

CITY OF CASTLE HILLS
REGULAR CITY COUNCIL MEETING
MINUTES OF SEPTEMBER 8, 2009

The City Council of the City of Castle Hills convened at 6:00 p.m. on the 8th day of September, 2009, in the Council Chambers of the City of Castle Hills, 209 Lemonwood Drive, Castle Hills, Texas.

The attendance roster included Craig Bertolett, LaVerne Japhet, Bill Martin, Dr. R. Szecsy, William Beuhler, Donald Harris, A.T. Renaud, Joan Buerschinger, Brother William Dooling, Terry Carter, Susan Kilgore, Barbara Bertolett, Helen Glass, William Schluter, Helen Schluter, and Frank Paul.

I. OPENING

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

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 AUGUST 11, 2009.

Motion: Councilman Smiley-Kaliff moved to approve the minutes of the city council meeting held on August 11, 2009. The motion was seconded by Councilman McGuire and passed with a unanimous vote.

- E. CONSIDERATION OF THE MINUTES OF THE SPECIAL CITY COUNCIL MEETINGS HELD AUGUST 27, 2009.

Motion: Council members Smiley-Kaliff and Huff pointed out corrections, and then council member Huff made a motion to approve the minutes of the special city council meeting held August 27, 2009, at 5:00 p.m. as amended. Councilman Gregory seconded the motion. The motion passed unanimously.

Motion: After noting one correction, council member Huff moved to approve the minutes of the second special city council meeting held August 27, 2009, at 6:00 p.m. as amended. Councilman Davis seconded the motion. The motion passed unanimously.

F. CONSIDERATION OF MINUTES OF THE SPECIAL CITY COUNCIL MEETING HELD SEPTEMBER 2, 2009.

Councilman Gregory requested a correction to the minutes of the special city council meeting on September 2, 2009. He then moved to approve them as amended. Seconded by Councilman Smiley-Kaliff, the motion passed unanimously.

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

Motion: Councilman Gregory moved to approve the Treasurer's Report for the month of August, 2009. Council member McGuire seconded the motion. The motion passed with a unanimous vote.

II. ANNOUNCEMENTS

Councilman Davis said that seasonal flu shots are available, and he encouraged everyone to get them early. He said that the H1N1 shots will be available in a couple of weeks.

Councilman Smiley-Kaliff announced the passing of long-time resident Frank Whitehead, who lived at 113 Castle Lane.

III. CITIZENS TO BE HEARD

William Beuhler of 124 Cas Hills Lane commented that he misses Charlie Barbera, who is in his nineties, video taping the meetings. He said that he hopes that Mr. Barbera is doing well. He said he noticed that Richard Green's house has a *For Sale* sign on it, and he misses him coming to the council meetings. He said that, when the council considers Chapter 11, he would like to hear their comments on what the tax rate is this fiscal year.

Craig Bertolett of 128 Elizabeth Ann Court said that he came to the meeting because the budget interests him. He discussed Account 5527 in the 2006 budget, an engineering study of the concrete channel. Mr. Bertolett was amazed at the \$3,511.27 spent for the study because he turned in a report on the channel prepared by him and a group of his peers and offered it to the council for \$100, which was his cost. He recounted that the council rejected his report. He said that he found it strange that the council turned down a report from five engineers that indicated there was nothing wrong at all concerning the channel. Mr. Bertolett mentioned that he had asked the staff for help on some other budget items.

Susan Kilgore of 110 Sheffield reminded everyone about *Shop Castle Hills*, October 5th through the 10th. She said that she wanted to impress on citizens to patronize businesses in the city. She explained that shoppers should look for a purple and gold flyer that a vendor will have in the window. Those vendors will hand out vouchers that shoppers can put in a hopper on October 10th at

Movie Night on The Commons. A drawing will be held to give away great prizes, compliments of IBC.

