

MINUTES OF REGULAR  
CITY COUNCIL MEETING HELD  
MAY 18, 2022

The City Council of Olmos Park, Texas held a regular meeting on May 18, 2022 commencing at 6:00 p.m. in the Council Chambers at City Hall. Mayor Deanna Rickabaugh presided and Council members present were Will Brooks, Erin Harrison, Kenyon McDonald, and Sharon Plant. Councilmember not present was Juliana Dusek. Staff present were City Manager, Celia DeLeon, City Secretary, Kyndra Munoz; Police Chief, Rene Valenciano; and Director of Public Works, Gilbert DeLeon. Also present was City Attorney, Richard Lindner; Christopher Allison, M.E. Allison & Co.; Arnold Cantu, Cantu Harden LLP; Paul Covey, 138 E. Wildwood; David Givler, Givler Engineering; Adam and Tess Harden, 415 Devine; Beth O'Brien, 103 E Mandalay; Linda McDonald, 121 E. Wildwood and Megan Rodriguez, San Antonio Express News.

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

Citizens to be heard: Consideration and discussion of proposed issuance of debt obligations to be titled "City of Olmos Park, Texas Combination Tax and Limited Pledge Revenue Certificates of Obligation, Series 2022" to finance sewer system and road improvements in the City. Citizens will be provided the opportunity to address the Council on issues and concerns related to this item. After an initial presentation, the Council will address questions, issues or concerns from the public in the order they were received. (continued from 5/18/2022 Special Meeting if necessary).  
There were no citizens to be heard.

Consideration and appropriate action on a resolution approving the City's plan of finance pertaining to the contemplated issuance of obligations to be designated as "City of Olmos Park, Texas Combination Tax and Limited Pledge Revenue Certificates of Obligation, Series 2022"; authorizing City staff and the City's financial advisor and bond counsel to proceed with this plan of finance; approving the selection of Frost Bank Capital Markets as Senior Underwriter; and authorizing other matters related to the foregoing.

Councilwoman Plant moved to approve a resolution approving the City's plan of finance pertaining to the contemplated issuance of obligations to be designated as "City of Olmos Park, Texas Combination Tax and Limited Pledge Revenue Certificates of Obligation, Series 2022"; authorizing City staff and the City's financial advisor and bond counsel to proceed with this plan of finance; approving the selection of Frost Bank Capital Markets as Senior Underwriter; and authorizing other matters related to the foregoing.

Councilwoman Harrison seconded the motion.

The vote in favor of the motion was unanimous.

Citizens to be heard: This time is provided for citizens to address the Council on issues and concerns. No action can or will be taken on issues raised under this portion of the meeting. Please state your name and address for the record and limit your remarks to a period not to exceed three minutes.

There were no citizens to be heard.

Mayor Rickabaugh opened agenda item number 9.

Receive and take possible action on Lee Cavender's request to close the 200 block of Thelma Drive on Saturday, July 16, 2022 from 2:00PM to 5:00PM for a birthday party.

Mayor Rickabaugh asked the street will be closed to through traffic only and anyone who lives on this street will be able to get in and out, correct?

Catriona Cavender stated that is correct. I have dropped off invitations and letters notifying my surrounding neighbors.

Councilwoman Plant moved to approve Lee Cavender's request to close the 200 block of Thelma Drive on Saturday, July 16, 2022 from 2:00PM to 5:00PM for a birthday party.

Councilman McDonald seconded the motion.

The vote in favor of the motion was unanimous.

Receive verbal report by Adam Harden regarding authorizing the defeasance and redemption of the City of Olmos Park, Texas Higher Education Facilities Corporation Revenue Improvement and Refunding Bonds (Texas Lutheran University).

Adam Harden, 415 Devine stated we received notification to authorize the redemption of outstanding bonds that were issued by Olmos Park to Texas Lutheran University. TLU is refunding these bonds and will be going through the City of Seguin instead of the City of Olmos Park as a conduit issuer. The defeasance of the bonds will not count towards the 2022 accounting for bank qualified debt. For the City of Olmos Park, if you do conduit bonds, they are counted towards your \$10 million cap. Even though they are doing this refunding, I wanted to make it clear this will not impact any type of bank qualified status.

Appoint Mayor Pro-Tem to serve through May 2023.

Councilwoman Plant nominated Councilwoman Harrison to serve as Mayor-Pro Tem through May 2023.

Set time and date for regular City Council meetings per City Code Section 2.1(a).

Councilman McDonald moved to continue holding the regular City Council meetings on the third Wednesday of every month at 6:00 p.m.

Councilwoman Harrison seconded the motion.

The vote in favor of the motion was unanimous.

