

CITY OF CASTLE HILLS  
REGULAR CITY COUNCIL MEETING  
MINUTES OF JANUARY 12, 2010

The City Council of the City of Castle Hills convened at 6:00 p.m. on the 12<sup>th</sup> day of January, 2010, in the Council Chambers of the City of Castle Hills, 209 Lemonwood Drive, Castle Hills, Texas.

The attendance roster included Pat Butler, Bill Martin, LaVerne Japhet, Al Briseno, Marianne Huizar, Charlie Barbera, Evangeline O'Sullivan, Pamala Farris, Beverly Rollins, William Beuhler, Susan Kilgore, Kathleen Hurren, Richard Szecsy, Brother William Dooling, Gilbert Cruz, Ramiro Estrada, Carol Allen, and Bob Allen.

I. OPENING

- A. QUORUM - Present and composing a quorum of the City Council were Mayor Marcy Harper, Steve McGuire, Tom Davis, Douglas Gregory, Marcella Huff, and Bruce Smiley-Kaliff.

Staff present was Interim City Manager Rita Hoyl, City Secretary Linda Gill, City Attorney Michael S. Brenan, Police Chief Donny Davis, Fire Chief Jerry Riedel, and Public Works Director Rick Harada.

- B. INVOCATION – Bill Martin

- C. PLEDGE OF ALLEGIANCE – LaVerne Japhet

- D. CONSIDERATION OF THE MINUTES OF THE CITY COUNCIL MEETING HELD DECEMBER 8, 2009.

**Motion:** Councilman Davis moved to approve the minutes of the city council meeting held December 8, 2009. Councilman McGuire seconded the motion. The motion passed unanimously.

- E. CONSIDERATION OF THE TREASURER'S REPORT FOR THE MONTH OF DECEMBER, 2010.

**Motion:** Councilman Smiley-Kaliff moved to approve the December, 2009, Treasurer's Report. Council member McGuire seconded the motion. The motion passed unanimously. Pursuant to questions from Councilman McGuire, Ms. Hoyl explained briefly what constituted the increase in income over what was budgeted in 2009. She continued on to point out savings in the 2009 budgeted expenses in each department. Councilman McGuire commented that, if the increase in income turns out to be valid, 2009 will be the first year in five years that the city has finished the year in the black. He said city employees should be proud of what they have accomplished.

## II. ANNOUNCEMENTS

- A. Police Chief Davis read a resolution recognizing retired Police Officer Bret Wosnig, who was unable to attend, for 20 years of loyal and dedicated employment with the City of Castle Hills. The chief then presented the resolution and a wrist watch to Ms. Joyce Buie, mother of Officer Wosnig.
- B. Fire Chief Riedel read a resolution recognizing Firefighter Beau Obregon for 11 years of loyal and dedicated employment with the City of Castle Hills. The chief explained that Mr. Obregon was going to work for the City of Boerne, where he has been a volunteer firefighter for 18 years.

## III. CITIZENS TO BE HEARD

Jeannie O'Sullivan of 115 West Castle Lane said that she is on the CPS Advisory Committee, which has 10 San Antonio members and 5 members at large. She said that seats for 2 members at large would be opening up soon, and she would like Castle Hills residents to apply for the positions. She also advised everyone to look into the Windtricity Program.

Joyce Buie of 222 Carolwood indicated that she is a subscriber to Windtricity and said the city should apply. Ms. Buie said that the Homeowners Association reported that "Snow Day" was a big success. She added that a new board has been elected by the association, and she read the names of the new board members.

Kathleen Hurren of 202 Wisteria received confirmation from the mayor that she would be able to comment on a later agenda item.

Marriane Huizar of 109 Twinleaf updated everyone on Fiesta Castle Hills. She said volunteers and donations are needed, and the next meeting will be January 23<sup>rd</sup> at 9:00 a.m. in The Commons.

