.172.

Development agreements under §212.172 have most frequently been used by cities as an alternative to annexing land on which new residential development is planned. The

¹⁴ See also D. Brooks, *Municipal Law and Practice*, 22 Texas Practice Ch. 1 & T. O'Quinn, *History, Status, and Function*, Introduction to Title 28 of the TEX. REV. CIV. STAT. (Vernon 1963).

agreements allow a city to provide for sustainable residential development by controlling lot size and density, infrastructure quality, and other matters. They are often used when the new development is created as a special district. The district imposes ad valorem taxes to pay for infrastructure, and it is sometimes not in the best financial interests of current city residents or the residents of the new development to include them in the city until some future date.

After the legislative authorization of development agreements in 2003, some cities used the agreements in a somewhat novel way. While the intent of the development agreement statute was arguably to allow a city to regulate development in the city's extraterritorial jurisdiction in lieu of annexing, the broad authority granted by the statute allows for what some have termed "non-development" or "non-annexation" agreements.

In 2003, as certain cities began annexations of farmland in an attempt to regulate future development, rural landowners who claimed to have no intention of developing their property became increasingly concerned that their chosen lifestyle was in jeopardy. Influential legislators, as well as the Texas and Southwestern Cattle Raisers Association and Texas Farm Bureau, became involved in the issue. As a compromise, the cities and landowners ultimately used the authority of Section 212.172 to enter into "non-development" agreements, under which a city agrees to not annex the land for a period of time in exchange for the landowner's promise to not develop the land. Legislators and others believed that the compromise agreements were the right tool to protect farms and ranches from what they believed was unnecessary municipal annexation.

In 2005, H.B. 2305 contained provisions that were very similar to those found in H.B. 1472. Texas Municipal League staff testified on H.B. 2305 in the House Land and Resource Management Committee at that time, pointing out various concerns and unintended consequences that might result from the bill's passage. H.B. 2305 was voted from committee and placed on the House calendar for consideration, but the bill had little chance of passage due to the late date of the session.

H.B. 1772 was another bill in 2005 that slightly modified the authority of certain general law cities to annex, and was much further along in the process. As often happens near the end of a legislative session, the provisions of H.B. 2305 were added to H.B. 1772 as a Senate committee amendment. H.B. 1772 passed both the House and the Senate unanimously, but ran into trouble due to the bill's caption. A bill's "caption" describes the subject matter of the bill, and the subject matter of the bill must be germane (i.e., relevant) to the caption. H.B. 1772's caption referenced only general law cities. As such, the annexation provision relating to all cities was not germane.

A conference committee was appointed to work out the issue, and the final version of the bill added Section 43.033(a)(7) to the Local Government Code. That section contained the requirement to offer a development agreement, but it only applies to the very limited authority of certain general law cities to annex without consent. Currently, both Sections 43.033(a)(7) and 43.035, as applicable, must be complied with prior to annexing property.

Other than providing that a city may not annex an area that is appraised for ad valorem tax purposes as agricultural, wildlife management, or timber management unless the city offers to make a development agreement, Section 43.035 is silent regarding when the offer must be made. Each city should decide when it is appropriate to offer the agreement. In most cases, the offer of the agreement would be made prior to expending time and resources on the required prerequisites to annexation (e.g., service plan, notice, hearings, etc.).

A more important question is: how long does the landowner have to accept or decline the agreement? The law is also silent on this question. Section 43.033 (the general law statute that was amended in 2005) provides that a city may annex the property if “the landowner fails to accept...[the offer]...within 30 days after the date the offer is made.” The fact that the new statute is silent as to time indicates that the decision of how long a city gives a landowner to accept or decline an agreement is up to each individual city. Of course, analogizing to contract law and pursuant to the Code Construction Act, the time period should be reasonable based on the circumstances. TEX. GOV’T CODE § 311.021. In addition, a city should retain documentation that an agreement was offered, whether the agreement was accepted or refused.

What provisions should be in the agreement? Local Government Code Section 212.172, read in conjunction with Section 43.035, indicates broad authority for a city to offer an agreement on the city’s terms. Most cities’ proposed agreement would include provisions such as:

- A guarantee by the city of “the continuation of the extraterritorial status of the area.” In other words, a guarantee that the city won’t annex the property for a definite term unless the terms of the agreement are violated. And a term not to exceed fifteen years, with an option to renew if desired, but in no case lasting longer than 45 years. TEX. LOC. GOV’T CODE §§ 43.035(b)(1); 212.172(b)(1) and (d).
- A promise by the owner not to use the property for any purpose other than for agriculture, wildlife management, and/or timber management, and related incidental activities. *Id.* § 212.172(b)(9).
- A promise by the owner that no person will file any type of subdivision plat or related development document for the property with any entity. *Id.* § 43.035(d).
- A provision that a violation of the agreement by the landowner by commencing development or by any other manner will constitute a petition for voluntary annexation in addition to other remedies available to the city, and that the owner waives any and all claims to a vested right of any kind. *Id.* § 212.172(b)(9).
- A provision authorizing the city to enforce all of the city’s regulations and planning authority that do not interfere with the use of the property for agriculture, wildlife management, or timber, in the same manner that the regulations are enforced within the city’s boundaries (or in a different manner, as authorized by Section 212.172). *Id.* § 212.172(b)(4); (b)(6); (b)(8).

- Recordation of the agreement in the real property records of the county, so that the agreement will run with the land. *Id.* § 212.172(f).

When drafting an agreement, city officials should consider the legislative intent behind the requirement to offer an agreement. The intent is to allow a landowner who truly intends to continue using his land for agriculture, wildlife management, or timber management to remain outside of a city's limits. The provisions of a proffered agreement should reflect that intent. Drafting and offering a completely unreasonable agreement to an eligible landowner does not carry out the intent of the statute, and could lead legislators to seek more restrictive provisions in the future.

On the other hand, the purpose of the requirement is to protect farmers and ranchers, and not to allow unscrupulous developers to subvert municipal regulations. To that end, according to Section 43.035(d), a provision of a development agreement entered into under that section is void if the landowner files any type of subdivision plat or related development document for the area with a governmental entity that has jurisdiction over the area, regardless of how the area is appraised for ad valorem tax purposes. If a landowner tries to develop in violation of an agreement, the city can annex immediately.

There are several other issues relating to Section 43.035 that a city should be aware of:

- Contiguity: In most cases, a city may only annex an area that is contiguous to the current city limits. Section 43.035(c) provides that, for purposes of any law, including a municipal charter or ordinance, relating to municipal authority to annex an area adjacent to the city, an area adjacent or contiguous to an area that is the subject of a development agreement is considered adjacent or contiguous to the city. In other words, a city is not prohibited from annexing land beyond the area that is the subject of the agreement solely because that land is not contiguous to the city limits, so long as the area touches the area that is subject to the development agreement. It is also reasonable to conclude that the area that is the subject of the agreement acts to expand the city's extraterritorial jurisdiction, but that expansion is not expressly provided for in the statute.
- Vesting: Section 43.035(e) provides that a development agreement under that provision is not a permit for purposes of the "vesting statute," Chapter 245 of the Local Government Code.

Many cities have entered into agreements with landowners. Examples of those agreements are available on the Texas Municipal League's Web site at www.tml.org by clicking on "Legal," then "Land Use and Building Regulations." Those cities have expressed concern with some of the statute's provisions, but no legislative changes have been enacted since 2007. In any case, each city should consult with local legal counsel regarding the appropriate terms of its agreement.

B. Requirement that Area be in the City's ETJ

In addition to regulating annexation authority and procedures, the Municipal Annexation Act created the concept of extraterritorial jurisdiction (ETJ) in 1963. An area to be annexed must be within the city's ETJ under Section 43.051. In addition, under §§42.022 and 43.051, the area to be annexed cannot be located within the ETJ of another city. The policy purpose underlying ETJ is described in Section 42.001 of the Texas Local Government Code:

The legislature declares it the policy of the state to designate certain areas as the extraterritorial jurisdiction of municipalities to promote and protect the general health, safety, and welfare of persons residing in and adjacent to the municipalities.

ETJ is defined as “the unincorporated area that is contiguous to the corporate boundaries of the municipality.”¹⁵ The geographical extent of any city's ETJ is contingent upon the number of inhabitants of the city:

<u>Number of Inhabitants</u>	<u>Extent of Extraterritorial Jurisdiction</u>
Fewer than 5,000	One-half Mile
5,000—24,999	One Mile
25,000—49,999	Two Miles
50,000—99,999	Three and one-half Miles
100,000 and over	Five Miles ¹⁶

Section 42.021 uses the phrase “number of inhabitants” rather than “population.” That distinction is significant because of Chapter 311 of the Texas Government Code (the Code Construction Act). According to Section 311.005(3) of the Government Code, the term “population” in a state statute means “the population shown by the most recent federal decennial census.” But the extent of a city's ETJ is based upon the number of “inhabitants.” The attorney general's office concluded in Letter Opinion No. LO-94-033 (1994) that “a municipality may choose the method by which it will ascertain the boundaries of its extraterritorial jurisdiction.” Thus, a city may by ordinance or resolution determine the number of inhabitants within its corporate limits, and that determination if reasonable will define the extent of its ETJ.¹⁷

¹⁵ Tex. Local Gov't Code § 42.021.

¹⁶ *Id.* at § 42.021.

¹⁷ *State ex rel. Rose v. City of La Porte*, 386 S.W.2d 782, 785 (Tex.1965); *City of Burleson v. Bartula*, 110 S.W.3d 561 (Tex.App.—Waco 2003, no pet.). A more recent case is also instructive. In *City of Granite Shoals v. Winder*, 280 S.W.3d 550 (Tex.App.—Austin, 2009), the general law city of Granite Shoals annexed two islands on Lake LBJ. The islands consisted of a handful of high-value homes and were annexed pursuant to Local Government Code Section 43.033. That section allows unilateral annexation

C. Authority to Annex Unilaterally

1. Charter Provisions (Home Rule Cities)

Most home rule charters in Texas, read in conjunction with Chapter 43 of the Local Government Code, provide for unilateral (non-consensual) annexation by home rule cities. Unilateral annexation authority is not necessarily uniform in all charters, and procedures prescribed in the charters may also vary. Whatever the procedures may be in a particular charter, they must be strictly followed, except when the procedures conflict with state law, in which case the state law governs. If the procedures can be reconciled, then both must be followed.¹⁸ Section 43.021 of the Texas Local Government Code provides the general authority for a home rule city to annex area. That section states that:

A home-rule municipality may take the following actions according to rules as may be provided by the charter of the municipality and not inconsistent with the procedural rules prescribed by this chapter:

- (1) fix the boundaries of the municipality;
- (2) extend the boundaries of the municipality and annex area adjacent to the municipality¹⁹; and

by a general law city if certain elements are met. Another provision in Section 43.033 allows a majority of property owners in the annexed area to petition for disannexation, and the island property owners took advantage of that provision and were disannexed. In the meantime, the voters of the city adopted a home rule charter. The city then re-annexed the islands pursuant to its home rule authority. The property owners then filed for a declaratory judgment that, among many other things, the city did not have 5,000 inhabitants and was thus not eligible for home rule status, and that the city acted in bad faith in making the determination of the number of inhabitants. The city answered, arguing lack of subject matter jurisdiction and standing issues. The city argued that the court lacked subject matter jurisdiction because the only way to challenge the election was pursuant to an election contest. The city further argued that the only way to challenge the "bad faith" aspect of conversion to home rule is by a quo warranto suit. Citing incongruent precedent relating to previous election law provisions, the court concluded that the challenge regarding the number of inhabitants falls outside of the scope of the current election contest provision (and is thus not an "election contest"). The court held that the property owners could continue their declaratory judgment action. With regard to the city's *quo warranto* argument, the court held that the city's determination of inhabitants could be set aside upon a showing of bad faith. If the property owners can show that the determination was made in bad faith, the conversion to home rule becomes void ab initio, which allows a collateral attack on the conversion. Because the property owners raised more than a scintilla of evidence that the city acted in bad faith, the court examined the methods by which the city made the determination of inhabitants. City witnesses testified that they counted the number of utility connections and multiplied by 3. The city did not use demographics or census data to determine that multiplier. Those facts were enough to establish the possibility of bad faith. The court affirmed the denial of the trial court's plea to the jurisdiction.

¹⁸ Particular attention should be paid to §43.022 of the Local Government Code, which expressly requires voter approval of annexation in certain circumstances and additional notice requirements in some charters.

¹⁹ This provision requires the area proposed for annexation to lie adjacent to the city. "Adjacent" means "contiguous." *State ex rel. Pan American Production Co. v. Texas City*, 303 S.W.2d 780, 786 (Tex.

- (3) exchange area with other municipalities.

2. Local Government Code Provisions (General Law Cities)

Chapter 43 provides the statutory authority for general law cities to annex. Section 43.033 of the Texas Local Government Code²⁰ is **the only major exception** (see section D.3. for other minor exceptions) to the rule that general law cities may only annex by petition (with consent). That section allows for unilateral annexation and states that:

- (a) A general-law municipality may annex adjacent territory without the consent of any of the residents or voters of the area and without the consent of any of the owners of land in the area provided that the following conditions are met:
 - (1) the municipality has a population of 1,000 or more and is not eligible to adopt a home-rule charter;
 - (2) the procedural rules prescribed by this chapter are met;
 - (3) the municipality must be providing the area with water or sewer service;
 - (4) the area:
 - (A) does not include unoccupied territory in excess of one acre for each service address for water and sewer service; or
 - (B) is entirely surrounded by the municipality and the municipality is a Type A general-law municipality;
 - (5) the service plan requires that police and fire protection at a level consistent with protection provided within the municipality must be provided to the area within 10 days after the effective date of the annexation;
 - (6) the municipality and the affected landowners have not entered an agreement to not annex the area for a certain time period; and
 - (7) if the area is appraised for ad valorem tax purposes as land for agricultural or wildlife management use under Subchapter C or D, Chapter 23, Tax Code:

1957)(holding that "the usual meaning of the word 'adjacent' must be applied to the words of the statute and that the Legislature used the term in the sense of being 'contiguous' and 'in the neighborhood of or in the vicinity of,' without reference to the character of the land or the use to which it is put"). See also *City of Irving v. Dallas Flood Control District*, 383 S.W.2d 571 (Tex. 1964)(citing many cases that were mostly decided before the provisions prohibiting strip annexations were enacted). At any rate, most would agree that a city may not annex "islands" that are not attached in any way to the city itself without the specific statutory authority to do so. *City of Willow Park v. Bryant*, 763 S.W.2d 506 (Tex. App. Fort Worth 1988, no writ); *But C.f.* Tex. Loc. Gov't Code § 42.0225 (providing that the annexation of an area that is not contiguous to a city does not expand the city's extraterritorial jurisdiction around that area) and Op. Tex. Att'y Gen No. GA-0014 (concluding that a city's ETJ does not expand when it annexes an "island", but not addressing the authority to do so).

