

**The City of Balcones Heights
Regular City Council Meeting
3300 Hillcrest Drive
Balcones Heights, Texas 78201**

MINUTES

DATE: June 23, 2014

TIME: 6:00 p.m.

Members Present: Suzanne de Leon (Mayor) Lamar Gillian (Mayor Pro Tem)
 Linda Pohl Madeline Slay
 Jack Burton Charles White

Members Absent: None

Sign in Sheet: Packed House - the following are the only ones that signed in:
 Cecelia J. Gardon Jack Nicholson Helen Nicholson
 Rebecca Urbihen Mario Ramirez Angelica Ramirez
 Lisa Calvillo Roger Lawhead Jeff Butler

CALL TO ORDER AND RECORDING OF QUORUM

Meeting was called to order and quorum was present.

INVOCATION AND PLEDGES OF ALLEGIANCE TO THE U. S. A. AND TEXAS FLAGS

Council Member Slay gave the invocation and led pledges.

PUBLIC COMMENT PERIOD

Public Comment was addressed after 1b.

Carlton Soules – Republican candidate for County Judge

After Item #10 was addressed Mr. Hebert was called up to address his concerns with the Community Center. Profit – Litter – Parking – Safety

1. PRESENTATIONS and REPORTS:

This item was addressed before the public comment period.

- a. Recognition Plaque for outgoing Council Member Valverde (Mayor)

Mayor de Leon recognized outgoing Council Member Valverde and presented him with a plaque for his service.

- b. Meet the Council – Official Swearing in of new hire Patrolman Lucas Conneely (Pena)

Lt. Pena introduced Patrolman Lucas Conneely and gave him the Oath of Office.

Public Comment Period was addressed before 1C.

- c. Presentation of plaque to Police Officer Victor Mata in recognition of deceased K9 Officer Elmo (Pena)

Lt. Pena recognized K9 Officer Elmo and presented Officer Victor Mata with a plaque.

- d. Presentation of plaque to Officer Joey Sepulveda for retired K-9 Officer Nella. (Pena)

Officer Sepulveda was not able to be present to accept the plaque and provided a video of K-9 Officer Nella's accomplishments.

- e. Certificates of Appreciation for assisting with fire at Hillcrest Apartments (Pena)

Lt. Joyce Pena presented certificates of appreciation to the following people:

- Dario Hernandez
- Sgt. Barbara Tuttle
- Officer Stan Smith
- Reserve Officer Anthony Trevino
- Investigator Mike Russo

Sgt. Martin Garcia was presented a Certificate of Appreciation for assisting Officer Julian Pesina's family showing compassion and guidance.

- f. Recognition Plaque for flag donated to the Fire Department (Prince)

Bill Singleton – Recognition plaque.

- g. Community Initiatives Department Report – May 2014 (Nastasi)

Mr. Nastasi came up and gave highlights of his report.

Item 1i was addressed before Item 1h

- h. Police Department Report – April/May 2014 (Pena)

Lt. Pena came up and gave the highlights of the report.

- i. Fire Department Report – May 2014 (Prince)

Fire Chief Prince came up and gave highlights of his report.

- j. Development Services Coordinator Report – May 2014. (Boyd)

Mr. Boyd was not present at the meeting. A copy of his report was submitted in the council packet.

2. CONSENT AGENDA ITEMS:

- a. Approval of minutes for Special Meeting of May 13, 2014
- b. Approval of minutes for Regular Meeting of May 19, 2014
- c. Approval of the May 2014 Check Register
- e. Approval of Financial Report for month of May 2014

MOTION: Motion was made to approve (2a-e)

Motion by: Council Member Burton Second: Council Member Gillian 5/0/0 PASSED

BOARD AND COMMISSION APPOINTMENTS:

3. Consideration and **ACTION** to appoint or re-appoint members to the Planning and Zoning Commission. (Mayor)

Board Application – Carlos de la Garza

MOTION: So moved. (To re-appoint Carlos de la Garza)

Motion by: Council Member Slay Second: Council Member Gillian 5/0/0 PASSED

4. Consideration and **ACTION** to appoint Alternate Members to the Board of Adjustments. (Mayor)

Board Application – David Sellars

MOTION: I'll make that motion. (To approve David Sellars as Alternate to the BOA)

Motion by: Council Member Slay Second: Council Member White 5/0/0 PASSED

5. Consideration and **ACTION** to approve recommendation for Mayor Pro Tem. (Mayor)

Mayor de Leon recognized Council Member Gillian for serving as Mayor Pro Tem for two terms and mentioned her appreciation for the job he did. Her recommendation this year was to offer the position to another Council Member and asked Council Member Burton if he would be interested to serve as Mayor Pro Tem.

MOTION: So moved. (To appoint Council Member Jack Burton as Mayor Pro Tem)

Motion by: Council Member Gillian Second: Council Member Slay 4/1/0 PASSED

Council Member White recommended to appoint Council Member Pohl as Mayor Pro Tem After show of hands the motion remained to appoint Council Member Jack Burton.

Nay Vote: Council Member White

PUBLIC HEARINGS:

6. City Council will hold a **Public Hearing** regarding an application submitted by FAMSA Financial for a Special Use Permit for property located at 4535 Fredericksburg Rd., Ste. 117.

Public Hearing opened at 6:46 p.m.

Representative for FAMSA came up to speak in favor of approving the application submitted for the Special Use Permit.

Public Hearing closed at 6:50 p.m. and opened for Item 7.

