

CITY OF CASTLE HILLS  
REGULAR CITY COUNCIL MEETING  
MINUTES OF MAY 17, 2011

The City Council of the City of Castle Hills convened at 6:30 p.m. on the 17<sup>th</sup> day of May, 2011, in the Council Chambers of the City of Castle Hills, 209 Lemonwood Drive, Castle Hills, Texas.

The attendance roster included Mike Goodlett, Gail Goodlett, Scott Goodlett, Bill Martin, Rodney Whitehead, Nancy Cardenas, Pamala Farris, Mitchell Kaliff, Diane Pfeil, Larry Pfeil, Linda Alwine, Pat Butler, LaVerne Japhet, Bill Schluter, Sally Hurst, Kathy Tarkington, Marianne Huizar, Rick Huizar, Tim Huizar, Stephen Ackley, Marty Steelman, Robert P. Harper, Jim and Beverly Palmer, Ardell Weber, Nancy and Trey Batchelder, Brother William Dooling, Frank Paul, Richard Alwine, Vera Howard, Pam B. Braha, Suzanne Riley, Jacqueline Ackley, Joe Izbrand, Tim Turner, Randy Sanchez, Bonnie Batchelder, Hugh Batchelder, Sandra Martin, Kathleen Hurren, Alfredo Ortiz, John Squire, L. David Givler, Javier Roman, Linda Roman, and Givliana Roman.

I. OPENING

A. QUORUM

Present and composing a quorum of the City Council were Mayor Marcy Harper, Steve McGuire, Douglas Gregory, Tom Davis, and Bruce Smiley-Kaliff. Marcella Huff was absent.

Staff present was City Manager Michael Steel, Assistant City Manager Rita Hoyle, 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 delivered the invocation.

C. PLEDGE OF ALLEGIANCE – LaVerne Japhet led the pledge.

*Mayor Harper moved Items A, B, and C, under new business, to consider the resolution canvassing the votes of the May 14, 2011 election and issuing Certificates of Election to newly elected council members. She said that she has enjoyed serving the city for eleven years, three years as a council member and eight years as mayor. She thanked everyone and introduced Mayor-elect, Bruce Smiley-Kaliff.*

NEW BUSINESS

A. CONSIDER A RESOLUTION CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE GENERAL ELECTION HELD ON MAY 14, 2011, FOR THE PURPOSE OF ELECTING A MAYOR AND TWO (2) COUNCIL MEMBERS.

**Motion:** Councilman McGuire read the resolution aloud, then moved to adopt the

resolution canvassing the returns and declaring the results of the General Election held on May 14, 2011, for the purpose of electing Mayor and two (2) council members. Council member Gregory seconded the motion. The motion passed unanimously. Resolution number 1105-02, as adopted, is captioned as follows:

RESOLUTION NO. 1105-02

A RESOLUTION CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE MAY 14, 2011 GENERAL ELECTION FOR THE PURPOSE OF ELECTING A MAYOR AND TWO (2) COUNCIL MEMBERS FOR THE CITY OF CASTLE HILLS.

*(A copy of Resolution No. 1105-02 is attached and made a part of these minutes.)*

- B. ISSUANCE OF CERTIFICATE OF ELECTION TO NEWLY ELECTED COUNCIL MEMBERS. (See Item C)
- C. PROVIDE OFFICIAL OATH AND STATEMENT OF ELECTED OFFICIALS.

Judge Martha Tanner presented a Certificate of Election and administered the Oath and Statement of Elected Official to each newly elected official: Bruce Smiley-Kaliff for Mayor, Douglas Gregory for Alderman, Place 2, and Steve McGuire for Alderman, Place 3.

*(Bruce Smiley-Kaliff took the mayor's chair and expressed his thanks to everyone. He said his two main goals were, 1) to always stay as excited and positive and optimistic as tonight, and 2) to end each day knowing we have strived to make our very best effort to serve the best interests of the city and improve the lives of our citizens. Mayor Smiley-Kaliff conducted the remainder of the meeting, first calling for a five minute break at 6:55 p.m. to allow those who attended, only for the swearing-in to make their exit. Mayor Smiley Kaliff announced that the meeting was back in session at 7:00 p.m.)*

*(Mayor Smiley-Kaliff said Item D under New Business would be next to allow Mr. Givler to leave early for another meeting he needed to attend.)*

- D. CONSIDER AND ACT UPON SCOPE OF WORK FOR STREET AND DRAINAGE REPAIR.

City Engineer David Givler gave a Power Point presentation of the Mimosa Culvert Repair Project, which illustrated the current condition of the culvert and the proposed methods and materials to repair it. Mr. Givler estimated probable construction costs at \$754,295. He confirmed for the mayor that tonight he was looking for approval on only the scope of work. He said the next step would be design of the project, and the design would be brought back to the council for approval.

**Motion:** Councilman Davis moved to approve the scope of work for repair of the Mimosa Culvert Project. Councilman McGuire seconded the motion. After Mr. Givler answered questions from council members and citizens, the motion carried 2 to 1, with Councilman McGuire casting the opposing vote.

*(Mayor Smiley-Kaliff said the remaining items under I. Opening would continue at this time.)*

D. CONSIDER AND ACT UPON THE MINUTES OF THE SPECIAL CITY COUNCIL MEETING HELD MARCH 3, 2011.

**Motion:** Councilman Davis moved to approve the minutes of the special meeting of March 3, 2011. Councilman McGuire seconded the motion. The motion passed with a unanimous vote.

E. CONSIDERATION OF THE MINUTES OF THE CITY COUNCIL MEETING HELD MARCH 8, 2011.

**Motion:** Councilman McGuire moved to approve the minutes of March 8, 2011. Councilman Davis seconded the motion. The motion passed unanimously.

