

CITY OF CASTLE HILLS
REGULAR CITY COUNCIL MEETING
MINUTES OF MARCH 9, 2010

The City Council of the City of Castle Hills convened at 6:00 p.m. on the 9th day of March, 2010, in the Council Chambers of the City of Castle Hills, 209 Lemonwood Drive, Castle Hills, Texas.

The attendance roster included Bill Martin, Frank Paul, C. Gors, Bob Anderson, LaVerne Japhet, Ellen Szecsy, Sandra Wright, Pat Butler, William Beuhler, Terry Carter, Dawn Fuhrmann, Richard Szecsy, Beth Howard, Richard Polendo, Helen B. Glass, Susana Rios, Evangeline O'Sullivan, Bernie Wright, Cristina Carter, William Schluter, Marianne Huizar, Joan Buerschinger, Susan and David Kilgore, Doris Muldoon, Brother William Dooling, John Squire, and Terry Warth.

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. Brennan, 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. CONSIDER AND ACT ON THE MINUTES OF THE CITY COUNCIL MEETING HELD FEBRUARY 9, 2010.

Motion: Council member Huff moved to approve the minutes of the city council meeting held February 9, 2010. Councilman Davis seconded the motion. The motion passed unanimously.

- E. CONSIDER AND ACT ON THE MINUTES OF THE SPECIAL CITY COUNCIL MEETING HELD FEBRUARY 16, 2010.

Motion: Council member Smiley-Kaliff moved to approve the minutes of the special city council meeting held February 16, 2010. Council member Huff seconded the motion. The motion passed unanimously.

- F. CONSIDER AND ACT ON THE MINUTES OF THE SPECIAL CITY COUNCIL MEETING HELD FEBRUARY 23, 2010.

Motion: Council member Huff moved to approve the minutes of the special city council meeting held February 23, 2010. Councilman Davis seconded the motion. The motion passed unanimously.

G. CONSIDER AND ACT ON THE TREASURER'S REPORT FOR THE MONTH OF FEBRUARY, 2010.

Motion: Council member Gregory moved to approve the Treasurer's Report for the month of February, 2010, subject to any future corrections that may be necessary. Council member Huff seconded the motion. The motion passed unanimously.

II. ANNOUNCEMENTS

The interim city manager introduced Nathaniel Coy, a new police officer who came to the city with glowing recommendations. Chief Davis reported that Officer Coy has exceeded those recommendations. The chief presented Officer Coy with a \$100 bill that was stipulated for any officer who apprehended a suspect on his own, without the help of dispatch or any other officer. He related the story of how Officer Coy had earned the \$100 bill by capturing a suspect on his own, solving five city burglaries.

Ms. Hoyl announced that the city hired two new firefighters in January, 2010. She introduced Garrett Barfnecht, who was in the audience, and mentioned that this was his first job as a firefighter. She said Dustin Vackar was not there, but came to the city from Helotes, where he was a volunteer firefighter. She said that Public Works has a full crew for the first time since 2003 with the hiring of two new employees, Gabriel Gonzales and Adam Huerta.

Council member Huff reported on the meeting results for the city manager search. She said the committee met yesterday and wrote an ad that will be posted to the Texas Municipal League website, to governmentjobs.com, and to the Castle Hills website. Council member Huff read the advertisement that would be published. Ms. Hoyl said that she had placed the ad on the TML website earlier that day and had already received six resumes. Council member Huff said she also asked Ms. Hoyl to accumulate a list of universities to contact, if the response is not adequate from the ads. William Schluter is working on the job description for the city manager and will have it updated by the April meeting.

Councilman Davis warned residents not to fall prey to solicitors who want to paint house numbers on the curb. He said it is against city ordinance.

III. CITIZENS TO BE HEARD

Terry Carter of 125 South Winston announced the passing of Dottie Heye, an early resident of Castle Hills.

Evangeline O'Sullivan of 115 E. Castle Lane read her recommendations for the city manager search and for city meetings and notifications.

Doris Trevino Muldoon of 207 Halbart Drive commented on the poor condition of the city streets.

Marianne Huizar of 109 Twinleaf Lane gave an update on the status of Fiesta Castle Hills and said that she needs help advertising.

Richard Szecsy of 117 North Manton requested an announcement at the beginning of the council meeting be made concerning changes or deletions to the agenda after blue postcards are mailed out because some people come to the meetings for a specific agenda item. He also said that he fully supported a later start time for the council meetings, at least 6:30 p.m. Mr. Szecsy also said that he thought the distance to give notice of a replat should be extended from 200' due to the large size of the properties in Castle Hills.

