

CITY OF CASTLE HILLS  
REGULAR CITY COUNCIL MEETING  
MINUTES OF DECEMBER 9, 2008

The City Council of the City of Castle Hills convened at 6:00 p.m. on the 9<sup>th</sup> day of December, 2008, in the Council Chambers of the City of Castle Hills, 209 Lemonwood Drive, Castle Hills, Texas.

The attendance roster included Cliff Biggs, Helen Glass, Susana Rios, Rolando Rios, Pamala Farris, William and Helen Schluter, Eunice Vandebos, Baylor Eidelbach, Terry Carter, Charlie Barbera, Dan and Gloria O'Brien, Bill Martin, Angela Sill, Frank Paul, LaVerne Japhet, John G. Mack, Stephen McGuire, William Beuhler, Jr., Dolores Davis, Bill Davis, and Brother William Dooling.

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 Hoyl, City Secretary Linda Gill, City Attorney Michael S. Brenan, Court Administrator Wendy Reyes, Police Chief Donny Davis, and 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 NOVEMBER 12, 2008.

**Motion:** Council member Huff moved to approve the minutes of the council meeting held on November 12, 2008. Councilman Davis seconded the motion. The motion passed unanimously.

- E. CONSIDERATION OF THE MINUTES OF THE SPECIAL CITY COUNCIL MEETING HELD NOVEMBER 20, 2008.

**Motion:** Council member Huff moved to approve the minutes of the special council meeting held on November 20, 2008. Council member Smiley seconded the motion. The motion passed unanimously.

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

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

## II ANNOUNCEMENTS

Mayor Harper presented the *Citizen of the Year* award to William Schluter who serves as chairman on the Board of Adjustment and is on the board of the Crime Control and Prevention District. She read a brief biography of his life written by his wife Helen. Mr. Schluter said the award was unexpected and he felt honored.

Policeman Kenneth Seyfarth presented the *Policeman of the Year* award to Chris Sill, who spearheaded several projects for the Police Department and was responsible for selecting the new Dodge Charger police cars just purchased. Mr. Sill received a standing ovation.

Mayor Harper thanked Dr. Denno's daughter for playing Christmas music on her saxophone.

Council member Huff wished everyone a happy holiday season.

Councilman Howell announced the recent passing of Carl Freddie, long-time Castle Hills business owner.

## III. CITIZENS TO BE HEARD

Bill Davis of 119 Towne Vue introduced himself and his wife as new residents. He said that he was going to be deployed to Iraq for a few months and asked the Police Department to keep an eye on 119 Towne Vue while he is gone.

Joyce Buie of 222 Carolwood invited everyone to *Snow Day* on Sunday, December 14<sup>th</sup> put on by the Homeowners Association. She said it will be held on the Commons from 2:00 to 4:00 p.m., and everyone should bring kids and grandkids to play in the snow.

The mayor announced that Frank Corte was holding his annual Town Meeting in the council chambers at 9:00 Saturday morning, and the Girl Scouts are having an Animal Awareness Event on the Commons beginning with a dog walk at 9:30 a.m.

## IV. REPORTS

- City Manager Mike Rietz gave the November, 2008 Investment Report.
- Assistant City Manager Rita Hoyle reported on the November, 2008 Building and Health Inspections; Code Enforcement Activities.

- Police Chief Donny Davis gave the November, 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 November, 2008 Fire Incident and Activity Report.
- Public Works Director Rick Harada gave the November, 2008 Activity Report for his department.
- Court Administrator Wendy Reyes presented the Municipal Court Activity Report for November, 2008.

## V. OLD BUSINESS

### A. CONSIDER AN ORDINANCE ADDRESSING BEEKEEPING.

City Attorney Mike Brenan said that, following discussion at the last council meeting, he reviewed the administrative rule regarding beekeeping furnished to the city by Mr. Tommy Camden from Environmental Health Services in San Antonio. Mr. Brenan said that he wrote the proposed ordinance focusing on ensuring that the bees are European, limiting the number of hives or colonies on a property, and requiring that the queen be replaced every year with a certified European queen. He indicated that he had talked with Texas A&M Extension Service, and they said that the city should have no problems with bees if the ordinance is passed. He also talked with Texas Municipal League about the liability insurance of the city, and they told him the city would have coverage with the ordinance.

