

MINUTES OF REGULAR
CITY COUNCIL MEETING HELD
NOVEMBER 16, 2017

The City Council of Olmos Park, Texas held a regular meeting on November 16, 2017 commencing at 6:00 p.m. in the Council Chambers at City Hall. Mayor Pro Tem Kenyon McDonald presided and Council members present were Casey Fry, Juliana Dusek, Sharon Plant and Enzo Pellegrino. Mayor Hornberger was not present and excused from attending. Staff present was City Manager, Celia DeLeon; City Secretary, Diane Gonzales; Fire Chief, John Surber; Police Chief Rene Valenciano and Public Works Director, Gilbert DeLeon. Also present were City Attorney, Frank Garza; Jacob Oder with Maverick Land Surveillance; Lilia Gibson with Linebarger, Goggan, Blair and Sampson; Holly Rabinowitz, 5103 McCullough; Pat Meier, 140 Stanford, Cynthia Barr, 291 E. FM 1518 St. Saint Hedwig, TX 78152 and Dorothy Jo Weiss, 701 El Prado.

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.

No citizens to be heard.

Receive and accept Susan Wootton (City's CPA) resignation and discuss Ms. Wootton's recommendation for her replacement; take possible action

City Manager DeLeon stated Cynthia Barr is here who is a former Olmos Park resident and former Alamo Heights Financial Officer and has experience with government accounting and Susan Wootton has strongly recommended her to replace her upon her resignation. The rate of pay will remain the same and Mrs. Barr will be doing work for the City and the EDC.

Councilwoman Plant moved to accept the Cynthia Barr's contract for CPA.

Councilman Fry seconded the motion.

The vote in favor of the motion was unanimous.

Discuss request from Mrs. Rabinowitz, 5103 McCullough for permission to make landscape improvements to City's Right of Way on the north side of Joy Street; take possible action

City Manager DeLeon stated our Building Official informed me that all the utility locates have been completed and nothing is interfering with the trees that were planted.

Councilwoman Plant asked what type of trees are they?

Holly Rabinowitz stated the trees are a Everson Holly and Tom Bradley is a neighbor and is our Landscape Architect and we consulted with him on what we could plant there that would not interfere with the high lines and won't grow taller than 15 feet and would also not interfere with the road. There have always been plants there with grass and banana trees and we cut it all back but we did not dig it up and we are slowing trying to improve the curb appeal to the property.

Councilwoman Plant stated she drove by the building and it looked good and this is what we want to see McCullough to look like; however you have to get permission.

Holly Rabinowitz stated Mr. Bradley reached out to the utility locaters and got the clearance approval and he bought the trees for \$9,000.00 but however did not get the permit to plant the trees.

Councilman Fry asked did Mr. Bradley also get the underground clearance?

Holly Rabinowitz stated yes he did.

Mayor Pro Tem McDonald asked the City Attorney is there any liability on the City by giving permission if there is any kind of undergrowth underground that would bother us in the future?

Frank Garza stated if there is any encroachment it will be on the individual who installed the landscaping who would be responsible, but based on these trees there would be very little risk of that.

Councilwoman Plant moved to grant permission to Mrs. Rabinowitz for landscaping that she had planted on the City right-of-way on the Northside of Joy Street.

Councilman Fry seconded the motion.

The vote in favor of the motion was unanimous.

Receive and take possible action on Planning and Zoning Commission recommendation to approve a re-plat application by Contemporary Classic Homes (Allen Johnson) for properties 212 E Melrose identified as CB 4038, Block 6, Lot 30 and 218 E Melrose identified as CB 4038, Block 6, Lots 9, 10, 11 and N. 7.5 ft Adj Alley. The properties to be re-plated are zoned apartment district.

City Manager DeLeon stated because the re-plat follows all of the ordinances and rules the City does not have any option but to approve it.

Councilman Fry moved to take the Planning & Zoning's recommendation and approve the re-plat application by Contemporary Classic Homes (Allen Johnson) for properties 212 E Melrose identified as CB 4038, Block 6, Lot 30 and 218 E Melrose identified as CB 4038, Block 6, Lots 9, 10, 11 and N. 7.5 ft Adj Alley.

Councilman Pellegrino seconded the motion.

The vote in favor of the motion was unanimous.

Receive and discuss Linebarger, Goggan, Blair and Sampson year end summary of delinquent tax collection report; take possible action

Lila Gibson presented the first report on the delinquent tax collection. She stated \$78,928.00 was collected and ninety nine percent of the base of taxes owed has been collected. There was a very large account that came in June of 2017 and that account alone was \$66,068.95 and was in bankruptcy and litigation. We don't have a large delinquency and ninety eight percent of the taxpayers pay on time. There are only twenty four accounts that are in active collection and seventy one accounts that are delinquent. For residents that turn over sixty five or older are eligible to defer payments of their taxes until they pass away or sell the property so the statue gives them protection and it shows on our books as a receivable.

Councilwoman Plant asked what are the requirements for a tax freeze because there is a petition going around the City.

Lila Gibson stated when you do an exemption on a freeze that caps the amount on how much will go into the exemption. Everyone in the State for a homestead is eligible and has to apply

with the appraisal district for the freeze exemption for that money not to be taxed and secondly the residents can apply for a deferral.

Councilwoman Plant asked if the residents get the petition going and it passes will all the people that are delinquent be eligible, do we have to notify the people that are on the delinquent list?

