

CITY OF CASTLE HILLS
REGULAR CITY COUNCIL MEETING
MINUTES OF MAY 12, 2009

The City Council of the City of Castle Hills convened at 6:00 p.m. on the 12th day of May, 2009, in the Council Chambers of the City of Castle Hills, 209 Lemonwood Drive, Castle Hills, Texas.

The attendance roster included Joan Buerschinger, Russell Kyse, L. David Givler, Bill and Helen Schluter, Joseph Rodriguez, George and May Soo, S. T. Brueggerhoff, Barbara Bertolett, Chuck Leifeste, Eunice Vandenbose, Patrick and Irene Murnin, Mr. and Mrs. Robert Riley, Terry S. Warth, Gerry Solcher, Nadine Timlin, Robbie and Raymond Casey, Dwight Juettemeyer, Frank Paul, Stephen Ackley, Debbie Reeves, Betty Howard, Craig Bertolett, Janice Schultz, William E. Schultz, Bill and Barbara Candler, Terry Carter, Xavier Flores, Bill Martin, Sandy Schlinger, Steve McGuire, Ben Rollins, Lelsey Wenger, Bob Anderson, Judy Crawford, Margaret Sylvia, Pamala Farris, Dorothy Evans, Brother William Dooling, William Beuhler, Jr., Sally Solcher, Ramiro Estrada, and Charlie Barbera.

I. OPENING

- A. QUORUM - Present and composing a quorum of the City Council were Mayor Marcy Harper, Douglas Gregory, Marcella Huff, Tom Davis, Tim Howell, and Bruce Smiley-Kaliff.
- B. Staff present was City Manager Mike Rietz, Assistant City Manager Rita Hoyle, City Secretary Linda Gill, City Attorney Michael S. Brenan, Court Administrator Wendy Reyes, Police Chief Donny Davis, Fire Chief Terry Riedel, and Public Works Director Rick Harada.
- C. INVOCATION – Bill Martin
- D. PLEDGE OF ALLEGIANCE – Bill Schluter
- E. CONSIDERATION OF THE MINUTES OF THE CITY COUNCIL MEETING HELD ON APRIL 14, 2009.

Motion: Council member Huff moved to approve the minutes of the council meeting held on April 14, 2009. Council member Smiley-Kaliff seconded the motion. The motion passed unanimously.

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

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

II. PRESENTATION

- A. Presentation of the United States Census 2010 was not given due to the absence of Lupe G. Ochoa of the Dallas Regional Census Center.
- B. Fire Chief Riedel announced the appointment of Charlie Barbera as an Honorary Firefighter for the City of Castle Hills. He said that Mr. Barbera was adopted as a great, great, great, great grandfather of the Fire Department. The chief presented Mr. Barbera with a firefighter's helmet and a plaque of appreciation.

III. CITIZENS TO BE HEARD

Bob Anderson of 137 Lou Jon Circle spoke about the results of the city's lawsuit with Castle Hills First Baptist Church.

Joe Rodriguez of 110 Gardenview commented on the intersection of N.W. Military and Gardenview and said that he wants to know about the Batchelder and Poage cases. He remarked that things are put on the agenda, but not followed through to conclusion.

IV. REPORTS

- City Manager Mike Rietz presented the April, 2009 Investment Report.
- Assistant City Manager Rita Hoyl presented the April, 2009 Building and Health Inspections; Code Enforcement Activities.
- Police Chief Donny Davis gave the April, 2009 Police Activity and STEP Report.
- Fire Chief Jerry Riedel presented the April, 2009 Fire Incident and Activity Report. He mentioned that San Antonio Fire Chief Hood let the Castle Hills Fire Department use the San Antonio training facility.
- Public Works Director Rick Harada gave the April, 2009 Activity Report for his department.
- Court Administrator Wendy Reyes presented the Municipal Court Activity Report for April, 2009.

