

CITY OF CASTLE HILLS
REGULAR CITY COUNCIL MEETING
MINUTES OF SEPTEMBER 14, 2010

The City Council of the City of Castle Hills convened at 6:30 p.m. on the 14th day of September, 2010, in the Council Chambers of the City of Castle Hills, 209 Lemonwood Drive, Castle Hills, Texas.

The attendance roster included LaVerne Japhet, Bill Martin, Isabel Servin, Pamala Farris, Kathy Tarkington, Wayne Carter, William Beuhler, Suzanne Riley, Helen Glass, Joan Buerschinger, Pat Butler, Robert Riley, Melvin Davison, Rhonda Currie, Donald Currie, Dan O'Brien, Vera Howard, Evan Haberman, Alfredo Ortiz, and Nadine Timlin.

I. OPENING

A. QUORUM

Present and composing a quorum of the City Council were Mayor Marcy Harper, Douglas Gregory, Tom Davis, Marcella Huff, Steve McGuire, 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.

Mayor Harper announced that Item F under "New Business" on tonight's agenda is postponed for 90 days and will be considered at the December 14th council meeting at the request of the applicant, Wayside Chapel.

B. INVOCATION – Bill Martin

C. PLEDGE OF ALLEGIANCE – LaVerne Japhet

D. CONSIDERATION OF THE MINUTES OF THE SPECIAL CITY COUNCIL MEETING HELD AUGUST 3, 2010.

Motion: Councilman Davis made a motion to approve the minutes of the special city council meeting held August 3, 2010. Council member McGuire seconded the motion. The motion carried unanimously.

E. CONSIDERATION OF THE MINUTES OF THE COUNCIL MEETING HELD AUGUST 10, 2010.

Council members Davis and Huff noted corrections to the minutes of the August 10th council meeting.

Motion: Councilman Davis made a motion to approve the minutes of the August 10, 2010 council meeting as amended. Councilman Gregory seconded the motion. The motion passed unanimously.

F. CONSIDERATION OF THE MINUTES OF THE SPECIAL CITY COUNCIL MEETING HELD AUGUST 26, 2010.

Motion: Councilman McGuire made a motion to approve the minutes of the August 26, 2010 special city council meeting. Council member Huff seconded the motion. The motion passed unanimously.

G. CONSIDERATION OF THE MINUTES OF THE SPECIAL CITY COUNCIL MEETING HELD AUGUST 31, 2010.

Motion: Council member Huff made a motion to approve the minutes of the special city council meeting held August 31, 2010. Councilman Gregory seconded the motion. The motion carried 4 to 0. Councilman McGuire abstained due to his absence at that meeting.

H. CONSIDERATION OF THE TREASURER'S REPORT FOR THE MONTH OF AUGUST, 2010.

Motion: Council member Gregory made a motion to approve the Treasurer's Report for the month of August, 2010. Seconded by council member Smiley-Kaliff, the motion passed unanimously.

II. ANNOUNCEMENTS

- A. Mayor Harper announced the death of David Merrell of 117 Danube, who passed away Monday, September 13th at the age of 61. She said that Mr. Merrell was a retired high school teacher, and he leaves behind his wife Margo and his daughter and son-in-law.

The mayor said that she has received numerous phone calls, and even a get well card from people who think she is sick. She assured everyone that she is well.

III. CITIZENS TO BE HEARD

William Beuhler of 124 Cas Hills said that he is very pleased with the work the council and the city departments are doing, especially Rick Harada and Public Works. He said that he commended them for an excellent job of picking up trash and trees from last week's storm.

