

MINUTES CITY OF SOUTH PADRE ISLAND CITY COUNCIL REGULAR MEETING
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WEDNESDAY, APRIL 17, 2019

1. CALL TO ORDER

The City Council Members of the City of South Padre Island, Texas held a Regular Meeting on Wednesday, April 17, 2019 at the Municipal Complex Building, 2nd Floor, 4601 Padre Boulevard, South Padre Island, Texas. Mayor Stahl called the meeting to order at 5:30 p.m. A full quorum was present: Mayor Dennis Stahl, Council Members Ken Medders, Jr., Kerry Schwartz, Joe Ricco, Alita Bagley and Eva-Jean Dalton.

City staff members present were Interim City Manager Randy Smith, Chief Financial Officer Rodrigo Gimenez, Public Works Director Alex Sanchez, Administrative Services Director Wendi Delgado, Fire Chief Doug Fowler, Interim Shoreline Management Director Kristina Boburka, CVB Director Ed Caum, Interim Chief of Police Claudine O'Carroll, Assistant Public Works Director Jon Wilson, Information Technology Director Mark Shellard, Public Information Officer Angelique Soto and City Secretary Susan Hill.

2. PLEDGE OF ALLEGIANCE AND TEXAS PLEDGE

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

3. PUBLIC COMMENTS AND ANNOUNCEMENTS

Public comments and announcements were given at this time.

4. PRESENTATIONS AND PROCLAMATIONS:

- A. PROCLAMATION: EARTH DAY**
- B. PROCLAMATION: MOTORCYCLE SAFETY AND AWARENESS MONTH**
- C. PROCLAMATION: ADMINISTRATIVE PROFESSIONALS DAY**
- D. PRESENTATION: RECOGNITION OF SUPPORT FOR MAYOR DENNIS STAHL AND FORMER MAYOR BHARAT (BARRY) PATEL**

5. APPROVE CONSENT AGENDA:

Council Member Bagley made a motion, seconded by Council Member Ricco to approve the Consent Agenda. Motion carried on a unanimous vote.

- A. APPROVE MINUTES OF APRIL 3, 2019 REGULAR MEETING. (S. HILL)**
- B. APPROVE INVOICES FOR PAYMENT. (GIMENEZ)**

Invoices approved for payment were paid by General Fund checks numbered 144119 through 144269 and EFT payments totaling \$839,530.57.

- C. APPROVE RESOLUTION NO. 2019-13 TO DECLARE VARIOUS ASSETS AS SURPLUS PROPERTY AND AUTHORIZE THE INTERIM CITY MANAGER TO DISPOSE OF SUCH PROPERTY IN A MANNER THAT IS BENEFICIAL TO THE CITY AND IT ACCORDANCE WITH THE FIXED ASSETS POLICY. (GIMENEZ)**

A true and correct copy of said Resolution was placed in the City's Resolution Book and entitled Resolution No. 2019-13, and, by reference hereto, included in these Minutes as if fully set out and spread upon the pages of the Minutes Book.

- D. APPROVE RESOLUTION NO. 2019-14 FOR TEMPORARY CLOSURE OF HWY. 100 AND PARTIAL CLOSURE OF THE QUEEN ISABELLA CAUSEWAY FOR THE PEDAL TO PADRE BIKE RIDE ON MAY 5, 2019 AND AUTHORIZE THE INTERIM CITY MANAGER TO SIGN THE AGREEMENT WITH TEXAS DEPARTMENT OF TRANSPORTATION. (HUFFMAN)**

A true and correct copy of said Resolution was placed in the City's Resolution Book and entitled Resolution No. 2019-14, and, by reference hereto, included in these Minutes as if fully set out and spread upon the pages of the Minutes Book.

- E. APPROVE A BUDGET AMENDMENT TO ALLOCATE GRANT FUNDS FOR TRAINING IN THE AMOUNT OF \$1,000. (FOWLER)**
- F. APPROVE A BUDGET AMENDMENT TO ALLOCATE FUNDS FOR THE ARSON DOG PROGRAM IN THE AMOUNT OF \$1,752. (FOWLER)**
- G. APPROVE A BUDGET AMENDMENT IN THE AMOUNT OF \$319,317 TO RECEIVE REIMBURSEMENT FROM THE CONVENTION AND VISITORS BUREAU (CVB) TO THE GENERAL FUND FOR ADDITIONAL PUBLIC SAFETY EXPENDITURES DURING SPRING BREAK 2019. (GIMENEZ)**

- VI. DISCUSSION AND ACTION TO INCREASE RESIDENTIAL PICK-UP SERVICE ON SOUTH PADRE ISLAND BY REPUBLIC SERVICES. (BALDOVINOS)**

Nick Barrera from Republic Services explained that currently trash pickup services are provided twice a week on Mondays and Thursdays. Republic Services is proposing increasing the pickup to include service on Tuesdays and Fridays and splitting the island into two sections.