Mr. Brenan explained that he brought two ordinances for the council's consideration. One ordinance prohibits beekeeping altogether, and the other ordinance allows beekeeping with certain regulations. Council members reviewed the ordinance with regulations and expressed some concern about the location and number of hives on a property. The general consensus of the council was that beekeeping should be allowed with regulations.

Council member Huff asked how the ordinance would be enforced, and Mr. Brenan said that the A&M Extension Service would come to the city and investigate any problems at no charge to the city. He said that they charge \$200 to do an investigation requested by a private citizen. Mr. Brenan clarified that a violation of the ordinance would be considered a nuisance and would be a code compliance issue.

Dan O'Brien of 116 Dogwood came forward to describe the potential size of a beehive in response to questions from the council. He indicated that hives could be as tall as six feet, but most of the bees would stay in the bottom of the hive. The upper portion would primarily contain honey.

**Motion:** Councilman Smiley moved to approve the ordinance allowing beekeeping with certain regulations. Council member Huff seconded the motion.

Mayor Harper invited more discussion. Susana Rios of 118 Dogwood, who lives next door to property with bee hives, described how she was attacked by the bees and added that Mr. O'Brien had more than two hives in his back yard. She said they were against her fence. She indicated that she wanted to be a good neighbor and said she thought the bees should be certified every six months. Ms. Rios questioned the word *practicable* in the ordinance concerning the distance a hive has to be from neighboring dwellings. She wanted to know if the city is prepared to respond to a bee attack.

Steve McGuire of 103 Zornia remarked that all bees sting. He said the city has to consider the risk. Most people get over a bee sting, but there are those who suffer an acute allergic reaction. He noted that Texas A&M has found that a bee will follow a person up to one-half mile.

Councilman Howell posed the question of how it could be determined that a bee stinging someone on Sunflower came from Dogwood.

Council member Huff said that eliminating every hive in the city will still not get rid of bees in the city. She indicated that they needed to take a reasonable view of the issue. It would be unreasonable to prohibit bees in the city.

**Motion:** Councilman Gregory amended Councilman Smiley's previous motion to include requiring the location of hives to be 10 feet from side yard property lines and at least 5 feet from rear yard property lines. Seconded by Councilman Howell, the motion passed unanimously.

The mayor then called for a vote on Councilman Smiley's original motion to allow beekeeping with regulations. The vote was unanimously in favor. The ordinance as passed and approved is captioned as follows:

ORDINANCE NO. 1011

AN ORDINANCE AMENDING CHAPTER 3,  
ANIMALS OF THE CODE OF ORDINANCES BY  
ADOPTING REGULATIONS PERTAINING TO BEES.

*(A copy of Ordinance No. 1011 is attached and made a part of the Minutes)*

VI. NEW BUSINESS

A. CONSIDER THE RECOMMENDATIONS OF THE ZONING COMMISSION ON A REQUEST FOR REZONING THE

REMAINING PORTION OF THE PROPERTY AT 108 PEG SUE COURT (CB5004J BLK 1 LOT 1) FROM “B” DUPLEX, RESIDENTIAL DISTRICT, TO “F” OFFICE-PROFESSIONAL DISTRICT, TO MATCH THE PORTION OF THE BUILDING AT 812 LOCKHILL SELMA.

The city manager informed the council that the applicant asked if they could table this item until the next council meeting when he will be able to present new and different information concerning his application.

**Motion:** Council member Huff moved to table Item A until the next council meeting. Councilman Howell seconded the motion. The motion carried 3 to 2. Councilmen Davis and Gregory opposed the motion.

