

CITY OF CASTLE HILLS  
REGULAR CITY COUNCIL MEETING  
MINUTES OF FEBRUARY 10, 2009

The City Council of the City of Castle Hills convened at 6:00 p.m. on the 10<sup>th</sup> day of February, 2009, in the Council Chambers of the City of Castle Hills, 209 Lemonwood Drive, Castle Hills, Texas.

The attendance roster included William Henley, Bill Martin, Gary and Sandra Grist, Roberto Gonzalez, M.E. Davison, Luis Navarro, Gilbert Saenz, William Beuhler, Julie McClure, Don and Karen Elliott, L. David Givler, Cruz and Connie Mendoza, Terry and Wayne Carter, Linda Johns, Pam Grunwald, John I. Coyle, Stephen McGuire, Pamala Farris, LaVerne Japhet, Mike Spridgon, Vera Howard, Bill Schluter, Susan Kilgore, Brother William Dooling, Terry and Dora Reynolds, and Joyce Buie.

I. OPENING

- A. QUORUM - Present and composing a quorum of the City Council were Mayor Marcy Harper, Douglas Gregory, Marcella Huff, Tom Davis, and Bruce Smiley. Tim Howell was absent.
- B. Staff present was City Manager Mike Rietz, City Secretary Linda Gill, City Attorney Michael S. Brenan, Court Administrator Wendy Reyes, Police Chief Donny Davis, Assistant Fire Chief Mike Fincke, and Public Works Director Rick Harada.
- C. INVOCATION – Bill Martin
- D. PLEDGE OF ALLEGIANCE – LaVerne Japhet
- E. CONSIDERATION OF THE MINUTES OF THE CITY COUNCIL MEETING HELD ON JANUARY 20, 2009.

**Motion:** Councilman Gregory moved to approve the minutes of the council meeting held on January 20, 2009. Council member Huff seconded the motion. The motion passed unanimously.

- F. CONSIDER AND ACT UPON THE TREASURER’S REPORT FOR THE MONTH OF JANUARY, 2009.

**Motion:** Councilman Gregory moved to approve the January, 2009 Treasurer’s Report. Council member Huff seconded the motion. The motion passed unanimously.

II ANNOUNCEMENTS

Councilman Smiley announced that he was able to participate with the boy scouts when they were hosted by the city in December to learn about city

government. He expressed his thanks to the Police Department and Fire Department for their leadership and training during the event.

### III. CITIZENS TO BE HEARD

Steve McGuire of 103 Zornia spoke about living next to a commercial establishment. He said that residents are always picking up spilled trash, and he emphasized that it is important to enforce ordinances. Mr. McGuire suggested requiring a physical barrier around dumpsters, hooded lights in parking lots, and landscaping to protect privacy. He said that the city loses credibility if it makes a statement and doesn't live up to it.

Don Elliott, who lives at Castle Garden and West Avenue, said that he moved to Castle Hills because he heard the city had a strong council and mayor, and they strongly supported the rights of the individual homeowners. Since moving to the city, he said he has had problems with noise from landscapers using power equipment in the early morning and on weekends. Mr. Elliot referred to Ordinance No. 990 that addresses noise and noted that it exempts yard and tree maintenance contractors. He stated that he thought the city had overlooked residents that abut commercial property. He said that he could not see why landscapers are exempt from noise regulations.

David Givler of 102 Sheffield Place said he has two small businesses in Castle Hills, and he recounted that his company was targeted by a con artist and embezzler last year. He said that the case was referred to the Castle Hills Police Department. Mr. Givler said that, due to Detective Pardaen's effective efforts, a warrant was in place when the criminal was apprehended in another state. He extended thanks from his employees and family from the bottom of his heart.

Pam Grunwald spoke in defense of landscapers, saying that they have to work when businesses are closed in order to get their equipment into the parking lots of commercial properties.

