

CITY OF CASTLE HILLS
REGULAR CITY COUNCIL MEETING
MINUTES OF NOVEMBER 12, 2008

The City Council of the City of Castle Hills convened at 6:00 p.m. on the 12th day of November, 2008, in the Council Chambers of the City of Castle Hills, 209 Lemonwood Drive, Castle Hills, Texas.

The attendance roster included Randall Byrd, LaVerne Japhet, Bill Martin, John Coyle, Jorge Cabello, Ed Liske, Pamala Farris, Gloria O'Brien, Dan O'Brien, Susana Rios, Bill Schultz, John Mack, Dr. John R. Daggett, Helen Glass, Susan Kilgore, Robert Riley, May and George Soo, Bill Schluter, Brother William Dooling, Julie McClure, Rachel Trevino, and Andrea Rodriguez.

I. OPENING

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

Staff present was City Manager Mike Rietz, Assistant City Manager Rita Hoyle, City Secretary Linda Gill, City Attorney Michael S. Brennan, Court Administrator Wendy Reyes, Police Chief Donny Davis, and Fire Chief Jerry Riedel. Public Works Director Rick Harada was absent.

- B. INVOCATION – Bill Martin

- C. PLEDGE OF ALLEGIANCE – LaVerne Japhet

- D. CONSIDERATION OF THE MINUTES OF THE CITY COUNCIL MEETING HELD ON OCTOBER 14, 2008.

Motion: Council member Gregory moved to approve the minutes of the council meeting held on October 14, 2008. Councilman Smiley seconded the motion. The motion passed unanimously.

- E. CONSIDERATION OF THE MINUTES OF THE SPECIAL CITY COUNCIL MEETING HELD OCTOBER 23, 2008.

Motion: Council member Gregory moved to approve the minutes of the special council meeting held on October 23, 2008. Council member Smiley seconded the motion. The motion passed unanimously.

- F. CONSIDER AND ACT UPON THE TREASURER'S REPORT FOR THE MONTH OF OCTOBER, 2008.

Motion: Councilman Gregory moved to approve the October, 2008 Treasurer's Report. Council member Huff seconded the motion. The motion passed unanimously.

II CITIZENS TO BE HEARD

Diane Pfeil of 214 Atwater recognized former mayor Joyce Buie, who was responsible for the creation of the Red Ribbon Corps. Ms. Pfeil announced that over 15,000 red velvet ribbons were placed on graves at Fort Sam Houston on Veterans Day. She said that the ribbons were handmade and thanked Councilmen Smiley and Davis, former Councilman Bob Ford, the boy scouts and girl scouts who made the ribbons. Ms. Pfeil, who served on the steering committee, said the goal next year is to place the ribbons on every grave. She said there are 117,000 graves now. She added that help is needed both financially and physically.

Joyce Buie of 222 Carolwood came forward to say that flags are put on the graves on Memorial Day, but nothing on Veterans Day. She said that there are 200 national cemeteries in the United States, and she would like to have the ribbons placed in all of them.

III. REPORTS

- City Manager Mike Rietz gave the October, 2008 Investment Report.
- Assistant City Manager Rita Hoyl reported on the October, 2008 Building and Health Inspections; Code Enforcement Activities.
- Police Chief Donny Davis gave the October, 2008 Police Activity and STEP Report. The mayor asked Chief Davis to bring information on the curfew ordinance to the next council meeting.
- Fire Chief Jerry Riedel presented the October, 2008 Fire Incident and Activity Report.
- City Manager Rietz gave the October, 2008 Activity Report for Public Works Director Rick Harada, who was absent due to illness.
- Court Administrator Wendy Reyes presented the Municipal Court Activity Report for October, 2008.

IV. OLD BUSINESS

- A. CONSIDER AND ACT UPON AN ORDINANCE AMENDING CHAPTER 4, SECTION 4.109(A) POLITICAL SIGNS ON PUBLIC PROPERTY.

Councilman Gregory indicated that allowing political signs on public property was put on the agenda at his request. He noted that, in the last election, Castle Hills had the only polling place that prohibited political signs. He said the council had discussed changing the ordinance at a previous meeting, but did not want to change it in the middle of the election.

Councilman Davis said that the ordinance also addresses taking down the signs. Councilman Smiley commented that he supported allowing the signs. Council member Howell expressed concern about who was going to be responsible for taking the signs down. Mr. Brenan said that the ordinance can state who is responsible. Councilman Howell remarked that, during the next election, they can all watch things deteriorate when signs are not removed and are lying on the ground. Council member Huff said that the person putting up the sign should be the one to take it down.