F. CONSIDER AND ACT UPON THE MINUTES OF THE CITY COUNCIL MEETING HELD MARCH APRIL 12, 2011.

**Motion:** Confirming a correction to the April minutes with the city secretary, Council member Davis moved to approve the minutes of the April 12, 2011, council meeting as amended. The motion carried 2 to 0. Councilman McGuire abstained from voting due to his absence from that meeting.

G. CONSIDERATION OF THE TREASURER'S REPORT FOR THE MONTH OF APRIL, 2011.

**Motion:** Council member Gregory moved to approve the Treasurer's Report for the month of April, 2011. Councilman McGuire seconded the motion. The motion passed unanimously.

II. ANNOUNCEMENTS

There were no announcements.

III. CITIZENS TO BE HEARD

There were no citizens who wished to speak.

IV. REPORTS

Mayor Smiley-Kaliff announced, if there was no objection from council members, he would like to accept the following reports as written. He advised the public that the reports are all at their disposal on the city website. Council members had no objection, and no action was taken.

- City Attorney - update on Castle Hills vs. Batchelder.
- City Manager – April Investment Report, Department Budget.
- Assistant City Manager - April, 2011, Building and Health Inspections, Code Enforcement Activities, and Municipal Court Activity Report..
- Police Chief – April, 2011 Police Activity Report, STEP Report
- Fire Chief - April, 2011, Fire Incident and Activity Report.
- Public Works Director – April, 2011 Activity Report

## V. OLD BUSINESS

### A. CONSIDER AND ACT UPON A RESOLUTION FOR COLLECTION OF WARRANTS.

**Motion:** Councilman Gregory moved to adopt a resolution for the collection of warrants. Councilman McGuire seconded the motion. The motion passed unanimously. Resolution No. 1105.01, as adopted, is captioned as follows:

#### RESOLUTION NO. 1105-01

A RESOLUTION AUTHORIZING COLLECTION FEE IN THE AMOUNT OF 30% OF DEBTS AND ACCOUNTS RECEIVABLE SUCH AS UNPAID FINES, FEES, COURT COSTS, FORFEITED BONDS, AND RESTITUTION ORDERED PAID BY A MUNICIPAL COURT SERVING THE CITY, AND AMOUNTS IN CASES IN WHICH THE ACCUSED HAS FAILED TO APPEAR.

*(A copy of Resolution No. 1105-01 is attached and made a part of these minutes.)*

### B. CONSIDER AND ACT UPON A POLICY ADDRESSING COUNCIL EXPENDITURES.

City Manager Steele explained the policy he devised for council expenditures, noting that anything out of the ordinary, would be brought to City Council for approval.

**Motion:** Councilman Douglas moved to approve the policy devised by the city manager addressing council expenditures. Councilman Davis seconded the motion. The motion passed unanimously.

## VI. NEW BUSINESS (cont'd)

E. CONSIDER AND ACT UPON CREATING THE POSITION OF FINANCE ASSISTANT AND AUTHORIZE THE CITY MANAGER TO FILL THE POSITION.

City Manager Steele explained the staff's need for a financial assistant and recalled recommendations made by the city's auditors and a consultant hired last year by the council to evaluate the city administration offices. Council member Gregory did not want to act on the matter with 40% of the council not present to vote.

**Motion:** Councilman McGuire agreed and moved to table item E until the June meeting. Seconded by council member Gregory, the motion carried 2 to 1. Councilman Davis cast the opposing vote.

F. CONSIDER AND ACT UPON SELLING SURPLUS EQUIPMENT.

**Motion:** After discussion among council members and input from citizens, Councilman McGuire moved to declare a city-owned fountain as surplus city property and put it up for bid with conditions that bids are received by June 30<sup>th</sup>, buyer will pick up by July 1<sup>st</sup>, and any city employee is prohibited from any involvement in the movement of the item. Council member Davis seconded the motion. The motion passed unanimously.

G. CONSIDER AND ACT UPON APPOINTMENT OF AN ALTERNATE PROSECUTOR.

Court Administrator Wendy Reyes introduced Attorney Xavier Ybarra and gave council members a brief biography. Ms. Reyes indicated that Mr. Ybarra will be available to serve as prosecutor in Municipal Court on June 16<sup>th</sup> when the city's current prosecutor and alternate prosecutor will be unavailable.

**Motion:** Council member McGuire moved to appoint Xavier Ybarra as an alternate prosecutor to serve June 16<sup>th</sup> in the absence of the city's current prosecutor and alternate prosecutor. Councilman Davis seconded the motion. The motion passed unanimously.

H. CONSIDER AND ACT UPON ADVERTISING FOR RFQs FOR A MUNICIPAL COURT JUDGE. (See Item I)

I. CONSIDER AND ACT UPON ADVERTISING FOR RFQs FOR A CITY ATTORNEY.

**Motion:** Combining Items H and I, council member McGuire moved to advertise for RFQs for a municipal court judge and a city attorney. Councilman Davis seconded the motion. The motion passed unanimously.

J. CONSIDER AND ACT UPON INVESTMENT POLICY.

**Motion:** Discussion among council members led to a motion made by Councilman McGuire to postpone action on this item until the June meeting. Seconded by Councilman Gregory, the motion passed unanimously.

VII. ADJOURNMENT

There being no further business, Mayor Smiley-Kaliff adjourned the meeting at 8:01 p.m.

These minutes were approved on the 14<sup>th</sup> day of June, 2011.

APPROVED:

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Bruce Smiley-Kaliff, Mayor

ATTEST:

\_\_\_\_\_  
Linda Gill, City Secretary