

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

WEDNESDAY, MAY 17, 2023

1. CALL TO ORDER

The City Council Members of the City of South Padre Island, Texas held a Regular Meeting on Wednesday, May 17, 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 Director of Operations Wendi Delgado, Fire Chief Jim Pigg, Police Chief Claudine O'Carroll, Public Works Director Alex Sanchez, Assistant Public Works Director Jon Wilson, CVB Director Blake Henry, Coastal Coordinator Erika Hughston, Court Administrator Crystal Vasquez, 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. APPROVE CONSENT AGENDA:

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

- 4.1. APPROVE QUARTERLY INVESTMENT REPORT FOR THE QUARTER ENDING MARCH 31, 2023 AS PREPARED BY VALLEY VIEW CONSULTING L.L.C. (GIMENEZ)**
- 4.2. APPROVAL OF A BUDGET AMENDMENT FROM COVID FUNDS FOR THE AMOUNT OF \$6,482 TO PURCHASE 5 APPLE 12.9 IPAD FOR THE DETECTIVE'S DIVISION. (O'CARROLL)**
- 4.3. APPROVE INVOICES FOR PAYMENT. (GIMENEZ)**
- 4.4. APPROVE BUDGET AMENDMENT TO ACCEPT AND ALLOCATE AUCTION PROCEEDS FOR \$46,527.00 TO PURCHASE (2) NEW SCAG (TIGER CAT) FOR PUBLIC WORKS AND A UTV FOR BEACH MAINTENANCE FOR PUBLIC WORKS. (SANCHEZ/BOBURKA)**
- 4.5. APPROVAL OF THE MAY 3, 2023 REGULAR CITY COUNCIL MEETING MINUTES AND THE MAY 9, 2023 EMERGENCY CITY COUNCIL MEETING MINUTES. (SOTO)**

5. REGULAR AGENDA

- 5.1. DISCUSSION AND POSSIBLE ACTION REGARDING THE FINDINGS OF THE DISTRICT ATTORNEY'S INVESTIGATION INTO ALLEGATIONS MADE BY COUNCILMAN MEDDERS THAT THE PROCESS OF SELECTING AND CONTRACTING WITH A COLLECTION FIRM TO HANDLE MUNICIPAL COURT FINES WAS POSSIBLY IMPROPER AND ILLEGAL. (SCHWARTZ)**

Council Member Schwartz stated that at the regular City Council meeting of January 4th, 2023 Council voted for the City Manager to negotiate and execute a contract with the highest ranked firm of Perdue, Brandon, Fielder, Collins & Mott to pursue delinquent court fine collections. The vote to execute the contract with the selected firm passed unanimously with no opposition mentioned by any Council member, collection firm representative or any member of the public.

The recommendation to contract with this firm was made after a four-person panel reviewed RFP's from three firms, heard their presentations, contacted references, and ranked and graded them in accordance to pre-approved criteria. This panel consisted of Councilman Schwartz, the Municipal Court Coordinator, an accountant in the Finance Department who handles the process of court payments, and the City's Director of Operations who organized the RFPs in accordance with the City's Purchasing Policies.

After that meeting, Councilman Medders stated to the City Manager and others that he was aware of wrongdoing and misconduct by a person or persons in the selection process. The Mayor, City Attorney and the City Manager then requested Councilman Medders provide evidence of the alleged wrongdoing and misconduct. Councilman Medders did not produce any evidence to support his allegations so the Mayor placed the approval of the contract with the firm on the January 18, 2023 Council agenda. At the January 18th meeting Councilman Medders then objected to finalizing the contract and again alleged misconduct in the selection process.

Councilman Medders specifically stated he possessed direct evidence of wrongdoing in the selection process and made a motion to table the agenda item and have the City Attorney submit his evidence to the District Attorney for an investigation of possible "impropriety and illegality." In the interest of transparency, City Council approved tabling the item and directed the City Attorney to Submit Councilman Medders' alleged evidence to the District Attorney along with all records regarding the selection process.

Over the next few months, staff worked many, many hours to prepare an accurate and complete packet for the DA's review which included over 3,000 pages of information and records pertaining to the selection process. In addition, several staff members and every City Council member were interrogated by the DA's office in Brownsville.

City staff members felt attacked by these allegations of impropriety and illegality causing much unwarranted and undue stress. Staff felt their integrity was questioned and some have expressed an unwillingness to be involved in any future process of rating and considering RFPs.

In the end, no evidence of wrongdoing, impropriety or illegality was ever produced. The DA's investigation found the selection panel and the city staff followed established rules and procedures during the selection process and found no evidence or implication of anyone tempering with documents or corruption. The process of recommending the collection firm was conducted in a very professional and transparent manner.

These accusations resulted in many hours of wasted time by city staff, the DA's office, City Council members, and negatively affected staff morale. Additionally, this 5 month delay cost the city thousands of dollars in uncollected delinquent fines.

I personally want to thank our city staff and especially those who participated in the process of selecting the collection firm. The work you performed in this process was very professional, honest and without prejudice. Your City Council greatly appreciates your hard work in this process and hope these false allegations will not deter you from future participation in this very important function of City Government.

At this point, Council Member Schwartz recognized Council Medders for any comments he wishes to make.

Council Member Medders clarified that he questioned the possible improprieties in the four score sheets and asked that to be reviewed by the District Attorney's Office.