²⁰ Note that Section 43.033 was modified by H.B. 1772 during the 2005 regular session to require a development agreement offer (see also Section 43.055, added by H.B. 1472 in 2007).

- (A) the municipality offers to make a development agreement with the landowner in the manner provided by Section 212.172 that would:
 - (i) guarantee the continuation of the extraterritorial status of the area; and
 - (ii) authorize the enforcement of all regulations and planning authority of the municipality that do not interfere with the agricultural or wildlife management use of the area; and
 - (B) the landowner fails to accept an offer described by Paragraph (A) within 30 days after the date the offer is made.
- (b) If, after one year but before three years from the passage of an ordinance annexing an area under this section, a majority of the landowners or registered voters in the area vote by petition submitted to the municipality for disannexation, the municipality shall immediately disannex the area. If the municipality disannexes the area under this subsection, the municipality may discontinue providing the area with water and sewer service.

D. Other Annexation Authority

1. Annexation by Petition of Area Voters (General Law Cities)

Section 43.024 of the Local Government Code authorizes a type A general law city to annex an area if the majority of the qualified voters of the area vote in favor of becoming part of the city. *Id.* at §43.024(b). The approval of the majority of voters may be shown by any three of those voters preparing an affidavit to the fact of the vote and filing the affidavit with the mayor of the city. *Id.* The vote is not required to be done by ballot or at any type of formal election. The voter's intentions may be expressed by any method that is satisfactory to themselves and the city council.²¹ Upon receipt of the affidavit,

²¹*Universal City v. City of Selma*, 514 S.W.2d 64, 72 (Tex. App.--Waco 1974, writ ref'd n.r.e.). See also *State v. City of Waxahachie*, 17 S.W. 348, 349-350 (Tex. 1891)(holding that lack of notice to some voters in the area does not render annexation void). In addition, *Village of Salado v. Lone Star Storage Trailer, // Ltd.*, Not Reported in S.W.3d, 2009 WL 961570 (Tex.App.—Austin,2009) is a case that confirms the broad authority of resident voters to draw the area for annexation. In that case, the Village of Salado annexed property along its eastern boundary, including property owned by Lone Star, pursuant to the voluntary annexation provision of Section 43.025 of the Local Government Code. In this annexation, the area had multiple qualified voters, but Lone Star's property was the only property that was actually contiguous to the city. After the annexation, Lone Star filed a declaratory judgment action asking the court to declare the annexation void. The village and Lone Star filed competing motions for summary judgment, and the district court granted Lone Star's motion, declaring the annexation void. The village appealed. Lone Star argued that Section 43.025 requires that Lone Star consent to the annexation because Lone Star is the only "contiguous" landowner. Lone Star argued that non-contiguous voters cannot consent to an annexation, even if their property is part of a larger total area to be annexed. The village argued that the annexation was proper because the requirements of Section 43.025 were followed. The court of appeals held that Section 43.025 does not distinguish between "voters" who are on the border of the city and those who are not. The statute does not require unanimous consent and also does not provide an exception for cases where one landowner owns all of the contiguous property and does not consent. The court of appeals held that the entire area is used to determine whether the area is contiguous, not just

the mayor must certify the filed affidavit to the city council. The city council then may, after all of the procedural requirements of Chapter 43 are met, annex the area by ordinance. *Id.* at §43.024(c). This section only allows the annexation of an area that is one-half mile or less in width and is contiguous to the city limits. *Id.* at §43.024(a).

Section 43.025 authorizes a type B general law city to annex an area if a majority of the qualified voters of an area contiguous to the city vote in favor of becoming a part of the city. *Id.* at §43.025(a). Any three of those voters may prepare an affidavit to the fact of the vote and file the affidavit with the mayor of the city. *Id.* The vote is not required to be done by ballot or at any type of formal election. The voter's intentions may be expressed by any method that is satisfactory to themselves and the city council.²² The mayor must certify the filed affidavit to the governing body of the city. On receipt of the certified affidavit, and after the procedural requirements of Chapter 43 have been met, the governing body by ordinance may annex the area. A type B city may not be enlarged under §43.025 to exceed the area requirements established by §5.901, which sets square mileage requirements at the time of incorporation for cities of different populations - for a city with less than 2,000 inhabitants, the area limitation is two square miles.²³

2. Annexation by Petition of Area Landowners (Any City)

Local Government Code §43.028 authorizes any city to annex a sparsely occupied area on petition of the area's landowners.²⁴

Section 43.028²⁵ applies only to the annexation of an area:

- 1) that is one-half mile or less in width;²⁶

one tract. The court of appeals reversed the district court's judgment and rendered judgment that the annexation was valid and enforceable.

²² *Id.*

²³ See *City of Northlake v. East Justin Joint Venture*, 873 S.W.2d 413 (Tex. App.--Fort Worth 1994, writ denied). The *Northlake* case held that the size limitation for type B cities was equally applicable to type A cities, but the Texas Supreme Court limited this holding to type B cities in *Laidlaw Waste Systems v. City of Wilmer*, 904 S.W.2d 656 (Tex. 1995).

²⁴ *Underground Water Conserv. Dist. v. Pruitt*, 915 S.W.2d 577, 583 (Tex.App.-El Paso 1996, no writ) concluded that, at least for purposes of Water Code annexation provisions relating to the district, surface owners' petitions had the effect of annexing into a special district only so much of the surface and mineral estates as the petitioner owned and no more.

²⁵ Note that §43.028(d) states that "after the 5th day but on or before the 30th day after the date the petition is filed, the governing body shall hear the petition and the arguments for and against the annexation and shall grant or refuse the petition as the governing body considers appropriate." The hearing and acceptance of the petition must be completed within the 25 day time period, and prior to conducting the other procedural requirements (e.g., service plan, notice, and hearings) of Chapter 43. *Town of Fairview v. Stover*, 2002 WL 1981371 (Tex.App.--Dallas 2002)(Unpublished opinion). Also, the petitioner arguably has the right to withdraw the petition up to the adoption of the annexation ordinance. *Karm v. City of Castroville*, 219 S.W.3d 61 (Tex.App.-San Antonio 2006)

- 2) that is contiguous (abuts or touches) to the annexing municipality; and
- 3) that is vacant and without residents or on which fewer than three qualified voters reside.

3. Miscellaneous Provisions

Other examples of provisions that provide annexation authority include, but are not limited to: §43.026 (Type A city may annex area it owns), §43.027 (General law city may annex adjacent navigable stream), §43.032 (Certain general law cities may annex certain areas that are surrounded by the city); §43.101 (General law city may annex municipally-owned reservoir that supplies water to the city), §43.102 (City may annex municipally-owned airport and right-of-way leading to airport), §43.023 (General law city over 5,000 population may annex on petition and election), and §43.103 (General law city may annex adjacent road²⁷).

VI. PROCEDURES FOR AREAS EXEMPT FROM THE ANNEXATION PLAN REQUIREMENT

A. Introduction

Section 17 of S.B. 89, which is codified as statutory notes that follow various sections of Chapter 43 of the Local Government Code, provides that most of the changes made by the bill apply only to an annexation included in a city's annexation plan. A city was authorized to annex any nonexempt area that was not included in its plan until December 31, 2002, under the former law. TEX. LOC. GOV'T CODE §43.052, *Statutory note (c)*. These so-called "old law" annexations are no longer authorized, as the grandfathering period has expired. Thus, annexations are now either under a plan (Subchapter C procedures) or exempt from a plan (Subchapter C-1 procedures).

B. Annexation of Area Exempt from the Annexation Plan Requirement

1. 100 Tracts Exemption and Other Exemptions

The most common exemption from the annexation plan requirement is²⁸:

[T]he area contains fewer than 100 separate tracts of land on which one or more residential dwellings are located on each tract.

²⁶ The area to be annexed must be within the city's ETJ. See Local Government Code §42.021 for extent of ETJ for cities of different sizes. In addition, under §§42.022 and 43.051, the area to be annexed cannot be located within the ETJ of another city.

²⁷ TEX. LOC. GOV'T CODE §43.106 requires a city that proposed to annex any portion of a paved county road to also annex the entire width of the county road and the adjacent right-of-way.

²⁸ §43.052(h) contains several other examples, but this provision seems to be the most commonly used in home rule unilateral annexations.

TEX. LOC. GOV'T CODE §43.052(h)(1). City attorneys have interpreted the provision to mean that an area is exempt if it contains any number of tracts so long as no more than 99 of the tracts contain residential dwellings. The changes made to §43.052(h)(1) were made after the committee hearings on S.B. 89 were held and there is no testimony regarding the provision, but a 2009 attorney general opinion – GA-0737 – confirmed that interpretation.²⁹ S.B. 89 was enacted to curb perceived abuses of unilateral annexation authority by a few cities, and is designed to prevent cities from annexing very large residential subdivisions without providing adequate notice. At any rate, the decision is up to the city council in the first instance, subject to the arbitration provisions of Section 43.052(i)³⁰ or a *quo warranto* proceeding.³¹

Another common exemption occurs when the area will be annexed by petition of more than fifty percent of the real property owners in the area proposed for annexation or by vote or petition of the qualified voters or real property owners. *Id.* at §43.052(h)(2). In addition, §43.052(h) contains several other exemptions from the plan requirement. Examples include an area located in a colonia, an area owned by a type A general law city, or an area for which the city determines that the annexation of the area is necessary to protect the area proposed for annexation or the municipality from imminent destruction of property or injury to persons.

2. Applicable Provisions

Procedures for annexations that are exempt from the annexation plan requirements are now located in Chapter 43, Subchapter C-1, of the Local Government Code. However, §43.052, *Statutory note (e)* and §43.062 make the following provisions from Subchapter C applicable to exempt Subchapter C-1 annexations:

1. §43.002, *Continuation of Land Use*: prevents a city, with certain exceptions, from prohibiting a person from continuing to use land in the manner in which it was being used prior to annexation (cities can still impose regulations relating to: location of sexually oriented businesses, colonias, preventing imminent destruction of property or injury to persons, public nuisances, flood control, storage and use of hazardous substances,

²⁹“While the statute would benefit from legislative clarification, we conclude that section 43.052(h)(1) of the Local Government Code does not require that a residence be located on each tract of the area proposed for annexation. An annexation undertaken pursuant to section 43.052(h) is not void if the municipality fails to adopt a three-year annexation plan.”

³⁰ In *Hughes v. City of Rockwall*, 153 S.W.3d 709 (Tex.App.-Dallas 2005, pet. filed February 23, 2005), the principal issue before this Court is whether Texas Local Government Code Section 43.052(i) is procedural or substantive in nature, and the Texas Supreme Court later said that the issue is procedural (No. 05-0126, January 25, 2008). See also *JNC Partners Denton LLC v. City of Denton*, 190 S.W.3d 790, 792 (Tex.App.-Fort Worth 2006, pet. filed).

³¹ *Werthmann v. City of Fort Worth*, 121 S.W.3d 803, 807 (Tex. App.--Fort Worth 2003)(holding that the requirements of Section 43.052 are procedural); See also *City of Balch Springs v. Lucas*, 101 S.W.3d 116 (Tex. App.--Dallas 2002).

sale and use of fireworks, or discharge of firearms on most parcels). Made applicable by S.B. 89, Section 17(e).

2. §43.051, *Restricting annexations to the ETJ unless the city owns the property*. Made applicable by TEX. LOC. GOV'T CODE §43.062(a).
3. §43.054, *Width Requirements*: area must generally be at least 1,000 feet wide unless the boundaries of the city are contiguous to the area on at least two sides, with certain exceptions. Made applicable by S.B. 89, Section 17(e) & TEX. LOC. GOV'T CODE §43.062(a).
4. §43.0545, *Annexation of Certain Adjacent Areas*.³² Made applicable by S.B. 89, Section 17(e) & TEX. LOC. GOV'T CODE §43.062(a).
5. §43.055, *Maximum Amount Per Year*: limiting the maximum amount of annexation each year to ten percent of the incorporated area of the municipality with certain exceptions. Made applicable by TEX. LOC. GOV'T CODE §43.062(a).³³
6. §43.056(b)-(o), but not (d) or (h)-(k)³⁴, *Provision of Services to Annexed Area*: cities must provide full municipal services to annexed areas within 2 ½ years, unless certain services cannot be reasonably provided within that time and a city proposes a schedule to provide services within 4 ½ years. However, capital improvements must only be substantially completed within that 4 ½ year period. TEX. LOC. GOV'T CODE §43.056(b) & (e). "Full municipal services" means services provided by the annexing city within its full-purpose boundaries, including water and wastewater services and excluding gas or electrical service. *Id.* at §43.056(c). Also, a city is not required to provide a uniform level of services to each area of the city if different characteristics of topography, land use, and population density

³²*City of Missouri City v. State ex rel. City of Alvin*, 123 S.W.3d 606, 616 (Tex. App.-Houston [14th dist.] 2003)(holding that §43.0545 prohibits the annexation of land that lies within a city's extraterritorial jurisdiction solely by virtue of the fact the land is "contiguous to municipal territory that is less than 1,000 feet in width at its narrowest point."); §43.0546 also deals with annexation of certain adjacent areas, but that section applies only to the City of Houston.

³³ The maximum of ten percent per year may be carried over up to thirty percent if not used. TEX. LOC. GOV'T CODE §43.055(b), (c). In addition, certain types of annexations do not apply to the percentage requirement, including most petition-based annexations and annexation of an area owned by the city, county, state, or federal government and used for a public purpose. *Id.* at §43.055(a)(1), (2), (3), & (4).

