

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

**1209 Fiorella
City Council Chambers**

March 14, 2023

Tuesday

5:30 P.M.

MINUTES

I. CALL TO ORDER

Mayor Darrin Schroeder called the meeting to order at 5:30 p.m.

II. ROLL CALL

Present:

Mayor Darrin Schroeder

Scott Dixon, City Administrator

Mayor Pro Tem Phil King

Debra Howe, City Secretary

Councilmember Sheena Martinez

David Kirkpatrick, Airport Manager

Councilmember Paul Carey

John Gomez, Public Works Director

Councilmember Harold Stein

Councilmember Herb Dyer

Others in attendance:

Cynthia Trevino, City Attorney

III. PLEDGE OF ALLEGIANCE

IV. INVOCATION

Pastor John Eaccarino, Vista Community Church gave the invocation.

V. CITIZEN 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. 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.

Jerry Hoog, CR 4711, spoke on the city parks and ball fields located on property purchased from his ancestors. Mr. Hoog said he was pleased with the improvements being made at Lion's Park and hoped the rumors of the city taking away the baseball fields at the airport were false. Mr. Hoog said the fields had historic value, maintained fully by volunteers and he hoped they would stay in use.

Kenneth Lange, CR 5711, spoke to the city council on his concerns over the zoning changes around the airport. Mr. Lange felt the changes could impact safety and development if the airport was expanded in the future. Mr. Lange said it would also restrict the high school expanding if zoning was put in place.

Janet Ruzzo, 144 Lower LaCoste Rd., spoke as a property owner adjacent to the airport and was in support of the Airport and the long-term plans for the area.

Kathy Ewoldt, 9022 High Branch, San Antonio, spoke to the city council on her continued support of the airport. Ms. Ewoldt said the airport played an important part in homeland security, was used for training by the military and had played a huge part during the DOS fires at Medina Lake last year. Ms. Ewoldt said the airport was an asset to the community.

Joseph and Cynthia Lange, 1200 CR 5711, spoke on their support to keep the baseball fields open or have an opportunity to look at sports complex with the city. Mr. Lange was a landowner adjacent to the airport and was concerned with drainage and asked if any studies had been performed on the impact to the area.

David Merz, 148 Village Path, spoke on the recent street repairs in his neighborhood. Mr. Merz felt his area did not contribute enough property taxes to pay for the improvements. Mr. Merz had concerns with the drainage and the higher costs to the city. Mr. Merz said his development was to have been a benefit to the city, but he felt was not due to higher costs of long-term maintenance. Mr. Merz recommended the city council not approve the new development agreement on the agenda that evening and take care of the current citizens' needs.

VI. CONSENT AGENDA

- a. Minutes for February 28, 2023, Regular Called City Council Meeting.
- b. Approve Resolution for Community Project Funding Resolution.
- c. Approve equipment purchase for new police vehicles.

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

VII. City Administrator Report:

- a. IT Needs Analysis
- b. City Hall Remodel Update
- c. Downtown Master Plan
- d. UDO
- e. Balanced Score Card
- f. TxDOT/Thoroughfare Planning

City Administrator Scott Dixon provided the city council with his monthly report and asked for questions. Mayor Schroeder suggested a brief overview of each topic for members of the community attending or watching through livestream. City Administrator Dixon said the IT Needs Analysis was moving forward with VC3 at a cost of \$25,000 for the analysis and RFP. Mr. Dixon said the RFP should be ready by June. Mr. Dixon said the next step in the city hall remodel was doing an analysis with staff and work with the State on the addition to the outside of the building. Mr. Dixon said the downtown master plan was in the CIP, the UDO would be the codifying/combining the zoning/development ordinances and was not shown in the CIP and staff was working on an RFP. Mr. Dixon said they were looking at a consultant for the implementation of the Balanced Score Card and it would be brought back. Mr. Dixon said the TxDOT/ Thoroughfare

Planning consultant was Simple City, and after the recent meeting with TxDOT they were not in favor of the city's suggestions on HWY 90 and stopped the process. The city spent \$15,000 with the consultant. Mayor Schroeder said the remodeling of the city hall was a necessity and the city council had to be good stewards and take care of the building. Mayor Schroeder said a downtown master plan was a need with new people coming in and the development needed to be done correctly. Mayor Schroeder said the UDO was needed to try and grow the city with the least impact to the city. Mayor Schroeder said with the thoroughfare planning the city had tried to improve on what TxDOT proposed, but it did not change their minds.