Motion: Discussion ended when Councilman Gregory moved to adopt an ordinance amending Chapter 4, Section 4.109(a) to allow political signs on public property. Seconded by Councilman Davis, the motion passed with a vote of 4 to 0. Councilman Howell abstained from voting. The ordinance as passed and approved is captioned as follows:

ORDINANCE NO. 1009

AN ORDINANCE AMENDING CHAPTER 4, BILLBOARDS AND SIGNS, SECTION 4.109 POLITICAL SIGNS, OF THE CODE OF ORDINANCES TO PERMIT POLITICAL SIGNS ON DESIGNATED AREAS OF THE CITY HALL AND ADJACENT COMMON AREAS DURING ELECTION PERIODS.

(A copy of Ordinance No. 1009 is attached and made a part of the Minutes)

V. NEW BUSINESS

- A. CONSIDER THE RECOMMENDATIONS OF THE ARCHITECTURAL REVIEW COMMITTEE ON AN APPLICATION FROM LOPEZ SALAS ARCHITECTS, INC. REGARDING PROPOSED ADDITIONS TO JACKSON KELLER ELEMENTARY SCHOOL AT 1601 JACKSON KELLER ROAD.

Jorge Cabello, representing Northeast Independent School District, related the school district's plans to construct a new building with 29 permanent classrooms to replace the current 29 temporary classrooms with funds from a recent bond election. Robert Lopez of Lopez Salas Architects explained the design of the building. Questions concerning details of the building design, new landscaping and traffic circulation

on the school campus were discussed. Mr. Lopez indicated that additional lighting would be minimal and fixtures would be hooded to minimize the affect on nearby residents.

Brother William Dooling of 201 Gladiola commented that he was speaking both as a resident and a Board of Adjustment member. He recalled that the school district sent a request to the Board of Adjustment with a set of plans; but what was indicated at the meeting was not according to those plans. He said he was concerned about parking and the lighting. He suggested the lights should be turned toward the school building and not the residents.

LaVerne Japhet of 12 Shady Cove asked for confirmation from Mr. Lopez that the architect would act responsibly. She said that she understood that there are always changes in construction, but no major changes should be made without approval. Mr. Cabello assured the council that the architects would follow what the school board trustees adopt.

Motion: Councilman Gregory moved to approve the proposed additions to Jackson Keller Elementary as the Architectural Review Committee recommended. Council member Howell seconded the motion. The motion passed unanimously.

B. CONSIDER THE RECOMMENDATION OF THE ARCHITECTURAL REVIEW COMMITTEE ON AN APPLICATION FROM AVANT DESIGN GROUP, INC. FOR THE EXTERIOR ALTERATION OF THE EXISTING SONIC DRIVE-IN LOCATED AT 2209 NORTHWEST MILITARY HIGHWAY.

Marc Donatelli of Avant Design Group said that Sonic Restaurants likes to refurbish its drive-in restaurants every five to eight years. He indicated changes that would be made with photographs, pointing out that they were getting rid of the neon trim around the outdoor canopy and adding a tower sign on top of the building. He said tables and benches would not be bolted down anymore, that the furniture would have more of a Starbucks look. Council members discussed the design features.

Motion: Councilman Smiley moved to approve the application from Avant Design Group, Inc. for the exterior alteration of the existing Sonic Drive-In located at 2209 Northwest Military Highway. Council member Davis seconded the motion. The motion passed unanimously.

C. CONSIDER THE RECOMMENDATION OF THE ARCHITECTURAL REVIEW COMMITTEE ON AN APPLICATION FROM THE ALAMO AREA COUNCIL OF BOY SCOUTS OF AMERICA ON THE ARCHITECTURAL DESIGN OF THE ORDER

OF THE ARROW PAVILION AT MCGIMSEY SCOUT PARK AT
2226 NORTHWEST MILITARY HIGHWAY.

John Coyle, representative of the Alamo Area Council of Boy Scouts of America explained that the proposed reconstruction of the Order of the Arrow Pavilion at McGimsey Scout Park would restore the building to its original use as a meeting place for the boy scouts. He said the siding on the building would be hardie board and the roof would be aluminum.

Motion: After brief discussion, Councilman Smiley moved to approve the recommendation of the Architectural Review Committee. Council member Howell seconded the motion. The motion passed unanimously.

D. CONSIDER A REQUEST FROM PAT B. PATEL FOR A VARIANCE TO INCREASE THE MAXIMUM SQUARE FOOTAGE OF A NON-CONFORMING PYLON SIGN LOCATED AT 2267 NORTHWEST MILITARY.

Mr. Pat B. Patel related that he was requesting a variance to increase the maximum square feet of the non-conforming pylon sign at 2267 Northwest Military Highway in order to gain better, more visible signage. He explained that he had moved his business to the Winston Hills Center recently and had noticed a drop in sales. He proposed replacing the current canopy on the pylon sign at the center with a large boxed *Subway* sign at the top. He said that having a big sign at the highest possible level would benefit not only his business, but other businesses in the center. He said the proposed sign would be a few inches higher than the current sign.

