

**CITY OF CASTROVILLE CITY COUNCIL
SPECIAL CALLED COUNCIL MEETING**

**1209 Fiorella
City Council Chambers**

July 1, 2020

Wednesday

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 Phil King

Councilmember Todd Tschirhart

Leroy Vidales, Interim City Secretary

Debra Howe, City Secretary

Brian Jackson, Police Chief

Others in attendance: (vie telephone)

Cynthia Trevino, City Attorney (Executive Session)

Michael Persyn, City Engineer

III. PLEDGE OF ALLEGIANCE

IV. INVOCATION

Councilmember Paul Carey gave the invocation.

Mayor Pro Tem Schroeder recessed into executive session at: 5:04 p.m.

V. EXECUTIVE SESSION

(1) Pursuant to the Texas Government Code, Section 551.074 (entitled “personnel matters”) to deliberate the appointment, employment, performance, and duties of the Interim City Administrator.

Open: 5:08 p.m.

Closed: 5:30 p.m.

VI. Reconvene in Open Session

Mayor Pro Tem Schroeder reconvened into open session at 5:33 p.m.

VII. Consider possible action or give direction on captioned items legally discussed in Executive Session

Mayor Pro Tem Schroeder directed staff to reach out to SGR and to start the City Administrator search process. Council thanked Interim City Administrator Leroy Vidales for stepping in as interim and encouraged him to submit his application if wished to apply.

VIII. 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.

No one requested to speak.

City Secretary Howe read an email from former City Councilmember Jesse Byars regarding agenda item XI on the procedures on vacancy of a mayor. Mr. Byars supported Mayor Pro Tem Schroeder if he wished to step into the position as Mayor and if not, he hoped if the city council voted to open it up to the citizens to choose someone who would be good for the city and had no personal agenda.

IX. CONSENT AGENDA

- A. Minutes for June 09, 2020 Special Called Council Meeting.
- B. Minutes for May 27, 2020 Planning and Zoning Commission 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.

X. Acceptance of letter of resignation from Mayor Phyllis Santleben

Mayor Pro Tem Schroeder thanked former Mayor Santleben for her service on the city council as District 1 representative for two years, and as Mayor for the last 13 months. **A motion was made by Councilmember King and duly seconded by Councilmember Martinez to formally accept the letter of resignation from Mayor Phyllis Santleben. A vote was taken (5:0 all ayes) the motion carried by all present.**

XI. Discussion on procedures on vacancy of mayor, assigned duties of the mayor pro tem and possible action. (Cynthia Trevino, City Attorney)

City Attorney Cynthia Trevino was to present the agenda item but was unable to do a call-in in open session. Mayor Pro Tem Schroeder went through the options that council could take. Option #1 was to continue with the Mayor Pro Tem assuming certain duties and still be a voting member. Option #2 to appoint someone from the city council to fill the position, opening up a different seat. Option #3 to accept applications from the public to fill the position until May 2021 Election. Mayor Pro Tem Schroeder felt he could fulfil the duties as Mayor Pro Tem and was in favor of keeping the same.

Councilmembers Martinez, Carey, King, and Tschirhart agreed. City Secretary Howe said at anytime they felt they needed to change they could act on one of the other options. **No formal action was taken.**

XII. Discussion and possible action on funding request of support of graduation seniors from Chamber of Commerce. (Chrystal Molina, Chamber of Commerce)

This request from Chamber of Commerce Representative Chrystal Molina was withdrawn.

XIII. Public Hearing on a request for a preliminary vacate and re-plat of Country Village Estates, Phase 1, located at 123 Country Lane, Castroville Texas.

Opened: 5:49 p.m. (Citizens who spoke did so by telephone)

Roxanne Forrest, 147 Village Path, spoke against the preliminary plat. Ms. Forrest had concerns on only one entrance shown, possible flooding issues and additional traffic problems. Ms. Forrest also said the current lift station had to be repaired on a regular basis and did not know if additional homes could be services. Ms. Forrest said two years ago when the first preliminary plat was submitted with two entrance which would help with the traffic issues and allow emergency vehicles to safely enter and exit the subdivision. Ms. Forrest wanted to know what happened to that draft and who would be responsible for any drainage issues in the future.

Terry Groff, 1202 Country Lane, spoke against the preliminary plat. Mr. Groff was against only having one entrance and felt there would be issues with flooding. Mr. Groff was unsure of any sewer issues but was concerned with school buses getting into the subdivision and being able to get out. Mr. Groff pointed out the City Engineer had concerns and didn't think the preliminary plat submitted met the city ordinances.

