

**NOTICE OF MEETING  
CITY OF SOUTH PADRE ISLAND  
PLANNING AND ZONING COMMISSION**

**NOTE: One or more members of the City of South Padre Island City Council may attend this meeting; if so, this statement satisfies the requirements of the OPEN MEETINGS ACT.**

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

**THURSDAY, FEBRUARY 20, 2014**  
3:00 P.M. AT THE MUNICIPAL BUILDING,  
CITY COUNCIL CHAMBERS, 2<sup>ND</sup> 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 Commissioners relating to agenda or non-agenda items. Speakers are required to address Commissioners at the podium and give their name before addressing their concerns. [Note: State law will not permit the Planning and Zoning Commission 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 Planning and Zoning Commission meeting]*
4. Approval of minutes of the January 16, 2014 regular meeting.
5. Discussion and action regarding an extension of the approved "Sea Breeze Estate" subdivision. *(Dr. Kim, Staff)*
6. Public Hearing regarding a proposed amendment to Section 20-21 of Chapter 20 Zoning of the City of South Padre Island Code of Ordinance by adding City's right to maintain trees and guidelines for planting trees in public easements. *(Dr. Kim, Staff)*
7. Discussion and action regarding a proposed amendment to Section 20-21 of Chapter 20 Zoning of the City of South Padre Island Code of Ordinance by adding City's right to maintain trees and guidelines for planting trees in public easements. *(Dr. Kim, Staff)*
8. Public Hearing regarding a proposed addition of Section 20-4.2 of Chapter 20 Zoning of the City of South Padre Island Code of Ordinance regarding Staff Responsibility. *(Dr. Kim, Staff)*
9. Discussion and action regarding a proposed addition of Section 20-4.2 of Chapter 20 Zoning of the City of South Padre Island Code of Ordinance regarding Staff Responsibility. *(Dr. Kim, Staff)*
10. Public Hearing regarding a proposed amendment to Section 15-2 of Chapter 15 Signs of the City of South Padre Island Code of Ordinance by revising the definition of 'Sign' and 'Sign Area'. *(Dr. Kim, Staff)*

11. Discussion and action regarding a proposed amendment to Section 15-2 of Chapter 15 Signs of the City of South Padre Island Code of Ordinance by revising the definition of 'Sign' and 'Sign Area'. (Dr. Kim, Staff)

12. Discussion and action on the City's Visions of Tomorrow. (Dr. Kim, Staff)


13. Adjournment

DATED THIS THE 14<sup>TH</sup> DAY OF FEBRUARY 2014



Susan Hill, City Secretary

I, THE UNDERSIGNED AUTHORITY, DO HEREBY CERTIFY THAT THE ABOVE NOTICE OF MEETING OF THE PLANNING AND ZONING COMMISSION 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 **FEBRUARY 14, 2014** AT/OR BEFORE **10:30** A.M. AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF AID MEETING.



Susan 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.

**PLANNING AND ZONING COMMISSION  
MEETING MINUTES  
JANUARY 16, 2014**

**1. Call to Order.**

Patrick McNulty called the meeting to order at 3:00 p.m. in the City Council Chambers on the Second Floor of the Municipal Complex Building: 4601 Padre Boulevard and declared a quorum of members present. Commission members in attendance were: Patrick McNulty, Gary Olle, Ramona Alcantara, Deanna Bowman, Russell Judah, Robert Fudge, and Chris Huffman. Staff members present were Development Director Sungman Kim and Marta Martinez.

**2. Pledge of Allegiance.**

Mr. McNulty led those present in the Pledge of Allegiance.

**3. Public Comments and Announcements.**

Mr. McNulty announced the item from the agenda and introduced/welcomed Robert Fudge as the newest member of the Planning and Zoning Commission. Mr. Judah stated that on January 15, 2014 City Council approved a Resolution creating an Ordinance Review Ad Hoc Committee for the purpose of reviewing and making recommendation to the City Council regarding possible amendments to the South Padre Island Code of Ordinances.

**4. Election of Chairman and Vice Chairman.**

Mr. McNulty announced the item from the agenda and asked for any nominations for Chairman. Mr. Judah nominated Mr. McNulty for Chairman. Mr. Fudge seconded the motion. The motion carried unanimously.

Mr. McNulty then asked for any nominations for Vice-Chairman. Ms. Alcantara nominated Mr. Fudge for Vice-Chairman. Mr. Olle seconded the motion. The motion carried unanimously.

**5. Approval of minutes of the December 18, 2013 workshop meeting and December 19, 2013 regular meeting.**

Mr. McNulty announced the item from the agenda and asked the Commission members if they had any corrections to the December 18, 2013 workshop Meeting Minutes. Mr. McNulty made a motion to approve as submitted. Ms. Bowman seconded the motion. The motion passed on a 3:0:4 vote. Mr. Olle, Mr. Fudge, Mr. Judah, and Ms. Alcantara abstained.

Mr. McNulty announced the item from the agenda and asked the Commission members if they had any corrections to the December 19, 2013 regular Meeting Minutes. Ms. Alcantara made a motion to approve with correction. Ms. Bowman seconded the motion. The motion passed on a 5:0:2 vote. Mr. Fudge and Mr. Judah abstained.

6. **Discussion and action regarding a one-year extension of the approved “Sea Breeze Estates” subdivision.** *(Dr. Kim, Staff)*

Mr. McNulty announced the item from the agenda and ask for a staff report. Dr. Kim gave a brief summary regarding this agenda item.

Mr. McNulty then opened it up for discussion by the Commission. The Commissioners expressed their comments/concerns regarding this matter. After much discussion Ms. Alcantara made a motion to deny a one-year extension. Mr. Judah seconded the motion. The motion failed on a 3:0:4 vote. Ms. Bowman, Mr. McNulty, Mr. Huffman, and Mr. Olle opposed

Mr. Olle then made a motion to table this agenda item until then next regular meeting and asked staff to get exact status of plat from Cameron County and have City Attorney provide Commissioners in writing directing the Commissioners of the legality. Mr. Fudge seconded the motion. The motion passed on a 5:1:1 vote. Mr. Judah opposed and Ms. Alcantara abstained.

7. **Public Hearing regarding a proposed amendment to Section 20-21 of Chapter 20 Zoning of the City of South Padre Island Code of Ordinance by adding City’s right to maintain trees and guidelines for planting trees in public easements.** *(Dr. Kim, Staff)*

Mr. McNulty announced the item from the agenda and asked for a staff report. Dr. Kim gave a brief summary regarding this agenda item. Mr. McNulty then opened the public hearing at 4:00 p.m. and asked if anyone from the public wished to speak in favor of this agenda item. Hearing none, Mr. McNulty then asked if any member from the public wished to speak in opposition to this matter. Hearing none, Mr. McNulty closed the public hearing at 4:03 p.m.

8. **Discussion and action regarding a proposed amendment to Section 20-21 of Chapter 20 Zoning of the City of South Padre Island Code of Ordinance by adding City’s right to maintain trees and guidelines for planting trees in public easements.** *(Dr. Kim, Staff)*

Mr. McNulty announced the item from the agenda and opened it up for discussion by the Commission. The Commissioners expressed their comments/concerns regarding this matter. After some discussion Ms. Alcantara made a motion to table this agenda item. Mr. Fudge seconded the motion. The motion carried unanimously.

9. **Public Hearing regarding a proposed addition of Section 20-16.3 of Chapter 20 Zoning of the City of South Padre Island Code of Ordinance regarding the purpose, intent, and procedures of Special Exceptions.** *(Dr. Kim, Staff)*

Mr. McNulty announced the item from the agenda and asked for a staff report. Dr. Kim gave a brief summary regarding this agenda item. Mr. McNulty then opened the public hearing at 4:23 p.m. and asked if anyone from the public wished to speak in favor of this agenda item. Hearing none, Mr. McNulty then asked if any member from the public wished to speak in opposition to this matter. Hearing none, Mr. McNulty closed the public hearing at 4:27 p.m.

**10. Discussion and action regarding a proposed addition of Section 20-16.3 of Chapter 20 Zoning of the City of South Padre Island Code of Ordinance regarding the purpose, intent, and procedures of Special Exceptions.** *(Dr. Kim, Staff)*

Mr. McNulty announced the item from the agenda and opened it up for discussion by the Commission. The Commissioners expressed their comments/concerns regarding this matter. After some discussion Ms. Alcantara made a motion to approve with changes. Ms. Bowman seconded the motion. The motion carried unanimously.

**11. Public Hearing regarding a proposed addition of Section 20-4.2 of Chapter 20 Zoning of the City of South Padre Island Code of Ordinance regarding Staff Responsibility.** *(Dr. Kim, Staff)*

Mr. McNulty announced the item from the agenda and asked for a staff report. Dr. Kim gave a brief summary regarding this agenda item. Mr. McNulty then opened the public hearing at 4:37 p.m. and asked if anyone from the public wished to speak in favor of this agenda item. Hearing none, Mr. McNulty then asked if any member from the public wished to speak in opposition to this matter. Hearing none, Mr. McNulty closed the public hearing at 4:39 p.m.

**12. Discussion and action regarding a proposed addition of Section 20-4.2 of Chapter 20 Zoning of the City of South Padre Island Code of Ordinance regarding Staff Responsibility.** *(Dr. Kim, Staff)*

Mr. McNulty announced the item from the agenda and opened it up for discussion by the Commission. The Commissioners expressed their comments/concerns regarding this matter. After some discussion Mr. Judah made a motion to table this agenda item and to define staff on Section 4.2 (A). Mr. Fudge seconded the motion. The motion passed on a 6:1 vote. Ms. Bowman opposed.

**13. Public Hearing regarding a proposed amendment to Section 15-2 of Chapter 15 Signs of the City of South Padre Island Code of Ordinance by revising the definition of 'Sign' and 'Sign Area'.** *(Dr. Kim, Staff)*

Mr. McNulty announced the item from the agenda and asked for a staff report. Dr. Kim gave a brief summary regarding this agenda item. Mr. McNulty then opened the public hearing at 4:53 p.m. and asked if anyone from the public wished to speak in favor of this agenda item. Hearing none, Mr. McNulty then asked if any member from the public wished to speak in opposition to this matter. Hearing none, Mr. McNulty closed the public hearing at 4:55 p.m.

**14. Discussion and action regarding a proposed amendment to Section 15-2 of Chapter 15 Signs of the City of South Padre Island Code of Ordinance by revising the definition of 'Sign' and 'Sign Area'.** *(Dr. Kim, Staff)*

Mr. McNulty announced the item from the agenda and opened it up for discussion by the Commission. The Commissioners expressed their comments/concerns regarding this matter. After some discussion Ms. Alcantara made a motion to table this agenda item for further information. Mr. Fudge seconded the motion. The motion carried unanimously.

**Planning and Zoning Commission Minutes**  
**January 16, 2014**  
**Page 4 of 4**

**15. Reviewing the results of the Visioning Session for the City of South Padre Island.** *(Dr. Kim, Staff)*

Mr. McNulty announced the item from the agenda and ask for a staff report. Dr. Kim gave a brief summary and provided the Commissioners with a draft document of what was discussed and outcome of the Visioning Session. No action was taken.

**16. Adjournment**

Since the Commission had no further business to discuss, Mr. Fudge made a motion to adjourn. The meeting was adjourned at 5:09 p.m.

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Marta Martinez, Secretary

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Patrick McNulty, Chairman



# **Planning & Zoning Commission**

February 20, 2014

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Sea Breeze  
Estate

Tree Plantings  
in Public  
Easement

Staff  
Responsibility


Sign & Sign  
Area

Visions of  
Tomorrow

# Contents

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- The Planning and Zoning Commission approved the Final Plat for a subdivision replat of the Lots 1 through 5 Block 1 Sea Breeze Estate at the September 19<sup>th</sup> meeting.
  - *The Request:* Mr. Larry Mark Polsky is requesting a one-year extension of the approved final plat for the Sea Breeze Estate subdivision due to scheduling conflict with Cameron County for their approval.

## **Sea Breeze Estate Subdivision**

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- City Subdivision Ordinance:


Section 23.12 Record Plat

(D) Processing of record plat

(5) Period of Validity. **Approval of the record plat shall be effective for a period of sixty (60) calendar days following the date of Commission approval**, at the end of which time, recording of the record plat with the County Clerk's Office must have been completed. If any record plat is not filed within this time period, the record plat shall be null and void and the applicant shall be required to resubmit a new plat for approval subject to all zoning and subdivision regulations in effect at the time of resubmission. **At the request of the applicant, and upon cause shown, the Planning and Zoning Commission may extend the approval of the record plat not to exceed one (1) year beyond this expiration date.**

## **Sea Breeze Estate Subdivision**

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- *Cameron County Subdivision Regulations:*

Chapter 1. Section 1. General Conditions

1.4 Overlap of Municipal and County Subdivision Regulations under Texas Local Govt. Code, Chapter 242

For an area in a municipality's extraterritorial jurisdiction as defined by Texas Local Government Code Section 212.001, a subdivision is subject to regulations of both the municipality and Cameron County. **If a municipal regulation conflicts with a county regulation, the more stringent provision prevails.** In Cameron County, a city with a population (by census) of 5,000 generally has an ETJ under section 212.001 that extends for 5 miles from its city limits.

## **Sea Breeze Estate Subdivision**

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## • Cameron County Plat Approval Process



# Sea Breeze Estate Subdivision

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City

County

March 21, 2013 Preliminary Plat Approval

April 1, 2013

April 11, 2013

Preliminary Plat Approval

May 1, 2013

June 1, 2013

July 1, 2013

August 1, 2013

September 1, 2013

September 19, 2013 Final Plat Approval

October 1, 2013

November 1, 2013

November 6, 2013

Notice of Incompleteness

November 19, 2013 Expiration of 60-day window

January 1, 2014

February 1, 2014

February 20, 2014

March 1, 2014

April 1, 2014

April 11, 2014

Expiration of the Preliminary Plat

May 1, 2014

May 19, 2014 Expiration of 6-month extension

June 1, 2014

July 1, 2014

August 1, 2014

September 1, 2014

October 1, 2014

October 11, 2014

Expiration of 6-month extension

November 1, 2014

November 19, 2014 Expiration of one-year extension



**STAFF RECOMMENDATIONS / COMMENTS:**

- **Staff recommends the Planning and Zoning Commission approve a 6-month extension.**

**Sea Breeze Estate Subdivision**

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- This item was initiated by Darla Jones, Interim City Manager, and drafted by the staff.
- This is for public health, safety and welfare.
- Trees growing near high voltage power lines can cause downed lines and power outages in storms. Trees interfering with power lines can cause short circuits and fire. Trees can also provide access to high voltage power lines that can lead to severe injury and death from electrical contact.


## **Trees in Public Easements**

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## **THE PLANNING & ZONING COMMISSION**

- At the January 16<sup>th</sup> regular meeting, the P&Z commission tabled this item. The attached ordinance is the one revised by Commissioner Ramona Kantack Alcantara reflecting the discussion at the meeting.
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## Section 20-21 Required Landscaping

### (B) Maintenance:

(2) City's right to trim and remove. City has the right to prune and remove trees, plants and shrubs within the rights of way of all streets, alleys, avenues, lanes, squares and public grounds as may be necessary for construction, protection and maintenance of public improvements (including utilities) and for public safety.

