

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

WEDNESDAY, AUGUST 18, 2021

1. CALL TO ORDER

The City Council Members of the City of South Padre Island, Texas held a Regular Meeting on Wednesday, August 18, 2021 at the Municipal Complex Building, 2 Floor, 4601 Padre Boulevard, South Padre Island, Texas. Mayor McNulty called the meeting to order at 5:30 p.m. A quorum was present: Mayor Patrick McNulty, Council Members Ken Medders, Jr., Kerry Schwartz, Lydia Caballero, and Eva-Jean Dalton.

City staff members present were City Manager Randy Smith, Chief Financial Officer Rodrigo Gimenez, Police Chief Claudine O'Carroll, Public Works Director Alex Sanchez, Assistant Public Works Director Jon Wilson, Shoreline Director Kristina Boburka, Fire Chief Jim Pigg, Building Official George Martinez, and Assistant City Secretary Marta Martinez.

2. PLEDGE OF ALLEGIANCE AND TEXAS PLEDGE

Mayor McNulty led the Pledge of Allegiance and the Texas Pledge.

3. PUBLIC COMMENTS AND ANNOUNCEMENTS:

Public comments and announcements were given at this time.

4. APPROVE CONSENT AGENDA:

Council Member Dalton made a motion, seconded by Council Member Medders to approve Consent Agenda Items 4.1 through 4.5. Motion carried unanimously.

4.1. APPROVE INVOICES FOR PAYMENT. (GIMENEZ)

Invoice approved for payment by General Fund check numbers 150159 through 150271 and EFT payments totaling \$753,560.63.

4.2. APPROVAL OF RESOLUTION NO. 2021-22 AND THE DEPARTMENT OF TRANSPORTATION AGREEMENT FOR THE TEMPORARY CLOSURE OF HWY 100 AND A PORTION OF THE QUEEN ISABELLA CAUSEWAY MEMORIAL BRIDGE FOR THE 20TH REMEMBRANCE OF THE CAUSEWAY COLLAPSE, SEPTEMBER 15, 2021. (HUFFMAN)

A true and correct copy of said Resolution was placed in the City's Resolution Book and entitled Resolution No. 2021-22, and, by reference hereto, included in these Minutes as if fully set out and spread upon the pages of the Minutes Book.

4.3. APPROVE AN EXCUSED ABSENCE FOR COUNCIL MEMBER JOE RICCO FROM THE AUGUST 18, 2021 REGULAR CITY COUNCIL MEETING. (SOTO)

4.4. APPROVE THE EXCUSED ABSENCE FOR COUNCIL MEMBER LYDIA CABALLERO FROM THE AUGUST 4, 2021 REGULAR CITY COUNCIL MEETING. (SOTO)

4.5. APPROVE THE MINUTES FROM THE AUGUST 4, 2021 REGULAR CITY COUNCIL MEETING. (SOTO)

5. REGULAR AGENDA

5.1. PUBLIC HEARING REGARDING THE ESTABLISHMENT OF THE CITY'S DUNE PROTECTION LINE AT ISLA BLANCA PARK, THE PROPERTY UNSUBDIVIDED, 6.5 ACRES LEASEHOLD, ADDRESSED 7010 PADRE BOULEVARD, THE PARK

ROAD 100 RIGHT-OF-WAY WITHIN ANDY BOWIE PARK, LOT 1, BLOCK 1 OF PADRE ISLAND INN SUBDIVISION, THE SHORES SUBDIVISION, AND THE PROPERTY ABST 260 S 457.7570 ACRES OUT OF 684.91 AC TRACT 8 AND TO APPROVE THE DEFINITION OF THE DUNE PROTECTION LINE WITHIN THE CITY OF SOUTH PADRE ISLAND. (BOBURKA)

At 5:35 p.m., Mayor McNulty opened the Public Hearing.

Proponents: None,
Opponents: None

Mayor McNulty closed the Public Hearing at 5:36 p.m.