Luis Navarro of 157 Trillium said that he lives at the corner of Trillium and Gladiola. He explained that Gladiola is a street that starts at Jackson Keller and winds around behind H.E.B., ending up at the access road on the south side of Loop 410. Mr. Navarro said that he walks along Gladiola to H.E.B. for exercise. He said that he has almost been run over a couple of times. He said that drivers are cutting through Gladiola to get to Loop 410, instead of taking Jackson Keller to West Avenue. He appealed to the council to do something to reduce speeding along Gladiola, such as installing speed bumps or putting up "No Through Traffic" signs.

Brother William Dooling of 201 Gladiola said he lives closer to Jackson Keller and has noticed that the traffic has become constant like Mr. Navarro said. He agreed that the problem is serious and some limitations to ingress on Gladiola would be beneficial.

Joyce Buie of 222 Carolwood gave a DVD presentation of the Red Ribbon Project that she started with the help of a great many residents who contributed time and money to the project. She said that Julie JcClure and Diane Pfeil are both residents on the Board of Directors. Betty Chandler, Tom Davis, and Bruce Smiley have devoted months to the project. Cindy Beuhler and her four ten-year-old girl scouts, over the summer, made more than 2,000 ribbons that were placed on gravesites in the National Cemeteries for Veterans Day in 2008. Bob Ford and his boy scouts worked all day to put the bows out. The Castle Hills Garden Club made a great many bows. Ardell Weber, Sandy and Bill Martin, Rita Hoyl, Don Davis, Mike Rietz, and many other residents were very generous; and Ms. Buie said that she is very appreciative. She said that this year the plan is to put 100,000 ribbons out, and she would very much appreciate everyone's help again if they are so inclined. She said that, for a community, the project has been terrific. She again thanked everyone.

#### IV. REPORTS

- City Manager Mike Rietz presented the January, 2009 Investment Report.
- Assistant City Manager Rita Hoyl was absent, and the city manager gave her report on the January, 2009 Building and Health Inspections; Code Enforcement Activities.
- Police Chief Donny Davis gave the January, 2009 Police Activity and STEP Report.
- Assistant Fire Chief Mike Fincke presented the January, 2009 Fire Incident and Activity Report for Fire Chief Riedel, who was absent.
- Public Works Director Rick Harada gave the January, 2009 Activity Report for his department. He reported that sanitation employee Juan de los Santos, who recently had surgery, was recovering well.
- Court Administrator Wendy Reyes presented the Municipal Court Activity Report for January, 2009.

#### V. OLD BUSINESS

- A. CONSIDER RECOMMENDATIONS OF THE ARCHITECTURAL REVIEW COMMITTEE ON AN APPLICATION FROM MORKOVSKY ARCHITECTS ON THE PROPOSED DESIGN OF A 12,600 SQ FT, 2-STORY CLASSROOM AND SANCTUARY BUILDING AT ANTONIAN HIGH SCHOOL LOCATED AT 6425 WEST AVENUE.

Gilbert Saenz, the principal of Antonian High School, came forward with information regarding storm and water run-off and traffic impact on

both the school campus and West Avenue as requested when the recommendation of the Architectural Review Committee was brought to the council in January. The council was referred to a map in their packets indicating that the project is not in the floodplain and to a letter stamped by a registered, professional engineer that the construction will result in a nominal increase of stormwater runoff. Mr. Saenz showed a drawing of the proposed new entrance/exit for the student parking lot and stated that the gate to Fox Hall Lane will be closed. He confirmed for council member Huff that there would be no traffic problem with cars backed up and blocking Fox Hall Lane.

***Motion:*** Councilman Smiley moved to approve the recommendation of the Architectural Review Committee and authorize issuance of building permits to Antonian High School for the proposed project with the following added stipulations:

1)As an integral part of the project, Antonian High School will construct and complete within 90 construction days from the date of issuance of the classroom/chapel building permit a driveway from West Avenue to the north parking lot adjacent to Fox Hall Lane. Upon completion of the driveway, the gates on Fox Hall Lane will be closed and locked unless they are needed in the event of a bona fide life threatening emergency.

