

**TOWN OF SOUTH PADRE ISLAND
BOARD OF ALDERMEN
REGULAR MEETING
MINUTES**

June 6, 2007

The BOARD OF ALDERMEN of the Town of South Padre Island, Texas, held a meeting on **Wednesday, June 6, 2007 at 5:30 p.m.** at Club Padre, 5800 Padre Boulevard, South Padre Island, Texas. Mayor Robert N. Pinkerton Jr. called the meeting to order at 5:30 p.m. Aldermen present were: Courtney Hayden, JoAnn Evans, Tara Rios Ybarra, Phillip Money and Kirk Mills. Staff present were Darla Honea, Minerva Martinez, Dan Quandt, Jay Mitchim, Connie Ledbetter, Melissa Zamora, Jason Moody, Chuck Zebrowski, Sylvia Mata, Raul Morales, Robert Rodriguez, Cate Ball, Darla Lapeyre, Paul Cunningham, Dewey P. Cashwell Jr., City Manager and Joyce Adams.

I CALL TO ORDER

II PLEDGE OF ALLEGIANCE

III INSTALLATION AND ADMINISTRATION OF OATHS TO NEWLY ELECTED OFFICIALS (PINKERTON):

Mayor Pinkerton welcomed the Honorable Cameron County Judge Carlos Cascos to the meeting.

- a. Newly elected Alderman Courtney Hayden was installed by the Honorable Mayor Robert N. Pinkerton, Jr.
- b. Newly elected Aldermen Tara Rios-Ybarra and Kirk Mills were installed by the Honorable Judge Carlos Cascos.

Mayor Pinkerton presented Certificates of Election to the newly elected aldermen, congratulated and welcomed them to the Board.

IV RECOGNITION OF OUTGOING ALDERMEN, RICK RIDOLFI AND JIM HOFF (PINKERTON)

Mayor Pinkerton recognized outgoing two-term Alderman Richard R. Ridolfi and thanked him for his persistence in his duties. Alderman Ridolfi stated he was "thrilled" to have served the community for four years, that he did the best he could, and that he had been honored to do so.

(Alderman Jim Hoff was not in attendance.)

V ELECTION OF MAYOR PRO TEM (PINKERTON)

Alderwoman Rios-Ybarra, the longest serving alderman on the Board, deferred her potential election of Mayor Pro Tem, saying that she recommended Alderman Kirk Mills for the position.

Alderwoman Evans made a motion, seconded by Alderwoman Tara Rios-Ybarra to elect Alderman Kirk Mills as Mayor Pro Tem. Motion carried unanimously.

VI PUBLIC COMMENTS AND ANNOUNCEMENTS

VII PRESENTATIONS AND PROCLAMATIONS

Mayor Pinkerton read and presented the following four proclamations:

- o National Police Week, May 13-19, 2007;
- o Missing Children's Day, May 25, 2007;
- o National Tourism Week, May 12-20, 2007;
- o National Day of Prayer May 3, 2007.

VIII COMMITTEE REPORTS

Written committee reports were included with the meeting packets. Committee chairs and/or staff highlighted the monthly reports.

No action was taken.

IX APPROVE CONSENT AGENDA:

A. TOWN OF SOUTH PADRE ISLAND INVESTMENT PORTFOLIO FOR QUARTER ENDING MARCH 30, 2007, PREPARED BY ESTRADA HINOJOSA & COMPANY, INC. (HONEA)

B. APPROVE INVOICES FOR PAYMENT

Alderwoman Tara Rios-Ybarra made a motion, seconded by Alderman Phillip Money to approve the Consent Agenda. Motion carried unanimously. Invoices were paid by General Fund checks numbered 103107-103329 (103105, 103106, 103149 and 103150 were voided) for a total of \$578,565.00.

