



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
SPECIAL CITY COUNCIL MEETING
CITY HALL
116 ASPEN LANE
HILL COUNTRY VILLAGE, TEXAS 78232
TUESDAY, SEPTMEBER 22, 2015
5:00 P.M.

The City Council for the City of Hill Country Village met for a Special City Council Meeting Tuesday, September 22nd, 2015 at 5:00 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 Jane Cronk
Councilwoman Elizabeth Worley
Councilman George "Rick" Evans
Councilman Brett Rowe

City Staff Present:

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

1. Call to order.

Mayor Durand-Hollis called the meeting to order at 5:00 p.m.

2. Moment of silence and pledge of allegiance

Mayor Durand-Hollis led those present in a moment of silence and the pledge of allegiance.

CONSENT AGENDA:

The following items are of a routine or administrative nature. The City Council has 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separately, unless requested by a Council Member or a citizen, in which event the item or items will immediately be withdrawn for individual consideration in their normal sequence after the items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 City Council Meeting of August 11, 2015.

4. Discussion and possible action approving an ordinance accepting the resignation of Officer Louis A. Cortinas as a Full Time Police Officer.

5. Discussion and possible action approving an ordinance appointing Scott E. Purcell as a Full Time Police Officer.

Councilman Register moved to approve items 3, 4, and 5 of the consent agenda, seconded by Councilman Evans. Motion passed unanimously.

INDIVIDUAL ITEMS FOR CONSIDERATION:

6. 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.

7. Discussion with Mr. Luke Girdley, a representative of Alamo Fireworks, regarding Alamo Fireworks interest in purchasing property from Marmon Family Properties, Ltd. consisting of 3.4953 acres located at 15115 San Pedro in the extraterritorial jurisdiction of the City of Hill Country Village.

Mr. Luke Girdley, President and co-owner of Alamo Fireworks, addressed the council. The fireworks they sell are consumer grade fireworks, classified as 1.4G explosives. The stores are classified as H3 occupancy. From a fire risk and safety perspective, they are similar to a paint store. They have worked a development agreement before coming into a city like this which has worked very well and can be done with the City of Hill Country Village. They will not warehouse or have active storage at this building. That is done at their headquarters in China Grove. Signage is very important but can be worked around due to case by case basis. Mr. Girdley answered if they would be able to build in the City of San Antonio and he answered no. There is a city ordinance against fireworks that does not allow selling, possessing or shooting of fireworks. They can only be transported through municipalities in the trunk or behind the back passenger seat and you can only shoot five thousand feet outside the city limits. They are in a feasibility period right now due to the current tenants lease and an environmental issue.

Councilman Evans asked how intent Alamo Fireworks is on purchasing this property. There have been local officials against it and the community does not see it as a good fit. Why would Alamo Fireworks want to move in?

Mr. Girdley responded that on September 1, 2015 there was a change in law that did not allow home rule cities to regulate the sale of fireworks. It is a business decision to move within a city and they have done it before. China Grove is very happy with their development deal. It is not very likely fireworks will be shot or there be any building issues. They have had very few incidents. Alamo Fireworks can enter into a development deal with the City of Hill Country Village in which the city can benefit from tax revenue. They cannot give an exact amount due to trade secrets but can say it would be in the tens of thousands of dollars. State law allows the fireworks to be sold from December 20th to January 1st and June 24th to July 4th. The hours are 10:00 am to 10:00 pm up until the last two day which would run from 8:00 am to midnight. The new law for sale of fireworks on additional holidays would still have to be granted by the county judge and has not yet been done. Alamo Fireworks do not expect to be open for those additional holidays.

In regards to traffic, Alamo Fireworks will hire off duty officers to work. They will give the first option to the Hill Country Village Police Department. The only entrance would be through the access road and not Tower Drive. It would only get busy during the last two days of sale. They would reimburse the city for additional police officers needed to work. That can be part of the development agreement as well.

If San Antonio were to annex the property the fireworks stand would not be allowed.

It was asked if it could be part of the agreement that there be a tenant for the remainder of the time that Alamo Fireworks cannot occupy. Mr. Girdley replied that they would like that but could not make any guarantee. They could put into the agreement not to store fireworks.

The responding fire department would be the Hollywood Park Fire Department.

It was also asked if it has happened to where police could follow people home to cite and the answer was no, not after the law in 2013.

