

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

**1209 Fiorella
City Council Chambers**

January 22, 2019

Tuesday

6:00 P.M.

MINUTES

I. CALL TO ORDER

The meeting was called to order at 6:00 p.m. by Mayor Timothy Kelley.

II. ROLL CALL

Present:

Mayor Tim Kelley

Mayor Pro Tem Paul Carey

Councilmember Phyllis Santleben

Councilmember Jesse Byars

Councilmember Todd Tschirhart

Councilmember Herb Dyer

Jeri Rainey-Hinojosa, Interim City Administrator

Debra Howe, City Secretary

Brian Jackson, Interim Police Chief

Mary Jo Vargas, HR Director

Michael Fisher, Airport Manager

Lora Chontal, Community Development Coordinator

III. PLEDGE OF ALLEGIANCE

IV. INVOCATION

Pastor Greg Knippa, Zion Lutheran Church gave the invocation.

V. Mayor's comments on activities within the city

Mayor Kelley briefed the city council on the recent cleanup day at Regional Park. Mayor Kelley said there had been reported approximately 45 volunteers including the local ROTC group were in attendance. The Public Works Department was working on the drainage issue on Athens street. Mayor Kelley recognized two of the newest employees Devin Fredrickson, Park Manager and Desmond London, Librarian for completing several tasks since coming to the city. Mayor Kelley also recognized Mike Fisher, Airport Manager for his work at the Airport.

VI. CONSENT AGENDA

A. Minutes for January 8, 2019 Regular Called Council Meeting.

B. Minutes for January 15, 2019 Special Called Council Meeting.

C. Quarterly Investment Report.

Councilmember Santleben stated in the minutes of January 8, 2019 the Interlocal Agreement with Castroville Volunteer Fire Department was a draft agreement and should be reflected as such.

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

VII. CITIZENS COMMENTS

The City Council will hear comments from any citizen or visitor. Speakers must address their comments to the presiding officer rather than individual council members or staff; stand at the podium, speak clearly into the microphone and state your name and residential address before speaking. Speakers will be allowed a maximum of 3 minutes for testimony. Speakers making personal, impertinent, profane or slanderous remarks will be given one warning before losing the privilege to speak or may be removed from the room. Unauthorized remarks from the audience, stamping of feet, whistles, yells and similar demonstrations/distractions will not be permitted. No placards, banners or signs will be permitted in the Chambers or in any other room in which the council is meeting. In accordance with the State Open Meetings Act, the City Council is restricted from discussing or taking action on items not listed on the agenda. Action can only be taken at a future meeting.

Robert (Bob) Lee, 1314 Gentilz, stated the leaving of Lora Chontal, Community Development Coordinator was not good for the city. Mr. Lee suggested the city council review a few things in the lease agreement with the Sky Diving Business before signing. Mr. Lee commented on the review of the tree ordinance, recommending they look at the clear cutting language regarding new development and the Home Occupancy Ordinance was too restrictive. Mr. Lee said the council needed to be specific on what they felt needed to be changed when sending back to the Planning and Zoning Commission for review.

Kyle McVay, 307 Madrid, spoke on filling the Police Chief position. Ms. McVay said the city needed to advertise the open position as an equal opportunity city and do extensive background checks on candidates. Ms. McVay said for the position of Community Development Coordinator, the applicant should be qualified for the position. Ms. McVay said the ordinance regarding modular homes needed to be updated to help protect property values.

Mayor Kelley recessed the meeting to go into Executive Session at 6:12 p.m.

VIII. EXECUTIVE SESSION

Texas Government Code 551.074, (entitled "personnel matters") the City Council shall Convene in Executive Session to deliberate the following:

(1) The appointment, employment, and duties of the Assistant City Administrator.

Open: 6:14 p.m.

Closed: 6:49 p.m.

IX. RECONVENE IN OPEN SESSION

Mayor Kelley reconvened the meeting in open session at 6:51 p.m.

X. CONSIDER POSSIBLE ACTION RESULTING FROM ITEMS POSTED AND LEGALLY DISCUSSED IN EXECUTIVE SESSION

No action was taken in Executive Session.

