

MINUTES OF REGULAR
CITY COUNCIL MEETING HELD
JUNE 15, 2017

The City Council of Olmos Park, Texas held a regular meeting on June 15, 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, Sharon Plant, Enzo Pellegrino and Juliana Dusek. Council member not present and excused from attending was Casey Fry. 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, Jessie Lopez; David Givler, Givler Engineering; Alan Chesler, 727 Contour and Kristy Pellegrino, 208 Park Lane.

Mayor Hornberger called the meeting to order at 6:05 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.

There were no citizens to be heard.

Discussion of Givler Engineering reports:

- Ongoing Project update; take possible action
- Receive bids for 2017 Sanitary Sewer Point Repair Project; take possible action.

David Givler presented the project update report and stated there are 19 projects that are active right now and half of them are related to storm water construction in the City that they are monitoring and the biggest items right now are the sanitary sewer cleaning and inspection. He stated his recommendation letter relating to the bidding results for the 2016-2017 Sanitary Sewer Point Repair Project had interest from 14 contractors but only received 3 bids. The variability in the numbers shows us what the market is right now. The low bidder was T Construction who bided \$93,366.00 and our opinion of cost was \$93,150.00. We reviewed T Construction's references and spoke with their bank and bonding company and did not find out any negative information. The project fully completed will run somewhere from \$111,000 to \$125,000 depending on whether or not the City uses any contingency fees. He recommended awarding the project in the amount that it was bid of \$93,366.00 but if they City would budget for \$107,370.90 in order to allow for a 15% contingency which would only be used for unexpected things in the field and all of these repairs are all in grass or planted areas and they will dig in three yards and restore to same or better conditions.

City Manager DeLeon stated she is recommending not to approve this project because Council approved at their March meeting three miles of televising which we did not budget for, and only budgeted for one mile of televising so it went from \$43,500 to \$120,000 which was a significant bump on our Sewer Fund. If we move forward we will have about \$30,000 to \$40,000 in our Sewer Fund including the Reserve Sewer.

Mayor Hornberger asked with respect to the bid that has been received is there any part of it that can be carved out for later and if so how much of the \$111,000 would be unused?

David Givler stated yes, we can work in 20% increments and would have to negotiate with the low bidder.

He also reported at the intersection of El Prado and 201 E. Olmos Drive there is a sewer service that comes out of the rear of their complex. He provided an old drawing from 2003 that shows an old alignment for a sewer main that used to serve that building. Carter Burgess was the previous City Engineer and when they mounted the City Sewer System they showed two manholes and other maps show a line connecting them and they are not connected to anything else because even back then there was a problem with the line so we did an investigation with National Works. They are televising the lines and the line dead ends into dirt and he believes the old line is made out of clay where the sewerage has been leaking out through the joints of the pipe and goes into the base under the pavement and has been leaching into the ground for decades.

Councilwoman Plant asked when the condominiums were built who re-routed those lines?

David Givler stated Celia is going to try to get more information on that line and they looking to get a contractor to start digging to see what he can locate.

Mayor Hornberger asked how much of that line is a lateral and at what point would it become a main?

David Givler stated he thinks it's a lateral just to the end of the alley and then probably comes around the corner and is in the right-of-way so the biggest portion is probably a main and parts have been replaced over time and it's an old clay line.

Fire Chief Surber stated one of the lines that comes down is a PVC line that enters into the sidewall of the manhole so it enters like a lateral to service a property and when you open that manhole the old line that used to come across is a pile of concrete to actually block the old line that was a main.

Mayor Hornberger asked how much of this is the City's problem and how much is the landowner's problem?

David Givler stated he expects to find that the pipe is in the right-of-way and should be considered a main and there were repairs done overtime.

Mayor Hornberger stated was it put in correctly with sufficient amounts of rock and sand to protect the PVC from breakage.

City Manager DeLeon stated our next step was to dig up to see if we can find the long lateral going along Olmos Drive and we need to do more research, digging and televising.

Mayor Hornberger stated if that whole length needs to be replaced what would the cost be?

David Givler stated about \$20,000 to \$30,000.

Mayor Hornberger asked is there a possibility that we can cut \$25,000 to \$30,000 work off of this bid that you presented?

David Givler stated yes.

Councilman McDonald stated we need to look into the liability with the Company Jacobs who took over Carter Burgess back then and was it something they missed during their initial process or didn't do correctly, is the liability really all of ours.