## IV. REPORTS

- Interim City Manager Rita Hoyl gave the December, 2009, Investment Report, Building and Health Inspections Report, the Code Enforcement Activity Report, and the Municipal Court Activity Report.
- Police Chief Donny Davis reported on the December, 2009, Police Activity and STEP program.
- Fire Chief Jerry Riedel presented the December, 2009, Fire Incident and Activity Report.
- Public Works Director Harada gave the December, 2009, Activity Report for Public Works. Mr. Harada announced that the new garbage truck purchased in December is on its way. He said the total cost was \$101,000.00.

V. OLD BUSINESS -None

VI. NEW BUSINESS

- A. CONSIDER AND ACT UPON A RESOLUTION HONORING BRET WOSNIG UPON HIS RETIREMENT.

**Motion:** Council member Smiley-Kaliff moved to adopt a resolution honoring Bret Wosnig upon his retirement. Council member Huff seconded the motion. The motion passed unanimously. The resolution as passed is captioned as follows:

RESOLUTION NO. 1001-01

A RESOLUTION COMMENDING BRET WOSNIG ON 20 YEARS OF LOYAL EMPLOYMENT WITH THE CASTLE HILLS POLICE DEPARTMENT AND HONORING BRET WOSNIG FOR 20 YEARS OF FAITHFUL AND DEDICATED SERVICE TO THE RESIDENTS OF THE CITY OF CASTLE HILLS.

*(A copy of Resolution No. 1001-01 is attached and made a part of the Minutes)*

- B. CONSIDER AND ACT UPON A RESOLUTION HONORING BEAU OBREGON FOR 11 YEARS OF EMPLOYMENT.

**Motion:** Council member Huff moved to adopt a resolution honoring Beau Obregon for 11 years of loyal service to the City of Castle Hills. Council member Davis seconded the motion. The motion passed unanimously. The resolution as passed is captioned as follows:

RESOLUTION NO. 1001-02

A RESOLUTION COMMENDING BEAU OBREGON ON 11 YEARS OF LOYAL EMPLOYMENT AS FIREFIGHTER OF THE CASTLE HILLS FIRE DEPARTMENT AND HONORING BEAU OBREGON FOR 11 YEARS OF FAITHFUL AND DEDICATED SERVICE TO THE RESIDENTS OF THE CITY OF CASTLE HILLS.

*(A copy of Resolution No. 1001-02 is attached and made a part of the minutes)*

- C. CONSIDER AND ACT UPON APPROVAL OF A REPLAT FOR CASTLE HEIGHTS BLOCK 8, LOTS 11 & 12.

Mayor Harper recused herself from discussion of this item, since she is broker for the seller of the property, and turned the meeting over to Mayor Pro-Tem Huff.

Ms. Hoyl explained that the property at Manton and Wisteria is .87 acres and has two complete dwellings on it. She said that the owner wants to replat the property so that each dwelling can have its own lot. She said that the property owner's engineer is present, all the studies have been conducted, and the drainage report has been submitted to the city's engineer.

Kathleen Huizar of 202 Wisteria said she lives directly across the street and owns the house next door to the property. She said that drainage issues have concerned her in the past, and she thought a drainage study should be done. She mentioned other concerns that she thought should be addressed.

Ms. Hoyl indicated that a drainage study was done, and she had a copy.

The council discussed their concerns regarding the dwellings and setbacks, including the septic system requirements.

Mr. Brennan confirmed to council member Huff that the city engineer's letter assumes that all requirements for the replat are met.

Councilman Smiley-Kaliff confirmed with the property owner's engineer, Grady Koehl, that the property is within 200' of a sewer line, but not within 200' of a sewer main. Ms. Hoyl said the city's ordinance references the sewer main.

Responding to council member Huff, Mr. Brennan said that he assumes from Mr. Givler's letter that setbacks were addressed, but he has no personal knowledge of it. He mentioned that, if the council did not vote on the replat tonight, a special meeting will need to be called to vote on it before 30 days from last Tuesday; or it will be automatically approved.