(3) Dangerous trees and unsafe conditions. City may remove, or cause or order removal of any tree, shrub or other vegetation or part thereof which (i) creates an unsafe condition, (ii) is injurious to or threatens to injure sewers, electric power lines, gas lines, water lines, or other public improvements, or (iii) is infected with any injurious fungus, insect or other pest.

### (F) Trees in Public Easements:

(1) The policy shall be to make that existing trees shall be maintained wherever possible.

(2) When planting is required by City Ordinance or landscaping plan, the owner shall plant only (i) shrubs or (ii) trees listed in the table. Tall trees that are not listed in the table shall be planted only in places that are not under or within fifteen (15) lateral feet of any overhead utility wire, or over or within five (5) lateral feet of any underground public utility line.

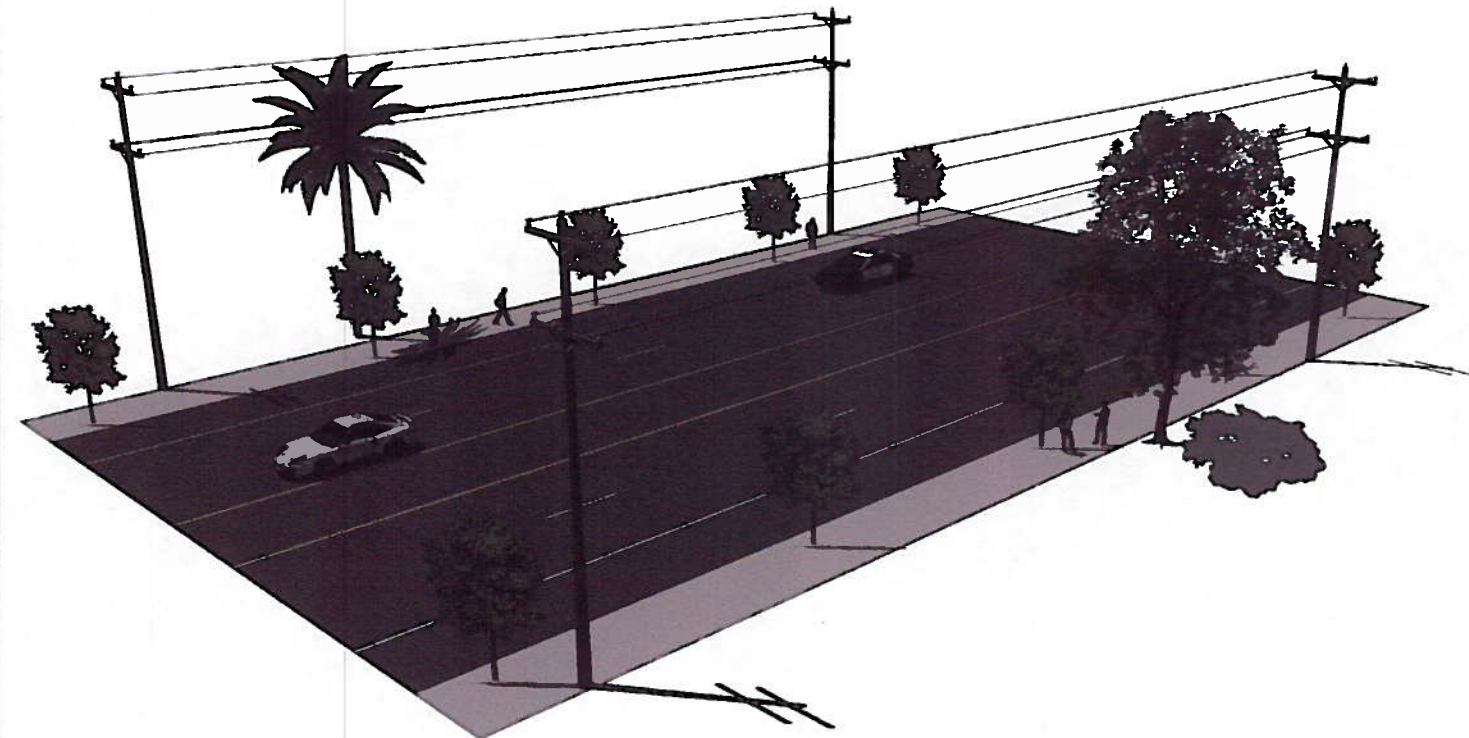
(3) When specific tree species cannot be found from the table, the Director of Development Services has discretion to approve or deny the landscape plan that is leading into a building permit.

# Trees in Public Easements

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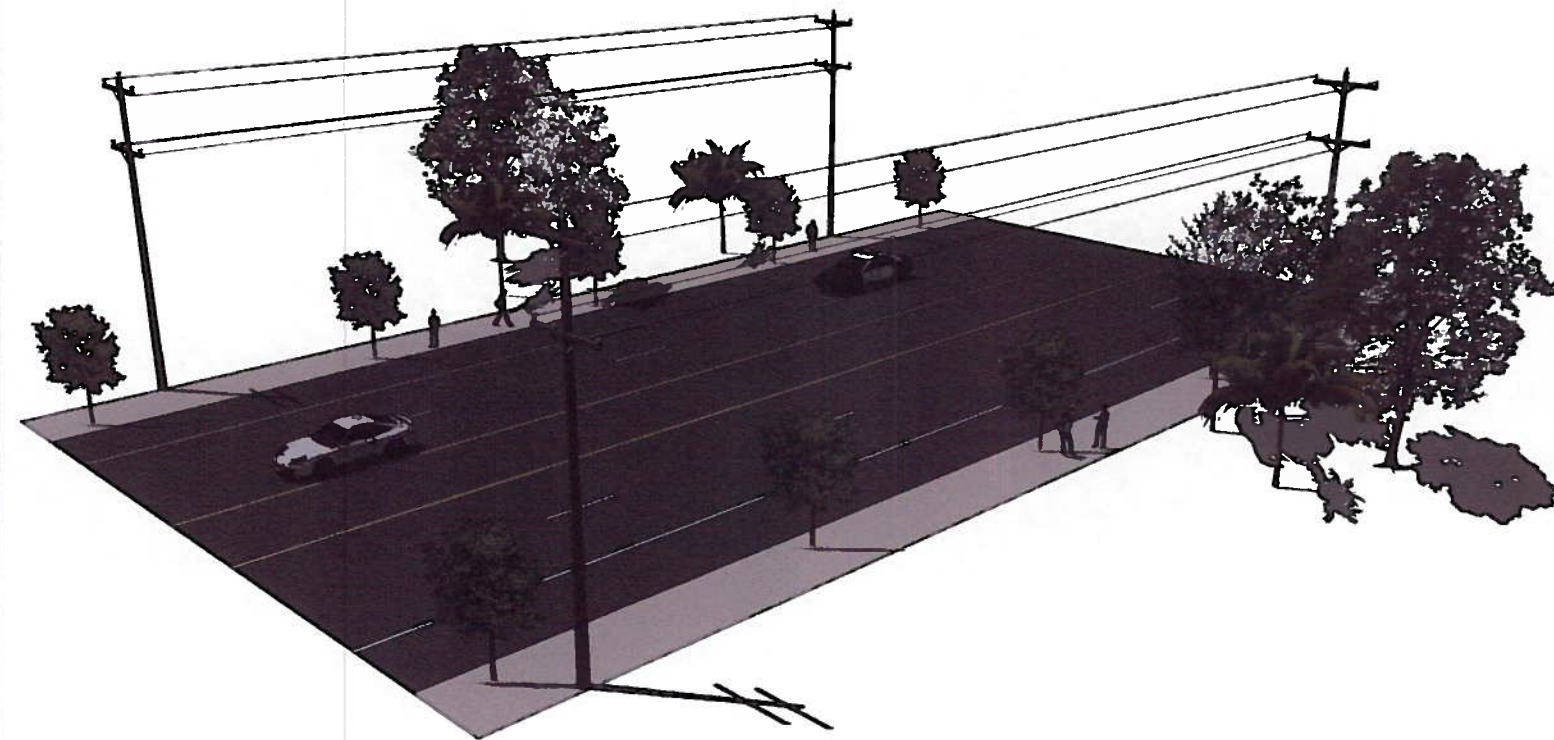
Scientific Name	Common Name	Secondary Name	Leaf Type	Texas Native	Firewise	Height (ft)
<i>Vitex agnus-castus</i>	Lilac Chastetree	Vitex	Deciduous	No	Yes	15
<i>Copalanthus occidentalis</i>	Common Buttonbush		Deciduous	Yes	Yes	18
<i>Acacia farnesiana</i>	Huisache	Sweet Acacia	Semi-evergreen	Yes	Yes	20
<i>Acer palmatum</i>	Japanese Maple		Deciduous	No	Yes	20
<i>Aesculus pavia var. pavia</i>	Red Buckeye		Deciduous	Yes	Yes	20
<i>Cercis canadensis var. mexicana</i>	Mexican Redbud		Deciduous	Yes	Yes	20
<i>Cordia alliodora</i>	Wild Olive	Mexican-Olive	Evergreen	Yes	Yes	20
<i>Crataegus spp.</i>	Hawthorn		Deciduous	Yes	Yes	20
<i>Fragaria virginiana</i>	Carolina Buckthorn	Indian Cherry	Deciduous	Yes	Yes	20
<i>Hamamelis virginiana</i>	American Witchhazel	Witch Hazel	Deciduous	Yes	Yes	20
<i>Helietta parvifolia</i>	Baretta		Evergreen	Yes	Yes	20
<i>Ilex decidua</i>	Deciduous Holly	Postumhaw	Deciduous	Yes	Yes	20
<i>Lagerstromia indica</i>	Crape Myrtle	Crape Myrtle	Deciduous	No	Yes	20
<i>Morella cerifera</i>	Southern Bayberry	Waxmyrtle	Evergreen	Yes	Yes	20
<i>Pyrus calleryana</i>	Callery Pear	Ornamental Pear	Deciduous	No	Yes	20
<i>Rhus copallinum</i>	Shining Sumac	Winged Sumac	Deciduous	Yes	Yes	20
<i>Rhus lanceolata</i>	Prairie Sumac	Flameleaf Sumac	Deciduous	Yes	Yes	20
<i>Sophora affinis</i>	Eve's Necklace	Texas Sophora	Deciduous	Yes	Yes	20
<i>Sophora secundiflora</i>	Mescalbean	Texas Mountain Laurel	Evergreen	Yes	Yes	20
<i>Ungadia speciosa</i>	Mexican Buckeye		Deciduous	Yes	Yes	20
<i>Viburnum rufidulum</i>	Rusty Blackhaw	Rusty Blackhaw Viburnum	Deciduous	Yes	Yes	20
<i>Zanthoxylum fagara</i>	Colima	Lime Pickly Ash	Evergreen	Yes	Yes	20
<i>Chilopsis linearis</i>	Desert Willow		Deciduous	Yes	Yes	25
<i>Chionanthus virginicus</i>	White Fringetree	Gracey Graybeard	Deciduous	Yes	Yes	25
<i>Cordia alliodora</i>	Brazilian Bluewood	Brasil	Evergreen	Yes	Yes	25
<i>Ilex vomitoria</i>	Yaupon Holly	Yaupon	Evergreen	Yes	No	25
<i>Prosopis pubescens</i>	Screwbean Mesquite	Tornillo	Deciduous	Yes	Yes	25
<i>Prunus mexicana</i>	Mexican Plum		Deciduous	Yes	Yes	25
<i>Quercus incana</i>	Bluejack Oak	Sandjack Oak	Deciduous	Yes	Yes	25
PALM SPECIES						
<i>Chamaedorea metallica</i>	Metallic Palm		Evergreen	No	No	5
<i>Chamaedorea cataractarum</i>	Cat Palm	Cataract Palm	Evergreen	No	No	6
<i>Chamaedorea ernesti-augustii</i>	Earnest's August Palm		Evergreen	No	No	6
<i>Chamaedorea stolonifera</i>	Stolon Palm		Evergreen	No	No	6
<i>Sabal minor</i>	Dwarf Palmetto	Bush Palmetto	Evergreen	Yes	No	6
<i>Serenoa repens</i>	Saw Palmetto		Evergreen	Yes	No	7
<i>Chamaedorea microspadix</i>	Hardy Bamboo Palm		Evergreen	No	No	8
<i>Brahea dulcis</i>	Rock Palm	Sombrero Palm	Evergreen	Yes	No	10
<i>Chamaedorea radialis</i>			Evergreen	No	No	10
<i>Astrocaryum mexicanum</i>	Choco Palm		Evergreen	No	No	10
<i>Lytocaryum weddellianum</i>			Evergreen	No	No	10
<i>Chamaedorea plumosa</i>	The Sun Chamaedorea	Baby Queen Palm	Evergreen	No	No	12
<i>Chamaedorea tepejilote</i>	Pacaya Palm	Tepejilote Palm	Evergreen	No	No	15
<i>Pseudophoenix sargentii</i>	Cherry Palm		Evergreen	No	No	15

# Trees in Public Easements



# **Trees in Public Easements**

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# **Trees in Public Easements**

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## **STAFF RECOMMENDATIONS / COMMENTS:**

- Staff recommends the Planning & Zoning Commission forward this item to the City Council with a positive recommendation for adoption of the proposed amendment to Section 20-21 of Chapter 20 Zoning.

# **Trees in Public Easements**

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## **ISSUE**

- The City's Zoning Ordinance does not articulate staff's basic function to serve citizen committees.

## **THE PLANNING & ZONING COMMISSION**

- At the January 16<sup>th</sup> regular meeting, the P&Z commission tabled this item. Staff simplified the proposed language by removing staff qualification and other daily responsibilities.

# **Staff Responsibility**

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## **Sect. 20-4.2 Staff Responsibility.**

(A) Assistance to Citizen Committees. The Citizen Committees include the Planning and Zoning Commission, Board of Adjustment, Development Standards Review Task Force, and any other development-related committees created by the City Council. The staff shall provide technical assistance to and be responsible for scheduling meetings, providing agendas and public notice of meetings, reviewing and providing recommendations, and maintaining public records of the Citizen Committees' findings and decisions.

(B) Collection of Information. To provide assistance necessary to carry out the functions of the citizen committees, the staff may request and obtain information from all parties, including applicant(s), service providers, and other related agencies.

# **Staff Responsibility**

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## **STAFF RECOMMENDATIONS / COMMENTS:**


- Staff recommends the Planning & Zoning Commission forward this item to the City Council with a positive recommendation for adoption of the proposed Section 20-4.2 Staff Responsibility.

# **Staff Responsibility**

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- The current sign ordinance does not cover signs that are prepared for **structures on water**, and does not provide any bases for the sign area calculation in such case.
  - An owner of a pier structure formally applied for the City's sign permit and the staff could not help the owner to improve the existing signs on the structure due to the lack of provisions in the sign ordinance.

