

MINUTES OF REGULAR
CITY COUNCIL MEETING HELD
SEPTEMBER 15, 2021

The City Council of Olmos Park, Texas held a regular meeting on September 15, 2021 commencing at 6:00 p.m. in the Council Chambers at City Hall. Mayor Ronald Hornberger presided and Council members present were Juliana Dusek, Erin Harrison, Kenyon McDonald, Sharon Plant and Deanna Rickabaugh. Staff present was City Manager, Celia DeLeon; City Secretary, Kyndra Munoz; Fire Chief, Michael Goodreau; Lieutenant Anthony Reed; and Public Works Director, Gilbert DeLeon. Also, present was City Attorney, Richard Lindner; Diana Durbin, 221 Primera Dr; Maxine Farrimond, 100 W. El Prado; Jill Golden, Pinky's Boutique; Nicole Greenberg, 107 Paseo Encinal; Joel Jenne, 410 Mandalay Dr.; Patricia Johnson, 250 Luther Dr.; Jim and Beth O'Brien, 103 E. Mandalay; Anna Ochoa, 100 W. El Prado; Patrice Oliver, 216 Belvidere Dr.; Jennifer Parascand, 110 Luther Dr.; and Daniel Robelo, Olmos Park Youth Commission.

Mayor Hornberger 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.

Jennifer Parascand, 110 Luther Drive stated I am going into year five of hosting the Fiesta Frolic and I am looking to the City for a little bit of help. I am looking for help with spreading the word throughout the neighborhood, how it is actually organized and where the funds come from. Due to some COVID issues, I will need a little help this year and going forward. Fiesta Frolic is 100% driven by donations from our residents and businesses of Olmos Park. Last year, the largest expenditure was the Olmos Park medal which was a little over \$1,600. This is usually recouped, but COVID came in and shut everything down. Not only is this money out the door, but so are odds and ends for other deposits along the way. What I am asking for is a discretionary budget the City has been given to help with COVID issues and to see if City would help front some of the bill to get Fiesta Frolic back on its feet. The other side is, I also need help with the word on the street and to ask the City for some publicity to make people understand this is a 100% donation-based event. In 2019, we received \$2,200 less for Fiesta Frolic than we did in 2018. We are going in the wrong direction. The event is growing and I love that. With that said, I think we all have to pony up as a Community if we want to continue to have these kinds of events. I need Council's help to make that happen.

Mayor Hornberger stated this will go on the October agenda to hear request to help fund and promote the Fiesta Frolic.

Jill Golden, Pinky's Boutique stated I wanted to take the opportunity to say thank you for all of your support for the Sip and Shop Event. It has been very good for our businesses and working with the Olmos Park Youth Commission has been wonderful. I wanted to give you a little bit of insight as to how well it has done for me. In the December Ship and Shop event we yielded about a 25% increase. I felt the event brought in a lot of new customers and helped with meeting all of our neighbors. Surprisingly, for the June Sip and Shop event, we ended up with 117% increase year to date for just that particular week. With each Sip and Shop event more and more neighbors are coming out and supporting the local small businesses. I wanted to take this opportunity to thank you for all you have done for us.

Discussion of the tree planted in honor of Linda Dreyer; take possible action

Mayor Hornberger stated I would like to read from minutes of the July 2021 City Council meeting. It reads: Discussion and possible action in planting a tree in honor of Linda Dreyer. Councilwoman Plant stated Mr. and Mrs. Dreyer have been very generous and donate to the City every year. I have suggested planting a tree in honor of Mrs. Dreyer. Larry Clark, who designed the landscaping for the McCullough project has suggested a Cedar Elm tree and we would like to plant the tree at Alameda Circle. Councilwoman Rickabaugh moved to approve planting a tree in honor of Mrs. Dreyer for up to \$1,500 from the tree mitigation fund. Councilwoman Plant seconded the motion. The vote in favor of the motion was unanimous.

Mayor Hornberger stated the Cedar Elm is listed as a heritage tree in our tree protection ordinance.

City Manager Celia DeLeon stated I have received an anonymous donation in the amount of \$1,500 to buy a new tree, plant this tree in a different location, and to be used to honor Mrs. Dreyer. This will be on the October agenda to be approved as part of the gift policy. I have also received a \$300 donation from Councilwoman Rickabaugh to reimburse the mitigation fund for the original expense.

Mayor Hornberger stated as a part of this agenda item, we can include suggestions on where to plant the new tree.