Mayor McNulty read a statement from the District Attorney's Office that their office had concluded the inquiry into the procurement processes and procedures administered by the City of South Padre Island for the purpose of selecting/contracting a debt collection law firm. Also, concluded that the City of South Padre Island personnel were found to have followed the established rules and processes. Furthermore, there were no findings of tampering with documents or corruption.

After much discussion, no action was taken.

5.2. DISCUSSION AND POSSIBLE ACTION TO APPROVE A CONTINGENT FEE CONTRACT WITH THE FIRM OF PERDUE, BRANDON, FIELDER, COLLINS AND MOTT, LLP., PURSUANT TO ARTICLE 103.0031(B) OF THE TEXAS CODE OF CRIMINAL PROCEDURE FOR THE COLLECTION OF DELINQUENT MUNICIPAL COURT FINES AND FEES OWED TO THE CITY OF SOUTH PADRE ISLAND, AND TO AUTHORIZE THE CITY MANAGER TO EXECUTE THE CONTRACT. (SMITH)

Council Member Ricco made a motion, seconded by Council Member Schwartz to approve a contingent fee contract with the firm of Perdue, Brandon, Fielder, Collins, and Mott, LLP., pursuant to article 103.0031(b) of the Texas Code of Criminal Procedure for the collection of delinquent municipal court fines and fees owed to the City of South Padre Island and to authorize the City Manager to execute the contract. Motion passed on a 4 to 1 vote with Council Member Dalton casting a nay vote and Council Member Medders abstaining.

5.3. DISCUSSION AND POSSIBLE ACTION TO APPROVE THE FIRST READING OF ORDINANCE NO. 23-01 PROVIDING A FEE TO DEFRAY COSTS OF COLLECTING DELINQUENT FINES, FEES, COURT COSTS, AND OTHER DEBTS PURSUANT TO ARTICLE 103.0031 OF THE TEXAS CODE OF CRIMINAL PROCEDURE AND TO APPROVE THE NECESSARY WRITTEN FINDINGS. (SMITH)

Council Member Schwartz made a motion, seconded by Council Member Ricco to approve the first reading of Ordinance No. 23-01 providing a fee to defray costs of collecting delinquent fines, fees, court costs, and other debts pursuant to article 103.0031(b) of the Texas Code of Criminal Procedure and approve the necessary written findings. Motion passed unanimously.

5.4. DISCUSSION AND POSSIBLE ACTION TO APPROVE CHANGE ORDER #5 FOR LAGUNA BOULEVARD STREET AND DRAINAGE IMPROVEMENTS. (SANCHEZ)

Council Member Schwartz made a motion, seconded by Council Member Dalton to approve Change Order #5 without extended days and the deletion of line 12: Dewatering. Motion passed unanimously.

5.5. DISCUSSION AND ACTION TO APPROVE RANKING, SUBMISSION, AND LETTERS OF SUPPORT FOR THE COASTAL MANAGEMENT PROGRAM (CMP)'S CYCLE 29 PROPOSALS. (BOBURKA)

Council Member Ricco made a motion, seconded by Council Member Langston to approve ranking, submission, and letters of support for the Coastal Management Program (CMP)s Cycle 29 proposals. Motion passed unanimously.

5.6. DISCUSSION AND ACTION TO APPROVE SUBMISSION AND LETTERS OF SUPPORT FOR THE SUBMISSION OF THE COASTAL EROSION PLANNING AND RESPONSE ACT (CEPRA) CYCLE 13 PROPOSALS. (BOBURKA)

Council Member Ricco made a motion, seconded by Council Member Schwartz to approve ranking, submission, and letters of support for the Coastal Erosion Planning and Response Act (CEPRA) Cycle 13 Proposals. Motion passed unanimously.

5.7. DISCUSSION AND ACTION TO APPROVE A BUDGET AMENDMENT FROM THE BEACH MAINTENANCE FUND (FUND 60) FOR ACCESS IMPROVEMENTS AT SEA ISLAND CIRCLE, PARTIALLY FUNDED WITH COASTAL MANAGEMENT PROGRAM (CMP) CYCLE 26 FUNDS. (BOBURKA)

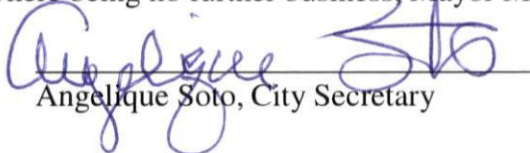
Council Member Ricco made a motion, seconded by Council Member Langston to approve a budget amendment from the Beach Maintenance Fund (Fund 60) for access improvements at Sea Island Circle, partially funded with Coastal Management Program (CMP) Cycle 26 Funds. Motion passed unanimously.

5.8. DISCUSSION AND ACTION TO ALLOW THE CITY MANAGER TO ENTER INTO CONTRACT NEGOTIATIONS WITH THE HIGHEST QUALIFIED FIRM TO FULFILL THE CITY'S NEEDS REGARDING PUBLIC BAY ACCESS IMPROVEMENTS AND TO ALLOW THE CITY MANAGER TO EXECUTE A CONTRACT WHEN ACCEPTABLE TERMS HAVE BEEN MET. (BOBURKA)

Council Member Ricco made a motion, seconded by Council Member Schwart to allow the City Manager to enter into contract negotiations with the highest qualified firm to fulfill the City's needs regarding public bay access improvements and to allow the City Manager to execute a contract when acceptable terms have been met. Motion passed unanimously.

6.ADJOURN.

There being no further business, Mayor McNulty adjourned the meeting at 6:06 p.m.


Angelique Soto, City Secretary

APPROVED


Patrick McNulty, Mayor

