

CITY OF CASTLE HILLS
REGULAR CITY COUNCIL MEETING
MINUTES OF JUNE 9, 2009

The City Council of the City of Castle Hills convened at 6:00 p.m. on the 9th day of June, 2009, in the Council Chambers of the City of Castle Hills, 209 Lemonwood Drive, Castle Hills, Texas.

The attendance roster included Cindy Bustamonte, Tim Howell, Carlos A. Martinez, Jr. LaVerne Japhet, Ann FitzGibbons, Cynthia Smith, Greg Smith, Lesley Wenger, Bob Anderson, Bill Schluter, Brother William Dooling, Doug and Jurene Steadman, Vera Howard, Albert Valle, William Beuhler, Robbie Casey, Joan Buerschinger, Dorothy J. Evans, Joseph Rodriguez, Susan Kilgore, Don Harris, Patrick Murnin, Irene Murnin, Gilbert R. Cruz, Susana Rios, Margaret Kanyusik, Frank Paul, Bill Kanyusik, Ed Liske, Pamala Farris, Kami Rieke, Jody Feller, and Ben Rollins.

I. OPENING

- A. QUORUM - Present and composing a quorum of the City Council were Mayor Marcy Harper, Douglas Gregory, Marcella Huff, Tom Davis, Steve McGuire, and Bruce Smiley-Kaliff.
- 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 – None
- D. PLEDGE OF ALLEGIANCE – LaVerne Japhet
- E. CONSIDERATION OF THE MINUTES OF THE CITY COUNCIL MEETING HELD ON MAY 12, 2009.

Motion: Councilman Steve McGuire and Mayor Harper each noted corrections to the minutes. Council member Huff then moved to approve the minutes, as amended, of the council meeting held on May 12, 2009. Council member Smiley-Kaliff seconded the motion. The motion passed unanimously.

- F. CONSIDERATION OF THE MINUTES OF THE SPECIAL CITY COUNCIL MEETING HELD ON MAY 20, 2009.

Motion: Councilman Smiley-Kaliff moved to approve the minutes of the special city council meeting held on May 20, 2009. Council member Huff seconded the motion. The motion passed unanimously.

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

Councilman McGuire mentioned that he would like to see the budget items divided into seasonal figures so that he could see where the city stands at the current time. Mayor Harper suggested that the council could discuss that in the upcoming budget workshop.

Motion: Councilman Gregory moved to approve the Treasurer's Report for the month of May, 2009. Council member Huff seconded the motion. The motion passed unanimously.

II. ANNOUNCEMENTS

A. MOSQUITO SPRAYING THURSDAY, JUNE 18, 2009.

City Manager Rietz said that spraying for mosquitoes was scheduled for Thursday, June 18th, beginning at 9:00 p.m.

III. PRESENTATION

A. RECOGNITION OF PAST COUNCIL MEMBER TIM HOWELL.

Mayor Harper presented former councilman Tim Howell with a plaque of appreciation and read a resolution recognizing and honoring Mr. Howell for his commendable and exemplary service for the past 6 1/2 years on the city council. Mr. Howell received a standing ovation.

B. PRESENTATION OF PLAQUE AND WATCH HONORING JUAN DELOSSANTOS ON HIS RETIREMENT.

Public Works Director Harada presented Juan De Los Santos with a watch and a plaque and read a resolution commending him for 34 1/2 years of loyal employment with the city. Mr. De Los Santos received a standing ovation.

IV. CITIZENS TO BE HEARD

Joe Rodriguez of 110 South Gardenview expressed his concern about equal treatment regarding sewer hook-up required by city ordinance.

Robbie Casey of 144 Cas Hills indicated that she had formed a neighborhood watch program and offered to help anyone interested in starting one.

Jody Feller of 116 Travertine reported that his house was robbed, and he wanted to start a neighborhood watch program.

Vera Howard of 14 West Oaks Court asked City Council to revisit allowing construction by homeowners on Sunday because of the noise and disruption it causes.

