

**CITY OF CASTROVILLE CITY COUNCIL
REGULAR CALLED COUNCIL MEETING**

**1209 Fiorella
City Council Chambers**

March 09, 2021

Tuesday

5:00 P.M.

MINUTES

I. CALL TO ORDER

The meeting was called to order at 5:05 p.m. by Mayor Pro Tem Schroeder

II. ROLL CALL

Present:

Mayor Pro Tem Darrin Schroeder

Councilmember Sheena Martinez

Councilmember Paul Carey

Councilmember Phil King *

Councilmember Todd Tschirhart

Scott Dixon, City Administrator

Debra Howe, City Secretary

John Gomez, Public Works Director

Brian Jackson, Police Chief

Devin Fredrickson, Parks and Recreation Director

* Councilmember King arrived after roll call at 5:16 p.m.

III. PLEDGE OF ALLEGIANCE

IV. INVOCATION

Councilmember Paul Carey gave the invocation.

V. CITIZEN COMMENTS

The public will be permitted to offer public comments telephonically as provided by the agenda and as permitted by the presiding officer during the meeting. Written questions or comments may be submitted up to two hours before the meeting. A recording of the telephonic meeting will be made and will be available to the public in accordance with the Texas Public Information Act upon request.

Phyllis Santleben, 109 River Knoll, addressed the council on the meeting time. She felt it was too early and the citizens were the ones who should decide the time. Ms. Santleben spoke in support of the Medina Valley Youth Baseball Association, saying everyone loved seeing the kids play. Ms. Santleben said the airport was given to the citizens, not the city and a former Mayor, Mayor Lee had authorized funds be committed to the airport for a land lease (\$8,000) she felt that was not acceptable. She spoke on the lift station located at the airport, she thought it was not in operation, and other issues she felt was happening before she resigned her position mid-term as mayor.

Terry Beck, 104 Harvest Moon, spoke to council on his previous issues with his sewer usage being higher than his water. He had said he would follow up and had investigated further and found he had a leak on his side of the meter. He also reiterated the baseball association and fields had been in existence for many years and was a big benefit to the city.

Bryan Zinsmeyer, 479 CR473, Castroville, spoke on behalf of the MVYBA as a commissioner on the board saying they had been shut down due to COVID-19 but they were here to show support for their association and discuss the agreement.

Patrick Connor, 811 Washington, spoke on the sports/baseball associations and said he and the park board was in support of the group. Mr. Connor said the next park board meeting was Tuesday, March 13th and invited the MVYBA to attend and have input on the Parks Master Plan.

(There were several members of the MVYB association in attendance for the discussion held later in the meeting.)

VI. Discussion and possible action on changes to Governor's orders on COVID 19 restrictions and the exiting policy for city staff protection.

City Administrator Scott Dixon briefed the city council on the recent changes handed down by the Governor. Mr. Dixon said the Governor had lifted the mandatory wearing of masks and would leave up to businesses to decide. Councilmember Martinez agreed it was the individual's choice. Mayor Pro Tem Schroeder said it was giving back the liberty of the people to make the choice. Mayor Pro Tem announced the arrival of Councilmember King at 5:16 p.m.

Councilmember King commented on having received his vaccination and the reasons for wearing the masks - they protected the wearer and others. Councilmember Tschirhart agreed the city should open back up and he supported the Governor's order. Councilmembers all agreed on continuing to follow the Governor's orders as they were handed down and to open the city offices back up to the public with safety a priority.

VII. CONSENT AGENDA

A. Minutes for February 23, 2021 Regular Called Meeting.

A motion was made by Councilmember Carey and duly seconded by Councilmember King to approve the consent agenda. A vote was taken (5:0 all ayes) the motion carried by all present

VIII. Discussion with members of the Medina Valley Baseball Youth Association on the Medina Valley Baseball Youth Association Agreement.

Mayor Pro Tem Schroeder spoke on the recent newspaper article being clear on the council's intentions and this had caused some people to think the city council was trying to disband the baseball association. Mayor Pro Tem Schroeder said that was not the case the city council was very much in support of the association and were looking at trying to relocate and to stay in compliance with FAA. He said FAA was requiring the baseball complex be relocated due to safety issues with the location and the runway. Mayor Pro Tem Schroeder said the city would work with the association and a liaison from the community to look at a location and new facility.

Phyllis Santleben was recognized and spoke on what she felt was several unclear issues as the airport. She commented on the leasing of farmland at the airport and Mayor Pro Tem Schroeder said if she would submit her concerns he would address. Ms. Santleben said she would send to him.