³⁴ Section 43.065(b) provides that "[s]ections 43.056(b)-(o) apply to the annexation of an area to which this subchapter applies." However, Section 17(e) of S.B. 89 provides that neither (b) nor (h)-(k) apply. This conflict can largely be resolved by reviewing the relevant provisions of Section 43.056. Subsections (d) and (h) are Houston-only under current population – 1.5 million or more or 1.6 million or more, respectively, so generally don't apply. Subsection (i) directs a city to prepare a revised service plan for an area if the annexed area is smaller than that originally proposed, and can easily be complied with. Subsections (j) and (k) are somewhat more troubling, and may not be able to be completely complied with. Why? Those sections reference negotiations and other procedures that are unique to plan annexations, and are probably made applicable due to a drafting error.

constitute a sufficient basis for providing different levels of service.³⁵ *Id.* at §43.056(m). Made applicable by S.B. 89, Section 17(e) & TEX. LOC. GOV'T CODE §43.065(b).

7. §43.0565, *Arbitration Regarding Enforcement of Service Plan*: allows person in area to request arbitration in writing, if arbitrator finds that the municipality has not complied with the service plan requirements, the city may disannex the area or the arbitrator may require the city to comply with service plan or refund money collected for those services that were not provided (Houston only - See §43.056(l)). Made applicable by S.B. 89, Section 17(e) & TEX. LOC. GOV'T CODE §43.062(a).
8. §43.0567, *Water or Sewer Service (City of Houston only)*. Made applicable by TEX. LOC. GOV'T CODE §43.062(a).
9. §43.057, *Annexation That Surrounds an Area*. Made applicable by TEX. LOC. GOV'T CODE §43.062(a).
10. §43.0712, *Invalidation of Annexation of Special District; Reimbursement of Developer*. Made applicable by S.B. 89, Section 17(e).
11. §43.121(a), *Authority of Populous Home-Rule Municipalities (More than 225,000) to Annex for Limited Purposes; Other Authority not Affected*. Made applicable by S.B. 89, Section 17(e).
12. §43.141(c), *Disannexation for Failure to Provide Service*: if an area is disannexed for failure to provide services, it may not be annexed again within 10 years after the date of the disannexation. Made applicable by S.B. 89, Section 17(e).
13. §43.148, *Refund of Taxes and Fees For Disannexed Area*. Made applicable by S.B. 89, Section 17(e).
14. §43.905, *Effect of Annexation on Operation of School District*: requires a city to give notice to any school district in the area to be annexed between the 20th and 11th day before the first public hearing. Made applicable by S.B. 89, Section 17(e).
15. §43.906, *Voting Rights After Annexation*: requires a city to apply for preclearance under Section 5 of the Voting Rights Act of 1965 from the

³⁵ Under *City of Heath v. King*, 665 S.W.2d 133, 136 (Tex App.--Dallas 1983, no writ), whether a city provides services substantially equivalent to those furnished other areas with similar characteristics involves two considerations: (1) are there two separate areas of the city with similar characteristics; and if so, (2) are services being furnished to one area disparate from those being furnished to the other?

United States Department of Justice on the earliest date permitted under federal law.³⁶ Made applicable by S.B. 89, Section 17(e).

3. Procedure

Prior to any other action, the city must determine whether an area is subject to the requirements of Section 43.035³⁷ – required offer of development agreement (see detailed discussion above) – and must comply with those requirements if so. To begin the annexation process, the city council must direct its planning department or other appropriate city department to prepare a service plan that details the specific municipal services that will be provided to the area after it has been annexed. *Id.* at 43.065(a).³⁸

Before a city may institute annexation proceedings, the city council must give notice of, and conduct, two public hearings at which persons interested in the annexation are given an opportunity to be heard. *Id.* at §43.063(a). The city council must call the first public hearing on the proposed annexation and cause a copy of the notice of the hearing to be published. The notice of each hearing must be published in a newspaper of general circulation in the city and the area proposed for annexation at least once on or after the 20th day, but before the 10th day before the date of each hearing.³⁹ *Id.* at 43.063(c). The newspaper should execute a notarized affidavit stating that the hearing notice was published. The city must also give written notice to any school district in the area at this time. *Id.* at §43.905⁴⁰. This procedure is repeated for the second hearing. Nothing prohibits a city from expediting the process by publishing the notice of the hearings and/or holding the hearings close together (or perhaps even in one notice and as separate agenda items at the same meeting) so long as the appropriate timeframe is followed.

All persons attending the hearings must be given an opportunity to express their views regarding the proposed annexation and the service plan. The hearings must be conducted on or after the 40th day and before the 20th day before the date of the institution of the proceedings. *Id.* at §43.063(a).⁴¹ The date of the “institution of proceedings” is the date the annexation ordinance is introduced on first reading. If a city requires only one reading (as in the case of a general law city that has not imposed the requirement of additional readings on itself), the proceedings are instituted and completed at the same time.

³⁶ See H.B. 1265 effective September 1, 2001.

³⁷ Or Section 43.033(a)(7) for general law cities annexing without consent.

³⁸ Under §43.065(b), it is important to remember that §§43.056(b)-(o), but not (d) or (h)-(k), also apply.

³⁹ When counting the ten day interval, do NOT include either the day the notice was published, nor the day of the hearing.

⁴⁰ The City MAY NOT ANNEX unless it has provided this notice: “The municipality may not proceed with the annexation unless the municipality provides the required notice.”

⁴¹ Note that a city is required to hold the two public hearings in the specified time frame. Nothing prohibits a city from holding more than two hearings, and so long as at least two of the hearings are within the prescribed time frame, the statutory requirements have been met. *Woodruff v. City of Laredo*, 686 S.W.2d 692, 696 (Tex. App. San Antonio 1985, writ ref’d n.r.e.).

In addition, the annexation of an area must be completed within 90 days after the date the city council institutes the annexation proceedings or the proceedings are void. *Id.* at 43.064(a). The charters of some home rule cities require that an annexation ordinance must be introduced at one meeting before it can be passed at a subsequent meeting, or that the ordinance be read and voted on at two, sometimes three, separate meetings before finally being passed. Thus, the ordinance in a city requiring multiple readings must be finally passed within 90 days of the first reading.⁴²

If the annexation is exempt by virtue of §43.052(h)(1)(100 tracts exemption), written notice must be sent before the 30th day before the date of the first hearing to each:

- 1) property owner in the area to be annexed;
- 2) public entity as defined in §43.053⁴³ or private entity that provides services in the area; and
- 3) each railroad company that serves the municipality and is on the municipality's tax roll if the company's right-of-way is in the area proposed for annexation.

Id. at §43.062(b). All annexations under Subchapter C-1 require written notice by certified mail to each railroad company with right-of-way on the area proposed for annexation. *Id.* at §43.063(c).

In addition, the city must post notice of the hearings on the city's Web site, if the city has a Web site. *Id.* at §43.063(c).⁴⁴

If a written protest is filed by more than ten percent of the adult residents of the area proposed for annexation within ten days after publication of notice, at least one of the public hearings must be held in the area proposed for annexation if a suitable site is reasonably available. *Id.* at §43.063(b).

Finally, the city council, acting at a meeting that is separate from the two required hearings, adopts an ordinance annexing the tract and approving the service plan for the tract. When the annexation ordinance is passed, a copy of the service plan is attached to the ordinance, and the plan becomes a contractual obligation of the city.

In sum, the sequence for annexation of an area exempt from an annexation plan could be as follows:

- 1) Determine applicability of Section 43.035 (or 43.033(a)(7)) and act accordingly;
- 2) preparation of the service plan;

⁴² *Knapp v. City of El Paso*, 586 S.W.2d 216, 218 (Tex. App. - El Paso 1979, writ ref'd n.r.e.).

⁴³ "public entity" includes a municipality, county, fire protection service provider, including a volunteer fire department, emergency medical services provider, including a volunteer emergency medical services provider, or a special district, as that term is defined by §43.052. *Id.* at §43.053(a).

⁴⁴ The time requirements for posting are the same for the website, except the notice must remain on the site until the date of the hearing.

- 3) provide written notice to property owners, railroads, and public and private entities if required;
- 4) city council calls two public hearings to be held at some time which is not less than 10, nor more than 20, days from the day of publication of the notice of the hearings;
- 5) notice of the hearings is published in a newspaper of general circulation in the city and the area to be annexed and on the city's Internet Web site, if the city has one, and written notice is sent to school districts in the area;
- 6) a 10 to 20 day interval between the publication and each of the hearings;
- 7) public hearings on the proposed annexation at which all interested persons are heard;
- 8) a 20 to 40 day interval between the hearings and the date that the annexation ordinance is passed;
- 9) city council meets and passes the annexation ordinance; and
- 10) proper post-annexation preclearance and notice is completed.

VII. UNILATERAL ANNEXATION OF AREA INCLUDED IN ANNEXATION PLAN

Procedures for annexations that are required to be in an annexation plan are located in Chapter 43, Subchapter C, of the Local Government Code. Prior to any other action, the city must determine whether an area is subject to the requirements of Section 43.035 – required offer of development agreement (see detailed discussion above), and must comply with those requirements if so.

A. Inventory

Section 43.053 requires a city to compile a comprehensive inventory of all services and facilities provided by public and private entities, directly or by contract, in each area proposed for annexation.⁴⁵ The purpose of the inventory is to determine the quality of existing services in the area. Some communities already have services that are superior to those provided in the annexing city, and the new law is designed to protect those communities from a reduction in the quality of services. The city must request the information necessary to compile the inventory in the notice required by §43.052(f) when an area is placed in an annexation plan, and the entity must provide the information not later than 90 days after the information is requested, unless the entity and the city agree to an extension. *Id.* at §43.053(c).

⁴⁵ A "public entity" includes a municipality, county, fire protection service provider, including a volunteer fire department, emergency medical services provider, including a volunteer emergency medical services provider, or a special district, as that term is defined by §43.052. *Id.* at §43.053(a).

The information provided must include the type of service provided, the method of service delivery, and other information as provided by §43.053(e) & (f).⁴⁶ If a service provider fails to provide the information within the 90-day period, the city is not required to include the information in an inventory prepared under this section. The inventory is required only for areas that are included in an annexation plan.

B. Applicable Provisions

Other important requirements and restrictions include, but are not limited to:

1. §43.054, *Width Requirements*: generally area must be at least 1,000 feet wide unless the boundaries of the city are contiguous to the area on at least two sides.
2. §43.0545, *Annexation of Certain Adjacent Areas*⁴⁷.
3. §43.0546, *Annexation of Certain Adjacent Areas by the City of Houston*.
4. §43.055, *Maximum Amount of Annexation Each Year*: with certain exceptions, a city may not annex a total area greater than ten percent of its existing incorporated area.
5. §43.056, *Provision of Services to Annexed Area*: cities must provide full municipal services to annexed areas within 2 ½ years, unless certain services cannot be reasonably provided within that time and a city proposes a schedule to provide services within 4 ½ years. However, capital improvements must only be substantially completed within that 4 ½ year period. TEX. LOC. GOV'T CODE §43.056(b). "Full municipal services" means services provided by the annexing municipality within its full-purpose boundaries, including water and wastewater services and excluding gas or electrical service. *Id.* at §43.056(c). Also, a city is not required to provide a uniform level of services to each area of the city if different characteristics of topography, land use, and population density constitute a sufficient basis for providing different levels of service. *Id.* at §43.056(m).
6. §43.0565, *Arbitration Regarding Enforcement of Service Plan*: allows person in area to request arbitration in writing, if arbitrator finds that the municipality has not complied with the service plan requirements, the city

⁴⁶ The information required in the inventory shall be based on the services and facilities provided during the year preceding the date the municipality adopted the annexation plan or amended the annexation plan to include additional areas. *Id.* at §43.053(d).

⁴⁷ *City of Missouri City v. State ex rel. City of Alvin*, 123 S.W.3d 606, 616 (Tex. App.-Houston [14th dist.] 2003)(holding that §43.0545 prohibits the annexation of land that lies within a city's extraterritorial jurisdiction solely by virtue of the fact the land is "contiguous to municipal territory that is less than 1,000 feet in width at its narrowest point.").

may disannex the area or the arbitrator may require the city to comply with service plan or refund money collected for those services that were not provided (Houston only - See §43.056(l)).

7. §43.0712, *Invalidation of Annexation of Special District; Reimbursement of Developer.*
8. §43.0751, *Strategic Partnerships for Continuation of Certain Districts.*
9. §43.121, *Authority of Populous Home-Rule Municipalities (More than 225,000) to Annex for Limited Purposes; Other Authority not Affected.*
10. §43.141, *Disannexation for Failure to Provide Service:* if an area is disannexed for failure to provide services, it may not be annexed again within 10 years after the date of the disannexation.
11. §43.148, *Refund of Taxes and Fees For Disannexed Area.*
12. §43.905, *Effect of Annexation on Operation of School District:* requires a city to give notice to any school district in the area to be annexed between the 20th and 11th day before the first public hearing.
13. §43.906, *Voting Rights After Annexation:* requires a city to apply for preclearance under Section 5 of the Voting Rights Act of 1965 from the United States Department of Justice on the earliest date permitted under federal law.⁴⁸

C. Service Plan

After the inventory of services for the annexation plan has been prepared, and before the publication of notice of the first public hearing, the city council must direct its planning department or other appropriate municipal department to prepare a preliminary service plan that details the specific municipal services that will be provided to the area after it has been annexed. The final service plan must be completed before the tenth month after the inventory is prepared. *Id.* at 43.056(a).⁴⁹

D. Procedure

⁴⁸ See H.B. 1265 effective September 1, 2001.

⁴⁹ While one part of the Chapter 43, §43.056(j) states that the service plan must be available at the public hearings, another part, §43.056(a) states that the service plan must be completed before the first day of the tenth month after the month in which the inventory is prepared. Thus, it appears that a city should prepare a “preliminary service plan” that is available at the public hearings, and then prepare a “final service plan” before the tenth month after the month in which the inventory is prepared.