IV. OLD BUSINESS - None

V. NEW BUSINESS

- A. CONSIDER A RESOLUTION CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE GENERAL ELECTION HELD ON MAY 9, 2009, FOR THE PURPOSE OF ELECTING A MAYOR AND TWO (2) COUNCIL MEMBERS.

Motion: Council member Huff moved to adopt Resolution No. 0905-01. The motion, seconded by Councilman Davis, passed with a unanimous vote. The resolution as passed and approved is captioned as follows:

RESOLUTION NO. 0905-01

A RESOLUTION CANVASSING THE RETURNS AND DECLARING THE RESULTS OF THE MAY 9, 2009, 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. 0905-01 is attached and made a part of the Minutes)

- B. ISSUANCE OF CERTIFICATE OF ELECTION TO NEWLY ELECTED COUNCIL MEMBERS.

Certificates of Election were presented to new council member Steve McGuire, Alderman Place Three, and re-elected council members Douglas Gregory, Alderman Place Two, and Marcy Harper, Mayor.

- C. PROVIDE OFFICIAL OATH AND STATEMENT OF ELECTED OFFICIALS.

City Manager Rietz explained that, although the oath can be given to the newly elected officials, they cannot assume their duties until May 15th.

Judge William Dooling administered the Oath of Office to Steve McGuire as Alderman Place Three and Douglas Gregory as Alderman Place Two and presented each with the Statement of Elected Official.

Judge Tony Cantu administered the Oath of Office to Mayor Marcy Harper and presented her with the Statement of Elected Officials.

- D. PUBLIC HEARING ON THE REQUEST FOR A RE-PLAT OF BLOCK 1, Lots 4, 5, 6 AND 19 OF CASTLE HILLS ADDITION SUBMITTED BY GERRY SOLCHER AND THE CASTLE HILLS FIRST BAPTIST CHURCH AND CONSIDERATION BY THE CITY COUNCIL OF THE REQUEST AFTER THE PUBLIC HEARING.

City Manager Rietz explained that Gerry Solcher, owner of the property to be re-platted, wants to build a house on one lot and sell the other,

since he does not need it. He said that Castle Hills First Baptist Church wants to buy the rear portion of the two lots.

Russell Kyse, representative for the church referred to a drawing of the lots and said that the purchased property would be incorporated into the existing church property.

Mayor Harper asked for comments from the city attorney. Mr. Brennan said that the state requires owners to meet all city codes. He explained that the plat was reviewed by the city engineer, and the only way the plat can be denied is with a vote of disapproval by the council. If the council does not disapprove it, the plat will be approved by the end of May, regardless. Mr. Brennan said that the plat has nothing to do with development, only with acquisition of the property. To develop the property, the church will need a Special Use Permit.

In answer to questions from Councilman Davis, Mr. Brennan confirmed that, even though 15 of 22 residents sent notices are against it, their opposition has no bearing on the plat because a variance has not been requested. Councilman Davis commented that the church is acquiring property it does not need and questioned when it will be satisfied with its insatiable need to buy property. Mr. Kiez indicated that the church is looking at the long term. It may need more parking in the future.

Questioned by Councilman Smiley-Kaliff, Mr. Solcher said that the property had not been marketed to anyone else.

Bill Martin of 113 Cobblestone asked if the parking would be in addition to the 55 spaces in the Winston Lane Settlement. Mr. Kiez said the church is looking at parking for the soccer and sports fields.

Terry Carter of 125 South Winston Lane pointed out that Mr. Brennan said the council could disapprove the plat, then said it could not. Mr. Brennan responded that the law uses the word "shall" approve if all technicalities are met.

Dwight Juttemeyer of 120 Twinleaf related that he purposely moved back to Castle Hills and now wonders who is looking out for the younger residents moving into the city. Taxes will go up because of lost tax revenue if they continue to compromise property.

Judy Crawford of 107 West Castle Lane remarked that she did not understand why Solcher needs to re-plat at the price of the neighborhood. Winston Lane is horrible and needs repair due to all the current traffic.