X UPDATE OF THE PROJECTS UNDERWAY BY THE LAGUNA MADRE WATER DISTRICT, PARTICULARLY THE PROPOSED ANNEXATIONS (CASHWELL)

Mr. Gavino Sotello, General Manager of the Laguna Madre Water District, gave a six to eight month update of projects that the district was currently working on:

- Wastewater Treatment Plants (Bond issue items)
- Desalinization Project
- Implementing a system for notifying cities when the Water District was experiencing problems
- Replacing undersized lines when they were identified
- A major project was their consideration of requests for annexations(s)

Mayor Pinkerton thanked Mr. Sotello for his Project Update.

XI. DISCUSSION AND ACTION ON PETITION FOR CONSENT TO ANNEX LAND INTO THE LAGUNA MADRE WATER DISTRICT. (CASHWELL)

A motion was made by Alderman Kirk Mills, seconded by Alderwoman JoAnn Evans, to approve Resolution No. 876, a Petition for Consent to Annex Land into the Laguna Madre Water District: an approximate 3.253-acre tract, a 12.42-acre tract, and a 34.09 -acre tract of land.. Motion carried unanimously.

A true and correct copy of said resolution was placed in the Town's Resolution Book, entitled Resolution No 876, and by reference hereto, included in these minutes as if fully set out and spread upon the pages of the Minutes Book.

XII DISCUSSION AND ACTION ON POSSIBLE REVISIONS TO SECTION 13-34 OF CHAPTER 13 OF THE CODE OF ORDINANCES OF THE TOWN OF SOUTH PADRE ISLAND REGULATIONS OF SHADE DEVICES AND CHAIRS ON THE PUBLIC BEACH. (EVANS)

Alderwoman Evans reviewed her ideas and reasons for revisions to Ordinance No. 07-06, Section 13-34 of Chapter 13 of the Code of Ordinances. Lengthy discussion was held. Mr. Cunningham explained and answered questions regarding the Open Beach Act (Public Beach).

Evans made a motion, seconded by Mills to approve the first reading of Ordinance No. 07-06A, amendments to Ordinance No. 07-06, on first reading. Motion carried unanimously.

XIII DISCUSSION AND ACTION ON A RECOMMENDATION THAT BOARD OF ADJUSTMENT AND APPEALS REVISE THEIR BYLAWS AND RULES OF PROCEDURE TO ALLOW THE APPOINTMENT OF UP TO FOUR (4) ALTERNATE MEMBERS (BALL)

A motion was made by Alderwoman JoAnn Evans, seconded by Mills, to approve a revision of the Bylaws and Rules of Procedure of the Board of Adjustments and Appeals, to allow the appointment of up to four (4) Alternate members. Motion carried unanimously.

IV DISCUSSION AND ACTION TO APPOINT A NEW MEMBER AND ALTERNATE MEMBER TO THE BOARD OF ADJUSTMENTS AND APPEALS (EVANS)

Mills made a motion, seconded by Money to accept Mr. Andrew Cummins' resignation and to appoint Ms. Penny Curry to serve the remainder of his term. Evans made a motion, seconded by Hayden to appoint Mr. Jason Yetter as an alternate to the Board of Adjustments and Appeals. Motion failed 2-3, with Evans and Hayden voting "aye" and Rios-Ybarra, Money and Mills voting "nay". Money made a motion, seconded by Mills to appoint Stacie Sutter as an alternate to the Board of Adjustments and Appeals. Motion carried 3-2, with "ayes" cast by Money, Mills and Rios-Ybarra and two "nays" cast by Evans and Hayden.

XV DISCUSSION AND ACTION PERTAINING TO THE APPOINTMENT OF A MUNICIPAL BOARD REGARDING COMPENSATION FOR REMOVAL OF OFF PREMISE SIGNS, SECTION 15-13 (A) (8) OF THE TOWN OF SOUTH PADRE ISLAND CODE OF ORDINANCES THAT REQUIRES REMOVAL OF OFF PREMISE SIGNS. (CASHWELL)

No applications had been received by the Town of South Padre Island. No action was taken at that time.

