

CITY OF CASTLE HILLS
REGULAR CITY COUNCIL MEETING
MINUTES OF JULY 14, 2009

The City Council of the City of Castle Hills convened at 6:00 p.m. on the 14th day of July, 2009, in the Council Chambers of the City of Castle Hills, 209 Lemonwood Drive, Castle Hills, Texas.

The attendance roster included Brad Boeckner, Judie Boeckner, LaVerne Japhet, Leavard Brieden, Patsy Brieden, Mark Norville, William Beuhler, Pamala Farris, Vera Howard, Joan Beurschinger, Bill Martin, Greg Smith, Frank Paul, Bonnie Batchelder, H.H. Batchelder, Kathleen Hurren, Julie McClure, Beverly Rollins, A.C. Armstrong, and Joe Rodriguez.

I. OPENING

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

Staff present was Interim 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.

- B. INVOCATION – Bill Martin

- C. PLEDGE OF ALLEGIANCE – LaVerne Japhet

- D. CONSIDERATION OF THE MINUTES OF THE CITY COUNCIL MEETING HELD ON JUNE 9, 2009.

Motion: Councilman Gregory moved to approve the minutes of the city council meeting held on June 9, 2009. The motion, seconded by council member Huff, passed unanimously.

- E. CONSIDERATION OF THE MINUTES OF THE SPECIAL CITY COUNCIL MEETING HELD JULY 1, 2009.

Motion: Council member Huff moved to approve the minutes of the special city council meeting held July 1, 2009. Councilman Davis seconded the motion. The motion passed unanimously.

- F. CONSIDERATION OF THE MINUTES OF THE SPECIAL CITY COUNCIL MEETING HELD JULY 7, 2009.

Motion: Council member McGuire moved to approve the minutes of the special city council meeting held July 7, 2009. The motion, seconded by council member Davis, passed unanimously.

G. CONSIDERATION OF THE TREASURER'S REPORT FOR THE MONTH OF JUNE, 2009.

Motion: Councilman Gregory moved to approve the Treasurer's Report for the month of June, 2009. Seconded by council member Huff, the motion passed unanimously.

II. ANNOUNCEMENTS

A. MOSQUITO SPRAYING SCHEDULED FOR JULY 16, 2009 BEGINNING AT 11:00 P.M.

The mayor announced that the city had scheduled spraying for mosquitoes on July 16th beginning at 11:00 in the evening.

B. NEIGHBORHOOD WATCH MEETING AT 7:00 P.M. ON JULY 21, 2009 IN THE COMMUNITY ROOM.

Mayor Harper encouraged citizens to attend the Neighborhood Watch meeting on July 21st in the Community Room. She said that she hoped to have 30-40 streets involved in the program by the end of the year.

Council member Huff said that a business owner, new to the city, said that he had never experienced the quality of service he receives in Castle Hills. He indicated that, when he went to the city staff for anything, he was very pleased. Ms. Huff said thank you to the city employees.

III. CITIZENS TO BE HEARD

William Beuhler of 124 Cas Hills expressed his approval of the neighborhood watch program, adding that the Police Department needs more eyes with the economy like it is.

Joan Buerschinger of 212 Glentower asked that the city skip spraying for mosquitoes this month because she is allergic to the spray, and there hasn't been any rain.

IV. REPORTS

- Greg Smith, chairman of the On Site Sewage Facility (OSSF) committee, reported that the committee held its first meeting on June 16th to chart and identify septic tanks in the city. He brought in experts from SAWS and Bexar County, who provided a wealth of information. Mr. Smith said the city has about 150 septic tanks, and there has been no report of failures. He stressed that septic tanks in good operating order pose no health threat. He indicated that Public Works Director Rick Harada has an aerial (living) map of the city that will change as new

information is discovered. He said that Bexar County has full jurisdiction over septic tanks.

Mr. Smith commented that the committee wants to create an ordinance, changing the rule about having to hook up to the sewer line, when a property changes hands, if that property is 200 feet from the city sewer line. He said that he had Mr. Rietz draw up an ordinance and will have Mr. Brennan check it. He indicated that the next meeting will be August 4th. He said that his plan is to talk with council members individually before then and to have a final ordinance by the next regular council meeting.

Council member Huff said that the motion made to form the committee did not include writing a new ordinance. She recalled that the committee was to study the city sewer system and questioned how that got changed. Mr. Smith said it came from a discussion among the committee members. He said that they found the city's ordinance is not in compliance with Bexar County and should be.

