

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

The City Council of the City of Castle Hills convened at 6:30 p.m. on the 12th day of October, 2010, in the Council Chambers of the City of Castle Hills, 209 Lemonwood Drive, Castle Hills, Texas.

The attendance roster included William Beuhler, Danny and Deanna Guerrero, Tim Howell, Martha Bolanos, Pamala Farris, Bill Martin, Felicitas Meyer, Pat Butler, Dr. Gerhard Meyer, Bill and Helen Schluter, Jim Poage, LaVerne Japhet, Vera Howard, Terry Carter, Leif Zarrs, Bill Cannon, Luis A. Jimenez, Richard Szecsy, Craig Bertollett, and John Squire.

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.

B. INVOCATION – Bill Martin

C. PLEDGE OF ALLEGIANCE – LaVerne Japhet

D. CONSIDERATION OF THE MINUTES OF THE SPECIAL CITY COUNCIL MEETING HELD SEPTEMBER 14, 2010.

Motion: Councilman McGuire made a motion to approve the minutes of the city council meeting held September 14, 2010. Council member Gregory seconded the motion. The motion carried unanimously.

E. CONSIDERATION OF THE MINUTES OF THE COUNCIL MEETING HELD SEPTEMBER 14, 2010.

Council member Smiley-Kaliff noted a correction to the September 14th minutes.

Motion: The councilman then made a motion to approve the minutes of the September 14, 2010, council meeting as amended. Seconded by council

member Huff, the motion passed unanimously.

F. CONSIDERATION OF THE MINUTES OF THE SPECIAL CITY COUNCIL MEETING HELD SEPTEMBER 20, 2010.

Motion: Councilman Smiley-Kaliff made a motion to approve the minutes of the September 20, 2010 special city council meeting. Council member McGuire seconded the motion. The motion passed unanimously.

G. CONSIDERATION OF THE TREASURER'S REPORT FOR THE MONTH OF SEPTEMBER, 2010.

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

II. ANNOUNCEMENTS

Mayor Harper announced that the next town hall meeting regarding the bond issue will be held October 26th at 6:30 p.m.

Councilman Smiley-Kaliff thanked the many people who helped make Saturday's Fiesta Fun Fair successful, especially the year-round committee members.

Councilman Gregory singled out Tim Howell of 115 Sunflower and commended him for notifying his neighbors of a recent police situation in his neighborhood.

Mayor Harper drew everyone's attention to the "For Pets Sake" flyers on the table by the entrance to the council chambers. She said that the garage sale to be held November 13, 2010, will benefit the city's animal control facility and encouraged everyone to donate items for sale.

Mayor Harper also thanked council members Bruce Smiley-Kaliff and Tom Davis for all their work on the Fall Festival.

The mayor thanked Captain Wayne Davis for his presentation at the crime control meeting held yesterday evening in the council chambers. She said it lasted two hours and was very informative. She thanked council members Smiley-Kaliff and Davis for attending that meeting as well. She said that she hopes the meeting will become an annual event.

III. CITIZENS TO BE HEARD

Former council woman and mayor, Felicitas Meyer of 102 Cobblestone said that she was addressing council member Marcella Huff, who reported on the city manager search in the Fall newsletter. Ms. Meyer read a portion of Ms. Huff's report and commented that she did not see any mention of the Interim City Manager Rita Hoyl, who has served in that position for over a year, and who served three other times, in an emergency position. She said that she thought the council could have handled the search in a much nicer way. She said Ms. Hoyl deserved graciousness and consideration for serving the city well since 1993.

Bill Schluter of 112 Lemonwood Drive expressed his annoyance that the day was incorrectly stated on the blue postcards announcing the next bond issue meeting. He stressed the importance of the bond issue and strongly suggested that corrected cards be mailed out to residents.

Martha Bolanos of 104 Shalimar noted that city ordinances have changed, and some elderly residents cannot do what is required. Using the garbage ordinance as an example, Ms. Bolanos said that her elderly neighbors cannot carry their garbage cans to the back yard, especially if they have a side door; and she does not think it is fair to give them a citation. She also questioned what citizens are going to get for the garbage increase and commented that cars parked along her street all day by Jackson Keller Elementary teachers look worse than her two garbage cans in front of her garage.