XVI DISCUSSION AND ACTION TO APPOINT REPLACEMENTS FOR COMPREHENSIVE PLAN ADVISORY COMMITTEE (CPAC) MEMBERS, MS. PATRICIA E. HERNANDEZ, WHO RESIGNED ON MAY 2, 2007 FROM SAID COMMITTEE, AND MS. LIZ MONEY WHO RESIGNED PREVIOUSLY FROM SAID COMMITTEE. (EVANS)

Discussion was held.

A motion was made by Alderman Mills, seconded by Rios Ybarra, to appoint Mr. Glenn McKinlay and Ms. Mary H. Flores to the CPAC. Discussion was held. Motion carried 3-2, with Mills, Rios Ybarra and Money casting the aye votes and Evans and Hayden casting the nay votes.

XVII REPORT ON TEXAS MUNICIPAL LEAGUE EXCELLENCE AWARD APPLICATION FOR COMMUNITY SERVICE. (EVANS)

Alderwoman Evans stated her opinion that South Padre Island deserved to receive the recognition of a Texas Municipal League Excellence Award for Community Service and that after conferring with Mayor Pinkerton and Mr. Cunningham, she had submitted an application to the TML for the South Padre Island Butterfly Garden.

Mayor Pinkerton and Alderwoman Rios-Ybarra thanked Alderwoman Evans for her efforts. She then thanked Mr. Shane Wilson and staff members Jason Moody and Minerva Martinez for their help with the application.

XVIII DISCUSSION AND ACTION REGARDING THE BEACH AND DUNE PERMIT FOR BAHIA MAR FOR THE CONSTRUCTION OF A PLATFORM AND STEPS TO THE BEACH AS WELL AS MODIFICATIONS OF SAND AND DUNES SEAWARD OF THE EXISTING RETAINING WALL FOR LOTS 1-5, PADRE BEACH ESTATES (6300 PADRE BOULEVARD). (BALL)

A motion made by Evans, seconded by Mills, to approve a Beach and Dune Permit for Bahia Mar for the construction of a platform and steps to the beach, as well as modifications of sand and dunes seaward of the existing retaining wall for Lots 1-5, Padre Beach Estates, as approved by the Beach and Dune Task Force: "*the platform, ramp and steps to the beach, on the condition that they are built to Town required building standards and recommended approval to allow the Bahia Mar to move the sand that has collected along their retaining wall, up and over their existing retaining wall, to an area seaward of the retaining wall between the existing dunes to the north and south*". Motion carried unanimously

XIX DISCUSSION AND ACTION TO RECOMMEND THAT THE PLANNING AND ZONING COMMISSION OF THE TOWN OF SOUTH PADRE ISLAND REVIEW OUR CURRENT PARKING REQUIREMENTS TO CHANGE FROM TWO (2) PARKING SPACES TO ONE AND ONE-HALF (1.5) PARKING SPACES FOR MULTI-FAMILY DEVELOPMENTS CONTAINING MORE THAN TWELVE (12) UNITS, AND MAKE A REPORT TO THE BOARD OF ALDERMEN (MONEY/RIOS YBARRA)

Money made a motion, seconded by Rios-Ybarra to direct the Planning and Zoning Commission to review the Town's current Parking Requirements for a possible change from two (2) parking spaces to one and one-half (1.5) parking spaces for Multi-Family Developments containing more than twelve (12) units and make a report to the Board of Aldermen. Motion carried unanimously.

XX DISCUSSION AND ACTION ON CREATING SEA LIFE DAY (RIOS-YBARRA)

Alderman Rios-Ybarra explained that a Sea Life Day would ensure that as a community, residents are trained to help stranded mammals, turtle and other sea life. She said it would excite tourist/locals and highlight organizations involved in animal rescue and the Town's commitment to educating the public about the beach and its inhabitants. Rios-Ybarra made a motion, seconded by Money to direct the City Manager to create a Sea Life Day for the Town of South Padre Island. Motion carried unanimously.