## **Definition of 'Sign' and 'Sign Area'**

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(65) Sign: Any thing of visual appearance primarily used for, or having the effect of, attracting attention from the streets, sidewalks, ~~or other curbside~~ **or any other public areas including waterways** for identification purposes, whether illuminated or non-illuminated. An identification logo, description, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land, and which directs attention to a product, place, activity, person, service, institution or business, whether illuminated or non-illuminated. For the purposes of removal, the definition of “sign” shall include all of the sign structure. For the purposes of this Ordinance, this definition shall also include paintings directly upon a building, other structure or vehicle and any manufacture incorporated or added to a building or property that is not a normal structural or architectural component of a building shall be considered a “sign” (i.e. to attract attention from public right-of-way) and must comply with all the commercial sign regulations of this Chapter pertaining to either a monument sign or a projecting sign. (*Ord. 02-14; Nov. 20, 2002*) The basic intent behind this definition is not to discourage product displays, design, or art from epitomizing simplicity, good taste, and compatibility with the community’s desired image.

## **Definition of ‘Sign’ and ‘Sign Area’**

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(66) Sign Area: The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces. For buildings that are not on public rights-of-way and/or not near to property boundaries (e.g. building structures on a pier), sign areas shall be calculated on the basis of the most visible building frontage.

## **Definition of 'Sign' and 'Sign Area'**

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## Chapter 15 Signs

- Section 15-2 Definitions
  - (28) Height of Sign: The vertical distance measured from the surrounding grade to the highest point on the sign or sign structure.

# **Additional Information**

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# Additional Information

**TABLE 15-1  
Sign Number, Area and Height Regulations\*\*\***

<b>SIGN TYPE</b>	<b>MAX. No. SIGNS PER LOT</b>	<b>MAX. AREA OF SIGN</b>	<b>MAX. HEIGHT</b>	<b>SETBACK</b>
<b>Residential Signs</b>				
1) Residential Nameplate signs	1 per dwelling unit	2 sq. ft per residence OR 0.5 sq. ft per multi-family unit	6 ft from average grade	15 ft from ROW & Property Line (PL)
2) Permanent multi-family or subdivision identification signs	1 per project or subdivision	24 sq. ft	16 ft from average grade	15 ft from ROW & PL
<b>Commercial Signs for Multi-Tenant Centers &amp; Office Complexes</b>				
1) Monument Signs (Doubled Faced)	1 sign per center	72 sq. ft per face	16 ft from average grade	15 ft from ROW & PL
2) Awning, Wall & Roof Signs	As determined by tenant**	64 sq. ft. total		15 ft from ROW & PL
3) Joint directory commercial signs	1 per tenant	2 sq. ft per tenant	16 ft from average grade	15 ft from ROW & PL
4) Nameplate Sign	1 per tenant	2 sq. feet		15 ft from ROW & PL
5) Window Sign <i>Ord 04-03; 3/17/04 Prohibited after Feb 1, 2012; Ord 10-02</i>	4 - As per Table 15-3A & 15-3B	32 sq. ft. per sign		No closer than 6 inches from glass of window or door
6) Business Information Sign	1 Per Business	9 sq. ft. & no portion of the sign more than 5 ft. from the entrance,		
<b>Commercial Signs for Single Business Use</b>				
1) Monument (Double Faced)	1 sign per lot*	50 sq. feet per face	16 ft from average grade	15 ft from ROW & PL
2) Projecting Sign	1 sign per lot in lieu of monument sign	36 sq. ft. per face	16 ft from average grade	15 ft from ROW & PL
3) Awning, Wall, Roof Signs	As determined by business**	64 sq. ft total		15 ft from ROW & PL

## **STAFF RECOMMENDATIONS / COMMENTS:**

- Staff recommends the Planning & Zoning Commission forward this item to the City Council with a positive recommendation for the proposed amendments to Sec. 15-2 (65) and (66).

**Definition of 'Sign' and 'Sign Area'**

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**PLANNING & ZONING COMMISSION  
AGENDA REQUEST FORM**

**MEETING DATE:** February 20, 2014

**Item: 5**

**TO:** Planning & Zoning Commission

**FROM:** Sungman Kim, Development Director

**ITEM DESCRIPTION:**

Discussion and action regarding a one-year extension of the approved "Sea Breeze Estate" subdivision.

**DISCUSSION:**

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The Planning and Zoning Commission approved the Final Plat for a subdivision replat of the Lots 1 through 5 Block 1 Sea Breeze Estate at the September 19<sup>th</sup> meeting.

*The Request:* Mr. Larry Mark Polsky is requesting a one-year extension of the approved final plat for the Sea Breeze Estate subdivision due to scheduling conflict with Cameron County for their approval. The given 60-day filing period was not enough in this case since the site is located within Extraterritorial Jurisdiction and requires dual approval from both the City and the County.

*City Subdivision Ordinance:*

Section 23.12 Record Plat

(D) Processing of record plat

(5) Period of Validity. Approval of the record plat shall be effective for a period of sixty (60) calendar days following the date of Commission approval, at the end of which time, recording of the record plat with the County Clerk's Office must have been completed. If any record plat is not filed within this time period, the record plat shall be null and void and the applicant shall be required to resubmit a new plat for approval subject to all zoning and subdivision regulations in effect at the time of resubmission.

**At the request of the applicant, and upon cause shown, the Planning and Zoning Commission may extend the approval of the record plat not to exceed one (1) year beyond this expiration date.**

*Cameron County Subdivision Regulations:*

Chapter 1. Section 1. General Conditions

1.4 Overlap of Municipal and County Subdivision Regulations under Texas Local Govt. Code, Chapter 242

For an area in a municipality's extraterritorial jurisdiction as defined by Texas Local Government Code Section 212.001, a subdivision is subject to regulations of both the municipality and Cameron County. **If a municipal regulation conflicts with a county regulation, the more stringent provision prevails.** In Cameron County, a city with a population (by census) of 5,000 generally has an ETJ under section 212.001 that extends for 5 miles from its city limits.

**PLANNING & ZONING COMMISSION  
AGENDA REQUEST FORM**

1.7 Conflict with Other Regulations

Whenever the standards and specifications in these Regulations conflict with those contained in other regulations or City Ordinances adopted by a City and applicable to a Subdivision to which these Regulations also apply, the most stringent or restrictive provisions shall apply. In addition, **it is the intention of the County in adopting these Regulations, to regulate development in unincorporated areas of the County consistent with the provisions of Chapter 232, Tex. Loc. Govt. Code and the Model Subdivision Rules, as either may be amended from time to time and being adopted by Commissioners Court.** In the event of a conflict between the provisions of these Regulations and either the Model Subdivision Rules or Chapter 232, the more stringent or restrictive provisions shall apply, the terms and conditions of the Model Subdivision Rules, as amended from time to time, being hereby adopted and incorporated herein for such purpose.

Chapter 1. Section 3. Plat Submittal and Review Procedures

3.1 General Procedures

- A. Preliminary conference (optional but highly recommended)
- B. Submission of pre-application variance request (optional and only if information on the preliminary plat is not required for determination of variance).
- C. **Submission, review of preliminary plat (with concurrent consideration of variance request or requests). → The subdivider must allow no less than 4 weeks from the County Engineer's office to review and comment.**
- D. Modification of preliminary plat and fulfillment of any conditions of preliminary plat approval.
- E. **Preliminary plat approval by Commissioner Court. → Within 60 days after the date a completed plat application is received by the Engineering Department. It is good for 12 months; an extension of 6 months.**
- F. **Submission, review of final plat (with concurrent consideration of variance request or requests). → The final plat and its accompanying data shall be reviewed by the County Engineering Department within the 30 day period following submission of the complete application.** If all required information is contained within the submission and the final plat is complete in every respect, the plat shall be presented to the Commissioners Court for its approval. If the application is incomplete, the County Engineering Department shall make note of such requirements in letters to the developer and the engineer or surveyor of record within 10 business days of the date of the application.
- G. Posting of bonds or other financial guarantees or construction of proposed improvements.
- H. **Final plat approval by Commissioner Court.**
- I. **Release of final plat for recording. (County Engineering Dept.)**
- J. **Recording of final plat in the map records of Cameron County.**

**STATUS OF THE APPLICATION IN CAMERON COUNTY**

Preliminary Plat Approval: April 11, 2013

Final Plat: Unsolved issues and questions as of November 6, 2013 (*Please see attached letter issued by the County.*)



<b>PLANNING &amp; ZONING COMMISSION</b> <b>AGENDA REQUEST FORM</b>
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**SCHEDULE WITH THE CITY**

Final Plat Approval: September 19, 2013  
 60-Day Window (expiration date): November 19, 2013  
 6-Month Extension: May 19, 2014  
 One-Year Extension: November 19, 2014

**THE PLANNING & ZONING COMMISSION**

At the January 16<sup>th</sup> regular meeting, the P&Z commission tabled this item.

**STAFF RECOMMENDATIONS / COMMENTS:**

The applicant is in a special situation due to the dual-approval requirements. **Staff recommends the Planning and Zoning Commission approve grant of a six-month extension.**

**COMMISSION ACTION:**

MOTION: \_\_\_\_\_

BY: \_\_\_\_\_

SECOND BY: \_\_\_\_\_

McNulty	Huffman	Bowman	Fudge	Judah	Alcantara	Olle
Yes	Yes	Yes	Yes	Yes	Yes	Yes
No	No	No	No	No	No	No
Abstain	Abstain	Abstain	Abstain	Abstain	Abstain	Abstain



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Int'l Bridges • Property Management • Public Works • Right of Way • Solid Waste • Subdivisions

Pete Sepulveda, Jr.  
Director

David A. Garcia  
Assistant Director

November 6, 2013

Holdar Engineering Company  
Attn: Mr. James L. Holdar, P.E.  
4055 Retama Drive  
Brownsville, Texas 78520

RE: Sea Breeze Estates

Dear Mr. Holdar:

Our office has reviewed the final plat of the above referenced subdivision. Review indicates that the items listed below need to be addressed before submitting for Commissioners Court for plat approval.

**Final Plat**

1. Verify flood zone.
2. Provide restrictive covenant (Residential or Non-residential).
3. Subdivision Construction Agreement along with a financial guarantee to cover the proposed streets drainage improvements (see financial guarantee requirements).
4. Submit Division B requirements
  - Document containing a description in English and Spanish of the proposed water and sewer facilities and roadways and easements dedicated for the provisions of above facilities and date by which the facilities will be fully operable.
  - Documents prepared by an Engineer certifying that water and sewer facilities are in compliance with the Model Rules adopted under Section 16.343 of the Water Code.
  - Identify the topography of the area.
  - Certification that the subdivider has complied with the requirements of Section 232.032 of the local government code.
  - Purchase contract certificate meeting Cameron County standards.
5. Submit Model Subdivision rule requirements.
  - "No more than one single family detached dwelling shall be located on each lot."
  - Proposal of multi-family residential lot must include adequate, detailed planning material for determination of proper water and wastewater utility type and design.
  - 30 year water service agreement.

- 30 year wastewater agreement.
  - Detailed certified cost of the proposed water and wastewater facilities.
  - Subdivision Construction agreement along with a financial guarantee to cover the proposed water and wastewater improvements.
  - Financial Guarantee Requirements.
    - i. List as sole beneficiary the County Judge.
    - ii. Amount of Financial Guarantee shall be the amount of the engineering estimate. As an alternative to an engineer's estimate, a certified bid from the contractor selected by the subdivider to construct the improvements plus 10% of the bid may be used as an estimate of the bond.
  - Ensure Dune permit has been approved.
  - Approval of plans by all entities having jurisdiction over the proposed project, plans and specifications. *County Only*
6. Provide any lacking signatures.
  7. Submit mylar, CAD file, school and County tax certificates and recording fees.

#### Construction Plans

1. Bid proposal and specifications.
2. Label distance of proposed water and sewer lines from a reference line.
3. Subgrade shall extend 2' past back of curb.
4. All concrete shall have fibermesh at 1.5 lb/cy.
5. Show location of the stop signs and street names.
6. Show lot grading.
7. Provide information as required by Site Development Permit.
8. Provide TXDOT driveway permit.

Additional comments may be necessary after site visit. If you have any questions please feel free to call me at (956) 247- 3535.

Sincerely,



C. Alejandro Sanchez, P.E.  
Assistant Staff Engineer

## **Marta Martinez**

---

**From:** Sungman Kim  
**Sent:** Monday, January 20, 2014 11:31 AM  
**To:** Marta Martinez  
**Subject:** FW: Subdivision regulation in ETJ - Opinion related to Seabreeze development

For file.

**Sungman Kim**  
PhD, MBA, MLA, AICP, ASLA/RLA, GISP

Director of Development Services

City of South Padre Island

4601 Padre Blvd

South Padre Island, TX 78597

Office: (956) 761-8113

Fax: (956) 761-3898

---

**From:** "Paul Y Cunningham Jr." <[lawofficepyc@sbcglobal.net](mailto:lawofficepyc@sbcglobal.net)>  
**Reply-To:** Paul Cunningham <[lawofficepyc@sbcglobal.net](mailto:lawofficepyc@sbcglobal.net)>  
**Date:** Friday, January 17, 2014 12:14 PM  
**To:** Ramona Alcantara <[Ramona@KantackLawOffice.com](mailto:Ramona@KantackLawOffice.com)>  
**Cc:** Darla Jones <[DJones@MySPI.org](mailto:DJones@MySPI.org)>, Sungman Kim <[SKim@myspi.org](mailto:SKim@myspi.org)>, 'Patrick McNulty' <[pjmcnulty@me.com](mailto:pjmcnulty@me.com)>  
**Subject:** Re: Subdivision regulation in ETJ - Opinion related to Seabreeze development

I am aware of Mr. Polsky's style. I am defending the City in two lawsuits that he has against the City. I have no history or background on the P & Z approval of his subdivision, other than it was approved and that is why I expressed the opinions below. The City has found that his proposed subdivision does meet our subdivision requirements.

Paul Y. Cunningham, Jr.  
Paul Y. Cunningham, Jr., P.C.  
P.O. Box 2729  
South Padre Island, Texas 78597  
Telephone:(956)761-6476  
Facsimile:(956)761-7812

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intended for the exclusive use of the intended addressee. If you are not the intended addressee, any use, disclosure, dissemination, distribution, copying or taking any action because of the information is strictly prohibited.

**From:** Ramona Kantack <[Ramona@KantackLawOffice.com](mailto:Ramona@KantackLawOffice.com)>  
**To:** 'Paul Y Cunningham Jr.' <[lawofficepyc@sbcglobal.net](mailto:lawofficepyc@sbcglobal.net)>  
**Cc:** [djones@myspi.org](mailto:djones@myspi.org); 'Sungman Kim' <[SKim@MySPI.org](mailto:SKim@MySPI.org)>; 'Patrick McNulty' <[pjmcnulty@me.com](mailto:pjmcnulty@me.com)>  
**Sent:** Friday, January 17, 2014 11:55 AM  
**Subject:** RE: Subdivision regulation in ETJ - Opinion related to Seabreeze development

Mr. Cunningham –

1. I appreciate your desire to avoid litigation. But Mr. Polsky unequivocally stated yesterday that you unequivocally said that the Chapter 242 requirements for an interlocal agreement and arbitration do apply to Cameron County and the City of South Padre Island. I could not believe that is what you said, as the statute clearly states that it does not apply to counties/cities within 50 miles of the border. I appreciate your clarifying that you did not make the statement that those laws actually apply to Cameron County and the City of South Padre Island.