REPORTS

- Interim City Manager Rita Hoyl gave the February Investment Report.
- Police Chief Donny Davis reported on the February, 2010, Police Activity and STEP program.
- Fire Chief Jerry Riedel presented the February, 2010, Fire Incident and Activity Report.
- Public Works Director Harada gave the February, 2010, Activity Report for Public Works. He said the new sanitation truck will be on the streets next week.

IV. OLD BUSINESS -None

V. NEW BUSINESS

A. PUBLIC HEARING ON A REQUEST FOR A REPLAT OF CHCB 207, BLOCK 10, LOT N. 259.6' OF 9 (104 N. MANTON LANE) SUBMITTED BY RICHARD POLENDO AND CONSIDERATION BY THE CITY COUNCIL OF THE REQUEST AFTER A PUBLIC HEARING.

Ms. Hoyl explained that the replat was to divide one lot into two. She said that the replat was reviewed by the city engineer, and it met all the requirements of state law. Owner of the property, Richard Polendo came forward to answer questions. He confirmed for the council that he was aware that he had to connect to the city sewer and had no problem with it on either property.

Dawn Fuhrmann of 110 North Manton, who owns the property next door to the replat, expressed concern that Mr. Polendo was dividing the

lot and worried that it would be so close to her house next door. She said she was shocked to know that lots could be divided in Castle Hills.

Councilman McGuire explained that the property division had to meet the minimum requirements of the city's zoning ordinance. He added that the city cannot enforce restrictive covenants that run with the land.

Bernie Wright of 120 North Manton said that the homeowners on Manton put up a certain amount of money in the early 1970s to pay for the drainage ditch on Manton and put in the sewer. He indicated that he did not think it was a good idea to make a new tap into the sewer because of all the problems with slabs and the ground shifting. Mr. Wright also described a problem with drainage that flows across his property. Ms. Hoyle suggested that Mr. Wright come to her office to discuss what is being done in that area.

Joan Buerschinger of 212 Glentower recommended that the sewer connection be taken care of before the house. The mayor said that the sewer connection would be required before the remodel permit is issued for the house.

Cristina Carter of 111 North Manton Lane asked the council about restrictive covenants and what recourse the homeowners have to enforce them. She also asked and received assurance from Mr. Polendo that he was not going to cut down the big tree on the front of the property.

Motion: Councilman Smiley-Kaliff moved to approve the replat as proposed. Councilman McGuire seconded the motion. The motion passed unanimously.

- B. CONSIDER AND ACT UPON A REQUEST FROM CARINA GORS OF GALLERY NORD LOCATED AT 2009 N.W. MILITARY HIGHWAY TO CONSTRUCT AND UTILIZE A CONCRETE PAD TO DISPLAY SCULPTURES THAT WILL BE VISIBLE FROM A PUBLIC RIGHT-OF-WAY.

Carina Gors, owner of Gallery Nord, came forward and requested that the council approve her request to have an outdoor art display in front of her art gallery. She planned to place a 6' X 6' concrete pad in front of her business to display sculptures on a rotating basis. She indicated that the sculptures would be a maximum height of 6' to 8' and will be visible from Military Highway. She assured the council that parking would not be impacted. Ms. Gors had a model sculpture brought to the dais for viewing.

Council member Huff remarked that she appreciated art and thought it was a good idea. Councilman Davis commented that it would enhance peoples' opinion of the city. Mr. Brennan said that, technically, it will be a sign; but Council can cap the size and height. If approved it becomes a

precedent, but not a binding one. Council can turn down the next request, if they choose.

Motion: Council member Smiley-Kaliff moved to approve the request to display sculptures in front of Gallery Nord with the caveat that the sculpture will not exceed 8' in height. Council member Huff seconded the motion. The motion passed 4 to 1. The opposing vote was cast by Councilman Gregory.

- C. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT TO OPERATE A CHURCH FROM THE EXISTING BUILDING LOCATED AT 2161 N.W. LOOP 410, ZONED "G" GENERAL BUSINESS AND CONSIDERATION BY THE CITY COUNCIL ON THE RECOMMENDATIONS OF THE ZONING COMMISSION AFTER THE PUBLIC HEARING.

Ms. Hoyl said that Pastor Lott of Temple of Praise Ministries, Inc. and the owner of the property, W.A. Blackmon, went before the Zoning Commission last week to request a Special Use Permit to operate a church at 2161 N.W. Loop 410. She said that the Zoning Commission's unanimous recommendation was to issue a Special Use Permit.

