

MINUTES OF REGULAR
CITY COUNCIL MEETING HELD
FEBRUARY 16, 2022

The City Council of Olmos Park, Texas held a regular meeting on January 19, 2022 commencing at 6:00 p.m. in the Council Chambers at City Hall. Mayor Pro-Tem Kenyon McDonald presided and Council members present were Erin Harrison, Sharon Plant and Deanna Rickabaugh. Council members not present were Mayor Ronald Hornberger and Juliana Dusek. Staff present were City Manager, Celia DeLeon, City Secretary, Kyndra Munoz; Fire Chief, Michael Goodreau; Police Chief, Rene Valenciano; Director of Public Works, Gilbert DeLeon and Building Official, Ricardo Cavazos. Also present was City Attorney, Richard Lindner; Hank and Carol Cornelius, 107 E. Hermosa; Nefi Garza, City of San Antonio; Roberto Reyna, City of San Antonio; Ralph Schneider, 508 Thelma Drive; and Megan Rodriguez, San Antonio Express News.

Mayor Pro-Tem McDonald called the meeting to order at 6:00 p.m. and determined a quorum was present.

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.

Ralph Schneider, 508 Thelma Drive stated I have some concerns regarding the alley behind me. Several months ago, new telephone poles were installed but the old ones were left behind. This makes it difficult for some of us to get into our garage. This is a concern because you would not be able to get a fire truck back here if there is a fire. I would like to know if there has been any progress made on getting rid of the old telephone poles. Also, I was informed the residents on Melrose are responsible for brush control. I spoke to Officer Trevino who stated citations had been issued on Melrose, but I do not see that anything has been done. The last concern I have is the garbage truck comes up and down our alley that has resulted in potholes. I would like to know who is responsible for repairing these potholes?

City Manager Celia DeLeon stated I will take a look into these issues and get back to you with an update.

Presentation from the City of San Antonio on their drainage project on Annie Street and Shook Avenue

Nefi Garza, City of San Antonio stated I am an Assistant Director for the City of San Antonio Public Works Department and I am joined by my manger Roberto Reyna. Thank you for this opportunity to come present and talk to you about this project. We have a planning team led by Roberto Reyna who takes phone calls and complaints within the City of San Antonio then develops a project to solve any kind of drainage issues or concerns. For these projects, we generally look to provide funding through our storm water yearly budget or in certain cases we have the opportunity to fund projects through a bond. This specific project on Annie and Shook however, was not included in the bond. We will continue to analyze and work on this project and will hopefully find a way to get this project completed. Currently we are looking at providing funding for this project in 2027. In the meantime, we wanted to come and provide some information and ultimately be able to coordinate. When we do a drainage project we do not take a flooding problem and push it downstream. Our code states we have to solve the drainage problem throughout until it reaches a creek and there is no one who will be impacted or flooded. I would like to give some history for the area of concern which is on Holland Street that is just south of Annie and in the City of San Antonio. In 2012, there were reports of flooding on Shook Avenue and consequently received issues of flooding along the alley between Holland and Annie. In 2017, the home located at 220

Annie was demolished due to the history of flooding. We were notified that there were not any flooding concerns or drainage issues within Shook and Annie in the City of Olmos Park. We have a map to show 311 calls about flooding as it relates to this particular area. This map also shows an alignment which we refer to as the project on Annie and Shook. In order to solve the flooding problem, we are forced to fix the alley and build an underground structure. We are not sure on the size of the structure which requires further calculations but it will be located underneath the street. This system will have to go from Holland and Annie to eventually meet up with Shook and continue down to discharge at Olmos Park. Drainage projects are typically the deepest utility in the street. When we do a drainage project we will coordinate with CPS and SAWS in which they take the opportunity to upgrade or improve their system. This is invasive work and can take months to complete. What ends up happening is all of the water goes underground, you aren't driving on it and it discharges to Olmos Park. The design of a new underground drainage system to collect runoff from Annie and Holland, add to or upsize the existing drainage system on Shook and outfall at the Olmos Basin Park is for a 25-year event. The current estimate of the design is \$14 million. A couple of things we will be requesting from the staff when we get to that point will be construction plans, for access and permission to televise the system and additionally there has been talk about placing a temporary flood gauge at the intersection of Gillespie and Annie. By the time we get to construction this will be a bit more difficult and we will require an easement to install this piece of infrastructure underneath your street. We would ask for assistance from CPS, SAWS and any other utilities for any utility adjustments and if possible, any participation you may be able to provide in regard to the pavement restoration costs. Because you are not having any drainage issues, we would take care of the drainage and we would come back at a later time with a good cost estimate to see if there is any funding you might be able to provide us.