Craig Bertolett of 128 Elizabeth Court commented that the city's Rules of Order for meetings are confusing and muddled and not in keeping with Robert's Rules of Order. He remarked that the city should go out for bids for a civil engineer. He said the \$12,000,000 bond issue is outrageous and egregious, and the proposal was inadequately prepared and poorly written.

Pamala Farris of 209 Herwick informed everyone that the Power Point presentation of the bond issue will be on the city's website. She added that she wanted to thank Rick Harada for his recent quick response to her question about recycling.

Bill Martin of 113 Cobblestone remarked that he is totally opposed to the bond issue the way it is presented. He said if it passes, Castle Hills will have the highest tax rate in Bexar County, and it will go for 20 years if nothing else is done. He commented that it is totally ridiculous. He said the election should be in two parts, one for drainage and one for streets.

Tim Howell of 115 Sunflower thanked Councilman Gregory for his accolade regarding the police incident. He said that Mayor Harper was the one who called him. Mr. Howell said he called his friends on Moss, and there were five people standing in the street armed and ready. He said that he was on City Council when the bond issue was first considered and was in favor of it. From a

business standpoint, Mr. Howell asked everyone who is voting on the bond issue to be sure and read through it. Be sure about what it says and what it means. He pointed out that 40% of the bond will go for one street. He thanked the council for their time and work on the bond, but he thinks it is too expensive.

Luis Jimenez of 107 Atwater said that he has written 70 letters to the council, not one has been answered, and he has not received a phone call. He said all the letters have to do with Code Compliance. He said he gets no response, and whether it's good or bad, he will welcome it.

IV. REPORTS

- Mr. Brennan said that he talked to Attorney Fred Jones today regarding Castle Hills vs. Batchelder, and he said the city's discovery responses have been completed and delivered to the other side. He said Mr. Jones has almost completed the city's request for discovery, and the two attorneys are working on selecting a mediator. He said that, if the mediation is unsuccessful, there will be a summary judgment filed by the city prior to the trial set for next June.
- Interim City Manager Rita Hoyl presented the September Investment Report, Building and Health Inspections, Code Enforcement Activities, and Municipal Court Activity Report for September, 2010.
- Police Chief Davis gave the September, 2010, Police Activity Report, STEP Report.
- Fire Chief Riedel gave the September, 2010, Fire Incident and Activity Report.
- Public Works Director Harada gave the September, 2010, Activity Report for his department and gave a follow-up report on TxDOT maintenance.

V. OLD BUSINESS

A. CONSIDER AND ACT UPON AN ORDINANCE AUTHORIZING CASTLE HILLS POLICE OFFICERS TO AUTHORIZE TOWING OF VEHICLES OPERATING WITHOUT FINANCIAL RESPONSIBILITY.

Interim City Manager Hoyl explained that this item resulted from last month's discussion regarding an ordinance that will allow patrolmen, who stop a vehicle, to tow that vehicle if the driver cannot show proof of financial responsibility.

Motion: Councilman Smiley-Kaliff moved to amend Chapter 25, Traffic and Parking, by repealing the "Negligent Collision" subtitle and replacing such subtitle with a new subtitle, "Financial Responsibility." Councilman Davis seconded the motion. Councilman Gregory called for discussion.

Police Chief Davis responded to questions from council members confirming his recommendation to pass the ordinance. He commented that issuing a citation for no insurance did not prevent drivers from continuing to drive without insurance. He said it would generate funds from potential towing fees paid to the court.

City Attorney Brenan confirmed that the ordinance mirrors state law for liability insurance. Chief Davis confirmed that this ordinance will bring the city into compliance with the greater San Antonio area.

The motion carried with a unanimous vote. The ordinance as passed and approved is captioned as follows:

ORDINANCE NO. 1057

AN ORDINANCE AMENDING CHAPTER 25, TRAFFIC AND PARKING, BY REPEALING THE "NEGLIGENT COLLISION" SUBTITLE AND REPLACING SUCH SUBTITLE WITH A NEW SUBTITLE "FINANCIAL RESPONSIBILITY."

(A copy of Ordinance No. 1057 is attached and made a part of the minutes.)

- B. CONSIDER AND ACT UPON AN ORDINANCE ESTABLISHING A CITATION PROGRAM FOR VIOLATIONS OF CITY ORDINANCES.