Bill Schluter of 112 Lemonwood commented that, over the years, he participated in many campaigns for people who wanted to be elected. He said some of them were elected, and some of them weren't elected. What he found interesting was that many people did not vote, but later complained about what was going on. Mr. Schluter said that he commended everybody who had come to the budget meetings. He said those who did not come must be completely confident that the proposed budget is what they want.

Bill Martin of 113 Cobblestone Court said that a couple of meetings ago several members of Castle Hills First Baptist Church came up to him and complimented the Castle Hills Police Department for the job they did that Sunday the protestors were at the church.

IV. REPORTS

- Interim City Manager Rita Hoyl gave the August Investment Report, Building and Health Inspection report, and Code Enforcement Activities report.
- Police Chief Donny Davis reported on the August, 2009 Police Activity and STEP program. He announced that Tuesday, October 6, is *National Night Out*. He said it will be held on The Commons between 6:30 and 8:30. There will be hot dogs, cookies, and drinks.
- Fire Chief Jerry Riedel presented the August, 2009 Fire Incident and Activity Report.
- Public Works Director Rick Harada gave the August, 2009 Activity Report for his department. He held up new stop signs and crime watch signs that he purchased. He said they are compliant with new standards and will last longer than the present signs.
- Court Administrator Wendy Reyes presented the Municipal Court Activity Report for August, 2009.

V. OLD BUSINESS - None

VI. NEW BUSINESS

A. CONSIDER AND ACT UPON AN ANNUAL HEALTH BENEFITS PLAN FOR CITY EMPLOYEES.

Ms. Hoyl explained to the council that last month she was directed to put the cost in the budget if the city contributed 100% of the employee premium. She added that the cost in the budget also included the city's contribution for the difference the employee would incur for

dependent insurance under the new policy. She said the total increase in the budget is \$90,715. Ms. Hoyl referred council members to their packets and pointed out that the increased cost in the budget would be \$75,565 if the city contributed only the employee premium.

Councilman Smiley-Kaliff remarked that, by far, the employee health insurance cost is the most difficult thing the council had to deal with concerning the budget. He said that the council wants to give taxpayers the most value for their dollar; and yet, take care of the employees who serve the taxpayers. He mentioned that the employees are the people who provide the city services that residents enjoy. He recounted that the city was unable to give employees a cost of living raise and said that he felt very strongly that the council should approve the amount in the budget that will not cost the employees any more out of pocket expense at this time.

Council member Huff said that the amount the city pays for the employees' insurance premium is a benefit to each employee of \$4,300 per year. She said, if the council approves the amount in the proposed 2010 budget, that benefit will increase to \$5,600 per employee.

Councilman Davis expressed the general agreement among council members that what is done this year will affect next year. Councilman Gregory said that this would be the last year that the city would pay 100% of the employee cost. Councilman McGuire remarked that the overriding problem is how the city can take care of employees. There will be no cost of living allowance, TMRS is going up, and the insurance will have a \$1,500 deductible. There is nothing they can do about it. There is no other choice.

Motion: Council member Smiley-Kaliff moved to approve and put in the budget the single option CPOS with a \$1,500 deductible at a cost of \$367,184, an increase of \$90,715, which covers 100% of the employee insurance premium and the increase over the amount employees paid last year for dependent coverage. Council member Gregory seconded the motion. The motion carried unanimously.

B. CONSIDER AND ACT UPON ENTERING INTO AN AGREEMENT WITH ACADIAN AMBULANCE SERVICE, INC. FOR AMBULANCE AND EMERGENCY MEDICAL SERVICES.

Chief Riedel explained that he had started looking last May for an alternative to the city's current ambulance and EMS. He said the city has contracted with the City of San Antonio for the past 25 years, but the rates gone up substantially. For example, in 2008 the cost was \$215,000, in 2009 the cost is \$237,000, and in 2010 it was going to \$256,000. He said that he and the former city manager sent out Requests for Proposals last May. He said that his recommendation is for the city to join in an

agreement with Acadian Ambulance Service. He referred the council to a copy of the agreement.