XI. Consideration and appropriate action on Ordinance designating the position of Assistant City Administrator as an officer of the City pursuant to the authority of Texas Local Government Code Section 22.071. (Tim Kelley, Mayor)

A motion was made by Councilmember Dyer and duly seconded by Mayor Pro tem Carey to appoint the Assistant City Administrator as an officer of the city.

Discussion followed with Councilmember Santleben saying the city was in need of a City Administrator, Police Chief and a Public Works Director and now they were creating a new position. She felt this should be addressed after hiring a City Administrator. Councilmember Dyer wished to amend his motion. Mayor Pro Tem Carey seconded the request to amend.

A motion was made by Councilmember Dyer and duly seconded by Mayor Pro Tem Carey to adopt an ordinance designing the position of Assistant City Administrator as an officer of the City pursuant to the authority of Texas local Government Code Section 22.071 and to appoint Jeri Rainey Hinojosa to the position. A vote was taken (4 ayes: 1 nay(Santleben)) the motion carried by a majority vote.

XII. Consideration and appropriate action on approving a contract for services with Medina County Election Administration for the 2019 General Election. (Debra Howe, City Secretary)

City Secretary Debra Howe stated at the last council meeting the General Election for 2019 had been called and as in years past the City had contracted with Medina County to provide services for the May Election. Ms. Howe said the election services were budgeted in the 2019 Budget.

A motion was made by Mayor Pro Tem Carey and duly seconded by Councilmember Santleben to approve a contract for services with Medina County Election Administration for conducting the 2019 General Election. A vote was taken (5:0 all ayes) the motion carried by all present.

XIII. Consideration and appropriate action on approving a contract between the City of Castroville and Skydive Castroville. (Michael Fisher, Airport Manager)

Airport Manager Michael Fisher said the contract with Randall Fortner, DKL Leisure, LLC had been reviewed by Mr. Fortner and the City Attorney. Mr. Fisher said if council approved the contract it would be a one-year agreement starting February 1st. Mr. Fisher said the owner of the business said at the end of the one-year agreement they may bring back a proposal to build their own hangar.

Mr. Fisher said he would provide a yearend report to council on the business so the City Council could make a good decision on continuing business with Mr. Fortner at that time. Mayor Kelley asked if the contract stated they had to purchase fuel from the city and come back to council if they wish to sub-lease a part of their building. Mayor Kelley said any sub-lessee should have to go through the same vetting process as the original lessee. Mr. Fisher said it was addressed in the contract but would take back to the City Attorney for the correct wording. Councilmember Dyer asked about the extension clause and being provided the evaluation of the business. Mr. Fisher said he would be doing a monthly activities report tracking the business activities. Mr. Dyer was in support of the contract. All other members of council were in favor.

A motion was made by Councilmember Byars and duly seconded by Councilmember Dyer to approve a contract between the City of Castroville and Randal Fortner, DKL Leisure, LLC /Skydive Castroville. A vote was taken (5:0 all ayes) the motion carried by all present.

XIV. Discussion and possible action regarding updates to the City Code regarding industrialized (modular) housing. (Lora Chontal, Community Development Coordinator)