Interim City Manager Hoyl explained that under this ordinance, the city manager can designate an employee to issue citations for violations of city ordinances. She said that the employee will go through a training program that will assure they have the necessary tools. She said the advantage is that being able to write a citation for an ordinance violation when it occurs will shorten the time that a person is required to appear in court to about 10 days. Now the process takes about 30 to 45 days. Ms. Hoyl indicated that she has begun research for the proper training program. Council member Huff expressed concern about passing the ordinance before a training program is in place. Mr. Brenan confirmed that the ordinance provides for training.

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

C. CONSIDER AND ACT UPON EXPANDING THE DUTIES OF THE ARCHITECTURAL REVIEW COMMITTEE TO ADDRESS EXTERIOR CONSTRUCTION OF RESIDENTIAL PROPERTIES.

Councilman Smiley-Kaliff recalled that this item was tabled last month until the December meeting. No action was taken.

VI. NEW BUSINESS

A. CONSIDER AND ACT UPON APPOINTMENT OF AN ALTERNATE MEMBER TO THE ZONING COMMISSION.

Motion: Pursuant to the mayor's recommendation, Councilman Smiley-Kaliff moved to appoint Richard Szecsy as an alternate member of the Zoning Commission. Seconded by Councilman Davis, the motion passed unanimously.

B. CONSIDER AND ACT UPON ENTERING INTO A CONTRACT FOR TOWING AND IMPOUNDING SERVICES.

Ms. Hoyl explained that this is a draft ordinance that she asked Mr. Brenan to prepare and is in concert with the ordinance that allows officers to tow. She indicated that the city has used Danny's Road Service for a number of years without any contract; however, the city has not received any fees. Ms. Hoyl said that, with the contract, the city will receive a \$20 administrative fee, 20% for vehicle storage, and 20% for auction of a vehicle. She clarified that the contract would only apply to vehicles on public streets, not private property.

Discussion of getting competitive bids on the contract was initiated by Councilman Gregory. Mr. Brenan said that it was not necessary to get competitive bids on the contract. Councilman McGuire commented that, even though there is a history with Danny's Road Service, the city should go out for competitive bids. Council member Smiley-Kaliff made a motion that the issue be tabled for a period of 90 days to see how the towing ordinance was going to work before entering into a contract.

Further discussion among the council members led to Councilman Smiley-Kaliff withdrawing his motion. He said that, if they were going to send out for bids, he thought they should do it quickly and get it back on the agenda for implementation by December. Councilman Gregory

said he didn't think they need to send out for bids after clarification that the towing service would not be trolling the streets for cars at 2:00 a.m. He indicated that he was prepared to vote on the contract now. Council members Davis and Smiley-Kaliff voiced their agreement.

Motion: Council member Huff made a motion to move forward with a contract with Danny's Road Service as approved by the city attorney and the city manager. Councilman Smiley-Kaliff seconded the motion. The motion carried 4 to 1. Councilman McGuire opposed the motion.

- C. CONSIDER AND ACT UPON AN ORDINANCE TO INCREASE GARBAGE FEES TO \$25.00 PER MONTH EFFECTIVE JANUARY 1, 2011.

Motion: Council member Smiley-Kaliff moved to pass an ordinance to increase garbage fees to \$25.00 per month effective January 1, 2011. Councilman McGuire seconded the motion. The motion passed unanimously. The ordinance as passed and approved is captioned as follows:

ORDINANCE NO. 1060

AN ORDINANCE AMENDING CHAPTER 13, GARBAGE AND REFUSE, SECTION 13.105.2 BY INCREASING THE BASE FEE FOR RESIDENTIAL GARBAGE COLLECTION.

(A copy of Ordinance No. 1060 is attached and made a part of the minutes.)

- D. CONSIDER AND ACT UPON 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.

Councilman Davis said that the police and fire chiefs approved of painting house numbers on curbs in front of residential homes to allow for easier identification of addresses in emergency situations, especially at night. Council members were in general agreement that the painting of house numbers on curbs should be allowed, but in a standardized format approved by the city.

Motion: Councilman Smiley-Kaliff moved to change 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. Council member Davis seconded the motion. The motion passed unanimously.

E. CONSIDER AND ACT UPON AMENDING THE FY 2011 BUDGET TO REFLECT NEW FISCAL CIRCUMSTANCES.

Council member Gregory said that Shavano Park decided to go to Helotes with their dispatching and it caused a hole in the 2011 budget to the tune of about \$50,000.00. He stated that he asked Ms. Hoyl what it would take to close that hole and referred to an idea proposed by council member Huff to postpone cost of living and salary increases. He said it was only a suggestion and was in the discussion stage at present.