Councilwoman Rickabaugh stated the Dreyer's have donated money to the City over the years. I like to acknowledge this so, I texted my fellow Councilmembers to suggest we do something. The response was to purchase a tree for planting and to chip in for this tree. We made an effort to do something kind that would benefit the entire Community with money we have collected for trees.

Councilwoman Plant stated there is the issue of removing and replanting the tree which will cost \$675. I have spoken to Larry Clark who informed me the likelihood of the tree surviving is not high and if we decide to move the tree we should wait until the fall, around mid-November, to do so. We have a one-year guarantee from the company who planted the tree and if we move the tree, we will lose the guarantee.

Beth O'Brien, 103 E. Mandalay stated my husband and I have lived in Olmos Park since 1977. I am elated to hear what I have just heard. Our concern was the recently planted Cedar Elm tree should be relocated away from Alameda Circle. In 1981, I went to City Council in August and informed then I would love to do something that would beautify Alameda Circle. The integral part of the beautification was the delivered choice of hybrid Live Oak trees which are both resilient to disease as well as evergreen. The trees were strategically planted on the west side of Alameda Circle in order to provide year-round shade. The donated rod iron gazebo with one tree on either side was placed on the east side of the circle to leave a large unobstructed open area to provide a place for residents and children to gather and play. We hope no other foliage will ever be put up here and it is important it remains an open space. Ted Bowen who lives 2 houses away from the triangle said he would welcome the Cedar Elm at the triangle and would be happy to help nurture this tree. In this area there are several beautiful tall elm trees and it would blend in nice in that regard.

Diana Durbin, 221 Primera Drive stated I think there is another issued that has been raised with this tree and that is the issue of process. Olmos Park is very lucky to have citizens who make significant contributions to the community. The desire to recognize and show appreciation for their generosity is certainly understandable and appropriate. The question is, how should we do this? If City resources are to be used, there should be guidelines that allow for input from the community that insure fair treatment, transparency and consistency. I am not aware if the City has a policy

or protocol for recognizing the City's benefactors or for observing the passing of its citizens. If it doesn't, perhaps it is time to establish one.

Mayor Hornberger stated we will put this on as a future agenda item in either October or November to discuss a policy regarding recognizing benefactors.

Councilwoman Harrison asked if the current tree at the location of Alameda Circle does not survive, will the tree replacement guarantee allow us to plant the replacement at a different location?

Celia DeLeon stated I will find out if it the guarantee will allow for a different location.

Discussion and possible action on the Olmos Park Youth Commission's request to introduce Light OP concept and ask permission to hang small LED Christmas lighting of Alameda Circle trees (9 total), lighting the fountain and iron pergola and possibly the tree on Broadmoor.

Nicole Greenberg, Olmos Park Youth Commission stated the Youth Commission has been in existence for 3 years. Not only do we focus on leadership and citizenship, but we also focus on community building. One of those activities is to light the trees in Alameda Circle for the Holiday's. We cannot do this without the permission from City Council. With that permission, we will explore ways to raise funds and supplies to uniformly light the trunks of the 8 Live Oaks and possibly the fountain, the iron pergola and the tree on Broadmoor. We wanted to create an enchanted forest experience and also be a backdrop for activities to engage our youth. We would call this activity Light Up where the spelling of up would be changed to OP.

Mayor Hornberger stated during the Holiday Season I am all in favor for lights and the more lights, the better. Will the lights to be used for this event be white lights?

Nicole Greenberg stated yes, they are warm, white LED lights. Each electrical outlet has a 20-amp capacity and the LED lights use 0.2 amps.

Councilwoman Plant stated Nicole and the Olmos Park Youth Commission did want to request funding from the Economic Development Corporation for the lighting of the trees in Alameda Circle, but because this is inside the City, EDC funds can't be used. EDC funds can only be used in the commercial district. The Youth Commission has also thought about fundraising for this event.

Nicole Greenberg stated there are a number of ways we can approach this. We will welcome any donors including the City to help get supplies donated to look uniform. It always helps to have a company come out and install the lights but for this year we will approach it this way. For next year, should we explore funds through the City Council fiscal budget?

Councilwoman Plant stated we do not have any funds in the current budget for this event. This would be something Council would need to consider for a line item in next year's budget.

Councilwoman Rickabaugh stated if you are a 501(3)(c) you are able to accept donations through a GoFundMe page.