IV. REPORTS

- Attorney Fred Jones gave an update on the Castle Hills vs. Batchelder lawsuit. He said the case is scheduled for trial in June of 2011. He suspects there may be an out of court settlement. He said the court requires mediation, and he will get someone experienced in these matters to reach an agreement. He indicated that the mediation will be set for October.
- Councilman Gregory updated the council on the Building Code Review Committee, saying that it is slow going, but going well. He said another meeting will be scheduled soon to discuss the revisions suggested at the last meeting.
- Interim City Manager Rita Hoyl presented the August Investment Report, Building and Health Inspections, Code Enforcement Activities, and Municipal Court Activity Report for August, 2010. At the request of council member McGuire, Ms. Hoyl explained that the city does not normally make animal control calls on the weekends, unless there is an injury to a person or animal. She spoke in reference to a call received the past weekend.
- Police Chief Davis gave the August, 2010, Police Activity Report, STEP Report. The mayor said that she and Tom Davis had lunch with Captain Wayne Davis to discuss neighborhood crime watch. Captain Davis gave a brief report of the crime watch being developed and said there will be a crime prevention meeting on October 11th.
- Fire Chief Riedel gave the August, 2010, Fire Incident and Activity Report.
- Public Works Director Harada gave the August, 2010, Activity Report for his department.

V. OLD BUSINESS

A. CONSIDER AND ACT UPON THE CONSTRUCTION SITE STORM WATER RUNOFF MANAGEMENT PLAN ORDINANCE.

David Johnson, Compliance Officer from Givler Engineering, in response to Councilman Gregory, explained that the most material

change in the ordinance is the *disturbance of soil under one acre* has been removed, which will impact only commercial or industrial uses. Councilman Smiley-Kaliff, who lives on a property larger than one acre said he asked that this be changed in the ordinance. Mr. Smiley-Kaliff said the other significant change is that the ordinance ties to the state mandate for expiration or review and will prevent the city having an old ordinance in place if the state decides to change the law. City Attorney Brenan said that the ordinance will have no effect on current litigation.

Motion: Councilman Smiley-Kaliff moved to approve the construction site storm water ordinance with the updates distributed tonight. Council member Davis seconded the motion. The motion passed unanimously. The ordinance as passed and approved is captioned as follows:

ORDINANCE NO. 1053

AN ORDINANCE OF THE CITY OF CASTLE HILLS, TEXAS REGULATING CONSTRUCTION SITE STORM WATER RUNOFF TO THE MAXIMUM EXTENT PRACTICABLE AS REQUIRED BY THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY AND THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY; PROVIDING FOR A PENALTY OF A FINE OF NOT MORE THAN \$500 FOR EACH OFFENSE UNDER THIS ORDINANCE AND OR VIOLATORS TO BEAR THE EXPENSES OF RESTORATION NECESSITATED BY VIOLATION OF THIS ORDINANCE WITH EACH DAY A VIOLATION OCCURS BEING A SEPARATE OFFENSE; PROVIDING FOR A CIVIL PENALTY OF UP TO \$1,000 PER DAY FOR A VIOLATION OF THIS ORDINANCE IF THE DEFENDANT WAS ACTUALLY NOTIFIED OF THE PROVISIONS OF THIS ORDINANCE AND THEREAFTER COMMITTED ACTS IN VIOLATION OF THIS ORDINANCE OR FAILED TO TAKE ACTION NECESSARY FOR COMPLIANCE WITH THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE, AND ESTABLISHING A FEE

FOR REVIEWING PROPOSED STORM WATER
POLLUTION PREVENTION PLANS.

(A copy of Ordinance No. 1053 is attached and made a part of the minutes.)

B. CONSIDER AND ACT UPON IMPLEMENTING THE METHOD OF
PAYMENT TO WARRANT OFFICER FOR COLLECTION OF
WARRANTS.

Councilman Smiley-Kaliff remarked that he had a problem with the item 3 on the contract, stating that the warrant officer would be paid only upon conviction of the defendant. Mr. Brennan said that it follows state statute, which says the \$50 warrant fee cannot be collected until the defendant is convicted. He said it has nothing to do with the warrant officer. He said that Judge Dooling was very helpful in writing the contract, and item 3 is his wording.

Judge Dooling approached the podium and explained that it would be different in a large city. A full time warrant officer can be paid a salary, which comes out of the budget. If the warrant officer is paid from warrant fees, he can only be paid upon conviction and collection of the warrant fee from the defendant. Councilman Smiley-Kaliff said that the judge answered his question.