Mayor Pro-Tem McDonald asked is the 25-year event equal to the October 1998 storm?

Nefi Garza stated the October 1998 storm was more like a 300-year event and not something we see very often. Generally, a 25 year usually goes from curb to curb where the water will flood the road itself and is about 6-7 inches within a 24-hour period.

Councilwoman Plant stated is there a plan B or is Olmos Park the only plan for this design?

Nefi Garza stated the reason this is the optimal plan is because we are following the elevation. A plan B would be deeper and much more invasive.

Councilwoman Plant stated I do not see a way where we can financially participate in something like this. We have our sewer system located under the street which is extremely fragile. I would like for our City Engineer to review these plans at your expense. We have been previously obligated to the City of San Antonio for a drainage issue behind Sunshine Cottage that was supposed to be a simple projected but ended up costing our City a fortune. You mentioned this project will take months but you are looking to tear up a substantial part of Olmos Park.

Councilwoman Harrison asked can you go into depth about what you will be requesting and the cost involved.

Nefi Garza stated the \$14 million figure is listed on what is referred to as quad sheet and are preliminary costs. There are costs for real estate, environmental and other permitting requirements but because we have not done on the ground survey or televised it, we do not know the condition. This number is just to put us in the ballpark and have a discussion. I do understand the concern in that this project will tear up the streets and you will not be able to use them for quite some time. Certainly, plan B will have to be something that we look at for consideration. What is important to us is to hear your opinion and thoughts on this as we proceed forward.

Councilwoman Plant stated I can speak from personal experience when we had a drainage project on a block of my street that was supposed to take a few months ended up taking a little over a year. Our budget is tight and I don't think there is a way we can contribute to this. Ad valorem taxes mainly go to salaries and benefits and the remainder of the budget operates our City.

Nefi Garza stated I understand. I do believe it would be a win-win situation. For example, if we tear up the street and there are utilities that need to be upgraded, you could make some improvements to your sewer system and avoid the cost of excavation that we would cover. This currently is not a funded project, we do not have the money to do it but am here today to begin the dialogue.

Councilwoman Rickabaugh stated right at the City limits there is drainage ditch near Annie, where does this water go?

Roberto Reyna stated at this corner there is a concrete sham and then it goes underground. We think the water comes from Melrose takes a right all travels all the way down to Shook, but we want to televise this to know for sure.

Nefi Garza stated our request is to coordinate with staff to see if we can get any copies of as built construction plans to understand what is underneath the roads and get permission to televise the system. We will follow all permitting processes and would also like to see if we could install a flood gauge in your City.

City Manager Celia DeLeon stated I would need to know exactly what constructions plans you are seeking and if they are available, I can send those to you. Regarding the flood gauge installation inside the City, that is an action item and can't be taken under this agenda item.

Councilwoman Harrison asked why are you focused on a 25-year event project? I feel lately we have had more extreme events, why wouldn't you look at doing a 50 or 100-year event project?

Nefi Garza stated that is our design standard. When we design any kind of infrastructure underneath the streets, it is a 25-year event.

Councilwoman Plant stated I would like to know the impact of the drainage and what this does to the longevity of the streets when you have a ton of water traveling underneath the streets.

