

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

WEDNESDAY, APRIL 5, 2023

1. CALL TO ORDER

The City Council Members of the City of South Padre Island, Texas held a Regular Meeting on Wednesday, April 5, 2023 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, Rees Langston, and Eva-Jean Dalton.

City staff members present were City Manager Randy Smith, Director of Operations Wendi Delgado, Chief Financial Officer Rodrigo Gimenez, Fire Chief Jim Pigg, Police Chief Claudine O'Carroll, Public Works Director Alex Sanchez, Assistant Public Works Director Jon Wilson, Shoreline Director Kristina Boburka, CVB Director Blake Henry, Environmental Health Director Victor Baldovinos, Administration Coordinator Hilda Delgado, 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:

Public comments and announcements were given at this time.

4. PRESENTATIONS AND PROCLAMATIONS:

- 4.1. PRESENTATION OF THE NATIONAL WILDLIFE FEDERATION MAYORS' MONARCH PLEDGE LEADERSHIP AWARD TO MAYOR PATRICK MCNULTY.**

5. APPROVE CONSENT AGENDA:

Council Member Dalton made a motion, seconded by Council Member Langston. Motion passed unanimously.

- 5.1. APPROVE A BUDGET AMENDMENT IN THE AMOUNT OF \$8,498.25 FOR FUNDS ASSOCIATED WITH THE US FOOD AND DRUG ADMINISTRATION (FDA) THROUGH THE ASSOCIATION OF FOOD AND DRUG OFFICIALS (AFDO) RETAIL PROGRAM STANDARDS GRANT (CFDA #93.103) FOR THE PURCHASE OF EQUIPMENT AND SUPPLIES TO SUPPORT THE HEALTH INSPECTIONS PROGRAM. (BALDOVINOS)**
- 5.2. APPROVE A BUDGET AMENDMENT IN THE AMOUNT OF \$6,000 DUE TO THE MEDICAL DIRECTOR'S CONTRACT COST OF LIVING INCREASE. (PIGG)**
- 5.3. APPROVE BUDGET AMENDMENT TO ALLOCATE FUNDS IN THE AMOUNT OF \$922 ASSOCIATED WITH THE MID-CONTINENTAL ASSOCIATION OF FOOD & DRUG OFFICIALS (MCAFD) THROUGH THE FDA SCIENTIFIC CONFERENCE GRANT PROGRAM (PAR-19-306). (BALDOVINOS)**
- 5.4. APPROVE A BUDGET AMENDMENT FROM GENERAL FUND EXCESS RESERVES IN THE AMOUNT OF \$10,000 RELATED TO CONTRACT AMENDMENT WITH DECKARD TECHNOLOGIES FOR STR PUBLIC PORTAL. (GIMENEZ)**

- 5.5. **APPROVAL OF THE 2022 AND 2023 CONTRACT WITH ROMAN ERIK TAVAREZ WHO OWNS THE BOAT SLIP TO STORE THE POLICE MARINE BOAT. (O'CARROLL)**
- 5.6. **APPROVE RESOLUTION NO. 2023-05 TO DECLARE VARIOUS ASSETS AS SURPLUS PROPERTY AND AUTHORIZE CITY MANAGER TO DISPOSE OF SUCH PROPERTY IN A MANNER THAT IS BENEFICIAL TO THE CITY AND IN ACCORDANCE WITH THE FIXED ASSETS POLICY. (SANCHEZ)**
- 5.7. **APPROVE A BUDGET AMENDMENT IN THE AMOUNT OF \$180,216 TO RECEIVE REIMBURSEMENT FROM THE CONVENTION AND VISITORS BUREAU (CVB) TO THE GENERAL FUND FOR ADDITIONAL PUBLIC SAFETY PAYROLL EXPENDITURES RELATED TO SPRING BREAK 2023. (GIMENEZ)**
- 5.8. **APPROVE INVOICES FOR PAYMENT. (GIMENEZ)**
- Invoices approved for payment by General Fund checks number 154292 through 154392 and EFT payments totaling \$773, 806. 04.
- 5.9. **APPROVAL OF THE MARCH 22, 2023 SPECIAL CITY COUNCIL MEETING MINUTES. (SOTO)**

6. REGULAR AGENDA

- 6.1. **DISCUSSION AND POSSIBLE ACTION TO APPROVE THE ACCEPTANCE OF TEXAS DEPARTMENT OF TRANSPORTATION PROJECT GRANT AMENDMENT #1 TO INCLUDE ADDITIONAL "GROWTH FUNDS" IN THE TOTAL AMOUNT OF \$20,801.00 TO THE PROJECT GRANT AGREEMENT. (ARRIAGA)**

Council Member Schwartz made a motion, seconded by Council Member Dalton to approve the acceptance of Texas Department of Transportation Project Grant Amendment #1 to include additional "Growth Funds" in the total amount of \$20,801 to the Project Grant Agreement. Motion passed unanimously.

- 6.2. **DISCUSSION AND POSSIBLE ACTION TO APPROVE THE ACCEPTANCE OF TEXAS DEPARTMENT OF TRANSPORTATION PROJECT GRANT AMENDMENT #1 TO REQUEST TO INCLUDE RESIDUAL FUNDS OF \$244,459.00 FROM THE FY 2022 PROJECT GRANT AGREEMENT FOR STATE FUNDS. THIS AMENDMENT ALSO REQUIRES EXTENDING THE END DATE OF THE PROJECT GRANT AGREEMENT TO AUGUST 31, 2024. (ARRIAGA)**

Council Member Schwartz made a motion, seconded by Council Member Dalton to approve the acceptance of Texas Department of Transportation Project Grant Amendment #1 to request to include residual funds of \$244,459 from the FY 2022 Project Grant Agreement for State funds. This amendment also requires extending the end date of the Project Grant Agreement to August 31, 2024. Motion passed unanimously.

