

MINUTES OF A COUNCIL MEETING
MARCH 19, 2013

The Hollywood Park City Council met in a regular session March 19, 2013 at 7:00 p.m. in Town Hall. Notice was posted in accordance with the Texas Open Meeting Laws.

Mayor Mark Perry called the meeting to order with the following Council Members present: Sudie Sartor, Steve Phillips, Tim McCallum, Matt Amerman and Paul Homburg. Also present: Finance Director-Adelina Mardegain, Police Chief-Steve Kwiecien, Fire Chief- John Butrico and City Attorney- Michael Brenan. Absent; City Secretary-Janice Alamia.

ANNOUNCEMENTS/ MAYOR AND CITY EMPLOYEES:

1. Fire report: Chief Butrico spoke to the Council about Stage 2 of the repairs at Voigt Park such as painting, replacing blinds at the Voigt Center. At the pool they will be replacing the butterfly valves and pipes, possibly adding lights for the playground. He will be bringing figures to the Council at the next meeting concerning costs.
2. Police report: Vehicle #203 was auctioned for \$2,100.00. Stolen vehicle was spotted by HPPD and SAPD apprehended. We just completed our HPPD night training.
3. Financial report: Adelina Mardegain stated we would be saving approximately \$2,500.00 this year.
4. City Secretary report: None
5. City Attorney report: None

CONSENT AGENDA:

1. Approve the Minutes of the Regular Council Meeting of 2/19/13.
2. Accept the Financial Statements as of 2/28/13.
3. Approve **Ordinance #926** cancelling the May 11, 2013 General/Special/Joint Election for the Town of Hollywood Park and declaring each unopposed candidate elected to office.

CM Sartor made a motion to approve the Consent Agenda in its entirety. CM Phillips seconded the motion. The motion passed unanimously.

Mayor Perry stated he was closing the Regular meeting at 7:18pm to go into Executive Session.

EXECUTIVE SESSION:

1. The City Council will convene into a closed session to consult with the city attorney about contemplated litigation regarding the use of local hotel tax revenues as authorized by section 551.071 (1) (A) of the Texas Government Code.

Mayor Perry stated he was re-opening the Regular meeting at 7:42pm.

OLD BUSINESS:

1. Discuss/Take Possible Action to approve a Memorandum of Understanding among the City, the Texas Hotel and Lodging Association, the Holiday Inn Express and litigation associated there with.
 - a. Citizen Comments: None
 - b. Discussion: Mayor Perry stated he, CM Amerman and Brent Lane have been working with Lyle Larson's office as it relates to being able to spend funds currently in our Hotel Occupancy fund. As of today we have \$974,878.25; this fund accrues quarterly. We have helped draft House Bill 253, which is currently in front of the state legislature. If passed we will be able to use a majority of these funds for city infrastructure. We have developed an MOU with the Hotel Lobby Association and the Hotel we have in Hollywood Park and if agreed to by Council will allow us to take 85% of Hotel Fund proceeds (\$828,646.00) to spend on infrastructure. By state mandate \$146,231.00 or 15% would be used for advertising to promote the hotel in Hollywood Park. We currently charge 7% for the Hotel occupancy tax and we would lower to 3%. This is what we are here to discuss this evening. City Attorney, Michael Brennan stated that if approved the city will initiate a declaratory judgment action in Bexar County asking the court to approve this agreement and expenditures of the money described in the MOU. The other parties have agreed to the MOU and support the declaratory judgment. If the legislature were to change the law that would be great but if they do not change the law the agreement and court order will cover the expenditure of the money and future revenues as they come in. CM Homburg stated there are a lot of reasons not to do this. It would tie the hands of the Council and the city because it would restrict the tax rate for other hotels that may come into the city. This is a very short-sighted thing. We should comply with the law and use this money for what it was intended. CM Amerman stated we need this money for infrastructure and it is a start to further planning. No one has done anything in the past with this fund so I support this MOU. CM McCallum stated it is necessary to have amenities for our city. I have not seen anything on this issue until I saw this in my Council packet Friday. I am speaking against this MOU. CM Sartor stated if we had the ability to use these funds in the past why haven't we? Do we need to spend a million dollars on the Voigt Center? I am in favor of this MOU. CM Phillips stated we need to take action on this now. I urge us to do something. CM Phillips made the motion to approve the above action. CM Amerman seconded the motion. Motion carried 3 to 2 with CM Homburg and McCallum voting nay.

2. Discuss/Take Possible Action on proposals received for electronic signs on Loop 1604 and US 281 and authorize the Mayor to negotiate and execute one or more license agreements for the installation of such signs.
 - a. Citizen Comments:
 - Sara Green-nonresident: We have a digital billboard business. My husband and I were trying to get together with the city and no one got back to us.
 - Robert Green-nonresident: I called the guy who does the street signs and he finally returned my call.