2)The design of the driveway is hereby approved (subject to city engineering review) and good cause is found by the council (as authorized by Section 5.1002 of the Code of Ordinances) to permit deviation from the landscaping requirements in Chapter 5 and Chapter 13 of the Code of Ordinances so that no further committee or council review of landscaping and trees is necessary for the construction of the driveway.

3)Upon completion of city engineering review and payment of the applicable fee, Antonian's driveway permit shall include permission to construct the driveway from West Avenue to the north parking lot. If Antonian fails to construct and complete the driveway within the 90 construction days referred to above, work on the classroom/chapel project shall cease and no further work shall proceed on the classroom/chapel project until completion of the driveway. No certificate of occupancy shall issue for the classroom/chapel project until the driveway is completed. The city may enforce the driveway construction and Fox Hall Lane gate closure provisions by all means available, including injunctive relief; and Antonian shall pay all costs of the city incurred in enforcing such provisions.

4)The driveway and enforcement provisions included in this motion shall be made a part of Antonian's building permit and payment of the building permit fees and acceptance of the building permit shall constitute approval and acceptance of the terms of this motion.

The motion was seconded by Councilman Gregory. The motion carried 4 to 1. Council member Smiley cast the opposing vote.

Council member Huff moved to amend the motion from 90 to 60 days in paragraphs 1 and 3. Councilman Smiley seconded the motion. The motion passed unanimously.

## VI. NEW BUSINESS

### A. CONSIDER THE RECOMMENDATIONS OF THE ZONING COMMISSION ON AN APPLICATION FROM THE BOY SCOUTS OF AMERICA FOR A SPECIAL USE PERMIT TO CONTINUE THE CURRENT USE OF THE MCGIMSEY SCOUT PARK FACILITY.

Councilman Gregory asked City Attorney Brenan's opinion about granting a special use permit of such magnitude. Mr. Brenan responded that the council can write the permit however they want and can state the rules imposed as conditions of the permit. Council member Huff said that she thought the whole council should be present to discuss the permit. Referring to the nine separate items listed in the application, Councilman Davis contemplated issuing the permits separately for each proposed project. Councilman Smiley indicated his preference that the projects come before the council piece by piece.

***Motion:*** Council member Huff moved to table action on the recommendation of the Zoning Commission until next month's council meeting on March 10, 2008. Councilman Gregory seconded the motion, and it passed with a unanimous vote.

*Mayor Harper announced that the council would take a break at 7:20 p.m. The council reconvened at 7:40 p.m.*

### B. CONSIDER AN ORDINANCE ESTABLISHING A STORMWATER FEE.

City Manager Rietz explained that there are some notice and hearing requirements that need to be fulfilled before action on an ordinance. He said that he would like feedback from the council about the fees and who will be charged. Mr. Rietz said that SAWS would collect fees for Castle Hills and can also handle some compliance issues. He said they are putting a package together.

Council member Huff mentioned TCEQ requirements and indicated that she would like a report to City Council about the deadlines that have to be met and how the city is doing. Councilman Smiley asked about the Stormwater Development fee, and Mr. Brenan suggested having someone who is an expert speak on the development fees. Ms. Huff suggested having a workshop to go over the information and address questions. Other council members agreed.

**Motion:** Councilman Smiley moved to table further discussion of an ordinance establishing a stormwater fee for 60 days. Councilman Gregory seconded the motion. The motion passed unanimously.

C. CONSIDER EXTENDING MAINTENANCE AGREEMENT WITH DAVID HONIGBLUM FOR ONE YEAR.

**Motion:** Discussion among council members regarding the timeliness of posting items to and updating the website led to Councilman Smiley stating that he would like a presentation from Mr. Honigblum. He moved to table action until next month's council meeting. Council member Huff seconded the motion. The motion passed unanimously.

VIII. ADJOURNMENT

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

These minutes were approved on the 10<sup>th</sup> day of March, 2009.

APPROVED:

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Marcy Harper, Mayor

ATTEST:

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Linda Gill, City Secretary