

MINUTES OF REGULAR  
CITY COUNCIL MEETING HELD  
NOVEMBER 21, 2013

The City Council of Olmos Park, Texas held a regular meeting on November 21, 2013 commencing at 6:00 p.m. in the Council Chambers at City Hall. Mayor Kenneth Farrimond presided and Council members present were Enzo Pellegrino, Sharon Plant, Kelli Cubeta, Jeffrey Judson and Ronald Hornberger. Staff present was City Secretary, Celia M. DeLeon; Fire Chief John Surber; Public Works Director Gilbert DeLeon and Police Chief Fritz Bohne. Also present were Sanford Grossman, 301 Stanford Drive; Gene Allen, 204 East Wildwood; Sandra Ryan, 250 Belvidere; Deb Prost, 130 Stanford; Sandy Hornberger, 215 Belvidere; Kenyon McDonald, 121 East Wildwood Drive and Patricia Meier, 140 Stanford Drive.

Mayor Farrimond called the meeting to order at 6:00 p.m. and determined a quorum was present.

Canvass Results of General Election held November 5, 2013

Mayor Farrimond announced the results of the Special Election held November 5, 2013.

Issue Certificate of Election to newly elected officials

Certificate of Election were issued.

Issue Statement of Elected Officer to newly elected officials

Statement of Elected Officers were issued.

Administer ceremonial Oath of Office

Oath of Office was administered to the newly elected officials prior to the meeting.

Citizens to be heard.

Gene Allen, 204 East Wildwood thanked the City Council that has been in place the last five months for their efforts and accomplishments that they have made, under much less than ideal circumstances. The City Council has passed the budget and tax rate, the City has run very smoothly. The City Council needs to be congratulated on the job you have done. Thank you.

Discuss Ordinance 2013-20 of the City of Olmos Park, Texas ordering a special election to be held on Saturday, May 10, 2014, in the City of Olmos Park on the reauthorization of a one-fourth of one percent local sales and use tax (street maintenance sales tax) in the City of Olmos Park, Texas for continued maintenance and repair of municipal streets; making provision for the conduct of the election; resolving other matters incident and related to such election; and providing an effective date; take possible action.

Councilman Hornberger moved to adopted Ordinance 2013-20 of the City of Olmos Park, Texas ordering a special election to be held on Saturday, May 10, 2014, in the City of Olmos Park on the reauthorization of a one-fourth of one percent local sales and use tax (street maintenance sales tax) in the City of Olmos Park, Texas for continued maintenance and repair of municipal streets; making provision for the conduct of the election; resolving other matters incident and related to such election; and providing an effective date. Councilwoman Plant seconded the motion. The vote in favor was unanimous by all City Council members present.

Discussion on accepting Christmas trees and rope lighting from the Economic Development Corporation for installation at the roundabout, as gifts to the City as per the City's gift policy; take possible action

Councilman Judson moved to accept Christmas trees and rope lighting from the Economic Development Corporation for installation at the roundabout, as gifts to the City. Councilman Hornberger seconded the motion. The vote in favor of the motion was unanimous.

Councilwoman Cubeta arrived at 6:35 p.m.

Reconsider revisions on Ordinance 2013-19 of the City of Olmos Park, Texas ("City") amending the Code of Ordinances City of Olmos Park, Texas, Chapter 40 – Zoning, Article II Single Family Residence Districts by adding new section 40-44 impervious cover; declaring a public purpose; authorizing the City Manager to implement the provisions of the Ordinance; incorporating recitals; providing for severability; providing a repealer and setting an effective date; take possible action.

Councilman Judson stated he is trying to figure out what the public purpose of this ordinance is; it's not drainage and stated this ordinance should be repealed.

Councilman Hornberger stated he feels this ordinance is a good ordinance and should stay in place; it may need some tweaking because of permitting, so it can flow better but not necessarily take away the requirement.

Councilman Pellegrino asked the Building Official if there is way to tweak this ordinance to minimize the cost to residents in regards to helping you apply the requirements and the intent of the ordinance. Building Official stated he doesn't know of a way to make it cheaper for the applicant. Councilman Pellegrino asked if we put a minimum amount of cover or square footage therefore, exempt from the requirement. Councilman Hornberger said the only problem he sees with that is "creeping" impervious cover.