Councilman Gregory asked who typed the handout that said, "How to Change Ordinance?" Mr. Smith said that it was typed by Margaret Kanyusik, who offered to be the committee's secretary. Mr. Gregory remarked that Ms. Kanyusik has an interest in an ordinance change.

Council member Huff read the motion made in June to appoint the committee. Mr. Smith stated that he is not political and is trying to do the right thing for the city, on and off the sewer. He said he is working to make a recommendation to the city.

Councilman Gregory said that it will be up to City Council to decide what needs to be done when the information is reported. He explained that it would help the council make a decision if they could get a report in bullet points. Council member Huff added that she would prefer to hear things in the council meeting, rather than individually.

Mayor Harper explained that she appointed Greg Smith because he has an opposite view from her, as far as septic systems. She wanted someone who could bring a non-biased view to the council. She indicated that the city is not mandated to go along with SAWS and can keep the ordinance it has. She suggested that sending copies of the committee meeting minutes to council would be helpful. The mayor confirmed that the Kanyusik's had come to Council with a request to waive the sewer hook-up, so there is a little conflict of interest for Margaret Kanyusik to be the secretary of the committee. Mayor Harper acknowledged that Greg Smith had done an awful lot of work on the project and said that she looked forward to the report he will bring to Council.

Councilman Gregory reiterated his request for a bullet point report, stressing how helpful it would be. Councilman McGuire said that he

advocated expediency in producing the report, if possible, in the next 30 days. Then, if they are looking at changing the ordinance, they can plan to do so in the next 30-60 days.

Mr. Smith agreed to get a bullet point report together and present it to the entire council. No action was taken.

Mayor Harper announced that City Manager Mike Rietz was no longer employed by the City of Castle Hills and that Assistant City Manager Rita Hoyl was appointed as Interim City Manager by City Council.

- Interim City Manager Rita Hoyl presented the June, 2009 Investment Report and reported on Building and Health Inspections; Code Enforcement Activities. Councilman Gregory asked Ms. Hoyl to investigate what the city can invest in. He said that Mr. Rietz had alluded that investment opportunities had widened for cities.
- Police Chief Donny Davis gave the June, 2009 Police Activity and STEP Report. Mayor Harper said that Detective Mark Pardaen had said that they could put burglaries and other incidents on the website by street. The chief said that the detective was working on that, but he was not finished. The mayor asked if they could have something in the next 30 days. She said that she also would like the council to be notified through Ms. Hoyl of anything extraordinary that happens in the city, such as the dog that was shot recently. When the council gets phone calls, they won't have to say they don't know about an incident.

Councilman McGuire suggested a graph of open cases at the end of each month for the past year. Chief Davis said that Detective Pardaen keeps a log of cases, but he would see what they can put together. He mentioned that his long term plan was to have the Crime Control District buy a module to track cases. Mayor Harper recommended that Mr. McGuire meet with the chief and Detective Pardaen.

- Fire Chief Jerry Riedel presented the June, 2009 Fire Incident and Activity Report. Responding to a request from Councilman Gregory, the chief offered to look up the cause of the gas leak on Trillium and call Mr. Gregory.
- Public Works Director Rick Harada gave the June, 2009 Activity Report for his department. He reported picking up twelve dogs in one month. He cautioned owners to make sure their pets have shade, water, and food in the hot weather, especially dogs leashed in yards. He said that he cannot pick up if they are inside a fenced yard. Mayor Harper said he should use the Police Department to pick them up if necessary.
- Court Administrator Wendy Reyes presented the Municipal Court Activity Report for June, 2009. In answer to Councilman McGuire, Ms. Reyes said that she can only track warrants from 2005 because that is

where they start on her computer. She added that a new warrant officer has been hired, and she expects collections of warrants to rise.

V. OLD BUSINESS

A. RESOLUTION RECOGNIZING TIM HOWELL FOR HIS SERVICE ON CITY COUNCIL.

Ms. Hoyl explained that, although it was read and presented, Resolution No. 0906-01 was mistakenly omitted as an action item on the June 9th agenda and was not voted on by the council.

Motion: Councilman Gregory moved to pass Resolution No. 0906-01 recognizing Tim Howell for his service on City Council. Councilman Davis seconded the motion. The motion passed unanimously.