During the three-year “waiting period,” and prior to the adoption of the annexation ordinance after the expiration of the third year, a city must go through several procedural steps. A city must solicit information for, and compile, an inventory of services and prepare a service plan. See *Id.* at §43.056(a) & (j). Before a city may institute annexation proceedings, the city council must give notice of, and conduct, two public hearings at which persons interested in the annexation are given an opportunity to be heard. *Id.* at §43.0561(a). The city council must call the first public hearing on the proposed annexation and cause a copy of the notice of the hearing to be published. The notice of each hearing must be published in a newspaper of general circulation in the city and the area proposed for annexation at least once on or after the 20th day, but before the 10th day before the date of each hearing.⁵⁰ *Id.* at 43.0561(c). The newspaper should execute a notarized affidavit stating that the hearing notice was published. The city must also give written notice to any school district in the area at this time. *Id.* at §43.905⁵¹. This procedure is repeated for the second hearing. The hearings must be conducted before 90 days after the inventory is available for inspection. *Id.* at §43.0561(a).

Written notice must be sent by *certified mail* to each:

1. public entity as defined in §43.053⁵², and utility services provider that provides service in the area, and
2. railroad that serves the city and is on the city’s tax roll if the railroad has right-of-way in the area to be annexed.

Id. at §43.0561(c). In addition, the city must post notice of the hearings on the city’s Web site, if the city has one. *Id.* at §43.0561(c).⁵³

If a written protest is filed by more than twenty adult residents of the area proposed for annexation within ten days after publication of notice, at least one of the public hearings must be held in the area proposed for annexation or in the nearest suitable public facility outside of the area. *Id.* at §43.0561(b).

In sum, the sequence for annexation of an area included in an annexation plan could be as follows:

- 1) Determine applicability of Section 43.035 and act accordingly;

⁵⁰ When counting the ten day interval, do NOT include either the day the notice was published, nor the day of the hearing.

⁵¹ The City MAY NOT ANNEX unless it has provided this notice: “The municipality may not proceed with the annexation unless the municipality provides the required notice.”

⁵² A “public entity” includes a municipality, county, fire protection service provider, including a volunteer fire department, emergency medical services provider, including a volunteer emergency medical services provider, or a special district, as that term is defined by Section 43.052. *Id.* at §43.053(a).

⁵³ The time requirements for posting are the same for the website, except the notice must remain on the site until the date of the hearing.

- 2) place area in the plan and provide written notice to landowners, service providers, and railroads in the area. Request in the notice information from service providers for inventory;
- 3) compile and make available an inventory of services and service plan;
- 4) city council calls two public hearings to be held at some time which is not less than 10, nor more than 20 days from the day of publication of the notice of the hearings;
- 5) notice of the hearings is published in a newspaper of general circulation in the city and the area to be annexed and on the city's internet website, if the city has a website, and written notice is sent to school districts in the area, service providers, and railroads in the area;
- 6) a 10 to 20 day interval between the publication and each of the hearings;
- 7) public hearings on the proposed annexation at which all interested persons are heard;
- 8) hold negotiations with property owners for provision of services to area - see Section "E" below⁵⁴;
- 9) after expiration of three years, city council meets and passes the annexation ordinance including the final service plan within 30 days; and
- 10) proper post-annexation preclearance and notice is completed.

E. Negotiations/Arbitration

After a city other than the City of Houston completes the required hearings, the city must negotiate with the property owners or the board of any special district in the area concerning the service plan for provision of services after, or in lieu of, annexation. *Id.* at §43.0562. If the city is not annexing a special district, the commissioners court of the county where the area is located appoints five landowners to negotiate with the city. *Id.* at §43.0562(b). In addition, in lieu of annexation, a city is authorized to enter into a contract with the landowners for the provision of services, the funding of the services, the creation of any necessary special district, governing permissible land uses and compliance with municipal ordinances, and any other terms. *Id.* at §43.0563. If negotiations fail, an arbitrator will be appointed to resolve the dispute. *Id.* at §43.0564.⁵⁵ Only a handful of cities have conducted plan annexations, and even fewer have reached the arbitration stage. Of those that have, arbitrator decisions have generally been favorable to cities.⁵⁶ In one case, the landowner representatives sought excessive services from the city, and the arbitrator ended up deciding on a service plan that the city proposed at the very beginning of the process.

⁵⁴ At this point, the process may come to a halt because the city may enter into contract in lieu of annexation with landowners and/or special districts. If neither a contract nor annexation is agreed upon, an arbitrator will be appointed to resolve the dispute. *Id.* at §43.0564. If the annexation is agreed upon, the process continues normally.

⁵⁵ See §43.0564 for full details of arbitration and appeal, §43.0565 for details regarding arbitration concerning enforcement of service plan, and §43.0567 for provisions governing the City of Houston's provision of water and wastewater services.

⁵⁶ Both Austin and Midlothian have experienced favorable decisions.

After the arbitrator's decision and the passage of the required waiting period, the city council adopts an ordinance annexing the tract and approving the final service plan for the tract. When the annexation ordinance is passed, a copy of the service plan is attached to the ordinance, and the plan becomes a contractual obligation of the city. Otherwise, the city and the landowners and/or special districts may enter into a contract for services in lieu of annexation.

VIII. OTHER MATTERS AFFECTING ALL ANNEXATIONS

Other annexation matters that must be addressed include obtaining preclearance from the United States Department of Justice and notifying the Texas Secretary of State, State comptroller, county clerk, telecommunications utilities, and others, and preparing an updated map of the city. Keep in mind that other entities may be notified, as appropriate, for each individual city.⁵⁷

A. Preclearance

The Federal Voting Rights Act of 1965 codifies the Fifteenth Amendment's permanent guarantee that no person shall be denied the right to vote on account of race or color. Section 5 is a special provision of the Act that requires state and local governments in certain parts of the country to get federal approval, known as "preclearance," before implementing any changes in their voting procedures. See 42 U.S.C. §1973c. Under §5, a covered local government entity must demonstrate to federal authorities that a voting change does not have a racially discriminatory purpose. For example, a city's annexation of all-white neighborhoods, while simultaneously failing to annex African-American neighborhoods, may serve as evidence that the city is in violation of §5. See, e.g., *City of Pleasant Grove v. U.S.*, 479 U.S. 462 (1987). Any change affecting voting, even though it appears to be minor or indirect, must be approved through §5 preclearance.

Preclearance is obtained by submitting a voting change to the United States Attorney General.⁵⁸ Preclearance is given if the attorney general affirmatively indicates that he has no objection to the change or, after the expiration of 60 days, no objection to the submitted change has been made. The full requirements for preclearance are published in Part 51, Title 28, of the Code of Federal Regulations. Materials generally necessary to be included in an annexation submission are:

- 1) a letter or other written document which includes the name and title of the city official submitting the proposed annexation, together with the name and address of the city proposing the annexation;

⁵⁷ For example, a city may want to notify the Texas Department of Transportation to move the city limits sign on a state highway, and/or the Texas Commission on Fire Protection regarding insurance ratings for the newly-annexed area.

⁵⁸ §43.906 of the Local Government Code, entitled Voting Rights After Annexation, requires a city to apply for preclearance under Section 5 of the Voting Rights Act of 1965 from the United States Department of Justice on the earliest date permitted under federal law.

- 2) a statement, and any necessary supporting materials, that demonstrate that the proposed annexation will not have the effect of abridging the right of any person to vote on account of race, color, or membership in a language minority group;
- 3) a copy of the ordinance embodying the proposed annexation, certified by the mayor or city secretary as a true copy;
- 4) the date of final approval of the proposed annexation;
- 5) a description of the different parts of the city that would be affected by the proposed annexation, and how they would be affected—this information must be sufficient to show the Department of Justice how the proposed annexation would affect the voting strength of minorities in the city;
- 6) a statement certifying that the proposed annexation is final, or an explanation of why the statement cannot be made;
- 7) a statement of the reasons for the proposed annexation;
- 8) a statement identifying any past or pending lawsuits relative to the proposed annexation; and
- 9) an indication of population changes or shifts that will occur as a result of the proposed annexation.

More information about preclearance is available from the Civil Rights Division of the United States Department of Justice (DOJ) at “www.usdoj.gov/crt.voting” or by calling 1-800-253-3931. In addition, the DOJ now accepts preclearance submissions electronically at http://wd.usdoj.gov/crt/voting/sec_5/evsl/.

B. Secretary of State Notification

The Texas Secretary of State should be notified so that he may correctly certify the legal validity of the annexation to the United States Department of Census. The city should submit a copy of the ordinance annexing the territory and a statement that the annexation is not the subject of litigation. The Texas Secretary of State may be contacted at 512-463-5559 or at www.sos.state.tx.us, and the Census Bureau at www.census.gov.

C. Comptroller Notification

Notice must also be provided to the Texas Comptroller’s Office. This ensures that the city will receive any sales taxes generated in the newly annexed area. The city secretary must submit by certified mail a certified copy of the annexation ordinance and a map of the entire city that shows the change in boundaries, with the annexed portion clearly distinguished, resulting from the annexation. TEX. TAX CODE §321.102. The Sales Tax Division of the Comptroller’s office may be reached at 800-252-5555 or “www.window.state.tx.us.”

D. Filing with County Clerk

In addition, after the annexation ordinance is adopted, a certified copy of the ordinance should be filed in the office of the county clerk of the county in which the municipality is located. See TEX. LOC. GOV'T CODE §41.0015 (requiring certified copy of documents be filed within 30 days of preclearance).

E. Map of Municipal Boundaries and Extraterritorial Jurisdiction

Cities are required to prepare a map that shows the boundaries of the city and its extraterritorial jurisdiction (ETJ). A copy of the map must be kept in the office of the city secretary and the city engineer if the city has one.

When a city expands its ETJ by petition or annexes territory, the map must be immediately updated to include the annexed territory, including an annotation that states: (1) the date of ordinance; (2) the number of the ordinance, if any; and (3) a reference to the minutes or ordinance records in which the ordinance is recorded in full. TEX. LOC. GOV'T CODE §41.001.

E-1. Right-of-Way Fees

Telecommunications: Chapter 283 of the Texas Local Government Code, enacted in 1999, significantly altered the procedures under which cities collect compensation from certificated telecommunications providers (CTPs) that use city rights-of-way. Under Chapter 283, payments to cities are no longer based on a percentage of gross receipts. Rather, CTPs pay cities quarterly based on the number of “access lines” located in the city. The access lines are multiplied by an access line fee that is calculated under the statute.

When a city annexes territory, the newly-included area may have access lines. However, neither Chapter 283 nor the rules adopted by the Texas Public Utility Commission (PUC) directly address this situation. In order for a city to be properly compensated for the inclusion of the access lines, the city should notify any CTPs that may be providing service in the current city limits that, if the CTP also has access lines in the newly-annexed area, it must begin compensating the city accordingly. In addition, if a city is aware of other CTPs that may be operating in the area, it should notify those as well. Finally, the city should also notify the PUC (www.puc.state.tx.us) so that the information can be posted on the PUC's website.

Electric: Electric franchise fees are provided for in Section 33.008 of the Texas Utilities Code. After annexing, a city should contact the electric provider in the area to determine whether adjustments to, or a new, franchise agreement is necessary.

Cable/Video: Cable and video providers pay fees pursuant to Chapter 66 of the Texas Utilities Code. Those providers, and the PUC, should be notified of an annexation to ensure proper reporting.

Gas/Water: Retail gas and water companies often pay franchise fees to cities, and should be notified as well.

F. Disannexation

1. Disannexation for Failure to Provide Services

Section 43.141 of the Local Government Code provides that, if a city fails or refuses to provide services or to cause services to be provided to an annexed area within the period specified by Section 43.056⁵⁹ and according to the service plan prepared for the area under that section, a majority of the qualified voters of the area⁶⁰ may petition⁶¹ the governing body to disannex the area.⁶²

If the governing body fails or refuses to disannex the area within 60 days after the date of the receipt of the petition, any of the petitioners may bring a cause of action in district court to request that the area be disannexed. TEX. LOC. GOV'T CODE §43.141(b). The district court must enter an order disannexing the area if the court finds that a valid petition was filed with the municipality and that the municipality failed to perform its obligations in accordance with the service plan or failed to perform in good faith.

⁵⁹ Prior to S.B. 89, a city had to provide full municipal services to annexed areas within 4 ½ years. TEX. LOC. GOV'T CODE §43.056(b)(old law). Under current law, services must be provided within 2 ½ years, unless certain services cannot be reasonably provided within that time and a city proposes a schedule to provide services within 4 ½ years. *Id.* at §43.056(b).

⁶⁰ *Freeman v. Town of Flower Mound*, 173 S.W.3d 839 (Tex.App.-Fort Worth 2005) and *Smith v. City of Brownwood*, 161 S.W.3d 675, 680 (Tex.App.-Eastland 2005, no pet.) stand for the proposition that only a majority of voters within an *entire annexed area* may petition for disannexation.

⁶¹ The petition for disannexation must: (1) be written; (2) request the disannexation; (3) be signed in ink or indelible pencil by the appropriate voters; (4) be signed by each voter as that person's name appears on the most recent official list of registered voters; (5) contain a note made by each voter stating the person's residence address and the precinct number and voter registration number that appear on the person's voter registration certificate; (6) describe the area to be disannexed and have a plat or other likeness of the area attached; and (7) be presented to the secretary of the municipality. Also, the signatures to the petition need not be appended to one paper. Before the petition is circulated among the voters, notice of the petition must be given by posting a copy of the petition for 10 days in three public places in the annexed area and by publishing a copy of the petition once in a newspaper of general circulation serving the area before the 15th day before the date the petition is first circulated. Proof of the posting and publication must be made by attaching to the petition presented to the secretary: (1) the sworn affidavit of any voter who signed the petition, stating the places and dates of the posting; and (2) the sworn affidavit of the publisher of the newspaper in which the notice was published, stating the name of the newspaper and the issue and date of publication. *Id.* at §§43.141(d), (e) & (f).

⁶² Under *Alexander Oil Co. v. City of Seguin*, 825 S.W.2d 434, 437 (Tex. 1991), disannexation is the only express remedy for failure to provide services under a plan. *C.f.*, §43.056(l)(writ of mandamus).

The provisions of current law relating to disannexation are substantially the same as the prior law, with one important exception. Section 43.052, *Statutory notes (d) and (e)* make §43.141(c), which states that if the area is disannexed it may not be annexed again within 10 years⁶³ after the date of the disannexation, applicable to both plan and exempt annexations.

