

MINUTES OF REGULAR
CITY COUNCIL MEETING HELD
JULY 18, 2019

The City Council of Olmos Park, Texas held a regular meeting on July 18, 2019 commencing at 6:00 p.m. in the Council Chambers at City Hall. Mayor Pro Tem McDonald presided and Council members present were Juliana Dusek, Erin Harrison, Sharon Plant and Deanna Rickabaugh. Council members not present was Mayor Hornberger. Staff present was City Manager, Celia DeLeon; City Secretary, Diane Gonzales; Fire Chief, Michael Goodreau; Police Chief, Rene Valenciano and Public Works Director, Gilbert DeLeon. Also present was City Attorney, Richard Lindner; Pat Meier, 140 Stanford; Lauren Bullock, 122 Brittany; Candy Gardner, 334 Paseo Encinal; Buddy Gardner, 334 Paseo Encinal; Carye Bye, 319 E. Melrose; Patrick Kuapiel, 409 E. Olmos Drive; Marv Belasco, 207 E. Mandalay; Lesley Neyland, 122 E. Mariposa, John Nyland, 122 E. Mariposa; Betty Berchelman, 438 Paseo Encinal; Belinda Yauger, 118 Luther; Curt Leathers, William Brooks, 439 Paseo Encinal and Bonnie Giddens, 636 E. Olmos.

Mayor Pro Tem Kenyon McDonald called the meeting to order at 6:01 p.m. and determined a quorum was present.

Councilwoman Dusek arrived to the meeting at 6:03 p.m.

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.

Pat Meier of 140 Stanford stated she wants to address some ordinances which are approved but not being enforced. In 2013 the City Council directed the Planning & Zoning Commission to write ordinances to implement the goals outlined in the McCullough Corridor 50% plan. The primary goal was to ensure pedestrian safety, safe sidewalks and to define types of landscaping. Currently there are six properties on McCullough that continue to use the City right-of-way for their off street parking and the right-of-way needs to be made available for sidewalks and landscaping. The Planning & Zoning Commission researched parking options for all these businesses which use the right-of-way and each has adequate alternate parking options. There are vehicles that back into the public street, ordinance section 41.10 prohibits this so these properties need to adjust their parking to meet the City requirement code section 41.10 off street parking regulations table 41.10 off street vehicle space dimensions. Property owners can request to use section 41.13 where the City can grant right-of-way to the off street space dimensions and they can also appeal to the Economic Development Corporation for financial assistance. The City Administration needs to move forward to notify businesses to vacate the public right-of-way and to require the property owners on McCullough to adhere to the off street parking regulations and dimensions as found in the City Code of Ordinances.

Discussion on recycling; take possible action

Gilbert DeLeon, Public Works Director stated the world is changing, times are changing and recycling is changing. Back in January of 2019 Waste Management did an audit on our recycling program and during that audit he learned that a lot of items were no longer being accepted. He said that's Waste Management stated that the market had changed due to China not accepting American recycling and was informed the only commodity recyclable items were cardboard, plastic bottles and paper. Plastic bags, film, metal, tin and glass were no longer revenue producing recycle due to the market. All of these items were considered negative revenue for the City and he also stated that he did not see the market changing anytime soon.

The City sent out a flyer notifying the residents of the changes on the recycling program informing them of the items being accepted. At the same time Alamo Heights and Terrell Hills were also implementing the same guidelines in their Cities recycling program. Due to the changes our recycling fees have increased during the year. He stated back in September the City was paying \$40.00 a ton and now we are paying \$60.00 a ton and that increase as been passed on to the City. He found another place called Republic Service that accepts the recyclables but they would charge us \$100 a ton and it would have to be clean, no glass, plastic or film. He presented a power point presentation on graphs and pictures of contaminated items that the Public Works finds in recycling and they try to sort it out the best they can, however it takes a long time for his crew to be going through the recycling bins.

Councilwoman Rickabaugh asked do you leave the recycling bin at the curb with the items that are prohibited?

Public Works Director DeLeon stated yes we leave it at the curb. He stated the recycling is still being bagged and that is prohibited.

Councilwoman Rickabaugh asked what does the City of San Antonio do with their glass?

Public Works Director DeLeon stated the City of San Antonio takes their glass to Waste Management.

Councilwoman Rickabaugh stated the City of San Antonio has the volume and is cost effective for Waste Management to take their glass to Midlothian, Texas.

Councilwoman Plant stated the City of San Antonio also charges a fee for their recycling to their customers.

