

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

**1209 Fiorella  
City Council Chambers**

**March 24, 2020**

**Tuesday**

**3:00 P.M.**

**MINUTES**

In accordance with the order of the Office of the Governor issued on March 16, 2020, the City Council of the City of Castroville conducted a telephone meeting in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) to slow the spread of the Coronavirus (COVID-19).

The public was able to participate in this meeting by dialing in to with the following telephone number: **1 (571) 317-3122** and **enter access code 716-377-861** when prompted. The public was 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 were 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.

**I. CALL TO ORDER**

The meeting was called to order at 3:08 p.m. by Mayor Phyllis Santleben.

**II. ROLL CALL**

Present:

Mayor Phyllis Santleben

Debra Howe, City Secretary

Mayor Pro Tem Herb Dyer

Brian Jackson, Police Chief

Councilmember Jesse Byars

John Gomez, Public Works Director

Councilmember Paul Carey

David Kirkpatrick, Airport Manager

Councilmember Todd Tschirhart

Others in attendance via telephone:

Councilmember Sheena Martinez

Leroy Vidales, Interim City Administrator/Finance Director

Habib Erkan, City Attorney, Denton, Navarro, Rocha, Benal and Zech

**III. PLEDGE OF ALLEGIANCE**

**IV. INVOCATION**

Councilmember Paul Carey gave the invocation.

**V. 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

No one telephoned in requesting to speak.

Airport Liaison Councilmember Jesse Byars read comments submitted by email from Robert Lee on the consideration of having legal counsel contracted to provide an airport analysis. Mr. Lee felt the city staff had the information available and could provide. Mr. Lee said the development of airport property was a specialized field and the Airport Advisory Board had recommended a professional study be completed to prepare for future development and the airport manager had been working with TxDOT Aviation on a cost for council to consider. Mr. Lee felt the cost would need to be addressed in the airport budget and with possible grants. He recommended council have staff bring back information on the airport property and if council felt there was areas not clear to address those at that time.

Councilmember Byars read comments from the Airport Advisory Board Chairman Mike Arnold request for the attorneys to review the recommendation from the Advisory Board to the city council and the ongoing work with TxDOT, FAA and others related to aviation.

Councilmember Byars read comments made to Airport Manager David Kirkpatrick by Sammy Tschirhart Jr. on behalf of his father, Sammy Tschirhart Sr. Mr. Tschirhart was mayor from 1969 to 1974 and a councilmember from 1959-1969 and 1982-1987 and was involved with the airport and the drilling and funding of the water well. Mr. Tschirhart said his father had the information on the transactions if the city did not and would provide.

## **VI. CONSENT AGENDA**

A. Minutes for March 10, 2020 Regular Called Council Meeting.

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

## **VII. Consider and take appropriate action on an Ordinance extending the declaration of local disaster; establishing rules and regulations for the duration of the disaster; restricting certain activities; establishing penalties for violations.**

Mayor Santleben briefed the city council on her signing the original declaration of public health emergency that was in effect for seven days until the city council could meet and approve an ordinance. Councilmembers discussed the current listings of closures in the declaration and possible changes. Councilmembers agreed the declaration should continue for 30 days, stating until April 30<sup>th</sup>.

**A motion was made by Councilmember Byars and duly seconded by Councilmember Carey to adopt an Ordinance extending the declaration of local disaster until the end of April (April 30); establishing rules and regulations for the duration of the disaster; restricting certain activities; establishing penalties for violations.**

Interim City Administrator Leroy Vidales asked for further discussion on the possibility of waiving late fees and cut-offs for utilities. Mayor Santleben felt the city needed to enforce the late fees to help with loss revenue due to the COVID – 19 virus. Mayor Pro Tem Dyer felt it should be brought back to council at a later meeting, with the amount of forgiveness the city would be looking at. He said this could be include in his guidelines/policy he was working on. City Secretary Debra Howe said the utility clerk had called the cities in the area and they were waiving both late fees and cut-offs and at this time

the city generally had 250 accounts with late fees but at this time there were 800. Council decided to only waive cut-off date and would revisit at the April 28<sup>th</sup> meeting.

**A motion was made by Councilmember Carey and duly seconded by Councilmember Tschirhart to amend the first motion to include waiver of cut-offs for 30 days. A vote was taken (5:0 all ayes) the motion carried by all.**

**A vote was taken on the first motion to adopt the ordinance extending the declaration of local disaster (5:0 all ayes) the motion carried by all present.**

**VIII. Consider and take action on a contract with Fuquay, Inc. and budget amendment request the in the amount not to exceed of \$126,562.00 for the televising (CCTV) and cleaning of the gravity line as part of the RAM II Project. (John Gomez, Public Works Director)**

Public Works Director John Gomez briefed the city council on approving a contract with Fuquay, Inc. and a budget amendment to fund the expenditure. Mr. Gomez said this was for televising and cleaning the gravity sewer line as part of the Ram II Project and to provide future service to the Alsatian Oaks Development. Mr. Gomez said \$126,562.00 would be the most it could cost and was itemized in the backup material. Councilmembers were all in agreement to be able to move forward with providing services to the new development. Mayor Santleben asked Mr. Gomez if the contract would be brought to council if any additional expenses. Mr. Gomez said it would if it exceeded the amount the council approved.