Council Member Schwartz made a motion to direct the Interim City Manager to work with the Environmental Health Department and Republic Services to implement the proposed changes. Motion was seconded by Council Member Ricco, which passed on a unanimous vote.

- VII. DISCUSSION AND ACTION TO APPROVE A RESOLUTION TO DISSOLVE THE SPECIAL EVENTS COMMITTEE CREATED BY RESOLUTION NO. 2018-35 AS RECOMMENDED BY THE CONVENTION AND VISITORS ADVISORY BOARD. (CAUM) (TABLED FROM THE APRIL 3, 2019 CITY COUNCIL MEETING).**

Council Member Bagley made a motion to postpone this item until the May 15, 2019 City Council meeting. Council Member Ricco seconded the motion. Motion carried unanimously.

- VIII. DISCUSSION AND ACTION TO APPROVE SECOND AND FINAL READING OF ORDINANCE NO. 19-05 REPEALING ORDINANCE NO. 18-17 THAT PROVIDED THE SPECIFIC USE PERMIT FOR OUTDOOR AMUSEMENT AT PADRE ISLAND UNSUBDIVIDED ABST 260 AND THEREBY REVOKING SAID SPECIFIC USE PERMIT DUE TO NON-COMPLIANCE WITH THE REQUIREMENTS AND CONDITIONS PROVIDED IN THE SPECIFIC USE PERMIT. (BAGLEY) (TABLED FROM THE APRIL 3, 2019 CITY COUNCIL MEETING)**

Doyle Wells, proprietor of Island Fun Park, updated the Council that the new fence has been ordered and will be installed by the end of the week.

Council Member Dalton made a motion, seconded by Council Member Ricco to deny approval of second and final reading of Ordinance No. 19-05 which would repeal Ordinance No. 18-17. Motion passed on a unanimous vote. Ordinance No. 19-05 failed and Ordinance No. 18-17 remains in place.

- IX. PUBLIC HEARING: TO DISCUSS A SPECIFIC USE PERMIT FOR THE EXPANSION AND OPERATION OF AN "OUTDOOR AMUSEMENT" PARK WITH THE ADDITION OF A ZIP-LINE RIDE AT THE PROPERTY COMMONLY KNOWN AS 1201 PADRE BOULEVARD. (SANCHEZ/TRAVIS/MARTINEZ)**

At 6:09 p.m., Mayor Stahl opened the Public Hearing.

Proponents: Five (unknown) Opponents: None

Mayor Stahl closed the Public Hearing at 6:11 p.m.

- X. DISCUSSION AND ACTION TO APPROVE FIRST READING OF ORDINANCE TO ALLOW FOR A SPECIFIC USE PERMIT FOR THE EXPANSION AND OPERATION OF AN "OUTDOOR AMUSEMENT" PARK WITH THE ADDITION OF A ZIP-LINE RIDE AT THE PROPERTY COMMONLY KNOWN AS 1201 PADRE BOULEVARD. (SANCHEZ/TRAVIS/MARTINEZ)**

Council Member Schwartz made a motion, seconded by Council Member Medders to approve first reading of Ordinance No. 19-07 to allow for a Specific Use Permit for the addition of a zip-line ride at the property located at 1201 Padre Boulevard. Motion passed on a unanimous vote.

- XI. PRESENTATION AND UPDATE BY KIMLEY-HORN REGARDING ENGINEERING AND CONSTRUCTION SERVICES FOR PADRE BOULEVARD (PR 100) IMPROVEMENTS PROJECT. (SANCHEZ)**

Tom Grant, with Kimley-Horn and Associates, Inc., gave an overview of the project including the process and work that has already transpired and where the project is at today. Next steps include finalizing the plans, final TxDOT approval, ATT coordination with cell nodes, material testing contract, bid the project out and begin construction.

