

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

**1209 Fiorella
City Council Chambers**

August 11, 2020

Tuesday

5:00 P.M.

MINUTES

I. CALL TO ORDER

The meeting was called to order at 5:03 p.m. by Mayor Pro Tem Schroeder

II. ROLL CALL

Present:

Mayor Pro Tem Darrin Schroeder
Councilmember Sheena Martinez
Councilmember Paul Carey
Councilmember Jesse Byars
Councilmember Todd Tschirhart

Leroy Vidales, Interim City Administrator
Debra Howe, City Secretary
Brian Jackson, Police Chief
John Gomez, Public Works Director
Breana Soto, Community Development Coordinator

III. PLEDGE OF ALLEGIANCE

IV. INVOCATION

Pastor James Mendoza, Vista Community Church, 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 of the Texas Public Information Act upon request.

Kathryn Holloway, 905 Lafayette, thanked the city council for looking at changes to the noise ordinance to allow for better enforcement at this meeting.

Doug Whitten, 1406 Gentilz, spoke on 1410 Gentilz, the residence of Mayor Pro Tem Schroeder, and his issues with their barking dogs and the dogs getting out and coming into his yard. He said he had contacted animal control in the past about the dogs and had called recently and had not gotten any call back. Mr. Whitten said the noise ordinance shown on the agenda was a good thing but if it was not enforced properly it was no good. He felt the ordinances were not enforced correctly and he had been singled out in the past when he had to have a permit for a portable carport where others in the city had not. Police Chief Jackson said he would follow up with Mr. Whitten once he spoke to the Animal Control Officer. Mayor Pro Tem Schroeder agreed the ordinances needed to be enforced properly and the city council should be held to a higher standard. Mayor Pro Tem Schroeder recommended speaking with Community Development Coordinator Breana Soto on code enforcement. Mr. Whitten said he had but had not gotten any help from that department.

VI. Updates on safety measures for city staff and the public during the COVID 19 pandemic

Mayor Pro Tem Schroeder said he was working with staff and others on the requirements and supporting upcoming events in the city. Councilmember Martinez reminded everyone to wear masks, saying she saw employees riding together with no masks and a police officer speaking with a citizen with no protection. She wanted everyone to remember to take precautions.

VII. CONSENT AGENDA

- A. Minutes for July 21, 2020 Special Called Council Meeting.
- B. Minutes for July 28, 2020 Special Called Council Meeting (Budget work session).
- C. Minutes for July 28, 2020 Special Called Council 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 eyes) the motion carried by all present.

VIII. Public Hearing on amendments to the current Noise Ordinance No. 2009-01, Code of Ordinances, Chapter 46 Environment, Article II Nuisance, Division II Noise; amending general prohibitions; amending permissible sound levels.

Open: 5:14 p.m.

No one requested to speak.

Closed: 5:14 p.m.

IX. Consider and take appropriate action on adopting an Ordinance amending the current Noise Ordinance; Chapter 46 Environment, Article II Nuisance, Division II Noise; amending General Prohibitions; amending permissible sound levels; establishing penalties not to exceed \$500 per offense; providing for severability; repeal of conflicting ordinances; and an effective date.

Police Chief Brian Jackson briefed the city council on the need to remove the decimal readings to allow for better enforcement on noise complaints. Mayor Pro Tem Schroeder questioned Sec. 46-41 Maximum permissible sound levels (d) shown in the revision. It stated regardless of the levels two or more calls within 24hrs to the same address would warrant a citation. He read it as the officer had to issue a citation if two or more calls and felt this could be taken advantage of by some citizens and asked if they needed to designate the Police Chief to make the decision on issuing a ticket. Chief Jackson said the officers practiced discretion when addressing repeated calls by citizens. Councilmember Carey was comfortable with adding the word “may” issue a citation. Council was in favor of the change to say, “May be a violation”.

A motion was made by Councilmember Tschirhart and duly seconded by Councilmember Carey to adopt an Ordinance with the additional change to Sec. 46-41 Maximum permissible sound levels (d) inserting “may be a violation”, amending the current Noise Ordinance; Chapter 46 Environment, Article II Nuisance, Division II Noise; amending General Prohibitions; amending permissible sound levels; establishing penalties not to exceed \$500 per offense; providing for severability; repeal of conflicting ordinances; and an effective date. A vote was taken (5:0 all eyes) the motion carried by all.

X. Discussion and take appropriate action on approving design and construction of a welcome sign for west side of Castroville. (Arnie Dollase, Welcome Sign Committee member)

Arnie Dollase, member of the Welcome Sign Committee, briefed the city council on the history of the committee and the design, funding, and location of the current signage. Ms. Dollase said originally, they were looking to construct a new sign and the city council had set aside money in the current budget. Mr. Dollase recommended improving the current welcome sign on the westside of town with some of the funds and look at placement on the eastside of town later. Councilmember King said the city needed to move forward with the repairs and was in favor of working on the current sign. Councilmember Carey said the city needed to take ownership of the sign. Councilmember Martinez was in favor and it was in the budget. Interim City Administrator Vidales said the funds were shown in the special projects under the city council budget.