2. Home Rule Disannexation According to Charter

Under §43.142, a home rule city may disannex an area according to rules provided by its charter and not inconsistent with state law. The section is permissive, and does not mandate disannexation in most cases. The case of *City of Hitchcock v. Longmire*, 572 S.W.2d 122 (Tex. App.—Houston [1st Dist.] 1978, writ ref'd n.r.e.) concluded that initiative and referendum under a home rule charter are not implicated by §43.142, and may not be used to disannex property from a city.⁶⁴

3. General Law Disannexation

According to §43.143 of the Local Government Code, a general law city may disannex populated areas by petition and election.

To initiate the process, at least 50 qualified voters of an area located in a city sign and present a petition describing the area by metes and bounds to the mayor. If the petition requests that the area no longer be part of the city, the mayor must order an election on the question to be held on the first uniform election date that occurs after the date on which the petition is filed and that affords enough time to hold the election in the manner required by law. TEX. LOC. GOV'T CODE §43.143(a).

If the vote is for disannexation, the mayor must declare that the area is no longer a part of the city and enter an order to that effect in the minutes or records of the governing body. However, the area may not be discontinued as part of the city if the discontinuation would result in the city having less area than one square mile or one mile in diameter around the center of the original boundaries. *Id.* at §43.143(b). If an area withdraws from a city, the area is not released from its pro rata share of city indebtedness at the time of the withdrawal.⁶⁵ *Id.* at §43.143(c).

⁶³ Under the old law, the waiting period was 5 years.

⁶⁴ See also *Vara v. City of Houston*, 583 S.W.2d 935, 938 (Tex.Civ.App.1979, writ ref'd n.r.e.), appeal dismissed, 449 U.S. 807, 101 S.Ct. 54, 66 L.Ed.2d 11 (1980) ("We conclude that articles 1175 and 970a have withdrawn the subject matter of this ordinance, disannexation, from the field in which the initiatory process is operative."); *Save Our Aquifer v. City of San Antonio*, 237 F.Supp.2d 721 (W.D.Tex. 2002) ("[T]here is no right existing in people to repeal annexation ordinance through referendum process; power to fix boundary limits was given to Texas municipalities pursuant to state annexation laws."); *Ryan Services, Inc. v. Spenrath*, Not Reported in S.W.3d, 2008 WL 3971667 (Tex.App.—Corpus Christi 2008).200872008).longbattles after a long battle that referenda do not apply to annexations).

⁶⁵ In addition, the governing body shall continue to levy a property tax each year on the property in the area at the same rate that is levied on other property in the city until the taxes collected from the area

Section 43.144 allows the disannexation of sparsely populated area by a general law city by ordinance upon a vote of the governing body if:

- (1) the area consists of at least 10 acres contiguous to the city; and
- (2) the area:
 - (A) is uninhabited; or
 - (B) contains fewer than one occupied residence or business structure for every two acres and fewer than three occupied residences or business structures on any one acre.

On adoption of the ordinance, the mayor enters in the minutes or records of the governing body an order discontinuing the area, and the area ceases to be a part of the city.

If a requested or desired disannexation for a general law city does not fit within either of the above provisions, it is prohibited.

4. Refund of Taxes and Fees

Senate Bill 89 added another provision in 1999. According to §43.148, if an area is disannexed, the city must refund to the landowners the amount of money collected in property taxes and fees during the period that the area was a part of the city less the amount of money that the city spent for the direct benefit of the area during that period.

The city is required to proportionately refund the amount to the landowners according to a method to be developed by the city that identifies each landowner's approximate pro rata payment of the taxes and fees being refunded, and the money must be refunded not later than 180 days after the area is disannexed.

IX. MISCELLANEOUS ANNEXATION ISSUES

A. Extraterritorial Jurisdiction Expansion

Many medium-to-large home rule cities have several smaller cities on the outskirts of their extraterritorial jurisdiction (ETJ). The residents of the unincorporated areas on the outskirts of the home rule cities, fearing unilateral annexation, appear to have discovered an interesting method of preventing an annexation by the larger cities. Section 42.022(b) of the Local Government Code allows a citizen to petition a city to be

equal its pro rata share of the indebtedness. Those taxes may be charged only with the cost of levying and collecting the taxes, and the taxes shall be applied exclusively to the payment of the pro rata share of the indebtedness. This subsection does not prevent the inhabitants of the area from paying in full at any time their pro rata share of the indebtedness.

included in the city's ETJ. There is no statutory limit to the size of an ETJ that is extended in this manner. A landowner simply petitions the smaller, general law, city to be a part of its ETJ and thus prohibits annexation by the larger city. This scenario has occurred in many locations. In one instance, a general law city with a population of less than 600 had an ETJ that extended up to twelve miles from the city limits and encompassed some 40,000 acres. (That expansion later fell apart because of contiguity issues.) Similarly, a small town Southwest of Fort Worth once told area residents that they can protect themselves from future annexations by a large neighboring city by petitioning to become part of the small town's ETJ. The mayor of the small town actually issued a cordial invitation in a newspaper article to landowners that they should petition to be part of the town's ETJ.

Another issue relating to ETJ expansion was decided by the Texas Supreme Court in *City of San Antonio v. City of Boerne*⁶⁶, the so-called "Boerne Wall" case. Residents in the unincorporated area between the two cities petitioned the City of Boerne to be included in Boerne's ETJ, thereby avoiding annexation by San Antonio. Because some of the parcels were not contiguous, the county commissioners court petitioned the City of Boerne to include county roads to serve as "links" between the properties. San Antonio disputed the authority of the commissioners court to petition for inclusion of the roads. The San Antonio Court of appeals held that county commissioners, as agents for state, have the power to petition for inclusion of county roads. San Antonio appealed the decision to the Texas Supreme Court, which accepted the case. The Supreme Court reversed the court of appeals and held that: (1) the legislature's grant to a commissioner's court of general control over county roads does not include the power to petition a city to annex certain portions of a given county road, and (2) a county commissioners court is not entitled, as agent of the State, to petition a city for annexation.

B. Validation and Presumed Consent

Beginning in 1935 and until 1995, the Texas Legislature passed validation acts. These acts are intended to promote stability in the law and cure defects in areas such as incorporation and annexation. See TEX. REV. CIV. STAT., Articles 974d-974d-44. As originally written, many of the acts validated annexations in all ways, whether the problems were procedural (e.g., no notice or hearing) or substantive (e.g., lack of authority to annex). See, e.g. *City of Grand Prairie v. Turner*, 515 S.W.2d 19, 23 (holding that article 974d-13 (1974) validated an annexation that was void *ab initio*).

In 1999, the validation act took on a different form. Rather than pass a validation act each legislative session, the Legislature enacted Local Government Code §51.003. Section 51.003 is more of a permanent statute of limitations than a validation act. The section provides that, after three years have passed with no challenge, a city act is presumed valid. However, under §51.003(b)(1), the section does not apply to an act that was void at the time it occurred. Thus, while §51.003 may be used to cure

⁶⁶ 111 S.W.3d 22 (Tex. 2003).

procedural defects in an annexation, it arguably may not be used as a defense to an annexation that is void *ab initio*. In addition, §51.003 will not act to cure “an incorporation or attempted incorporation of a municipality, or an annexation or attempted annexation of territory by a municipality, within the incorporated boundaries or extraterritorial jurisdiction of another municipality that occurred without the consent of the other municipality in violation of Chapter 42 or 43.”

Similarly, Local Government Code §43.901 states that an “ordinance defining boundaries of or annexing area to a municipality is conclusively presumed to have been adopted with the consent of all appropriate persons, except another municipality, if” two years have passed and the ordinance has not been challenged in court.

In the case of *City of Murphy v. City of Parker*, 932 S.W.2d 479 (Tex. 1996), the City of Parker annexed a tract of land on petition of area landowners in 1989. Part of the annexed tract was actually in the ETJ of the City of Murphy. The City of Murphy sued in 1993, challenging the annexation based on the fact that a city cannot annex into another city’s ETJ. Section 43.901, at that time, did not exclude cities from its reach. Thus, the court held for the City of Parker, stating that 43.901 served as a statute of limitations that bound the City of Murphy to challenge within two years. The dissent reasoned that, because a city is prohibited from annexing into the ETJ of another city, the annexation was void *ab initio* (“from the beginning”) and could not be cured by the passage of time. H.B. 1264, passed in 2001, removed cities from the “presumed consent” category of §43.901.

However, the *City of Murphy* case may still have legal significance. Because the court validated the annexation into the City of Murphy’s ETJ, it was by definition also permitting the application of §43.901 to improper annexations outside of the City of Parker’s own ETJ. Such annexations have traditionally been considered a fundamentally void annexation as opposed to one that is voidable. Thus, it may still be possible to cite *City of Murphy* for the proposition that improper annexations outside the annexing city’s ETJ (though not within another city’s ETJ) are valid after the passage of two years without legal challenge. In addition, §43.901 appears to be curative of any type of annexation that would be void or voidable solely based on lack of consent of the residents of an area.

C. Types of Annexation Challenges

There are four basic remedies for improper annexations in Texas: (1) *quo warranto* actions; (2) collateral attacks; (3) declaratory judgment; (3) petition for disannexation; and (4) writ of mandamus. A very basic discussion of each follows.

Quo warranto literally means “by what authority.” The term is based on old English common law and is an action by the state where the state acts to protect itself and the good of the public generally through its chosen agents. In modern times in Texas, the

local district or county attorney⁶⁷ is the agent of the state who decides whether or not to institute this type of suit, and has full control of the proceedings. BLACK'S LAW DICTIONARY 1256 (6th ed. 1990); See also TEX. CIV. PRAC. & REM. CODE §66.001. The basis for requiring quo warranto proceedings is that a judgment in favor of or against a municipal corporation affecting the public interest binds all citizens and taxpayers even though they were not parties to the suit. *Alexander Oil Co. v. City of Seguin*, 825 S.W.2d 434, 437 (Tex.1991). If a city has the authority to annex, but fails to follow the proper annexation procedures, the annexation ordinance is merely voidable, and the only manner of challenging the annexation is through a quo warranto proceeding. Only the state can challenge an annexation for procedural irregularities because such irregularities merely result in voidable ordinances.⁶⁸

However, where an ordinance is claimed to be void, and not merely voidable, a direct or collateral attack, rather than quo warranto proceeding, is proper. *City of Willow Park v. Bryant*, 763 S.W.2d 506, 508 (Tex. App.--Forth Worth 1988, no writ)(holding annexation ordinance void). An annexation ordinance is void *ab initio* if the city had no authority to annex in the first place. This type of annexation can be attacked by a private party, but even if the municipal act is void, the private party must suffer some burden peculiar to himself to acquire standing to sue. *Alexander Oil Co.*, 825 S.W.2d at 438-39.⁶⁹ The Texas Supreme Court has ruled many times that annexation ordinances that contradict the express statutory limitations on a city's authority are void. See, e.g., *City of West Orange v. State ex rel. City of Orange*, 613 S.W.2d 236, 238 (Tex.1981) (finding ordinance invalid because it purported to annex land not adjacent to city); *City of Waco v. City of McGregor*, 523 S.W.2d 649, 652 (Tex.1975) (opining that ordinance was "void when it was passed" because it attempted to annex territory in contravention of statutory provision); *City of West Lake Hills v. State ex rel. City of Austin*, 466 S.W.2d 722, 729-30 (Tex.1971) (holding that ordinances attempting to annex noncontiguous and nonadjacent land in violation of statute were invalid); *Deacon v. City of Euless*, 405 S.W.2d 59, 64 (Tex.1966) (declaring attempted annexation of territory "null and void" because it exceeded statutory size limitations).

An action for declaratory judgment may also be brought by a private party to challenge an annexation that is void *ab initio*. *Laidlaw Waste Systems (Dallas) v. Wilmer*, 904 S.W.2d 656, 660-61 (Tex.1995); See also *City of Bridge City v. State ex rel. City of Port Arthur*, 792 S.W.2d 217 (Tex. App.--Beaumont 1990, writ denied).

⁶⁷ The Texas Attorney General is also authorized to bring quo warranto actions on behalf of the state but never has in the context of city annexations.

⁶⁸ *May v. City of McKinney*, 479 S.W.2d 114, 120 (Tex. App.--Dallas 1972, writ ref'd n.r.e.); *City of Houston v. Harris County Eastex Oaks Water & Sewer Dist.*, 438 S.W.2d 941, 944 (Tex. App.--Houston [1st Dist.] 1969, writ ref'd n.r.e.); *City of Irving v. Callaway*, 363 S.W.2d 832, 834-35 (Tex. App.--Dallas 1962, writ ref'd n.r.e.); *Lefler v. City of Dallas*, 177 S.W.2d 231, 233-34 (Tex. App.--Dallas 1943, no writ); *Werthmann v. City of Fort Worth*, 121 S.W.3d 803, 807 (Tex. App.--Fort Worth 2003)(holding that the annexation plan requirement of Section 43.052 is procedural).

⁶⁹ See also *City of Port Isabel v. Pinnell*, 161 S.W.3d 233, 239-40 (Tex.App.-Corpus Christi 2005, no pet.) (It is true that a private citizen has standing to challenge a void annexation ordinance if the private citizen shows a special burden under the ordinance. And the showing of the potential imposition of a tax on the plaintiff has been held to satisfy the special burden requirement.); *Sunchase Capital Group, Inc. v. City of Crandall*, 69 S.W.3d 594 (Tex.App.-Tyler 2001).

Finally, prior to the passage of S.B. 89, a petition for disannexation under Local Government Code §43.141 was the sole remedy for residents who complain that a city is not providing services in accordance with an annexation plan. See *City of Wichita Falls v. Pearce*, 33 S.W.3d 415, 417 (Tex. App.—Fort Worth 2000, no pet.). Now, §43.056(l) provides that a writ of mandamus is also available.⁷⁰

D. City's Motives for Annexation Irrelevant

Courts generally have no authority to judicially review the reasons a city annexes property.⁷¹ Thus, the fact that a city annexes property solely for the purposes of raising tax revenue is immaterial to the validity of an annexation. Further, a property owner has no Fourteenth Amendment due process rights with respect to the location of city boundaries. Thus, a Constitutional challenge should not succeed.⁷²

E. Area Receiving Longstanding Treatment as Part of a City

Under the authority of Local Government Code §41.003, the city council may adopt an ordinance to declare an area that is adjacent to the city and that meets the following requirements to be a part of the city:

- (1) the records of the city indicate that the area has been a part of the city for at least the preceding 20 years;
- (2) the city has provided municipal services, including police protection, to the area and has otherwise treated the area as a part of the city during the preceding 20 years;
- (3) there has not been a final judicial determination during the preceding 20 years that the area is outside the boundaries of the city; and
- (4) there is no pending lawsuit that challenges the inclusion of the area as part of the city.

