

CITY OF CASTLE HILLS  
REGULAR CITY COUNCIL MEETING  
MINUTES OF JANUARY 20, 2009

The City Council of the City of Castle Hills convened at 6:00 p.m. on the 20<sup>th</sup> day of January, 2009, in the Council Chambers of the City of Castle Hills, 209 Lemonwood Drive, Castle Hills, Texas.

The attendance roster included Bill Martin, Stephen McGuire, John Strieb, Brad Boeckner, Judie Boeckner, Mr. and Mrs. Doug Steadman, William Beuhler, Pamala Farris, Fred Casillas, Blake Pearson, Brother William Dooling, Terry Carter, Frank Paul, Susan Kilgore, Joseph Rodriguez, and Clayton Allen.

I. OPENING

- A. QUORUM - Present and composing a quorum of the City Council were Mayor Marcy Harper, Douglas Gregory, Marcella Huff, Tom Davis, and Tim Howell. Bruce Smiley was absent.

Staff present was City Manager Mike Rietz, Assistant City Manager Rita Hoyle, City Secretary Linda Gill, City Attorney Michael S. Brennan, Court Administrator Wendy Reyes, Police Chief Donny Davis, and Fire Chief Jerry Riedel, and Public Works Director Rick Harada.

- B. INVOCATION – Bill Martin

- C. PLEDGE OF ALLEGIANCE – Bill Martin

- D. CONSIDERATION OF THE MINUTES OF THE CITY COUNCIL MEETING HELD ON DECEMBER 9, 2008.

**Motion:** Councilman Howell moved to approve the minutes of the council meeting held on December 9, 2008. Council member Huff seconded the motion. The motion passed unanimously.

- E. CONSIDER AND ACT UPON THE TREASURER’S REPORT FOR THE MONTH OF DECEMBER, 2008.

Councilman Gregory initiated discussion regarding departmental costs compared to budgeted amounts in 2008. Mr. Rietz commented on the cause of the overages in certain areas of the budget and explained that the December figures are preliminary.

**Motion:** Councilman Howell moved to approve the December, 2008 Treasurer’s Report. Council member Huff seconded the motion. The motion passed unanimously.

II ANNOUNCEMENTS

Mayor Harper recognized Shatha Denno and Girl Scout Troop 1111 who worked diligently to put together the first pet event held in Castle Hills. The mayor said that they went to businesses and collected over \$1,000.00 in donations. The money will be put in a fund to help support the animal shelter. She thanked Rick Harada for finding a home for a pot belly pig that was in the shelter.

The mayor extended thanks to Pamala Farris for doing the Castle Hills Handbook for the Homeowners Association.

Mayor Harper announced that tomorrow at noon, at the Alamo Area Council of Governments, one of the agenda items was to approve the vote for Bill Martin as a suburban cities representative on the VIA Board of Trustees.

### III. CITIZENS TO BE HEARD

John Strieb of 157 Cas Hills Drive complimented the sign at Cas Hills and Blanco.

Mr. Rietz said that he spoke with Councilman Smiley earlier in the day, and Mr. Smiley said that he participated in a Boy Scout event that included a mock council meeting and presentations from both the Police and Fire Departments. He said Mr. Smiley wanted him to announce that the Police Chief and the Fire Chief did a superb job. Mayor Harper added that Mr. Smiley took a good amount of time out of his day to participate in the Boy Scout event.

### IV. REPORTS

- City Manager Mike Rietz gave the December, 2008 Investment Report. He indicated that a treasury note was due at the end of January, and he was conferring with Councilman Gregory about rolling it over.
- Assistant City Manager Rita Hoyl reported on the December, 2008 Building and Health Inspections; Code Enforcement Activities.
- Police Chief Donny Davis gave the December, 2008 Police Activity and STEP Report.
- Fire Chief Jerry Riedel presented the December, 2008 Fire Incident and Activity Report.
- Public Works Director Rick Harada gave the December, 2008 Activity Report for his department.
- Court Administrator Wendy Reyes presented the Municipal Court Activity Report for December, 2008. Councilman Gregory questioned the amount of outstanding warrants and how they would be collected. Mr. Brennan said that Alamo Heights and Windcrest have hired law firms

to collect their warrants. Hiring a warrant officer, as an employee or a contractor, was discussed. Mr. Brennan said that he would find out what success Alamo Heights has experienced with the law firm, since they have used it for about a year.