**A motion was made by Councilmember Carey and duly seconded by Mayor Pro Tem Dyer to approve a contract with Fuquay, Inc. and budget amendment request in the amount not to exceed \$126,562.00 for the televising (CCTV) and cleaning of the gravity line as part of the RAM II Project. A vote was taken (5:0 all ayes) the motion carried by all present.**

**IX. Consider and take appropriate action on a Resolution of the City Council of Castroville, Texas establishing general and specific paraments for consideration of future development agreements for the City of Castroville. (Clay Binford, Special Counsel, McCall Parkhurst & Horton)**

Special Counsel Clay Binford briefed the city council on a new agreement for his services. Mr. Binford said he had recently changed firms and needed to have a new resolution to continue his services. Mayor Pro Tem Dyer was pleased with the arrangement and as part of the agreement the developers would continue to pay for his services, not the city. Councilmember Tschirhart was in favor of this arrangement. Councilmember Byars was concerned with the agreement. He felt the city should pay for his services he provided on behalf of the city. He felt in business a person worked more for the company who paid them. Mr. Binford said he could change the agreement and have the developer pay the city directly and the city council reimburse on staff time if that made him more comfortable. Councilmember Carey was in favor and wanted the guidelines to be laid out for the new council members. Councilmember Martinez was good with the agreement.

**A motion was made by Councilmember Carey and duly seconded by Mayor Pro Tem Dyer to adopt a Resolution of the City Council of Castroville, Texas establishing general and specific paraments for consideration of future development agreements for the City of Castroville with Clay Binford, Special Counsel, McCall Parkhurst & Horton. A vote was taken (5:0 all ayes) the motion carried by all present.**

**X. Consider and take appropriate action on a Resolution of the City Council of Castroville, Texas authorizing the development of a comprehensive airport analysis for the City of Castroville, Texas. (Phyllis Santleben, Mayor)**

Mayor Santleben briefed the city council on this item. Mayor Santleben said she had a concern with the airport well not being considered for future developments during the evaluations. Mayor Santleben said she in her research of the airport that it was not shown when the water became a commodity. She wanted a legal opinion on who owned the property, water and mineral rights. Mayor Santleben said in her research she saw that public works paid for water testing, the Parks Department paid the Airport for the ball fields, and she was unsure of how the purchase of the Bendele property was paid for. She felt the staff had not provided answers to her questions and Clay Binford and City Attorney Habib Erkan had offered to provide a legal opinion. She felt the citizens did not know what they were paying for. Mayor Pro Tem Dyer said for the last 20 years there had been questions and he felt this would be useful to have a legal opinion to answer all the questions raised and this would benefit future developments. Councilmember Tschirhart wanted to give the Airport Manager and Airport Advisor Board a chance to provide the information. Mr. Binford said if approved, he would be working with both and any questions from council could be passed through the City Secretary. The question of cost was discussed with the possibility of \$10,000 being incurred. Mayor Santleben said she could not find documentation on the O &M on the well, lease agreement and water costs and they could help answer these questions. Councilmember Byars asked who would be responsible for paying the cost for this request, the city or the airport. He was not in favor of this agreement. Mayor Santleben felt the citizens were already paying and she saw \$31,000 in the budget being paid to the airport. Councilmember Carey wanted to let Airport Manager David Kirkpatrick do the research and asked him if he could. Mr. Kirkpatrick said he had already reviewed the federal land deed and said the FAA could come in and do an audit and provide the answers to the city council. Mr. Carey wanted to give Mr. Kirkpatrick a chance to do this. Councilmember Martinez was in agreement with Councilmember Tschirhart in tasking the Airport Manager and Airport Advisory Board to work together and provide a presentation on their research. Mayor Santleben asked what that would do. Ms. Martinez said it would show the relationship. Mayor Pro Tem Dyer felt they needed to get the facts to reach a conclusion and find the money in the budget to move forward with the research. Mayor Santleben asked where the funds would be taken from. (Interim City Administrator Vidales lost connection in answering) City Secretary Debra Howe said the city council had a special projects line item in the budget and it could be taken from there.

Councilmember Tschirhart felt they were short-changing the staff and wanted them to do this.

