

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

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

The attendance roster included Bill Martin, LaVerne Japhet, Linda Johns, Jim Poage, Robbie Casey, Karen Elliott, Don Elliott, Doug and Jurene Steadman, Sandra Schlinger, William Beuhler, Jr., Helen B. Glass, Joe Rodriguez, Sichan and Martha Siv, Frank Paul, Roberto Gonzalez, April Lazri, Marty Steelman, Luke Harms, Terry Carter, Pamala Farris, Colin McDonald, George Soo, May Soo, Richard Szecsy, Kay McCabe, Grace Delgado, Brother William Dooling, Cruz and Connie Mendoza, Vera Howard, and Carlton Catalani.

I. OPENING

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

B. Staff present was City Manager Mike Rietz, Assistant City Manager Rita Hoyl, City Secretary Linda Gill, City Attorney Michael S. Brennan, Court Administrator Wendy Reyes, Police Chief Donny Davis, Fire Chief Jerry Riedel, 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 FEBRUARY 10, 2009.

Motion: Councilman Howell moved to approve the minutes of the council meeting held on February 10, 2009. Council member Davis seconded the motion. The motion passed unanimously.

F. CONSIDERATION OF THE MINUTES OF THE SPECIAL CITY COUNCIL MEETING HELD FEBRUARY 26, 2009.

Motion: Councilman Davis moved to approve the minutes of the special city council meeting held on February 26, 2009. Council member Huff seconded the motion. The motion passed unanimously.

G. CONSIDER AND ACT UPON THE TREASURER’S REPORT FOR THE MONTH OF FEBRUARY, 2009.

Councilman Gregory commended Wayside Chapel for making donations to the city every month and stated that it is much appreciated.

Motion: Councilman Gregory moved to approve the February, 2009 Treasurer's Report. Council member Howell seconded the motion. The motion passed unanimously.

II. ANNOUNCEMENTS

Councilman Howell announced the passing of John Mack, 115 Moss Drive, who was a resident of Castle Hills for over 50 years and regularly attended council meetings.

Councilman Howell said he also wanted to acknowledge Joyce Buie for her hard work on National Night Out, the Halloween party, and Snow Day. He congratulated her on her Homeowners' presidency and suggested to her that maybe an Easter egg hunt could be planned.

Councilman Gregory announced that the city is now being billed for recycling, rather than receiving payment for it. He indicated that, with the council's approval, he was not going to sign a check for them until he can have Mr. Brenan look at the city's contract with the company.

III. CITIZENS TO BE HEARD

Luke Harms of Northwest Military Highway discussed temporary sign regulations. Mayor Harper advised Mr. Harms to talk to the Assistant City Manager about his concerns.

Joyce Buie of 222 Carolwood thanked City Council for the attractive lights in front of City Hall. She said that the Homeowners Association would buy U.S. and Texas flags to display with the lights on appropriate holidays. Ms. Buie appealed to everyone to please support Castle Hills businesses, which carry the burden of sales tax income to the city.

Grace Delgado of 106 South Gardenview appealed to council members for their help in correcting the traffic problem they have on Gardenview. She said that cars are turning off Military Highway on to Gardenview to make U-turns in front of the stop light or using residents' driveways to turn around. She said that it is happening more and more often and causing damage to sprinkler systems

IV. REPORTS

- City Manager Mike Rietz presented the February, 2009 Investment Report.
- Assistant City Manager Rita Hoyl presented the February, 2009 Building and Health Inspections; Code Enforcement Activities.

Councilman Smiley complimented and thanked Ms. Hoyl and Chief Davis for the increase in the enforcement of code compliance violations in February.

- Police Chief Donny Davis gave the February, 2009 Police Activity and STEP Report. Councilman Gregory asked what could be done to alleviate the traffic problem on Gardenview. The mayor said that she watched 10 or 11 cars make u-turns there in 10-12 minutes on Sunday and was told by a resident that the *No U-Turn* sign was removed. Mr. Rietz said he thought the problem was generated because there was no turn-around for the traffic leaving the main highway at that exit. TxDOT took the *No U-Turn* sign down to reduce the traffic going into resident driveways to turn around. Mayor Harper asked Mr. Rietz to put the item on next month's agenda and include information in the council packet for discussion.
- Fire Chief Jerry Riedel presented the February, 2009 Fire Incident and Activity Report.
- Public Works Director Rick Harada gave the February, 2009 Activity Report for his department.
- Court Administrator Wendy Reyes presented the Municipal Court Activity Report for February, 2009.