Mayor-Pro Tem McDonald asked will there be any legal issues regarding this proposed project?

Richard Lindner stated when presented with consideration of installing the sign, there will be the license agreement of installing the sign. Also, there will be an agreement for televising in the City in which the City Manager has the authority to allow them to televise. I do not see any liability in the as built construction plans.

Councilwoman Harrison stated we have the existing sewer system in place in which we have had inspections done to show us if a sewer line is in good condition. What happens if this project causes damage to a newly installed or already in place sewer system? Do you assume liability for any damages that occur?

Roberto Reyna stated during the design process we make sure to be very careful and know the limits of where the utilities will be. Ultimately, we do contract the work out and the contractor will assume the liability.

Richard Lindner stated if it gets that far, there would be an interlocal agreement and we would require certain insurance in which Olmos Park would be the beneficiary.

Councilwoman Plant asked what happens if the drainage plan fails?

Roberto Reyna stated this is where the easements come into play. In order for us to do this project in your City, we are asking for there to be an easement in which we would come back in to fix the problem and be responsible for should the system fail.

Councilwoman Plant stated I would like to ask you on an issue regarding McCullough Avenue. I have asked for McCullough Avenue to be a secondary thoroughfare and the City of San Antonio will not consider it. Anytime there is an accident on 281, the traffic from San Antonio comes through Olmos Park on McCullough in which we are responsible to maintaining. I am not sure how this process works but if there is an application we can complete, I am not sure why the City of San Antonio would not agree to this.

Nefi Garza stated I would be happy to work with Celia DeLeon to figure out what is needed and will connect with the correct people to sit down and talk about this.

Discussion and possible action on an Ordinance amending a portion of the code of ordinance of the City of Olmos Park. Texas Chapter thirty-two (32) Subdivision and property development, Article X, Tree Preservation, Section 32-275 permit required, for the purpose of adding general safety requirements; incorporating recitals; providing a repealer and savings clause; providing for severability; and setting an effective date.

City Attorney Richard Lindner stated this a presentation of a starting place to see if it is something you are interested in. We had a very unfortunate accident in the City and this will put some minimum safety requirements for tree trimming and tree pruning in place in your City. It will remind of other laws that are already in place, safety aspects of working around high voltage power lines and gives an officer the ability to issue a citation if they observe a safety violation. There was an example handed out to show what the permit language could include.

Councilwoman Plant stated I met with Celia and Ric and my recommendation is we only include the extra safety language on the permit. As any ordinance, it is only as good as the enforcement behind it. It is the responsibility of the certified arborist to train employees on the safety that is conducted and required in their manual.

Councilwoman Harrison asked is it required to show proof of insurance when pulling a tree permit?

Ricardo Cavazos stated tree vendors are required to submit insurance to the City of Olmos Park, a tree maintenance license from City of San Antonio or an arborist license.

Richard Lindner stated the only distinction the ordinance language would do that the permit language wouldn't is, if an officer patrolling would see someone trimming within 10 feet of a power line, they could issue a citation.

Councilwoman Harrison stated CPS does not trim the lateral lines to the residence. I believe we should first look into what CPS is going to do regarding lateral lines. CPS specifically stated these areas were not being properly maintained. We are in the middle of unprecedented outages in the

City; if we enact this ordinance and if we can't have anyone trim these lines, we will continue to have power outages.

Ricardo Cavazos stated that is correct. CPS is responsible for the transmission line that runs across the backside of most of the properties in Olmos Park. From the utility pole drop to the home is the owner's responsibility. When trimming they must stay 10 feet away from the transmission line toward the drop line.

There was no action taken on this item.

Discussion on drainage and stormwater runoff control requirements during sitework and construction activities; take possible action

Richard Linder stated I have reviewed the ordinances passed from last meeting and met with Ric regarding the property that has triggered this discussion. I did not present a draft ordinance for you to review because I believe the current ordinance gives you enough flexibility to provide an option that was a concern at the last meeting and I think it is premature to do anything regarding water runoff.