- XII. DISCUSSION AND ACTION TO APPROVE CONTRACT AMENDMENT NO. 11 (NOT TO EXCEED \$10,000) WITH KIMLEY-HORN FOR ENGINEERING/CONSTRUCTION SERVICES FOR PADRE BOULEVARD (PR100) IMPROVEMENTS FOR SIDEWALKS AND MEDIANS AND APPROVE BUDGET AMENDMENT TO ALLOCATE THE REMAINING 2016 TAX NOTES FUNDS TO PAY FOR THIS SERVICE. (SANCHEZ)**

Council Member Bagley made a motion to approve Contract Amendment No. 11 (not to exceed \$10,000) for the Padre Boulevard Improvement project and approve budget amendment to allocate the remaining 2016 tax notes to pay for this service. Motion was seconded by Council Member Ricco, which carried unanimously.

- XIII. DISCUSSION AND ACTION TO APPROVE CONTRACT AMENDMENT NO. 12 (NOT TO EXCEED \$32,000) WITH KIMLEY-HORN FOR ENGINEERING SERVICES FOR PADRE BOULEVARD (PR100) IMPROVEMENTS FOR SIDEWALKS AND MEDIANS. (SANCHEZ)**

Mayor Stahl made a motion to approve Contract Amendment No. 12 with an amount not to exceed \$29,000 (\$3,000 less than proposed) to prepare a traffic signal analyses and modifications to plan to include traffic signal plans. Council Member Bagley seconded the motion, motion passed unanimously. Council Member Ricco requested that a letter submitted by Joni S. Montover be added to the minutes. Referenced letter will be attached and included with the official minutes.

XIV. DISCUSSION AND ACTION TO APPROVE CONTRACT AMENDMENT NO. 13 (AMOUNT NOT TO EXCEED \$160,000) WITH KIMLEY-HORN FOR SUPPLEMENTAL CONSTRUCTION SERVICES FOR PADRE BOULEVARD (PR 100) IMPROVEMENTS FOR SIDEWALKS AND MEDIANS (PHASE II). (SANCHEZ)

Council Member Medders made a motion, seconded by Council Member Dalton, to table until after City Council holds a workshop with Kimley-Horn regarding the Padre Boulevard (PR 100) Improvement project. Motion carried unanimously.

V. DISCUSSION AND ACTION TO APPROVE A BEACH AND DUNE PERMIT TO CONSTRUCT A SINGLE-FAMILY RESIDENCE WITH ASSOCIATED AMENITIES LOCATED AT 8414 BREAKERS BOULEVARD. (BOBURKA)

Council Member Medders made a motion to approve the Beach and Dune Permit to construct a single-family residence with associated amenities at 8414 Breakers Boulevard. Motion was seconded by Council Member Ricco, which passed on a 5 to 0 vote (Council Member Bagley stepped out of the chambers momentarily).

XVI. DISCUSSION AND ACTION FOR APPROVAL TO WORK INFORMALLY WITH THE TEXAS GENERAL LAND OFFICE (GLO) TO ENSURE THE CITY'S BEACH MANAGEMENT PLAN IS READY FOR FULL SUBMISSION. (BOBURKA)

Mayor Stahl made a motion to approve the Shoreline Department to work informally with the Texas General Land Office regarding the City's Beach Management Plan. Council Member Schwartz seconded the motion. Motion carried unanimously.

XVII. DISCUSSION AND ACTION TO APPROVE RESOLUTION NO. 2019-15 IN OPPOSITION TO HOUSE BILL 2 AND SENATE BILL 2 THAT WOULD RESULT IN LEGISLATIVE IMPOSITION OF A REVENUE CAP AND LEGISLATIVE INTERFERENCE WITH LOCAL SERVICES. (SMITH)

Council Member Bagley made a motion, seconded by Council Member Schwartz to approve Resolution No. 2019-15 in opposition to House Bill 2 and Senate Bill 2. Motion carried on a 5 to 1 vote with Council Member Dalton casting a nay vote.