Joe Rodriguez of 110 South Gardenvue said that he was concerned about the sequence of events. He asked if there would be bartering

where person A sells to person B, and person B sells to the church. He could not see it as “business as usual.”

Council member Huff recalled that, in the past, re-plats have shown that the state is law and doesn’t care about impact. Mr. Brennan said that plats are considered more ministerial, and the state has to be impact neutral.

Councilman Davis noted that the Special Use Permit won’t come up until it is applied for. The mayor suggested another lawsuit if the re-plat is not approved. Mr. Brennan agreed there could be, but he could not say.

Margaret Sylvia of 105 Castle Oaks pointed out that the re-plat will increase the residents’ tax burden.

Bill Shultz of 120 West Castle Lane predicted that another five acres sold to the church will cause more flooding. He stated that the church wants a parking lot and an entrance onto Castle Lane.

Councilman Gregory clarified with Mr. Brennan that state and city law says what must be done in order to get a plat approved. He said that the venue for any development will be at a Zoning Commission meeting.

Mayor Harper indicated that she’s led to believe Castle Hills First Baptist Church is eating up the city and will take over more and more. Councilman Davis expressed concern that the city is losing a cache of young people that might move into the city.

Leslie Wenger of 142 Lou Jon suggested putting four homes on five acres with a little road in between.

Mr. Brennan reminded the council that the church could buy all the lots from Solcher. He said the benefit is that two lots in front will be residences.

Motion: Councilman Smiley-Kaliff said he moved with regret to approve the re-plat of Block 1, Lots 4, 5, 6 and 19 of Castle Hills Addition. Councilman Gregory seconded the motion. The motion carried with three votes in favor cast by council members Huff, Smiley-Kaliff, and Councilman Gregory. Councilman Howell abstained from voting. Councilman Davis cast the opposing vote.

A question of how Councilman Howell’s abstention counted was posed, and the mayor called for a short break to confirm that the abstention did not count as a vote.

- E. CONSIDER ACCEPTING THE ANNUAL AUDIT OF CITY FINANCIAL STATEMENTS FOR THE FISCAL YEAR ENDED DECEMBER 31, 2008.

Councilman Gregory called for an Executive Session to discuss a personnel matter regarding the audit. Mr. Brenan advised against it because the council did not notify the public of an Executive Session.

Motion: Heeding Mr. Brenan's advice, Councilman Gregory moved to hold a Special Meeting within the next week to discuss personnel matters regarding the audit. Council member Davis seconded the motion. The motion passed unanimously.

- F. CONSIDER REVIEWING THE DEPOSITORY AGREEMENT WITH INTERNATIONAL BANK OF COMMERCE FOR A PERIOD OF ONE YEAR BEGINNING MAY 13, 2009, THROUGH MARCH 31, 2010.

Discussion resulted in a general consensus among council members that more information was needed. It was suggested that the bank make a presentation to the council before a decision was made.

Motion: Councilman Smiley-Kaliff moved to table Item F until the June council meeting. Council member Huff seconded the motion. The motion passed unanimously.

- G. CONSIDER AN ORDINANCE AMENDING CASTLE HILLS CODE, CHAPTER 29, WATER AND WELLS.

The city manager explained that amending the language in Chapter 29 regarding water restrictions would put the city's water restrictions in line with the city's water provider. He said it would make it easier to update the code when the utility company changes its requirements.

Motion: Councilman Smiley-Kaliff moved to approve an ordinance amending the Castle Hills Code, Chapter 29, Water and Wells. Councilman Gregory seconded the motion. The motion passed unanimously. The ordinance as passed and approved is captioned as follows:

ORDINANCE NO. 1020

AN ORDINANCE AMENDING CHAPTER 29, WATER AND WELLS, BY ADOPTING THE DROUGHT STAGE POLICIES OF THE CITY'S WATER PROVIDER.

(A copy of Ordinance No. 1020 is attached and made a part of the Minutes.)