Responding to questions from Councilman Gregory, Judge Dooling explained the different costs that go to the state and said that only the fine goes to the city. He said Ms. Reyes has a computer that rolls all of it together, and the total is put on the case file. He said that the prosecutor sets the fine, not the judge.

Motion: Councilman Smiley-Kaliff made a motion to approve the contract with the warrant officer as written. Council member Huff seconded the motion. The motion carried with a unanimous vote.

VI. NEW BUSINESS

A. CONSIDER AND ACT UPON AN ANNUAL HEALTH BENEFITS
PLAN FOR CITY EMPLOYEES.

Motion: Councilman McGuire made a motion to approve the Blue Cross/Blue Shield, Option 2 with the \$2,000 deductible, and the city paying 100% of the employee cost. Councilman Smiley-Kaliff seconded the motion. The motion passed unanimously.

B. CONSIDER AND ACT UPON AN ORDINANCE
ACKNOWLEDGING THE FY 2011 BUDGET WILL RAISE MORE

TOTAL PROPERTY TAXES THAN LAST YEAR'S BUDGET BY \$197,996 OR 8.8%, AND OF THAT AMOUNT, \$14,156 IS TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR.

The mayor moved to Item D for approval of the tax rate before moving on this item.

Motion: Councilman Smiley-Kaliff moved to approve the ordinance acknowledging the FY 2011 budget will raise more total property taxes than last year's budget by \$197,996 or 8.8%, and of that amount \$14,156 is tax revenue to be raised from new property added to the tax roll this year. Council member Davis seconded the motion. The motion passed unanimously. The ordinance as passed and approved is captioned as follows:

ORDINANCE NO. 1054

AN ORDINANCE RATIFYING THE PROPERTY TAX INCREASE REFLECTED IN THE 2011 FISCAL YEAR BUDGET.

(A copy of Ordinance No. 1054 is attached and made a part of the minutes.)

C. CONSIDER AND ACT UPON AN ORDINANCE ADOPTING THE FY 2011 CITY BUDGET.

Motion: Council member Smiley-Kaliff moved to pass an ordinance adopting the FY 2011 city budget, as amended by the health plan just approved by City Council. Seconded by Councilman McGuire, the motion carried 4 to 1, with council member Huff casting the opposing vote. The ordinance as passed and approved is captioned as follows:

ORDINANCE NO. 1055

AN ORDINANCE MAKING APPROPRIATIONS FOR THE SUPPORT OF THE CITY OF CASTLE HILLS FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2011, AND ENDING DECEMBER 31, 2011, AND ADOPTING THE ANNUAL BUDGET OF THE CITY OF CASTLE HILLS FOR THE 2011 FISCAL YEAR.

(A copy of Ordinance No. 1055 is attached and made a part of the minutes.)

D. CONSIDER AND ACT UPON AN ORDINANCE ADOPTING A TAX RATE UP TO \$0.501345 FOR THE 2010 FISCAL YEAR.

Motion: Councilman Smiley-Kaliff moved to approve an ordinance adopting a tax rate up to \$0.501345 for the 2010 fiscal year. Council member Gregory seconded the motion. The motion carried 4 to 1, with council member Huff casting the opposing vote. The ordinance as passed and approved is captioned as follows:

ORDINANCE NO. 1056

AN ORDINANCE LEVYING AD VALOREM TAXES FOR USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF CASTLE HILLS, TEXAS FOR THE 2010 FISCAL YEAR; PROVIDING FOR APPORTIONING EACH LEVY FOR SPECIFIC PURPOSES; AND, PROVIDING WHEN TAXES SHALL BECOME DUE AND WHEN SAME SHALL BECOME DELINQUENT IF NOT PAID.

(A copy of Ordinance No. 1056 is attached and made a part of the minutes)

E. CONSIDER AND ACT UPON MATTERS PERTAINING TO SELECTION OF THE CITY MANAGER, INCLUDING SCHEDULING OF DATES FOR SPECIAL CITY COUNCIL MEETINGS TO INTERVIEW FINALISTS.