V. OLD BUSINESS

A. CONSIDER 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 Smiley confirmed with Roberto Gonzalez, representing the Boy Scouts of America, that he had held a meeting with residents that back up to McGimsey Park on Winston Lane and asked if any of those residents objected to the Special Use Permit (SUP).

Terry Carter of 125 South Winston Lane said there were no objections, only questions and clarifications. She indicated residents have always been supportive.

Council member Huff expressed her reluctance to support the SUP with nine different items listed because over the ten year period that is expected to complete the proposed facility improvements, things can change. Councilman Howell said that he would like to see a master plan. Councilman Gregory remarked that the SUP would be bad public policy. He said doing one item at a time would ensure specifics of each one. He added that it had never been done before. Ms. Huff noted that only one item was specific. The rest was just a wish list.

Mr. Gonzalez responded that when he presented the proposed plans to the city staff, it was suggested that the projects be bundled. In answer to questions from the mayor, the city attorney said that the scouts have asked for only a few specific SUPs in the past five years.

Councilman Gregory asked Mr. Gonzalez who recommended that he bundle the projects, and Mr. Gonzalez said it was the city manager. He added that it would do no harm to unbundle the projects.

Councilman Howell stated that the scouts were not developers and the improvements would be done by volunteers and for the Boy Scouts of America. Council member Smiley pointed out that everything would still be subject to inspections, and it would allow the council to see a long term plan. Councilman Douglas said that McGimsey Park is a large property and should be developed very carefully. He believed that previous city councils left the property non-conforming to give them oversight of its development.

Terry Carter said that the improvements would not be built by volunteers, but would be funded by volunteers. She said the nine items are more specific than light poles and parking lots built by Castle Hills First Baptist Church.

Diane Pfeil of 215 Atwater commended the Boy Scouts of America and said that she values non-profit organizations. She said that she is on the Building Code Committee and has been assured that when a building permit is pulled, it will be done according to City Code. She asked what the Zoning Commission recommended. Councilman Howell said the commission voted to approve the SUP.

Zoning Commission member Douglas Steadman of 113 Sunflower Lane said that the Boy Scouts need and should have an SUP for the whole property.

Bill Martin of 113 Cobblestone said that when he was mayor, he and the pastor of Castle Hills First Baptist Church wanted to buy the property and give 40 acres to the city. The Boy Scouts would not sell. Mr. Martin recounted that the scouts helped the city with the deer population and has been very helpful to the city in other ways.

LaVerne Japhet of 12 Shady Cove said that the only problem she had was that the Boy Scouts had never asked for an SUP over the whole 140 acres.

Mr. Brenan advised that the proposed ordinance granting the SUP needed to be cleaned up. The ordinance should require that projects pass through the Architectural Review Committee.

Motion: Councilman Gregory moved to table action until the proposed ordinance could be cleaned up and exceptions included. Councilman Smiley seconded the motion. The motion passed with a unanimous vote.

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

The city's webmaster, David Honigblum, gave a brief overview of the website and explained that he was adding a request that residents could fill out if they want to receive the city's newsletter electronically. Mr. Honigblum indicated where traffic on the website comes from and said that the city manager previews any additions to the site before they go live.

Mayor Harper said that Mr. Honigblum has done an excellent job and thinks the council should approve it.

Joe Rodriguez of 110 South Gardenvue questioned what safeguards the city has in place if the webmaster is incapacitated. Mr. Honigblum said that Mr. Rietz has all log-ins and passwords, and anyone can pick up the maintenance if needed.

In response to questions from City Council, Mr. Brennan said that there is very little privacy in government, and e-mails are public record; not private, if they concern city business.

Motion: Councilman Smiley moved to approve extending the maintenance agreement with David Honigblum for one year. Seconded by Councilman Gregory, the motion passed unanimously.

Mayor Harper announced that the council would take a break at 7:20 p.m. The council reconvened at 7:30 p.m.

