

MINUTES OF REGULAR  
CITY COUNCIL MEETING HELD  
DECEMBER 21, 2017

The City Council of Olmos Park, Texas held a regular meeting on December 21, 2017 commencing at 6:00 p.m. in the Council Chambers at City Hall. Mayor Ronald Hornberger presided and Council members present were Kenyon McDonald, Casey Fry, Juliana Dusek, Sharon Plant and Enzo Pellegrino. Staff present was City Manager, Celia DeLeon; City Secretary, Diane Gonzales; Police Chief Rene Valenciano and Public Works Director, Gilbert DeLeon. Also present were City Attorney, Jesse Lopez; Phil Vaughn, Vaughn & Associates; Fedra Chapa, 103 E. Hermosa; Joey Cortez, 103 E. Hermosa; Dr. John Hogg, 415 W. El Prado; David Garza, 415 W. El Prado; David Costales, Civil Engineering Consultants and Margaret Cluck; 300 E. Mandalay.

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.

No citizens to be heard.

Receive and discuss FY2017 Audit Report; take possible action

Phil Vaughn stated his firm did not find anything of significance to report and they gave their stamp of approval of the financial statements and the only thing was a Certificate of Deposit that the City has which was over the FDIC amount and the City Manager has already asked them to refund the access. Ten years ago Texpool rates were so poor and now Texpool has really returned to giving better interest rates now and right now we are getting 1.25% on our CD and Texpool is about 1.2 which is a minimal difference and it is liquid so we could obtain the money whenever we wanted versus being locked into a CD and don't have to worry about the FDIC coverage. On the financial statements themselves the City did well for the year and the revenues beat the budget by over five hundred thousand and is up ten percent over the year before and most of that was property taxes and the expenditures were under budget by one hundred sixty two thousand in the general fund and only increased about 3.9 percent from the year before in the general fund. The net in the general fund revenues over expenditures was just barely over nine hundred thousand so the City has that much available to move to the capital projects fund and that was transferred. \$1.1 million was moved from general fund to the sewer fund for repairs and the capital projects fund for future projects so that left with \$1.5 million in the general fund which is spot on for six months and that is what your target was and what is positive about that is most of the other funds remain about the same. EDC grew a little bit and you were able to put money away for capital improvements and put money away for the sewer fund. Assuming this is a budget you want to plan from you have a built in nine hundred thousand dollar amount that you can transfer to your capital projects fund. The outstanding 2010 bonds might be getting close to a call date so you could perhaps pay that off because you had extra in your general fund.

Mayor Hornberger stated the next time we will have to replace the sewer system it will be a bond.

Phil Vaughn stated if you have nine hundred thousand dollars in your budget that you can contribute that bond can be spread over twenty years.

Mayor Hornberger stated that is one of the things that we talked about is to get the sewer capital fund high enough to where we can start having a project such that we renew the sewer over a twenty year period and self-fund the project and renew the entire sewer system rather than borrowing money.

Councilwoman Plant asked “when we lend out our credit rating to the universities, can we only do one at a time”?

Phil Vaughn stated you have more than one right now and several outstanding and there is a debt limit. He stated on page forty-two there is a summary of what is outstanding.

Councilwoman Plant stated when she was on Council last time they were very short term.

Phil Vaughn stated you have over ninety million in Higher Education debt and one drops off in 2024 and that one is eight million and most of them are long term.

Mayor Hornberger asked what is the City’s limit?

Phil Vaughn stated normally it has to do with the City’s tax base.

Mayor Hornberger asked Phil Vaughn if he could find out those numbers?

Phil Vaughn stated the debt limit for the City is about sixty-five million but not all the Higher Education counts towards that and he stated that this is more of a legal question.

Mayor Hornberger asked how much does count towards the debt limit?

Councilwoman Plant stated those figures can’t be correct and she has asked this question before and she thought it was only for a year and she did not realize it would tie up the City’s “Credit Rating” for years that far out.

City Manager DeLeon stated she would contact Mr. Christopher Allison who is the financial advisor for the City what the limit is.

Councilman Pellegrino moved to accept FY2017 Audit Report as submitted.

Councilman McDonald seconded the motion.

The vote in favor of the motion was unanimous.

Appoint members to the Planning and Zoning Commission to serve a two-year term through December 31, 2019; take possible action

Mayor Hornberger stated there are three vacancies and we have received four resumes including one from Eric Yates who has agreed to serve on the Economic Development Corporation as well. His recommendation is that Council approves appointment of A.C. Wiesenthal, Dr. John Hogg, William Brooks and Eric Yates to serve on the EDC.

Councilwoman Plant moved to appoint A.C. Wiesenthal, Dr. John Hogg, and William Brooks to the Planning & Zoning Commission to serve a two-year term through December 31, 2019.

Councilman McDonald seconded the motion.

The vote in favor of the motion was unanimous.

Appoint members to the Economic Development Corporation to serve a two-year term through December 31, 2019; take possible action

Mayor Hornberger stated there are three vacancies and we have received three resumes from Donna McElroy, Fedra Chapa and Eric Yates and his recommendation is to appoint all three.