Councilwoman Plant moved to grant permission to the Olmos Park Youth Commission to hang small LED Christmas lighting of Alameda Circle trees, lighting the fountain and iron pergola and possibly the tree on Broadmoor while coordinating with the City Manager and Public Works Director on a safe time to hang the lights.

Councilman McDonald seconded the motion.

The vote in favor of the motion was unanimous.

Public Hearing on FY2022 proposed budget

Celia DeLeon stated I have made a revision to the 20-capital fund account in the amount of \$30,000 for repairs and maintenance. We will need to make some repairs on the flat roof over the Police Department and the flooring in the Police Chief's office. We have submitted a claim through TML insurance and that claim was denied. I have requested quotes to complete this repair which will affect the 20 account and the reserve account.

Mayor Hornberger opened the public hearing at 6:45 p.m.

There were no speakers.

Mayor Hornberger closed the public hearing at 6:46 p.m.

Review, discuss and consider Ordinance 2021-10 adopting the FY2022 budget; take possible action **by record vote**

Councilwoman Harrison asked what was the issue in which TML denied the claim?

Celia DeLeon stated their report concluded this was normal wear and tear.

Councilwoman Harrison asked are we able to get a second opinion or appeal this decision? \$30,000 for a flat roof seems like a lot of money.

Celia DeLeon stated the quotes for the roof are coming in around \$50,000 and I have increased the budget by \$30,000. I have requested several additional quotes for repairing the roof.

Councilman McDonald moved to approve Ordinance 2021-10 adopting the FY2022 budget.

Councilwoman Dusek seconded the motion.

Councilwoman Dusek	Aye
Councilwoman Harrison	Aye
Councilman McDonald	Aye
Councilwoman Plant	Aye
Councilwoman Rickabaugh	Aye

The motion passes.

Public Hearing on 2021 tax rate to fund FY2022 budget

Mayor Hornberger opened the public hearing at 6:50 p.m.

There were no speakers.

Mayor Hornberger closed the public hearing at 6:50 p.m.

Consider Ordinance 2021-11 setting the 2021 Tax Rate to fund the Fiscal Year 2022 Budget; take possible action **by record vote**

Councilwoman Harrison asked do the newly added revisions change the tax rate that we agreed on at our last meeting?

Celia DeLeon stated the revisions do not change the tax rate. The maintenance and operations is \$0.359922, the payment of principal and interest on bonds is \$0.045000 for a total tax rate of \$0.404922.

Councilwoman Plant moved to approve Ordinance 2021-11 setting the 2021 Tax Rate to fund the Fiscal Year 2022 Budget.

Councilman McDonald seconded the motion.

Councilwoman Dusek	Aye
Councilwoman Harrison	Aye
Councilman McDonald	Aye
Councilwoman Plant	Aye
Councilwoman Rickabaugh	Aye

The motion passes.

Update by Councilwoman Harrison and Councilwoman Rickabaugh on town hall survey questions; take possible action.

Councilwoman Harrison stated we met with City Attorney Richard Lindner and essentially, we came to the conclusion there is no middle ground and our hands are very much tied when it comes to the ability to control materials and how things look. It seems to be either nothing or very, very restrictive. When talking about sending out a survey, there really wasn't much to ask. We think the easiest thing to discuss at a Town Hall will be a white paper which will state the facts and what we are bound by law.

City Attorney Richard Lindner stated I will be able to answer a couple of questions, put that on paper and this can be released if you so choose. If you decide to have a Town Hall meeting, you will have written answers. The first question is: What are the legal effects of Chapter 3000 of the Texas Government Code through municipalities? In summary, Chapter 3000 really took away your power to regulate building materials. The second question is: what are the legal effects for Chapter 3000 of the Texas Government Code for restricting through a Homeowner's Association or deed restrictions? The last question is: How does municipal Architectural Review Board work and what is the scope of its authority, if any? These are the questions I have answered so far.

Councilwoman Plant stated what do you think about putting these questions and answers out on an email blast? If we get responses from these answers, then we can consider having a Town Hall.

Councilwoman Rickabaugh stated I like this idea of sending out something like a FAQ page. I think we should introduce that we had citizens bring this concern to Council. I also think we should add Historical Districts to this memo.

Councilwoman Rickabaugh moved to direct City Attorney Richard Linder to continue working with Councilwoman Harrison and Councilwoman Rickabaugh to finalize the memo and bring back to City Council for approval.

Councilwoman Plant seconded the motion.

The vote in favor of the motion was unanimous.