Mr. Ed Cross, commercial real estate broker representing the Marmon family on the sale of the property, addressed the council. Mr. Cross stated that during negotiations it was not brought up that the property was being purchased for the sale of fireworks. They found out from Rocky Renken, from Auto Group, not the buyer. They have had over three hundred inquiries, four offers on different parcels and two firm offers being negotiated on. Alamo Fireworks are well known real estate investors in town and entered into the negotiations with no idea of them selling fireworks. Virginia Ohlenbush, the managing partner of the Marmon Ridge property, was very disappointed that the City of Hill Country Village is in this position. The value for the rest of the property does not hold with a fireworks stand there.

Mr. Jim Akin, the real estate broker for Alamo Fireworks addressed the council. He stated there was no reason not to state the purpose of the purchase due to competitive reasons. They have

tried to be above board during this entire process. There will be no storage in the off season, only seasonal sales and the current signs can be used. It is mainly going to be used as an investment property since it will only be occupied by the fireworks stand for just a few weeks. They are aware if the property is released to the City of San Antonio they would not be able to sell. They are trying to work with Auto Group to stay and occupy during the off seasons.

Mr. Rocky Renken, managing partner for Auto Group addressed city council. He stated that he had a meeting with the two owners and broker and did disclose that they would be selling fireworks and was asked to stay. A decision was made not to. He has asked if it didn't work out if they could opt out early and vacate within enough time for their next season. He was told they would consider it and get back to him which they have still not. He also stated that he was not the person that notified Mr. Cross about the property being purchased for a fireworks stand. The only contact he had was when Auto Group made an offer on the property and it was denied. It was asked if he could purchase the property would he move into the City of Hill Country Village. He replied he would highly consider it. Only the sales tax from service and parts would go to the city since the state gets the tax for the sale of vehicles.

Mayor Durand-Hollis verified if the parcel of property to be purchased by Alamo Fireworks is 3.4953 acres. It is still preliminary and yet to be verified. The entire property will be broken up into three parcels.

Mayor Durand-Hollis stated that Alamo Fireworks is not what the city envisions for 281. Many have expressed their concerns such as Representative Lyle Larson, County Judge Nelson Wolf, County Commissioner Kevin Wolff and Director of Public Works Ms. Renee Green against having the fireworks stand. The Mayor expressed that if it does not work out under the City of Hill Country Village, the parcel of property will be released to the City of Antonio. He also noted that he does not want to lose any more of the ETJ but we would need to do that if does not meet the interests of the citizens of Hill Country Village.

Mr. Girdley was asked if the parcel of property would ever be used solely as an investment property and answered no.

Mr. Michael Girdley, co-owner of Alamo Fireworks, addressed the council. They negotiated an agreement with Waxachie in when they annexed the property with special provisions which is what they would like to do here. This would allow the city to collect sales tax, enforce building codes and making sure existing property is up to city codes. There were no officials that ever reached out to Alamo Fireworks to get the details and understand what they are trying to do.

Dwayne Robinson, with Office of County Judge Nelson Wolff, addressed council on behalf of County Judge Nelson Wolff and Commissioner Kevin Wolff with a letter addressed to Mr. Luke Girdley of support of the efforts of the City of Hill Country Village to have Alamo Fireworks reconsider the location.

Dr. Buddy Swift, 101 Winding Way, stated that he is against Alamo Fireworks near his home. It is not business fitting for the city. There is concern about traffic and the minimal incidents that was mentioned before which means they are worthy of investigation.

Mayor Durand-Hollis stated he was made aware of this purchase last Thursday evening and has made all efforts to get information as to what can and cannot be done in the ETJ and city. There are grave concerns for all involved and no one is in favor of this deal. At this point there are only two decisions to be made, a development agreement or releasing the ETJ to the City of San Antonio.

Mr. Michael Girdley stated Alamo Fireworks came in hoping to work out a deal.

8. Discussion and possible action releasing 3.4953 acres of the Marmon Family Properties, Ltd. land located at 15115 San Pedro from the extraterritorial jurisdiction of the City of Hill Country Village.

Councilman Register moved to table action on item 8 at such time the Mayor and council see fit, seconded by Councilman Evans.

Mayor Durand-Hollis stated he does not want to lose an inch more of the ETJ.

Motion passed unanimously.

9. Discussion and possible action approving a resolution concerning 3.4953 acres of the Marmon Family Properties, Ltd. land located at 15115 San Pedro in the extraterritorial jurisdiction of the City of Hill Country Village.

No action taken.

10. Discussion and possible action appointing one individual to fill a vacancy on the Zoning Commission.

Councilwoman Worley moved to appoint Mr. Robert Myers to fill a vacancy on the Zoning Commission, seconded by Councilman Evans. Rescinded motion to discuss with chair of zoning commission and to get more information.