VIII. Discussion and possible action on establishing a Tree Trimming Policy for the maintenance of the City's electric distribution system

Mayor Schroeder briefly spoke on the issues with overgrow tree limbs in the electric lines causing power outages. Mayor Schroeder said the tree contractor used the Medina Electric Co-op's standards when they trimmed the trees and citizens were upset with the outcome. City Administrator Dixon said it was costly to the city when the homeowner started consulting with the contractor on an alternative way to trimming. Mr. Dixon said staff was looking for direction from council on the city protocols. Councilmember Martinez asked about live oaks in the examples shown and wondered if the trees at September Square were protected. Mayor Schroeder said the city could have a standard overall tree policy and a city policy. Councilmember Dyer said the council had approved the MEC standards of trimming and for alternative trimming, he suggested the city go out for an RFP for tree trimming standards and put together a policy. He felt the city needed a standard policy. Councilmember King said he knew the company that had performed the service, and they went by the standard policy for clearing electrical lines. Councilmember Carey suggested putting in underground utilities in the areas where heritage trees were located. Mayor Schroeder summed up the discussion with (1) the city having an educational information campaign on tree trimming, (2) the city needed to send out a staff contact sheet when the contractor was doing work for citizens' concerns and (3) have a set of standards for city trees. City Administrator Dixon said to address the installation of underground utilities, this was very costly, and they could not be placed in individual areas, they would have to be installed for the whole area.

IX. Update and appropriate action on Airport Fencing Project

City Administrator Scott Dixon briefed the city council on the update to the airport fencing project. Mr. Dixon said at the last meeting the city council had appointed Councilmember Carey to work with the Airport Manager to determine the best way to keep the wildlife off the property and possibly installing a cattleguard and changing the location of the fence/gate. Airport Manager David Kirkpatrick had received several bids, the lowest being under \$90,000. Councilmember Dyer asked where the cattle guard would be placed and would it keep the deer out. Councilmember Stein said it would not, but it may help depending on the position of the gate. Mayor Schroeder felt they needed to look at further before making a decision. Councilmember Dyer suggested speaking with Tx Parks and Wildlife for advice. Councilmember Martinez suggested contacting the Game Warden, they may be helpful. Mayor Schroeder recommended moving forward with the fence but not build anything that was not looked at. Councilmember Carey said the suggestion of the gate being moved near the ballfields would require electricity and that could be costly.

It was recommended starting on the blue section denoted on the map and look at the area denoted in yellow, at the ballfields further.

X. Update from City Attorney on the status of Airport Zoning Board

Mayor Schroeder briefed the city council on the airport zoning board being an FAA requirement and stating as requested by council the city attorney had been working with TxDOT and FAA on requirements and enforceability. City Attorney Cynthia Trevino briefed the city council on the legality of discussing the zoning issues in executive session. Ms. Trevino said the legal issues that could stem from adopting zoning restrictions could and would be discussed in executive session. Ms. Trevino said in speaking with TxDOT/FAA they are providing guidelines that will satisfy the requirements and what the compatible land use will be. Ms. Trevino said the city did not have any leeway and she was still working with TxDOT to compile the ordinance. Ms. Trevino said TxDOT looked at Aerospace protection (height), noise, safety (wildlife issues, flight hazards, lighting), landing compatibility (density- in what zones) would be targeted. Also designated in the ordinance would be a Board of Adjustments for variance request appointed by the Airport Zoning Board. Ms. Trevino said this board would be independent from the city with enforcement built in with TxDOT as the authority. Ms. Trevino said she had a draft ordinance she would be bringing to council to re-form the Joint Zoning Board with the city appointing two members, the county the same and if any other entities joined, they would do the same for representation. City Council wanted final approval by legal counsel on ordinances compiled by the board, with guidelines and communication with the city council and county included in the draft. Councilmember Martinez asked about training from TxDOT for the board and city staff. The draft ordinance would be brought back at a future meeting.

