

MINUTES OF REGULAR
CITY COUNCIL MEETING HELD
JANUARY 17, 2019

The City Council of Olmos Park, Texas held a regular meeting on January 17, 2019 commencing at 6:00 p.m. in the Council Chambers at City Hall. Mayor Ronald Hornberger presided and Council members present were Juliana Dusek, Kenyon McDonald, Enzo Pellegrino, Sharon Plant and Deanna Rickabaugh. Staff present was City Manager, Celia DeLeon; City Secretary, Diane Gonzales; Fire Chief, Michael Goodreau; Police Chief, Rene Valenciano and Public Works Director and Gilbert DeLeon. Also present were City Attorney, Frank Garza; Lisa Thurmond, 214 Stanford; Cynthia McMurray, 247 Stanford; Ginger Diaz, 110 W. Olmos; Karen Mosley, 131 Brightwood Place; Patricia Meier, 140 Stanford and Sandra Ryan, 250 Belvidere.

Mayor Ronald Hornberger called the meeting to order at 6:05 p.m. and determined a quorum was present.

Receive update on the Olmos Park Sip and Shop event

Councilwoman Rickabaugh stated Ginger Diaz and Karen Mosely organized this event and are here to speak about it.

Ginger Diaz stated the idea came from the winter markets in Germany and how you can walk around with a drink and shop and we thought this was the perfect neighborhood to have this. She stated we are trying to draw neighbors from the neighborhood or people from outside the neighborhood to park and walk around and drink and shop.

Karen Mosley stated Ginger worked hard in organizing this and we would like to see if we can promote it and do it annually and would be nice to set a general date so every year everyone knows.

Councilwoman Plant suggested getting a banner with all the information on it.

Councilman Pellegrino stated the EDC has a budget and this is the exact use we would like to see EDC promote, like buying banners and help circulate advertisements. He stated to reach out to the EDC President who is Barry Sturrock.

Ginger Diaz stated there were over twenty businesses that participated in the Sip and Shop.

Mayor Hornberger stated he would look forward to having this item on the EDC's next agenda.

Receive City Hall and FD exterior wall stucco repairs update; take possible action

Councilwoman Plant stated she had a meeting with Thom Robey and 90% of the construction document is complete. We have a sample of the material and it has a ten year warranty and has very little maintenance. There are some areas that will need to be stabilized and there are three companies that have expertise in doing this kind of work and one of our questions to our Attorney. "Can we do an invitation only bid" since there are 3 experts in this kind of work. Thom Robey knows two of them and is working with one of them on another project. They were going to remove all the caulking around all of our weep holes. If we use one of these three companies we won't have to have a general contractor which will save us 20% of their markup.

City Manager DeLeon stated she spoke with Frank Garza about the contract documents and asked him what type of documents his law firm prefers to use and asked if we could use method

of invitation only bid. She also asked if this project is small enough can we use a sub-contractor rather than a contractor?

Frank Garza stated Richard Lindner recommends two options, either option #1 the traditional or competitive bid which is quick and cheap, you send out the specs for qualifications and the only limitation is you have to choose the lower price and you do not have to have discretion and the lowest price is who you are required to go with unless the lowest price does not meet other qualifications that were outlined in the specs. Option #2 is the competitive sealed proposal, the price is a factor but you are able to use other items as factors such as past experience of projects at 30%, price at 50% or other things that you want to include and you are able to utilize and valuate and score them and not limited to price which takes a little longer because of the evaluation process.

Councilwoman Rickabaugh asked do we send out and Request for Qualifications?

Frank Garza stated yes and he stated Richard Lindner did have some comments that the document is for a new building and his concern was it is too complicated for what we want to do.

Councilwoman Plant stated there standard industry documents that Mr. Robey said are twenty to thirty pages long, since we know there are three companies that are experts in doing this we could just reach out to them to give us bids.

Mayor Hornberger stated he would recommend going with the mythology that we give Council the best opportunity to evaluate rather than just take the lowest bid.

Councilwoman Plant stated Mr. Robey said he would have the paperwork done maybe within the next week and we can go ahead and start the bidding. She asked Mr. Robey would the weather affect the application and he recommended not doing anything below 40 degrees so we may have to wait until the "spring time" to begin this project.

Councilwoman Rickabaugh moved to have the City Attorney start working on the procurement and contract documents.