5.2. DISCUSSION AND ACTION ON THE FIRST READING OF ORDINANCE 21-11 TO APPROVE THE ESTABLISHMENT OF THE DUNE PROTECTION LINE AT ISLA BLANCA PARK, THE PROPERTY UNSUBDIVIDED, 6.5 ACRES LEASEHOLD, ADDRESSED 7010 PADRE BOULEVARD, THE PARK ROAD 100 RIGHT-OF-WAY WITHIN ANDY BOWIE PARK, LOT 1, BLOCK 1 OF PADRE ISLAND INN SUBDIVISION, THE SHORES SUBDIVISION, AND THE PROPERTY ABST 260 S 457.7570 ACRES OUT OF 684.91 AC TRACT 8 AND TO APPROVE THE DEFINITION OF THE DUNE PROTECTION LINE WITHIN THE CITY OF SOUTH PADRE ISLAND. (BOBURKA)

Council Member Medders made a motion, seconded by Council Member Caballero to approve the first reading of Ordinance 21-11 for the establishment of the Dune Protection Line at Isla Blanca Park, the property unsubdivided, 6.5 acres leasehold, addressed 7010 Padre Boulevard, the Park Road 100 Right-of-Way within Andy Bowie Park, Lot 1 Block 1 of Padre Island Inn Subdivision, The Shores Subdivision, and the property Abst 260 S 457.7570 Acres out of 684.91 AC Tract 8 and to approve the definition of the Dune Protection Line within the City of South Padre Island. Motion carried unanimously.

5.3. DISCUSSION AND ACTION TO APPROVE FIRST READING OF ORDINANCE NO. 21-10 AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES OF THE CITY OF SOUTH PADRE ISLAND BY PROVIDING FOR THE CHANGE OR ESTABLISHMENT OF ALL FEES IMPOSED FOR SERVICES BY THE CITY. (GIMENEZ)

Council Member Medders made a motion, seconded by Council Member Caballero to approve the first reading of Ordinance No. 21-10 amending Chapter 2 of the Code of Ordinances of the City of South Padre Island by providing for the change or establishment of all fees imposed for services by the City. Motion carried unanimously.

5.4. PUBLIC HEARING TO DISCUSS THE PROPOSED 2021/22 FISCAL YEAR BUDGET FOR THE CITY OF SOUTH PADRE ISLAND. (GIMENEZ)

At 5:39 p.m., Mayor McNulty opened the Public Hearing.

Proponents: None,
Opponents: None

Mayor McNulty closed the Public Hearing at 5:40 p.m.

5.5. DISCUSSION AND ACTION APPROVING THE FIRST READING TO ADOPT ORDINANCE 21-12 MAKING APPROPRIATIONS FOR EACH DEPARTMENT, PROJECT, PROGRAM AND ACCOUNTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022. (GIMENEZ)

Council Member Schwartz made a motion, seconded by Council Member Caballero to approve the first reading to adopt Ordinance 21-12 making appropriations for each department, project, program and accounts for the fiscal year beginning October 1, 2021 and ending September 30, 2022. Motion carried unanimously.

5.6. DISCUSSION AND ACTION APPROVING THE FIRST READING TO ADOPT ORDINANCE 21-13 ESTABLISHING THE AD VALOREM AND PERSONAL PROPERTY TAX RATE OF .313740 FOR TAX YEAR 2021, AND SETTING THE ASSESSED VALUATION AT ONE HUNDRED PERCENT (100%) OF THE FAIR MARKET VALUE AND PROVIDING FOR DISCOUNTS IN THE EVENT OF EARLY PAYMENT, AND PROVIDING FOR PENALTY AND INTEREST IN ACCORDANCE WITH STATE LAW. (GIMENEZ)

Council Member Dalton made a motion, seconded by Council Member Schwartz to approve the first reading to adopt Ordinance 21-13 establishing the ad valorem and personal property tax rate of .313740 for tax year 2021, and setting the assessed valuation at one hundred percent (100%) of the fair market value and providing for discounts in the event of early payment, and providing for penalty and interest in accordance with state law. Motion carried unanimously.

5.7. CONSIDERATION AND ACTION ON APPROVAL OF RESOLUTION NO. 2021-23 ADOPTING THE 5-YEAR CAPITAL IMPROVEMENT PLAN AS REQUIRED BY SECTION 5.09 OF THE HOME RULE CHARTER. (DELGADO)

Council Member Medders made a motion, seconded by Council Member Schwartz to approve Resolution No. 2021-23 adopting the 5-Year Capital Improvement Plan as required by Section 5.09 of the Home Rule Charter. Motion carried unanimously.