Former Board of Adjustment member Brother William Dooling of 201 Gladiola clarified the required set-back distances for the dwellings. He cautioned against voting on the replat if the council is unsure that the properties will be in compliance.

Carol Allen of 201 Wisteria, owner of the property, answered Brother Dooling's questions and added that the setback of the house is 65' in front and 40' in back; and she has all required permits, including those from Bexar County and SAWS. She said that the house met all building requirements of the city, and she is sure the setbacks are accurate.

***Motion:*** Councilman Smiley-Kaliff moved to approve the replat for Castle Heights Block 8, Lots 11 & 12. He said his motion was based on the fact

that, if the city engineer's opinion letter is inaccurate, the city would be able to look to the city engineer's insurance carrier to cover the cost of redoing the plat. Seconded by Councilman Davis, the motion carried 4 to 0. Mayor Pro-Tem Huff did not vote.

*Councilman Gregory arrived at 7:05 p.m.*

D. CONSIDER AND ACT UPON ACCEPTING THE RESIGNATION OF ALTERNATE JUDGE ANTONIO CANTU.

Ms. Hoyl said that Judge Cantu is a former Supreme Court judge. He has discovered that there is an AG opinion that states a Supreme Court judge is eligible to sit at any time in a district or county court, therefore, causing a potential conflict of dual office holding if he presides in our municipal court. Ms. Hoyl said that is the reason for his resignation.

**Motion:** Council member Davis moved to accept the resignation of Alternate Judge Antonio Cantu. Councilman Smiley-Kaliff seconded the motion. The motion carried unanimously.

*Mayor Harper announced a short break at 7:10 p.m. The council reconvened at 7:20 p.m.*

E. CONSIDER AND ACT UPON AN ORDINANCE APPOINTING AN ALTERNATE MUNICIPAL COURT JUDGE.

Councilman Smiley-Kaliff requested the honor of presenting Mr. Al Briseno. He said that Mr. Briseno's background and references are exemplary, and he thought the city would be well served with Mr. Briseno as alternate judge.

**Motion:** Council member Smiley-Kaliff moved to adopt an ordinance appointing Alvaro Briseno as the city's alternate municipal court judge. Councilman McGuire seconded the motion. The motion passed unanimously. The ordinance as passed and approved is captioned as follows:

ORDINANCE NO. 1044

AN ORDINANCE APPOINTING AN ALTERNATE  
JUDGE FOR THE CITY OF CASTLE HILLS, TEXAS.

*(A copy of Ordinance No. 1044 is attached and made a part of the Minutes)*

F. CONSIDER AND ACT UPON AN ORDINANCE CALLING AN ELECTION TO BE HELD ON MAY 8, 2010 TO ELECT THREE ALDERMEN AND ADDRESSING MATTERS RELATED TO THE ELECTION.

**Motion:** Council member Smiley-Kaliff moved to adopt an ordinance calling an election to be held May 8, 2010 to elect three aldermen and addressing matters related to the election. The ordinance as passed and approved is captioned as follows:

ORDINANCE NO. 1045

AN ORDINANCE CALLING AN ELECTION FOR THE CITY OF CASTLE HILLS, TEXAS TO ELECT THREE ALDERMEN; MAKING PROVISION FOR THE CONDUCT OF THE ELECTION; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION; AND PROVIDING AN EFFECTIVE DATE.

*(A copy of Ordinance No. 1045 is attached and made a part of the Minutes)*

- G. CONSIDER AND ACT UPON AN ORDINANCE CALLING AN ELECTION TO BE HELD ON MAY 8, 2010, REGARDING THE REAUTHORIZATION OF THE LOCAL SALES AND USE TAX IN THE CITY OF CASTLE HILLS AT THE RATE OF ONE-FOURTH OF ONE PERCENT TO CONTINUE PROVIDING REVENUE FOR MAINTENANCE AND REPAIR OF MUNICIPAL STREETS AND ADDRESSING MATTERS RELATED TO THE ELECTION.