XI. Presentation on Final Water / Wastewater Master Plan from RESPEC

Darrell Spillman, RESPEC, briefed the city council on the water and wastewater master plan they had completed. Mr. Spillman said the information for the water was taken and put into the water model where as the wastewater plan was from scratch. Spillman said they looked at water and wastewater upgrades based on current, proposed, and ultimate conditions. Included in the condition calculations was Phase II of Alsatian Oaks, Jagge Ranch, Cobblestone, Victory Lane and DeCocke Farms developments. Mr. Spillman provided information on the current water (including Phase I Alsatian Oaks) and proposed service (1,455 acres, LUE's 2,233/13,982 acres, LUE's 7,233), System- current and proposed -18 miles of water main, 2 inch to 16 inch/ 29 miles of main, 2 inch to 24 inch; Plant- current and proposed-880,000-gallon total storage, 1.9 MDG (1340gpm) well production/ 2,380,000-gallon total storage, 6.2 MDG (4,340gpm) well production. Improvements- current new subdivision main (Alsatian Oaks) Plant upgrades -300,000- gallon upgraded storage tank, 15,000- gallon upgraded pressure tank, pump improvements/ proposed new subdivision mains, Plant upgrades: 1,500,000-gallon total storage, 3,000gpm well. Ultimate Conditions were provided for service area- 28,020 acres/42,601 LUE's; System- 84 miles of main/2 to 24 inch; Plant- 8,880,000-gallon total storage/6.8MGD (25,561gpm) well production; Improvements-new subdivision mains, additional plan upgrades including 1,500,000 gallon total storage, dependent on development with

each plant proposed with 3,000gpm well. Wastewater upgrades- current and proposed service areas- 1274 acres, 2,082 LUE's/13,801 acres, 7,082 LUE's; System- 26 miles of main, 8 to 24 inch/28 miles of main, 8 to 24 inch; Plant- 0.9 MGD capacity, 0.4 MGD treated/ 1,2 MGD treatment; Improvements- New subdivision main (Alsatian Oaks)/ new subdivision mains, Plant upgrades- Flow Equalization Basin & headworks, Lift Station upgrades- Regional Main: storage upgrade and upstream main repair, East side- additional pump for redundancy/reliability. Ultimate Conditions provided for service area-28,810 acres/45,411 LUE's, System-44 miles of main/8 to 30 inch, WWTP Plant- 8,2 MGD treatment, and Improvements-new subdivision mains, upgrade major trunklines for growth, Plant upgrades- new plant needed or upgrades, Lift Station upgrades- additional or two lift stations. Mr. Spillman provided recommendations to the city council including: Initiation of well and water storage projects; identifying planned traffic thoroughfares in the city which could dictate alignment for future distribution and sewer collection mains; develop a list of potential locations for elevated water storage; initiation of improvements to Regional Park main lift station to replace the old infrastructure; address frequent surcharging of sewer main along the river; and reduce risk to the location to the park and river; plan rehabilitation of the sewer main along the river upon completion of lift station improvements; plan for a Flow Equalization Basin at the existing wastewater treatment plant to improve performance and efficiency as discussed in previous reports; develop a list of sites for future wastewater treatment plants and continue to engage with development teams for acquisition of water rights and real estate for future infrastructure. Councilmember Dyer asked about water rights being included and how to determine the correct amount needed to support the development. City Administrator Dixon said there was a formula used for determination of LUE's needed per household, but he felt it might be too high. It was stated the citizens were not paying for the improvements.

XII. Discussion and appropriate action on a petition from HWY 90 Castroville Partners, LTD for voluntary annexation of Property ID R87733, Walmart Store #4102-00 Block 1, also known as Tondre Parkway and authorizing city staff to start the annexation process

City Administrator Scott Dixon briefed the city council on the petition received to annex the roadway known as Tondre Parkway. Mr. Dixon said staff was working with the city attorney to determine if the road needed to be annexed as annexation laws related to roadways had changed in the last few years. Mr. Dixon said if the street did not need annexing the city would still need to accept after inspections at a future meeting. Mr. Dixon recommended the city council accept the petition for annexation as presented and authorize staff to proceed with the annexation process.

A motion was made by Councilmember Carey and duly seconded by Councilmember Dyer to accept the Petition from HWY 90 Castroville Partners, LTD for voluntary annexation of Property ID R87733, Walmart Store #4102-00 Block 1, also known as Tondre Parkway and authorizing city staff to start the annexation process. A vote was taken (5:0 all ayes) the motion carried by all present.

XIII. Discussion and appropriate action on authorizing the City Administrator to negotiate a contract for the sale of effluent to the Boehme Farm

City Administrator Scott Dixon briefed the city council on the expired contract between the city and Boehme farms for the discharge of the city's effluent. Mr. Dixon said the city could discharge the effluent into the

(Cont.)