Councilwoman Plant moved to appoint Donna McElroy, Fedra Chapa and Eric Yates to the Economic Development Corporation to serve a two-year term through December 31, 2019.

Councilman McDonald seconded the motion.

The vote in favor of the motion was unanimous.

Councilwoman Plant stated Frank Garza is supposed to be working on getting us information from VIA Metropolitan to look at helping the City with some of the costs of maintaining McCullough.

Mayor Hornberger stated we are interested in any progress and want to move forward and for Jesse Lopez to talk to Frank Garza.

Appoint a City Engineer for January 1, 2018 to December 31, 2018, pursuant to City Code Chapter 2-14(a); take possible action

Mayor Hornberger stated he asked for Councilman Fry and Mayor Pro Tem McDonald to interview with the City Manager and himself and come back to Council with a recommendation and the recommendation in order of preference is Givler Engineering, who is the current City Engineer as #1, CEC Engineering as #2 and M&S as #3.

Councilwoman Plant stated that after the meeting that Council had with David Givler and after hearing comments from the Public Works Director and the Fire Chief who work well and have no problems with the current City Engineer David Givler, she recommends that we stay with him as he has history with the City which is very important.

Mayor Hornberger stated Mr. Givler has given us an updated sewer map.

Councilwoman Plant moved to appoint David Givler as City Engineer for January 1, 2018 to December 31, 2018.

Councilman McDonald seconded the motion.

The vote in favor of the motion was unanimous.

City Manager DeLeon stated the City Attorney has looked at the proposed contract and the contract is identical however, under additional general services Mr. Givler increased his rate five percent and she stated he has not gone up on his fees since 2013 and under the public works construction projects the fees stayed the same.

Mayor Hornberger asked how much of that five percent is against how much we usually spend?

City Manager DeLeon stated she will look at the numbers.

Councilwoman Plant stated since we are talking about professional services the Planning & Zoning has a lawyer at every meeting and she does not think it is necessary and the City has a tight budget.

City Manager DeLeon stated there is a lawyer there because the Planning & Zoning are creating ordinances and they use the lawyer at every meeting.

Mayor Hornberger stated when he was on Planning & Zoning they did not have a lawyer there and what they tried to do is get the ordinance in final form and then have a lawyer look at it.

Councilman McDonald asked who made the decision to have a lawyer at every meeting?

City Manager DeLeon stated when the Planning & Zoning requests a lawyer then she brings one on and it has been going on for a year now.

Councilman Pellegrino asked what portion of the budget does this come out of?

City Manager DeLeon stated legal fees.

Mayor Hornberger asked City Manager to find out how much money Planning & Zoning attorney fees are and come back to Council with that figure.

City Manager DeLeon stated David Givler charges on the project fees like the sewer fees and we take that out of the GL #50 account and sometimes the GL #30 thirty account for the streets and we pay him per project.

Councilman Pellegrino stated he gets the project fees plus the percentage of actual construction project and asked did the percentage of the construction project stay the same?

City Manager DeLeon stated yes.

Councilwoman Plant stated Council can control the project fees. Past Council had David Givler running in different directions. The workshop was about getting everyone on the same page.

Councilman Pellegrino stated the City Manager should have a discussion with Mr. Givler on three percent.

Councilman Pellegrino moved to direct the City Manager to negotiate a fee beginning at 3% increase on engineering services and accept a copy of the contract as such.

Councilman Fry seconded the motion.

The vote in favor of the motion was unanimous.

Review and discuss Texas Towing contract; take possible action

Mayor Hornberger asked is this the same contract that we are currently using in terms of its provisions and has the City Attorney reviewed it?

City Manager DeLeon stated the City Attorney has reviewed it and approved it for the moment. He is doing some research on some numbers and if he feels it needs to be changed he said he would come back and ask for an amendment.

Police Chief Valenciano stated what triggered the new contract was the last contract was signed in 2009 and the rates have been the same so Texas Towing wanted to update the amounts for the non-consent tows which is in the current contract. Olmos Park received funds from Texas Towing in 2015, \$3,235.00 and in 2016 we received \$7,840.00 and currently through the end of November 2017 we have received \$14,527.00 and we have impounded a total of 656 cars to date. When an officer does a traffic stop and there is a reason that something triggers an impound we will call Texas Towing and they are usually here within thirty minutes and most of the time it would be considered a light tow. On the new contract we will receive \$35.00 per non-consent tow and the fee is passed on to the violator or the insurance company and his recommendation is to remain with Texas Towing.

Mayor Hornberger asked has there been a change in ownership since 2009?

Police Chief Valenciano stated not that he is aware of.

City Manager DeLeon stated Frank Garza has reviewed the contract and recommends approval of it at this meeting and he will review it further.

Jesse Lopez stated he believes the concern that Frank Garza has is with Texas Towing agreement with City of San Antonio and whether they are making any changes that may affect what we may what to do and if it needs changes we can put it on the January agenda.

Councilman McDonald moved to accept the Texas Towing contract pending a review to accept the contract but not sign it.