Carla Muennink, 123 Village Path, spoke against the preliminary plat. Ms. Muennink said the current subdivision had four entrances and they had problems with traffic cutting through from Hwy 90 to FM 471 to by-pass traffic lights now. She felt with 86 new homes the traffic issues would continue to grow. Ms. Muennink felt if the city council allowed only one entrance it would be short sighted on the city's part and cost the citizens in the future for impact studies. This cost should be passed on to the developer, now.

Dawn Groff, 1206 Country Lane, reiterated her husband's concerns of one entrance, children's safety, flooding, and more traffic issues. Ms. Groff said she was not against the homes to be built just wanted the city to look at the other issues.

John Sedlock, 121 Village Path, spoke against the preliminary plat. Mr. Sedlock suggested having an independent impact study be completed as San Antonio required. Mr. Sedlock said it would look at the traffic, roadway, safety issues and the environmental impact. Ms. Sedlock felt the subdivision needed to have a stand-alone system not piggyback off the old infrastructure.

Timothy Taylor, 127 Village Path, spoke against the preliminary plat and agreed with all the other callers on the issues.

Mayor Pro Tem Schroeder read off the notices received by staff on the preliminary plat. The written responses received were from:

Robbie Klekar, 114 Country Lane, - against, concerns – increase in traffic, strain on utilities, and drainage issues.

Timothy and Oland, 127 Village Path – spoke and submitted a written response – against, (conditional approval) concerns – drainage, access points to mitigate traffic, additional sewer capacity, and light pollution from streetlights.

Terry and Dawn Groff, 1202 Country Lane, - spoke and submitted a written response – against, concerns – traffic, flooding, one entrance, children’s safety, and sewer.

Bruce and Laura Reed, 102 Harvest Moon – in favor of the preliminary plat.

Steve and Roxanne Forrest, 147 Village Path – spoke and submitted a written response – against, concerns - drainage, flooding issues, safety with only one entrance, and traffic.

John Sedlock, 121 Village Path, spoke and submitted an email - against, concerns – single entrance, traffic congestion, aged infrastructure including the lift station, flooding and smaller lots allowed.

Closed: 6:19 p.m.

XIV. Discussion and take appropriate action on a request for a preliminary 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 preliminary plat submitted for consideration. Ms. Soto said the recommendations made by the Planning and Zoning Commission were conditional on a secondary street for access and comments on drainage and sewer capacity being addressed in the final plat submittal. Ms. Soto said the City Engineer Mike Persyn (by phone) and Aaron Newman, Engineer for the developer were in attendance. Councilmember Tschirhart asked how many homes would be in the first phase. Mr. Newman said 54 lots were inside the city limits and a petition would be submitted for annexation of the remaining properties after the filing/recording of the plat. Councilmember Martinez said egress was very important and she was not in favor of one entrance even though there would be a designated emergency exit with a Knox box for the fire department. Mr. Newman said the submitted preliminary plat had been engineered by their interpretation of the city ordinances and the City Engineer had approved. He said he felt adding another entrance would cause more traffic issues and the subdivision did have an emergency exist with a Knox box for the fire department. Councilmember King asked if a secondary entrance were requested by council would they bring back in the final plat. Ms. Soto said any requirements would be in the final submittal. The city council discussed drainage issues brought up by the residents. Mr. Newman said to open the emergency exit as a secondary entrance fill dirt would have to be brought in due to low area. Mr. Newman said there was design issues and a 12-inch culvert could not be installed due to being so flat coming in. City Engineer Mike Persyn agreed. Councilmember King felt it could be done since they had received a variance from the street geometry standards ordinance at the last meeting. Mr. Newman said they would have to come back for additional variances to do this due to the design issues and that would slow the project down. Mr. Newman said he had presented the best option for this property he felt. The council looked at a low water crossing which existed as a natural speed bump to slow the speed of traffic if connected to the previously proposed street. Councilmember Tschirhart disagreed with Mr. Newman on traffic controlled with one entrance. Saying a second entrance would help with traffic control not hinder and asked about the sewer capacity and was there information on it. Ms. Soto said staff was going out with the City Engineer to look at and get answers on the concerns with capacity. Mr. Tschirhart confirmed the water rights

would be brought to the city for the development. Mayor Pro Tem Schroeder summarized the direction the city council was looking at was secondary street access and alleviating drainage concerns. Mr. Newman clarified he was to design a secondary street access to meet vertical grades and comply with the fire code with the city engineer's approval. Mayor Pro Tem Schroeder asked about having a hydrological study completed by the city. Mr. Newman said he had a geological study that he used for design. These requirements would be brought back in the final plat.