Council member Huff said that she had suggested looking at the savings if cost of living increases were postponed until April 1st or May 1st or having employees, except for emergency employees, work 1/2 day or one day less per week, once every two weeks or once a month. She said that Ms. Hoyl had figured those costs for her. She said nothing was ever done about it because nobody wants to balance the budget on the backs of employees. Ms. Huff said that, since almost 75% of the city budget is employee cost, that number cannot be ignored. She said that the council needs to take a serious look at it because they don't want to be laying off or firing people because the budget surplus did not materialize.

Councilman McGuire recounted that the council decided to push for the increase to \$68,000.00 in the Shavano Park dispatch contract. Shavano Park did what Castle Hills did to the City of San Antonio one year ago when they increased their fees for emergency service. They took their business elsewhere. He said the council knew that was a possibility; and based on that, passed a budget that promised city employees a certain salary at a certain time with certain benefits, and that baby has been put to rest. He said that, unless there is a dire crisis, which he doesn't see, they don't reopen that baby. It is a done deal. He said that doesn't mean that they don't need to figure out how to pay the \$68,000, which represents roughly 25% of the city's dispatch costs. He recommended that they see if they can negotiate a fee of \$150,000 to \$200,000 max, which will give the city \$100,000 less cost in the budget. He said they need to see if they are getting good value for their dollar from dispatch services.

Council members discussed the possibility of a surplus from the 2010 budget. Councilman Davis remarked that there are options that they can look at, but they don't have to figure it out tonight. Council member McGuire suggested they let things ride as they are now, but they should look at expenditures in the city and see what services it would make more sense to contract out than to keep in house.

Councilman Gregory suggested that they direct the city manager and the police chief to make a much more concerted effort to get 5 or 6 cities to

sign on with our dispatch. He said that is an alternative that goes a long way to alleviate a problem. Police Chief Davis responded that they are already looking, but he said they do not want more than one or two cities because the quality of dispatch goes down with too many. He said there are rumors that Bexar County is going to start charging for dispatch services, and that will open up several more cities to contact. Council member McGuire agreed that the chief and the interim city manager need to look at reducing costs by bringing in outside service; and if that can't be done, then they need to look at other ways to reduce costs and maintain service. He reiterated that the current situation is not cost effective and he doesn't see how the city can afford that.

Councilman Smiley-Kaliff said discussion of dispatch should be a thoughtful process because he isn't even sure what all they do. He knows they handle all emergency calls for the city and dispatch for another city 24 hours a day with one person. They are a switchboard for the city offices and handle calls for everything. He said the citizens of Castle Hills expect a certain quality of service, and the city's dispatchers do an excellent job. He said that he is confident that the chief and the city manager will work very hard to give guidance to the council regarding everything discussed.

Discussion ended, and no motion was offered; therefore, no action was taken.

- F. CONSIDER AND ACT UPON AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, OF THE CODE OF ORDINANCES, BY ADOPTING A PROVISION REQUIRING CITY COUNCIL APPROVAL OF A REQUEST BY A MEMBER OF THE CITY COUNCIL FOR THE CREATION OF A REVIEW, INVESTIGATION OR OTHER REPORT BY THE CITY STAFF.

This item was removed from the agenda.

- G. CONSIDER AND ACT UPON AMENDING THE EMPLOYEE PERSONNEL POLICY TO REFLECT THAT STANDARD MILEAGE RATES AND MEALS AND INCIDENTALS ARE PAID AT CURRENT FEDERAL GOVERNMENT RATES.

The interim city manager stated that this change would not have a great impact on the budget. Council member Huff remarked that the city should pay what other cities pay, if they want employees to travel; and most businesses pay the federal rate for mileage. Council members discussed the per diem rates for meals and incidentals, agreeing that receipts need to be turned in to back up those expenses. Expenses will not be reimbursed for more than \$46.00 per day without approval.

Motion: Council member Smiley-Kaliff moved to amend the Employee Personnel Policy to reflect that mileage rates and meals and incidentals will be paid at current federal government rates. Council member Huff seconded the motion. The motion passed unanimously.

VII. ADJOURNMENT

Mayor Harper adjourned the meeting at 8:20 p.m.

These minutes were approved on the 9th day of November, 2010.

APPROVED:

Marcy Harper, Mayor

ATTEST:

Linda Gill, City Secretary