A motion was made by Councilmember Carey and duly seconded by Councilmember King to give the City Administrator authority to spend funds for improvement to the welcome sign located on the westside of Castroville. A vote was taken (5:0 all ayes) the motion carried by all present.

XI. Consider and take appropriate action on application submitted for open position on City Boards and Commissions. (Debra Howe, City Secretary)

City Secretary Debra Howe said there was one application submitted by Emery “Lee” Delavan Jr. for a position on the Airport Advisory Board. Ms. Howe said there was one open position – Alternate #1 with a term of two years.

A motion was made by Councilmember Tschirhart and duly seconded by Councilmember Carey to appoint Lee Delavan Jr. to Alternate Position #1 for a two-year term ending in 2022. A vote was taken (5:0 all ayes) the motion carried by all present.

XII. Discussion and take appropriate action on a request for a final vacate and re-plat of Country Village Estates, Phase 1, located at 123 Country Lane, Castroville Texas. (Breana Soto, Community Development Coordinator)

Community Development Coordinator Breana Soto briefed the city council on the final vacate and re-plat of the Country Village Estates, Phase I. Ms. Soto said the developer had revised the original re-plat and added the conditions of approval required by the city council. Ms. Soto said they had added the secondary street excess at the north “Country Lane”. There had been concerns on more drainage issues being caused with the development. Ms. Soto said the city engineer had went on-site with the operations manager and determined there would not be additional drainage issues at the entrances. Also reviewed was any problems with the city sewer lift station due to the additional homes. It was determined there was enough capacity to service the subdivision with the city maintaining regularly and should be addressed by the city in the future. Ms. Soto said the Planning and Zoning Commission, City Engineer and City Staff all recommend approval. Council was pleased the developer provided the secondary excess street and listened to the concerns from the neighborhood and council. Councilmember Carey asked that the specified elevations be on the plat and wanted this added. Ms. Soto made note of this request. Jack Uptmore, CV Country Lane, LLC was in attendance and thanked the city council for working with him saying it had been a long process and he was ready to get started on the development.

A motion was made by Councilmember Carey and duly seconded by Councilmember Tschirhart to approve the final vacate and re-plat of Country Village Estates, Phase 1, located at 123 Country Lane, Castroville Texas. A vote was taken (5:0 all ayes) the motion carried by all present.

XIII. Discussion and take appropriate action on a variance request for a proposed sign located at 408 Hwy 90 West. (Breana Soto, Community Development Coordinator)

Community Development Coordinator Breana Soto briefed the city council on the request for a variance for a proposed sign at 408 Hwy 90 West, also know as Dollar Tree. Ms. Soto said this request had been on a previous agenda and the planning and zoning commission had denied the original design and the owner had requested this be withdrawn to resubmit more options. Ms., Soto said there had been two new sign options submitted for the Planning and Zoning Commission (P & Z) to consider. Ms. Soto said the P & Z Commission recommended option #2. Option #2 was a Sign Cabinet area of 90 square feet, with a sign height of 20 feet. Mayor Pro Tem Schroeder was in favor of the new design submission and said the city needed to continue to support new businesses. Councilmember Carey said the building was a unique building and was in favor the second option. Councilmembers Carey, Martinez, and Tschirhart were in favor of the sign in option #2.

A motion was made by Councilmember King and duly seconded by Councilmember Martinez to approve a variance request for proposed sign #2 (sign cabin area 90 square feet, sign height 20 feet) located at 408 Hwy 90 West. A vote was taken (5:0 ayes) the motion carried by all present.

XIV. Discussion and take appropriate action on setting the tax rate for the FY 2021 Proposed Tax Rate and setting a date, time, and place for two (2) public hearings on the Tax Rate, if required. (Leroy Vidales, Interim City Administrator/Finance Director)

Interim City Administrator Leroy Vidales briefed the city council on the proposed tax rate for FY2021 and to set the date, time, and place for two public hearing if required. Mr. Vidales said the current rate was 0.507771/\$100 and the new assessed values for Castroville had increased by 17 million this year, which reduced the new Voter-Approval (formerly called Roll Back)Tax Rate to 0.495178 and the No-New-Revenue (formerly called Effective Rate) to 0.484853. Mr. Vidales said the recommendation was to go to the Voter Approval of 0.495178. Staff recommended holding the public hearings on September 8th and September 15th.

