

MINUTES OF REGULAR
CITY COUNCIL MEETING HELD
JULY 20, 2017

The City Council of Olmos Park, Texas held a regular meeting on July 20, 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 and Enzo Pellegrino. Council members not present and excused from attending were Juliana Dusek and Sharon Plant. 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; David Givler, Givler Engineering; Lilia Gibson, Linebarger Goggan Blair & Sampson, LLP; Madeline Mendieta, Linebarger Goggan Blair & Sampson, LLP; Lesley Neyland, 122 E. Mariposa; Christopher Aguirre, 239 Lovera and Sandi Wolff, 611 North Trail.

Mayor Hornberger called the meeting to order at 6:01 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.

Lesley Neyland stated she has lived in Olmos Park for 33 years and wants to address the residents of the four-plexes on Melrose and the 30 day limitation for parking your cars on the street which is fine for those of us with single families but there is no extra parking in those four-plexes and no place for a guest and the guest have to park along the street and one of my children's friends is already at the 30 day mark over a period of time and as the kids get together and spend the night she is wondering if there could be some kind of waiver since there is no extra parking for a guest.

Mayor Hornberger stated this is something that needs to be addressed by Council as a whole and he will speak with the City Manager and the Police Chief.

Discussion of Givler Engineering reports:

- Ongoing Project update; take possible action

David Givler presented the project update report and stated there are 18 projects open with the City, storm water program, cleaning and televising of the sanitary sewer system and a pending project which is to repair some of the items that were found in last year's inspection. On project number 8, which is the PSW project they have a violation on their storm water plan and we have given them a deadline of Monday to get back into compliance.

Mayor Hornberger asked what is the violation?

David Givler stated the protection of the inlets that are located on Shook and PSW by its own initiative removed that protection which requires maintenance and there were times where they weren't maintained and blocked up and we spoke to them on alternatives that they can use in order to make the inlets work better.

- Discuss bid for 2017 Sanitary Sewer Point Repair Project; take possible action

David Givler stated we spoke about this last month and the delay that Council chose to do. A year ago we did a review of the cleaning and inspection of portions and we found four point

repairs that need to be repaired that we made recommendations on and those bids were received last month. We were surprised with a new project on the sewer line which was on East Olmos Drive, which if project number 18 listed on the project update report and required an unexpected expenditure on the sewer account of \$23,000 for construction and \$5,000 in engineering fees so a total of \$28,000 dollars. Council elected last month to wait on deciding how much to award to the low bidder for the sewer point repair project. He stated his recommendation was to approve T Construction LLC's bid including the 15% contingency fee for a total of \$107,370.90.

City Manager DeLeon stated currently there is \$91,465.00 in the sewer maintenance fund and there is money in the sewer televising that we transferred over to complete the televising project that we are now postponing until 2018 so roughly we have \$57,921.00 left so that gives us enough to complete the repair project but we are depleting that fund.

Councilman Pellegrino asked what does this repair accomplish?

David Givler stated two years ago we started and did one mile of the cleaning and inspection and located four areas that needed to be repaired so this project is to accomplish those four repairs. The pipe is separated, there is water leaking into the sewer and two other areas where there are issues with lateral connections and so far we are running about four repairs per mile and are about \$25,000 to \$35,000 ranges per point, and to do a mile a year when your budget is in this condition it does not make sense to know what you need to repair in five miles because you can't afford it so you work with what you can do and make progress and reduce the probability of emergency repairs. This year you had a \$26,000 emergency repair over on Olmos Drive and we are trying to reduce the number of occurrences for those surprises. He asked does Council want to approve the low bid or do you want to say we don't have the money to do all four repairs we only want to do three of them, he stated his recommendation would be to have these repairs done and cut back on the televising.

Councilman Fry moved for Council to approve all four of the point repairs and to accept the low bid from T-Construction LLC.

Councilman McDonald seconded the motion.

The vote in favor of the motion was unanimous.

Councilman Pellegrino asked when will they begin the project?