Councilman McGuire said that the budget crisis would not allow the city to continue to pay San Antonio. He mentioned that the only sacrifice is that the response time will be 12 minutes, rather than 10 minutes. He added that the downside is that the city will have to start charging for the first visit. He concurred with Chief Riedel that the city should contract with Acadian Ambulance.

In answer to a question from the mayor, Chief Riedel said that the proposal is \$70,000. He indicated that a unit will be stationed at or near the city, but Acadian will not be exclusive to Castle Hills. He said they also contract with other outlying municipalities and Bexar County. There will be times when they may be called to the other agencies, but they will provide a stand-by unit if that happens. They have 60 units and are planning to increase that number.

Mr. Brenan indicated that he liked the contract. He said that he negotiated a contract between Windcrest and Acadian several months ago. He said that it is basically the same contract Bexar County has and is very favorable for the city. Chief Riedel stressed that the change is in no way a reflection on San Antonio. He said the city always received excellent service from them.

Motion: Council member Smiley-Kaliff moved to enter into an agreement with Acadian Ambulance Service, Inc. for ambulance and emergency services. Council member Huff seconded the motion. The motion passed unanimously.

C. CONSIDER AND ACT UPON AN INTERLOCAL AGREEMENT WITH BEXAR METROPOLITAN WATER DISTRICT TO PROVIDE BILLING AND COLLECTION SERVICES FOR THE CITY'S GARBAGE AND TRASH OPERATIONS.

Interim City Manager Hoyl explained that BexarMet requires the city to sign an agreement to continue billing and collecting the city's garbage fees. Mr. Brenan went over the terms of the contract BexarMet proposed. He said it was basically a seven-year contract beginning in 2003 and ending in 2010. He said that they need it for audit purposes, and either party can cancel it at any time. Ms. Hoyl explained that she assumes the contract will take effect on January 1, 2010, and BexarMet is increasing their fees by 6%. Mr. Brenan suggested that whoever made the motion should say fee is prospective and not retroactive and will start on January 1.

Motion: Council member Smiley-Kaliff moved to enter into an interlocal agreement with Bexar Metropolitan Water District to provide billing and collection services for the city's garbage and trash operations that states

a prospective fee of 6% of gross collections or \$1.26 per month per account, whichever is more, and will take effect January 1, 2010. The fee will in no way be retroactive. Seconded by Councilman Davis, the motion carried 4 to 1. Council member Gregory opposed the motion.

- D. CONSIDER AND ACT UPON AN ORDINANCE AMENDING CHAPTER 20 SEWER SERVICE TO INCREASE FEE FOR CONNECTION OF PLUMBING FIXTURES TO SAWS SEWER SYSTEM.

Ms. Hoyl indicated that this permit fee was omitted from the ordinance that Council passed in August.

Motion: Councilman Gregory moved to approve the ordinance amending Chapter 20 Sewer Service to increase fee for connection of plumbing fixtures to SAWS sewer system. Councilman Davis seconded the motion. The motion passed unanimously. The ordinance as passed is captioned below:

ORDINANCE NO. 1028

AN ORDINANCE AMENDING CHAPTER 20, SEWER SERVICE, OF THE CODE OF ORDINANCES BY INCREASING THE PERMIT FEE FOR CONNECTION OF PLUMBING FIXTURES IN THE CITY TO THE SEWER SYSTEM OF THE SAN ANTONIO WATER SYSTEM.

(A copy of Ordinance No. 1028 is attached and made a part of the minutes)

- E. CONSIDER AND ACT UPON AMENDING CHAPTER 11.111 TO PROVIDE BILLING FOR ALL EMERGENCY MEDICAL TECHNICIAN CALLS TO RESIDENTIAL ADDRESSES IN THE CITY.