A motion was made by Councilmember King and duly seconded by Councilmember Carey to set the maximum tax rate for FY2021 Proposed Tax Rate as 0.495178 and set the dates of September 8th and September 15th at 5 p.m. to be held in the City Council Chambers for public hearings on the tax rate, if required. A vote was taken (5:0 all ayes) the motion carried by all present.

XV. Discussion and take appropriate action on setting a date for a public hearing on the FY2021 Annual Operating and Capital Budget. (Leroy Vidales, Interim City Administrator/Finance Director)

A motion was made by Councilmember King and duly seconded by Councilmember Carey to set the date of September 15th at 5 p.m. to be held in the City Council Chambers for a public hearing on the proposed FY2021 Annual Operating Budget. A vote was taken (5:0 all ayes) the motion was carried by all present.

XVI. Discussion and take appropriate action on proposal for construction of a new bathroom building at the Castro Colonies Living History/Visitor Center for the Castro Colonies Heritage Association. (Phil King, Councilmember)

Councilmember King briefed the city council on the Castro Colonies living History Center restoration. Mr. King said the city had leased the property several years back to the CCHA to restore the property. Mr. King said the lease agreement stipulated the city was to be approve all construction projects and the association was ready to construct a new bathroom facility on the property. The association would be funding the project with donations and grant funds. Mr. King said in the past the city had waived the building permit fees and performance bonds and the association was requesting this again. Mr. King had spoken with Public Works Director John Gomez and the staff would build the building pad and run the utilities to the back of the property for the contractor to make the connections. Councilmember Tschirhart asked if the restrooms would be a public facility. Mr. King said they would be, and the city would need to look at a open/close schedule and cleaning once they were completed as per the lease agreement on maintenance.

A motion was made by Councilmember King and duly seconded by Councilmember Carey to approve the proposal for construction of the new bathroom building at the Castro Colonies Living History/Visitor Center and waive the building permit fees, performance bonds and allow Public Works to assist in building a building pad on the site. A vote was taken (5:0 all ayes) the motion carried by all present.

XVII. Discussion on protocol for notifications on disruptions of service on electrical and water outages. (John Gomez, Public Works Director)

Public Works Director John Gomez briefed the city council contracting with an answering service to assist with afterhours emergency calls. Mr. Gomez said the service would field calls on emergencies and dispatch the on-call employees to the outages. Mayor Pro Tem Schroeder suggested putting instructions on the website on how to sign up for notifications on outages and in the newsletter. Staff needed to keep on top of notification so citizens would be kept informed. Councilmember Tschirhart asked if this service was a contracted service. Mr. Gomez said it was based on the number of calls and was on a month to month basis. Council was please with the implementation of an answering service.

XVIII. Discussion and possible action on removing the current Noise Ordinance from the Comprehensive Zoning Ordinance for easier enforcement. (Debra Howe, City Secretary)

City Secretary Debra Howe briefed the city council on possibly removing the noise ordinance from the Comprehensive Zoning Ordinance (CZO). Ms. Howe said the ordinance could be made a standalone ordinance and it would be easier to update when council felt necessary. Ms. Howe said with it currently being in the CZO a public hearing, with publishing requirements, was required each time changes were needed and as a standalone it would help streamline the process. Ms. Howe said the city council could call a public hearing to get the citizens input even if it was removed from the CZO.

A motion was made by Councilmember Carey and duly seconded by Councilmember Martinez to start the process of removing the noise ordinance from the Comprehensive Zoning Ordinance. A vote was taken (5:0 all ayes) the motion carried by all present.

XIX. Discussion on format for providing updates from city council members on special projects

Mayor Pro Tem Schroeder briefly spoke to the city council on providing updates on the special projects they were working on to keep the citizens informed. Interim City Administrator Leroy Vidales said this could be something they could include in the newsletter. Mayor Pro Tem Schroeder said that was a great idea and would look at compiling a format to send to council.

XX. Discussion on future agenda items

Councilmember King requested updates on the Thoroughfare Plan Update and the review of the Airport History Report. Due to the number of budget meetings, it was decided to have this after the budget was passed.

Councilmember Tschirhart requested an update on the water looping and eastside lift station report. It was suggested this be a bi-weekly report to council.

Councilmember Carey requested a report from Code Enforcement on the number of home business registrations in the city.

Councilmember Carey led a moment of silence for former board member and citizen of Castroville, Rod Moss. The city had received the news that Mr. Moss died unexpectedly, the previous day.

Mayor Pro Tem Schroeder said in the discussion on the home business ordinance they needed to address concerns with Rodriguez Park.

XXI. ADJOURN

Mayor Pro Tem adjourned the meeting at 6:37 p.m.

Darrin Schroeder
Mayor Pro Tem

ATTEST:

Debra Howe
City Secretary