Appoint a City Secretary to serve a term through May 2024 as per City Code Section 2-3(a); take possible action

Councilwoman Plant moved to appoint Kyndra Munoz as City Secretary to serve a term through May 2024.

Councilwoman Harrison seconded the motion.

The vote in favor of the motion was unanimous.

Discussion and possible action regarding City Engineer's recommendation to accept a bid for the 2021-2022 Street and Drainage Maintenance Project.

Mayor Rickabaugh asked is there a cap on the bid? If rates go up how will that impact us? Do you feel they would not abandon the project because it became too expensive?

David Givler stated they bid set rates and they will stay at these rates. We worked with this company last year and had a good experience with them. They were very conscientious and responsive.

Councilwoman Harrison asked if for some reason we were able to come in under budget, we could potentially have money leftover with the contingency plan?

David Givler stated this does happen from time to time. Sometimes we might figure out something with the contractor to find some legitimate shortcuts and reduce some quantities. This is one of the reasons we go out to the project periodically.

Councilwoman Plant moved to accept City Engineer's recommendation of bid received from Lone Star Sitework for the 2021-2022 Street and Drainage Maintenance Project. Councilman McDonald seconded the motion.

Discussion and possible action regarding Ordinance No. 2021-12; Chapter 8, Article XII Drainage Requirements.

City Attorney Richard Lindner stated we had a property come up which was the first true test of this ordinance. This property was one where the street is higher than the back of the lot. This ordinance has been put up against two properties like this and both are very difficult properties. The street is the high point and the alley or the backyard is the low point. Some of the issues that came about kind of showed the problems faced when enforcing draining regulations. This showed some struggles the Building Official and City Engineer had. The ordinance requires no increased water leads to a property. If the property is being built up with more impervious cover, where does this water go? There are downsides of what you do with this water. Now that you have seen some of these issues, you can make some policy decisions on whether or not you want to continue to regulate this or whether you want to scrap this because you do not have to regulate this and rely on private course of action. If you do not like how these 2 properties sorted out, you can try to find a different middle ground.

Councilman McDonald asked what would your recommendation be on what we should do?

Richard Lindner stated legally, the least risky thing for you to do would be to throw it out. My job is to look at the City's risk. You do not need to have this ordinance and this ordinance increases risk. I do not live where you live and you have to make polices for your citizens.

Councilwoman Plant stated on this first property, no one did anything wrong, it was each individual's interpretation of it. Some background on this item is we had some residents who had flooding from accessory buildings and had tearing down of retaining walls that also caused flooding to adjacent properties. For the retaining walls, we passed ordinance 2020-03 to take care of this issue. Councilwoman Harrison and I are under the impression we can throw out this ordinance. I reached out to Planning and Zoning member Mr. Covey who looked up Highland Park's website where they post how to be a proactive neighbor by reaching out to adjacent neighbors during construction. We can place something like this on the building website or when you pull a permit.

Councilman Brooks stated while serving on the Planning and Zoning Commission, this was something I had concerns about. At the end of the day, I do not think this is something the City should regulate and engage in.

Councilwoman Harrison stated the way this is written makes it very challenging to define and my personal opinion on this would be to throw it out. I believe it is too much that is causing undue hardship.

Councilman Brooks asked how does this effect the City's liability?

Richard Lindner stated I don't worry about liability as much as I worry about the City get dragged into neighbor to neighbor disputes in which Ric would be deposed and the City Attorney would have to weigh in on the disputes. Without an ordinance, you can say this is a private dispute.

Mayor Rickabaugh stated drainage is still a State law.

Richard Lindner stated in section 2 and section 3 of this ordinance we changed the regulation from a quarter of an acre to an eighth of an acre on pre-construction sitework. If you want to keep this, you would direct staff to bring back an ordinance repealing section 1 of ordinance 2021-12. If you want to stop it today, you would direct staff to suspend enforcement of section 1 of ordinance 2021-12.

Councilwoman Plant moved to suspend enforcement of section 1 of ordinance 2021-12 and instructed staff to bring an ordinance to the June meeting repealing section 1 of ordinance 2012-12.

Councilman McDonald seconded the motion.

The vote in favor of the motion was unanimous.

Discussion regarding confirmation of appointment of member to the Board of Adjustment by Mayor to serve a two-year term through May 2024; take possible action.

Mayor Rickabaugh stated I am thankful Brenda Atherton is willing to serve and I recommend we appoint Brenda Atherton to continue to serve on the Board of Adjustment.

Councilman McDonald moved confirm Mayor Rickabaugh's appointment of Brenda Atherton to serve a two-year term through May 2024.

Councilwoman Harrison seconded the motion.

The vote in favor of the motion was unanimous.