Carye Bye of 319 E. Melrose stated she was very concerned about the recycling and she never got a notice in the mail but read about it in the paper and she gathered a group of Olmos Park citizens to talk about it on Sunday and there were 13 people that showed up and another 13 people that could not make it. They came up with a list that they sent to Council of their concerns and they understand this is a very complex issue and it's not Olmos Park not wanting to recycle. If we could possibly get tins and cans back on the recycling as there is a profit for cans and tins in City of San Antonio and glass may be more of an issue because of the weight. We are glad that you showed us what other companies might do and it is really sad to go from recycling as much as we were to not and it seems like a backwards step. We just need more information in general from the City and she saw that more information from the City of Alamo Heights was going out to their residents than Olmos Park. We need more clarity from Olmos Park and we also want some education as some people may not know better.

Councilwoman Plant stated it's not only educating the residents it's the residents helping to educate the people within their home.

Carye Bye stated we are here to help; it might be a good idea to start a green team that works on green issues including recycling so we can work on climate changes and we would like to see a round table set up after this meeting where we can talk about the details.

Lauren Bullock of 122 Brittany stated her son is on the Olmos Park Youth Commission and they will be a great source for helping passing out flyers and the education is critical and we want to help work on this and find a solution.

Councilwoman Plant stated we are about to go into budget session and we will have something on the agenda and by then we will have more information on this issue. Our meetings are posted on the email blasts.

Councilwoman Dusek stated after hearing the feedback she proposes that we bring back the recycling for everything but metal for two months and we will not pick it up if it is not clean and we should not be cleaning out people's trash, it is a waste of time and effort if nothing gets recycled. Mr. DeLeon will put flyers on people's doors if your recycling was not clean and it can contaminate the entire load. People that are recycling need to be taught to put their trash bags in their trash cans. Let's give it two months trial then let's see what the numbers look like and when budget comes around we will have a better idea of what the weights are looking like and giving it a two month trial to see if the recycling gets better or worse. We can put out on an email blast of the do's and don'ts of recycling and if we start cleaning up our bins and allowing people to actually recycle and see where we can move forward.

City Manager DeLeon stated the door hanger flyer is part of the education informing the resident your recycling was not picked up and it lists the reasons.

Councilwoman Dusek stated after the two month trial we can talk about citations if the recycling is not done correctly.

Councilwoman Plant stated that after this meeting and our minutes from the last meeting are approved they will be posted on our website and she encourages everyone to read them. One of the residents, Jeannie Latimer had some really good comments at our last City Council meeting. For a City our size which is a "land lock City", looking at this very passionate issue and being able to economically able to afford solutions without raising your property taxes is the tough part. She is not for raising property taxes for City services especially when we don't charge a fee. City staff was researching fees that will be presented at a later date. She stated we do not have staff to sort through everyone's recycling nor the time.

Councilwoman Rickabaugh asked do the majority of the residents recycle and what is an estimate of the residents that can't get the recycling correct?

Public Works Director DeLeon stated yes the majority of the residents recycle and about half are recycling incorrectly.

Councilwoman Harrison asked can we put up on our website a link that shows the rules of the recycling do's and don'ts.

City Manager DeLeon stated yes we can put a link to the Waste Management website.

Councilwoman Plant stated we also need for the City to send out a letter with the information.

Lauren Bullock stated the information needs to have more information and more specific and asked if they can have a block walk for dropping things off to a door? The Olmos Park Youth Commission delivered flyers before.

Councilwoman Dusek asked what happens after you pick up the recycling and Waste Management accepts the glass? Do they just charge us more for it?

Public Works Director DeLeon stated we take it to Waste Management and drop it off and yes they charge us for the glass.

Councilwoman Rickabaugh asked what does Waste Management do with the glass?

Public Works Director DeLeon stated they take it to the Midlothian, Texas Recycling Center.

Bonnie Giddens of 636 E. Olmos Drive stated people do not understand the process and you need to be very clear and the email blast right now just says bottles and the outreach needs to be every way possible, e blast, in person, in print. The City of Houston recently renegotiated their contract with a company called FCC and FCC is taking their recycling at a loss right now and they are treating the recycling materials as a commodity that this market is not going to stay this way. Be creative and think innovate because we are a small town and we have the disadvantage and don't have the volume to be competitive. We can try to sort it with enough citizens interested and maybe have a centralized container. We need to educate the citizens on how to recycle and also think about pilot programs and collaborating with Terrell Hills and Alamo Heights and maybe other smaller Cities in San Antonio that are facing the same issues we are having. She also stated she heard a glass and recycling plant was going to be built in Houston because of the demand.