*Mayor Harper called for a break at 7:10 p.m. The council reconvened at 7:25 p.m.*

**B. CONSIDERATION OF FEES FOR EMT CALLS.**

Fire Chief Riedel recalled the council’s approval of fees charged by the Fire Department for certain emergency calls including automobile accidents, hazardous material spills, fuel and oil cleanup, etc. The chief recounted that, at the same meeting, the council discussed charging for First Responder calls by EMTs, but suggested bringing the item back to council for further discussion, as well as, a list indicating the materials and supplies purchased each year relating to EMT responses. He referred Council to the list in their packets.

After reviewing the list of supplies, Councilman Gregory pointed out that EMS costs are going up every year with the City of San Antonio. He mentioned that he had just signed a check for \$237,000 for EMS services in 2009. Councilman Gregory said that times are going to get harder, and the city needed to start charging, at a minimum, the cost of supplies.

Council member Howell asked Mr. Brenan if the city could exempt some people from charges. Mr. Brenan said that the basis for exemption had to be rational, but could be done. Councilman Davis suggested that residents get two calls before they are charged because they pay taxes. Council member Huff remarked that taxes paid are to cover maintaining fire and police facilities, not necessarily all the services provided. Councilman Smiley indicated that he agreed with everything said and proposed that City Staff come back early next year with recommendations.

Mayor Harper tabled the item until the January council meeting.

**B. CONSIDERATION OF ORDINANCE ADDRESSING CURFEW ENFORCEMENT.**

Mayor Harper stated that the city needed to have a curfew ordinance and enforce it or do away with it. In answer to a question from council member Huff, Mr. Brennan said the ordinance is good to have, and most cities have one. He mentioned that it acts as a good “probable cause” vehicle if needed.

**Motion:** Councilman Smiley moved to postpone consideration of the ordinance until the city manager and the city attorney can collaborate concerning the details. Council member Howell seconded the motion. The motion failed 2 to 3. Council members Huff and Howell voted in favor of the motion. Council members Gregory, Davis, and Smiley voted against the motion.

Mr. Brennan recommended that the ordinance be reviewed and brought back for consideration on a specific date.

**Motion:** Councilman Smiley stated that he wanted to make a motion to postpone action on the ordinance until the city manager and city attorney can review it and make recommendations to the council for their consideration at the January 13, 2009, council meeting. Councilman Howell seconded the motion. The motion passed unanimously.

D. CONSIDER CASTING A VOTE IN SUPPORT OF BILL MARTIN TO SERVE ON THE VIA BOARD OF TRUSTEES FOR THE PERIOD OF MARCH 1, 2009 THROUGH DECEMBER 31, 2010 TO REPRESENT THE VIA SUBURBAN CITIES.

**Motion:** General agreement among council members led to a motion from council member Howell to cast a vote in support of Bill Martin to serve on the VIA Board of Trustees from March 1, 2009 through December 31, 2010 to represent the VIA suburban cities. Councilman Smiley seconded the motion. The motion passed unanimously.

E. APPOINTMENT OF ALTERNATE MEMBER OF THE ARCHITECTURAL REVIEW COMMITTEE.

The mayor withdrew Item E from the agenda.

F. APPOINTMENT OF CHAIRMAN AND MEMBERS TO A COMMITTEE TO REVIEW AND REVISE ALL BUILDING CODES, THE PERMITTING PROCESS, INSPECTIONS, POLICY AND PROCEDURES.

The mayor nominated Douglas Gregory as chairman, Bruce Smiley, LaVerne Japhet and Diane Pfeil to the committee. Councilman Howell, nominated Richard Sceszsy.

**Motion:** Council member Huff moved to approve the nominations of Douglas Gregory for chairman and Bruce Smiley, LaVerne Japhet, Diane Pfeil, and Richard Scezsy as members of a committee to review and revise all building codes, the permitting process, inspections, and policy and procedures. Councilman Gregory seconded the motion. The motion passed with a unanimous vote.

VI. VII. ADJOURNMENT

Mayor Harper adjourned the meeting at 7:55 p.m.

These minutes were approved on the 20<sup>th</sup> day of January, 2009.

APPROVED:

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Marcy Harper, Mayor

ATTEST:

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Linda Gill, City Secretary