2. I don't appreciate Mr. Polsky – who as a Texas licensed attorney sworn to uphold the Texas law as an officer of the court --

- a. misrepresenting to P&Z committee members what the law is, especially when the statute is so explicit and so clear that it does not apply to the City of SPI and Cameron County, and then
- b. using his legal “expertise” to bully the City into giving him what he wants under the threat of litigation.

Mr. Polsky engages in this kind of behavior because it works. People not only let him get away with this kind of behavior, they then give him what he wants, whether for himself and his clients. Capitulating to these kinds of demands only encourages this unethical and abusive behavior.

3. I predict that if granted an extension, Polsky will use SPI's approval of the final plat (which, incidentally, was on a split vote) to claim vested rights in this subdivision, then bully the County into approving it, and then continue to bully the City with litigation threats to get an ill-designed subdivision actually built out under his “vested rights.”

4. This subdivision is bad news for the City, which will eventually annex the land. It's too close to the water and infringes on the public beaches. That's obvious from the dated survey Holdar certified, and the determinations made in the Travis County Court. P&Z made a mistake when they approved this subdivision – which occurred before the Travis County District Court and jury actually convicted Mr. Polsky of numerous violations of the law regarding this subdivision. Perpetuating that mistake by granting an “extension” on an already expired plat only makes things worse.

\* which Herb Houston, in his P&Z presentation on 10/17/13, apparently convinced some members of the P&Z panel who approved this final plat was not going to happen

I can only pray that enough people will have the courage to stand up to this abusive and unethical behavior. Otherwise, it will continue to plague the City.

[ramona@kantacklawoffice.com](mailto:ramona@kantacklawoffice.com)

[www.kantacklawoffice.com](http://www.kantacklawoffice.com)

**From:** Paul Y Cunningham Jr. [<mailto:lawofficepyc@sbcglobal.net>]  
**Sent:** Friday, January 17, 2014 10:15 AM

**To:** Ramona Kantack  
**Cc:** [djones@myspi.org](mailto:djones@myspi.org); 'Sungman Kim'; 'Patrick McNulty'  
**Subject:** Re: Subdivision regulation in ETJ - Opinion related to Seabreeze development

You notice I said it Chapter 242 of the Local Government Code appears to require an agreement with the County regarding approval of subdivisions in the City ETJ. I had this argument with Mr. Polsky. He still threatened suit and I pointed out to him his argument is with the County not the City, the City has already approved his plat and I pointed out to him he could request an extension to record per Sec. 23.12(D)(5).

I am always prone to avoid getting the City in litigation (even if I believe we can win) if it can be avoided. My opinion is that the City is not required to have such an agreement with the County and I am not aware of any of the Cities in Cameron that have executed such an agreement.

For what ever reason the County has been slow at approving the plat even though our requirements are more stringent then the County requirements and the City has approved the Plat. I told him he should apply for an extension, I know of no reason why it should not be granted and then he would have no basis to sue the City even though he does not have valid grounds to sue the City if we don't grant the extension unless there is no valid reason not to grant the extension. I just hate having the City waste time and money on litigation even though it wins and if it could have been avoided with little effort and is not contrary to our ordinances, rules or public policy.

The City has never pursued any type of agreement with the County regarding platting in the City's ETJ and does not intend to. I am not aware of an applicant that obtained approval of City P&Z and then could not get the County approval within the 60 days to be able to file of record as required by our ordinance. Seems like a catch 22 for the property owner which is what usually produces lawsuits.

Paul Y. Cunningham, Jr.  
Paul Y. Cunningham, Jr., P.C.  
P.O. Box 2729  
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**From:** Ramona Kantack <[Ramona@KantackLawOffice.com](mailto:Ramona@KantackLawOffice.com)>  
**To:** 'Paul Cunningham' <[lawofficepyc@sbcglobal.net](mailto:lawofficepyc@sbcglobal.net)>  
**Cc:** [djones@myspi.org](mailto:djones@myspi.org); 'Sungman Kim' <[SKim@MySPI.org](mailto:SKim@MySPI.org)>; 'Patrick McNulty' <[pimcnulty@me.com](mailto:pimcnulty@me.com)>  
**Sent:** Friday, January 17, 2014 9:10 AM  
**Subject:** RE: Subdivision regulation in ETJ - Opinion related to Seabreeze development

Mr. Cunningham: The opinion you rendered below was discussed at yesterday's P&Z meeting, in which Mr. Larry Polsky again threatened suit against the City if P&Z did not approve his request for an after-the-60-day deadline "extension" on filing his Seabreeze plat.

Local Government Code Section 242.001(a) specifically states that "Subsections (b)-(g)\* do not apply: . . . (2) within a county within 50 miles of an international border, . . ." (my emphasis and asterisk added to quote)

\* which are the only sections of the Code I can find that provide for a mandatory, as opposed to a permissive agreement that would apply to Cameron County & the City of SPI

In addition, the provisions for arbitration in Chapter 242.0015 “applies only to a county and a municipality that are required to make an agreement as described under Section 242.001(f),” which again – does not apply to a county within 50 miles of an international border.

Am I mistaken? Aren't Cameron County and the City of South Padre Island located within 50 miles of the international border, thus making 242.001(b) through (g) and 242.0015 inapplicable?

**NOTE NEW ADDRESS:**

Ramona Kantack Alcantara  
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by the Texas Board of Legal Specialization  
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[www.kantacklawoffice.com](http://www.kantacklawoffice.com)

-----Original Message-----

From: Sungman Kim [<mailto:SKim@MySPI.org>]  
Sent: Thursday, January 16, 2014 5:28 PM  
To: Ramona Kantack Alcantara  
Subject: FW: Subdivision regulation in ETJ

FYI.

Sungman Kim  
PhD, MBA, MLA, AICP, ASLA/RLA, GISP  
Director of Development Services  
City of South Padre Island  
4601 Padre Blvd  
South Padre Island, TX 78597  
Office: (956) 761-8113  
Fax: (956) 761-3898

From: "Paul Y Cunningham Jr." <[lawofficepyc@sbcglobal.net](mailto:lawofficepyc@sbcglobal.net)<<mailto:lawofficepyc@sbcglobal.net>>>  
Reply-To: Paul Cunningham <[lawofficepyc@sbcglobal.net](mailto:lawofficepyc@sbcglobal.net)<<mailto:lawofficepyc@sbcglobal.net>>>  
Date: Monday, September 30, 2013 11:18 AM  
To: Sungman Kim <[SKim@myspi.org](mailto:SKim@myspi.org)<<mailto:SKim@myspi.org>>>  
Cc: Darla Jones <[DJones@MySPI.org](mailto:DJones@MySPI.org)<<mailto:DJones@MySPI.org>>>  
Subject: Subdivision regulation in ETJ

Chapter 242 of the Local Government Code appears to require an agreement with the County regarding approval of subdivisions in the City ETJ. I am not aware of any agreement with Cameron County. I assume prior City planners would have done this but I do not think they did. §242.0015 appears to mandate arbitration

if we can not reach an agreement. I do not know if any plats we have approved in our ETJ were also approved by the County.

Paul Y. Cunningham, Jr.  
Paul Y. Cunningham, Jr., P.C.  
P.O. Box 2729  
South Padre Island, Texas 78597  
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## Marta Martinez

---

**From:** Sungman Kim  
**Sent:** Wednesday, January 22, 2014 10:19 AM  
**To:** Christine Reyes  
**Cc:** Carlos A. Sanchez; Marta Martinez  
**Subject:** Re: Sea Breeze Estate  
**Attachments:** image001.png

Ms. Reyes,

I appreciate your help on this.  
In your email, you mentioned that there are several items lacking.  
Could you let me know what would those items?

This is the first time the City is going through ETJ review and we are trying to understand the process, consequent time-lacks, and general considerations to go through so that we can avoid the same issue again in the future.

Thank you again.  
Sungman

**Sungman Kim**  
PhD, MBA, MLA, AICP, ASLA/RLA, GISP

Director of Development Services

City of South Padre Island

4601 Padre Blvd

South Padre Island, TX 78597

Office: (956) 761-8113

Fax: (956) 761-3898

---

**From:** Christine Reyes <[christine.reyes@co.cameron.tx.us](mailto:christine.reyes@co.cameron.tx.us)>  
**Date:** Wednesday, January 22, 2014 10:12 AM  
**To:** Sungman Kim <[SKim@myspi.org](mailto:SKim@myspi.org)>  
**Cc:** "Carlos A. Sanchez" <[casanchez@co.cameron.tx.us](mailto:casanchez@co.cameron.tx.us)>  
**Subject:** FW: Sea Breeze Estate

Mr. Kim,  
Please see below.

1. The Status of Preliminary Plat and Final Plat (with date applied, scheduled, and approved) – scheduled and Preliminary plat approved on 04/11/2013
2. Any unsolved issues and questions – As of 11/6/2013 the plat is in the Final stage review, it is still lacking several items to be submitted. Once all items are submitted it will be scheduled for Commissioners' Court

*Christine A. Reyes*  
*Administrative Assistant to Alejandro Sanchez, P.E.*  
*Cameron County Dept. of Transportation – Engineering*  
*(956) 247-3526*



---

**From:** Sungman Kim [<mailto:SKim@MySPI.org>]  
**Sent:** Monday, January 20, 2014 9:44 AM  
**To:** Carlos A. Sanchez  
**Cc:** Marta Martinez  
**Subject:** Sea Breeze Estate

**To:** Alejandro Sanchez  
Engineering Division  
1390 West Expressway 83  
San Benito, Tx 78586  
(956) 247-3516 phone  
(956)361-8278 fax

Mr. Sanchez:

My name is Sungman Kim and I am Director of Development Services with the City of South Padre Island. Our Planning & Zoning Commission approved the Final Plat for t subdivision replay of the Lots 1 through 5 Block 1 Sea Breeze Estate on September 19, 2013 with 60 days of recording period, and the Commission is currently reviewing its potential extension of (a maximum; not to exceed) a year.

At the last meeting on January 16, 2014, the Commission requested me to find the information on the Status of Sea Breeze Estate Plat Application with the Cameron County Engineering Department. It is intent of the Commission to issue only a necessary period rather than a full year, and also hope to know if there are any issues related to this plat application with the County.

I would be appreciate your help on finding:

1. The Status of Preliminary Plat and Final Plat (with date applied, scheduled, and approved);
2. Any unsolved issues and questions; and
3. Probable future actions.

Thank you.  
Sincerely,

Sungman



**LARRY MARK POLSKY, ESQ.**  
**TRIAL LAWYER**

5508 Padre Blvd., Suite A • South Padre Island, TX 78597  
Office: (956) 761-1LAW • Fax: (956) 761-1599

**LICENSED:**  
**Texas**  
**Florida**  
**Hawaii**  
**District of Columbia**

January 20, 2014

Attorney Paul Cunningham  
2111 Padre Boulevard  
South Padre Island, TX 78597

Re: Larry Mark Polsky / 5 Lot Subdivision

Dear Paul:

This will reflect the fact that after our Friday, January 17, 2014 telephone conversation, I **agreed** with your and Ms. Alcantara's legal interpretation of Texas Local Government Code 242.001(a) that Cameron County and the City of South Padre Island do not have to follow sections (b) through (g) of 242.001. However, I took the time to research the latest amendment to Texas Local Government Code 242.001 which, as you can see from what I have underlined, occurred in the 83<sup>rd</sup> legislature house bill 1970 effective June 14, 2013. I include the statute and the history. You will see from the history it states:

**"However, cities and counties along the international border of Texas are exempt from Chapter 242. As a result, the City and the County of El Paso have differing and sometimes conflicting subdivision standards related to development in the ETJ. Local developers seeking permits and entitlements to build in the ETJ have to vet subdivision plats through both the city and the county, which hinders the development process and places an additional burden on the planning and development staff of the city and county.**

**H.B. 1970 authorizes a county with a population of 800,000 or more located within 50 miles of an international border to enter into a mutual agreement with the city to identify which governmental entity is authorized to regulate subdivision plats and permits in the ETJ in a manner similar to the existing process in Chapter 242."**

At the next hearing, I am going to bring a court reporter and make a record that I must **vet** my subdivision plat through both the city and the county which hinders the development process and places an additional burden on myself as the developer. Also, under 242.001 subsection (h), which **would** apply to my property, it states:

**"If a municipal regulation and a county regulation relating to plats and subdivision of land conflict, the more stringent regulation prevails....."**

The uncontradicted sworn testimony at said hearing would be that the county has the more

stringent regulations regarding platting and 60 days is not nearly enough time to receive this approval of my 5 lot plat.

I have also enclosed a copy of Chapter 23.12 of the City of South Padre Island's subdivision regulations which only allow 60 days following commission approval for my permit to "exist." This is an **arbitrary and capricious** time period, one which I have no control over due to Cameron County's making me meet their more "stringent" platting requirements and one that I will challenge in court should I not receive my one year extension.

I am sending copies of this letter to Chairman McNulty and all the members of the planning and zoning commission. I am hopeful that I will receive my one year extension at the next scheduled hearing concerning my request for said one year extension. **I do not want to sue the City!**

Finally, because of the unprofessional personal attacks that I have been subjected to both times I have appeared before the planning and zoning commission by Attorney Alcantara, I am now making the planning and zoning commission and the City aware of the fact that if Ms. Alcantara feels that what I am doing is illegal, then she should move to rescind my 5 lot approved plat. If not, she must be instructed that I legally obtained my 5 lot plat and it is not proper to chastise me each time I appear before her regarding my "development" or to question me concerning my "attorney oath" when I am interpreting a state statute. If I am forced to seek a declaratory judgment, vis-a-vis my one year extension in that petition for declaratory judgment, I will now seek attorney fees and costs.

I remain as always,

Respectfully yours,



Larry Mark Polsky, Esquire  
Law Office of Larry Mark Polsky

LMP/tlr  
Enclosures

cc:  
Patrick McNulty, Chairman  
6500 Padre Boulevard  
South Padre Island, TX 78597

Marc Millis  
215 W. Mezquite  
South Padre Island, TX 78597

**Deanna Bowman  
114 E. Tarpon  
South Padre Island, TX 78597**

**John Giesecking, Vice Chairman  
P.O. Box 3816  
South Padre Island, TX 78597**

**Russell Judah  
P.O. Box 3924  
South Padre Island, TX 78597**

**Ramona Kantack Alcantara  
1746 N. Shore Drive  
Port Isabel, TX 78578**

**Gary Olle  
20 Ocelot Trail  
Laguna Vista, TX 78578**



**LARRY MARK POLSKY, ESQ.**  
**TRIAL LAWYER**

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**LICENSED:**  
**Texas**  
**Florida**  
**Hawaii**  
**District of Columbia**

December 2, 2013

**Via Hand Delivery**

Mr. Sungman Kim, Development Director  
City of South Padre Island  
4601 Padre Boulevard  
South Padre Island, Texas 78597

Re: Larry Mark Polsky / Lots 1 - 5 Block 1 Sea Breeze Estates

Dear Mr. Kim:

As you know, on September 19, 2013, the City of South Padre Island approved my 5 lot subdivision known as "Seabreeze Estates" subject to the approval of the Cameron County engineer. As you also know, my plot approval from the City of South Padre Island expired in 60 days from September 19, 2013, to wit, it expired on November 19, 2013. I am respectfully requesting a one year extension as I am having difficulties with the County approving said signing off on my 5 lot plat.