XVIII. DISCUSSION AND ACTION TO APPROVE RESOLUTION NO. 2019-16 REQUESTING THE MEMBERS OF THE 86TH LEGISLATION OF THE STATE OF TEXAS TO SUPPORT HOUSE BILL 2647 AND SENATE BILL 1719 TO ALLOW FOR INCREASED AND LONG TERM FUNDING FOR THE COASTAL EROSION PROTECTION AND RESPONSE ACT (CEPRA). (BOBURKA)

Mayor Stahl made a motion to approve Resolution No. 2019-16 to support House Bill 2647 and Senate Bill 1719 to allow for increased and long term funding for the Coastal Erosion Protection and Response Act (CEPRA). Motion passed on a 5 to 0 vote with Council Member Schwartz momentarily leaving the Council Chambers.

XIX. DISCUSSION AND ACTION TO APPROVE RESOLUTION NO. 2019-17 IN OPPOSITION TO HOUSE BILL 3778 THAT WOULD RESULT IN LEGISLATIVE IMPOSITION TO THE REGULATION OF SHORT-TERM RENTAL UNITS. (SMITH)

Council Member Dalton made a motion, seconded by Council Member Bagley to approve Resolution No. 2019-17 in opposition to House Bill 3778 that would impose regulation of short-term rentals. Motion carried unanimously.

XX. DISCUSSION AND POSSIBLE ACTION REGARDING PROPOSED LNG PLANTS INCLUDING CURRENT FILINGS, FERC ACTIONS, CITY RESPONSE AND COMMUNICATION. (SCHWARTZ)

After much discussion, Council Member Bagley made a motion to go forward to instruct staff to file the original resolution as an e-comment on the FERC website immediately,

retain legal counsel immediately to make sure we are protecting our interests at this crucial time, counsel shall have experience in environmental and administrative law and work with the city staff to file the request for contested case hearing and represent the City of South Padre Island before TCEQ and FERC, authorize the City Manager to evaluate our position and make sure our contacts are updated and follow our opposition, establish a round table of volunteers to work with City staff and report back to Council. After retaining an attorney and updating our contacts with FERC and TCEQ, write a letter to FERC and TCEQ stating the City's opposition to the proposed permits. Include the original resolution of September 2, 2015 and an explanation of why the city did not participate during the comment period. Include an affidavit from the designated contact person that they did not receive any emails or other information from FERC in spite filing the motion to intervene and designating themselves as the City's contact person. After retaining an attorney, write a letter to TCEQ stating the City's opposition and including the September 2, 2015 resolution and file a request for contested case hearing with TCEQ to contest the permits. Council Member Ricco seconded the motion.

Council Members Bagley and Ricco withdrew the first motion and made another motion to direct the Interim City Manager to move forward regarding the proposed LNG plants including current filings, FERC actions, city response and communications. Motion passed on a 5 to 0 vote with Mayor Stahl abstaining from the vote.

XXI. DISCUSSION AND ACTION TO APPROVE RESOLUTION NO. 2019-18 IN OPPOSITION TO HOUSE BILL 3535 AND SENATE BILL 1152 THAT WOULD RESULT IN LEGISLATIVE IMPOSITION OF A REVENUE CAP AND LEGISLATIVE INTERFERENCE WITH LOCAL SERVICES. (SMITH)

Council Member Bagley made a motion, seconded by Council Member Dalton to approve Resolution No. 2019-18 in opposition to House Bill 3535 and Senate Bill 1152 regarding the imposition of a revenue cap. Motion carried unanimously.

XXII. EXECUTIVE SESSION: PURSUANT TO SECTIONS 551.072, DELIBERATIONS ABOUT REAL PROPERTY; TO DISCUSS:

A. LEASE OF PROPERTY FOR WIND SPORTING VENUE.

At 8:06 p.m., Council Member Bagley made a motion, seconded by Council Member Schwartz to go into Executive Session. Motion carried unanimously.


At 8:36 p.m., the City Council reconvened into open session.

XXIII. DISCUSSION AND ACTION REGARDING LEASE OF PROPERTY FOR WIND SPORTING VENUE.

Mayor Stahl made a motion to direct the Interim City Manager to work with the Pinnell representatives to finalize and execute an option for a lease agreement on the property earmarked for a silent water sports park. Motion was seconded by Council Member Ricco, which passed on a 5 to 1 vote with Council Member Medders casting a nay vote.

XXIV. ADJOURN.

There being no further business, Mayor Stahl adjourned the meeting at 8:36 p.m.


Susan M. Hill, City Secretary

APPROVED


Dennis Stahl, Mayor