V. OLD BUSINESS

A. CONSIDERATION OF AN ORDINANCE ADDRESSING CURFEW ENFORCEMENT.

Mr. Rietz explained that this ordinance would reinstate the expired ordinance. He said that Mr. Brennan amended the previous ordinance to require officers to issue only one warning before writing a ticket, instead of two.

**Motion:** Councilman Howell moved to approve the ordinance addressing curfew enforcement amended as stated. Ms. Huff seconded the motion. The motion passed unanimously. The ordinance as passed and approved is captioned as follows:

ORDINANCE NO. 1013

AN ORDINANCE REENACTING THE JUVENILE CURFEW FOUND IN CHAPTER 26, TRESPASS AND MISCELLANEOUS CRIMES OF THE CODE OF ORDINANCES, SUBJECT TO AMENDMENTS TO THE ENFORCEMENT PROCEDURE IN SECTION 26.504..

*(A copy of Ordinance No. 1013 is attached and made a part of the Minutes)*

VI. NEW BUSINESS

A. CONSIDER THE RECOMMENDATIONS OF THE ZONING COMMISSION ON AN APPLICATION FROM LOPEZ SALAS ARCHITECTS ON THE PROPOSED DESIGN OF A SINGLE STORY PROFESSIONAL BUILDING LOCATED AT 6511 BLANCO ROAD.

Robert Lopez, president of Lopez Salas Architects, Inc. described the project to the council. He said the building would be 4,660 square feet and would house medical offices. Mr. Lopez indicated that the design would incorporate similar characteristics of the nearby residential neighborhood. He answered the council's questions concerning materials, lighting, parking, and the location of the dumpster.

**Motion:** Council member Howell moved to accept the recommendation of the Architectural Review Committee to approve the application from Lopez

Salas Architects, Inc. on the proposed design. Council member Huff seconded the motion. The motion passed unanimously.

- B. CONSIDER THE 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.

Councilman Gregory said that he was at the ARC meeting, and he had stated that it was important to know whether the building would impact or increase the volume of water run-off. He said that Ms. Hoyl was going to send the plans to the city engineer, and ARC Chairman Ackley said that it would be looked into. Mr. Gregory asked if they had looked into it. Ms. Hoyl said that the city engineer was given the plans, but has not reported his findings. Mr. Morkovsky said that he would have a report from the civil engineer when the building permit is issued. Council member Huff said that the council was being asked to decide on the application without the information regarding the run-off. Councilman Davis added that the council needs information regarding the impact the construction will have on traffic as well. Ms. Huff suggested tabling the decision until all the information is received.

**Motion:** Councilman Davis moved to table the vote on the construction until February when the information regarding storm and water run-off and traffic impact on both the school campus and West Avenue is available. Councilman Howell seconded the motion. The motion passed unanimously.

- C. CONSIDERATION OF AN ENGAGEMENT LETTER WITH VIRGIL W. CRAWFORD, CPA, TO CONDUCT THE FY 2008 ANNUAL CITY AUDIT.

**Motion:** Councilman Gregory moved to hire Virgil W. Crawford, CPA, to conduct the FY 2008 annual city audit. Council member Davis seconded the motion. The motion carried unanimously.

- D. CONSIDER AN ORDINANCE AMENDING CHAPTER 11 *FIRE DEPARTMENT* OF THE CASTLE HILLS CODE OF ORDINANCES BY PROVIDING FOR THE COLLECTION OF FEES AND COST RECOVERY FOR CERTAIN EMERGENCY MEDICAL TECHNICIAN RESPONSES.

**Motion:** Mr. Rietz indicated that the ordinance was drafted by he and Mr. Brenan based on what was discussed the last meeting. Councilman Gregory moved to adopt the ordinance. Councilman Davis seconded the motion. The motion passed unanimously. The ordinance as approved and passed is captioned as follows:

ORDINANCE NO. 1014

AN ORDINANCE AMENDING CHAPTER 11, FIRE DEPARTMENT OF THE CODE OF ORDINANCES BY PROVIDING FOR THE COLLECTION OF FEES AND COST RECOVERY FOR CERTAIN EMERGENCY MEDICAL TECHNICIAN RESPONSES

*(A copy of Ordinance No. 1014 is attached and made a part of the Minutes)*

E. CONSIDER AN ORDINANCE AMENDING CHAPTER 13 GARBAGE & REFUSE OF THE CASTLE HILLS CODE OF ORDINANCES ADDRESSING THE AMOUNT OF BRUSH COLLECTED WEEKLY