In response to questions from the mayor, Chief Riedel indicated that he had collected \$1,045 from May through July for second calls to EMT. He said that was about 60% of what he had billed. He said they were billed at \$55 per call. He said that this ordinance would provide for billing all EMT calls to residential addresses in the city. Councilman Gregory suggested that the ordinance should say all EMT calls, period.

Councilman McGuire agreed that calls should be billed to both residential and commercial areas. He said that no one on the council likes to impose the fees, but it is the only way the city can pay for replacement of the city's ambulance.

Responding to questions from council member Huff, Ms. Hoyl explained how the amount in the budget was figured. She said she had talked to Mark Smith of Smith and Heard, and he said they could send a demand letter for delinquent fees. Ms. Huff said that she did not see how expanding the fees would make things better, if collections are only 60% of what is billed. Councilman Davis said that he feels that the ordinance is a tax on the elderly and infirm, and he will not vote for it. He said that he will vote on keeping it the way it is now.

Councilman Gregory stated that EMT is a luxury. Council member McGuire said that EMT is critical, and it is that two to five minute response that can determine whether someone lives or not. He said it is not a luxury. He asked where they are going to get that additional money to buy an ambulance, if calls are not billed.

Chief Riedel explained how EMT and EMS calls are charged, and said that EMS charges are commonly reimbursed by insurance. A suggestion was made to bill only EMT calls that are not transported by EMS to avoid double billing. EMT calls are not reimbursed by insurance. The chief said that 50% of calls are transported to the hospital by San Antonio EMS.

Responding to a question from Councilman Gregory, Ms. Hoyl stated that there is a line item in the budget under Capital Expenditures where the EMT fees will be allocated for a new ambulance and not just added to the General Fund.

Terry Carter of 125 South Winston clarified that the council was trying to decide when EMT fees would be billed.

Joan Buerschinger of 212 Glentower praised the city's EMT service when her husband died.

Craig Bertolett of 128 Elizabeth Ann Court commented that when he calls 911; it is an emergency, and he wants EMS, not want EMT. He spoke against passing fees on to citizens.

Mayor Harper called for a break at 8:00 p.m. The council reconvened at 8:10 p.m.

Motion: The mayor called the meeting to order and Councilman Gregory moved to amend Chapter 11.111 to provide billing for all emergency medical technician calls within the City of Castle Hills. All fees will be based on non-emergency calls; i.e., all calls that do not require EMS transport to an emergency facility. All fees collected will be placed in a fund for medical supplies and repair or replacement of an EMT vehicle. Council member Huff asked for clarification that fees charged by Acadian Ambulance Service would replace all supplies used by EMT during a

call. Chief Riedel confirmed that was true. Council member Davis seconded the motion.

Councilman McGuire made a motion to amend the previous motion to eliminate all fees charged by Castle Hills for emergency response. Council member Huff seconded the motion. The motion carried with a vote of 3 to 2. Councilmen Davis and Gregory opposed the motion.

Discussion continued among council members and resulted in additional ideas and suggestions regarding the billing of EMT calls. Council member Huff mentioned that, if they were going to go back to the drawing board, they should look at it next month. Councilman Smiley-Kaliff agreed and said that they should reverse the motion just passed and this item should be tabled until next month. General agreement among council members led to an additional motion.

Motion: Councilman Smiley-Kaliff moved to reverse the last motion and reinstate the ordinance that was in place before that motion was passed. Councilman Gregory seconded the motion. The motion passed 4 to 1. Council member Huff cast the opposing vote.

F. ORDINANCE ACKNOWLEDGING THE FY 2010 BUDGET WILL RAISE MORE TOTAL PROPERTY TAXES THAN LAST YEAR'S BUDGET BY \$164,961 OR 7.4%; AND OF THAT AMOUNT, \$16,399 IS TAX REVENUE TO BE RAISED FROM NEW PROPERTY ADDED TO THE TAX ROLL THIS YEAR.

