

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

**WEDNESDAY, SEPTEMBER 1, 2021**

**1. CALL TO ORDER**

The City Council Members of the City of South Padre Island, Texas held a Regular Meeting on Wednesday, September 1, 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 Joe Ricco, Ken Medders, Jr., Kerry Schwartz, Lydia Caballero, and Eva-Jean Dalton.

City staff members present were City Manager Randy Smith, Director of Operations Wendi Delgado, Chief Financial Officer Rodrigo Gimenez, Police Chief Claudine O'Carroll, EMS Captain Oziel Garcia, Public Works Director Alex Sanchez, Assistant Public Works Director Jon Wilson, Shoreline Director Kristina Boburka, Environmental Health Director Victor Baldovinos, Parks and Recreation Manager Debbie Huffman, Assistant City Secretary Marta Martinez, and City Secretary Angelique Soto.

**2. PLEDGE OF ALLEGIANCE AND TEXAS PLEDGE**

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

**3. PUBLIC COMMENTS AND ANNOUNCEMENTS:**

None

**4. PRESENTATIONS AND PROCLAMATIONS:**

**4.1. PROCLAMATION: FOOD SAFETY PROCLAMATION (BALDOVINOS)**

**4.2. PRESENTATION: JOHNSON CONSULTING REPORT. (CAUM)**

**5. APPROVE CONSENT AGENDA:**

Council Member Schwartz made a motion, seconded by Council Member Caballero to approve Consent Agenda Items 5.1 through 5.8. Motion carried unanimously.

**5.1. APPROVE THE SECOND AND FINAL 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 WITH THE CITY OF SOUTH PADRE ISLAND. (BOBURKA)**

A true and correct copy of said Ordinance was placed in the City's Resolution Book and entitled Resolution No. 21-11, and, by reference hereto, included in these Minutes as if fully set out and spread upon the pages of the Minutes Book.

**5.2. APPROVE ACCEPTANCE OF TEXAS DEPARTMENT OF TRANSPORTATION PROJECT GRANT AGREEMENT RUR 2201 (21) FOR \$593,108 AND AUTHORIZE CITY MANAGER OR CFO TO ENTER GRANT AGREEMENT. (ARRIAGA)**



- 5.3. **APPROVE INVOICES FOR PAYMENT. (GIMENEZ)**
- 5.4. **APPROVE THE SECOND AND FINAL 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)**

A true and correct copy of said Ordinance was placed in the City's Resolution Book and entitled Resolution No. 21-10, and, by reference hereto, included in these Minutes as if fully set out and spread upon the pages of the Minutes Book.

- 5.5. **APPROVE THE SECOND AND FINAL 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)**

A true and correct copy of said Ordinance was placed in the City's Resolution Book and entitled Resolution No. 21-12, and, by reference hereto, included in these Minutes as if fully set out and spread upon the pages of the Minutes Book.

- 5.6. **APPROVE THE SECOND AND FINAL 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)**

A true and correct copy of said Ordinance was placed in the City's Resolution Book and entitled Resolution No. 21-13, and, by reference hereto, included in these Minutes as if fully set out and spread upon the pages of the Minutes Book.

- 5.7. **APPROVE THE SECOND AND FINAL 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)**

A true and correct copy of said Ordinance was placed in the City's Resolution Book and entitled Resolution No. 21-14, and, by reference hereto, included in these Minutes as if fully set out and spread upon the pages of the Minutes Book.

- 5.8. **APPROVE THE MINUTES FROM THE AUGUST 18, 2021 REGULAR CITY COUNCIL MEETING. (SOTO)**

## **6.REGULAR AGENDA**

- 6.1. **DISCUSSION AND ACTION TO APPROVE THE 2021-2022 MEMORANDUM OF UNDERSTANDING (MOU) WITH THE FRIENDS OF ANIMAL RESCUE TO PROVIDE ANIMAL CARE SERVICES FOR THE CITY OF SOUTH PADRE ISLAND; AND AUTHORIZE THE CITY MANAGER TO EXECUTE. (BALDOVINOS)**

Council Member Dalton made a motion, seconded by Council Member Caballero to approve the 2021-2022 Memorandum of Understanding with the Friends of Animal Rescue to provide animal care services for the City of South Padre Island and authorize the City Manager to sign. Motion carried unanimously.