**Please extend me the courtesy of giving me this one year extension. If I am not given the one year extension, I will be forced to have to sue the City pursuant to Texas Local Government Code 242.001 and the basis of my lawsuit is that at this point in time, there should have been a written agreement between the City and the County regarding who has sole jurisdiction over re-platting in the extraterritorial jurisdiction in the City. Since there is no such written agreement, mandatory arbitration has to take place in order that one or the other, to wit, the County of the City have sole discretion authority over re-platting properties such as mine.**

Therefore, I am very hopeful you will give me the one year extension so that I do not have to sue the City.

I look forward to hearing from you **in writing** within the next 5 working days.

I remain,

Respectfully yours,

Larry Mark Polsky, Esquire  
Law Office of Larry Mark Polsky

LMP/tlr  
Enc.

cc:

**via facsimile (956) 761-7812**

Paul Y. Cunningham, Jr., Esq.

P. O. Box 2729

South Padre Island, TX 78597



Larry Polsky  
5508 Padre Boulevard  
South Padre Island, TX 78597

September 20, 2013

Re: Lots 1 – 5 Block 1 Sea Breeze Estates.

Dear Mr. Polsky,

The Planning and Zoning Commission reviewed the Preliminary and Final Plat for a subdivision replat at their regular meeting on September 19, 2013. Your request to replat Lots 1 – 5 Block 1 Sea Breeze Estates was approved by the Commission.

Section 23.12 (D) (5) of the City's Code of Ordinances states that Record Plat approval is effective for a period of sixty (60) calendar days, a time within which the Record Plat must be recorded at the County Clerk's Office. If the Record Plat has not been recorded within sixty (60) days of the approval date, the plat becomes null and void.

The Cameron County Engineer must sign off on the plat prior to recordation at the Cameron County Courthouse. The County Engineer is located at 3310 S. Hwy 77 in San Benito, Texas 78586 (they can be reached at (956) 247-3518; 3519), and the Cameron County Courthouse is located at 964 E. Harrison, also in Brownsville (544-0815).

Once recorded, you will need to return a mylar copy and a paper copy of the recorded subdivision plat, which bears the Cameron County Clerk's signature, seal and notion as to the plat book and page, as well as a digital AutoCAD.dwg file of the plat to the Public Works Department before any additional building permits will be issued for this lot.

Should you have any further questions, please contact our office Monday through Friday from 8:00 a.m. to 5:00 p.m.

Sincerely,

CITY OF SOUTH PADRE ISLAND

Sungman Kim  
Development Director

*I, the undersigned, City Secretary of City of South Padre Island, do hereby certify that this document is a true and correct copy.*

C: Jim Holdar, Holdar Engineering Company  
Herb Houston, Applicant  
File

*"A Certified Retirement Community"*

Development Department • 4601 Padre Boulevard • South Padre Island, Texas 78597

Office • 956.761.8113 • Fax 956.761.3898





**PLANNING & ZONING COMMISSION  
AGENDA REQUEST FORM**

**MEETING DATE:** February 20, 2014

**Item:** 6 & 7

**TO:** Planning & Zoning Commission

**FROM:** Sungman Kim, Development Director

**ITEM DESCRIPTION:**

Discussion and action regarding a proposed amendment to Section 20-21 of Chapter 20 Zoning of the City of South Padre Island Code of Ordinance by adding City's right to maintain trees and guidelines for planting trees in public easements.

**DISCUSSION:**

---

*The Request:*

This item was initiated by Darla Jones, Interim City Manager, and drafted by the staff.

*The Issue:*

Public health, safety and welfare are the first priorities to professionals in development sectors. Although there are many environmental, economic and social benefits of planting trees, but trees that are poorly placed can create problems in terms of safety.

Trees growing near high voltage power lines can cause downed lines and power outages in storms. Trees interfering with power lines can cause short circuits and fire. Trees can also provide access to high voltage power lines that can lead to severe injury and death from electrical contact.

Although pruning trees away from power lines can help prevent these situations from occurring, severely pruned trees are, at best, unsightly.

*Proposed Changes to the Ordinance:*

The proposed changes give the City maintenance rights on street trees within the public rights-of-way, and also provide planting standards for such areas. Specifically the changes provide details for:

1. City's right to trim and remove;
2. Maintenance provisions for currently existing trees;
3. Planting standards and allowed tree lists for areas impacted by public easements.

*Consistency with the Comprehensive Plan:*

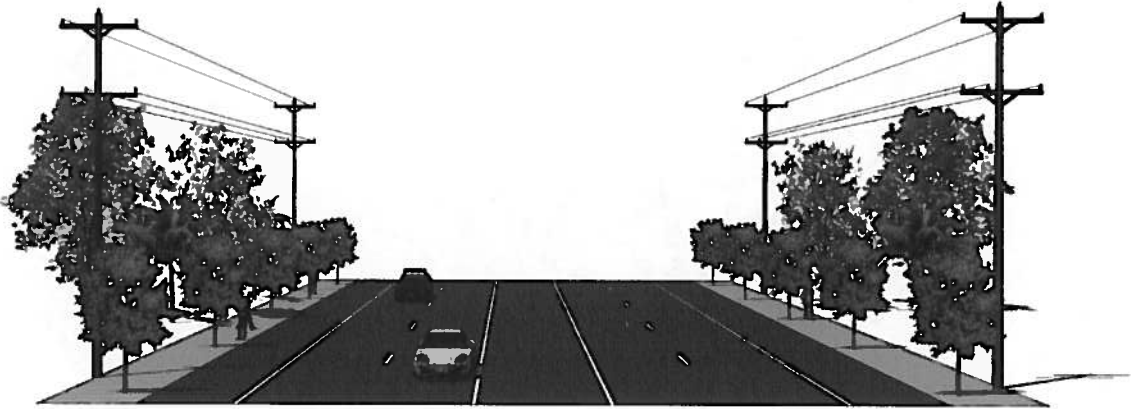
Chapter 4.F. Provide a safe and attractive environment for walking and bicycling.

*Concerns on Streetscape:*

The City's streetscaping efforts have been conceptualized on the basis of the idea of having underground public utility lines. Considering the fact that the majority of the trees existing at the time

**PLANNING & ZONING COMMISSION  
AGENDA REQUEST FORM**

of installing underground utility lines would have to be removed, the proposed ordinance changes do not go against the efforts. Also, the proposed changes allow planting of right trees within public utility rights-of way.



**THE PLANNING & ZONING COMMISSION**

At the January 16<sup>th</sup> regular meeting, the P&Z commission tabled this item. The attached ordinance is the one revised by Commissioner Ramona Kantack Alcantara reflecting the discussion at the meeting.

**STAFF RECOMMENDATIONS / COMMENTS:**

Staff recommends the Planning & Zoning Commission forward to the City Council a positive recommendation for adoption of the proposed amendment to Section 20-21 of Chapter 20 Zoning.

**COMMISSION ACTION:**

MOTION: \_\_\_\_\_

BY: \_\_\_\_\_

SECOND BY: \_\_\_\_\_

McNulty	Huffman	Bowman	Fudge	Judah	Alcantara	Olle
Yes	Yes	Yes	Yes	Yes	Yes	Yes
No	No	No	No	No	No	No
Abstain	Abstain	Abstain	Abstain	Abstain	Abstain	Abstain

ORDINANCE NO. 14-04

AN ORDINANCE OF THE CITY OF SOUTH PADRE ISLAND, TEXAS, AMENDING SECTION 20-21 OF CHAPTER 20 ZONING BY ADDING CITY'S RIGHT TO MAINTAIN TREES AND GUIDELINES FOR PLANTING TREES IN PUBLIC EASEMENTS; 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; PROVIDING FOR THE EFFECTIVE DATE; AND AUTHORIZING PUBLICATION IN CAPTION FORM.

WHEREAS, the City of South Padre Island has heretofore adopted Chapter 20 (Zoning) of the Code of Ordinances; and

WHEREAS, the City Council finds that there are conflicts between trees and power lines that are causing current and future safety concerns;

WHEREAS, the City Council wants to protect public health, safety and welfare by amending Section 20-21 Required Landscaping; and

WHEREAS, The City has complied with the requirements of Sec. 20-18 of the Code of Ordinances (Zoning) to amend Chapter 20;

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

Section 1. Sec. 20-21(B),(F),(G) and (H) of Chapter 20 Zoning of the Code of Ordinances is hereby amended and restated in to read as follows:

(B) Maintenance:

- (1) All landscaping required by these ordinances shall be maintained in a neat and healthy condition. Such maintenance shall be an ongoing obligation of the owner of the property and prompt replacement shall be made of diseased or dead plant materials. The owner shall also be responsible for containing mulch, soil, bark, aggregate, etc. on his or her own property and preventing this debris from washing out of the planting bed and onto the public or private right-of-way.
- (2) City's right to trim and remove. City ~~reserves~~ has the right to prune and remove trees, plants and shrubs within the rights of way of all streets, alleys, avenues, lanes, squares and public grounds as may be necessary for construction, protection and maintenance of public improvements (including utilities) and for to ensure public safety, or to protect utility facilities thereon.
- (3) Dangerous trees and unsafe conditions. City may remove, or cause or order to remove, removal of any tree, shrub or other vegetation or part thereof which (i) is ~~increases~~ an unsafe condition, or which by reason of its nature (ii) is injurious to or threatens to injure sewers, electric power lines, gas lines, water lines, or other public improvements, or (iii) is infected with any injurious fungus, insect or other pest.

**(F) Trees in Public Easements:**

- (1) The policy shall be to make that Existing trees shall be maintained wherever possible.
- (2) Tree planting shall be avoided within public easements.
- (32) When planting is required by the City Ordinance or landscaping plan, the owner shall plant no only (i) shrubs or (ii) trees other than shrubs (not listed in the table) and, those species listed in the table below may be planted. Tall trees that are not listed in the table shall be planted only in places that are not under or within fifteen (15) lateral feet of any overhead utility wire, or over or within five (5) lateral feet of any underground public utility line.
- (43) The table below should be used in selecting tree species. When specific tree species cannot be found from the table, the Director of Development Services or his/her designee shall decide those appropriateness. has discretion to approve or deny the landscape plan that is leading into a building permit.

Scientific Name	Common Name	Secondary Name	Leaf Type	Texas Native	Firewise	Height (ft)
<u>Vitex agnus-castus</u>	<u>Lilac Chastetree</u>	<u>Vitex</u>	<u>Deciduous</u>	<u>No</u>	<u>Yes</u>	<u>15</u>
<u>Cephalanthus occidentalis</u>	<u>Common Buttonbush</u>		<u>Deciduous</u>	<u>Yes</u>	<u>Yes</u>	<u>18</u>
<u>Acacia farnesiana</u>	<u>Huisache</u>	<u>Sweet Acacia</u>	<u>Semi-evergreen</u>	<u>Yes</u>	<u>Yes</u>	<u>20</u>
<u>Acer palmatum</u>	<u>Japanese Maple</u>		<u>Deciduous</u>	<u>No</u>	<u>Yes</u>	<u>20</u>
<u>Aesculus pavia var. pavia</u>	<u>Red Buckeye</u>		<u>Deciduous</u>	<u>Yes</u>	<u>Yes</u>	<u>20</u>
<u>Cercis canadensis var. mexicana</u>	<u>Mexican Redbud</u>		<u>Deciduous</u>	<u>Yes</u>	<u>Yes</u>	<u>20</u>
<u>Cordia boissieri</u>	<u>Wild Olive</u>	<u>Maxican-Olive</u>	<u>Evergreen</u>	<u>Yes</u>	<u>Yes</u>	<u>20</u>
<u>Crataegus spp.</u>	<u>Hawthorn</u>		<u>Deciduous</u>	<u>Yes</u>	<u>Yes</u>	<u>20</u>
<u>Frangula caroliniana</u>	<u>Carolina Buckthorn</u>	<u>Indian Cherry</u>	<u>Deciduous</u>	<u>Yes</u>	<u>Yes</u>	<u>20</u>
<u>Hamamelis virginiana</u>	<u>American Witchhazel</u>	<u>Witch Hazel</u>	<u>Deciduous</u>	<u>Yes</u>	<u>Yes</u>	<u>20</u>
<u>Helietta parvifolia</u>	<u>Baretta</u>		<u>Evergreen</u>	<u>Yes</u>	<u>Yes</u>	<u>20</u>
<u>Ilex decidua</u>	<u>Deciduous Holly</u>	<u>Possumhaw</u>	<u>Deciduous</u>	<u>Yes</u>	<u>Yes</u>	<u>20</u>
<u>Lagerstromia indica</u>	<u>Crapemyrtle</u>	<u>Crape Myrtle</u>	<u>Deciduous</u>	<u>No</u>	<u>Yes</u>	<u>20</u>
<u>Morella cerifera</u>	<u>Southern Bayberry</u>	<u>Waxmyrtle</u>	<u>Evergreen</u>	<u>Yes</u>	<u>Yes</u>	<u>20</u>
<u>Pyrus calleryana</u>	<u>Callery Pear</u>	<u>Ornamental Pear</u>	<u>Deciduous</u>	<u>No</u>	<u>Yes</u>	<u>20</u>
<u>Rhus copallinum</u>	<u>Shining Sumac</u>	<u>Winged Sumac</u>	<u>Deciduous</u>	<u>Yes</u>	<u>Yes</u>	<u>20</u>
<u>Rhus lanceolata</u>	<u>Prairie Sumac</u>	<u>Flameleaf Sumac</u>	<u>Deciduous</u>	<u>Yes</u>	<u>Yes</u>	<u>20</u>
<u>Sophora affinis</u>	<u>Eve's Necklace</u>	<u>Texas Sophora</u>	<u>Deciduous</u>	<u>Yes</u>	<u>Yes</u>	<u>20</u>
<u>Sophora secundiflora</u>	<u>Mescalbean</u>	<u>Texas Mountain Laurel</u>	<u>Evergreen</u>	<u>Yes</u>	<u>Yes</u>	<u>20</u>
<u>Ungnadia spexiosa</u>	<u>Mexican Buckeye</u>		<u>Deciduous</u>	<u>Yes</u>	<u>Yes</u>	<u>20</u>
<u>Viburnum rufidulum</u>	<u>Rusty Blackhaw</u>	<u>Rusty Blackhaw Viburnum</u>	<u>Deciduous</u>	<u>Yes</u>	<u>Yes</u>	<u>20</u>
<u>Zanthoxylum fagara</u>	<u>Colima</u>	<u>Lime Pickly Ash</u>	<u>Evergreen</u>	<u>Yes</u>	<u>Yes</u>	<u>20</u>
<u>Chilopsis linearis</u>	<u>Desert Willow</u>		<u>Deciduous</u>	<u>Yes</u>	<u>Yes</u>	<u>25</u>
<u>Chionanthus virginicus</u>	<u>White Fringetree</u>	<u>Grancy Graybeard</u>	<u>Deciduous</u>	<u>Yes</u>	<u>Yes</u>	<u>25</u>