Community Development Coordinator Lora Chontal provided the city council the Texas Occupations Code defining modular homes and the regulations from the City of White Oak, Texas. Ms. Chontal said the city council may want to consider these when they revise the current ordinance. Mayor Kelley liked the City of White Oaks regulations but felt all foundations should be restricted to concrete slab only. Mayor Kelley said the council needed to be clear on direction to Planning and Zoning on what they wanted in the regulations. Mayor Kelley wanted all of the homes to be built on slabs or to have better specifications on what pier and beam foundations should consist of. Mayor Kelley suggested looking at slab only foundations and the homes had to be equal or greater value of the taxable value provided for each property within 500 ft. of where the home would be placed at the time of the permit application. Mayor Kelley felt in some areas in the city that type of home would not fit with this requirement, due to the higher values. Councilmember Dyer said the recent placement of a modular home met the State requirements and had an engineered foundation as required by the current ordinance. Mr. Dyer felt the supplement regulations from White Oak, if adopted, would put a burden on the home owner to try and provide all the information on surrounding properties. He said it would not help city staff as they would still have to verify all of the information before issuing any permits. Mr. Dyer agreed they needed to look at how to make ordinance better. Councilmember Tschirhart said there needed to be more restrictions and the county could provide the information on property evaluations if required. Councilmember Byars felt the person requesting the permit should not have to provide the information. Mayor Pro Tem Carey said not sure if it was overly burdensome to the requestor but they could not go against state law but could be more restrictive. He felt the city needed opinions from the City Attorney and City Engineers. He was not sure that citizens would be in favor of requiring slab only foundations, there were homes throughout the city on pier and beam foundations. Mr. Carey volunteered to help with the review as he was the liaison for the Planning and Zoning Commission. Councilmember Santleben did not see any issues with pier and beam vs. concrete, with the shifting of land in this area. She felt it was not a zoning issue and suggested local builders be involved to help with the regulations. **No formal action was taken.**

XV. Discussion and possible action on Ordinance 2017-015 Comprehensive Zoning Ordinance, Article IV. Special Use Regulations, Section 10 Home Occupation Regulation. (Paul Carey, Mayor Pro Tem)

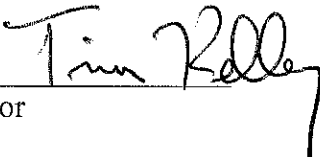
Mayor Pro Tem Carey briefed the city council on the current Ordinance regarding Home Occupation regulations. Mr. Carey said when the ordinance was passed there were several issues he felt needed to be addressed. The ordinance was not business friendly, there was only one business registered at this time, and he wanted to have it reviewed and changes made to promote home occupations, not restrict them. Councilmember Santleben said she knew of this and had questions on businesses operating in the community without registering. She felt the staff had not enforced properly and should look at permitting not revamping the ordinance. Councilmember Dyer asked what the fee to register a home business was. Community Development Coordinator Lora Chontal said it was a one-time fee of \$25.00. Mayor Kelley said the ordinance had been intended to stop businesses from creating nuisances in neighborhoods but it was too restrictive. The recommendation was to send back to Planning and Zoning for review. **No formal action was taken.**

XVI. Discussion and possible action on Ordinance 2017-020 Chapter 99, Preservation of certain trees within the city limits and Extra-territorial jurisdiction (ETJ) of the City of Castroville.
(Paul Carey, Mayor Pro Tem)

Mayor Pro Tem Carey briefed the city council on the current ordinance on Tree Preservation. Mr. Carey said this ordinance was basically impossible to enforce if a citation was issued to property owners for removing certain trees off their property. Mr. Carey said he had tried to sign up as a certified tree surveyor, but did not qualify by this ordinance. His daughter was the only certified tree surveyor in the city. Mr. Carey said it was too costly to citizens to apply for a permit and hire a tree surveyor and should be looked at. In the ordinance the City Administrator had the authority to enforce the ordinance but depending on who held the position it could become a personal matter. Also in the ordinance there were protected trees not native to the area or even the United States and shrubs listed as small trees. Mr. Carey wanted this to be reviewed and revised. Mayor Kelley said originally the ordinance had been taken from another city and put in place before large development came to town. The council at that time was to revisit and amend at a later date. He felt it was cost prohibited for large developers and was not a good ordinance. Councilmember Santleben said she had voted against the ordinance establishing fees associated with this ordinance. **A motion was made by Councilmember Dyer and duly seconded by Councilmember Byars to revoke Ordinance 2017-020 Chapter 99, Preservation of certain trees within the city limits and Extra-territorial jurisdiction (ETJ) of the City of Castroville. A vote was taken (5:0 all ayes) the motion by all present.**


XVII. Adjourn.

Mayor Kelley adjourned the meeting at 7:57 p.m.



Mayor

ATTEST:



City Secretary