**6.2. DISCUSSION AND ACTION TO APPROVE RESOLUTION 2021- 25 AUTHORIZING THE APPLICATION FOR A LOCAL PARKS NON-URBAN OUTDOOR RECREATION GRANT FOR THE SOUTH PADRE ISLAND PICKLEBALL COURTS. (HUFFMAN)**

Council Member Ricco made a motion, seconded by Council Member Medders to approve Resolution 2021-25 authorizing the application for a Local Parks Non-Urban Outdoor Recreation Grant for the South Padre Island Pickleball Courts. Motion carried unanimously.

A true and correct copy of said Resolution was placed in the City's Resolution Book and entitled Resolution No. 2021-25, and, by reference hereto, included in these Minutes as if fully set out and spread upon the pages of the Minutes Book.

**6.3. 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 Ricco made a motion, seconded by Council Member Medders for staff to contact National Sign Plazas about creating double-sided signs and to research the geotagging function. Motion carried unanimously.

**6.4. DISCUSSION AND ACTION REGARDING THE APPEAL OF THE APPEAL DECISION FROM THE DSRTF REGARDING A VARIANCE REQUEST BY RANDY ALGOE WITH T.I.D.E. TRUST FROM CHAPTER 20 ZONING SEC. 20-3 DEFINITIONS PARKING, PARKING REQUIREMENTS, OFF-STREET PARKING OF THE CITY'S CODE OF ORDINANCES AND ARTICLE 2 MINIMUM STANDARDS FOR STREET DESIGN AND CONSTRUCTION 2.18 PARKING LOTS OF THE STANDARDS AND SPECIFICATIONS FOR THE ACCEPTANCE OF PUBLIC IMPROVEMENTS FOR THE CITY OF SOUTH PADRE. THE APPLICANT IS REQUESTING A WAIVER FROM THE PARKING LOT REQUIREMENTS FOR 1612 PADRE BOULEVARD. (LOTS 8 & 9 BLOCK 4, SUNNY ISLE SUBDIVISION) (SANCHEZ)**

Council Member Caballero made a motion, seconded by Council Member Dalton to approve the appeal of the appeal decision from the DSRTF regarding a variance request by Randy Algoe with T.I.D.E. trust from Chapter 20 Zoning Sec. 20-3 definitions parking, parking requirements, off-street parking of the City's Code of Ordinances and Article 2 minimum standards for street design and construction 2.18 parking lots of the standards and specifications for the acceptance of public improvements for the City of South Padre. The applicant is requesting a waiver from the parking lot requirements for 1612 Padre Boulevard. (Lots 8 & 9 Block 4, Sunny Isle Subdivision). Motion died on a 2 to 4 vote with Mayor McNulty and Council Members Ricco, Medders, and Schwartz casting a nay vote.

**6.5. PUBLIC HEARING TO DISCUSS THE REQUEST TO REZONE EIGHTEEN (18) FEET OF LOT 15 BLOCK 155 PADRE BEACH SUBDIVISION SECTION X FROM "E" - LOW DENSITY RESIDENTIAL - SINGLE-FAMILY AND TOWNHOUSE DWELLING DISTRICT TO "B-2" - RESIDENTIAL & MULTI-FAMILY DWELLING DISTRICT. (ENCARTADA INC.)**

At 6:54 p.m., Mayor McNulty opened the Public Hearing.

Proponents: None,  
Opponents: None

Mayor McNulty closed the Public Hearing at 6:56 p.m.