Council member Huff reported that the search committee has completed the initial interviews with the applicants for the city manager position. She said the committee has met and considered all their interviews, and each interview with the eight candidates took a minimum of 1 1/2 hours each. She said the committee is proposing that three finalists be interviewed by the full city council and strongly encourages the city council to meet with one candidate at a time for their interview. Ms. Huff said the committee has found that taking the time necessary to interview each candidate will yield a wealth of information. She said that the council owes the employees of this city and the residents of this city their time and effort.

Councilwoman Huff said that the council needs to come up with dates to interview the candidates. She suggested, for continuity, that they do the interviews three days in a row, if possible. She indicated that Saturdays should be considered as well. Ms. Huff said that, when they come up with days or dates, she will contact the three finalists and see if the dates will work out for them as well. She clarified for council member Davis

that the council will interview each candidate as a panel in an executive session.

Councilman Smiley-Kaliff asked when the council members would receive the candidates' applications. Council member Huff said, as soon as they set some days and dates, she will be able to give them the applications. Councilman Smiley-Kaliff said that he would like to get them as soon as possible, and all at once, because he wants to look at them in a group and compare them. Council member Huff said she would hope that council members will not contact the candidates separately to ask questions or to conduct a private interview. She said that each candidate deserves to be treated the same, which means they meet with the full council, so that each council member can hear questions that are asked.

Council members Huff and Davis discussed when to call references and do background checks. They were in agreement that each candidate should be asked the same questions, determined before the interviews.

Mayor Harper stated that she thought the council members should receive copies of the applications this week. She said once the committee has decided on the finalists, the information should be shared with the rest of the council.

Discussion continued regarding the dates and times for interviews.

Motion: Discussion ended when Councilman Smiley-Kaliff made a motion to schedule interviews with final candidates on October 19, 20, and 21, which is Tuesday through Thursday; at 7:00 p.m. with Monday, October 18, as an alternate day. Councilman McGuire seconded the motion. The motion passed unanimously.

- F. PUBLIC HEARING ON A REQUEST FOR A SPECIAL USE PERMIT TO UTILIZE THE EXISTING STRUCTURES AT 104, 111, AND 117 IVYWOOD FOR RELIGIOUS PURPOSES RELATING TO WAYSIDE CHAPEL AND CONSIDERATION BY CITY COUNCIL OF THE RECOMMENDATIONS OF THE ZONING COMMISSION AFTER THE PUBLIC HEARING.

Mayor Harper postponed this item until the December council meeting at the request of the applicant.

- G. PUBLIC HEARING ON CHANGING THE DISTANCE REQUIREMENT FOR CANVASSING PROPERTY OWNERS FOR BOARD OF ADJUSTMENT PUBLIC HEARING NOTICES AND CONSIDERATION BY CITY COUNCIL OF THE

RECOMMENDATIONS OF THE ZONING COMMISSION AFTER THE PUBLIC HEARING.

Ms. Hoyl explained that the Board of Adjustment met about three different times to discuss the issue of decreasing the distance requirement for canvassing property owners for Board of Adjustment public hearing notices. She said the distance is now 500', and Staff has sent out as many as 65 notices on one property. Ms. Hoyl said that 250', as recommended by the Zoning Commission, is more than the state statute, which requires 200'. She said, taking into consideration the larger lots, adjacent property owners will always be notified. Zoning Commission chairman, Marc Schnall, is in agreement with the change. He was opposed to the 500' distance during the Zoning Committee hearings. Ms. Hoyl stressed that this change applies only to the Board of Adjustment notices to individual property owners and will not affect the postings at City Hall, the newspaper publications, or the website posting. A yellow sign will still be posted on the property requesting the variance.

Mayor Harper opened the hearing to the public. No one came forward, and she closed the public hearing.

Motion: Council member Smiley-Kaliff moved to change the distance requirement for canvassing property owners for Board of Adjustment public hearing notices, as recommended by the Zoning Commission, from 500' to 250'. At the request of council member Gregory, Mr. Smiley-Kaliff amended his motion to change the distance requirement from 500' to 200' as state statute dictates. Councilman Davis seconded the motion. The motion carried 3 to 2, with council members Smiley-Kaliff and McGuire casting the opposing votes.