XXI DISCUSSION AND ACTION ON CREATING ADVISORY MEMBERS TO THE ECONOMIC DEVELOPMENT CORPORATION BOARD OF DIRECTORS. (RIOS-YBARRA/MILLS)

Alderman Rios-Ybarra said that appointing "advisory" members to the Economic Development Corporation's Board of Directors would ensure that citizens could be trained and could gain experience as a voting member of the EDC in the future. Discussion was held. Alderwoman Rios-Ybarra stated that the intent was to invest in the citizenry now, in that volunteers could sit with the EDC Board and could learn from them. Alderwoman Evans suggested that this might be a "Leadership Development" program. City Attorney Paul Cunningham suggested that the Board of Aldermen express to the EDC exactly what they were trying to accomplish.

Alderman Rios-Ybarra made a motion, seconded by Mills, to create two positions for (non-voting) "citizen volunteers" to the EDC. Motion carried unanimously.

XXII DISCUSSION AND ACTION ON DIRECTING THE DPRB TO CREATE REVISIONS IN THE SIGN ORDINANCE TO ADDRESS CHANGING BUSINESS NEEDS (RIOS-YBARRA)

Discussion was held. Alderman Evans made a motion, seconded by Alderman Rios-Ybarra to direct the Development Plan Review Board to review Chapter 15 of the Town of South Padre Island Code of Ordinances to address the changing business needs for signs. Further discussion was held. Motion carried unanimously.

XXIII DISCUSSION AND ACTION TO RECONSIDER THE APPOINTMENT OF MAYOR PINKERTON BY THE TOWN OF SOUTH PADRE ISLAND AS A REPRESENTATIVE TO THE COASTAL TASK FORCE, CAMERON COUNTY, TEXAS, AND TO CONSIDER THE APPOINTMENT OF A NEW REPRESENTATIVE (MILLS/RIOS-YBARRA)

Alderwoman Rios-Ybarra expressed her passion for serving on the Coastal Task Force. Mayor Robert N. Pinkerton Jr. stated his desire to resign from the position of Representative to the Coastal Task Force, Cameron County, Texas, saying that he was now serving on the American Shore Beach Preservation Association, and was working with the General Land Office on beach nourishment. He recommended the appointment of Alderman Tara Rios-Ybarra as his replacement.

Evans made a motion, seconded by Rios-Ybarra to (accept the resignation of Mayor Pinkerton and to) appoint Alderman Rios-Ybarra as the Town's Representative on the Coastal Task Force, Cameron County, Texas. Discussion was held. Motion carried unanimously. Alderman Mills nominated Alderwoman Evans to serve as an alternate representative on the Coastal Task Force, Cameron County, Texas. Alderman Hayden seconded the motion, which carried unanimously.

XXIV DISCUSSION AND ACTION ON PROPOSED ORDINANCE REQUIRING THAT ALL TELEPHONE CONTACT BETWEEN AND AMONG THE LOBBYIST FOR THE TOWN OF SOUTH PADRE ISLAND AND ANY ELECTED OFFICIAL OR EMPLOYEE, INCLUDING THE MAYOR OF THE TOWN OF SOUTH PADRE ISLAND, ANY AGENCY THEREOF INCLUDING BUT NOT LIMITED TO THE TOWN OF SOUTH PADRE ISLAND EDC AND THE TOWN OF SOUTH PADRE ISLAND CVB/CVA TO BE DONE ON A CONFERENCE CALL WITH THE PRESIDENT PRO TEMPORE (OR HIS ALDERMAN DESIGNEE) (RIOS-YBARRA/MILLS)

Mayor Pinkerton expressed his satisfaction with the accomplishments of the Town's lobbyist. He recommended asking the Town's lobbyist, Mr. Clint Smith of HillCo Partners, Austin, Texas to give his input and a report at the next Board of Aldermen meeting. Mills made a motion, seconded by Evans to table action on Item XXIV. Motion carried unanimously.

