

MINUTES OF REGULAR
CITY COUNCIL MEETING HELD
JULY 21, 2011

The City Council of Olmos Park, Texas held a regular meeting on July 21, 2011 commencing at 6:00 p.m. in the Council Chambers at City Hall. Mayor Susan Gragg presided and Council members present were Kenneth Farrimond, Gayle Girdley and Pat Semmes. Councilman Jeff Judson arrived and joined the Council at 6:10pm. Sharon Plant was out of town and excused from attendance. Staff present was City Manager Michael W. Simpson, City Secretary Celia M. DeLeon, Police Chief Fred Solis; Fire Chief John Surber and Administrative Intern Thomas Cronnon. Also present were Marc Schnall, City Attorney; Jack Williamson, 303 Park Hill Drive; Carol McMorris, 116 Paseo Encinal; Ernest Locker, 224 Luther Drive; Gene Allen, 204 East Wildwood; Jennie Badger, San Antonio Bar Foundation; Pat Meier, 140 Stanford Drive; Claire Holshouser, 107 East Mandalay; Carolyn Nelson, 473 East Olmos Drive.

Mayor Gragg announced a quorum was present and called the meeting to order at 6:00 p.m.

Citizens to be heard

No Citizens rose to be heard.

CONSENT ITEMS:

- a) Approve minutes of regular meeting held June 16, 2011.
- b) Accept Disbursements for May 2011.
- c) Approve Memorandum of Understanding with San Antonio River Authority concerning the National Flood Insurance Program (NFIP); take possible action.
- d) Receive and approve request from the San Antonio Bar Foundation to host the *2011 Fun Run for Justice* on Saturday, November 19, 2011, using the San Antonio Gun Club as a staging/finish area; take possible action.
- e) Approve an agreement with the City of San Antonio (COSA) to transfer radios from COSA to the Olmos Park Fire Department as part of an Assistance to Firefighters Grant award); take possible action.
- f) Approve the use of City property to train City employees in martial arts as part of a physical fitness program); take possible action.
- g) Approve posting to the Municipal web site a description of the Council-Manager form of municipal government for Olmos Park; take possible action.
- h) Renew auditing contract with Armstrong, Vaughan & Associates, P.C.; take possible action.
- i) Accept offer of Wayne Wright to provide free smoke detectors for installation in private homes when requested by the homeowner(s); take possible action.
- j) Approve Emergency Medical Services Agreement with the City of Alamo Heights and the City of Terrell Hills; take possible action.
- k) Approve use of City Hall for early voting in the November, 2011 and for May and November elections in 2012.

Councilwoman Semmes requested to remove items (d.), (e.), (i.), (j.) and (k.) from the consent items. The Mayor ordered those items removed from the Consent Items.

Councilman Farrimond moved to approve consent items (a.), (b.), (c.), (f.), (g.), and (h.). Councilwoman Semmes seconded his motion. The vote in favor of the motion was:

AYES:	Farrimond, Semmes, Girdley
NAYES:	None
ABSTAIN:	None
ABSENT:	Judson, Plant

The vote in favor carried.

Items for individual consideration were:

- d) Receive and approve request from the San Antonio Bar Foundation to host the *2011 Fun Run for Justice* on Saturday, November 19, 2011, using the San Antonio Gun Club as a staging/finish area; take possible action.

Councilman Judson arrived at 6:10 p.m.

Councilman Judson made a motion to approve request from the San Antonio Bar Foundation to host the 2011 Fun Run for Justice only on Saturday, November 19, 2011, using the San Antonio Gun Club as a staging/finish area and that the City Manager notify the San Antonio Gun Club of this one-time event. Councilman Farrimond seconded the motion. The vote in favor of the motion was:

AYES:	Farrimond, Semmes, Girdley, Judson
NAYES:	None
ABSTAIN:	None
ABSENT:	Plant

The vote in favor carried.

- e) Approve an agreement with the City of San Antonio (COSA) to transfer radios from COSA to the Olmos Park Fire Department as part of Assistance to Firefighters Grant award; take possible action.

Councilman Farrimond made a motion to approve agreement with City of San Antonio to transfer radios from COSA to the Olmos Park Fire Department as part of Assistance to Firefighters Grant award. Councilman Judson seconded his motion. The vote in favor of the motion was:

AYES:	Farrimond, Semmes, Girdley, Judson
NAYES:	None
ABSTAIN:	None
ABSENT:	Plant

The vote in favor carried.

- (i) Accept offer of Wayne Wright to provide free smoke detectors for installation in private homes when requested by the homeowner(s); take possible action.

Councilman Judson moved to authorize the City Manager to accept Wayne Wright's offer of free smoke detectors, contingent upon the City Manager's further research of other options and the Lowe's free smoke detectors program. Councilwoman Semmes seconded his motion. The vote in favor was:

AYES:	Farrimond, Semmes, Girdley, Judson
NAYES:	None
ABSTAIN:	None
ABSENT:	Plant

The vote in favor carried.

- (j) Approve Emergency Medical Services Agreement with the City of Alamo Heights and the City of Terrell Hills; take possible action.

Councilwoman Semmes moved to approve the Emergency Medical Services Agreement with the City of Alamo Heights and the City of Terrell Hills. Councilwoman Girdley seconded her motion. The vote in favor was:

AYES: Farrimond, Semmes, Girdley, Judson
NAYES: None
ABSTAIN: None
ABSENT: Plant

The vote in favor carried.