Mr. Rietz recalled that the subject of brush collection came up in April of last year. He said currently city ordinance allows a resident to put out three of bags of leaves per week, and sanitation picks them up. If a resident has more than that number, he can call the city and pay extra to have the additional bags picked up. Some residents are okay with the ordinance, and others are unhappy with it. Mr. Rietz said he and the assistant city manager put together the proposed ordinance, which will allow residents to place ten bags of leaves per week to be picked up at no extra charge between the months of November and March. The ordinance also clarifies that the bags can be placed in the street or alley on the weekend before regular garbage pickup on Monday or Tuesday. In response to a question from the mayor, he said that the fine for violating the ordinance could be as much as \$500.00. Councilman Davis pointed out that the proposed ordinance did not address what size bags could be used. Discussion led to general agreement among council members that the size should be limited to 30 gallon bags. Mr. Rietz said that he did not think the increase in bags would increase cost to the city because the bags are picked up anyway. He indicated that there might be a slight decrease in the surcharges.

**Motion:** Council member Huff moved to approve the ordinance addressing the amount of brush collected weekly with an amendment to add the 30 gallon bag size limit. Councilman Howell seconded the motion. The motion passed unanimously.

F. CONSIDER AN ORDINANCE AMENDING SECTION 13.105.2 BY INCREASING THE BASE FEE FOR RESIDENTIAL GARBAGE COLLECTION

Mr. Rietz explained that he and Mr. Brennan conferred on the garbage fee increase and decided that the ordinance was necessary because passage

of the budget, which included the increase, did not specifically state what the increase was.

**Motion:** Council member Huff moved to approve the ordinance amending Section 13.105.2 by increasing the base fee for residential garbage collection. Councilman Gregory seconded the motion. The motion passed unanimously. The ordinance as passed and approved is captioned as follows:

ORDINANCE NO. 1016

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. 1016 is attached and made a part of the Minutes)*

G. CONSIDER THE DESIGN FOR THE MONUMENT SIGN AT THE TRAVERTINE AND JACKSON KELLER ENTRANCE

The mayor said that Councilman Davis has been in charge of the second monument sign. Mr. Rietz said that updated bids were sent out, and the cost will be \$4,000.00 for the metal artwork and \$4,525.00 for the masonry. He said that electrical and landscaping would be about \$3,000.00, so the total cost of the sign would be about \$11,600.00. Mr. Rietz confirmed that there is \$10,000.00 in the budget for the sign. Councilman Davis said the sign will be a foot higher to allow for foliage. Council members discussed the importance of branding in the city. Mayor Harper remarked that this monument sign would be the last.

Brother William Dooling of 201 Gladiola commented that a person can't read the sign at Cas Hills and Blanco because of the shadows. He said it defeats the whole purpose of the sign. Mayor Harper said that seeing the tree will identify the city, without reading the sign.

**Motion:** Councilman Howell moved to approve the design of the monument sign at the Travertine and Jackson Keller entrance. Council member Huff seconded the motion. The motion carried with a vote of 4 to 1. Councilman Davis opposed the motion.

*Mayor Harper called for a five minute break at 7:40. The council reconvened at 7:55 p.m.*

H. CONSIDER AN AMENDMENT TO THE 2009 CCPD BUDGET

Mr. Rietz explained that the old police cars were traded in when the new ones were bought. Rather than moving the electronic equipment over, new equipment was bought. The cost of the new electronic equipment was \$15,000.00 for all six cars. He said the CCPD met and approved the amendment to the budget.

**Motion:** Councilman Howell moved to approve the amendment to the 2009 CCPD budget. Councilman Davis seconded the motion. The motion passed unanimously.

- I. CONSIDER AN ORDINANCE CALLING AN ELECTION TO BE HELD ON MAY 9, 2009 TO ELECT A MAYOR AND TWO ALDERMEN AND ADDRESSING MATTERS RELATED TO THE ELECTION

**Motion:** Councilman Howell moved to approve the ordinance calling the May 9, 2009 election to elect a mayor and two aldermen and addressing matters related to the election. Council member Davis seconded the motion. The motion passed unanimously. The ordinance as passed and approved is captioned as follows:

ORDINANCE NO. 1017

AN ORDINANCE CALLING AN ELECTION FOR THE CITY OF CASTLE HILLS, TEXAS TO ELECT A MAYOR AND TWO 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. 1017 is attached and made a part of the Minutes)*

- J. CONSIDER AND ACT UPON A JOINT ELECTION AGREEMENT WITH BEXAR COUNTY FOR THE MAY 9, 2009 ELECTIONS

Council member Huff asked that the ballot show Castle Hills on a separate page from Bexar County so that it is more visible to voters.