**Motion:** Councilman McGuire moved to adopt an ordinance calling an election to be held on May 8, 2010, regarding the reauthorization of the local sales and use tax in the City of Castle Hills at the rate of one-fourth of one percent to continue providing revenue for maintenance and repair of municipal streets and addressing matters related to the election. The ordinance as passed and approved is captioned as follows:

ORDINANCE NO. 1046

AN ORDINANCE CALLING AN ELECTION TO BE HELD IN THE CITY OF CASTLE HILLS, TEXAS TO SUBMIT A PROPOSITION ON THE QUESTION OF THE REAUTHORIZATION OF A SALES AND USE TAX UNDER THE PROVISIONS OF THE TEXAS TAX CODE TO CONTINUE PROVIDING REVENUE TO MAINTAIN AND REPAIR MUNICIPAL STREETS; MAKING PROVISION FOR THE CONDUCT OF THE ELECTION; RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION; AND PROVIDING AN EFFECTIVE DATE.

*(A copy of Ordinance No. 1046 is attached and made a part of the Minutes)*

- H. CONSIDER AND ACT UPON AN ORDINANCE AMENDING CHAPTER 25 CORRECTING FINES FOR YIELD SIGN INTERSECTIONS, NO RIGHT TURNS, AND PARKING ON EXPRESSWAYS.

Ms. Hoyl said that Court Administrator Wendy Reyes noticed at the October council meeting that certain fines for moving violations were stated incorrectly in the city ordinance. This ordinance is to bring the fines into accordance with state laws.

**Motion:** Council member Smiley-Kaliff moved to approve an ordinance amending Chapter 25, correcting fines for yield sign intersections, no right turns, and parking on expressways. Council member Huff seconded the motion. The ordinance as passed and approved is captioned as follows:

ORDINANCE NO. 1047

AN ORDINANCE AMENDING CHAPTER 25: TRAFFIC AND PARKING, PERTAINING TO YIELD SIGN INTERSECTIONS, NO RIGHT TURNS AND PARKING ON EXPRESSWAYS BY CORRECTING THE FINES.

*(A copy of Ordinance No. 1047 is attached and made a part of the Minutes)*

- I. DISCUSSION TO DETERMINE WHICH LOT IS TO BE USED FOR STORAGE OF MATERIALS USED BY CASTLE HILLS PUBLIC WORKS DEPARTMENT.

Ms. Hoyl recounted that Public Works was storing materials on Roundup, and residents complained. The materials were moved to the lot on Persimmon, and residents are complaining. In the budget meeting money was allotted to screen the lot. Ms. Hoyl said that the council just needs to decide which lot they want to store the materials on.

Mayor Harper initiated discussion of the Roundup lot, which at one time, it was proposed by Mr. Brennan that the lot could be offered to the surrounding three properties as an easement. Mr. Brennan remembered the discussion, but said he had not pursued it further. Councilman Smiley-Kaliff said that there is a utility easement down the middle of that property, and he did not think the surrounding properties would benefit from acquiring it. He said that he has proposed that the lot on Persimmon could be cleaned up and made into a park or playground.

Ms. Hoyl deferred to Public Works Director Harada to clarify his storage needs. Mr. Harada said that the property on Roundup is an easement, and AT&T has instructed him to keep the manhole covers open. He said that minimizes the storage on that lot. He said the Persimmon lot is used to walk the dogs in the animal shelter. Mr. Harada said either lot would work for the storage he needs.

Councilman Smiley-Kaliff said that he was not proposing discussion of a park at present.

#### VIII. ADJOURNMENT

Mayor Harper adjourned the meeting at 7:26 p.m.

These minutes were approved on the 9<sup>th</sup> day of February, 2010.

APPROVED:

\_\_\_\_\_  
Marcy Harper, Mayor

ATTEST:

\_\_\_\_\_  
Linda Gill, City Secretary