<u>Condalia hookeri</u>	<u>Brazilian Bluewood</u>	<u>Brasil</u>	<u>Evergreen</u>	<u>Yes</u>	<u>Yes</u>	<u>25</u>
<u>Ilex vomitoria</u>	<u>Yaupon Holly</u>	<u>Yaupon</u>	<u>Evergreen</u>	<u>Yes</u>	<u>No</u>	<u>25</u>
<u>Prosopis pubescens</u>	<u>Screwbean Mesquite</u>	<u>Tornillo</u>	<u>Deciduous</u>	<u>Yes</u>	<u>Yes</u>	<u>25</u>
<u>Prunus mexicana</u>	<u>Mexican Plum</u>		<u>Deciduous</u>	<u>Yes</u>	<u>Yes</u>	<u>25</u>
<u>Quercus incana</u>	<u>Bluejack Oak</u>	<u>Sandjack Oak</u>	<u>Deciduous</u>	<u>Yes</u>	<u>Yes</u>	<u>25</u>
<u>PALM SPECIES</u>						
<u>Chamaedorea metallica</u>	<u>Metallic Palm</u>		<u>Evergreen</u>	<u>No</u>	<u>No</u>	<u>5</u>
<u>Chamaedorea cataractarum</u>	<u>Cat Palm</u>	<u>Cataract Palm</u>	<u>Evergreen</u>	<u>No</u>	<u>No</u>	<u>6</u>
<u>Chamaedorea ernesti-augustii</u>	<u>Earnest's August Palm</u>		<u>Evergreen</u>	<u>No</u>	<u>No</u>	<u>6</u>
<u>Chamaedorea stolonifera</u>	<u>Stolon Palm</u>		<u>Evergreen</u>	<u>No</u>	<u>No</u>	<u>6</u>
<u>Sabal minor</u>	<u>Dwarf Palmetto</u>	<u>Bush Palmetto</u>	<u>Evergreen</u>	<u>Yes</u>	<u>No</u>	<u>6</u>
<u>Serenoa repens</u>	<u>Saw Palmetto</u>		<u>Evergreen</u>	<u>Yes</u>	<u>No</u>	<u>7</u>
<u>Chamaedorea microspadix</u>	<u>Hardy Bamboo Palm</u>		<u>Evergreen</u>	<u>No</u>	<u>No</u>	<u>8</u>
<u>Brahea dulcis</u>	<u>Rock Palm</u>	<u>Sombrero Palm</u>	<u>Evergreen</u>	<u>Yes</u>	<u>No</u>	<u>10</u>
<u>Chamaedorea radicalis</u>			<u>Evergreen</u>	<u>No</u>	<u>No</u>	<u>10</u>
<u>Astrocaryum mexicanum</u>	<u>Choco Palm</u>		<u>Evergreen</u>	<u>No</u>	<u>No</u>	<u>10</u>
<u>Lytocaryum weddellianum</u>			<u>Evergreen</u>	<u>No</u>	<u>No</u>	<u>10</u>
<u>Chamaedorea plumosa</u>	<u>The Sun Chamaedorea</u>	<u>Baby Queen Palm</u>	<u>Evergreen</u>	<u>No</u>	<u>No</u>	<u>12</u>
<u>Chamaedorea tepejilote</u>	<u>Pacaya Palm</u>	<u>Tepejilote Palm</u>	<u>Evergreen</u>	<u>No</u>	<u>No</u>	<u>15</u>
<u>Pseudophoenix sargentii</u>	<u>Cherry Palm</u>		<u>Evergreen</u>	<u>No</u>	<u>No</u>	<u>15</u>
<u>Chamaedorea glaucifolia</u>			<u>Evergreen</u>	<u>No</u>	<u>No</u>	<u>18</u>
<u>Acoclorrhaphc wrightiill</u>	<u>Silver Saw Palmetto</u>	<u>Everglades Palm</u>	<u>Evergreen</u>	<u>Yes</u>	<u>No</u>	<u>20</u>
<u>Brahea edulis</u>	<u>Guadalupe Palm</u>		<u>Evergreen</u>	<u>No</u>	<u>No</u>	<u>20</u>
<u>Brahea elegans</u>	<u>Franceshi Palm</u>		<u>Evergreen</u>	<u>No</u>	<u>No</u>	<u>20</u>
<u>Gaussia maya</u>	<u>Maya Palm</u>	<u>Onsiandra Maya</u>	<u>Evergreen</u>	<u>Yes</u>	<u>No</u>	<u>20</u>

**(F)(G) Landscape Plan submission and validity:**

- (1) The location and square footage of all landscaping required by this ordinance shall be shown on a site plan submitted with any application for a building permit. Square footages of all landscaping areas and number and location of trees shall be shown on the site plan. A Certificate of Occupancy will not be issued until the applicant has installed all required landscaping.
- (2) The Building Inspector may at his/her discretion issue a temporary Certificate of Occupancy, not to exceed 60 days, in the event of inclement weather, natural disasters, or for other good cause shown.
- (3) Approved landscaping plans shall be valid as long as the building permit for the project is valid.

**(G)(H) Enforcement:** Should any person fail to comply with the requirements of this chapter, such failure shall constitute a violation as set forth in Section 20-17 and 21-2 of these City Ordinances.

**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 21-2 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 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 City Council that every section, paragraph, subdivision, clause, phrase, word, or provision hereof be given full force and effect for its intended purpose.

**Section 5.** This Ordinance shall become effective when published in caption form.

PASSED, APPROVED AND ADOPTED on First Reading, the \_\_\_\_\_ day of 2014.

PASSED, APPROVED AND ADOPTED on Second Reading, the \_\_\_\_\_ day of 2014.

**ATTEST:**

**CITY OF SOUTH PADRE ISLAND,  
TEXAS**

---

**Susan Hill, City Secretary**

---

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

**PLANNING & ZONING COMMISSION  
AGENDA REQUEST FORM**

**MEETING DATE:** February 20, 2014

**Item:** 8 & 9

**TO:** Planning & Zoning Commission

**FROM:** Sungman Kim, Development Director

**ITEM DESCRIPTION:**

Discussion and action regarding a proposed addition of Section 20-4.2 of Chapter 20 Zoning of the City of South Padre Island Code of Ordinance regarding Staff Responsibility.

**DISCUSSION:**

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*The Request:*

Staff initiated and drafted the addition of the Ordinance.

*The Issue:*

Staff has been functioning as general development administrator, enforcer of the city ordinance, representative of the planning agency, and personnel providing other required services. However, the City's Zoning Ordinance does not articulate its basic functions to serve citizen committees.

*Consistency with the Comprehensive Plan:*

Chapter 8 Implementation. The purpose of this chapter is to integrate the elements of the plan and to provide a clear path for sound decision making. Implementation is an essential step in the plan development process. **It requires the commitment of the Town's leadership, including the Mayor and Board of Aldermen, Planning and Zoning Commission, other Town boards and commissions, and Town staff. It is also necessary for there to be close coordination with and joint commitment from other organizations that significantly influence the Island and its growth and development.**

*Proposed Additions:*

The proposal creates Section 20-4.2 Staff Responsibility. This addition will reinforce staff's effort in collecting needed information from applicants, service providers and other related agencies.

**THE PLANNING & ZONING COMMISSION**

At the January 16<sup>th</sup> regular meeting, the P&Z commission tabled this item. Staff simplified the proposed language.

**STAFF RECOMMENDATIONS / COMMENTS:**

Staff recommends the Planning & Zoning Commission forward to the City Council a positive recommendation for adoption of the proposed Section 20-4.2 Staff Responsibility.

**PLANNING & ZONING COMMISSION  
AGENDA REQUEST FORM**

**COMMISSION ACTION:**

MOTION: \_\_\_\_\_

BY: \_\_\_\_\_

SECOND BY: \_\_\_\_\_

McNulty	Huffman	Bowman	Fudge	Judah	Alcantara	Olle
Yes	Yes	Yes	Yes	Yes	Yes	Yes
No	No	No	No	No	No	No
Abstain	Abstain	Abstain	Abstain	Abstain	Abstain	Abstain



**PLANNING & ZONING COMMISSION  
AGENDA REQUEST FORM**

**ORDINANCE NO. 14-02**

**AN ORDINANCE OF THE CITY OF SOUTH PADRE ISLAND, TEXAS, ADDING SEC 20-4.2 TO CHAPTER 20 ZONING BY ADDING STAFF RESPONSIBILITY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR THE EFFECTIVE DATE.**

**WHEREAS**, the City of South Padre Island has heretofore adopted Chapter 20 (Zoning) of the Code of Ordinances; and

**WHEREAS**, the City Council finds needs to provide staff an authority to collect information to perform their responsibilities;

**WHEREAS**, the City Council wants to protect public health, safety and welfare by adding Sec. 20-4.2 Staff Responsibility; and

**WHEREAS**, The City has complied with the requirements of Sec. 20-18 of the Code of Ordinances (Zoning) to amend Chapter 20;

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

**Section 1.** Sec. 20-4.2 of the Chapter 20 Zoning of the Code of Ordinances is hereby added and stated to read as follows:

**“Sect. 20-4.2 Staff Responsibility.**

- (A) Assistance to Citizen Committees. The Citizen Committees include the Planning and Zoning Commission, Board of Adjustment, Development Standards Review Task Force, and any other development-related committees created by the City Council. The staff shall provide technical assistance to and be responsible for scheduling meetings, providing agendas and public notice of meetings, reviewing and providing professional recommendations, and maintaining public records of the Citizen Committees’ findings and decisions.
- (B) Collection of Information. To provide assistance necessary to carry out the functions of the citizen committees, the staff may request and obtain information from all parties, including applicant(s), service providers, and other related agencies.”

**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.** 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 City Council that every section, paragraph, subdivision, clause, phrase, word, or provision hereof be given full force and effect for its intended purpose.

**PLANNING & ZONING COMMISSION  
AGENDA REQUEST FORM**

**Section 4.** This Ordinance shall become effective on it's Second Reading.

PASSED, APPROVED AND ADOPTED on First Reading, the \_\_\_\_ day of \_\_\_\_ 2014.

PASSED, APPROVED AND ADOPTED on Second Reading, the \_\_\_\_ day of \_\_\_\_ 2014.

**ATTEST:** **CITY OF SOUTH PADRE ISLAND, TEXAS**

\_\_\_\_\_  
**SUSAN HILL, CITY SECRETARY**

\_\_\_\_\_  
**ROBERT N. PINKERTON, JR., MAYOR**

**PLANNING & ZONING COMMISSION  
AGENDA REQUEST FORM**

**MEETING DATE:** February 20, 2014

**Item:** 10 & 11

**TO:** Planning & Zoning Commission

**FROM:** Sungman Kim, Development Director

**ITEM DESCRIPTION:**

Discussion and action regarding a proposed amendment to Section 15-2 of Chapter 15 Signs of the City of South Padre Island Code of Ordinance by revising the definition of 'Sign' and 'Sign Area'.

**DISCUSSION:**

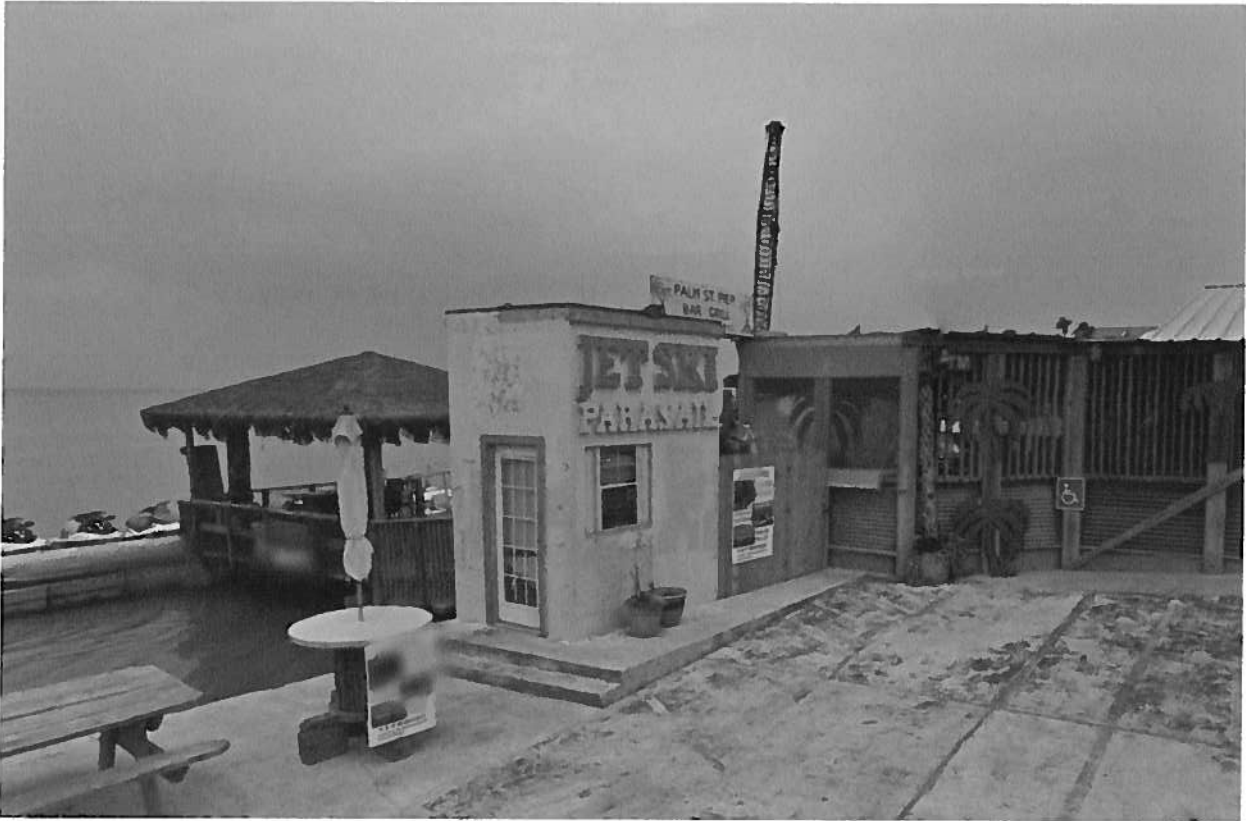
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*The Request:*

Staff initiated and drafted the revision per the instruction of the City Council at their regular meeting on November 6, 2013.

*The Issue:*

The current sign ordinance does not cover signs that are prepared for structures on water, and does not provide any bases for the sign area calculation in such case.



**PLANNING & ZONING COMMISSION  
AGENDA REQUEST FORM**

An owner of a pier structure formally applied for the City’s sign permit and the staff could not help the owner to improve the existing signs on the structure due to the lack of provisions in the sign ordinance.

Meanwhile, Sec.15-1.1 Review-Amendment of the Sign Ordinance states “The City Council do not wish to consider further amendments to this Chapter without recommendations from an appropriate citizen committee such as the Ad Hoc Sign Ordinance Review Committee.”