- 6.6. DISCUSSION AND POSSIBLE ACTION REGARDING THE REQUEST TO REZONE EIGHTEEN (18) FEET OF LOT 15 BLOCK 155 PADRE BEACH SUBDIVISION SECTION X FROM "E" - LOW DENSITY RESIDENTIAL - SINGLE-FAMILY AND TOWNHOUSE DWELLING DISTRICT TO "B-2" - RESIDENTIAL & MULTI-FAMILY DWELLING DISTRICT. (ENCARTADA INC.) (SANCHEZ)**

Council Member Ricco made a motion, seconded by Council Member Caballero to approve the request to rezone eighteen (18) feet of Lot 15 Block 155 Padre Beach Subdivision Section X from "E" - Low Density Residential - Single-Family and Townhouse dwelling District to "B-2" - Residential & Multi-Family dwelling District. (Encartada Inc.). Motion passed on a 5 to 0 vote with Council Member Dalton abstaining.

- 6.7. DISCUSSION AND POSSIBLE ACTION APPROVING THE SURVEY AND APPRAISAL FOR REAL PROPERTY OF LAND ACQUISITION IN REGARDS TO 103, 105, AND 107 WEST MARS LANE, SOUTH PADRE ISLAND, TEXAS 78597 (SOUTH PADRE ISLAND - PADRE BEACH SUBDIVISION SECTION IX LOTS 2 & 3, BLOCK 136.) (MCNULTY)**

Council Member Ricco made a motion, seconded by Council Member Medders approving the survey and appraisal for real property of land acquisition in regards to 103, 105, and 107 West Mars Lane, South Padre Island, Texas 78597 (South Padre Island - Padre Beach Subdivision Section IX Lots 2 & 3, Block 136.). Motion carried unanimously.

- 6.8. APPROVE RESOLUTION 2021-26 AUTHORIZING THE CITY MANAGER TO EXECUTE CLOSING DOCUMENTS FOR THE PURCHASE OF LAND IN REGARDS TO 103, 105, AND 107 WEST MARS LANE, SOUTH PADRE ISLAND, TEXAS 78597 (SOUTH PADRE ISLAND - PADRE BEACH SUBDIVISION SECTION IX LOTS 2 & 3, BLOCK 136.) (MCNULTY)**

Council Member Ricco made a motion, seconded by Council Member Caballero to approve Resolution 2021-26 and authorize the City Manager to execute closing documents in regards to 103, 105, and 107 West Mars Lane, South Padre Island, Texas 78597 (South Padre Island - Padre Beach Subdivision Section IX Lots 2 & 3, Block 136.). Motion carried unanimously.

A true and correct copy of said Resolution was placed in the City's Resolution Book and entitled Resolution No. 2021-26, and, by reference hereto, included in these Minutes as if fully set out and spread upon the pages of the Minutes Book.

- 6.9. DISCUSSION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2021-27 APPROVAL OF SEA TURTLE, INC.'S LOAN AGREEMENT WITH FROST BANK TO RENOVATE THE EXISTING RESCUE AND REHAB FACILITY AND CONSTRUCTING, IMPROVING, FURNISHING, AND EQUIPPING A NEW INTENSIVE CARE UNIT, VETERINARY CLINIC, AND PERMANENT DORMITORY TO BE LOCATED AT 6617 PADRE BOULEVARD, SOUTH PADRE ISLAND, TEXAS 78597. (MCNULTY)**

Council Member Medders made a motion, seconded by Council Member Ricco to approve Resolution No. 2021-27 approval of Sea Turtle, Inc.'s loan agreement with Frost Bank to renovate the existing rescue and rehab facility and constructing, improving, furnishing, and equipping a new intensive care unit, veterinary clinic, and permanent dormitory to be located at 6617 Padre Boulevard, South Padre Island, Texas 78597.