VI. NEW BUSINESS

A. CONSIDER ACCEPTING THE DONATED IDENTIFICATION METAL SIGN FOR THE CAROLWOOD MONUMENT SIGNS.

Mayor Harper said Pam Grunwald is the person who started the refurbishing of the monument signs, cleaning them up and replacing landscaping. She said that Pam and her husband have worked along side Rick to repair and rebuild some of the monument signs. Ms. Grunwald ran into Carlton Catalani of 212 Carolwood. She said Mr. Catalani proposed to donate metal signs identifying the street name to place on top of the planter boxes; initially, for his street Carolwood, then all around the city over time. He said that he intended to use the city's master plan for the design of the script.

Motion: Council member Smiley, expressing a great debt of gratitude to Mr. Catalani, moved to accept the donated identification metal sign for the Carolwood monument signs. Council member Huff seconded the motion. The motion passed unanimously.

Councilman Howell said that he thought the mayor had a fantastic idea during the break of maybe using some of the Commons Fund dollars to add to Mr. Catalani's work and on other projects in the future.

B. CONSIDER AMENDING THE AUTHORIZED HOURS FOR LANDSCAPING RELATED ACTIVITY ON THE WEEKENDS.

The mayor said that she had talked with Don Elliott and Pam Grunwald concerning reasonable hours for landscaping activity on weekends. She indicated that 8:00 in the morning would be a good starting time, according to them. Mayor Harper said that they did not discuss limiting the evening hours, but suggested 8:30 or 9:00 p.m., since it stays light later in the summer. The city manager said that the ordinance limiting hours of construction was included in the council packets and could be amended to address landscaping hours. Council members offered several suggestions. The mayor pointed out that landscapers need to make money and need to work, at least, until sunset. Council members briefly discussed the hours that would be appropriate. Councilman Smiley said that he would like to look into changing other parts of the ordinance. He said that he was surprised that an ordinance was not constructed before being brought before the council. Mayor Harper said that only commercial landscaping was at issue currently.

Motion: Councilman Smiley moved to postpone consideration of the ordinance until the April meeting to allow the city attorney and the city manager to confer on constructing an ordinance. In the meantime, Mr. Smiley recommended that council members express their concerns to them before the ordinance is finalized. Council member Gregory seconded the motion. The motion passed with a unanimous vote.

C. CONSIDER ERECTING CPS LIGHT POLES IN RESIDENTIAL AREAS AND POSTPONE NORTHWEST MILITARY HIGHWAY LOCATIONS.

Mayor Harper asked the city manager if he had the figures of what the CEID funds amounted to and what they are now since the lights were put up on Lemonwood, Cas Hills, Travertine and Jackson-Keller. Mr. Rietz said that CPS Energy updates those figures periodically, and they are in the process of doing that right now. He said he had attempted to get them from CPS in the last couple of days. He said that in February of last year there was \$837,730.00 in the fund. There is about \$50,000.00 added to the fund each year. Mr. Rietz said that the projects on Northwest Military are in the neighborhood of \$500,000.00, and the projects already completed are in the neighborhood of \$100,000.00. That

is where he got the figure of approximately \$200,000.00, which he indicated, is a conservative estimate.

The mayor briefly explained that the CEID fund is set aside by CPS Energy for municipalities; and last year the council batted back and forth about how to spend the money. She said that, in hindsight, she thinks that the light poles planned for Northwest Military are going to get lost in all the other poles already there and from the businesses' lights. She said she thought they should look at putting the decorative light poles in the residential areas where it is so dark. Mayor Harper said \$500,000.00 would put up a lot of light poles.

Councilman Smiley mentioned that they could save the city money by taking another year to plan where the lights will go. He said that he would like to see lights over on Cas Hills and that dangerous and dark curve by the Casey's house. He said the city has a safety issue concerning the poor lighting of its streets.

Terry Carter of 125 South Winston Lane commented that some residents want dark skies and dark streets. She suggested more study should be done with regard to lighting. It has been found that, when lighting is added to mall and airport parking lots, it makes the dark areas around them unsafe. She pointed out that residential areas may not desire lighting.

Joe Rodriguez of 110 South Gardenvue remarked that City Council talks about economic development and branding the city. He stated that maybe an analysis needs to be done on how to keep businesses and what goals need to be set.