The adoption of an ordinance creates an irrebuttable presumption that the area is a part of the city for all purposes retroactive to the date the area began receiving treatment as part of the city. The presumption may not be contested for any reason after the effective date of the ordinance.

⁷⁰ §43.056(l) also provides that residents annexed by the City of Houston may request arbitration.

⁷¹ *State ex rel. Pan American Production Co. v. Texas City*, 303 S.W.2d 780, 782 (Tex. 1957).

⁷² *State ex rel. Danner v. City of Watauga*, 676 S.W.2d 721 (Tex. App.—Fort Worth 1984, writ ref'd n.r.e.); *Superior Oil Co. v. City of Port Arthur*, 628 S.W.2d 94 (Tex.App.—Beaumont 1981, writ ref'd n.r.e.), *appeal dismissed*, 459 U.S. 802, 103 S.Ct. 25, 74 L.Ed.2d 40 (1982).

F. Agreement in Lieu of Annexation

House Bill 1197, which became effective in June 2003, adds a new Subchapter G to Chapter 212 of the Local Government Code. The bill allows a city council to enter into a written contract with an owner of land in the city's extraterritorial jurisdiction to: (1) guarantee the land's immunity from annexation for a period of up to fifteen years; (2) extend certain aspects of the city's land use and environmental authority over the land; (3) authorize enforcement of land use regulations other than those that apply within the city; (4) provide for infrastructure for the land; and (5) provide for the annexation of the land as a whole or in parts and to provide for the terms of annexation, if annexation is agreed to by the parties. The bill also validates an agreement entered into prior to the effective date of the bill, so long as the agreement complies with the bill's requirements.

G. Prior Uses

Newly-annexed territory may contain an existing use that was legal prior to annexation. Section 43.002 of the Local Government Code provides as follows:

(a) A municipality may not, after annexing an area, prohibit a person from:

(1) continuing to use land in the area in the manner in which the land was being used on the date the annexation proceedings were instituted if the land use was legal at that time; or

(2) beginning to use land in the area in the manner that was planned for the land before the 90th day before the effective date of the annexation if:

(A) one or more licenses, certificates, permits, approvals, or other forms of authorization by a governmental entity were required by law for the planned land use; and

(B) a completed application for the initial authorization was filed with the governmental entity before the date the annexation proceedings were instituted.

(b) For purposes of this section, a completed application is filed if the application includes all documents and other information designated as required by the governmental entity in a written notice to the applicant.

(c) This section does not prohibit a municipality from imposing:

(1) a regulation relating to the location of sexually oriented businesses, as that term is defined by Section 243.002;

(2) a municipal ordinance, regulation, or other requirement affecting colonias, as that term is defined by Section 2306.581, Government Code;

(3) a regulation relating to preventing imminent destruction of property or injury to persons;

(4) a regulation relating to public nuisances;

(5) a regulation relating to flood control;

(6) a regulation relating to the storage and use of hazardous substances; or

(7) a regulation relating to the sale and use of fireworks.

(d) A regulation relating to the discharge of firearms or other weapons is subject to the restrictions in Section 229.002.

In addition, Section 245.002(a) of the Local Government Code provides as follows:

(a) Each regulatory agency shall consider the approval, disapproval, or conditional approval of an application for a permit solely on the basis of any orders, regulations, ordinances, rules, expiration dates, or other properly adopted requirements in effect at the time:

(1) the original application for the permit is filed for review for any purpose, including review for administrative completeness; or

(2) a plan for development of real property or plat application is filed with a regulatory agency.

In 2005, Section 245.004(2), which lists exemptions to Chapter 245's applicability, was amended to specify that "property classification" is not excluded from Chapter 245. As such, each city should carefully consider the initial zoning of property upon annexation. After the initial zoning, future attempts to rezone the property could draw an argument from the owner that Chapter 245 prevents such a change.

Finally, Chapter 251 of the Texas Agriculture Code (commonly referred to as the "Ag Protection Act") prohibits a city from imposing certain regulations against an existing agricultural operation.

Each city should consult with local legal counsel regarding the ability to impose city regulations against existing uses in a newly-annexed area.

H. Special Districts/Water Supply Corporations

The annexation of an area that lies within the boundaries of certain types of special districts or water supply corporations may have a unique set of rules that apply, especially regarding provision of services. The rules that govern the annexation of special districts are generally located in Subchapter D of Chapter 43 of the Local Government Code. Any city that seeks to annex area that lies in a special district should pay special attention to those provisions. Rural water supply corporations may have certificated service areas that are protected from encroachment by federal law. Any city that seeks to annex either type of area should consult with local legal counsel regarding the pitfalls associated with that type of annexation.

X. Provision of Services

The provision of services to an annexed area is arguably the most contentious part of the annexation process. Coupled with the fact that there are relatively few reported cases on the issue, provision of services often leads to disagreements between a city and landowners or residents in an annexed area. Contrary to popular opinion, Senate Bill 89 (1999) was never designed to limit the ability of a city to annex. Rather, it was introduced, and ultimately passed, as a way to ensure that an annexed area received appropriate services after annexation. Section 43.056 of the Local Government Code governs provision of services. Certain sections apply only to annexation plan annexations, while certain apply only to exempt annexations. A brief review of the entire section follows.

Subsection (a)(plan annexations only) – time for completion of service plan:

“Before the first day of the 10th month after the month in which the inventory is prepared as provided by Section 43.053, the municipality proposing the annexation shall complete a service plan that provides for the extension of full municipal services to the area to be annexed. The municipality shall provide the services by any of the methods by which it extends the services to any other area of the municipality.”

Section 43.056(j) states that the service plan must be available at the public hearings. But Subsection(a) states that the service plan must be completed before the first day of the tenth month after the month in which the inventory is prepared. Thus, it appears that a city should prepare a “preliminary service plan” that is available at the public hearings, and then prepare a “final service plan” before the tenth month after the month in which the inventory is prepared.

Note: *the service plan requirement for exempt annexations is found in similarly-worded Section 43.065: “Before the publication of the notice of the first hearing required under Section 43.063, the governing body of the municipality proposing the annexation shall direct its planning department or other appropriate municipal department to prepare a service plan that provides for the extension of full municipal services to the area to be annexed. The municipality shall provide the*

services by any of the methods by which it extends the services to any other area of the municipality.” In addition, S.B. 89, Section 17(e) and Local Government Code Section 43.065(b) provide that 43.056(b)-(o), but not (d) or (h)-(k)⁷³, apply to an exempt annexation.

Subsection (b)(all annexations)⁷⁴ – general requirement to provide services: A city must provide full municipal services to annexed areas within 2 ½ years, unless certain services cannot be reasonably provided within that time and a city proposes a schedule to provide services within 4 ½ years. However, capital improvements must only be substantially completed within that 4 ½ year period.⁷⁵

If the city provides any of the following services within its corporate boundaries, it must provide them to the annexed area immediately:

- (1) police protection;
- (2) fire protection;
- (3) emergency medical services;
- (4) solid waste collection, except as provided by Subsection (o);
- (5) operation and maintenance of water and wastewater facilities in the annexed area that are not within the service area of another water or wastewater utility;

⁷³ Section 43.065(b) provides that “[s]ections 43.056(b)-(o) apply to the annexation of an area to which this subchapter applies.” However, Section 17(e) of S.B. 89 provides that neither (d) nor (h)-(k) apply. This conflict can largely be resolved by reviewing the relevant provisions of Section 43.056. Subsections (d) and (h) are Houston-only under current population – 1.5 million or more or 1.6 million or more, respectively, so generally don’t apply. Subsection (i) directs a city to prepare a revised service plan for an area if the annexed area is smaller than that originally proposed, and can easily be complied with. Subsections (j) and (k) are somewhat more troubling, and may not be able to be completely complied with. Why? Those sections reference negotiations and other procedures that are unique to plan annexations, and are probably applicable due to a drafting error.

⁷⁴ Section 2 of H.B. 610 (2007) report makes the following change to Texas Local Government Code Section 43.056(b): “The service plan, which must be completed in the period provided by Subsection (a) before the annexation, must include a program under which the municipality will provide full municipal services in the annexed area....” Section 2 provides that the service plan must “be completed in the period provided by Subsection (a) before the annexation”. The problem is that Subsection (a) **only applies to the annexation of an area that is in a city’s three-year annexation plan**. A drafter who is unfamiliar with S.B. 89 may not be aware of that fact because **it is not in the statute itself**. Rather, Section 17 of S.B. 89 (codified in statutory notes that follow Section 43.052 and others) provides a list of the Chapter 43 provisions that apply to an exempt annexation. Note that Section 43.056(b) applies, but **Section 43.056(a) does not**. As such, a reference in Subsection (b) to requirements in Subsection (a) cannot be applied to the annexation of an exempt area. A city must complete a service plan for an exempt annexation, but the requirement for that plan comes from a completely different section – 43.065(b): “**Sections 43.056(b)-(o) apply to the annexation of an area to which this subchapter applies.**” Again, note that Subsection (a) does not apply to an exempt annexation. Further, Subsection (a) references a timeline for the inventory that must be completed **for a plan annexation under Section 43.053. Pursuant to S.B. 89, Section 17, Subsection (e), exempt annexations do not require an inventory**. For the annexation of an area in a city’s annexation plan, the new language simply confirms the proper timeline for preparing the service plan after the inventory of services is prepared. For the annexation of an area that is exempt from the annexation plan requirement, the new language does not affect the service plan provisions whatsoever. Nor does it make any provisions relating to the preparation of an inventory applicable, as those are made **expressly inapplicable** by Section 17 of S.B. 89.

⁷⁵ TEX. LOC. GOV’T CODE §43.056(b) & (e).

- (6) operation and maintenance of roads and streets, including road and street lighting;
- (7) operation and maintenance of parks, playgrounds, and swimming pools; and
- (8) operation and maintenance of any other publicly owned facility, building, or service.

Subsection (c)(all annexations) – definition of full municipal services: “Full municipal services” means services provided by the annexing city within its full-purpose boundaries, including water and wastewater services and excluding gas or electrical service.⁷⁶

Subsection (d)(plan annexations): Houston-only.

Subsection (e)(all annexations) – method for completion of services: “The service plan must also include a program under which the municipality will initiate after the effective date of the annexation the acquisition or construction of capital improvements necessary for providing municipal services adequate to serve the area.” This provision should be read in conjunction with the time periods in Subsection (b), and essentially provides that the city must have a plan for, and complete, capital improvements in a reasonable manner (and that improvements should proceed according to the city’s capital improvements plan). It also provides that “The requirement that construction of capital improvements must be substantially completed within the period provided in the service plan does not apply to a development project or proposed development project within an annexed area if the annexation of the area was initiated by petition or request of the owners of land in the annexed area and the municipality and the landowners have subsequently agreed in writing that the development project within that area, because of its size or projected manner of development by the developer, is not reasonably expected to be completed within that period.”

Subsection (f)(all annexations) – financing the services: Provides that a service plan may not:

- (1) require the creation of another political subdivision;
- (2) require a landowner in the area to fund the capital improvements necessary to provide municipal services in a manner inconsistent with Chapter 395 unless otherwise agreed to by the landowner; or
- (3) provide services in the area in a manner that would have the effect of reducing by more than a negligible amount the level of fire and police protection and emergency medical services provided within the corporate boundaries of the municipality before annexation.

Subsection (g)(all annexations) – level of services: This subsection essentially provides that the level of services in an area may not be reduced after annexation, and that the area should receive the same level of services after annexation.

Subsection (h)(all annexations?): Houston-only.

⁷⁶ *Id.* at §43.056(c).

Subsection (i)(all annexations?) – revision of service plan: Directs a city to prepare a revised service plan for an area if the annexed area is smaller than that originally proposed.

Subsection (j)(plan annexations?) – amendment of service plan: Provides that the preliminary service plan must be made available for public inspection and explained to the inhabitants of the area at the public hearings held under Section 43.0561.⁷⁷ The plan may be amended through negotiation at the hearings, but the provision of any service may not be deleted.

Subsection (k)(plan annexations?) – amendment of service plan: Provides that, on approval by the governing body, the service plan is a contractual obligation that is not subject to amendment or repeal except that if the governing body determines at the public hearings [for plan annexations] that changed conditions or subsequent occurrences make the service plan unworkable or obsolete, the governing body may amend the service plan to conform to the changed conditions or subsequent occurrences. Amendments require a hearing.

Subsection (l)(all annexations) – term of service plan: Provides that a service plan is valid for 10 years, and contains numerous Houston-only provisions as well.

Subsection (m)(all annexations) – level of services: A city is not required to provide a uniform level of services to each area of the city if different characteristics of topography, land use, and population density constitute a sufficient basis for providing different levels of service.⁷⁸ This provision also provides that a dispute over service levels is resolved pursuant to the procedure in Subsection (l), but those procedures only apply to the City of Houston.

Subsections (n) and (o)(all annexations) – solid waste: These provisions govern how a city provides garbage collection in the area.

XI. CONCLUSION

Is Annexation really that complicated? True to lawyer form, the answer is “it depends.” For general law and home rule cities performing agreeable annexations by petition, the answer is probably “no.” A city simply receives the petition, prepares a service plan, provides appropriate notice, conducts two hearings, adopts the ordinance, and completes the post-annexation notice to the appropriate agencies.

⁷⁷ Note that this provision applies only to plan annexations, which leads to the conclusion that Subsection (j) does not apply to exempt annexations.

⁷⁸ Under *City of Heath v. King*, 665 S.W.2d 133, 136 (Tex App.--Dallas 1983, no writ), whether a city provides services substantially equivalent to those furnished other areas with similar characteristics involves two considerations: (1) are there two separate areas of the city with similar characteristics; and if so, (2) are services being furnished to one area disparate from those being furnished to the other?