Councilwoman Plant stated we don't have space in the City to put any containers. The City Managers have meetings once a quarter and maybe there could be a discussion on this issue. You would be turning a small City into a consortium of a larger group that will have more power. She stated our contract came up before Alamo Heights and theirs is about to come up in September.

Councilwoman Rickabaugh stated if it is done well Waste Management will have already sorted it.

Pat Meir asked on clarification for plastic and glass bottles?

Councilwoman Dusek stated that is her proposal we need to start getting the recycling clean so it will be a starting point.

Mayor Pro Tem McDonald asked are there certain bottles that are not acceptable?

City Manager DeLeon stated she believes it is numbers three through seven that they accept.

Public Works Director DeLeon stated they will accept bottle water, laundry detergent bottles. You can leave the cap on the water bottles and they do not want your recycling in plastic bags. They don't want plastic bags at all.

Councilwoman Plant stated if you have a jelly jar that has tin on it, then that is trash. If you remove the "tin" you have to clean the jar out. All this needs to be in the communication that is sent out. We can do a trial for 2 months and when we go into budget talks in August and beginning of September then we can discuss the outcome.

Pat Meier asked does Republic take individual or small donations?

Public Works Director DeLeon stated no.

Carye Bye stated please clarify what plastics are acceptable as they are numbered one through seven and you need to clarify which ones are going to be acceptable.

Public Works Director DeLeon stated one of the questions he had was if your recycling is dirty we will leave it at the curb, put a door flyer on the door stating why and the next trash courtesy route day we will pick it up and put it in the garbage.

Councilwoman Plant stated an email blast will go out, letters will go out and communications will go out through next door and when someone does not have their recycling picked up they will receive a door hanger stating the reason the recycling wasn't picked up.

Councilwoman Dusek stated can we have a page in the Olmos Park Living Magazine that has a full page of information as she wants to find a solution and not get to a point where we stop the recycling.

Councilwoman Plant stated this is only regarding glass.

Councilwoman Dusek asked what about metal?

Public Works Director DeLeon stated no we are not taking metal.

Councilwoman Plant stated there are places that you can take metal to and stated the action is we are not accepting glass.

Councilwoman Rickabaugh stated we need to say we are working on a 2 month trial basis and whatever communication tools we have in place now and be as clear as possible and re-evaluate in September with some stats and see if any of this made a difference at all.

City Manager DeLeon stated the door hanger that the Public Works Department will hang on the residents door if there recycling will not be picked up because it is not acceptable for the reasons listed.

Councilwoman Plant stated there will be a list going out on email blasts and also a page on the Olmos Park Magazine mailer to all residents showing the items that you are allowed to put in your recycling bin.

Councilwoman Dusek stated the trial basis should be without glass, if we are getting charged less for contamination it should help our numbers. If we start with taking glass right now there will not be a foundation and we all agree we want to do it and look at our numbers in 2 months and see where we go.

Councilwoman Plant stated once we put the information out and everyone knows what "number" of plastic items that maybe recycled. We would like to keep track of how many of the door hangers are being put out because that will tell us if our communication was successful or if we need to go to a fee base program.

Discuss and take possible action on Planning and Zoning's review of impervious cover restrictions and site drainage regulations, Chapter 40 of the City Code as instructed by the City Council.

Councilwoman Rickabaugh stated the last time we went through this was the consensus of the Council that we wait for a full Council before we discussed it.

William Brooks, Chair of the Planning & Zoning stated he drafted the pros to this ordinance memo.

Councilwoman Plant stated since she has had this personally happen and her attorney said that it is a neighbor to neighbor issue and she thinks going through the Building Official you should have to show paperwork that they have done their diligence.

William Brooks stated Dr. Wiesenthal did not put together a list of the cons memo and he sides on not adopting the amendment. In thinking it through it is a polarizing issue for everybody and the biggest concerns and the cons were it is a bit arbitrary and what is to put a number on it and how will it be clarity to the citizens since the improvements are in the backyard typically because the front yard is already regulated as far as impervious cover.

Richard Lindner stated we regulate impervious cover on front yard and we do not regulate impervious cover on the side or backyard and the only time a permit would be triggered where your Building Official would even know what was going on would be for a swimming pool and maybe a fence. Large scale landscaping would not trigger any knowledge to the City to know what is going on there currently. For a large lot if it is triggered under the subdivision code it does get into the drainage regulations that the City Engineer had talked about but has to be triggered by the subdivision code which had a tear down of a whole new combining or un-combining properties.