- H. DISCUSS AND ACT UPON A RESOLUTION FROM THE CITY OF CASTLE HILLS IN SUPPORT OF SB 2440 AUTHORIZING AN ELECTION DISSOLVING BEXAR METROPOLITAN WATER DISTRICT.

This item was removed from the agenda.

I. CONSIDER A RESOLUTION APPROVING APPLYING FOR HIGHWAY REAUTHORIZATION ACT FUNDING.

City Manager Rietz explained that the resolution will be sent to the Metropolitan Planning Organization for its certification to the federal government that the funding the city has applied for through Congressman Smith's office is for roads that qualify for that funding. He said that he has applied for \$414,000 for Lemonwood, but also included all roads in the resolution to ensure that the city can apply for funds through another program.

Motion: Councilman Gregory moved to approve Resolution No. 0905-04 approving an application for Highway Reauthorization Act funding. Council member Smiley-Kaliff seconded the motion. The motion passed unanimously. A copy of the resolution as passed and approved is captioned as follows:

RESOLUTION NO. 0905-04

A RESOLUTION SUPPORTING APPLICATION FOR THE HIGH PRIORITY PROJECTS FOR THE SURFACE TRANSPORTATION AUTHORIZATION IN THE 2009 HIGHWAY REAUTHORIZATION BILL.

(A copy of Resolution No. 0905-04 is attached and made a part of the Minutes).

J. CONSIDER AN ORDINANCE AMENDING CASTLE HILLS CITY CODE, CHAPTER 2, ADMINISTRATION, AND CHAPTER 5, BUILDING CODE.

Councilman Gregory indicated that the ordinance was a result of what the Building Code Committee wants. He said that the foundation of the City Code is the International Building Code. He added that it would require future city managers to be familiar with the city ordinances within six months of hiring or be disciplined up to and including dismissal for cause.

Motion: Councilman Gregory moved to approve amending Castle Hills City Code, Chapter 2, Administration, and Chapter 5, Building Code. Seconded by council member Huff, the motion passed with a unanimous vote. The ordinance as passed and approved is captioned as follows:

ORDINANCE NO. 1021

AN ORDINANCE AMENDING CHAPTER 2, ADMINISTRATION, SECTION 2.202 REGARDING DUTIES OF THE CITY MANAGER, AND CHAPTER

5, BUILDING AND BUILDING CODE, REGARDING
THE BUILDING OFFICIAL OF THE CITY.

(A copy of Ordinance No. 1021 is attached and made a part of the Minutes.

K. CONSIDER AN ORDINANCE DECLARING THE STATUS OF
MUNICIPAL COURT JUDGE RAMIRO ESTRADA.

Motion: Council member Huff moved to adopt an ordinance declaring that Judge Ramiro Estrada's term will terminate on June 12, 2009. Councilman Gregory seconded the motion. The motion carried 3 to 2, with council members Smiley-Kaliff and Howell casting the opposing votes. The ordinance as passed and approved is captioned as follows:

ORDINANCE NO. 1022

AN ORDINANCE DECLARING THAT THE TERM
OF OFFICE OF MUNICIPAL COURT JUDGE
RAMIRO ESTRADA SHALL TERMINATE ON JUNE
12, 2009.

(A copy of Ordinance No. 1022 is attached and made a part of the Minutes.

L. CONSIDER REVISIONS TO THE SAN ANTONIO AREA
EMERGENCY SERVICES MUTUAL AID AGREEMENT.

Fire Chief Riedel briefly explained the revisions made by the Alamo Area Fire Chiefs at their March, 2009, meeting. He said the most notable change is in language referring to "Bexar County, Texas" that was changed to "the AACOG Region of Texas."

Motion: Councilman Davis moved to approve the revisions to the San Antonio Area Emergency Services Mutual Aid Agreement. 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 June, 2009.

APPROVED:

Marcy Harper, Mayor

ATTEST:

Linda Gill, City Secretary