David Givler stated it usually takes the contractor 2 – 4 weeks to mobilize after we give them notice to begin.

Councilman Pellegrino stated you can repair now and next year replenish the fund.

- Discuss progress of Sanitary Sewer Cleaning and Televising Project; take possible action

David Givler stated the contractor is not doing a good job on this project and we are receiving reports which are incorrect and some of the smaller lines they did not have the proper camera to use and they knew from the specifications that we gave them they needed to be able to fit the camera as small as 6 inches in diameter. The final completion date was supposed to be July 22, 2017 and there are parts of the system where they have not issued any reports and no videos to review. There are a few alternatives and one is to impose liquidated damages and another is the contractor has offered to walk away from part of the project which might be a good alternative considering we are looking for some money to pay for point repairs. He

presented a map of the project overview and he recommended that we negotiate to let the contractors walk away.

City Manager DeLeon asked how will this affect engineering fees that we have already paid?

David Givler stated we can re-bid the remainder for next year and re-use a lot of the work so the engineering fees will be cheaper next year.

City Manager DeLeon stated as of today we have already spent \$51,259.00 on engineering fees on this project.

Councilman Pellegrino stated the total project was \$100,000 and we have paid \$50,000.00 in engineering fees and \$12,000.00 in actual video work. He asked what is the City going to benefit from having paid \$62,000.00?

David Givler stated the City has the plan to execute and will have a map of the system with GIS located manholes and an inventory of the sizing of the pipes.

City Manager DeLeon stated the total engineering fees on this project is \$58,183.00 and we have paid to date \$51,259.00.

Mayor Hornberger asked how much will be repeated next year when you go out to re-bid the project and re-do the rest of what this contractor has not done and is the difference of about \$7,000.00 and is that all that we are going to have to pay going forward. If we get paid the \$12,000.00 and let this contractor go and get someone else to do what he was supposed to have done?

David Givler stated there is about \$5,000 left to pay on engineering fees.

Councilman Pellegrino asked is there some recourse on engineering fees because Council will still have to approve this project to go up for bid again?

Mayor Hornberger stated we have what we need for plans for whoever will come in and complete it.

Councilman Fry asked what would the liquidated damages approach to?

David Givler stated it usually runs about \$1,000 a day.

Mayor Hornberger stated that is twelve days of what the contractor has already gotten approved, are we going to have more than twelve days of liquidated damages?

David Givler stated if the contractor continues like this, then yes he had made some promises without progress.

Mayor Hornberger stated you have approved about \$12,000.00 and asked how many days of liquidated damages is fair under the circumstances and will that reduce the \$12,000.00 and by about how much?

David Givler stated yes it would be about \$6,000.00 to \$12,000.00.

Mayor Hornberger stated if you negotiate with the contractor and let him walk away from this job the question is how much of that \$12,000.00 would he end up paying and then we get somebody else to come in and re-bid the project and move forward?

David Givler stated usually the liquated damages come out of what has not been paid and when you ask the contractor to cut you a check then it starts costing in other ways.

Mayor Hornberger stated we need to negotiate with the contractor and have them cut us a check and explain to us why we should not ask them to cut us a check and come back to Council on a recommendation of the contractor who is not going to finish and go out and rebid the project and to give some direction to go back and negotiate.

David Givler stated he would like to recommend appointing someone from Council to work with him on negotiating with the contractor and make a recommendation back to Council and rebid this project for next year's budget.

Councilman McDonald moved to stop the Sewer Televising work and review data inspection for work performed in May and move that forward for next year's budget.

Councilman Fry seconded the motion.

The vote in favor of the motion was unanimous.

Mayor Hornberger appointed Councilman Fry to get with David Givler and to report back to Council.

Councilman Fry moved that Council authorize David Givler to negotiate with National Works as it relates to the 2017 Sanitary Sewer Cleaning Inspection Project and to negotiate a walk away including a recommendation back to Council.

Councilman McDonald seconded the motion.

The vote in favor of the motion was unanimous.

Ratify expenditures of repairing the sewer main/lateral issues behind 4300 block of McCullough/201 East Olmos Drive; take possible action.