- Rick Swint-34 Amber Forest: If you accept the Clear Channel proposal does that exclude any other sign entity from coming into the city again or would we be locked in?
 - Lamar Advertising: We did not bid on 281 because we could not build any signs on 281 because Clear Channel has spaced us out and we cannot force them to take theirs down. They control that spacing.
 - David Ortega-104 Memory Trail: What are the locations and height of the signs?
 - Clear Channel-Tom Lanford: The ordinance allows 80 feet overall height.
- b. Discussion: Mayor Perry stated we went through the RFP process. There was 2 respondents-Lamar and Clear Channel Outdoor. One was for one location and one was for 3 locations. Estimated revenues at this point are about 4.8 million dollars over a 25 year term. Working with the EDC, city staff and residents we reviewed the RFP responses to include evaluation criteria such as design features, removal of existing billboards, conformance with digital display standards, amount of time offered for city messages, discounts for city businesses, etc..... After this evaluation the committee is recommending we accept the Clear Channel Outdoor proposal. I would like approval to enter into negotiations with Clear Channel Outdoor. CM Homburg stated if he understood this correctly, the Clear Channel proposal is \$180,000 up front payment and \$180,000 annually over 25 years. There would be a sign at Oak Creek, Donella and at Sterling Browning. The Lamar proposal is for \$90,000 annually and when construction is completed they would pay the first five years in advance which is \$450,000. After that the minimum payment would be \$90,000 a year which could increase up to a maximum of 25% of revenue for their signs. I am not a fan of digital signs but this is a pretty good source of revenue for the city. Maybe we should mix and match to get the most revenue possible from both vendors. CM McCallum stated he is not against this proposal but he would like the Mayor to renegotiate with Lamar and Clear Channel to come up with a possible better deal. CM Homburg made the motion to have the Mayor negotiate with both Lamar Advertising and Clear Channel with one vendor bidding on 1604 and the other for 281. CM Phillips seconded the motion. The motion passed 4 to 1 with CM Sartor voting nay.

3. Discuss/Take Possible Action on the implementation of a traffic study.

- a. Citizen Comments: None
- b. Discussion: CM Amerman stated he had been speaking with City Secretary, Janice Alamia to name possible entities to perform this study. He will postpone until she returns.

NEW BUSINESS

1. Discuss /Take Possible Action on an EDC request for spending approval on a marketing study.
 - a. Citizen Comments:
 - David Ortega-104 Memory Trail: It is so refreshing to hear excitement from someone who wants to invest in our neighborhood. We should applaud Brent Lane for all his hard work.
 - b. Discussion: Brent Lane, President of the EDC spoke to the Council concerning a marketing study he would like to initiate through the EDC. He believes this would be a tremendous benefit to Hollywood Park. Based on the kind of services that were needed for this study the EDC requested a proposal from Dublin and Associates. We are looking at this as a business plan for the city and we want to ask for resident input so we will have work sessions to receive this input. CM Phillips and Amerman agreed with Mr. Ortega that the EDC is doing great work under the leadership of Brent Lane. CM Sartor made the motion on an EDC request for spending approval on a business consulting study for \$24,500. CM Phillips seconded the motion. The motion passed unanimously.

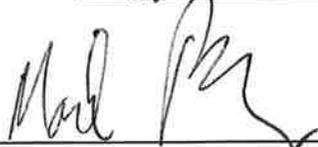
2. Discuss/Take Possible Action for an on premise sign **Ordinance #927.**
 - a. Citizen Comments:
 - Gary Norsworthy-Alamo Feline Clinic: I desire to put a sign on my building to replace the old one. I would like to bring in new business with my new digital sign to be more competitive.
 - b. Discussion: Chris Fails, who is a member of the Code Committee spoke to the Council concerning the changes that were made to the Ordinance in the packet. He stated this Ordinance was what was best for Hollywood Park after looking at similar Ordinances from other cities. CM McCallum is in support of this Ordinance and thanked Chris Fails and the committee for all their hard work. CM Sartor stated everyone on the committee worked very hard to come up with a good Ordinance. CM Sartor made a motion to approve the Ordinance for on premise digital signs. CM Phillips seconded the motion. The motion passed unanimously.

CITIZEN PARTICIPATION:

- Christopher Hays-206 Donella Drive: Complained about the signs posted in Hollywood Park on private property. He feels they are political. If people would like to express themselves they should write a letter to the Sparks.

ADJOURNED: There being no other business, Mayor Perry adjourned the Regular Meeting at 9:05pm

MINUTES OF THIS MEETING APPROVED AS SUBMITTED (✓)
CORRECTED () THIS 16 DAY OF APRIL, 2013.



Mayor, Mark Perry

ATTEST:



City Secretary, Janice Alamia