- (k) Approve use of City Hall for early voting in the November, 2011 and for May and November elections in 2012.

No action was taken.

Appoint an Audit Committee for FY 2011 City Audit and Annual Financial Report.

Mayor Gragg appointed herself, Councilwoman Semmes, Councilwoman Girdley and City Manager Michael Simpson to the Audit Committee for FY2011 City Audit and Annual Financial Report.

Discussion and deliberation concerning a resolution requesting CPS to fund new electric street lights on Contour Drive using CIED Funds; take possible action.

Councilwoman Semmes moved to adopt Resolution 2011-04 requesting City Public Service to fund new electric street lights on Contour Drive using CEID Funds. Councilman Farrimond seconded her motion. The vote in favor was:

AYES: Farrimond, Semmes, Girdley, Judson
NAYES: None
ABSTAIN: None
ABSENT: Plant

The vote in favor carried.

Discuss and approve proposed EDC board replacement procedures; take possible action.

Councilwoman Semmes moved to approve the proposed EDC board replacement procedures as amended, with the addition of: a) must be willing to complete Texas Economic Development Corporation training within six months of appointment, b.) Must disclose personal or family ownership of property or business in Olmos park, either directly or indirectly, and any other potential conflict of interest. Councilman Farrimond seconded her motion.

Councilman Judson made a motion to amend Councilwoman Semmes motion, by deleting line reading, *Please do not contact individual City Council members to apply* and deleting *must be willing to complete the Texas Economic Development Council Basic Economic Development training within six months of appointment*. Councilman Farrimond seconded his motion.

After further discussion, Councilman Judson withdrew his motion to amend Councilwoman Semmes motion.

Councilwoman Semmes amended her motion to approve the proposed EDC board replacement procedures as amended, by adding; a) must be willing to complete the Texas Economic Development Council Basic Economic Development training within six months of appointment, b.) Must disclose personal or family ownership of property or business in Olmos park, either directly or indirectly, and any other potential conflict of interest. Councilman Farrimond seconded her motion.

AYES: Farrimond, Semmes, Girdley, Judson
NAYES: None
ABSTAIN: None
ABSENT: Plant

The vote in favor carried.

Departmental Reports:

City Council received Departmental reports.

Deliberation concerning procedure for consideration of timely appeal from personnel action approved by the City Manager; take possible action. Possible executive session pursuant to TEXAS GOVERNMENT CODE §551.074, Personnel Matters and TEXAS GOVERNMENT CODE §551.071, Consultation with Attorney.

Mayor Gragg called an Executive Session at 8:06 p.m.

Mayor Gragg resumed the open meeting at 8:33 p.m.

Dr. Farrimond moved that the City Council hear the appeal from personnel action in a special City Council meeting to be held on July 26, 2011 at 2:00 pm at City Hall. He further moved that the Council adopt the following procedures for personnel actions appeals from the decision of the City Manager:

1. The employee appealing the personnel action has the burden of proof at the hearing.
2. The burden of proof shall be "the preponderance of the evidence" or more likely than not, in non-legal terms.
3. The employee appealing the personnel decision may choose to have the hearing conducted in executive session or in an open Council meeting.
4. The employee may be represented by counsel or have his/her case presented by a spokesman (for these policies, "the employee" shall refer to the employee former employee and/or the employee's or former employee's spokesman/representative).
5. Hearsay evidence shall be admissible.
6. The City Council shall be the sole judge of the creditability of witness testimony and the weight it shall give to any documentary evidence.
7. The City Attorney shall be the legal advisor to the City Council for the hearing.
8. The sequence of events will consist of:
 - a) The representative of the City will present a summation of the personnel action being appealed (ex. termination of employment, demotion, transfer, denial of a benefit, etc.)
 - b) The employee (or the employee's representative/spokesman) may present the employee's case for appeal. The employee may call witness in his/her behalf, but the representative of the City may cross-examine the witness at the conclusion of the employee's questioning of the witness. The employee may present documentary evidence. The employee's presentation (to include examination of witnesses and cross examination) may not exceed 1 hour in duration.
 - c) The representative of the City may present its case to show that City policies have been followed and that the personnel action was justified by a preponderance of the evidence. The City's representative may call witnesses (who may be cross-examined by the employee). The representative of the City may present documentary evidence to support the reasonableness of the personnel action. The City's case (to include examination and cross examination of witnesses) may not exceed 1 hour in duration.
 - d) The employee may rebut the City's case, limited to 15 minutes.
 - e) The City may reply to the employee's rebuttal, limited to 10 minutes.
 - f) The employee may make a closing statement (not to exceed 5 minutes).
 - g) The City's representative may make a closing statement (not to exceed 5 minutes).

9. After the City's closing statement, if any, the Council shall deliberate the employee's appeal and announce its decision in open meeting. It shall require an affirmative vote of a majority of voting members of the City Council to reach a decision.
10. The Council may affirm the City Manager's decision; modify the City Manager's decision or reverse and render the City Manager's decision.

Councilwoman Semmes seconded his motion. The vote in favor was:

AYES: Farrimond, Semmes, Girdley, Judson
NAYES: None
ABSTAIN: None
ABSENT: Plant

The vote in favor carried.

There was no other business and the meeting adjourned at 8:33 p.m.

Susan O. Gragg
Mayor

ATTEST:

Celia M. DeLeon
City Secretary