Mayor Hornberger stated at last month's Council meeting we were advised of a sewer issue at 201 East Olmos and the cost to repair it of the City's portion was \$26,000.00.

Councilman McDonald moved to ratify cost to make the necessary sewer main/lateral issues at 201 E. Olmos.

Councilman Pellegrino seconded the motion.

The vote in favor of the motion was unanimous.

Receive and discuss the Linebarger Goggan Blair & Sampson, LLP Court Fees & Fines Collection Service; take possible action

Lilia Gibson stated she is a partner at Linebarger and has a contract proposal to collect the old court fees and fines. All the money comes to the court and to the City and the Judge has the ultimate control of that account and if the debtor's wanted to address the court they will have the opportunity to do that. She stated they will be doing some skip tracing on the addresses to obtain a current one.

Councilman McDonald asked what is the percentage that the City might receive back?

David Aelvoet, Director of National fees and fines stated about 25% collection rate and an overall resolution rate of 35% to 40%. He stated you usually engage success in two forms and one is collections and the other is overall resolution.

Councilman Pellegrino asked the City Manager has the City done anything previous to 2005 with collection and do you find the 30% acceptable?

City Manager DeLeon stated when she first started in 1999 we had another collection agency who was not very successful and the City has never looked into another agency. The 30% fee is a tack on and the state allows us to tack on 30% as an additional fee and it comes out of the defendant's pocket.

Lilia Gibson stated in order for us to handle your receivables your current software provider will charge you for a modular software to export data and Linebarger will cover the cost of that modular.

City Manager DeLeon stated there is an annual maintenance fee of \$275.00; will Linebarger be covering that fee?

Lilia Gibson stated no just the modular fee.

Councilman Pellegrino moved to approve Resolution #2017-01 authorizing an overdue collection fee in the amount of thirty percent (30%) of debts and accounts receivable such as unpaid fines, fees, court costs, forfeited bonds, and restitution ordered paid by a municipal court serving the city of Olmos Park, and amounts in cases in which the accused has failed to appear; setting an effective date.

Councilman Fry seconded the motion.

The vote in favor of the motion was unanimous.

Review and discuss EMS contract with the City of Alamo Heights for FY2018; take possible action

City Manager DeLeon stated Fire Chief Surber met and worked on this contract with the Fire Chiefs of Alamo Heights and Terrell Hills and City Attorney, Frank Garza has reviewed the contract and is good with the changes.

Mayor Hornberger asked \$76,492.48 and \$19,123.12/quarter is Olmos Park's portion and how does this line up with last year's fees?

Fire Chief Surber stated last year's budget started off in the mid \$80,000.00's but because Alamo Heights made a change in personnel it dropped from 8 paramedics to 6 paramedics and aggressive collections. He stated this contract has been reoccurring every three years between the three cities to run this EMS system and it is transitioning into an automatic renewal at the end of this three year term and if any one City wants to get out that gives the other Cities a year to come up with a solution to adjust their budgets.

Councilman Pellegrino moved to approve the Emergency Medical Services Agreement.

Councilman McDonald seconded the motion.

The vote in favor of the motion was unanimous.

Consent Items:

- a. Approve Cash Disbursements for June 2017;
- b. Approve City Council minutes for regular meeting for June 15, 2017;
- c. Discuss and approve Investment Policy;
- d. Excuse Councilwoman Dusek from attending the July 20th regular meeting;
- e. Excuse Councilwoman Plant from attending the July 20th and August 17th regular meetings;
- f. Approve San Antonio Bar Foundation to hold their Annual Fun Run through Olmos Park on November 04, 2017.

Councilman Fry moved to accept the consent items A through F.

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

Councilman McDonald moved to accept the departmental reports as submitted.

Councilman Pellegrino seconded the motion.

The vote in favor of the motion was unanimous.

There was no further business and the meeting was adjourned at 7:01 p.m.

Ronald Hornberger
Mayor

ATTEST:

Diane Gonzales
City Secretary