Under the given guidance from Mr. Paul Cunningham, City Attorney, staff inquired the City Commission for further guidance related to the question “if a change, by adding new provisions, to the sign ordinance still requires to go through the Ad Hoc Sign Ordinance Review Committee” and, on November 6, 2013, the City Council allowed staff to draft the language.

Consistency with the Comprehensive Plan:

Chapter 7.9 of Comprehensive Plan states “Review and where necessary, revise town ordinances to allow for activities involved with outdoor arts and craft fairs, and outdoor exhibits (i.e. street vendors, displays/signage, and what constitutes a “special event”).

Although the Chapter 7.9 does not get to the point of the sign issue addressed above, staff believe that the Chapter 7.9, in terms of assisting economic development by encouraging outdoor activities, inspires businesses on docks and piers, and their signs too.

Proposed Amendment:

The proposed changes will allow staff to determine the location and size of sign(s) that are not on public rights-of-way and/or not near to property boundaries.

**THE PLANNING & ZONING COMMISSION**

At the January 16<sup>th</sup> regular meeting, the P&Z commission tabled this item. The attached ordinance is the one revised by Commissioner Ramona Kantack Alcantara reflecting the discussion at the meeting.

**STAFF RECOMMENDATIONS / COMMENTS:**

Staff recommends the Planning & Zoning Commission forward to the City Council a positive recommendation for the proposed amendments to Sec. 15-2 (65) and (66).

**COMMISSION ACTION:**

MOTION: \_\_\_\_\_

BY: \_\_\_\_\_

SECOND BY: \_\_\_\_\_

McNulty	Huffman	Bowman	Fudge	Judah	Alcantara	Olle
Yes	Yes	Yes	Yes	Yes	Yes	Yes
No	No	No	No	No	No	No
Abstain	Abstain	Abstain	Abstain	Abstain	Abstain	Abstain

**PLANNING & ZONING COMMISSION  
AGENDA REQUEST FORM**

**ORDINANCE NO. 14-05**

**AN ORDINANCE OF THE CITY OF SOUTH PADRE ISLAND, TEXAS, AMENDING SECTION 15-2 OF CHAPTER 15 SIGNS BY REVISING THE DEFINITION OF ‘SIGN’ AND ‘SIGN AREA’; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR A PENALTY OF FIVE HUNDRED DOLLARS (\$500.00) FOR ANY VIOLATION; PROVIDING FOR SEVERABILITY; AND AUTHORIZING PUBLICATION IN CAPTION FORM.**

WHEREAS, the City of South Padre Island has heretofore adopted Chapter 15 (Signs) of the Code of Ordinances; and

WHEREAS, the City Council finds that the Chapter 15 of the Code of Ordinance does not cover a specific case related to buildings that are not on public rights-of-way and/or not near to property boundaries;

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

**Section 1.** The definition of “Signs” and “Sign Area” in Section 15-2 of the Chapter 15 Sign Ordinance is hereby amended and restated in its entirety to read as follows:

- (65) Sign: Any thing of visual appearance primarily used for, or having the effect of, attracting attention from the streets, sidewalks, ~~or other~~ curbside ~~or any other~~ public areas including waterways for identification purposes, whether illuminated or non-illuminated. An identification logo, description, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land, and which directs attention to a product, place, activity, person, service, institution or business, whether illuminated or non-illuminated. For the purposes of removal, the definition of “sign” shall include all of the sign structure. For the purposes of this Ordinance, this definition shall also include paintings directly upon a building, other structure or vehicle and any manufacture incorporated or added to a building or property that is not a normal structural or architectural component of a building shall be considered a “sign” (i.e. to attract attention from public right-of-way) and must comply with all the commercial sign regulations of this Chapter pertaining to either a monument sign or a projecting sign. (*Ord. 02-14; Nov. 20, 2002*) The basic intent behind this definition is not to discourage product displays, design, or art from epitomizing simplicity, good taste, and compatibility with the community’s desired image.
- (66) Sign Area: The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces. For buildings that are not on public

**PLANNING & ZONING COMMISSION  
AGENDA REQUEST FORM**

rights-of-way and/or not near to property boundaries (e.g. building structures on a pier), sign areas shall be calculated on the basis of the most visible building frontage.

**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 the above mentioned section of Chapter 15 of the Code of Ordinances of the City of South Padre Island may be punished by a fine not to exceed five Hundred Dollars (\$500.00) for each offense of for each day such offense shall continue and the penalty provisions of Sections 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 caption form.

PASSED, APPROVED AND ADOPTED on First Reading, the \_\_\_\_ day of \_\_\_\_ 2013.

PASSED, APPROVED AND ADOPTED on Second Reading, the \_\_\_\_ day of \_\_\_\_ 2013.

**ATTEST:**

**CITY OF SOUTH PADRE ISLAND,  
TEXAS**

\_\_\_\_\_  
**Susan Hill, City Secretary**

\_\_\_\_\_  
**Robert N. Pinkerton, Jr., Mayor**



# VISIONS OF TOMORROW (2039)

FEBRUARY 2014



CITY OF SOUTH PADRE ISLAND  
4601 PADRE BOULEVARD, SOUTH PADRE ISLAND, TEXAS 78597

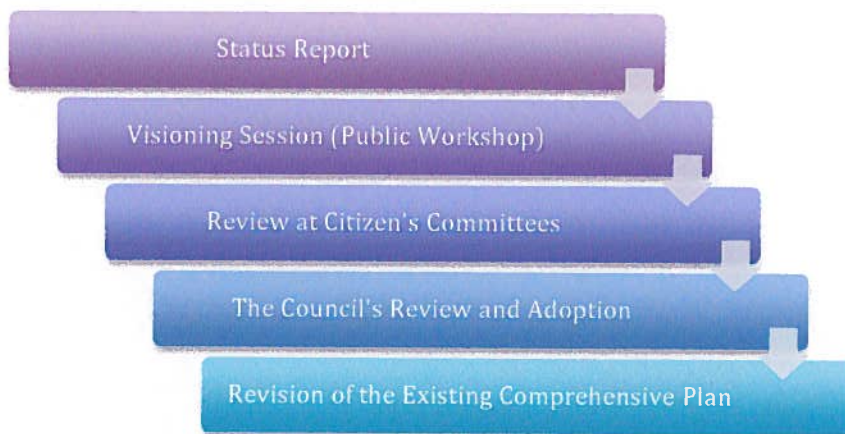
Recently, the City has initiated a number of actions to guide on-going developments and to resolve existing issues.

One of the first tasks undertaken by the City was the preparation of this Vision Plan (hereafter the "Plan"). In fact, a prosperous and sustainable future of the City depends on us looking ahead and developing visions of tomorrow. The Plan looks for 25-year planning horizon and has been designed to assure that the plan evolved from the community under appropriate guidance of professional in-house staff members.

The result of the visioning process will lay the groundwork for the City's Comprehensive Plan to create vibrant, diverse, safe neighborhoods in the City of South Padre Island where all residents, workers and visitors can live, work and play.

## PROCESS

The Plan was developed over a several month period structured around a series of public workshops, each organized to gain input about issues and opportunities existed in the City.

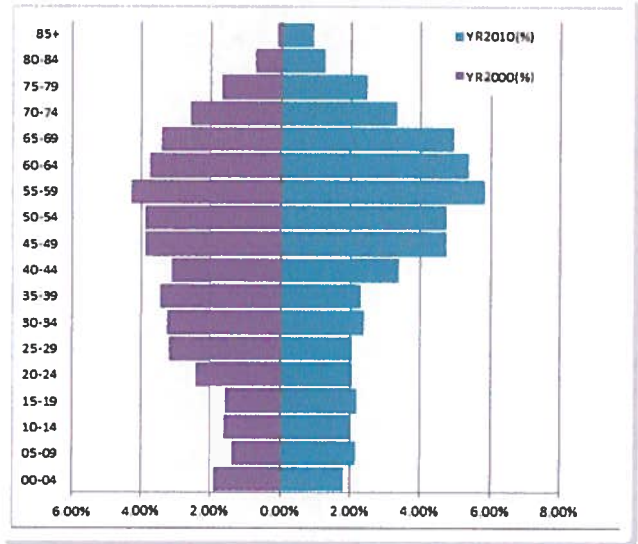


- Status Report & Visioning Session: 12/18/2013
- Review at Citizen's Committees:
  - Board of Adjustments & Appeal: 01/07/2014
  - Planning & Zoning Commission: 01/16/2014
  - Development Standards Review Task Force: 01/21/2014
  - Planning & Zoning Commission's Final Review: 02/20/2014
- The Council's Review and Adoption: 03/19/2014

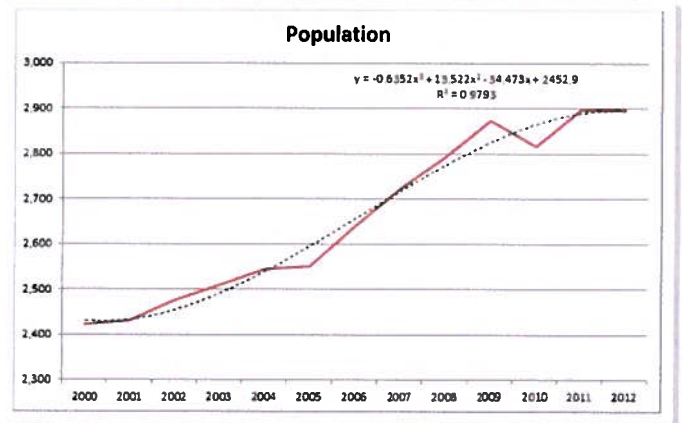


## STATUS REPORT

Younger generations have been out-migrated whereas older populations have been in-migrated to the City, showing reversed population pyramid with an indication of potential population decrease in future.



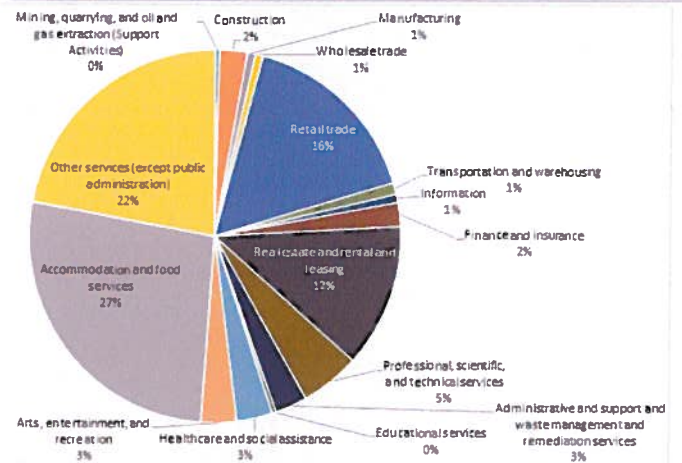
The growth in population of permanent residents has slowed down and shows no increasing trends.



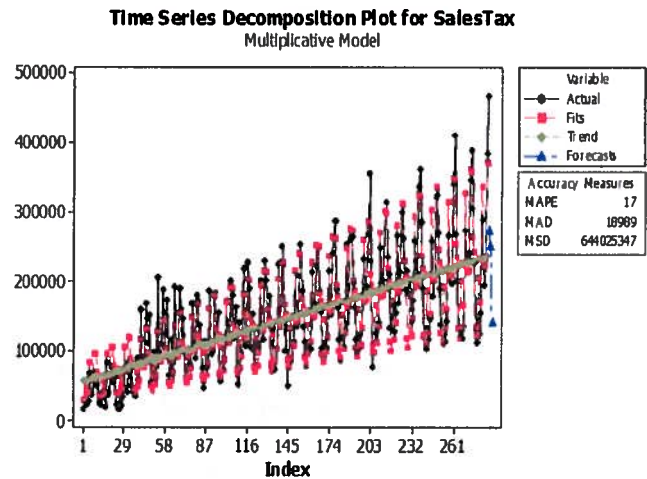
Seasonality has been growing strongly in the City indicating almost doubled occupancy rates in seasonal, recreational, or occupational housing.

Housing Occupancy	YR 2000	YR 2010
For seasonal, recreational, or occasional use	2,068	4,096
Year-Round Vacant	1,406	1,268
Owner-occupied housing units	769	862
Renter-occupied housing units	442	492
<b>Total</b>	<b>4,685</b>	<b>6,718</b>

Accommodation, food services and other related services occupy approximately 49% of the entire City business. Real estate, rental, and lease services add 12% and retail adds 16%, only leaving 23% other business occupations on the island.



Sales tax will increase until 2030 and get steady showing no further increase if no change is made to the current economic structure on the island.

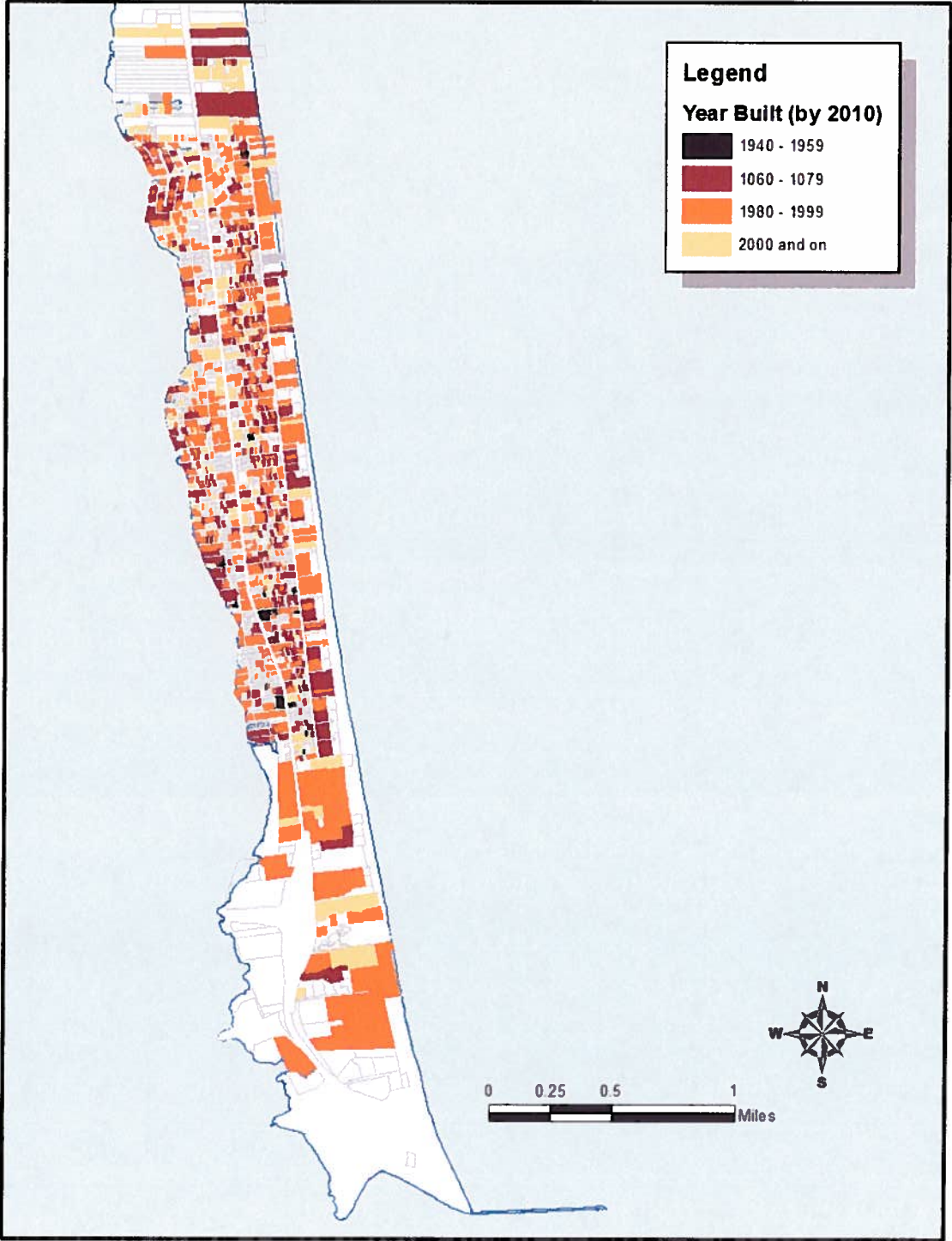


## DEVELOPMENT HISTORY

Urban Models including Bid-Rent Theory (von Thünen, 1826), Concentric Zone Model (Burgess, 1923), Sector Model (Hoyt, 1939) and Multiple Nuclei Model (Harris & Ullman, 1945) does not provide basic justifications for the City of South Padre Island Zoning map.