5.8. DISCUSSION AND ACTION TO AUTHORIZE THE MAYOR TO EXECUTE A RELEASE OR AN ABANDONMENT OF THE EASEMENT KNOWN AS .095 ACRES OF LAND (4,127 SQUARE FEET), OUT OF LOT 2, BLOCK 1, MESCHI'S MINIMAX INC. SUBDIVISION, LOCATED IN THE CITY OF SOUTH PADRE ISLAND, CAMERON COUNTY, TEXAS AND WHICH EASEMENT AREA IS MORE SPECIFICALLY DESCRIBED BY METES AND BOUNDS IN EXHIBIT "A", AND BY DIAGRAM IN EXHIBIT "B", BOTH OF WHICH ARE ATTACHED. THE EASEMENT OBTAINED BY THE CITY IN 2017 WAS NOT USED AS INTENDED, THEREFORE WILL BE RELEASED BACK TO THE ORIGINAL PROPERTY OWNER. (SANCHEZ)

Council Member Dalton made a motion, seconded by Council Member Caballero to authorize the Mayor to execute a release or an abandonment of the easement known as .095 acres of land (4,127 square feet), out of Lot 2, Block 1, Meschi's Minimax Inc. Subdivision, located in the City of South Padre Island, Cameron County, Texas and which easement area is more specifically described by metes and bounds in Exhibit "A", and by diagram in Exhibit "B", both of which are attached. The easement obtained by the City in 2017 was not used as intended, therefore will be released back to the original property owner. Motion carried unanimously.

5.9. UPDATE ON MONTHLY PERMIT ACTIVITY FOR THE MONTH OF JULY 2021. (MEDDERS)

Council Member Medders provided a brief update regarding the building permit activity for the month of July 2021.

5.10. UPDATE OF LAGUNA BOULEVARD IMPROVEMENTS. (SANCHEZ)

Public Works Director Alex Sanchez provided a brief update on the status of the Laguna Boulevard Improvements.

5.11. DISCUSSION AND ACTION TO APPROVE THE FIRST READING OF ORDINANCE 21-14 AMENDING THE CITY OF SOUTH PADRE ISLAND CODE OF ORDINANCES 21-06 ESTABLISHING EAST SUNSET DRIVE AS A ONE-WAY STREET (EASTBOUND) AND ESTABLISHING EAST SUNSET AS A TWO-WAY STREET AND PROHIBITING PARKING ON IDENTIFIED AREAS ALONG THE STREET. (SANCHEZ)

Council Member Schwartz made a motion, seconded by Council Member Dalton to approve the first reading of Ordinance 21-14 amending the City of South Padre Island Code of Ordinances 21-06 establishing East Sunset Drive as a One-Way Street (eastbound) and establishing East

Sunset as a two-way street and prohibiting parking on identified areas along the street. Motion carried unanimously.

5.12. PUBLIC HEARING TO DISCUSS THE REQUEST TO REZONE LOT 3 BLOCK 202, FIESTA ISLES SUBDIVISION (PADRE BEACH, SECTION XII) FROM DISTRICT "E" - LOW DENSITY RESIDENTIAL - SINGLE-FAMILY AND TOWNHOUSE DWELLING DISTRICT TO "NC" NEIGHBORHOOD CROSSING CHARACTER ZONE. (YEHUDA AZOULAY, OWNER) (SANCHEZ)

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

Proponents: Yehuda Azoulay

Opponents: Jared Strauss, Jose Art Chapa, Elizabeth Bullen King

Mayor McNulty closed the Public Hearing at 6:25 p.m.

5.13. DISCUSSION AND POSSIBLE ACTION REGARDING THE REQUEST TO REZONE LOT 3 BLOCK 202, FIESTA ISLES SUBDIVISION (PADRE BEACH, SECTION XII) FROM DISTRICT "E" - LOW DENSITY RESIDENTIAL - SINGLE-FAMILY AND TOWNHOUSE DWELLING DISTRICT TO "NC" NEIGHBORHOOD CROSSING CHARACTER ZONE. (YEHUDA AZOULAY, OWNER) (SANCHEZ)

Council Member Dalton made a motion, seconded by Council Member Caballero to approve the rezoning of Lot 3 Block 202, Fiesta Isles Subdivision (Padre Beach, Section XII) from District "E" - Low Density Residential - Single-Family and Townhouse Dwelling District to "NC" Neighborhood Crossing Character Zone. Motion passed with a 4:1 vote. Mayor McNulty voted in opposition.