Councilwoman Plant stated there are "grades on the properties" in our neighborhood that if you are looking at a street straight on it does not even look like there is a grade and when this neighborhood was built most of the homes had retaining walls between the homes. There are new people coming in and tearing down homes and tearing down the retaining walls and that it is not for the homeowner affected. She stated it also concerns regarding the direction of where the drainage is going.

Councilwoman Rickabaugh stated the Planning & Zoning is saying that we don't want to amend this ordinance but she agrees with what Councilwoman Plant is saying we need to look at this and put in some guidelines.

William Brooks stated we considered a lot of these things in our discussions and he feels the way he does is because if there is already a remedy in place and nobody wants to sue their neighbor but if we have something that is somewhat arbitrary as far as a percentage you are going to have enforcement issues.

Mayor Pro Tem McDonald asked so somebody can sue Olmos Park because we did not enforce the regulation?

Richard Lindner stated if you arbitrary or selectively enforce ordinances than a person could try to bring action against the City.

Councilwoman Plant stated we have to have something from the owners if they are changing their grade of the property that shows it has the appropriate flow that goes toward the street the way it is supposed to. Every one of our ordinances had this enforcement issue like the Board of Adjustments where you have to show your plans to all their neighbors so their neighbors can approve of it.

William Brooks stated we talked a lot about what percentage the grade changes the run off.

Councilwoman Rickabaugh asked can Council have a joint work session with the Planning & Zoning Commission?

Richard Lindner stated yes.

Councilwoman Plant stated she believes Planning & Zoning knows what we want but it is a very hard way to enforce this.

Pat Meier stated impervious cover is how much the earth will absorb; this is talking about when I change the configuration of my backyard if I add something, then our Building Inspector two or three meetings ago talked about putting the responsibility on a builder that we would have to define that if you were putting in pools and show it is not going to alter your drainage. The builder has to say here are the ramifications for my neighbors. She stated there needs to be an amendment to the ordinance.

Councilwoman Harrison stated maybe we need to be more specific for drainage.

Councilwoman Rickabaugh stated anything that requires permitting currently and we need some collaborating with the Planning & Zoning and maybe some Council members need to attend. To do nothing is irresponsible when you have people who want to be good neighbors. We have lost some beautiful properties and replaced with mammoth properties and there are going to be some issues.

William Brooks stated is this a big enough deterrent to stop people from making these improvements and most are in the backyard and you may need to default to litigation.

Councilwoman Plant stated we don't want to infringe on what people can do in their backyard.

Councilwoman Rickabaugh stated if you are going to alter the existing hardscape or are you putting in new hardscape and give the neighbors a 30 day notice to see if they have any concerns.

Richard Lindner stated the neighbors are most likely going to see it anyway.

Council discussed having a sub-committee with Councilwoman Harrison and Councilwoman Rickabaugh to attend the next Planning & Zoning meeting to re-open up discussions and look at the ordinance again with different instructions.

Councilwoman Rickabaugh moved to ask Planning & Zoning to continue discussing the impervious cover.

Councilwoman Plant seconded the motion.

The vote in favor of the motion was unanimous.

Discussion on adding an automatic door opener to the front door at City Hall; take possible action

City Secretary Gonzales stated the push buttons will be installed on the outside of City Hall in the wood panel section and then another one installed on the inside of City Hall in the wood panel section. The opening mechanism will be installed along the top of the doors on the inside. The front door will have stickers on them saying "caution moving door". The install will take between 6-8 hours to install. For one automatic door the cost will be \$3,556.00 plus \$262.50 for the safety sensor so the door does not close on someone. There is a one year warranty that is included.

Councilwoman Plant asked who will do maintenance on this door after the one year warranty expires?

City Secretary Gonzales stated Tormax the company that is installing the automatic doors and we could purchase another warranty after that one expires.

Councilwoman Dusek moved to add the automatic door opener to the front doors at City Hall.
Councilwoman Plant seconded the motion.
The vote in favor of the motion was unanimous.

Councilwoman Plant stated we need the extended warranty information.

Discussion and take possible action on an Ordinance 2019-05 amending Chapter Eight (8) of the City's Code Of Ordinances, entitled Building And Building Codes to add Article IX Demolition, to create regulations for demolition of structures; providing for penalties; repealing all ordinances or parts of ordinances in conflict herewith; providing a savings clause; providing for the inclusion in the code of ordinances; providing for an effective date.

City Manager DeLeon stated Council discussed this ordinance back in April and we have had some Council members out so it was tabled. She stated there was a concern on the bond amount.

Richard Lindner stated there is bonding and it requires \$15,000, so the bond needs to be big enough to cover potential issues, we have required insurance and for the contractor to have scoping before and after the sewer line.