11. Discussion and possible action regarding "Change Order #002 dated July 17, 2015 to the HCV 2013-14 Street Repairs.

Mr. Frank Morales stated that we have Change Order #002 in regards to the repairs on Blackhawk Trail for the French drain that needed to be put in to prevent water coming in from the SAWS side onto the new street. He talked Mr. Dorazio and we were at a point where the work needed to be done, road needed to be finished but no one approved the change order. Was not in original contract.

Mr. David Givler added that SAWS has not taken any responsibility. He meet with SAWS previously with a report showing the water comes from the pump station and they did not want to discuss. The French drain was the simplest way to fix the issue. It brought the costs from potentially \$25,000 to \$5,000. He believes that SAWS did work that caused this issue.

Councilman Evans moved to approve Change Order #002 dated July 17, 2015 to the HCV 2013-14 Street Repairs, seconded by councilman Register. Motion passed unanimously.

12. Discussion and possible action regarding the July 31, 2015 and August 31, 2015 financial statements.

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

13. Discussion and possible action approving a Memorandum of Understanding between the City of San Antonio and the City of Hill Country Village, outlining a jurisdictional agreement that will allow for concurrent jurisdiction for both municipal courts.

Mr. Frank Morales stated this is the same MOU that was approved from the last meeting with the exception of more names being added for signature.

Councilman Register moved to approve a Memorandum of Understanding between the City of San Antonio and the City of Hill Country Village, outlining a jurisdictional agreement that will allow for concurrent jurisdiction for both municipal courts, seconded by Councilwoman Worley. Motion passed unanimously.

14. Discussion and possible action regarding the acceptance of proposals on health, dental, vision and life insurance and disability coverage for the employees of the City of Hill Country Village.

Mr. Morales stated that the insurance coverages stayed exactly the same with only an increase of \$5603 for the year.

Councilwoman Worley made a motion to accept the insurance proposals, seconded by Councilman Evans. Motion passed unanimously.

15. FY 2015-16 Budget and Tax Rate for 2016:

a. Discussion and possible action regarding possible amendments to proposed FY 2015-16 budget.

Councilman Register made a motion to accept the amendment without the \$40,000 to contribute to reserves to the proposed FY 2015-16 budget, seconded by Councilwoman Worley. Motion passed unanimously.

b. Discussion and possible action on an ordinance approving the budget for the City of Hill Country Village, Texas, for Fiscal Year 2015-16, beginning October 1, 2015 and ending September 30, 2016, and ordering same filed with the City Administrator and County Clerk.

Councilman Register made a motion to accept an ordinance approving the revised budget for the City of Hill Country Village, Texas, for Fiscal Year 2015-16, beginning October 1, 2015 and ending September 30, 2016, and ordering same filed with the City Administrator and County Clerk, seconded by Councilman Evans. CM Register voting Aye; CM Worley voting Aye; CM Evans voting Aye; CM Cronk voting Aye; CM Rowe voting Aye. Motion passed unanimously.

- c. Discussion and possible action on an ordinance approving the budget of the Hill Country Village Economic Development Corporation for Fiscal Year 2015-16, beginning October 1, 2015 and ending September 30, 2016, and ordering same filed with the City Administrator and County Clerk.**

Councilman Evans made a motion to accept the ordinance approving the budget of the Hill Country Village Economic Development Corporation for Fiscal Year 2015-16, beginning October 1, 2015 and ending September 30, 2016, and ordering same filed with the City Administrator and County Clerk, seconded by Councilman Register. Motion passed unanimously.

- d. Discussion and possible action on an ordinance adopting the tax rate for 2016.**

Councilman Evans made a motion to accept an ordinance adopting the tax rate for 2016 with the amended increase go directly to the Road Maintenance Fund, seconded by Councilman Rowe. CM Register voting Aye; CM Worley voting Aye; CM Evans voting Aye; CM Cronk voting Aye; CM Rowe voting Aye. Motion passed unanimously.

- e. A resolution ratifying the property tax increase reflected in the adopted FY 2015-16 budget.**

Councilman Rowe made a motion to accept the resolution ratifying the property tax increase in the adopted FY 2015-16 budget, seconded by Councilman Evans. Motion passed unanimously.

16. Mayor's Report to Council.

Mayor Durand-Hollis expressed his thanks to all who came out to the Town Hall. He stated that the Bitters Road property is still in the sixty day evaluation period.

17. Communications with the City Administrator/Chief of Police.

Mr. Morales will be attending the Texas Police Chief Leadership Series in Huntsville, Texas October 5 – 9, 2015.

18. 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 551.087 (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 7:52 p.m.

Approved this 19th day of November 2015.



Gabriel Durand-Hollis
Mayor

ATTEST:



Frank Morales
City Administrator
Acting City Secretary