Roland Hinojosa with CPS Energy responded to questions from council members. He indicated that the types of lights installed in residential and business areas have different wattage. There are particular lights for particular areas. He said that typical lighting is at intersections, at mid-block, and at cul-de-sacs.

Council member Huff said that she did not disagree that they needed residential lighting, but she thought the purpose of branding was to enhance the idea of people that they were in Castle Hills. She said that she thought they had figured it out; and now, they are rethinking everything. Councilman Smiley said he could see the point of continuing with the original plan. Responding to Councilman Gregory, Mr. Rietz said that he thought staying with the plans for Northwest Military would meet the goals that had been set with regard to branding the city. He indicated that he thought, with the money they would have available, both residential and business areas could be done.

Vera Howard of 14 West Oaks Court said that nobody is going to look at the pretty lights. She said that, if the city had money to spend, they needed to fix potholes first and take care of the citizens.

Brother Dooling of 201 Gladiola commented that the planning process needed to be broader.

Discussion continued among council members regarding the dollars available to spend, the timeline that had to be met, and where the lights would be placed. Since specific questions needed to be answered, the consensus of the council was to wait until they had those answers before taking any action.

Motion: Councilman Smiley moved to table the action on erecting the light poles in residential areas and postponing Northwest Military locations until next month, if a special meeting is not called before then. Council member Howell seconded the motion. The motion passed unanimously.

D. CONSIDER AMENDING CITY CODE TO AUTHORIZE FLAG LOTS ON A LIMITED CASE BY CASE BASIS.

Mr. Brennan explained that the city has received an informal request to permit the subdivision of one of the lots on Fox Hall Lane. After he was asked how a person could do that, he came up with a proposal that would allow it on a case by case basis. He said that, apparently, there are several lots, flag lots in non-sewer areas, around the city that have been approved in the past. He indicated that he wasn't sure how that had happened because the wording in the current ordinance makes it very difficult to approve without some flexibility. Mr. Brennan said that the proposed ordinance would allow that flexibility if approved.

Councilman Gregory referred to a letter he received from Laverne Japhet, Zoning Commission member, regarding the city's Master Plan from 10 years ago. He said that one recommendation was that multi-acre lots should be re-platted so that the result is not less than one acre lots. The conclusion of the plan was that lots should be as large as possible. He said that it would be a case by case rarity that a flag lot would be approved. The councilman said that he knew of two flag lots, maybe three, on Fox Hall alone; and he doesn't know how they got there. He commented that the large lots on Fox Hall are the *crown jewel* lots of the city; and if they are allowed to be divided up, they will be just like any other lots.

Councilman Smiley said that he knew the property in question, and he thought the subdivision of the lot would be very good land use. He said that he did not think the city's current ordinance should be modified right now, that the request should be handled with a Special Use Permit. Mr. Brennan said that it could be handled as an SUP. Councilman Davis remarked that there would need to be a re-plat. Mr. Brennan agreed,

saying that any time a property is divided up, a re-plat is necessary. He said that it could be tied to or piggy-backed with the SUP.

In response to a question from Councilman Gregory, Mr. Brennan said that his view is dubious that flag lots are good. He added that the lot in question will be minimal, the house will be minimal; and it will hurt property values around it.

Joe Rodriguez mentioned that there are precedents regarding the current situation. He mentioned the Batchelder property.

Mr. Brennan said that if this was going to be handled with an SUP, it would have to go to the Zoning Commission. They look at public policy, and the code would have to be changed.

Mayor Harper asked for a motion three times. No motion was made, and the item died for lack of a motion.

E. CONSIDER AN AMENDMENT TO THE CRIME CONTROL AND PREVENTION DISTRICT BUDGET.

Motion: After stating that he strongly recommended passage of this item, Councilman Gregory moved to amend the Castle Hills Crime Control and Prevention District budget. Council member Huff seconded the motion. The motion passed unanimously.

VIII. ADJOURNMENT

Mayor Harper adjourned the meeting at 9:00 p.m.

These minutes were approved on the 10th day of March, 2009.

APPROVED:

Marcy Harper, Mayor

ATTEST:

Linda Gill, City Secretary