Discussion and possible action regarding bond subcommittee; authorizing City Manager to engage City Engineer to provide preliminary estimate of construction costs for potential bond projects; and considering calling a special meeting for the purposes of workshop regarding bond issues.

Mayor Hornberger stated this is on the agenda because there was a meeting with two Council members and our financial advisor concerning bonds; there was a question as to what extent this could impact the open meetings act. When I appointed Councilwoman Dusek and Councilwoman Rickabaugh, I wanted them to first coordinate with Celia to set up an open workshop meeting so all of Council can be educated on bonds, how you go about them and what they can be used for. I would like us to have this meeting so we all have the chance to ask questions.

Councilwoman Dusek stated I was not aware of the bond process and how they work. We had this meeting to gather the initial information and come back to have an open session. When we come together I would like to not have hypotheticals, but an actual starting point. Our thought was before we go into a meeting to discuss bonds we wanted know if we were looking at \$100 million project or a \$2 million project and everything that would be involved. Our intention was not to have the meeting with everyone together, it was to come into this with some background on possible projects.

Mayor Hornberger stated with respect to estimates from Givler, the scoping will not be completed until another 4 or 5 months. I am not sure what he will say, it may be we have a decent sewer system and it does not need to be replaced or it may be we need to just start over.

Councilwoman Dusek stated our theory for this is he has already completed 50% of the scoping, so we should have a fairly good idea of what we are looking at. We are trying to get ahead with just a ballpark number to start the bond process since it is a very long process.

Mayor Hornberger stated I would like to set up 2 workshops: one with Financial Advisor Christopher Alison to explain the bond process and one with City Engineer David Gilver to get ideas on the numbers we would be looking at.

Celia DeLeon stated I have spoken to David Givler and it will cost \$3,000 to receive an estimate for the sewers, \$4,000 to receive an estimate of overall street replacement and \$3,500 to receive an estimate of street replacement block by block.

Councilwoman Dusek asked will David Givler deduct this cost from the projects if we decide to move forward? Can he give us a high and low estimate for the costs of these projects?

Celia DeLeon stated I will speak to David and ask him. We will poll you for available meeting dates and times for this workshop.

Councilwoman Dusek departed the meeting at 7:19 p.m.

Review Investment Policy as required by Texas Public Funds Investment Act; take possible action.

Celia DeLeon stated this is an annual requirement. Christopher Alison has reviewed the Investment Policy and does not recommend any changes.

Councilwoman Plant moved to approve the Investment Policy as required by Texas Public Funds Investment Act.

Councilman McDonald seconded the motion.

The vote in favor of the motion was unanimous.

Discussion and possible action on Senate Bill 1359- Mental Health Leave

Richard Lindner stated the State has required you to adopt a policy for Mental Health Leave. If an officer experiences a traumatic event, they will have paid leave which will not deduct from their accrued sick time. The State does not define a traumatic event, nor define the number of days allowed for this leave and leaves some items up for discretion. We have provided a proposed policy for your consideration.

Councilwoman Plant stated we should include this as a new line item in next year's budget since it is out of the scope of using normal leave.

Councilwoman Plant moved to adopt the presented policy by Richard Lindner on Senate Bill 1359-Mental Health Leave.

Councilman McDonald seconded the motion.

The vote in favor of the motion was unanimous.

Discussion and possible action on House Bill 2073- Paid Quarantine Leave

Richard Lindner stated the Paid Quarantine Leave Policy is when the Health Authority or supervisor orders the employee to quarantine due to a communicable disease acquired while on duty, the City will pay leave and other items to include lodging, medical and transportation costs.

Councilwoman Plant stated I would also like a line item in our monthly reports for paid quarantine leave.

Councilwoman Plant moved to adopt the presented policy by Richard Linder on House Bill 2073 – Paid Quarantine Leave.

Councilman McDonald seconded the motion.

The vote in favor of the motion was unanimous.

Consent Items:

- a. Approve Cash Disbursements August 2021;
- b. Approve City Council minutes of August 18, 2021, Special City Council minutes of August 18, 2021 and Special City Council minutes of August 30, 2021

Councilwoman Rickabaugh moved to approve consent items A and B.

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 August 2021;
 - (2.) Monthly overtime, CT, vacation, sick leave report;
 - (3.) Building Department Report;
 - (4.) Municipal Court Report
 - (5.) City Engineer 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 7:48 p.m.

Ronald Hornberger
Mayor

ATTEST:

Kyndra Munoz
City Secretary