(A copy of Resolution No. 0906-01 is attached and made a part of the Minutes)

VI. NEW BUSINESS

A. CONSIDER ORDINANCE AMENDING CHAPTER 21 OF THE CASTLE HILLS CODE OF ORDINANCES REGARDING DISTRIBUTION OF ADVERTISING MATERIALS.

Councilman Gregory explained that he had received calls from citizens concerned about flyers and materials left in front of houses by peddlers that could be a sign that it is clear and safe to rob a house. He said this ordinance just changes things that can be dropped off in front of a house. It eliminates all those items dropped off by peddlers and people trying to sell stuff, but allows deliveries by Federal Express, UPS, etc. Council member Huff asked that the ordinance wording be changed to include certain delivery services, but not be limited to those delivery services. She questioned how the ordinance would be enforced.

Interim City Manager Hoyl explained that a spreadsheet will have to be created to track the permits, but the ordinance will be difficult to enforce. By tracking permits issued, she said future permits can be denied to violators. Otherwise, residents will have to report violations to the city. City Attorney Brenan said that fines were not specifically stated in the ordinance because fines regarding all ordinances in the City Code are covered at the beginning of the Code.

Motion: Council member Gregory moved to adopt the ordinance amending Chapter 21 of the Castle Hills Code of Ordinances regarding distribution of advertising materials, subject to changes the city attorney will put in on the 6th line of the 3rd paragraph beginning with the words "such as." Seconded by council member Huff, the motion passed unanimously. The ordinance as passed and approved is captioned as follows:

ORDINANCE NO. 1024

AN ORDINANCE AMENDING CHAPTER 21: SOLICITORS, PEDDLERS, AND DISTRIBUTORS BY PROHIBITING THE PLACEMENT OF ADVERTISEMENTS ON PRIVATE PROPERTY WITHOUT THE CONSENT OF THE PROPERTY OWNER AND REQUIRING THE CITY MANAGER TO INVESTIGATE AND ISSUE REQUIRED PERMITS FOR SOLICITORS, PEDDLERS, AND DISTRIBUTORS.

(A copy of Ordinance No., 1024 is attached and made a part of the Minutes)

B. CONSIDER ORDINANCE AMENDING CHAPTER 4 BILLBOARDS AND SIGNS, SECTION 4.108.

Mayor Harper explained that the city can help the success of Castle Hills businesses by extending the period of time a business can display temporary signs from 30 days to 60 days per calendar year.

Motion: Council member Huff moved to pass the ordinance amending Chapter 4 Billboards and Signs, Section 4.108. Councilman Gregory seconded the motion. The motion passed unanimously. Ordinance No. 1023 as passed and approved is captioned as follows:

ORDINANCE NO. 1023

AN ORDINANCE AMENDING CHAPTER 4 BILLBOARDS AND SIGNS, PERTAINING TO TEMPORARY BUSINESS SIGNS AND BANNERS.

(A copy of Ordinance No., 1023 is attached and made a part of the Minutes)

C. RESOLUTION AUTHORIZING THE INTERIM CITY MANAGER TO SIGN THE LETTER OF INSTRUCTION FOR MELLON INVESTOR SERVICES.

Councilman Gregory said a Letter of Instruction is the standard operating procedure when an entity or person sells stock. Mr. Brennan said that this resolution is needed for the sale of the stock that was donated to the city. He said, when stock is sold to a New York transfer agent or an out of state transfer agent, they want specific authority to sell the stock. The resolution states the specific number of shares and the

name of the common stock, as well as the person authorized to sell the stock.

Motion: Council member Gregory moved to pass the resolution authorizing the Interim City Manager to sign the Letter of Instruction for Mellon Investor Services. Councilman Davis seconded the motion. The motion passed unanimously. The resolution as passed and approved is captioned as follows:

RESOLUTION 0907-02

A RESOLUTION AUTHORIZING THE SALE OR OTHER DISPOSITION OF APPROXIMATELY 254 SHARES OF STANCORP FINANCIAL GROUP INC. COMMON STOCK OWNED BY THE CITY OF CASTLE HILLS.

(A copy of Resolution No. 0907-02 is attached and made a part of the Minutes)

VIII. ADJOURNMENT

Mayor Harper adjourned the meeting at 7:15 p.m.

These minutes were approved on the 11th day of August, 2009.

APPROVED:

Marcy Harper, Mayor

ATTEST:

Linda Gill, City Secretary