7. City Council will hold a **Public Hearing** regarding a proposed change to Zoning Code adding Section 5.3: Temporary Portable Storage Unit (Residential) and Section 5.4: Temporary Portable Storage Unit (Commercial) to Chapter 153 of the Code Book.

Council Member/ Liaison Slay gave an update on this item.

Resident Jim Gardon – concern with additional permit fees

Joe Alcoces – question on what would be considered a temporary storage building

Public Hearing closed at 6:56 p.m.

WORKSHOP:

BUSINESS ITEMS:

8. City Council will approve/disapprove application submitted by FAMSA Financial for a Special Use Permit for property located at 4535 Fredericksburg Rd., Ste. 117.

MOTION: I would like to move for denial of the Special Use Permit.

Motion by: Council Member Slay Second: Council Member Burton 5/0/0 PASSED

9. Consideration and **ACTION** to adopt an ordinance with the proposed change to Zoning Code adding Section 5.3: Temporary Portable Storage Unit (Residential) and Section 5.4: Temporary Portable Storage Unit (Commercial) to Chapter 153 of the Code Book.

MOTION: Motion to approve.

Motion by: Council Member Gillian Second: Council Member Slay 2/0/3 FAILED

ADSTAINED: Council Member Pohl – Council Member Burton – Council Member White

Item #11, Item #19-20, Item #18, Item # 14-17 were addressed before Item #10 in that order.

10. Consideration and **ACTION** to approve funding for a management assessment of the Police Department. (Buckert)

City Administrator stated that based on the recent issues in the police department she is seeking funding for a management assessment to make recommendations in improved performance in the Police Department. Funding amount would be \$32,500.00.

Mayor de Leon recommended that this be considered and approved.

Council Member Gillian stated he did not support the deferment of this assessment.

Council Member White stated he would like to see RFQ's go out and stated his concern for the budget and would like to hold off on this for a few months.

Council Member Burton stated he is for this and it is needed but not at this time pending the investigation.

City Administrator stated that \$20,000.00 has been spent just in the month of May due to management in the Police Department.

MOTION: I would like to make a motion that we deny this because of budget constraints and bring it back later. (Deny funding of management assesment at this time)

Motion by: Council Member Pohl Second: Council Member White 3/2/0 PASSED

NAY VOTE: Council Member Slay and Council Member Gillian

City Administrator stated for the record that as long as the Police Department is in limbo, the harder it will be for the employees to get back to business as usual, which means protecting the residents, the citizens, and the businesses of this town. She stated that she is bringing forward proposals and ideas that in her professional opinion are to improve the police department which she feels is her charge. She will bring RFQ's to a future meeting.

11. Consideration, discussion, and possible **ACTION** on charging a fee to rent Rogiers Park Pavilion. (Burton)

Council Member Burton stated some of the concerns that led to proposing charging for the pavilion.

Council Member White made some recommendations for creating a policy.

MOTION: Motion to approve.

Motion by: Council Member White Second: Council Member Slay 5/0/0 PASSED

12. Discussion on setting dates for budget workshops. (Griffin)

Finance Director came and recommended July 10, 2014 and August 7, 2014 @ 10:00 a.m. for the budget workshops to be held.

13. Discussion regarding the yellow stripe parking ordinance voted on last month for Pleasant Drive. (Mayor/Gillian/White)

This item was pulled until next month.

14. Consideration and **ACTION** regarding authority for employment or dismissal of Department Heads. (White)

Mayor de Leon read Item #14, Item #15, and Item #16 and asked for a motion to table.

MOTION: I make a motion to table Item 14, 15, and 16 and bring back.

Motion by: Council Member Pohl Second: Council Member Gillian 5/0/0 PASSED

15. Consideration and **ACTION** regarding revising the grievance policy. (White)

Tabled

16. Consideration and **ACTION** to make changes and additions to the Council Policy. (White)

Tabled

17. Discussion regarding possible funding for improvements at the park. (Burton)

Council Member Burton informed city council that he called a company for prices to repair basketball court at Rogiers Park and stated they are expensive. He informed council of an entity that may be willing to give the city a professional basketball court at little or no charge.

18. Consideration and **ACTION** to make a determination whether to re-instate the Chief of Police Henry Dominguez. (Pohl, White)

City Attorney stated that based on the city's ordinances, city council does not have authority to re-instate the Chief of Police. He stated that the Chief is on Administrative Leave and is not on any disciplinary action. The attorney stated that if City Council wishes to have that authority to hire or to fire or to re-instate they would direct the attorney to draft an ordinance giving council the authority.

MOTION: I would like to make a motion that the City Attorney work on an ordinance to give City Council the authority to hire/fire the City Administrator and all Department Heads.

Motion by: Council Member White Second: Council Member Gillian 4/1/0 PASSED

NAY VOTE: Council Member Slay

EXECUTIVE SESSION: 7:10 p.m.

19. Council will convene into Executive Session in accordance with Section 551.071 (Consultation with Attorney) to discuss employment status of the Chief of Police.

RE-CONVENE IN OPEN SESSION: 8:22 p.m.

20. Discussion and possible action regarding matter discussed in Executive Session.

No action was taken.

Officer Victor Mata, Vice President of the Balcones Heights Police Officers Association came up to inform City Council that they still stand firm on the letter of no confidence submitted in reference to Chief of Police Henry Dominguez.

ADJOURNMENT:

Meeting was adjourned at 8:42 p.m.

Submitted by:

DELIA FLORES, TRMC
City Secretary

Minutes approved by City Council on July 28, 2014.