**A motion was made by Mayor Pro Tem Dyer to adopt a Resolution of the City Council of Castroville, Texas authorizing the development of a comprehensive airport analysis for the City of Castroville, Texas not to exceed \$12,000 with a report on findings to be provided to the city council. The motion died from a lack of a second.**

**A motion was made by Councilmember Carey and duly seconded by Councilmember Tschirhart to task staff to bring back a report on the land and water with the history of the Airport to the city council within 30 days. A vote was taken (5:0 all ayes) the motion carried by all present.**

Mayor Santleben stated she had paid for documents from the county deeds and records on the airport but did not feel comfortable on releasing them or talking about them at a public meeting as she felt they did not show the city in a favorable light. She wanted to put an item on a future agenda to discuss in executive session. City Attorney Erkan explained the records were a public document. Airport Manager Kirkpatrick said he would go to the county for copies of the records to help with the research.

**XI. Report and appropriate action on completion of Phase I of the Alsatian Oaks Development Agreement. (Russell, Persyn, Engineer, RESPEC)**

RESPEC Engineer Russell Persyn briefed the city council on the completion of Phase I of the Alsatian Oaks Development Agreement. Mr. Persyn said the six-month deadline for submitting improvements to support the development had been met early. Mr. Persyn gave his executive summary on constructing a 16-inch water main extension connecting to the existing Medina Valley Water Supply Corporation system (WSC). Mr. Persyn said the system would be owned by the city and will be located on the south side of Hwy 90 to the existing 10-inch water main near water main at Tondre Park on the north side of Hwy 90. This construction would include a 30 inch bore and casing under Hwy 90. Upgrades to the existing facilities at the Medina Valley WSC included a 300,000 gallon ground storage water tank; upgrades to the existing well, pressure tank, and service pumps at the WSC site to full capacity. Upgrades to yard piping inside of the fence at the Medina Valley WSC to support new equipment; and upgrade electrical service at the existing three-phase power. Construct a 21-inch wastewater main extension of approximately 1,500 feet from the manhole on the north side of Hwy 90 across from Dodge dealership to the southeast corner of the Alsatian Oaks development. Mr. Persyn said the bore originally would have been at victory lane intersection but now they would be able to use the TxDOT right-of-way. Mr. Persyn said this was better, but the downfall was if TxDOT decided in the future they wanted the utilities to be moved the city would have to do this. Mr. Persyn said a 21-inch wastewater gravity main would be tied into the 24-inch at the lift station. He said he thought they could go under flat creek and have enough gravity flow. Mr. Persyn said if that worked out the city may not have to build a new lift station. He was leaving it in the footprint in case the city did have to build in the future. Mr. Persyn said Clay Binford and city staff were working on setting up escrow accounts for funds. After a meeting between city staff, representatives for Will Collins, Clay Binford, Peerless and himself they were moving forward with Peerless pulling the pumps and testing of the Medina Valley Water System and the well at the Walmart location to determine their capacity. Mr. Persyn said testing had been scheduled for spring break so as not to disrupt the school but was not an issue now, as they would be using tanker trucks connected to fire hydrant at the Chevrolet Dealership, using the ditches down Hwy 90 for the flow to flat creek. He had notified TxDOT for a permit to proceed, working with Texas Water Development Board with staff to have funds release to use for water design. Power would be provided by CPS and the developer would be working with them directly. Mr. Persyn said he was at a point where they were finished, and the next step would be design. Mr. Persyn said if the well was not capable of producing the maximum amount, the developer would pay for the improvements. Once the Escrow/ Utility agreements were signed and the Texas Water Development Board approved the water system project the next step would be to start design. Mayor Santleben asked about securing right-of-way/easements ahead of time. Mr. Persyn said all was on TxDOT right-of-way so no private right-of-ways were necessary. Councilmember Byars asked if or when Hwy 90 was going to be changed. Councilmember Carey said there was no plans to widen the highway.

(Cont)

Councilmember Tschirhart asked about plans for a water tower. Mr. Persyn said that was a possibility in the future. Mr. Persyn said the Airport Well would be needed at some point to meet future demands. Mayor Pro Tem Dyer complemented Russell Persyn and Darrell Spillman and city staff on their hard work on the first phase. Mr. Persyn said the first improvement could be the well upgrade and that could be a revision. Clay Binford said he had sent over the draft to Will Collins on the utility policy for review. The question was asked when it would be known if the pump size would suffice. Mr. Persyn said Peerless needed a two-week notice and results within 30 days.

**A motion was made by Councilmember Byars and duly seconded by Mayor Pro Tem Dyer to accept as presented the completion of Phase I of the Alsatian Oaks Development Agreement. A vote was taken (5:0 all ayes) the motion carried by all present.**

**XX. Discussion on future agenda items**

There were no agenda items submitted.

**XXI. ADJOURN**

Mayor Santleben adjourned the meeting at 5:49 p.m.

Phyllis Santleben  
Mayor

ATTEST:

Debra Howe  
City Secretary

\*Signatures on file