



CITY OF HILL COUNTRY VILLAGE
116 ASPEN LANE • SAN ANTONIO • TEXAS • 78232
PHONE (210) 494-3671 • FAX (210) 490-8645 • WEB www.hcv.org

MINUTES
CITY COUNCIL MEETING
116 ASPEN LANE
CITY OF HILL COUNTRY VILLAGE, TEXAS
THURSDAY, MARCH 19th, 2015
5:30 P.M.

The City Council for the City of Hill Country Village met for a Regular Council Meeting Thursday, March 19th, 2015 at 5:30 p.m. at City Hall, 116 Aspen Lane, Hill Country Village, Texas. This was an open meeting subject to the open meetings law of the State of Texas.

Members Present:

Mayor Gabriel Durand-Hollis
Councilman Carl A. Register
Councilwoman Elizabeth Worley
Councilman George "Rick" Evans
Councilwoman Jane Cronk
Councilman James Allen

City Staff Present:

Frank Morales, City Administrator and Police Chief
Elizabeth Gomez, Administrative Assistant

City Attorney:

Marc Schnall

1. Call to order.

Mayor Durand-Hollis called the meeting to order at 5:30 p.m.

2. Moment of Silence and Pledge of Allegiance.

Mayor Durand-Hollis led those present in a moment of silence and led the Pledge of Allegiance.

CONSENT AGENDA:

The following items are of a routine or administrative nature. The City Council have been furnished with background and support material on each item, and/or it has been discussed in a previous meeting. All items can be acted upon by one vote without being discussed separately, unless requested by a Council Member or a citizen, in which event the item or items will

immediately be withdrawn for individual consideration in their normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one motion and vote of the City Council.

3. Discussion and possible action approving the minutes of the Regular Council Meeting of January 15th, 2015.

4. Discussion and possible action approving the minutes of the Special Council Meeting of February 12th, 2015.

5. Discussion and possible action approving the minutes of the Special Council Meeting of February 26th, 2015.

6. Discussion and possible action approving an ordinance ordering cancellation of the May 9, 2015 General Election.

7. Discussion and possible action approving an ordinance accepting the resignation of Officer Diana Y. Salinas as Relief Officer.

Councilman Evans moved to approve the consent agenda, seconded by Councilwoman Cronk. Motion passed unanimously.

INDIVIDUAL ITEMS FOR CONSIDERATION:

8. Citizens to be heard.

At this time, citizens who have filled out a registration form prior to the start of the meeting may speak on any topic they wish to bring to the attention of the governing body so long as that topic is not on the agenda for this meeting. Citizens may speak on specific agenda items when that item is called for discussion. During the Citizens to be Heard section no council action may take place and no council discussion or response is required to the speaker. A time limit of two minutes per speaker is permitted; the council may extend this time at their discretion.

Mrs. Roma Cook, 303 Tower Drive expressed concerns in regards to the road project closures. She stated that "the triangle" has good roads so why would we tear them up when there are worse roads like Cherokee Lane.

Mr. Morales stated that it was the engineer's decision to do certain roads. What made things worse were problems encountered with SAWS and Dorazio Enterprises.

Councilwoman Worley reiterated that they agreed to repair roads based on a priority list recommended by the city engineer and roads that have the most traffic.

9. Discussion and possible action regarding readopting ordinance 812, establishing a curfew for minors under seventeen years of age to prohibit being in a public place between the hours of midnight and 6:00 a.m.; providing an enforcement procedure; establishing

criminal penalties for the minors and for parents of minors and adopting certain exceptions.

Mr. Morales stated this is an ordinance that has been in place for many years and that there is a requirement to renew it every three years.

Councilman Register asked if the wording should change to ten years old to 16 years old instead of minors under the age of seventeen.

Mr. Schnall stated if the wording is the same from the previous ordinances, it will be okay although he has not read the specific ordinance.

Councilman Evans questioned if the ordinance has been used.

Mr. Morales answered that there have been no citations issued in over ten years.

Councilman Register moved to approve readopting ordinance 812, seconded by Councilwoman Worley. Motion passed unanimously.

10. Discussion and possible action establishing guidelines for reappointments for the City of Hill Country Village Zoning Commission, Board of Adjustment, Economic Development Corporation and the Business District Construction Review Board.

Mr. Morales stated that Councilman Evans and Councilman Allen requested this topic to be placed on the agenda.

Councilman Evans stated he used the guidelines from Deerfield Park, Texas and adjusted it accordingly. He stated sections II and III may not be needed, but IV and V are very important to our city.