City Manager DeLeon stated there are no restroom facilities that are working properly at the building right now.

Mayor Hornberger recommended to cut the bid package back by \$25,000 or \$30,000 and bring it back to Council as a complete package and save the \$25,000 or \$30,000 to help deal with this problem.

Councilwoman Plant moved to table the bids that were received by David Givler's recommendation letter dated June 14, 2017 for the Sanitary Sewer bids until the City finds out what the status is with the 201 E. Olmos Drive sewer issue.

Councilman McDonald seconded the motion.

The vote in favor of the motion was unanimous.

City Manager DeLeon stated the consensus of the Council is for her to look for plans from Carter Burgess and to get with the City Attorney to see if there is some type of liability with Jacobs who now owns Carter Burgess and to start digging and investigating the problem.

Mayor Hornberger stated for the City Manager to find the old plans and work in conjunction with the City Attorney and the City Engineer to figure out if there is any liability for anyone else and figure out how much of these lines identified are main lines as opposed to lateral lines and have some minimal digging to investigate where the long lines that are parallel along Olmos Drive begins and ends and whether or not we can access it to figure out if it is blocked or partially blocked and to identify closely as possible when that line changed to being on Olmos and if there is any documentation to tell us how that line was constructed and were the specs correct. Once we have this information it will help the Attorney see whether or not we have any claims we can make and then come back to Council to give us a status of what was found when digging and if one foot is a main line then we need to get that repaired and if the property owner does not want to repair the rest of it that is a lateral then that is up to them. He also stated to have Mr. Givler cut this authorization bid down by \$25,000 - \$30,000 giving him the authority to go with the balance of that and then we reserve some money to help take care of this problem.

City Manager DeLeon stated she received an email from CPA, Susan Wootton saying we budgeted to use \$171,800 of the sewer fund surplus for this current year leaving a budget surplus of \$152,954 and anything we spend in excess of the current budget must come from and will reduce the budget year end \$152,954.

Mayor Hornberger stated we need to move forward with this exploratory process, assess it and figure out how much it will cost to repair it and fix it.

Councilman Pellegrino stated the priority is to get restroom services back to the facility and bring back to Council in July an updated expense.

City Manager DeLeon stated she understands the consensus from Council to move forward with the repairs and to ratify the sewer repair costs at the July meeting.

Discuss the 2017 Transportation Alternatives Set-Aside Program, which makes funding available to projects like the off-road shared use path proposed by resident Alan Chesler; take possible action

Mayor Hornberger asked is the Grant Set-Aside Program a reimbursable grant? A reimbursable grant is that you have to spend the money up front and they will tell you later when you apply for reimbursement whether you will be refunded. We are a small City and have a tight budget and if we did not get the money refunded it would be a problem.

Councilwoman Plant stated it is a reimbursable grant and it is like the EDC grant that they were trying to get.

Alan Chesler stated he was not able to go to the seminars for help that the State sent representatives out to various locations throughout the State to present these grants and make sure people understand them or have the resources. From a feasible prospective this has been a discretionary item and is in our control as to whether we want to spend any time on it or not so we have the luxury of time.

Councilwoman Plant stated there is a resident that the Fire Chief knows that has helped with grant writing before and maybe this is something that you could do some research on and see if this is what we think it is and then bring it back to Council. She stated just by looking at the application, it is asking for a project design by an Engineer and environmental clearance and this is not doable for a City of our size.

Mayor Hornberger stated the other side of this is we need to look at the area and see if there is sufficient land to do what is contemplated and still meet ADA compliance and it sounds like an uphill battle. He asked the Fire Chief to speak with the resident and see if she is willing to investigate the grant and come back to Council with a report to us in a month.

Discuss Olmos Park Police and Fire dispatch service contract with the City of Alamo Heights; take possible action

Mayor Hornberger asked Councilman Fry and Councilman Pellegrino to do some investigation on the police and fire dispatch service contract.

Councilman Pellegrino stated he would like to thank the City staff for putting in the work and trying to come up with a different solution and to thank Mr. Adelman who oversees the Bexar County Dispatch Services and the City Manager, Police Chief and Fire Chief of Alamo Heights and Terrell Hills for spending some time and explaining the advantages and disadvantages. He stated his and Councilman Fry's recommendation is to stay with what we have currently which is continuing to use Alamo Heights as our dispatch service and the reasons for that was the dispatch at Alamo Heights will not separate the Police and Fire meaning we could not transfer the Police to Bexar County and keep Fire with Alamo Heights. Our safety resources were because we went down in fire staff and the interconnectivity that Fire Chief explained at our last meeting and Alamo Heights echoed our real issue that it would take a long time to figure out procedures and replacements and after exploring with Mr. Adelman while Bexar County does not charge Cities at this point and guaranteed that Olmos Park would be the first for police services and the cost would be about \$73,000 and our quoted expense with everything that we have at Alamo Heights is about \$80,000 and we have neighboring Cities where they come to help in the connectivity.