V. REPORTS

- Lesley Wenger reported on the recent BexarMet legislation (SB 2440) and responded to questions from council members. The bill had the potential to reform or dissolve BexarMet by providing an oversight mechanism for BexarMet, including enforcement authority, and authorizing a dissolution election.
- City Manager Mike Rietz presented the May, 2009 Investment Report.
- Assistant City Manager Rita Hoyl presented the May, 2009 Building and Health Inspections; Code Enforcement Activities.
- Police Chief Donny Davis gave the May, 2009 Police Activity and STEP Report.
- Fire Chief Jerry Riedel presented the May, 2009 Fire Incident and Activity Report.
- Public Works Director Rick Harada gave the May, 2009 Activity Report for his department.
- Court Administrator Wendy Reyes presented the Municipal Court Activity Report for May, 2009.
- City Attorney Brenan gave an update on the Castle Hills vs. Batchelder lawsuit. Councilman Smiley-Kaliff recommended that the council meet in an Executive Session to bring new council member McGuire up to speed on the case.

VI. OLD BUSINESS

- A. CONSIDER RENEWING THE DEPOSITORY AGREEMENT WITH INTERNATIONAL BANK OF COMMERCE FOR A PERIOD OF ONE YEAR BEGINNING JUNE 10, 2009, THROUGH MARCH 31, 2010.

Carlos Martinez, Executive Vice President of International Bank of Commerce, gave a brief presentation. He summarized the agreement that has been in effect between the bank and the city and explained that it will continue, except for adding a floor of .5% on interest earned by the city on deposits.

Motion: Council member Smiley-Kaliff said that the bank is giving the city an excellent deal, and he moved to renew the depository agreement with International Bank of Commerce for a period of one year beginning June 10, 2009, through March 31, 2010. The motion, seconded by Councilman Gregory, passed with a unanimous vote.

VII. NEW BUSINESS

- A. RESOLUTION HONORING JUAN DE LOS SANTOS UPON HIS RETIREMENT AFTER 34 1/2 YEARS OF SERVICE IN THE PUBLIC WORKS SANITATION DEPARTMENT.

Motion: Councilman Smiley-Kaliff moved to adopt a resolution honoring Juan De Los Santos, retiring after 34 1/2 years of service in the city sanitation department. Council member Davis seconded the motion. The motion passed unanimously. The resolution as passed and approved is captioned as follows:

RESOLUTION NO. 0906-02

A RESOLUTION COMMENDING JUAN DE LOS SANTOS ON 34 1/2 YEARS OF LOYAL EMPLOYMENT IN THE CASTLE HILLS PUBLIC WORKS STREET AND SANITATION DEPARTMENTS AND HONORING JUAN DE LOS SANTOS FOR 34 1/2 YEARS OF FAITHFUL AND DEDICATED SERVICE TO THE RESIDENTS OF THE CITY OF CASTLE HILLS.

(A copy of Resolution No. 0906-02 is attached and made a part of the Minutes)

- B. CONSIDER PROPOSAL FROM VIRGIL CRAWFORD TO SERVE AS AN ACCOUNTING CONSULTANT.

Virgil Crawford, CPA presented the council with his proposal to assist in the implementation of the new accounting software. He estimated that the process would take 30-50 hours at an hourly cost of \$145 per hour. Council members briefly discussed the purpose of Mr. Crawford's services. Council member Huff expressed her discomfort with having a line item in the budget for the consulting services. She suggested that the item be tabled until the next council meeting.

Motion: Council member Huff moved to table action on the proposal from Mr. Crawford until the next meeting. Councilman Smiley-Kaliff seconded the motion. The motion carried with a vote of 3-2. Councilmen McGuire and Gregory opposed the motion.

- C. CONSIDER CONTRACT RENEWAL WITH HEARD AND SMITH, LLP, FOR COLLECTION OF DELINQUENT TAXES.

Mark Smith, representing Heard and Smith said that the new contract is identical in all its terms to the contracts that the city has had with Heard and Smith in the past; except the period covered is July 1, 2009, through

June 30, 2011. He mentioned that, although most firms have increased their fees to the maximum 20% allowed by law, Heard and Smith will continue to charge the same 15% fee that has always been the arrangement with Castle Hills.