City Administrator Scott Dixon said the information received from FAA was being reviewed by the city attorney for legal purposes but once complete the city would provide on the website. Bryan Zinsmeyer was recognized and spoke on his contacting the FAA on the ball fields and the airport runway 34 was open seven days a week. Mr. Zinsmeyer said he would like to review the information on the 16 runway shut down. He felt it was not because of the lights interference but because of Walmart was in the flight path. City Administrator Dixon said he was researching further and would be speaking with FAA and would have more details at a later date. Mr. Zinsmeyer asked why the lease agreement was being changed from 5 years to 3 years. Mr. Dixon said the change was to show FAA the city was working to comply with a move. Mr. Zinsmeyer said he did not understand why the change and they would be happy to tear up the current agreement if they got a new location/complex. He said the association would be holding a meeting on March 14th and welcomed members of council to continue discussion on a continued partnership. Mr. Dixon said board president Jason Bippert was aware of the change of the agreement to 3 years and the FAA was who identified the issue they felt was with the baseball fields being too close to the runway. Councilmembers said again they were in favor of sports and the youth baseball and wanted them to be equally supported as the others were. City Administrator Dixon said the changes to the agreement was the amount of water allotted per year, better communication, term length, removing the east-side lift station language from the agreement and having the land use agreement between the Airport and the Parks. Councilmember Carey said safety of the kids was the driving force and suggested looking for grants related to safety. Scott Stein, former president of the board spoke on his association with the ball fields from playing at 10 years old to taking care of the fields now. He said he was president when the association conducted the flyover with FAA to adjust the lighting and did not believe it was because of lighting issues now. He also said any leaks were reported and asked if some of the water usage was from the farmer. City Administrator Dixon said FAA had identified new issues and the high water usage was being looked at and could be metering or something other than a leak. Terry Beck said he felt something else was going on with FAA and he thought they had something on the city. He felt anyone trying to pressure the city should be exposed. Mayor Pro Tem Schroeder said the city was looking into further and they would bring back. Trena Keller, member of the board said they seemed to have issues every few years when staff and council change. She questioned who the best contact should be. Mayor Pro Tem Schroeder said they would continue to work at better communication and thanked everyone for coming.

- IX. City Administrator Report on:**
- a. Utility Payment and Credit concerns**
 - b. Winter weather utility rates impact**
 - c. Medina Valley Youth Baseball Association**
 - d. Audit & Fund Balances**
 - e. Comprehensive Capital Plan update**
 - f. City Facilities & Technology**
 - g. Airport Lease Proposal – Dream Flights**
 - h. International Building Code adoption**
 - i. RV Park Policy – Length of stay**
 - j. Coin Operated bulk Water Sales**
 - k. Bond Council and Financial Advisor Representation**

City Administrator Scott Dixon briefed the city council on the utility costs during the recent winter storm. Mr. Dixon said the city's contracts for electric and gas had fixed rates so the citizens would not receive high bills from the cost of power or gas but they could be higher due to their usage during the colder weather. Mr. Dixon said it had been brought to his attention auto payment customers had been receiving late fees due to third party companies not paying according to city policy. He would be working with those citizens to remedy. The MVYBA agreement had already been discussed. The Audited Cash Balances were in the council packets and came from the auditor with the audit being presented at the next meeting. Mr. Dixon said the city had a large amount of cash on hand and a low debt service because the city had not done any large projects, but he would be bringing back in the next 6 months a capital plan update. He said the next meeting he would be bring back the proposal from Schneider Engineering to do a cost of services study. Mr. Dixon briefly spoke on automated meter reading and a kiosk with new computer software, he would be bring back for further discussion. Mr. Dixon said he was looking at the city facilities and the need to upgrade technology. Mr. Dixon said at a future meeting staff would bring options on possible adoption of newer building codes. The current codes were 2012 and electrical 2020. Mr. Dixon said at the next meeting the council would have a presentation from Dream Flights for a lease at the airport, discussion on continuing the coin operated bulk water sales and appointing a new bond counsel and financial advisor.

- X. **Mayor Pro Tem Report on:**
- a. **Customer Service**
 - b. **Audit Summary**
 - c. **Utility cost impact**
 - d. **COVID 19 case details**
 - e. **Medina Valley Youth Baseball Association**
 - f. **Winter Storm response and assistance**

Mayor Pro Tem Schroeder reiterated what City Administrator Dixon said about working with citizens. Mayor Pro Tem Schroeder said the city needed to continue to work at better communication and preparation after the issues from the recent winter storm. Mayor Pro Tem Schroeder said the utility costs were not affected. COVID 19 vaccines were in different areas of the county and hope to get the information out to the public better. Mayor Pro Tem Schroeder said Medina County had been added to the Governor's declaration of disaster with a survey on the city website for citizens to report damages.

- XI. **Consider and take appropriate action on authorizing the city administrator to enter into a temporary utility easement agreement with Dickerson Tausch Properties LLC, to provide a temporary access and construction easement ("TCE" or "Easement") between the future awarded / named contractor within the Alsatian Oaks project limits and named property owners for sewer and waterline extensions.**

A motion was made by Councilmember King and duly seconded by Councilmember Martinez to authorize the city administrator to enter into a temporary utility easement agreement with Dickerson Tausch Properties LLC, to provide a temporary access and construction easement

(“TCE” or “Easement”) between the future awarded / named contractor within the Alsatian Oaks project limits and named property owners for sewer and waterline extensions. A vote was taken (5:0 all ayes) the motion carried by all present.

XII. Consider and take appropriate action on authorizing the city administrator to enter into a public utility easement agreement with Dickerson Tausch Properties LLC, a Texas Limited Partnership.