Councilman McDonald seconded the motion.

The vote in favor of the motion was unanimous.

Discuss Ordinance 2019-01 ordering a General Election to be held on Saturday, May 4, 2019, in the City of Olmos Park for the purpose of electing three members of the City Council for two-year terms; take possible action

Councilman Pellegrino moved to adopt Ordinance 2019-01 an ordinance of the City Council of the city of Olmos park, Texas ordering a general election to be held jointly with Bexar county on May 4, 2019 for the election of City Council Place #1, City Council Place #2 and City Council Place #3 to serve a two year term; designating the main early voting place for such election; authorizing the mayor to enter into a contract with Bexar county elections administrator providing for an order and notice of such general election; providing a severability clause; and providing an effective date.

Councilman McDonald seconded the motion.

The vote in favor of the motion was unanimous.

Discuss City Attorney's contract regarding the time allotted for City Council meetings; take possible action

Mayor Hornberger stated there was a correction from the last meeting.

City Manager DeLeon stated the two hour limit was on the previous contract but was not on the contract you approved last month.

Frank Garza stated you were getting the entire meetings free and last year we amended two hours of my time for free and if the meetings lasted longer than two hours you were charged. He stated now the contract reads because he had to have an associate to attend the meeting for free, Richard Lindner is no longer an Associate he is a Partner so that is why meeting by Associate and or Non-Equity Partner for up to two hours.

Councilwoman Rickabaugh moved to accept the change to the contract for the two hours maximum.

Councilwoman Plant seconded the motion.

The vote in favor of the motion was unanimous.

Give instruction to the Planning and Zoning Commission to review ordinances in Chapter 40 of the City Code

City Manager DeLeon stated she recommends the Planning & Zoning Commission begin work on reviewing as recommended by our Building Official Chapter 40-40 Building and Land use Restrictions (3) Accessory Building. "Exterior windows with obscured glass does not permit an occupant of the accessory building to see outside the window from the accessory building." He wants to include that the windows are not able to open. She stated another item for the P&Z to review is Impervious Cover and consider to adding a requirement that the builder provide a topography survey to show how the water is running on the land to see if it will affect any of the neighbors and to consider adding impervious cover provisions to the back yard. We have had several incidents in the last eight months where several residents were being affected by the changes in the land of their neighboring property.

Councilwoman Plant moved to instruct the City Manager to contact the Chair of the Planning & Zoning to review Chapter 40 Accessory Building and Impervious Cover.

Councilman McDonald seconded the motion.

The vote in favor of the motion was unanimous.

Receive report from the Police Chief regarding the expansion of US Highway 281 and Basse Road; take possible action

Police Chief Valenciano stated he has spoken to his contact with TXDOT in regards to getting some assistance from TXDOT as McCullough is utilized when there is an incident on Hwy 281 There is no funding and McCullough is not designated as a State Highway so for TXDOT purposes there is not funding available. TXDOT stated when there is an accident on Hwy 281 the law enforcement entity that is taking care of the incident designated which way the traffic is going to flow depending on what type of incident. He asked them about the expansion of NW Military and Shavano Park to try to use the same assistance but they stated NW Military is deemed a State Highway.

Mayor Hornberger asked while they are constructing this modification what kind of increase in traffic do we expect coming in McCullough as a replacement route for when Hwy 281 is backed up?

Police Chief Valenciano stated TXDOT has not reached that portion yet on how they are going to re-route the traffic.

Mayor Hornberger stated when they do he is wondering if Olmos Park is in a position to put up signs that say no through traffic.

Police Chief Valenciano stated his understanding from TXDOT is that they have not gotten to that point on how they are going to do the construction and if it is even going to get approved as they are strictly in the planning stages.

Councilwoman Plant stated they will have to send some type of notification to the surrounding areas. She recommended that the Police Chief continue to attend the TXDOT meetings.

Police Chief Valenciano stated when there is a crash on Hwy 281 he has his investigator go out and take pictures of the traffic flow.

Councilwoman Rickabaugh moved to have the Police Chief monitor and attend the TXDOT meetings and report back to Council.

Councilwoman Plant seconded the motion.

The vote in favor of the motion was unanimous.