Discussion and possible action to identify issues or current Chapter 40 regulations for Planning and Zoning Commission's review, consideration and report.

Mayor Rickabaugh stated last month, the Chairman of the Planning and Zoning Commission came to us for clarification. I took an interest in this and have been attending some of the meetings. They were moving through this from probably what were vague instructions we gave them back in June. We had citizens come in and talk about drainage, demolitions which we cannot regulate, and building height at the setback. During the process, Planning and Zoning was moving forward to talk about the entirety of the lot in a project and it went a little sideways, so they are looking for some clarification. The Planning and Zoning Commission does not make policies but they are very important to our City's function. I am a believer in the process, I value to process and I would like to see this to the end whether the outcome is recommending no change at all, a minor alteration or a full-blown change. We had citizens who brought this to our attention, we charged P&Z to look at this and if it goes through the process in which they come back to us with whatever they decide, we can then answer our neighbors.

Councilwoman Plant stated I asked Celia to review the minutes following the instruction we gave Planning in Zoning back to July where we discussed these items in either City Council or Planning and Zoning. The impervious cover and drainage are tied together.

Celia DeLeon stated I found a memo written by Councilman Brooks when he served as Chair of Planning and Zoning Commission in which they decided not to make any changes on impervious cover.

Councilwoman Plant stated we discussed looming when citizens came to speak regarding new construction of homes.

Mayor Rickabaugh stated looming is height at the setback and is something we asked Planning and Zoning to consider. We have not adjudicated that in the Council room.

Councilwoman Harrison stated I thought we discussed that last month when talking about height at the setback line for accessory structures.

Mayor Rickabaugh stated that is correct, but our charge was not just the accessory building and they got focused on accessory building. A lot of time has passed since July and I feel as there is an unfinished piece of business at Planning and Zoning. They started out struggling to understand the concept, then they had a change in constitution which set the process back a bit and then they got focused on the accessory building. They were beginning to discuss the primary structure and somehow got derailed. This is when Mr. Harden asked for some clarification.

Richard Lindner stated once Planning and Zoning is considering an item or writing a report, it needs to stay at Planning and Zoning. If they have not started considering it and haven't issued a final report, you can claw back direction.

Councilwoman Plant asked is this the only items outstanding from all the items we tasked them with?

Mayor Rickabaugh based on my recollection of what the citizens brought to us and the initial motion we made for what we wanted them to look at. They were beginning to move forward with the primary structure and we need to decide whether we are going to claw it back. Last month, we rejected the ordinance brought to us by Planning and Zoning relating to accessory buildings. The recommendation was to move the accessory buildings up into the yard and flatten it out, which I believe unduly penalizes the smaller lots.

Councilwoman Harrison stated we do not want to become a city that completely discourages homeowners from making modifications. We do not have a bunch of lots that are the same exact size and we are vastly different from property to property. As things change, people who buy these homes want to invest and want the ability to change or modify their property to meet their long-term needs.

Councilwoman Plant stated we subscribe to Municode, do they review our ordinances annually to make sure we are updated with any changes in the law?

Mayor Rickabaugh stated we will place this item on the agenda for discussion at next month's meeting.

Councilwoman Harrison moved to acknowledge there is no direction for the Planning and Zoning Commission to consider at this time.

Councilman Brooks seconded the motion.

The vote in favor of the motion was unanimous.

Consent Items:

- a. Approve Cash Disbursements April 2022;
- b. Approve City Council minutes of April 20, 2022;
- c. Appoint Municipal Court Judge and Alternate Judge to serve a two-year term through May 2024; take possible action

Councilwoman Plant moved to approve consent items A-C.

Councilman McDonald seconded the motion.

The vote in favor of the motion was unanimous.

Departmental Reports: (Written reports submitted to City Council, no further discussion required, unless requested by City Council.)

- a) Police:
  - (1.) Incidents, arrests and activity during the prior and current months.
- b) Fire:
  - (1.) Fire and other service calls, activity and training activities during the prior and current months.
- c) Streets and Sanitation:
  - (1.) Monthly Report
- d) Administration:
  - (1.) Financial reports for April 2022;
  - (2.) Monthly overtime, CT, vacation, sick leave report;
  - (3.) Building Department Report;
  - (4.) Municipal Court Report
- e) Manager's report:
  - (1.) Discussion of written reports (if needed).

Councilwoman Harrison moved to approve the Departmental Reports as submitted.  
Councilman McDonald seconded the motion.  
The vote in favor of the motion was unanimous.

There was no further business and the meeting was adjourned at 6:57 p.m.

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Deanna Rickabaugh  
Mayor

ATTEST:

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Kyndra Munoz  
City Secretary