Mayor Pro Tem McDonald asked how much do bonds cost?

Richard Lindner stated the bond cost is not bad it is the people that are qualified to get the larger bonds. Based on history and knowledge of sewer and other costs to repair those items if you think based on the knowledge \$50,000 is appropriate amount that would cover the anticipated loss then the motion would be to pass the ordinance with an amendment for \$50,000 bond instead of \$15,000 bond. He stated the larger contractors get better rates for bonds.

Councilwoman Rickabaugh recommended we go up to \$50,000 for the bond.

Councilwoman Plant stated she also agrees the bond should be \$50,000. The houses that people are demolishing are leaving empty lots.

Richard Lindner stated for a residential area they have to leave it clean, level it and put sod down. There is no requirement that they have to reconstruct anything within a certain amount of time. If you want to discuss the City's ability to require the reconstruct of houses after demolition then he recommends going into executive session.

Mayor Pro Tem McDonald suggested adding that to the agenda for next time.

Councilwoman Rickabaugh moved to accept the ordinance as submitted with changing the bonding requirement from \$15,000 to \$50,000.
Councilwoman Plant seconded the motion.
The vote in favor of the motion was unanimous.

Discussion and take possible action on an ordinance amending Chapter Eight (8) of the City's Code Of Ordinances, entitled Building And Building Codes section 8-61, section 8-94, and section 8-128; incorporating recitals; providing repealing, savings, and severability clauses; providing for publication; and setting an effective date.

City Attorney Richard Lindner stated this is based on that legislation that passed that we discussed at the last City Council meeting and this is to clean up the electrical, HVAC and plumbing fees that are required to be changed.

City Manager DeLeon stated there is an amendment on the second page as per a request from our City Building Official.

Councilwoman Harrison asked on the HVAC and mechanical fees for replacing an AC it shows a \$70.00 fee, however at the bottom of the chart it reads minimum permit fee, any type is \$100.00.

Richard Lindner stated if you want to pass this ordinance, it would be as revised with the minimum of replacing AC fee of \$100.00.

Councilwoman Plant stated she has questions on the monthly building permit report and it does not match the fee reflected in the new ordinance.

Richard Lindner stated there is a fee for having a pool and a fee for having the plumbing for the electrical, he thinks we have a separate fee for putting in the pool and this ordinance is another fee on top of that fee. We still have a waiver in place that if you want a permit until we get in complete compliance with the legislation the person submitting a permit request can either one, wait for us to be done with the process or 2, they can pay based on the old fee schedule.

City Manager DeLeon stated she will speak with the Building Official on more information.

Councilwoman Plant moved to table this item until the next meeting.

Councilwoman Harrison seconded the motion.

The vote in favor of the motion was unanimous.

Nominate a member of the community to serve on the San Antonio Water System Rate Advisory Committee.

Councilwoman Plant stated she did reach out to a resident, Pam Howard who is a big conservationist to represent our neighborhood and maybe put out an email blast to see if anyone is interested. She suggested having the City Manager reach out to Ms. Howard to see if she is interested and Councilwoman Rickabaugh could be the alternate member.

Councilwoman Rickabaugh stated she would be interested but we should offer this to a citizen first.

Councilwoman Plant moved to nominate Councilwoman Rickabaugh as the City's representative and in the event she is not able to fulfil her obligations then we have a citizen to be the alternate.

Councilwoman Dusek seconded the motion.

The vote in favor of the motion was unanimous.

Consent Items:

- a. Approve Cash Disbursements June 2019;
- b. Approve City Council minutes of June 20, 2019;
- c. Excuse Councilwoman Rickabaugh from attending the August 15, 2019 City Council meeting.

Councilwoman Plant moved to accept consent items A through C.
Councilwoman Harrison 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 June 2019;
 - (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 asked the Public Works Director DeLeon to speak with CPS about the trimming the overgrown vegetation.

Councilwoman Dusek moved to accept the Departmental Reports.
Councilwoman Harrison seconded the motion.
The vote in favor of the motion was unanimous.

City Manager DeLeon stated last year we had the budget discussions during our regular council meeting in August, she asked Council if they wanted to have a special budget session or have it at the regular meeting and start the meeting at 5:00 p.m. to have an hour to discuss budget and then have the regular meeting start at 6:00?

The consensus of Council was to have the budget discussion at 5:00 p.m. and then have the regular City Council meeting at 6:00 p.m.

There was no further business and the meeting was adjourned at 7:47 p.m.

Ronald Hornberger
Mayor

ATTEST:

Diane Gonzales
City Secretary