Lila Gibson stated whatever gets passed for your exemption amount they could be eligible for but will still have to go apply for it. A lot of people over sixty five years old still pay their taxes and what happens to some places is they defer their payment when they turn sixty five years old and they live to be eighty five years old then there is twenty years of taxes and the heirs do not want to pay it so six months after that there is a full penalty then you have a property where the taxes are more than it is worth. The tax collector has given the opportunity to pay over ten months after they pass away then there is one hundred eighty days that they have to pay it without the penalty coming on and the penalty is all the counting and interest for all the years it was under deferral. This is a receivable we like to point out to cities and to be on top of your census data and right now there are eleven accounts with \$47,000.00 dollars. There is only about \$15,000.00 that is eligible for us to collect right now and the total that has been collected from September 2016 to August 2017 was \$78,928.00 in base tax and there is about six to ten lawsuits planned for this year.

Councilwoman Plant moved to accept the year end summary report for 2017 from Linebarger, Goggan, Blair of delinquent tax collection.

Councilman Pellegrino seconded the motion.

The vote in favor of the motion was unanimous.

City Council will convene in **Executive Session** under Section 5551.089 of the Government Code to discuss security measures for Municipal Court.

Mayor Pro Tem McDonald announced at 6:19 p.m. that City Council will adjourn into Executive Session as authorized by Texas Government Code Sec. 5551.089.

City Council will reconvene in **Open Session** to discuss and take possible action regarding security measures for Municipal Court.

City Council reconvened at 6:34 p.m.

Councilwoman Plant moved to adopt the security plan proposed by the Chief of Police for Municipal Court.

Councilman Fry seconded the motion.

The vote in favor of the motion was unanimous.

Discussion on City Engineer Request for Qualifications and the Interview Committee's recommendations; take possible action

City Council tabled this item.

Adopt the Bexar County Hazard Mitigation Plan 2017 and Resolution 2017-03; take possible action

Fire Chief Surber stated over a year back Olmos Park decided to join in with Bexar County and several jurisdictions creating a Bexar County Hazardous Mitigation Plan which has to do with removing hazards and disaster recovery. Our Emergency Management Officer was Lloyd Perrin who is no longer employed and we now have Dustin Snowdy training in the roll of Emergency Management Officer. This plan was approved by FEMA after it was crafted by the plan writers at Bexar County and we have to adopt the plan and any revisions that we need to

make will start to happen after all the jurisdictions have had a chance to adopt and make any changes after January.

Councilwoman Plant asked if we have a flood disaster does that mean that FEMA would provide assistance to bring housing to our residents?

Fire Chief Surber stated the flooding is off our radar screen because we are not in the flood zone but if someone had flooding issues that rose to the disaster level then the county would help to provide response for that. For debris removal they have already given us a list for debris removal that are all construction companies that will provide emergency units for disaster recovery then the county would also keep track of all the expenses and required documentation to get disaster reimbursement.

Councilwoman Plant thanked Fire Chief Surber for all his work.

Councilwoman Plant moved to adopt the 2017 Bexar County Mitigation Plan.

Councilman Fry seconded the motion.

The vote in favor of the motion was unanimous.

Consent Items:

- a. Approve Cash Disbursements for October 2017;
- b. Approve City Council minutes for regular meeting for October 19, 2017;
- c. Approve 2017 Tax Roll, as per Tax Code, Section 26.09(e)
- d. Approve 2018 Holiday Schedule
- e. Approve the following FY 2018 budget amendments:
 - Increase Gas and Electric Expense #10-400-541 from \$4,900 to \$49,000.
 - Increase Recycling Expense #10-900-535 from \$0 to \$3,000.

Councilman Pellegrino asked to pull item E and asked weren't we expecting a surplus of \$350,000.00 and these amendments would put us about \$300,000.00?

City Manager DeLeon stated around \$310,000.00.

Councilwoman Plant asked about the details on Patriot Day on the 2018 holiday schedule?

Fire Chief Stated state law required municipalities to offer that day as an alternative if the employees wanted to take it if they are allowed to use holidays. It really does not affect us here in Olmos Park.

Councilwoman Plant moved to approve consent items A through E.

Councilwoman Dusek 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 October 2017;
 - (2.) Monthly overtime, CT, vacation, sick leave report;
 - (3.) Building Department Report;
 - (4.) Municipal Court Report

Councilwoman Plant asked City Attorney if he was working on getting McCullough designated into a main thoroughfare and we have data that we are collecting from the traffic counter and this information will show where the vehicular traffic is and see if they can designate McCullough a main or alternate thoroughfare to get help with paying for repairs?

Frank Garza stated he has had contact with the head of TCI for the City of San Antonio and he suggested that we raise the issue to the MPO since McCullough runs through more than one jurisdiction and the MPO can possibly address that and he will work on contacting the MPO.

Councilwoman Plant asked do you want the Police Chief to keep giving you the traffic counter data?

Frank Garza stated yes.

Councilman Pellegrino moved to accept the departmental reports as submitted.

Councilman Fry seconded the motion.

The vote in favor of the motion was unanimous.

Dorothy Jo Weiss stated she wanted to thank the Public Works Department for doing a great job.

City Manager DeLeon stated she is trying to schedule a special/workshop meeting on December 6th at 6:00 p.m. but City Council recommended the meeting start at 5:00 p.m.

There was no further business and the meeting was adjourned at 6:49 p.m.

Ronald Hornberger
Mayor

ATTEST:

Diane Gonzales
City Secretary