Motion: Councilman Gregory moved to renew the contract with Heard and Smith, LLP for another two years beginning July 1, 2009. Seconded by council member Huff, the motion passed unanimously.

Mayor Harper announced a break at 7:35 p.m. The council reconvened at 7:50 p.m.

D. CONSIDER APPOINTMENT OF AN ALDERMAN TO SERVE AS PRESIDENT (MAYOR) PRO TEMPORE FOR A PERIOD OF ONE YEAR.

Motion: Acting on the mayor's nomination, Councilman Gregory made a motion to appoint council member Huff as President (Mayor) Pro Tempore for a period of one year. Council member McGuire seconded the motion. The motion passed unanimously.

E. CONSIDER APPOINTMENT OF AN ALDERMAN FOR CITY TREASURER.

Motion: Mayor Harper nominated council member Gregory for City Treasurer, which led to a motion by Councilman Smiley-Kaliff to appoint Councilman Gregory as City Treasurer. The motion was seconded by Councilman Davis. The motion carried with a unanimous vote.

F. CONSIDER AN ORDINANCE APPOINTING A MUNICIPAL COURT JUDGE AND ALTERNATE JUDGE.

Mayor Harper nominated Brother William Dooling as presiding judge and Antonio Cantu as alternate judge for a term of two years.

Motion: Councilman Gregory moved to appoint Brother William Dooling as a Municipal Court judge and retired Judge Antonio Cantu as alternate Municipal Court judge. The motion was seconded by council member Huff. The motion passed unanimously.

G. CONSIDER APPOINTMENT OF A PUBLIC HEALTH OFFICER.

The mayor nominated George Atiee, M.D. to continue to represent the city as its Public Health Officer for the next two years.

Motion: Councilman Gregory moved to appoint Dr. George Atiee as Public Health Officer for a term of two years. Seconded by council member Huff, the motion passed with a unanimous vote.

H. CONSIDER APPOINTMENTS TO THE ARCHITECTURAL REVIEW COMMITTEE.

Motion: On the recommendation of the mayor, Councilman Smiley-Kaliff moved to appoint Steve Ackley as chairman, Albert Valle, Joan Buerschinger, Sarah Burke, and Walter Von Nimitz as regular members, and David Kellogg, and H.E. (Gene) Wellborn as alternate members. Councilman Davis seconded the motion. The motion passed unanimously.

I. CONSIDER APPOINTMENTS TO THE BOARD OF ADJUSTMENT.

Motion: On the recommendation of the mayor, Councilman Gregory moved to appoint Bill Schluter as chairman, Pamala Farris, Kathryn Safford, Frank Paul, and Terry Warth as regular members, and Dana Poole, Paul Martinez, Robbie Casey, and Evangeline O'Sullivan as alternate members of the Board of Adjustment. Councilman McGuire seconded the motion. The motion passed unanimously.

J. CONSIDER APPOINTMENTS TO THE ZONING COMMISSION.

Councilman Gregory nominated Marc Schnall as Chairman of the Zoning Commission and Walter Beuhler, LaVerne Japhet, and Butch Karren as regular members. He added nominations for Doug Lewis and Doug Steadman as alternate members. Council member Davis nominated Bob Anderson as a regular member of the Zoning Commission. Councilman Smiley-Kaliff nominated Scott Simpson as an alternate member, and Mayor Harper nominated Eve Allen as an alternate member.

Motion: A joint motion between Councilman Gregory and Councilman Davis was made to appoint Marc Schnall as Chairman and Walter Beuhler, LaVerne Japhet, Butch Karren, and Bob Anderson as regular members of the Zoning Commission. The motion was seconded by council member Huff. The motion carried unanimously.

Motion: A second motion was made by Councilman Smiley-Kaliff to appoint Scott Simpson as an alternate member of the Zoning Commission. Council member Gregory seconded the motion. The motion passed unanimously.

Motion: Council member McGuire made a motion to appoint Eve Allen as an alternate member of the Zoning Commission. The motion was seconded by Councilman Davis and passed unanimously.