A true and correct copy of said Resolution was placed in the City's Resolution Book and entitled Resolution No. 2021-27, and, by reference hereto, included in these Minutes as if fully set out and spread upon the pages of the Minutes Book.



**6.10. DISCUSSION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 2021-28 AUTHORIZING THE CITY OF SOUTH PADRE ISLAND ALONG WITH THE SOUTH PADRE ISLAND HISTORICAL FOUNDATION TO APPLY AND EXECUTE DOCUMENTS RELATED TO SAID APPLICATION FOR FUNDS FOR THE SPI HISTORICAL MUSEUM UNDER THE RULES AND REGULATIONS OF THE U.S. DEPARTMENT OF COMMERCE, ECONOMIC DEVELOPMENT ADMINISTRATION (E.D.A.). (RICCO)**

Council Member Ricco made a motion, seconded by Council Member Schwartz to approve Resolution No. 2021-28 authorizing the City of South Padre Island along with the South Padre Island historical foundation to apply and execute documents related to said application for funds for the SPI historical museum under the rules and regulations of the U.S. Department of Commerce, Economic Development Administration (E.D.A.). Motion carried unanimously.

A true and correct copy of said Resolution was placed in the City's Resolution Book and entitled Resolution No. 2021-28, and, by reference hereto, included in these Minutes as if fully set out and spread upon the pages of the Minutes Book.

**6.11. DISCUSSION AND POSSIBLE ACTION TO SCHEDULE A TRI-CITY MEETING BETWEEN THE CITIES OF SOUTH PADRE ISLAND, PORT ISABEL AND LAGUNA VISTA. (MCNULTY)**

Council Member Medders made a motion, seconded by Council Member Caballero to schedule a Tri-City meeting between the cities of South Padre Island, Port Isabel, and Laguna Vista. Motion carried unanimously.

**6.12. DISCUSSION AND ACTION TO APPROVE RESOLUTION 2021-29 REQUESTING THAT THE CITY LIMITS AND CITY'S EXTRA-TERRITORIAL JURISDICTION BE EXCLUDED FROM THE UNITED STATES FISH AND WILDLIFE SERVICE (USFWS)'S PROPOSED CRITICAL HABITAT FOR THE RUFA RED KNOT. (MCNULTY, BOBURKA)**

Council Member Ricco made a motion, seconded by Council Member Medders to approve Resolution 2021-29 requesting that the city limits and city's extra-territorial jurisdiction be excluded from the United States Fish and Wildlife Service (USFWS)'s proposed critical habitat for the Rufa Red Knot. Motion carried unanimously.

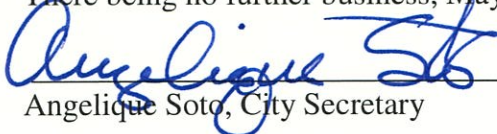
A true and correct copy of said Resolution was placed in the City's Resolution Book and entitled Resolution No. 2021-29, and, by reference hereto, included in these Minutes as if fully set out and spread upon the pages of the Minutes Book.

**6.13. DISCUSSION AND POSSIBLE ACTION TO APPROVE THE INTERLOCAL AGREEMENT WITH THE TROPICAL TEXAS BEHAVIOR HEALTH AND AUTHORIZE THE CHIEF OF POLICE TO EXECUTE THE AGREEMENT. (O'CARROLL)**

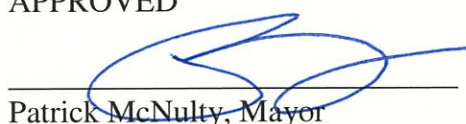
Council Member Caballero made a motion, seconded by Council Member Schwartz to approve the Interlocal Agreement with the Tropical Texas Behavior Health and authorize the Chief of Police to execute the agreement. Motion carried unanimously.

**7.ADJOURN.**

There being no further business, Mayor McNulty adjourned the meeting at 7:05 p.m.

  
Angelique Soto, City Secretary

APPROVED

  
Patrick McNulty, Mayor