H. CONSIDER AND ACT UPON APPOINTMENT OF MEMBERS TO THE CASTLE HILLS CRIME CONTROL AND PREVENTION DISTRICT.

Motion: Upon the recommendation of Councilman Gregory that the members up for appointment be reappointed, Councilman Smiley-Kaliff moved to reappoint William Beuhler, Don Harris, and Robert Riley for another term on the Castle Hills Crime Control and Prevention District board. Seconded by Councilman Davis, the motion passed unanimously.

I. DISCUSSION AND CONSIDERATION OF ACTION OF CHANGING THE CITY CODE TO ALLOW THE PAINTING OF HOUSE NUMBERS IN A STANDARDIZED AND CITY APPROVED FORMAT ON THE CURBS IN FRONT OF RESIDENTIAL HOMES.

Mayor Harper postponed this item until the October council meeting as requested by Councilman Davis.

J. DISCUSSION AND CONSIDERATION OF DIRECTING THE CITY ATTORNEY TO DRAFT AN ORDINANCE AUTHORIZING CASTLE HILLS POLICE OFFICERS DISCRETION TO TOW UNINSURED MOTORISTS STOPPED FOR TRAFFIC VIOLATIONS.

Ms. Hoyl said that she and Councilman Smiley-Kaliff discussed this item. They would like Mr. Brennan to draft an ordinance that will allow the city's police officers discretion to tow drivers that are uninsured. Police Chief Davis said the focus of this ordinance is on uninsured motorists. He said that, currently, having an expired driver's license or no license, no inspection, no insurance proof, and expired registration are all cite and release violations, and the officer will give the motorist two out of four. For any one of those the officer will just cite and release. He said what this ordinance will do is allow the officer to bypass everything else and tow the motorist's car for no insurance, informing them that, to get their car back, they have to get insurance.

Mr. Brennan said that he could bring the ordinance to the next council meeting for the council to vote on.

Motion: Council member Huff made a motion to direct the city attorney to draft an ordinance authorizing Castle Hills police officers discretion to tow uninsured motorists stopped for traffic violations. Councilman Davis seconded the motion. The motion passed unanimously.

K. DISCUSSION AND CONSIDERATION OF DIRECTING THE CITY ATTORNEY TO DRAFT AN ORDINANCE GRANTING THE CITY MANAGER THE AUTHORITY TO DESIGNATE A CITY EMPLOYEE TO ISSUE A CITATION FOR VIOLATION OF A CITY ORDINANCE.

Ms. Hoyl explained that this is a result of her report last month concerning enforcement of city ordinances. She said the ordinance will allow the city manager or his/her designee to issue citations immediately for certain violations rather than sending a notice and waiting for days to file a complaint. Councilman McGuire suggested the compliance officer take training courses. Councilman Davis said this will facilitate the whole enforcement process and make it more expedient. Ms. Hoyl said a ticket writer will cost about \$3,000, but she thinks it can be paid for with the Court Technology Fund. She will look into it.

Motion: Council member Smiley-Kaliff made a motion to direct the city attorney to draft an ordinance granting the city manager the authority to designate a city employee to issue a citation for violation of a city ordinance. Council member Huff seconded the motion. The motion carried with a unanimous vote.

L. CONSIDER AND ACT UPON IMPLEMENTING AN ARCHITECTURAL REVIEW BOARD TO ADDRESS EXTERIOR CONSTRUCTION OF RESIDENTIAL PROPERTIES.

Mayor Harper stated that Ms. Hoyl has asked that this item be tabled. Councilman Davis asked for a specific date.

Motion: Council member Smiley-Kaliff made a motion to postpone Item L until the December council meeting. Council member Huff seconded the motion. The motion passed unanimously.

VII. ADJOURNMENT

Mayor Harper adjourned the meeting at 8:10 p.m.

These minutes were approved on the 12th day of October, 2010.

APPROVED:

Marcy Harper, Mayor

ATTEST:

Linda Gill, City Secretary