Consent Items:

- a. Approve Cash Disbursements December 2018;
- b. Approve City Council minutes of December 20, 2018;
- c. Approve Joint Election Agreement with Bexar County Elections Administration to conduct the May 4, 2019 General Election;
- d. SECOND READING: Approve the Economic Development Corporation undertaking the following two projects: (1) engaging professional (civil & electrical engineering design, surveying and landscaping design) services (including attending meetings, preparing preliminary and final construction documents and surveys, preparing bidding package, construction administration and preparing plans of record) by Bain Medina Bain, Inc. and Bender Wells Clark Design for sidewalk and landscaping improvements to undertake the McCullough Corridor Sidewalks and Landscaping Demonstration Project along the McCullough Business Corridor on the west side of McCullough Avenue from the Union Pacific Railroad (City limits) south to Clarence Street (also referred to as the "McCullough Corridor Project") in an amount not to exceed \$65,000.00, contingent on City Council approval ("Task 1 project") ; and (2) constructing sidewalk and landscaping improvements to undertake the McCullough Corridor Sidewalks and Landscaping Demonstration Project along the McCullough Business Corridor on the west side of McCullough Avenue from the Union Pacific Railroad (City limits) south to Clarence Street in an amount not to exceed \$360,000.00, contingent on City Council approval ("Task 2 project") (i.e., Task 1 project and Task 2 project comprise the McCullough Corridor Project), to promote new or expanded business/economic development and commercial activity in the City and specifically along the McCullough Business Corridor
- e. Excuse Councilman Pellegrino from attending the March 21, 2019 regular City Council meeting.

Councilwoman Plant stated she would like to pull item D.

Councilwoman Rickabaugh moved to accept consent items A, B, C and E.
Councilman Pellegrino seconded the motion.
The vote in favor of the motion was unanimous.

Councilwoman Plant wanted to clarify the information on the emails that have been going out and would like the City Manager to state the dates of the public hearings, readings and newspaper postings from the EDC.

City Manager DeLeon stated the notice was published in the Express News on November 30, 2018 and the EDC had a public hearing and approved the project unanimously on December 11, 2018. City Council's first reading of the project which was approved unanimously on December 20, 2018 and today City Council will hold its second reading.

Councilwoman Plant stated she wanted to clarify the cost of the project. \$300,000 was mentioned in the emails that were forwarded to her by residents. A "demonstration Project" was approved by City Council. \$300,000 is an estimate of costs associated with a portion of McCullough for a "Demonstration Project." The EDC had talked about doing planters and to beautify before the EDC had money saved up. The decision was made to wait until the EDC had enough money saved up for a "Demonstration Project" beginning at the railroad tracks. We might have enough money to go from the railroad tracks to Clarence Street and we may not. The amount in the emails to do sidewalks all the way down McCullough is not correct. When Deb Prost was the President of the EDC there was an attempt to get a grant through TXDOT. There is a binder with all of the EDC documents that can be viewed at any time. The total cost just for sidewalks alone was \$1.3 million. That quote was back from 2014, so if anyone is thinking that the EDC currently has enough money to do sidewalks all the way down McCullough they do not. We did not have a sidewalk ordinance or a landscape ordinance at that time. The whole mission of the EDC is beautification of McCullough and everyone in the neighborhood wants to see McCullough prettier. Now that we have a sidewalk and landscape ordinance, any of the businesses that are sold or substantially remodeled will have to follow our ordinances and will have to put in sidewalks and landscaping. These businesses can go to the EDC and ask for financial help for signage, sidewalks or landscaping by filling out a request from and submitting to the EDC. She stated the EDC takes in about hundred thousand dollars a year in sales taxes.

Councilman Pellegrino moved to accept consent item 8D.
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 December 2018;
 - (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).

Councilman McDonald moved to accept the departmental reports as submitted.
Councilwoman Dusek seconded the motion.
The vote in favor of the motion was unanimous.

Executive Session pursuant to TEXAS GOVERNMENT CODE Attorney/Client Consultation, §551.071 to receive update on Castro v. City of Olmos Park.

Mayor Hornberger opened item #10 and item #11 so they can both be discussed in Executive Session.

Mayor Hornberger opened Executive Session at 6:45 p.m.
Mayor Hornberger closed the Executive Session at 7:25 p.m.

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

Councilwoman Plant moved to give the City Manager a 3% increase in her annual salary.
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 7:26 p.m.

Ronald Hornberger
Mayor

ATTEST:

Diane Gonzales
City Secretary