Motion: Councilman Gregory moved to approve the issuance of a Special Use Permit as recommended by the Zoning Commission. Council member Huff seconded the motion. The motion passed unanimously.

- D. CONSIDER AND ACT UPON RENEWING THE DEPOSITORY AGREEMENT WITH INTERNATIONAL BANK OF COMMERCE FOR A PERIOD OF ONE YEAR BEGINNING APRIL 1, 2010 THROUGH MARCH 31, 2011.

Motion: Councilman Gregory made a motion to renew the depository agreement with International Bank of Commerce for a period of one year beginning April 1, 2010 through March 31, 2011. Seconded by Councilman Davis, the motion passed unanimously.

- E. CONSIDER AND ACT UPON AMENDING THE FY 2010 BUDGET FOR ROOF AND INTERIOR REPAIRS TO THE FIRE STATION.

Fire Chief Riedel described needed repairs to correct roof leaks that have resulted in ceiling water stains and potential mold and mildew problems. He reported that several contractors who have looked at the roof suggest that water is getting into the seams of the metal roof. The chief referred Council to his memo in their packets, which lists the quotes from different contractors. He said that he recommended Mangold Roofing for the roof repairs quoted at \$7,950.00 and A-1 Total Interiors for new ceiling tiles and insulation at \$8,270.00. Chief Riedel requested that the Fire Department's Capital Improvement budget

be amended to cover the total repairs amounting to \$16,220.00. That line item is only about \$3,000.00 at present.

Ms. Hoyl confirmed for council member McGuire that the deficit was being increased with the amendment to the budget. In response to questions from Councilman Gregory, Ms. Hoyl said that the city's insurance did not cover mold.

Joan Buerschinger of 212 Glentower recalled that the fire station roof is eleven years old and should not need replacing. She said they should go back to the contractor who installed it. Chief Riedel said he tracked down the roofer in Florida. The roofer said that he was never fully paid by the builder, and he would not guarantee anything. The contractor was Capstone.

Mr. Brenan said that the council should probably move on with another contractor because he has had issues with the previous contractor in the past, and it's not likely they will get any help on the roof.

Hans Gors of 117 Dogwood explained that, if the contractor won't do anything, they can contact the bonding company or file a claim against a liability insurance policy the contractor had. Mr. Brenan said that the bond is over with since the city signed off on the work and paid for the job.

Motion: Councilman Smiley-Kaliff moved to amend the FY 2010 budget by \$16,220.00 to accommodate the safety issue that exists in the Fire Department building. Council member Huff seconded the motion. The motion passed unanimously.

F. CONSIDER AND ACT UPON IMPOSING PROCEDURES ON FILLING THE VACANT POSITION OF THE CITY MANAGER.

Councilman Gregory stated that the state gives cities a wide range of what they can and cannot do when hiring a city manager. The only thing they cannot do is discriminate. He said that he wanted this ordinance on the agenda regarding the search for a city manager. He asked Mr. Brenan if the ordinance could also be used to hire department heads.

Mr. Brenan said that it could, but department heads are hired by the city manager, even though it may be approved by the council. Councilman Smiley-Kaliff said that he was not sure the ordinance said what the council wants. He said that he would rather see an ordinance that addresses what happens when the city manager's position is vacant and that designates a time period for a city manager search.

Councilman Gregory said that the councilman had a good point, and he said that he would like to remove the ordinance and bring it back next month after revision. No action was taken.

Evangeline O'Sullivan of 115 E. Castle Lane recommended that procedures adopted should be consistent among all jobs. She also suggested the city get a credit card that earns miles to fly in applicants for city manager.

G. CONSIDER AND ACT UPON AN ORDINANCE CHANGING THE START TIME OF REGULAR SCHEDULED CITY COUNCIL MEETINGS.

Council member Huff said she brought this up at the last meeting for discussion and would like feedback from citizens. She commented that several citizens indicated that a later start time for the city council meetings would be easier because most people work, and it's hard to get to the meeting by 6:00. Council member Huff suggested having the meetings start at 6:30.

Terry Carter of 125 South Winston spoke in favor of moving the time back so working people could come to the meetings.

Brother William Dooling of 201 Gladiola spoke in favor of changing the time to 6:30 p.m.

Motion: Councilman Smiley-Kaliff moved to reschedule the regular city council meeting to start at 6:30 p.m. beginning next month. Council member Huff seconded the motion. The motion passed unanimously.

VIII. ADJOURNMENT

Mayor Harper adjourned the meeting at 7:40 p.m.

These minutes were approved on the 13th day of April, 2010.

APPROVED:

Marcy Harper, Mayor

ATTEST:

Linda Gill, City Secretary