XXV DISCUSSION AND ACTION ON ORDINANCE PROHIBITING THE ELECTED OFFICIALS OF THE TOWN OF SOUTH PADRE ISLAND FROM HAVING STRATEGIC PLANNING SESSIONS/MEETINGS OUTSIDE OF THE TOWN OF SOUTH PADRE ISLAND CITY LIMITS (MILLS/MONEY)

Alderman Mills expressed his reasons and desires for holding the Town's Strategic Planning Sessions within the Town's City Limits. Mills moved, seconded by Rios-Ybarra, to enact an ordinance prohibiting the elected officials of the Town of South Padre Island from having Strategic Planning Sessions/meetings outside of the Town of South Padre Island city limits. Discussion was held.

Motion carried 3-2 with Mills, Rios-Ybarra and Money voting "aye" and Evans and Hayden voting "nay". Aldermen Evans and Hayden clarified that they had no objection to holding planning sessions within the city limits, but that they objected to having an ordinance.

XXVI DISCUSSION AND ACTION ON RESOLUTION 875, RESCINDING RESOLUTION NO. 815, ABOLISHING THE SOUTH PADRE ISLAND CONVENTION AND VISITORS AUTHORITY, AND REINSTATING 'CONVENTION AND VISITORS BUREAU ADVISORY BOARD', ALLOCATING SPECIFIC APPOINTMENTS, AND REPEALING THOSE PORTIONS OF PREVIOUS RESOLUTIONS IN CONFLICT WITH THIS RESOLUTION (MONEY/MILLS)

This item was pulled from the agenda.

XXVII PRESENTATION CONCERNING PROPOSED ORDINANCE ADJUSTMENTS AS THEY RELATE TO SPECIAL EVENTS (QUANDT)

CVB Executive Director Dan Quandt explained that the Town's Code of Ordinances hindered and/or prevented the CVB's ability to provide a venue for certain special events. On behalf of the CVA and Special Events Committee, he asked for the Board's direction on procedures for reaching a resolution.

Discussion was held. City Manager Dewey Cashwell stated that he was an advocate of some changes, but he also expressed his concerns that some of the existing challenges regarding Special Events might be exacerbated. He said that he would like to further discuss these items with Mr. Quandt, particularly those regarding the beach. He added that changes should be made, but within the context of certain restraints and guidelines. Mr. Cashwell and Mr. Quandt agreed to meet.

No action was taken.

XXVIII DISCUSSION AND ACTION TO AUTHORIZE THE PURCHASE OF TWO (2) DISPATCH RADIO CONSOLES. (RODRIGUEZ)

Police Chief Robert Rodriguez explained that the consoles were "granted" items. Mills made a motion, seconded by Evans to authorize the purchase of two (2) Dispatch Radio Consoles through HGAC for a total amount of \$120,000. Motion carried unanimously.

Mayor Pinkerton then extended the Board's and Town's condolences to City Attorney Paul Cunningham and his family on the passing of Paul's sister, Evelyn, over the weekend.

XXIX DISCUSSION AND ACTION TO APPROVE THE LETTER OF CREDIT FOR THE INSTALLATION OF THE REMAINING IMPROVEMENTS FOR THE SHORES MARINA VILLAGE SECTION II (BALL)

Alderman Mills made a motion, seconded by Rios-Ybarra, to approve the Letter of Credit for the Installation of the Remaining Improvements for The SHORES Marina Village, Section II. Motion carried unanimously.

XXX EXECUTIVE SESSION: PURSUANT TO SECTION 551.074, OF THE TEXAS GOVERNMENT CODE, PERSONNEL, REGARDING THE ADOPTION OF AN ALTERNATIVE DISPUTE RESOLUTION PROGRAM (MILLS/RIOS-YBARRA)

This item was pulled from the agenda.

XXXI DISCUSSION AND ACTION ON ADOPTION OF AN ALTERNATIVE DISPUTE RESOLUTION PROGRAM (MILLS/RIOS-YBARRA)

This item was pulled from the agenda.

XXXII ADJOURN

Mayor Pinkerton adjourned the meeting at approximately 8:20 p.m.



APPROVED: *

Joyce Adams
JOYCE ADAMS, CITY SECRETARY

Robert N. Pinkerton Jr.
ROBERT N. PINKERTON JR., MAYOR