A motion was made by Councilmember Carey and duly seconded by Councilmember Martinez to conditionally approve a preliminary vacate and re-plat of Country Village Estates, Phase 1, located at 123 Country Lane, Castroville with special consideration of a secondary street entrance, street geometry meeting International Fire Codes and allow for a low water crossing at the western end of the subdivision. A vote was taken (5:0 all ayes) the motion carried by all present.

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

City Secretary Debra Howe said the city had received a request that day from Stephen Berchelman to postpone and bring back at a later date. This item was skipped.

XVI. Discussion and appropriate action on purchasing a Ditch Witch HX-30 through the Texas Buyboard in an amount not to exceed \$57,000, and authorizing City Administrator to take execute contracts for and on behalf of the City. (John Gomez, Public Works Director)

Public Works Superintendent Roy Clayton briefed the city council on the request to purchase a ditch witch to be used in the city to locate utilities. Mr. Roy said currently they were renting the equipment and it would be more economical to purchase. There was a question on the quote shown in the backup being different from a copy of the quote Mr. Clayton had received. Staff would go back and check with the company for the best price, if approved.

A motion was made by Councilmember King and duly seconded by Councilmember Carey to approve the purchase of a Ditch Witch HX-30 through the Texas Buyboard in an amount not to exceed \$58,000. A vote was taken (5:0 all ayes) the motion carried by all present.

XVII. Discussion and possible action on clarifying Phases of opening the city pool, including swim lessons. (Devin Fredrickson, Parks and Recreation Director)

Parks and Recreation Director Devin Fredrickson briefed the city council on possibly closing Regional Park over the 4th of July weekend. Mr. Fredrickson said with the new governor orders having been put in place he felt it would be safer to close. Mayor Pro Tem Schroeder complimented Mr. Fredrickson on the work he had put into the phases to re-open the park. Mr. Fredrickson said there had been groups inquiring about using the volleyball courts and the baseball leagues would fall under these new limits. Councilmember Tschirhart said the little league was finishing the season that week. Councilmember King clarified the pool was open for open swimming. Mr. Fredrickson said it was open for fitness and open swimming.

XVIII. Discussion on measures of safety for city staff and the public during the COVID 19 pandemic.

Mayor Pro Tem Schroeder said with the increase of cases he wanted to make sure the city staff and the public were protected. Interim City Administrator Leroy Vidales said city hall and the public works had been sanitized and was currently closed to the public. Mr. Vidales asked the city council for direction on opening to the public again. Mayor Pro Tem Schroeder wanted to make sure employees were wearing masks, social distancing, and disinfecting vehicles daily. Councilmember King wanted signage at the park to reflect the restrictions was from the city council not as per recommendation of the Parks and Recreation Department. Mr. Fredrickson said he would install signage to reflect this.

XIX. Discussion and possible action on process for utility customers with delinquent bills due to COVID 19 Virus outbreak. (Interim City Administrator Leroy Vidales)

Interim City Administrator Leroy Vidales briefed the city council on the utility customers affected by the pandemic. Mr. Vidales said there were 280 delinquent commercial and residential accounts with approximately \$75,000 due to the city. Mr. Vidales asked for direction on a disconnect schedule as this had been suspended since March. Mr. Vidales said pay plans would be offered to those that contacted the city. Council members directed staff to send out notices of pay options to the delinquent accounts now and revert to regular disconnect schedule at the next billing cycle.

XX. Discussion and appropriate action on SGR contract for city administrator search process

This was approved earlier in the meeting.

XXI. Discussion on future agenda items

Mr. Vidales said the next budget meeting was July 9th to review the Utility Fund but with the Public Works Director out due to illness he wanted to change the agenda to the Airport if council agreed. Councilmember King asked for an update on code enforcement in the city. Also, amendments to the noise ordinance and discussion on updates to the thoroughfare plan.

XXII. ADJOURN

Mayor Pro Tem Schroeder adjourned the meeting at 8:07 p.m.

Darrin Schroeder
Mayor Pro Tem

ATTEST:

Debra Howe
City Secretary