On the other hand, cities that annex large residential areas unilaterally have many issues to contend with, including negotiations and possible arbitration. For these cities, the answer to the above question is definitely “yes.” Local counsel should always be consulted prior to annexing, and this premise is doubly true when a city is considering contentious, unilateral, annexations.

In any case, neither this paper, nor any other secondary source, should serve as legal advice or a substitute for becoming extremely familiar with Chapter 43 of the Local Government Code prior to annexing property. For more information on annexation or any other municipal issue, please contact the Texas Municipal League Legal Department at 512-231-7400 or legal@tml.org.

XII. Example Documents

Examples of many of the necessary documents are available in Word format on the TML Web site. Go to www.tml.org, Legal, Land Use and Building Regulations, Example Documents, and finally Annexation Documents. Those documents are intended as examples only, and local counsel should always be consulted prior to use. Examples include:

- Ordinances, Resolutions, and Notices
- Calendars, including an Expedited Exempt Calendar
- Service Plan
- Annexation Plan for Exempt Annexations Only
- Petitions
- Development Agreement – Section 43.035

For excellent examples of three-year annexation plans, for forms and other documents used by specific cities, and for an example of comprehensive annexation Web pages, please visit:

- City of Denton (very cool): <http://www.cityofdenton.com/index.aspx?page=1149>
- City of Austin: <http://www.ci.austin.tx.us/annexation/>
- City of San Antonio: http://www.sanantonio.gov/planning/annexation_info.asp
- City of Midlothian: <http://www.midlothian.tx.us/index.asp?NID=234>

In addition, most cities' capital improvement plans and other documents are available on their Web sites.

**CITY OF SOUTH PADRE ISLAND
CITY COUNCIL MEETING
AGENDA REQUEST FORM**

MEETING DATE: August 18, 2010

NAME/DEPT.: Reuben Trevino/ Coastal Resources

ITEM

Discussion and action on the Beachfront Construction Certificate and Dune Protection Permit for Kirana Properties LLC/ Mejia & Rose, Inc. The proposed Kirana Condominiums will consist of a modern 40 story with 91 dwelling units. (1203 Padre Boulevard)

ITEM BACKGROUND

On August 9, 2010 the BDTF met and reviewed this application. The BDTF unanimously voted to approve the application as submitted.

RECOMMENDATIONS/COMMENTS

Staff recommends approval of this application. All construction is landward of the HBL. The applicant has also submitted a mitigation plan which will reinforce the healthy dune system already established seaward of the HBL.

BUDGET/FINANCIAL SUMMARY

COMPREHENSIVE PLAN GOAL

COUNCIL ACTION

Motion: _____

Second: _____

Vote: Ayes: _____ **Nays:** _____

Abstentions: _____

**BEACH & DUNE TASK FORCE
MEETING
AGENDA REQUEST FORM**

MEETING DATE:

ITEM:

SPONSOR / ORIGINATOR: Kirana Properties LLC/ Mejia & Rose, Inc.

ITEM DESCRIPTION:

Discussion and Action on the beachfront construction certificate and dune protection permit for Kirana Properties LLC/ Mejia & Rose, Inc. The proposed Kirana condominiums will consist of a modern 40 Story with 91 dwelling units. (1203 Padre Boulevard)

DISCUSSION:

The application and the GLO comment letter are attached.

COMMENTS / RECOMMENDATIONS:

All construction is landward of the HBL. Based on the materials provided, staff recommends approval of the application as submitted.

TASK FORCE ACTION:

MOTION: _____

BY: _____ **SECOND BY:** _____

Munnarriz	Marikos	Blatnik	Brommer	Marsden	Nixon	Haynes/ Wierenga
Yes	Yes	Yes	Yes	Yes	Yes	Yes
No	No	No	No	No	No	No
Abstain	Abstain	Abstain	Abstain	Abstain	Abstain	Abstain

TEXAS



GENERAL LAND OFFICE

JERRY PATTERSON, COMMISSIONER

July 28, 2010

Via Electronic Mail

Mr. Reuben Trevino
Town of South Padre Island
P.O. Box 3410
South Padre Island, Texas 78597-3410

Beachfront Construction Certificate and Dune Protection Permit in City of South Padre Island

Site Location: 1230 Padre Boulevard, City of South Padre Island
Legal Description: Lot 2B, Block 1, Miramar and Sand Piles Subdivision
Lot Applicant: Kirana Properties LLC/Mejia & Rose, Incorporated
GLO ID No.: BDSPI-10-0282

Dear Mr. Trevino:

The General Land Office (GLO) has reviewed the application for a dune protection permit and beachfront construction certificate for the above-referenced location. The applicant proposes to construct a 40-story condominium tower with a multi-level parking garage. In addition, the applicant proposes the construction of amenities including swimming pools, spas, restroom facilities, tennis courts, and a putting green. All of the proposed construction is located landward of the Historic Building Line and approximately 240 feet from the line of vegetation in an area that, according to the Bureau of Economic Geology, is accreting.

Based on the materials forwarded to our office for review, we have no comments. If you have any questions, please contact me by phone at (512) 463-9309 or by email at angela.sunley@glo.state.tx.us.

Sincerely,

Angela Sunley
for Angela Sunley
Beach/Dune Team Leader
Coastal Assistance Division
Texas General Land Office

Stephen F. Austin Building • 1700 North Congress Avenue • Austin, Texas 78701-1495

Post Office Box 12873 • Austin, Texas 78711-2873

512-463-5001 • 800-998-4GLO

www.glo.state.tx.us

14-3

Cover page

***Town of South Padre Island
Beach & Dune Application
for***

***"Kirana"
Condominiums
at***

1230 Padre Boulevard
South Padre Island, Texas

Prepared for:
LISTI ARCHITECTS
P.O. Box 2220
South Padre Island, Texas, 78597
Phone (956)345-9960

By:
Mejia & Rose, Incorporated
Engineering Surveying
T.B.P.E. Reg. No. F-2670
1643 West Price Road, P.O. Box 3761
Brownsville, Texas 78523
Phone: (956) 544-3022
Fax (956) 544-3068
Email: mandrinc@cngmail.com
M&R Job No. 17921



Town of South Padre Island

Beach & Dune Application

Site for Proposed Work

Legal Description: Lot 2B, Block 1, Miramar and Sand Piles Subdivision

Physical Address: 1200 Padre Boulevard

Property Owner Information:

Applicant/Agent for Owner:

Name: Kirana Properties LLC

Name: Mejia & Rose, Incorporated

Mailing Address: 1904 Freight Street

Mailing Address: P.O. Box 3761

City, State, Zip: Laredo, Texas 78041

City, State, Zip: Brownsville, Texas 78523

Phone Number: (956) 720-0152

Phone Number: (956) 544-3022

Fax Number: (956) N/A

Fax Number: (956) 544-3068

E-mail Address: ktireschi@mc.com

E-mail Address: ma@mejiaandrose.com

Applicant Signature: _____

Date of Signature: _____

I/We, owners of the above-mentioned property, authorize the applicant stated above, to act in my behalf in order to acquire a Beach and Dune permit for the construction proposed below. (owner initials here--> BT)

Owner(s) Signature(s): _____

Date of Signature: _____

Project Description:

Describe with as much detail as possible, the construction proposed. If more room is needed, please include an additional page. Include the number of habitable units, amenities, swimming pools, fences, kinds of fences, whether footings and/or retaining walls will be installed, and locations of proposed landscaping and parking.

The proposed Kirana condominiums will consist of a modern 40 Story with 91 dwelling units. The development area will be contained to the area west of the existing bulkhead.

This development will offer a multi-level parking garage with a private access from Padre Boulevard. There is an amenity area proposed that includes a swimming pools, spas, Tennis courts, and a putting green with enclosed restroom facilities.

Total Square footage of footprint of habitable structure 4,156 sq. ft

Total Area of impervious surface (i.e. retaining walls, walkways, drives, patios, etc.): 7,485 sq. ft.

Percentage of impervious surface [(impervious surface / habitable footprint)* 100]: **1.8 percent**

Please Note: the percentage of impervious surface cannot exceed 5% in an eroding area.

Approximate Duration of Construction:

Financial Plan for the removal of all hard structures.

All Properties which are allowed to build retaining walls on their property are allowed to do so with the condition that a financial plan for the removal of the retaining wall is submitted to the Public Works Department of the Town of South Padre Island. Removal of the retaining wall at the owner's expense may be required if/once the retaining wall comes into regular contact with wave action for twenty (20) out of thirty (30) consecutive days. The Town accepts the submission of a Retaining Wall Covenant, or other financial guarantee, insuring the removal of the retaining wall if the required conditions are met.

Type of Plan **N/A**

submitted:

Date of submission: _____

Drainage:

Describe the impact that the proposed construction will have on the natural drainage pattern on the site and adjacent lots.

a) no change in the drainage on site.

b) the proposed construction will change the grading and the drainage on the subject property. (An explanation will be required detailing where the water will drain.)

Explanation/other info: _____

Impacts to Beach/Dune System:

Answer each question as completely as possible in narrative form:

1) What damage will this proposed construction have on the dune vegetation located at the project site?

a) no damage to dune vegetation whatsoever.

b) the proposed construction will impact _____ % of the dune vegetation on site. (explanation of the "impact" will be required)

c) the proposed construction will require the removal and relocation of _____ % of the dune vegetation on site. (the submission of a mitigation plan will be required)

Explanation/other info: _____

2) How will the proposed construction alter the dune size/shape at the project site?

a) no change to dune size/shape whatsoever.

b) the proposed construction will change _____ % of the size/shape of dunes on site. (details will be required)

c) the proposed construction will require the removal and relocation of _____ % of the dunes on site. (the submission of a mitigation plan will be required)

Explanation/other info: _____

3) How will the proposed construction change the hydrology of the dunes at the project site?

a) no change to dune hydrology whatsoever.

b) the proposed construction will impact dune hydrology on site. (details will be required)

Explanation/details: _____

4) Describe alternatives to the proposed construction or method of construction which will cause fewer or no adverse effects on dunes and dune vegetation. No part of the project will affect the dunes and dune vegetation.

5) Describe alternatives to the proposed construction or method of construction which will cause fewer or no adverse impairment to beach access. ***No part of the project will affect the beach access***

Mitigation Plan: Describe the methods which you will use to avoid, minimize, mitigate and/or compensate for any adverse effects on dunes or dune vegetation. ***No part of the project will effect the dunes and dune vegetation***

Financial Plan for Dune Mitigation: N/A

If required by the Board of Aldermen, a financial guarantee (irrevocable letter of credit or a performance bond, etc.) may be necessary to insure the mitigation of dunes/dune vegetation takes place as proposed and required of the applicant. Type of Plan submitted: _____ Date of submission: _____

Checklist of Additional Required Application Information:

An accurate map, plat or site plan showing: (see topographical survey map)

- 1) Legal description of the property (lot, block, subdivision) and the immediately adjoining property.
- 2) Location of all existing structures - including the habitable and inhabitable structures, swimming pools, decks, fences, parking areas, landscape areas, etc.
- 3) Location of the Historical Building Line on the subject property and the extension of the line on the properties immediately adjoining the subject property to the north and to the south.
- 4) Location and elevation of existing retaining walls -both on the subject property and those properties immediately adjoining the subject property to the north and to the south.
- 5) Location of proposed structure(s) - if proposing the construction of a retaining wall, please also include the proposed elevation of the retaining wall.
- 6) Location of proposed driveways, parking areas (showing the # of proposed parking spaces), and landscape areas.
- 7) Location of all existing and proposed beach access paths and/or dune walkovers.
- 8) Location and extent of any man-made vegetated mounds, restored dunes, fill activities, or any other pre-existing human modifications on the tract.
- 9) Topographical survey of the site identifying all elevations, existing contours of the project area (including dunes and sqales), and the proposed contours of the final grade.

Other required application information:

- 1) A grading and layout plan showing proposed contours for the final grade
- 2) The floor plan(s) and elevation(s) of the structure proposed to be constructed or expanded.
- 3) Photographs of the site which clearly show the current location of the vegetation line & existing dunes on the tract.
- 4) Copy of the Flood Rate Map showing the location of the subject property.
- 5) Copy of the Historical Erosion Rate Map as determined by the Univ. of Texas @ Austin, Bureau of Economic Geology.
- 6) \$180 application fee.

YOUR APPLICATION IS NOT COMPLETE UNLESS ALL INFORMATION REQUESTED ABOVE IS SUBMITTED.
FOR APPLICATIONS WHICH REQUIRE BEACH AND DUNE TASK FORCE REVIEW, 21 COPIES WILL BE REQUIRED

All other application submissions require only three (3) copies of the complete information.

Site Photographs of existing conditions



View from Padre Boulevard



View on the existing bulkhead facing north (Gulf of Mexico)



View along permitted bulkhead line
north facing south



View from the beach facing west



View of vegetation on the beach facing north



View of vegetation on the beach facing south

Topographical survey

See Exhibit “A”

Site plan

See Exhibit “B”

Mejía & Rose, Incorporated

Engineering

Surveying

"Kírana" Mitigation plan

The Kirana site was a previously developed site (developed over 40 years ago). In the area between the extension of the East right-of-way line of Gulf Boulevard and the existing bulkhead there is almost no existing ground surface elevation above 10.0 ft. The very small areas above elevation 10.0 ft. are not proposed for removal. Therefore no mitigation is required or planned for this site.

**CITY OF SOUTH PADRE ISLAND
CITY COUNCIL MEETING
AGENDA REQUEST FORM**

MEETING DATE: August 18, 2010

NAME/DEPT.: Scott Fry, Public Works Director

ITEM

Discussion and action regarding an update on the Palm Street Boat Ramp rehabilitation project.

ITEM BACKGROUND

At the Council's direction, staff has proceeded with the creation of plans and specifications for the rehabilitation of the Palm Street Boat Ramp. An engineering firm was hired to draw up the plans. Upon further investigation by the project engineer, it has been determined that this boat ramp will be suited for very light water craft because the water between the end of the ramp and the Tompkins Channel is very shallow. Since there is a need for any kind of formal, safe, bay access point on the Island, staff will proceed with the rehabilitation of this ramp for light watercraft such as wind boards, kayaks, and wave runners. Shallow water warning signs will be included the construction documents.

RECOMMENDATIONS/COMMENTS

No action will be required.

BUDGET/FINANCIAL SUMMARY

Bids still have not been received.