Councilwoman Plant seconded the motion.

The vote in favor of the motion was unanimous.

Consent Items:

- a. Approve Cash Disbursements November 2017;
- b. Approve City Council minutes for November 16, 2017 and special workshop minutes for December 6, 2017 ;
- c. Appoint Davidson, Trolio, Ream and Garza Law Firm as the City's Attorney for January 1, 2018 to December 31, 2018, with Frank Garza being the primary contact pursuant to City Code Chapter 2-13(a); take possible action;
- d. Appoint Frank Dickson as Municipal Court Prosecutor and Julie Patterson as alternate Municipal Court Prosecutor for calendar year 2018; take possible action;
- e. Approve the EDC FY2018 budget and FY2018 Work Plan;
- f. Approve 2017 P&Z Annual Report;
- g. Approve Alamo 180 Run, a non-profit organization for the homeless on December 24, 2017

Councilwoman Plant stated regarding item F the clean-up language for the sidewalks has not been done yet because there were some contradictions.

City Manager DeLeon stated P&Z talked about it at their last meeting in November and they did not meet in December because they could not get a quorum due to the holidays.

Councilwoman Plant asked if we could get Frank Garza to fix the ordinance as we have a lot of properties for sale and construction going on?

Mayor Hornberger stated we need this done and approved by Council and Councilwoman Plant is correct, the more we wait the more as a City we get prejudice by not having it done, so we need Frank Garza to clean it up and present it to Council in January for approval.

Councilwoman Plant stated "we spoke about the building design at the workshop regarding certain building materials and colors and it was the second priority on the list. She did not recall outdoor lighting being on the priority list. Our priority list is not consistent with the P&Z annual report."

Mayor Hornberger stated Councilwoman Plant is correct, the building design was number 2 on the list and both priorities applied to McCullough.

Councilwoman Plant stated EDC is supposed to be reaching out to the businesses regarding the landscaping.

City Manager DeLeon stated the EDC has reached out to the businesses about coordinating on sidewalk projects so they can use as examples as to what it could look like and two businesses have not responded so in January the EDC will go back and ask some other businesses to see if they are interested.

Mayor Hornberger stated in January the EDC will have a full board and the chairman's idea is he is going to appoint three committees and they will divide up and get it done.

Councilwoman Plant stated the P&Z annual report is not acceptable.

City Manager DeLeon stated James Griffin the Chair of P&Z was going to be here at the meeting, however he is sick and could not make it.

Councilwoman Plant moved to pull item 8F the P&Z Annual report and have the City Manager get with the Chairman and give P&Z an email of the priority list that was discussed at the planning workshop meeting and to reprioritize their projects as discussed tonight and instruct the City Attorney based on the meeting that we had when Council approved the landscaping ordinance with the provisions contained at that meeting to make those changes to sidewalk and landscaping ordinance to be consistent with each other so it can be approved at the January City Council meeting in final form.

Councilman McDonald seconded the motion.

The vote in favor of the motion was unanimous.

Councilman McDonald moved to accept the consent items A, B, C, D, E and G.

Councilman Fry 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 November 2017;
  - (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 Plant stated she wants to pull item 9, D2

Councilman McDonald moved to accept the departmental reports except Item 9, D2.



Councilman Fry seconded the motion.  
The vote in favor of the motion was unanimous.

Councilwoman Plant stated that some of the overtime hours look high and there is a policy on this and in the past if you have an employee that retires or quits then we have an enormous comp time balance that we have to pay out.

City Manager DeLeon stated the comp time hours are within the policy.

Councilwoman Plant asked how do you dwindle down comp time hours and the stated the Fire Department hours seem high?

City Manager DeLeon stated the policy is use it or lose it by the end of the year.

Councilwoman Plant asked is that by the employee's anniversary date?

City Manager DeLeon stated by calendar date, the report does not show December's time yet taken and the Fire Department uses twenty-four hours at a time.

Councilwoman Plant moved to approve item 9, D2.

Councilwoman Dusek 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 Hornberger recommended that Council give the City Manager a sterling review.

Councilman Fry moved to give the City Manager a sterling review.

Councilwoman Dusek seconded the motion.

The vote in favor of the motion was unanimous.

Councilman Pellegrino asked what increase did we give for the FY2018 budget?

City Manager DeLeon stated a three percent increase.

Councilman Pellegrino stated Council did not fund a merit increase and we have a large surplus and it's not an impact.

Councilwoman Plant stated she is the longest serving Council member and from serving time with other City Managers, Celia has done a great job. Celia's salary is nowhere near what other City Managers make right now and she would recommend to give City Manager DeLeon a two percent increase as she is also a "working City Manager."

Councilman Fry moved to accept the change to his motion and add two percent salary increase on top of the three percent that City Manager DeLeon has already received in October 2017.

Councilwoman Dusek seconded the motion.

The vote in favor of the motion was unanimous.

There was no further business and the meeting was adjourned at 6:56 p.m.

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Ronald Hornberger  
Mayor

ATTEST:

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Diane Gonzales  
City Secretary