river now, but staff was working with Mr. Boehme under the same contract at this time. Mr. Dixon said staff was also researching a past invoice from 10 years ago submitted for repairs to the pivot system by Mr. Boehme that had not been paid. Mr. Boehme was interested in buying the effluent and was present to speak to the offer. Mr. Dixon said there was a leak in the pipe that transfers the effluent to the Boehme Farm and was estimated at \$26,000 for repairs. Mr. Dixon said they could allow Mr. Boehm to repair and give credit. Mr. Dixon said Mr. Boehme had offered \$30 per acre foot, which was low, and he wanted first right of refusal during the summer months. Mr. Dixon recommended denial due to needing to water at regional park. Bradford Boehme, 1230 CR 477, spoke to the city council on his family having worked with the city for many years and he wanted to continue. Mr. Boehme said he could fix the leak issue, for much less. Mr. Boehme was asked why he had not requested payment sooner. Mr. Boehme said he had contacted the city a few years back, but did not get a good response on re-payment. Mr. Boehme was asked how he came to the amount he offered. Mr. Boehme said that was what he paid to receive water from Medina Lake. Mr. Boehme said he had copies of emails from then City Administrator Paul Hoffman and City Attorney Ross Fisher on the contract and repayment of his expenses of \$61,410.00 for repairs of the pivot system he had incurred. **A motion was made by Councilmember King and duly seconded by Councilmember Martinez to authorizing the City Administrator to negotiate a contract for the sale of effluent to the Boehme Farm.** Councilmember Dyer spoke further on not being in favor of rushing into a new contract. Mr. Dyer felt the city needed to do their due diligence on the old contracts and look at the cost of pumping to the property. **A vote was taken (4 ayes: 1 nay (Dyer)) the motion carried by a majority vote.**

XIV. Consider and take appropriate action on adopting an Ordinance cancelling the General Election for the places of Mayor, District 1 and District 2, declaring the candidates elected

A motion was made by Councilmember Martinez and duly seconded by Councilmember Carey to adopt an Ordinance cancelling the General Election for the places of Mayor, District 1 and District 2, declaring the candidates elected. A vote was taken (5:0 all ayes) the motion carried by all present.

XV. Consider and take appropriate action on adopting an Ordinance cancelling the Special Election for District 4 and declaring candidate elected

A motion was made by Councilmember Stein and duly seconded by Councilmember Carey to adopt an Ordinance cancelling the Special Election for the place of District 4, declaring the candidate elected. A vote was taken (5:0 all ayes) the motion carried by all present.

XVI. Consider and possible action on establishing a city policy related to public restroom standards

City Administrator Scott Dixon briefed the city council on the city having a policy with the city council setting the standards. Mayor Schroeder said the city needed to improve on the cleanliness of the restrooms. Councilmember Dyer said as the Parks and Recreation liaison he felt he needed to bring forth the park restrooms needed more attention. Mr. Dyer felt the city needed to prepare an RFP and advertise for profession service to take the burden off the city staff. Mr. Dyer felt the additional cost to have a service come in to clean

could be included in fees charged to associations using the park. Mr. Dyer felt the city should have a policy put into place. Mayor Schroeder felt what Mr. Dyer was looking to do was more of a level of service. Councilmember Dyer disagreed and said the city council made policies and he felt this would be setting the standards for cleaning. Councilmember King felt discussion with the Parks Director Devin Fredrickson on improving the cleaning would be the next step. Councilmember Martinez agreed they needed to establish a standard. It was suggested the item be brought back at a later date and update with what was being done, with recommendations.

City Administrator Scott Dixon briefed the city council on being informed that morning the attorney for NP Homes was unavailable so the next item was put on hold until their attorney could review the terms. City Council did not go into Executive Session.

XVII. EXECUTIVE SESSION (Skipped)

- (1) Pursuant to the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, Section 551.071 (entitled “Consultation with Attorney”) and Texas Government Code Section 551.085 (entitled “Deliberation regarding Economic Development Negotiations”) the City Council may convene in executive to receive advice from the City Attorney regarding the following:
- a. NP Homes Development Agreement.

XVIII. Reconvene in open session (Skipped)

XIX. Consider possible action(s) resulting from items posted and legally discussed in Executive Session

- a. Consider and take appropriate action on an Ordinance authorizing the City to enter into a Development Agreement with NP Homes and ordaining other matters in connection therewith.

XX. Discussion on future agenda items

Mayor Schroeder spoke briefly on putting items on the agenda. City Administrator Dixon said in the past, his way was to place the item just for review, then for discussion only, and finally place on the third agenda for action.

Councilmember Dyer said his items were not placed on agendas when submitted as per State Law and the City Council’s own ordinance.

Councilmember Martinez asked for an update from the police chief on the recent happenings in town.

XXI. ADJOURN

Mayor Schroeder adjourned the meeting at 8:41 p.m.

Darrin Schroeder
Mayor

ATTEST:
Debra Howe
City Secretary