K. CONSIDER APPOINTMENTS OF A CHAIRMAN AND MEMBERS TO A COMMITTEE FOR THE PURPOSE OF STUDYING THE ENTIRE CITY SEWER SYSTEM, SEWER CONNECTIONS, AND SEPTIC SYSTEMS.

The mayor said that, with Council's vote, she would like to appoint Gregg Smith as chairman of the committee. She added that she would like to appoint Dwayne Rathburn from San Antonio Water System, City Manager Mike Rietz, and Public Works Director Rick Harada as members of the committee.

Council member Smiley-Kaliff expressed his opinion that it was very important to do the study within a 30 to 60 day period. He brought up to Council two important facts. 1) He said Bexar County controls everything to do with septic tanks inside their municipality. 2) The city can opt out of that control under state statute; but if it does, it will have to form a sanitation department licensed by the state and sanctioned by TCEQ. He said that TCEQ can shut things down if it does not like what is being done, and the city would be back under the control of Bexar County. He made the point that the city would have to form a new department that would never be able to charge enough fees to break even. He added that the city has no interest at all in its sewer system since it was conveyed to SAWS. The city's agreement with SAWS does allow for city ordinance to supersede any SAWS ordinances if necessary. He said that any changes made by the board would not cause the city to relinquish that right. Councilman Smiley-Kaliff concluded by stressing that the charge of the board should be very clear and precise.

Mayor Harper thanked the councilman for his information, but expressed doubt that the study could be done in 30-60 days. She said that she planned to attend the first meeting of the board. She said that chairman Greg Smith, who is very well qualified for the position, would put in writing what the committee plans to work toward. The mayor said that 30-60 days may not be enough time to study the whole sewer system. She said that is one of the things the committee will have to determine.

Motion: Council member McGuire made a motion to appoint a chairman and members to a committee for the purpose of studying the entire city sewer system, sewer connections, and septic systems. Greg Smith will be chairman and members will be the city manager, the public works director, and Dwayne Rathburn from SAWS. Council member Gregory seconded the motion. The motion carried unanimously.

L. CONSIDER AMENDING THE CODE OF ORDINANCES PERTAINING TO SEWER CONNECTIONS BY ADOPTING THE CONNECTION RULES OF THE SAN ANTONIO WATER SYSTEM.

William Kanyusik of 6817 West Avenue spoke about the environmental impact of the city's requirement to connect to the sewer system upon the sale of a property that is within 200 feet of the sewer line being greater than allowing the property to stay on a well-maintained septic system.

Frank Paul of 112 Shalimar asked why both Items K and L were on the agenda. He commented that Item L should come from the result of Item K.

Councilmen Smiley-Kaliff said that he thought the ordinance was a really good stop-gap measure for the present time that would not penalize residents while the study is conducted.

Motion: Council member Smiley-Kaliff made a motion to adopt an ordinance amending the Code of Ordinances pertaining to sewer connections by adopting the connection rules of the San Antonio Water System. The councilman read the proposed ordinance.

Council member Gregory remarked that Item L is a moot point because of the passage of Item K. Discussion continued among council members. Gregg Smith of 308 Caladium came forward to assure the council that his committee would look at where the problems are and the economic impact they have. Councilman McGuire commented that discussing the ordinance seemed premature. Councilman Smiley-Kaliff withdrew his motion; and upon agreement by the council, the mayor said she was removing Item L from the agenda. No action was taken.

M. CONSIDER SETTING A TIME, DATE, AND PLACE FOR A SPECIAL MEETING TO DISCUSS THE CASTLE HILLS FY 2009 AND FY 2010 BUDGETS.

Motion: After brief discussion, Councilman Smiley-Kaliff moved to set the time for the Special Meeting to discuss the Castle Hills 2009 and 2010 FY budget on June 23, 2009 at 5:30 p.m. Council member Gregory seconded the motion. The motion passed unanimously.

VIII. ADJOURNMENT

Mayor Harper adjourned the meeting at 8:45 p.m.

These minutes were approved on the 14th day of July, 2009.

APPROVED:

Marcy Harper, Mayor

ATTEST:

Linda Gill, City Secretary