- 6.3. **DISCUSSION AND ACTION TO APPROVE THE DRAFT OF CHAPTER 5 OF THE CITY OF SOUTH PADRE ISLAND CODE OF ORDINANCES AS RECOMMENDED BY THE ADHOC COMMITTEE. (CITY COUNCIL)**

Council Member Schwartz made a motion, seconded by Council Member Dalton to approve the draft of Chapter 5 of the City of South Padre Island Code of Ordinances as recommend by the Adhoc Committee. Motion passed unanimously.

6.4. DISCUSSION AND ACTION TO APPROVE THE DRAFT OF CHAPTER 6 OF THE CITY OF SOUTH PADRE ISLAND CODE OF ORDINANCES AS RECOMMENDED BY THE ADHOC COMMITTEE. (CITY COUNCIL)

Council Member Schwartz made a motion, seconded by Council Member Dalton to approve the draft of Chapter 6 of the City of South Padre Island Code of Ordinances as recommend by the Adhoc Committee. Motion passed unanimously.

6.5. DISCUSSION AND POSSIBLE ACTION TO APPROVE A REQUEST FROM THE SOUTH PADRE ISLAND ECONOMIC DEVELOPMENT CORPORATION TO ADD THE SOUTH PADRE ISLAND BIRDING AND NATURE CENTER AT 6801 PADRE BLVD. AS A DESIGNATED AREA FOR A FOOD TRUCK (TOM BAINTER, EDC PRESIDENT)

Council Member Dalton made a motion, seconded by Council Member Schwartz to approve a request from the South Padre Island Economic Development Corporation to add the South Padre Island Birding and Nature Center at 6801 Padre Blvd. as a designated area for a food truck. Motion passed unanimously.

6.6. DISCUSSION AND POSSIBLE ACTION REGARDING THE APPEAL OF APPLICANT MENASHE AMOYAL OF THE DENIAL BY THE DESIGN STANDARD REVIEW TASK FORCE OF APPLICANT'S REQUEST FOR A VARIANCE TO INSTALL AN ADDITIONAL MONUMENT SIGN ON THE PROPERTY LOCATED AT 1601 PADRE BLVD (LOT 1 BLOCK 7 SUNNY ISLE SUBDIVISION).

Council Member Dalton made a motion, seconded by Mayor McNulty to approve the monument sign subject to the waiver of any additional signs on the property. Motion to grant the variance FAILED on a 1 to 5 vote with Mayor McNulty and Council Members Medders, Schwartz, and Langston casting a nay vote.

6.7. DISCUSSION AND ACTION REGARDING THE COASTAL MANAGEMENT PROGRAM (CMP)'S CYCLE 29 PROPOSALS. (BOBURKA)

Council Member Ricco made a motion, seconded by Council Member Langston to approve the Coastal Management Program (CMP)'s Cycle 29 proposals. Motion passed on a 5 to 1 vote with Council Member Medders casting a nay vote.

6.8. DISCUSSION AND ACTION REGARDING THE COASTAL EROSION PLANNING AND RESPONSE ACT (CEPRA) CYCLE 13 PROPOSALS. (BOBURKA)

Council Member Schwartz made a motion, seconded Council Member Langston to approve the Coastal Erosion Planning and Response Act (CEPRA) Cycle 13 proposals. Motion passed unanimously.

6.9. DISCUSSION AND POSSIBLE ACTION TO APPROVE A BUDGET AMENDMENT FROM EXCESS RESERVES GENERAL FUND IN THE AMOUNT UP TO \$329,000 FOR THE SHADE PAVILION OVER THE BASKETBALL COURT AND SOLAR LIGHTING AT JOHN L. TOMPKINS PARK FOR THE PHASE III GRANT PROJECT WITH TEXAS PARKS AND WILDLIFE. (HUFFMAN)

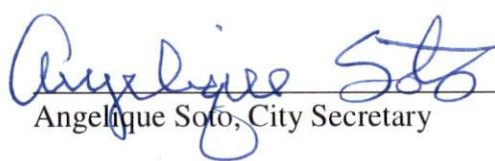
Council Member Ricco made a motion, seconded by Council Member Schwartz to approve a budget amendment from Excess Reserves General Fund in the amount up to \$329,000 for the Shade Pavilion over the basketball court and solar lighting at John L. Tompkins Park for the Phase III Grant Project with Texas Parks and Wildlife. Motion passed unanimously.

6.10. DISCUSSION AND POSSIBLE ACTION TO APPROVE THE FIRST READING OF ORDINANCE NO. 23-04 AMENDING CHAPTER 11, ARTICLE XII, SECTION 11-221 (A) (1), (D) (1) AND REMOVING SECTION 11-221 (B) (2) UPDATING THE CITY DEPARTMENT CONTACT, INCLUDE THE ANNUAL SHORT TERM RENTAL LICENSING FEE TO \$125.00 PER UNIT BEGINNING MAY 1, 2023 AND REMOVING SECTION B. (COUNCIL)

Council Member Schwartz made a motion, seconded by Council Member Ricco to approve the first reading of Ordinance No. 23-04 amending chapter 11, article xii, section 11-221, updating the city department contact, include the annual short term rental licensing fee to \$125.00 per unit beginning May 1, 2023. Motion passed on a 5 to 1 vote with Council Member Dalton casting a nay vote.

7.ADJOURN.

There being no further business, Mayor McNulty adjourned the meeting at 6:25 p.m.


Angelique Soto, City Secretary

APPROVED

Patrick McNulty, Mayor