Councilman Register stated he thought the request from the last meeting was to focus on section V.

Councilman Evans confirmed with Councilman Allen that they had in their notes to focus on recruitment as well.

Mayor Durand-Hollis stated they are good procedures although he had a concern about Section 2-6 in regards to family members i.e. a spouse of a council member.

Councilwoman Cronk stated that there are some boards that do not report to council directly.

Councilman Evans stated that section 2-6 can be removed.

Mr. Morales asked Mr. Schnall if spouses of council members would cause a conflict.

Mr. Schnall replied that with a small city like Hill Country Village there are not many people to choose from. In an advisory board that comes before the council the council member can refrain from voting, but it is ultimately up to council to put any restrictions in place.

Councilwoman Cronk advised we should possibly target having the same people on multiple boards in the policy.

Councilman Register stated we can make it less restrictive.

Mayor Durand-Hollis stated we will definitely recognize the board members.

Councilwoman Worley moved to strike section 2-6.

Mr. Morales stated section III, Terms of Service, are already set in an ordinance for the city.

Councilman Evans stated he would like to start recruiting six months prior to a member's term being up.

Councilwoman Worley moved to approve establishing guidelines for reappointments for the City of Hill Country Village Zoning Commission, Board of Adjustment, Economic Development Corporation and the Business District Construction Review Board deleting sections 2-6 and 3, seconded by Councilman Allen. Motion passed unanimously.

11. Discussion and possible action prohibiting the use of a hand-held device to engage in a call, or send, read or write a text message, or engage in any other use of the device while operating a moving vehicle; and providing for a fine of up to \$200.00 per violation.

Councilman Evans stated that he and Councilwoman Worley brought this to the attention of Mr. Morales.

Mr. Morales stated the ordinance being presented is the same ordinance that the City of San Antonio recently passed and approved.

Councilwoman Worley stated in the Express News there was an article that had the list of areas that do not have a cell phone ordinance. She also didn't want people to think it is free realm to use them especially with the lighting, bikers and road conditions.

Mayor Durand-Hollis stated that at an AACOG meeting he attended out of twenty seven municipalities there were only two or three that had an ordinance that matched San Antonio.

Mr. Schnall stated there is a bill in legislature that has not been approved yet that will enact a state wide ban on texting although it will not override a more stringent local ordinance. The status is too early in the legislature to know where it will go, but is a bill that he is monitoring for the cities that he represents.

Mayor Durand-Hollis asked Mr. Morales if he wants the cell phone ordinance.

Mr. Morales related that he is in favor of the ordinance because he believes it will provide for a safer environment for the citizens and visitors of Hill Country Village.

Councilman Allen moved to approve prohibiting the use of a hand-held device to engage in a call, or send, read or write a text message, or engage in any other use of the device while operating a moving vehicle; and providing for a fine of up to \$200.00 per violation, seconded by Councilman Register. Motion passed unanimously.

12. Discussion and possible action on a report from a committee on their findings and recommendations on the two proposals received regarding the Request for Qualifications for the Bitters Road Property.

Councilman Register informed everyone that a committee was formed by Mayor Durand-Hollis which consisted of himself, Council members Worley, Evans and Cronk. The committee's job was to revisit and evaluate the two proposals that were received as a result of the RFQ. The committee had two special council meetings with a lot of discussion and no action was taken. Councilman Register related he did not think the city received enough responses relative to the value of the property and relative to how attractive the property is for development. Councilman Register stated that he thinks it is in the best interest of the city and community to not accept either one of the proposals. He said it is his recommendation that the Council reject both proposals and bring closure to the current process.

Councilman Evans arrived independently to the same conclusion as Councilman Register.

Councilwoman Worley agreed adding that the City should contact the two companies and invite them to resubmit their proposals if Council decides to open the process again with a revised RFP or RFQ.

Councilwoman Cronk also agreed adding that with the potential value of the land she did not think the committee got enough ideas as to what can be done with the property.

Councilman Register made a motion to reject both of the proposals and bring closure to the current process. Councilman Evans seconded the motion.

Councilman Allen requested to go into Executive Session on this issue.

Mr. Marc Schnall stated the council has the right under the wording of the agenda to go into executive session on this issue. He pointed out that Councilman Allen has signed a Chapter 171 affidavit of nonparticipation, but that Councilman Allen may attend the Executive Session as long as he does not participate in the discussion

Councilman Register questioned why council would go into executive session if Councilman Allen cannot speak.

Mr. Schnall replied that even though Councilman Allen can't participate, but can attend, it is the council's prerogative to go into executive session if they feel the need to.