Motion: Councilman McGuire moved to adopt an ordinance acknowledging the FY 2010 Budget will raise more total property taxes than last year's budget by \$164,961 or 7.4%; and of that amount, \$16,399 is tax revenue to be raised from new property added to the tax roll this year. The motion was seconded by council member Huff. The motion passed unanimously. The ordinance as adopted is captioned as follows:

ORDINANCE NO. 1029

AN ORDINANCE RATIFYING THE PROPERTY TAX INCREASE REFLECTED IN THE 2010 FISCAL YEAR BUDGET.

(A copy of Ordinance No. 1029 is attached and made a part of the Minutes)

G. DISCUSSION AND CONSIDERATION OF AN ORDINANCE ADOPTING THE FY 2010 CITY BUDGET.

Motion: Councilman Smiley-Kaliff moved to pass an ordinance adopting the FY 2010 City Budget. Councilman Gregory seconded the motion. Councilman McGuire discussed the need for a strategic plan to eliminate the budget deficit; and he said that, until that is done, he cannot support

this budget. The mayor asked for a vote, and the motion passed 4 to 1. Councilman McGuire opposed the motion. The ordinance as passed is captioned as follows:

ORDINANCE NO. 1030

AN ORDINANCE MAKING APPROPRIATIONS FOR THE SUPPORT OF THE CITY OF CASTLE HILLS FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2010, AND ENDING DECEMBER 31, 2010, AND ADOPTING THE ANNUAL BUDGET OF THE CITY OF CASTLE HILLS FOR THE 2010 FISCAL YEAR.

(A copy of Ordinance No. 1030 is attached and made a part of the minutes.)

- H. CONSIDER AND ACT UPON ADOPTING A TAX RATE OF \$0.458668 FOR THE 2010 FISCAL YEAR AND AN ORDINANCE IN SUPPORT THEREOF.

Motion: Council member Smiley-Kaliff moved to adopt a tax rate of \$0.458668 for the 2010 fiscal year and an ordinance in support thereof. The motion was seconded by Councilman Davis, and passed unanimously. The ordinance as passed is captioned as follows:

ORDINANCE NO. 1031

AN ORDINANCE LEVYING AD VALOREM TAXES FOR USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF CASTLE HILLS, TEXAS FOR THE 2010 FISCAL YEAR; PROVIDING FOR APPORTIONING EACH LEVY FOR SPECIFIC PURPOSES; AND, PROVIDING WHEN TAXES SHALL BECOME DUE AND WHEN SAME SHALL BECOME DELINQUENT IF NOT PAID.

(A copy of Ordinance No. 1031 is attached and made a part of the Minutes)

- I. CONSIDER AND ACT UPON AMENDING FY 2009 CITY BUDGET IN AN AMOUNT NOT TO EXCEED \$750 FOR THE PURCHASE OF A 250 GALLON ABOVE GROUND PROPANE TANK AND FUEL.

Motion: Council member Smiley-Kaliff moved to amend the FY 2009 city budget in an amount not to exceed \$750 for the purchase of a 250 gallon above ground propane tank and fuel. Councilman Gregory seconded the motion. The motion passed unanimously.

J. CONSIDER AND ACT UPON APPOINTMENT OF MEMBERS TO THE CASTLE HILLS CRIME CONTROL AND PREVENTION DISTRICT.

Motion: Upon the recommendation of Mayor Harper, council member Smiley-Kaliff moved to reappoint the following current members of the Crime Control and Prevention District board to another two-year term beginning September 1, 2009: Jack Joyce, Betty Chandler, and Frank Paul. Council member Huff seconded the motion. The motion passed unanimously.

VII. ADJOURNMENT

The mayor adjourned the meeting at 8:30 p.m.

These minutes were approved on the 13th day of October, 2009.

APPROVED:

Marcy Harper, Mayor

ATTEST:

Linda Gill, City Secretary