Councilwoman Plant stated I spoke with Ric and I believe the provision in state law regarding prohibited runoff into adjacent properties during construction covers this item.

There was no action taken on this item.

Discussion on the definition of building height in all residential districts and possible action directing Planning and Zoning Commission to study and make recommendations

Councilwoman Plant stated I met with Ric regarding this item in which he explained the sloping involved in determining the measurement of the building height.

Building Official Ricardo Cavazos depending on the grade or slope that the foundation being poured on there is a mathematical division to come out with an average based on the foundation elevation with the edge and the height of the tallest peak to get the height and this is restricted to 35 feet for main structures. When looking at the survey provided, contour of the property and site plan, I use this determine height.

Councilwoman Rickabaugh stated on Paloma, there is a property where a new home was built and there is also a home in the 300 block of Stanford, how tall are these structures? The reason I am asking about these 2 structures is because it appears the house on Paloma sits back from the street as opposed to the Stanford house.

Ricardo Cavazos stated if I remember correctly, the height of the house on Paloma is 34 feet 7 inches. At 302 Stanford, I would have to take a look, but it is very close to the maximum of 35 feet. In the case of the Paloma house, the higher point of elevation is on the back side.

Councilwoman Rickabaugh asked is this definition satisfactory to you as a building official to calculate building height?

Ricardo Cavazos stated this definition works. For an accessory structure, we do place a height limit of 25 feet measured to the peak of the room. For the main structure, there is no such language and I use the medium ridge of the roof as the tallest section and this works.

There was no action taken on this item.

Discussion and possible action on a Resolution of the City of Olmos Park by establishing procedures for appointing City Boards and Commissions and considering term limits for such Boards and Commissions:

Mayor Pro-Tem McDonald stated this item will be placed on the February agenda for discussion.

Discussion regarding appointment of member to the Economic Development Corporation to serve a two-year term through December 31, 2023; take possible action.

Councilwoman Plant moved to appoint Angela Clarks to the Economic Development Corporation to serve a two-year term through December 31, 2023.

Councilwoman Harrison seconded the motion.

The vote in favor of the motion was unanimous.

Consent Items:

- a. Approve Cash Disbursements January 2021;
- b. Approve City Council December 8, 2021 Special Workshop minutes and January 19, 2022 minutes;
- c. Approve 2021 P&Z Annual Report
- d. Excuse Councilwoman Plant from attending the regular March 16, 2022 City Council meeting

Councilwoman Plant moved to approve consent items A-D.

Councilwoman Rickabaugh 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 January 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 Rickabaugh stated I would like to discuss d) Administration 5) City Engineer Report. Councilwoman Rickabaugh stated the report shows there was time spent on the fence located at Ironwood. Was this cost billed back to the owner of the lot or does the City incur this?

Celia DeLeon stated the cost was incurred by the City. Celia DeLeon stated this should have been included on the agenda and will be placed on the agenda for discussion next month.

Councilwoman Plant moved to approve the Departmental Reports as submitted.

Councilwoman Harrison seconded the motion.
The vote in favor of the motion was unanimous.

Discuss performance review of City Manager; take possible action. Possible Executive Session pursuant to Texas Government Code, Sec. 551.076 Personnel Matters, §551.076

Mayor Pro-Tem McDonald opened the Executive Session at 7:08 p.m.

Mayor Pro-Tem McDonald closed the Executive Session at 7:24 p.m. and reconvened into regular session.

There was no action taken during executive session.

Councilwoman Plant moved to approve a 5% salary increase for City Manager Celia DeLeon.

Kenyon McDonald seconded the motion.

The vote in favor of the motion was unanimous.

There was no further business and the meeting was adjourned at 7:25 p.m.

Ronald Hornberger
Mayor

ATTEST:

Kyndra Munoz
City Secretary