Mayor Durand-Hollis asked the rest of council to state if they would like to go into executive session and there was no reply from any council member.

Mayor Durand-Hollis asked Mr. Schnall if it was okay for him to speak in executive session since his architectural firm has a business relationship with both of the companies that have submitted proposals.

Mr. Schnall responded that it was okay for the Mayor to attend and participate whether in open session or executive session on this specific agenda item.

Mayor Durand-Hollis recessed the open meeting at 6:13 p.m. March 19th, 2015 and went into executive session.

Mayor Durand-Hollis reconvened the open meeting at 6:20 p.m. March 19th, 2015.

Mayor Durand-Hollis asked Mr. Schnall if he or Councilman Allen were allowed to vote on this agenda item.

Mr. Schnall replied that Councilman Allen cannot, but the Mayor can if necessary to break a tie.

Councilman Register made a motion to reject both of the proposals and bring closure to the current process. Councilman Evans seconded the motion. Yays: Council members Register, Worley, Evans and Cronk.

13. Discussion and possible action approving the January 31, 2015 and February 28, 2015 financial statements.

Councilman Register called attention to the February report Income/Expenses year to date. The report covers a four month period from October to February. The sales tax revenue is up nearly \$10,000 compared from last year and the total income is up \$22,645 from last year which are both good signs. Personnel Services under expenses are up \$48,791 from last year due to an extra pay period, extra hours for part time and health insurance which are all in line and expected. Operational costs are \$49,000 less due to last year's engineering expenses at about \$46,000 and only \$6 this year so far. Supplies are up \$11,800 due to ammo for the range, purchase of computer equipment and the cost of vehicle repairs continuing to go up. We are right on budget and about \$1,000 better than last year. We have the March receipt of sales tax in at \$50,616 compared to \$52,000 in 2014 which is always low. We are still ahead of last year being \$334,000 year to date for 2015 compared to \$325,000 from 2014. He stated the finances continue to be in good shape.

Councilman Register moved to approve the financial statements for January and February, seconded by Councilman Evans. Motion passed unanimously.

14. Mayor's Report to Council.

Mayor Durand-Hollis thanked the two respondents to the RFQ and asked Mr. Morales to send a thank you letter to both. He also volunteered himself to assist Mr. Morales to work with and oversee the road project so the scheduling does not inconvenience the residents. He had hoped for more careful scheduling of the road work and requested a meeting with Givler Engineering and Dorazio Enterprises.

Also, there has been discussion about our long range plans. Part of the reason we are looking at Bitters Road is for our long term sales tax picture. There are House and Senate bills that are floating around out there in the legislature. Senate Bill 1, the original version was to cap the rollback rate to 4% and we are still at 8%. What that means is that if we increase the tax rate of 9% to 16% that would be way above the rollback. The rollback means that we cannot raise it more than $\frac{3}{4}$ of a cent unless we possibly face a rollback.

Mr. Schnall added that under the current law you can raise your tax rate up to 8% without a risk of a rollback and it takes a citizens petition for there to be a rollback. Under a bill pending in the legislature right now that 8% goes to 4% and if you exceed 4% there is an automatic election. Which would be another expense to the city under a special election.

Mayor Durand-Hollis wanted to make it clear since the council has talked about raising the taxes to \$.16 which would be about a 60% increase from what it is now leading to a possible election. He advised that if we do raise the taxes we should conclude to a good rate with a good explanation as to why we are raising them. If we do raise to 8%, that would only be an additional \$24,000 for the year.

Councilman Register followed that it is even more of a reason to be looking at other ways to provide additional income.

15. Communications with the City Administrator.

Mr. Morales will be attending the Texas Police Chief's Association Conference in Galveston, Texas on March 30 – April 2, 2015 and will follow up with Mayor Durand-Hollis to meet with Givler Engineering and Dorazio Enterprises next week.

16. Adjourn.

The Council reserves the right to discuss and appropriately act upon any item stated on this agenda in open session. The Council reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any of the matters listed above, as authorized by Texas Government Code Sections 551.071 (Consultations with Attorney), 551.072 (Deliberations about Real Property), 551.073 (Deliberations about Gifts and Donations), 551.074 (Personnel Matters), 551.076 (Deliberations about Security Devices) and 551.086 (Economic Development). No action may be taken in Executive Session.

There being no further business to come before the City Council, the meeting was adjourned at 6:31 p.m.

Approved this the 21st day of May 2015.

Gabriel Durand-Hollis
Mayor

ATTEST:

Frank Morales
City Administrator
Acting City Secretary