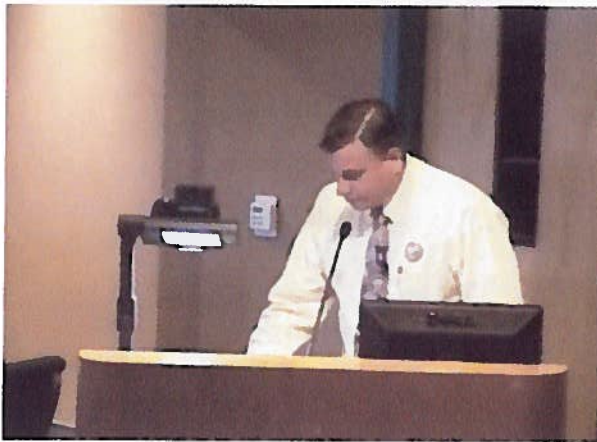
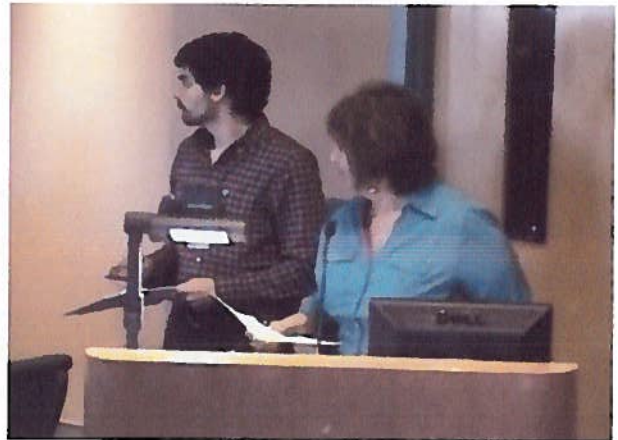
In fact, residential zones reside between commercial and tourist destinations, cut in the middle of traffic chaos. This has been caused by earlier residential development patterns that came before non-residential developments that want to be located on both along Padre Boulevard, the major traffic corridor, and water-frontages.

It is expected that the existing residential developments will move out from the area to further north due to non-residential development pressure and increasing land values. Annexation of northern lands is essential to accommodate future residential developments.



## VISIONING SESSION

On Wednesday, December 18, 2013 at 3:00 P.M., the City of South Padre Island accommodated a public workshop for the Visioning. Approximately twenty (20) citizens participated in the session. At the session, professional staff guided each themed discussion. More specifically, the citizen participants revised the existing vision and, when questions arose, staff provided comments and/or answers to them.



## THE VISION

### MISSION STATEMENT (Why do we exist now?)

South Padre Island is a unique, friendly seaside resort community that values its residents and tourists, preserves and protects the natural environment, and provides for quality sustainable growth and development that is highly diverse and responsive to changing economic conditions.

### VISION STATEMENT (Where should we be headed?)

#### 1. COMMUNITY CHARACTER

- South Padre Island has transformed its image as a unique seaside community and a first-class resort destination, attracting a blend of permanent and seasonal residents and visitors who come to enjoy its beaches, protected scenic natural environment and its many recreational attractions in a family-friendly, but respecting its diversity, small town setting.
- A distinctive “South Padre Style” reflects the relaxed seaside ambiance, the climate and international culture and encompassing well-designed buildings, lush landscaping, and themed way-finding signage and lighting.
- Boulevards have been transformed as a visually exciting corridor reflecting themed image-quality constituting the preferable shape, color and arrangement. New and retrofitted buildings are harmonious in design. Signage is appropriate in scale and understated in design. The visual impact of overhead utilities has been reduced by taking advantage of technological innovations and other opportunities to cost-effectively place utilities underground. Where feasible, excessive front paved areas have been removed and replaced with landscaping and generous sidewalks and bike lanes.
- The city hall, community center, birding center and other public buildings and civic enhancements have set a high standards in exemplifying the “South Padre Style” and are widely emulated by new and renovated commercial and residential structures.
- The city is noted for the cleanliness of its beaches, parks, roadways and public and private properties. The declining number of vacant lots is well kept and free of litter and debris.

#### 2. PARKS AND RESOURCES

- The city’s beaches, parks, playgrounds, beach access points, waterfront promenades, boat ramps, shaded areas, restrooms and other recreational amenities are well placed and conveniently accessible for residents and

visitors. Recreational and sports facilities meet the needs of all age groups and are well-used by the island's growing number of families with children.

- Sustainable maintenance plan for parks and beaches has been developed and scheduled for cleanliness and adequate facility operations.
- The island's unique natural resources – its beaches and dunes, wetlands, Laguna Madre waterfront and native flora and fauna – are valued and well protected.
- A system of linked parks, greenways, open spaces, water-front promenades, nature trails and areas dedicated to activities such as bird watching and ecotourism are easily accessible by foot or bicycle.
- The Birding and Nature Center has been grown into one of the best in the world, providing bird watching, fishing, kiting, sand castles, beaches and windsurfing. The city also supported and acquired a world-class aquarium.
- Continuous funding sources have been identified to provide sustainable parks and resources.

### **3. ECONOMIC DEVELOPMENT**

- The transformation of the character and ambience of the island, the presence of permanent residents, more discerning tourists and a commitment to excellence by the city has in turn created opportunities for greater employment and business opportunities year-round, and the diversified economic opportunity has become a foundation of the city's economic stability.
- Tourism has matured and diversified with a year-round orientation, longer stays, and a broader array of family attractions. The island has developed a wide range of entertainment and amenities, more upscale hotels and services, shopping and a well-used convention center attracting group visitation from the region and nation-wide. South Padre's reputation and market share have grown, making it a well-known, highly competitive destination for regional, national and international visitors. Hospitality training programs have improved service quality, producing a stable, educated and better paid workforce, while supporting a shift toward a higher end tourism market.
- There are many new attractions and amenities on the island catering to permanent residents, business owners, and visitors encompassing youths, adults and senior citizens. These include community meeting facilities, a library, eco-tourism and cultural attractions, public sporting facilities, and improved public access to marinas and water sports. Travel in the region and across the border into Mexico is easily arranged with tours available to places of interest.

- Tough restrictions on local business expansion have been removed, and South Padre Island becomes one of the most business-friendly cities in the United States by encouraging and investing local workforces.
- Knowledge-based workers who are working from home have been increased due to advanced technology with a high-speed connection.
- South Padre Island has supported tourism for space industry, offshore oil and gas production, and University-Sponsored events.
- The City has adopted a correct marketing strategy and provided appropriate resources for developing tourism. Through the efforts, for an example, Spring Break has become a positive experience of sporting, cultural and special events that attract both college students and families.

#### **4. GROWTH & FUTURE LAND USE**

- New regulations and development standards enacted to implement the Comprehensive Plan are clear and user-friendly and have served to streamline the permitting process while “raising the bar” of standards of development quality.
- Land use patterns have consolidated to form distinct neighborhoods and activity districts through carefully guided new development, infill and redevelopment. Mixed-Use has been encouraged where strong traffic issues were identified and a city center has emerged through planning efforts.
- Northern areas of South Padre Island have been annexed into the city and, through implementation of a strong annexation plan, the growth has been controlled carefully to provide a strong basis for permanent population.
- The city has built sustainable resilience through interlocal relations that were circumvented by creative and effective collaborations while sharing mutual benefits.
- Neighborhoods are well defined by use-separation and consistent in scale. Business, shopping and entertainment districts serving both tourists and residents are compact and well defined. Through shared parking and a well-developed pedestrian network, reliance on the automobile for local travel is greatly reduced.
- The array of housing types has diversified, with single family home, townhouses, apartments and condominiums sited compatibly and consistently in scale. With a broad array of amenities such as parks, playgrounds, sidewalks and landscaping, neighborhoods are livable and attract growing proportions of families and permanent residents.
- Commercial uses have diversified with a wide array of quality shopping opportunities for local residents and tourists. Tourist-oriented commercial

activities such as souvenir shops have diversified and improved in image and are located in close proximity to hotels and entertainment attractions.

## **5. TRANSPORTATION**

- Traffic congestion has been reduced during special event and peak periods by limiting access in selected areas and by strict and innovative traffic management. In addition, increased availability and convenience of public transit and a convenient network of bicycle and pedestrian facilities minimized congestion.
- The city has supported Space X program. Ferry operations to and from Boca Chica Beach have offered greater access to the city. Alternatively, a bridge between the city and Boca Chica Beach has been constructed.
- A second causeway has been constructed providing an alternative link to the mainland and improved egress for emergency evacuation. The new causeway respects the delicate ecological balance and recreational functions of the Laguna Madre. The design of the causeway and its approach to the island provides a distinctive image as an entry feature or gateway.

## **6. INFRASTRUCTURE**

- Deficiencies have been corrected and measures instituted to ensure an adequate supply of potable water and water for irrigation supplemented by additional resources like desalinization.
- Sanitary and storm sewer systems have been designed and provided in an appropriate manner, and their negative impacts have been reduced.
- The supply of electricity is reliable and sufficient to satisfy all local needs.
- Flooding threats have been reduced in low-lying areas through drainage improvements and development standards that reduce standing water and encourage detention and rapid percolation.
- The city has the infrastructure capacity and fiscal resources to support planned incremental growth.

## **7. GOVERNANCE**

- The city has successfully maintained a “Home Rule” type of government, which allows greater control over fiscal matters and public expenditures. This allows for a more stable environment for effective decision-making.
- The city government is well managed and has instituted measures to ensure fiscal health and remain well prepared for high performance outcomes through short and long-range capital investments.



- The Comprehensive Plan is the key reference for all government decisions, actions concerning budgets, capital spending, regulatory measures and development review and approvals.

## **8. COMMUNITY RELATIONS**

- South Padre citizens are deeply involved in civic affairs and participate in decisions affecting their current and future lifestyle. The city provides effective communication on day-to-day affairs and the various associations on the island as well as throughout the region, representing a wide range of interest. The communication efforts are well supported by citizens of all ages.
- The City has continuously followed the Texas Open Meetings Act (Government Code Chapter 551) and has made governmental decision-making easily accessible to the public.
- Government, citizens and business and civic organizations continue to collaborate effectively on initiatives to improve South Padre Island through every possible means.
- City staff and elected officials are committed to fulfill their obligations to provide high quality services and leadership.
- The city has been providing a seed for emotional attachment to home on the island, and the notion of “home or citizen ownership” grew in the communities.

## **9. FIRE, POLICE & EMERGENCY MANAGEMENT**

- As parts of fundamental municipal services, the city has been fully supporting Fire, Police and Emergency Management operations.
- Citizen volunteers have been fully utilized through appropriate training programs.

### **FIRE**

- The fire department established additional fire stations on the island. As the infrastructure is extended to the north, business and residential occupancies have also moved into those areas. Additional stations reduced the response times to those areas as well as providing additional personnel and equipment to respond to the increased calls for service.
- Increased and improved distribution of fire hydrants have been adequately placed throughout the city.
- Communications equipments have been updated throughout the fire department. The department has shared a “state of the art” communications system with all of the emergency services on the island. This includes radio

communications as well as a Computer Aided Dispatch System. This system allows all fire equipment to have real time access to maps, fire hydrant locations, pre-fire plans, hazards and fire system information. Dispatch information and fire apparatus response have been relayed via computer decreasing the amount of radio traffic on the emergency channels.

- The department has seen increased personnel in the fire prevention division. This division educates residents, visitors and students throughout the area on fire and home safety, safety evacuation practices and fire inspections. The division has a "Fire Safety House" trailer to actually demonstrate fire safety in the home to elementary students at schools in the area as well as at appropriate events on the island.
- The department acquired a fire command vehicle that is equipped with firefighter tracking GPS capability. This allows the incident commander (IC) to locate all firefighters inside a building during an emergency to decrease the time necessary to assist in victim rescue as well as downed firefighter rescue. The vehicle also has the capability to track the amount of air left in the firefighters air pack. This ability allows the IC to determine when firefighters needed to have replacement personnel ready to enter the structure to replace the firefighters fighting the fire. The vehicle also has scene lighting and audio, video and thermal imaging capability to assist with the management and safety of the emergency scene.
- Beach Patrol/Rescue increased its capability as the area requiring coverage and the number of visitors increase. The number of life guards and life guard towers have been increased to meet the maximum safety standards for beach safety. The beach patrol vehicles are staffed by paramedics with all of the necessary medical supplies and equipment. This provides immediate, onsite medical intervention when necessary to improve the outcome of medical emergency victims on the beach.
- The department has grown to provide region-wide fire response in years.

### **POLICE**

- In an effort to enhance the quality of life for all stakeholders, community members have been involved positively with the police operations and crime rates have been decreasing over the 25 years.
- The police service has become strengthened and successfully provided educational sessions, satellite monitoring, and prompt response to citizen complaints.
- As the general population increases, the police department personnel, equipment and facilities have been built to provide professional and effective police services, with the best effort directed towards protecting lives and safeguarding property.

- An important component of this agency's ability to achieve and maintain certified through the Texas Police Chief's Association of recognized cities, is an annual evaluation of police employee staffing and services offered to determine overall suitability, as it recounts our perpetually changing environment.

### **EMERGENCY MANAGEMENT**

- Emergency preparedness, response, recovery and mitigation have been best accomplished through continued outreach programs, planning and training during the 25 years.
- Emergency managers equip state-of-art information technology, and can take preventive and preparatory measures to build South Padre Island into a disaster-resistant community by anticipating future disasters.
- Emergency managers achieved the highest possible degree of united efforts among all levels of government and all elements of a community.
- Restoration and continuity of city services have been guaranteed within a reasonable time.