City Manager DeLeon stated this is just the dispatch agreement, we do have a separate EMS agreement that the Fire Chief is working on for next month to review.

Councilman McDonald moved to stay with Alamo Heights for the dispatch service.
Councilwoman Plant seconded the motion.
The vote in favor of the motion was unanimous.

City Manager DeLeon stated she would notify Mr. Adelman of the decision.

Mayor Hornberger stated the City Manager and himself are going to participate with the City Managers and Mayors of Terrell Hills and Alamo Heights next Monday for lunch with the Mayors and he has spoken to the Mayor of Alamo Heights and perhaps making that a quarterly event so the three Cities can maintain a closer contact and the Cities can go forward with better planning on all the agreements.

Discuss Ordinance 2017-08 revising the City Code Section 38-20 Sewer fund, winter averaging; take possible action

City Manager DeLeon stated SAWS requested to change our ordinance on the winter averaging in the industrial and commercial classifications and Council said to move forward and make those changes, Frank Garza provided an ordinance and we submitted it to SAWS and they made some changes and Frank Garza has agreed to all the changes but one.

Councilwoman Plant moved to revise section 39-20 Sewer fund, winter averaging to the revised version that has been approved by our City Attorney pending SAWS acceptance of it.

Councilman McDonald seconded the motion.

The vote in favor of the motion was unanimous.

Mayor Hornberger stated for clarification we have approved Ordinance 2017-08.

Discuss request to apply the money received \$4500 from the sale of police confiscated vehicles be applied to the Criminal Investigation Fund (CID); take possible action

Councilwoman Plant moved to apply the \$4500 from the sales of the police confiscated vehicles to the Criminal Investigation Fund.

Councilman McDonald seconded the motion.

The vote in favor of the motion was unanimous.

Appoint two members of the City Council to sit on the FY2018 medical premiums review committee

City Manager DeLeon stated she would like to recommend Councilwoman Dusek and Councilwoman Plant to sit on the medical premium committee and stated the medical premiums do not come in from the insurance agency until the end of July and once we receive those numbers we will start our budgeting beginning of August and will set up a meeting with the Councilwoman Dusek and Councilwoman Plant.

Consent Items:

- a. Approve Cash Disbursements for May 2017;
- b. Approve City Council minutes for regular meeting for May 18, 2017.
- c. Approve budget amendment to increase GL# 30-600-541 Court Efficiency Expense from \$1,200 to \$2,200 with increase coming from Court Efficiency Surplus GL #30-200-302.
- d. Excuse Councilman Casey Fry from attending the June 15th regular meeting.

- e. Approve Armstrong, Vaughn & Associates engagement letter to perform the City's annual FY 2017 audit;

Councilwoman Plant moved to accept consent items A through E.
Councilman Pellegrino 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 May 2017;
 - (2.) Monthly overtime, CT, vacation, sick leave report
 - (3.) Building Department Report
 - (4.) Municipal Court Report

Councilwoman Plant moved to accept departmental reports item 10, A,B,C,D1,D3 and D4.
Councilman McDonald seconded the motion.
The vote in favor of the motion was unanimous.

Councilwoman Plant asked how are the departments doing on overtime to keep comp time to what our policy shows?

Fire Chief stated for overtime we have not spent any money, however the minute they hit 72 hours of comp time they have to schedule time off.

Police Chief stated the total amount of comp time on his books right now is a total of 20 hours.

Councilwoman Plant moved to accept departmental report item 10 D2.
Councilman McDonald seconded the motion.
The vote in favor of the motion was unanimous.

City Manager DeLeon stated she wanted to update Council on our new employee Stephanie Camacho who took Polo Guajardo's place as the Court Clerk and she came from DPS Dispatch.

Councilwoman Dusek stated she would be out for the July meeting.

There was no further business and the meeting was adjourned at 7:10 p.m.

Ronald Hornberger
Mayor

ATTEST:

Diane Gonzales
City Secretary