**Motion:** Councilman Davis moved to approve a joint election agreement with Bexar County for the May 9, 2009 election and to authorize the city manager to sign the agreement for the city.

- K. CONSIDER AND ACT UPON APPROVING THE CITY OF CASTLE HILLS CERTIFIED TAX ROLL FOR THE YEAR 2008

**Motion:** Councilman Howell moved to approve the City of Castle Hills Certified Tax Roll for the year 2008. Council member Huff seconded the motion. The motion passed unanimously.

L. APPOINTMENT OF AN ALTERNATE MEMBER TO THE ARCHITECTURAL REVIEW COMMITTEE

**Motion:** On a recommendation from the mayor and Councilman Gregory, council member Huff moved to appoint long-time resident Gene Wellborn as an alternate member of the Architectural Review Committee. Councilman Gregory seconded the motion. The motion passed unanimously.

M. APPOINTMENT OF A MEMBER TO THE ZONING COMMISSION

The mayor explained that Tim Turner resigned due to his work load and family obligations, and Brad Boeckner resigned because he has been appointed an elder in his church and he has a meeting on the same night as the Zoning Commission. The mayor said that Chairman of the commission, Marc Schnall, recommended that Doug Steadman, who is currently an alternate member, be moved to a full member. She added that Mr. Steadman was chairman of the commission at one time. The mayor said that would leave one alternate member position open. She said that she recommended former councilman Bob Ford, and Chairman Marc Schnall recommended Butch Karren, who is also a long-time resident.

**Motion:** Council member Huff moved to appoint Doug Steadman as a full member of the Zoning Commission and to appoint Bob Ford and Butch Karren each as an alternate member of the Zoning Commission. Councilman Davis seconded the motion. The motion passed unanimously.

VII. CONTINUATION OF CRIME CONTROL AND PREVENTION DISTRICT

A. THE CITY COUNCIL WILL CONDUCT A PUBLIC HEARING ON WHETHER THE CRIME CONTROL AND PREVENTION DISTRICT SHOULD BE CONTINUED FOR EITHER 5, 10, 15, OR 20 YEARS

Mr. Brennan opened discussion by recommending that the Crime Control and Prevention District be continued 20 years, which is as long as the law allows. He said that the law allows for a dissolution referendum that the council can call for if they want to dissolve the district. The mayor called for public comment.

Brother William Dooling of 201 Gladiola said that, more than likely, nobody present will be around in 20 years, and it will be forgotten.

Council member Huff said the budget has to be approved every year, so nobody will forget. Mr. Rietz said that the State Comptroller is diligent about sending a notice when it is due.

Mr. Brennan said City Council makes the recommendation for the number of years, and the Crime Control and Prevention District will call an election for May 9<sup>th</sup>.

The mayor closed the public hearing.

- B. CONSIDER ADOPTION OF A RESOLUTION INSTRUCTING THE CASTLE HILLS CRIME CONTROL AND PREVENTION DISTRICT TO ORDER A REFERENDUM CONTINUING THE DISTRICT FOR AN AUTHORIZED NUMBER OF YEARS.

**Motion:** Council member Huff moved to adopt a resolution instructing the Castle Hills Crime Control and Prevention District to order a referendum continuing the district for 20 years. Councilman Davis seconded the motion. The motion passed unanimously. The resolution as passed and approved is captioned as follows:

RESOLUTION NO. 0901-01

A RESOLUTION REQUESTING THE CASTLE HILLS  
CRIME CONTROL AND PREVENTION DISTRICT  
TO HOLD A REFERENDUM ON THE QUESTION OF  
WHETHER TO CONTINUE THE DISTRICT FOR 20  
YEARS

*(A copy of Resolution 0901-01 is attached and made a part of the Minutes)*

VIII. ADJOURNMENT

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

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

APPROVED:

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Marcy Harper, Mayor

ATTEST:

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Linda Gill, City Secretary