5.14. DISCUSSION AND POSSIBLE ACTION TO APPROVE \$150,000 FROM HOTEL/MOTEL TAX EXCESS RESERVES FOR THE SWITCH UP MOTION PICTURE MARKETING BUY FOR FY 2021, WHICH WILL BE FILMED ON SOUTH PADRE ISLAND, TX. (CAUM)

Item was pulled.

5.15. DISCUSSION AND ACTION TO AWARD A CONTRACT WITH THE LOW BIDDER, NATIONAL SIGN PLAZAS, RECEIVED FOR THE WAYFINDING SIGNAGE FABRICATION AND INSTALLATION AND TO APPROVE THE BUDGET AMENDMENT IN THE AMOUNT OF \$158,000.00 FROM THE HOTEL/MOTEL TAX EXCESS RESERVES FUND. (SANCHEZ)

Council Member Schwartz made a motion, seconded by Mayor McNulty to award the contract to the low bidder, National Sign Plazas, received for the Wayfinding Signage Fabrication and Installation and to approve the budget amendment in the amount of \$158,000.00 from the Hotel/Motel Tax Excess Reserves Fund.

Council Members then had further discussion concerning the amount of signs and the size of the signs. Council Member Schwartz made a motion, seconded by Mayor McNulty to withdraw their motion.

Council Member Medders made a motion, seconded by Council Member Caballero to table the agenda item to have staff bring back a map showing where the signs will be located. Motion passed unanimously.

5.16. DISCUSSION AND ACTION TO APPROVE THE CITY TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH H2O PARTNERS TO DEVELOP A FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)-APPROVED ANNEX TO THE CAMERON COUNTY HAZARD MITIGATION ACTION PLAN UPDATE (ANNEX) FOR THE CITY OF SOUTH PADRE ISLAND. (PIGG)

Council Member Dalton made a motion, seconded by Council Member Schwartz to approve the City to enter into a professional services agreement with H2O Partners to develop a federal Emergency Management Agency (FEMA)-approved Annex to the Cameron County Hazard

Mitigation Action Plan Update (ANNEX) for the City of South Padre Island. Motion carried unanimously.

5.17. DISCUSSION AND ACTION TO EXTEND THE CITY'S DECLARATION OF A LOCAL STATE OF DISASTER DUE TO COVID-19 VIRUS EPIDEMIC TO 11:59 P.M. ON FRIDAY, SEPTEMBER 24, 2021. (MCNULTY)

Council Member Caballero made a motion, seconded by Council Member Schwartz to extend the City's Declaration of a Local State of Disaster due to COVID-19 virus epidemic to 11:59 p.m. on Friday, September 24, 2021. Motion carried unanimously.

5.18. DISCUSSION AND ACTION TO APPROVE RESOLUTION NO. 2021-24 ESTABLISHING PROCEDURES FOR A GENERAL ELECTION TO BE HELD ON NOVEMBER 2, 2021 FOR THE PURPOSE OF ELECTING TWO COUNCIL MEMBERS (PLACE 3 AND PLACE 5). (SOTO)

Council Member Caballero made a motion, seconded by Council Member Schwartz to approve Resolution No. 2021-24 establishing procedures for a general election to be held on November 2, 2021 for the purpose of electing two Council Members (Place 3 and Place 5). Motion carried unanimously.

A true and correct copy of said Resolution was placed in the City's Resolution Book and entitled Resolution No. 2021-24, and, by reference hereto, included in these Minutes as if fully set out and spread upon the pages of the Minutes Book.

6.ADJOURN.

There being no further business, Mayor McNulty adjourned the meeting at 6:46 p.m.

Angeline Soto for Marta Martinez
Marta Martinez, Assistant City Secretary

APPROVED

[Signature]
Patrick McNulty, Mayor