Councilman Smiley pointed out that there are a couple of places on the sign that could be used, and he would like to see that explored rather than a variance. Council members Howell and Huff agreed, and Ms. Huff suggested that a special event sign could be utilized to draw attention to the new location. Councilman Howell added that the food service industry is down in general.

Motion: General agreement among council members led to a motion from council member Smiley to deny the requested variance. Seconded by Councilman Howell, the motion passed unanimously.

E. CONSIDER AN ORDINANCE ADDRESSING BEE KEEPING.

Tom Camden with Environmental Health Services in San Antonio was invited to speak on the subject of bee keeping by Susana Rios of 118 Dogwood, who lives next door to a beekeeper. Mr. Camden said that bees are handled as a nuisance in San Antonio. He suggested that beekeepers could be required to have their bees certified to ensure that they are not Africanized. He went on to discuss the dangers and behavior

of bees and said that it's not possible to tell Africanized bees from European bees just by looking at them.

City Attorney Brenan said that he had obtained ordinances from other cities to see how they are written, but he waited in writing one for Castle Hills until the council decides what they want. Councilman Smiley moved to postpone action until Mr. Brenan could further study the matter, but then withdrew his motion when council member discussed further options that the city could look at.

Dan O'Brien of 116 Dogwood approached the podium and said that he was the beekeeper who lived next door to Ms. Rios. He related how he kept the bees and said his are docile European bees.

Dr. John R. Daggett commented that he lives next door to the bees. He recounted that he bought bees for his home-schooled boys. He said that they watched the bees for hours and found them fascinating. He said that he has no problem with the bees next door and believes the city has an ordinance that takes care of the problem.

Former council member Helen Glass of 106 Wickford Way said that her husband was a beekeeper and kept his hives on the roof. She said her children and dogs were never bothered or stung by the bees. She said that she enjoyed the honey and enjoyed the bees.

Susana Rios of 118 Dogwood said that her neighbor put his hives against her fence. She noticed bees were everywhere, and she was attacked on Labor Day. She indicated that she is allergic to bees. Ms. Rios explained that she had some problems with the current ordinance and would protect her family any way she could to keep even one bee out of her yard.

Motion: Councilman Smiley moved to postpone action on an ordinance addressing bee keeping until further study can be done. Councilman Howell seconded the motion. The motion passed unanimously.

- F. CONSIDER A RESOLUTION APPROVING A PROPOSAL TO RELEASE THE CITY'S LIEN AGAINST APPROXIMATELY 94 ACRES OF LANDFILL PROPERTY UPON PAYMENT OF CERTAIN AMOUNTS FOR THE RELEASE.

Bill Martin of 113 Cobblestone Court gave a brief history of the lawsuit concerning the Joint Cities Landfill. He indicated that Castle Hills can get 19% of \$175,000 or City of San Antonio will sell the land for unpaid taxes. He asked that the council approve negotiations as described in a letter from City Attorney Michael S. Brenan dated October 16, 2008.

Motion: Council member Howell moved to adopt a resolution approving the proposal to release the city's lien against approximately 94 acres of

landfill property upon payment of certain amounts for the release. Council member Huff seconded the motion. The motion passed unanimously. Resolution No. 0811-01 as passed and approved is captioned as follows:

RESOLUTION NO. 0811-01

A RESOLUTION APPROVING A PROPOSAL TO RELEASE THE CITY'S LIEN AGAINST APPROXIMATELY 94 ACRES OF LANDFILL PROPERTY UPON PAYMENT OF CERTAIN AMOUNTS FOR THE RELEASE.

(A copy of Resolution No. 0811-01 is attached and made a part of the Minutes)

- G. CONSIDER DRIVEWAY IMPROVEMENTS WITHIN PUBLIC RIGHT-OF-WAY AT 6425 WEST AVENUE.

Motion: Council member Smiley moved to postpone action on driveway improvements at 6425 West Avenue. Councilman Howell seconded the motion. The motion passed unanimously.

- H. CONSIDER CASTING A VOTE IN SUPPORT OF BILL MARTIN TO THE VIA BOARD OF TRUSTEES TO REPRESENT VIA SUBURBAN CITIES FOR A TWO YEAR TERM FOR THE PERIOD OF JANUARY 1, 2009 THROUGH DECEMBER 31, 2010.

Motion: Council member Davis moved to approve casting a vote in support of Bill Martin to represent VIA suburban cities on the VIA Board of Trustees for a two year term for the period of January 1, 2009 through December 31, 2010. Council member Howell seconded the motion. The motion passed unanimously.

VI. A. ADJOURNMENT

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

These minutes were approved on the 9th day of December, 2008.

APPROVED:

Marcy Harper, Mayor

ATTEST:

Linda Gill, City Secretary