COMPREHENSIVE PLAN GOAL

5.K Protect Public Access to the Laguna Madre

COUNCIL ACTION

Motion: _____

Second: _____

Vote: Ayes: _____ **Nays:** _____ **Abstentions:** _____

**CITY OF SOUTH PADRE ISLAND
CITY COUNCIL MEETING
AGENDA REQUEST FORM**

MEETING DATE: August 18, 2010

NAME/DEPT.: Larry H. Homan, Finance Director

ITEM

Discussion and action to select a firm for professional Auditing services.

ITEM BACKGROUND

The Home Rule Charter requires that the Audit Committee composed of no fewer than three members of City Council select the independent auditor annually or for a period not to exceed five years. The Council designated the six members of City Council to serve as the Audit Committee at the December 2, 2010 City Council meeting.

A Request for Qualifications (RFQ) was issued by staff and advertised in the Brownsville Herald and the Valley Morning Star. Additionally emails were sent directly to the Certified Public Accounting Firms that audit the following communities in the Rio Grande Valley: Edinburg, La Feria, McAllen, Weslaco, City of Hidalgo, the City of San Juan and Alamo.

Proposals were received from two firms, Long Chilton, LLP and Pattillo, Brown & Hill, L.L.P.

RECOMMENDATIONS/COMMENTS

Staff recommends that City Council select Long Chilton to continue as the Auditor for the City and authorize the City Manager to negotiate a one year contract for these services in an amount not to exceed that presented in the proposed 2011 budget.

BUDGET/FINANCIAL SUMMARY

Staff anticipates that a contract will be negotiated within the constraints of the proposed budget for fiscal year 2011.

COMPREHENSIVE PLAN GOAL

Not Applicable.

COUNCIL ACTION

Motion: _____

Second: _____

Vote: Ayes: _____ **Nays:** _____

Abstentions: _____

**CITY OF SOUTH PADRE ISLAND
I. COST PROPOSAL**

PROPOSAL NAME: Auditing Services

DUE DATE: June 18, 2010 at 4:00 p.m.

Below, state the estimated fee for the annual audit for the fiscal years ending September 30, 2010 through September 30, 2014.

1. 2010	\$25,000
2. 2011	\$25,750
3. 2012	\$26,500
4. 2013	\$27,250
5. 2014	\$28,100

- This fee schedule increases by approximately 3% yearly.
- This fee schedule assumes that the City will have a single audit each year and the associated fees are included in the total.
- Fees for a data audit of the Incode system will be negotiated upon request.

THE UNDERSIGNED AFFIRMS THAT IT IS DULY AUTHORIZED TO SUBMIT THIS PROPOSAL, THAT THIS PROPOSAL HAS NOT BEEN PREPARED IN COLLUSION WITH ANY OTHER PROPONENT, AND THAT THE CONTENT OF THIS PROPOSAL HAS NOT BEEN COMMUNICATED TO ANY OTHER PROPONENT PRIOR TO THE OFFICIAL OPENING OF THIS PROPOSAL. THE CONTRACT WILL BE AWARDED TO THE RESPONSIBLE PROPONENT WHOSE PROPOSAL IS MOST ADVANTAGEOUS TO THE CITY OF SOUTH PADRE ISLAND. CITY OF SOUTH PADRE ISLAND RESERVES THE RIGHT TO REJECT ANY AND ALL PROPOSALS.

PROPONENT NAME: Long Chilton, LLP

AUTHORIZED REPRESENTATIVE'S NAME: Quentin Anderson, CPA, PFS

REPRESENTATIVE'S TITLE: Partner

MAILING ADDRESS: 402 East Tyler, Harlingen, Texas 78550

PHONE NUMBER: 956-423-3765

E-MAIL ADDRESS: qanderson@longchilton.com

PROFESSIONAL FEES AND EXPENSES
FOR THE AUDIT OF THE 2010 FINANCIAL STATEMENTS

	<u>Hours</u>	<u>Hourly Rates</u>	
Partners	40	\$ 140	\$ 5,600
Senior Auditor	120	85	10,200
Staff Auditor	160	65	10,200
Maximum, all-inclusive price for the fiscal year 2010 audit			\$ <u>26,000</u>

<u>Estimated Fees</u>	<u>Audit</u>
2010 Fiscal Year	\$ 26,000
2011 Fiscal Year	26,000
2012 Fiscal Year	26,000
2013 Fiscal Year	26,000
2014 Fiscal Year	26,000

Our stated fees include all out-of-pocket expenses and will not be exceeded unless significant, new audit, accounting or regulatory requirements are imposed. We would discuss those factors prior to any audit work being performed.

If it should become necessary for the City to request the Auditor to render any additional services to either supplement the services requested in the request for proposals or to perform additional work as a result of the specific recommendations included in any report issued during this engagement, then such additional work shall be performed only if set forth in an addendum to the contract between the City and the Firm shall be performed at the same rates set forth below:

Partner	\$140
Senior	85
Staff	65

16-4

**SOUTH PADRE ISLAND
CITY COUNCIL MEETING
AGENDA REQUEST FORM**

MEETING DATE: August 18, 2010

NAME/DEPT.: Randy Smith, Chief of Police

ITEM

Discussion and Action to approve 2010/2011 Towing Service Agreement, authorizing the Mayor to sign the agreement for towing/wrecker services for the City of South Padre Island.

ITEM BACKGROUND

Attached is the Towing Service Agreement.

RECOMMENDATIONS/COMMENTS

Recommending for approval of the 2010/2011 Towing Service Agreement.

BUDGET/FINANCIAL SUMMARY

COMPREHENSIVE PLAN GOAL

COUNCIL ACTION

Motion: _____

Second: _____

Vote: Ayes: _____ Nays: _____

Abstentions: _____

TOWING SERVICE AGREEMENT WITH THE CITY OF SOUTH PADRE ISLAND POLICE DEPARTMENT

We, the undersigned towing Service Company and or Companies agree to provide the City of South Padre Island Police Department towing service as per the following terms and conditions:

1. **STANDARD TOWING FEE:**

- a. **STANDARD TOW-\$145.00**
- b. **SPECIAL WORK-** \$50.00 per hour (i.e. rollover, 4X4 for on the beach), 1 hr. minimum. Underwater recovery at \$250.00 per hour not to exceed \$500.00 without owner's approval, if owner is available.
- c. **CITY VEHICLES-** Local Tow: Laguna Madre Area \$30.00, except for use of 4 X4 towing service, which will be \$50.00. Tows outside the Laguna Madre area in Cameron County, will be \$115.00. If tow is by a Service Shop for repairs, the cost may be waived by service shop, or if towed to another service Shop, a normal covered towing fee(s), which are covered by warranty to be charged to dealer or insurance coverage. The towing fee for city vehicles that are over one ton in cargo capacity or axle rating but less than 2 tons shall be \$60.00 for a local tow and \$175.00 for a tow outside the Laguna Madre area in Cameron County.
- d. **LARGE VEHICLES-** (A vehicle that can haul more than 1 ton) \$75.00 per hour, 1 hr. minimum added to standard tow fee (1.a)
- e. If a vehicle owner is at or approaches the scene where an auto wrecker has been summoned and is attempting to tow a vehicle, and the vehicle owner does not desire the vehicle to be towed, no charge shall be made and the vehicle owner shall be allowed to take possession of the vehicle upon approval of police supervisor or designee, if the vehicle has not been hooked up by the wrecker. Vehicles may not be driven away from a tow scene by a tow operator unless the operator is directed to do so by a police supervisor or designee.
- f. If the motor vehicle has been lawfully hooked up to the wrecker, but not towed from the scene, the vehicle shall be released to the vehicle owner upon payment of one-half the regular wrecker fee if the vehicle owner desires immediate possession of his vehicle.

2. **STORAGE FEE:**

- a. \$20.00 per day after 12 hours for vehicles less than 25 feet in length, and \$35.00 per day for vehicles larger than 25 feet in length, when it goes from one day to the next. (i.e. 10:00 p.m. on July 13th until 10:00 a.m. on July 14th). If vehicle is released within twelve hours no storage fee will be applied.
- b. Any non-consensual (a non-consensual tow is one directed by a police officer of the City of South Padre Island) tows shall be stored in an approved impound lot(s) located in the City of South Padre Island unless there is no space available in an approved impound lot or if no lot exists in the City of South Padre Island or the SPI impound lot refuses to accept the

vehicle for any reason or honor the fees provided in 2a, then and in that event the vehicle will be taken to the nearest state approved impound lot that will abide by the fees provided in 2a. Vehicles towed from west of the crossover on state Highway 100 west bound may be taken to a state approved impound lot off the island. Fees collected will be settled between towing service and impoundment lot(s) owners.

- c. Stored vehicles that are seized by the South Padre Island Police department shall not be charged more than \$400.00 for towing and storage for up to 30 days. Vehicles being processed for forfeiture may be stored at the South Padre Island Municipal Complex or assigned storage lot. Forfeiture vehicles need to be moved to the TSPI Municipal complex or assigned storage lot before the end of 30 days.

Note: Where any state law, rule or regulation requires a different rate for services rendered by a wrecker service and/or storage facility or any other type of business entity, then such state-regulated rate shall be followed without the necessity of amendment of this agreement.

3. TOWING SERVICE AGREEMENT FEE:

- a. A fee per wrecker of \$100.00, renewed once a year is the fee to qualify under this agreement. An existing qualified wrecker may be replaced with another approved wrecker for a fee of \$25.00.
- b. Only tow companies with a state licensed storage yard or agreement with such a facility may be a party to this agreement.
- c. The towing vehicles and storage yard will be periodically inspected by the City of South Padre Island Police Department (TSPIPD) to insure compliance (i.e., equipment on tow vehicle and specifications on storage facility and state regulations).
- d. Proof of state required insurance on tow vehicles and storage facility is required.
- e. Towing operators must comply with all state requirements on notifications to the owner/operator of towed vehicles, and all owner/operators of towed vehicles must be provided the approved state 1-800 telephone number for complaints.

4. EQUIPMENT REQUIRED:

- a. Any of the wreckers summoned by the City of South Padre Island Police Department shall be required to have aboard the responding wrecker-the following equipment:
 - 1. Fire extinguisher that is properly filled and located so that it is readily accessible for use. Such fire extinguisher shall meet no less than the requirements of the National Fire Protection Handbook for a 10BC fire extinguisher shall be so labeled by a national testing laboratory.
 - 2. Broom of a type designed for pushing with an 18 inch or more head, and a handle of not less than 36 inches long.
 - 3. Bucket containing no less than five gallons of dry sand or other absorbent, which is at least effective as sand in absorbing liquid.

4. Empty bucket capable of carrying no less than five gallons of sand and to carry remains and other debris from a scene.
 - b. In addition, all wreckers must have the current state tow registration, required insurance, current registration, and valid motor vehicle inspection stickers. In addition, no vehicle will exceed 15 years in age, as dated by the vehicle manufacture date and must contain all equipment required by state regulations.
 - c. Any permitted wreckers are subject to inspection by the South Padre Island Police Department for the listed equipment and proper documentation at any scene they respond to at South Padre Island.
 - d. In the event that the wrecker services, for any reason does not have the equipment readily available with the capabilities to complete a job, the South Padre Island Police Department can request another wrecker service to respond to the scene in an effort to clear the situation.
 - e. Further, in an event deemed to be an emergency situation, the South Padre Island Police Department may use the first available wrecker service in the area to assist in clearing the emergency situation, regardless of rotation requirements.
 - f. All permitted operators shall have at least one serviceable 4-wheel drive tow vehicle in their fleet, available for service.
5. RESPONSE TIME:
 - a. Wreckers which are summoned and responding to a scene by the South Padre Island Police Department should make every reasonable attempt to arrive as soon as possible after being notified of the requested service.
 - b. Wreckers failing to respond in a reasonable amount of time will be subject to being disregarded from the call and forfeiting that particular tow to another wrecker service.
 - c. The response time should not be more than thirty minutes on towing services provided to the South Padre Island Police Department. Therefore, this contract with wrecker services is limited to the Laguna Madre Area.
6. ROTATIONS:
 - a. We will comply with a rotation list.
 - b. If more than two towing companies are permitted then the rotation will be on day by day or by call-basis. If only two towing companies, they will operate on an every other day basis.
7. POLICE HOLD ON VEHICLES:

- a. Any vehicle with a hold from this Police Department shall be stored in an approved impound lot as provided in 2b. of this agreement and shall be verified by the Wrecker Service(s) with a Police Department Supervisor before releasing the vehicle.

8. VIOLATIONS OF AGREEMENT:

- a. Any violations of this agreement may cause the suspension or revocation of the towing vehicle permit and/or company taken off of rotation.
- b. Any problems should be directed to the Police Chief of the City of South Padre Island or assigned agent of the City that handles the representatives of the Towing Company.

9. We understand that all wrecker services wishing to participate and load motor vehicles for the South Padre Island Police Department must abide by this agreement.

10. We also understand that at anytime, the South Padre Island Police Department reserves the right to amend any and all portions of this agreement as may be found to be necessary.

The rate(s) herein provided is what will be charged for providing wrecker services and are hereby established for the time period beginning on the 1st day of September 2010, and ending on the 31st day of August 2011.

TOWING SERVICE COMPANY NAME

PHONE NUMBER

MAILING ADDRESS

2ND PHONE NUMBER

PHYSICAL ADDRESS

CITY

STATE

ZIP CODE

SIGNATURE OF OWNER

DATE

**THE CITY OF SOUTH PADRE ISLAND,
TEXAS**

BY: _____
Robert N. Pinkerton, Jr., Mayor

ATTEST:

Susan M. Hill, City Secretary

**CITY COUNCIL MEETING
CITY OF SOUTH PADRE ISLAND
EXECUTIVE SESSION
AGENDA REQUEST FORM**

MEETING DATE: August 18, 2010

EXECUTIVE SESSION

ITEM DESCRIPTION

Pursuant to TEXAS GOVERNMENT CODE, Section 551.071, Consultation with Attorney; Section 551.087, Deliberations regarding Economic Development, an Executive Session will be held to discuss:

- a. Discussion to request public participation in financing expansion to stimulate business and commercial activity in the City.

COUNCIL ACTION

Motion: _____

Second: _____

Vote: Ayes: _____ **Nays:** _____

Abstentions: _____