A motion was made by Councilmember King and duly seconded by Councilmember Carey to authorize the city administrator to enter into a public utility easement agreement with Dickerson Tausch Properties LLC, a Texas Limited Partnership. A vote was taken (5:0 all ayes) the motion carried by all.

XIII. Consider and take appropriate action on authorizing the city administrator to enter into a public utility easement agreement with Hwy 90 Castroville Partners, LTD.

A motion was made by Councilmember King and duly seconded by Councilmember Tschirhart to authorize the city administrator to enter into a public utility easement agreement with Hwy 90 Castroville Partners, LTD. A vote was taken (5:0 all ayes) the motion carried by all present.

XIV. Consider and take appropriate action on adopting a resolution for submission of the FY21 State Homeland Security Program (SHSP) Grant Application and designating the city administrator to execute an Agreement for and on behalf of the city.

City Administrator Scott Dixon briefed the city council on the grant for the airport. Mr. Dixon said it would be used to install a barrier fencing and improve the security at the airport. It was noted it was not a matching grant.

A motion was made by Councilmember King and duly seconded by Councilmember Tschirhart to adopt a resolution for submission of the FY21 State Homeland Security Program (SHSP) Grant Application and designating the city administrator to execute an Agreement for and on behalf of the city. A vote was taken (5:0 all ayes) the motion carried by all present.

XV. Consider and take appropriate action on adopting a resolution approving a grant application for the Body Worn Camera Project for the purchase of WatchGuard body camera for the police officers.

City Administrator Scott Dixon briefed the city council on the grant for the purchase of body cameras. Mr. Dixon said he still had questions related to a body camera policy and redacting capabilities. He would be bring back at a future meeting.

A motion was made by Councilmember King and duly seconded by Councilmember Carey to adopt a resolution approving a grant application for the Body Worn Camera Project for the purchase of WatchGuard body camera for the police officers. A vote was taken (5:0 all ayes) the motion carried by all present.

XVI. Consider and take appropriate action on adopting an ordinance amending the FY20-21 Fiscal Budget in the amount of \$636,463.84 for the Electrical Improvements – Phase I in the River Bluff Subdivision.

City Administrator Scott Dixon briefed the city council on the amendment to the budget to fund the electrical improvements in River Bluff Subdivision. Mr. Dixon said the project would include transformers being relocated in front yards for easier access.

A motion was made by Councilmember Martinez and duly seconded by Councilmember Carey to adopt an ordinance amending the FY20-21 Fiscal Budget in the amount of \$636,463.84 for the Electrical Improvements – Phase I in the River Bluff Subdivision. A vote was taken (5:0 all ayes) the motion carried by all present.

XVII. Consider and take appropriate action on Medina Valley Independent School District Swim Team Facility Use Agreement.

A motion was made by Councilmember Tschirhart and duly seconded by Councilmember King to approve an agreement with the Medina Valley Independent School District Swim Team for Facility Use. A vote was taken (5:0 all ayes) the motion carried by all present.

Councilmember King left the meeting at 7:30 p.m.

XVIII. Consider and take appropriate action on identifying the scope of the 2021 4th of July events including dates, activities, additional funding, planning committee and safety procedures.

City Administrator Scott Dixon briefed the city council on activities for the 4th of July event. Mr. Dixon said because of the COVID 19 shut down the city had cancelled the fireworks last year but was able to use the \$5000.00 deposit toward this year's festivities. Mr. Dixon said the budget only reflected a \$5000.00 amount for this year. Mr. Dixon said the new contract was shown in the amount of \$10,050.00 plus the deposit totaling \$15,050.00. Mr. Dixon said with the increase it would be a better show. Parks and Recreation Director Devin Fredrickson said he would move forward on trying to secure sponsors to help offset the additional cost.

A motion was made by Councilmember Tschirhart and duly seconded by Councilmember Carey to move forward with a pyretic display and underwrite the additional \$5,000.00 if not covered by donations or sponsorships. A vote was taken (5:0 all ayes) the motion carried by all present.

XIX. Consider and take appropriate action on approving a contract with Liberty Fireworks for the 2021 fireworks display.

A motion was made by Councilmember Carey and duly seconded by Councilmember Martinez to approve the contract with Liberty MJ Fireworks LLC for the 2021 fireworks display. A vote was taken (5:0 all ayes) the motion carried by all present.

XX. EXECUTIVE SESSION

The City Council will meet in Closed Session under provisions of the Texas Government Code, Section: 551.072 (Deliberation regarding Real Property) to deliberate the value of real property.

- a. Medina Valley Youth Baseball lease agreement.**

Section 551.085 (entitled “Deliberation regarding Economic Development Negotiations”) for project square deal.

Open: 7:42 p.m.

Closed: 8:05 p.m.

XXI. Reconvene in Open Session.

Mayor Pro Tem Schroeder reconvened the meeting into open session at 8:07 p.m.

XXII. Discussion on future agenda items.

No agenda items were requested.

XXIII. ADJOURN

Mayor Pro Tem Schroeder adjourned the meeting at 8:44 p.m.

Darrin Schroeder
Mayor Pro Tem

ATTEST:

Debra Howe
City Secretary