Councilwoman Plant stated the Building Official could drive to the property and "eyeball" the property and compare to the survey and assure the survey is accurate and no changes have been made to the property. Councilman Judson stated a survey would not have impervious cover calculation on the survey.

Frank Garza stated the City of Houston has an impervious cover calculation document. The person takes the lot size, identifies the size of his home and applies the improvement and provides the calculation to the City. The City reviews the calculations, if the City believes that now it will go beyond the 70%; that is when a survey is required. The survey is not required from the onset. The City can go with the "eyeballing" calculation and accept it or if we question the survey or document that is when the City would require the survey of the applicant and that is when the cost will come in. Mayor Farrimond asked if it would be to the City's advantage to have a clause (referring to the calculation document) within our ordinance. Mr. Garza stated the advantage would be when you adopt the ordinance you would adopt the document the applicant has to fill out.

Mayor Farrimond stated his suggestion would be to place this ordinance in abeyance until the Planning and Zoning has time to go back and rework it.

Councilman Hornberger moved to correct City Code section 40-44 Impervious Cover as reflected in ordinance 2013-19, at paragraph (i), where it states "more than 70% of the lot and change that to read "more than 70 percent of a lot, tract, or parcel or within the total site being developed." \_Councilwoman Cubeta seconded the motion.

- (i) Impervious cover area requirements for single family residence district lots shall be as follows: All impervious cover shall not

cover in the aggregate more than 70 percent of a lot, tract, or parcel or within the total site being developed.

Councilman Pellegrino stated the practicality of this ordinance has some unintended consequences and we should spend a little more time to get this right and make sure that we give it more thought. I have heard several things tonight that were not considered when I voted for this ordinance.

Councilman Hornberger stated he is not against the Planning and Zoning to give it another look, given the discussions we've had tonight.

Councilwoman Plant asked what we are asking the Planning and Zoning to clarify; and we need to be very specific. Councilman Pellegrino stated the practicality of the ordinance needs to be reviewed. We need to clarify for the Building Official to be able to identify whether or not a survey will be required, I know that's a policy issue but I would not like to see the strength of this ordinance to be implemented as its written; I think it needs be reworked.

The vote in favor of the motion made by Councilman Hornberger was unanimous.

Councilman Pellegrino moved to repeal Ordinance 2013-19 as amended and ask the Planning and Zoning Commission to come back with a recommendations and practicality usage, of limiting the impact to minimize the scope of the project before a survey is required and to allow for other costs to be factored in, to look at swimming pools specifically, patios and sizes of smaller projects such as an air conditioning unit base. Councilman Judson seconded the motion. The vote in favor was:

AYES: Pellegrino, Judson  
NAYES: Cubeta, Plant, Hornberger

The motion failed.

Councilman Hornberger moved to ask the Planning and Zoning to take a look at the ordinance again with the discussion we have had tonight which has been extensive and detailed and to come back to the City Council with a recommendation considering those discussions for practicality that we have been talking about for an amendment. Councilwoman Plant seconded the motion. The vote on the motion was unanimous.

**Public Hearing on Ordinance 2013-21 of the City of Olmos Park, Texas ("City") amending the Code of Ordinances of City of Olmos Park, Texas, Chapter 40 – Zoning, Article III, Apartment Districts by adding a new section 40-82 Additional Requirements (impervious cover); declaring a public purpose; authorizing the City Manager to implement the provisions of the ordinance; incorporating recitals; providing for severability; providing a repealer and setting an effective date**

This item was tabled.

**Discussion on Ordinance 2013-21 of the City of Olmos Park, Texas ("City") amending the Code of Ordinances of City of Olmos Park, Texas, Chapter 40 – Zoning, Article III, Apartment Districts by adding a new section 40-82 Additional Requirements (impervious cover); declaring a public purpose; authorizing the City Manager to implement the provisions of the ordinance; incorporating recitals; providing for severability; providing a repealer and setting an effective date; take possible action.**

This item was tabled.

Receive names of EDC members with terms expiring December 31, 2013 submit and consider nominations at the December 2013 meeting.

City Secretary Celia DeLeon announced the Economic Development Corporation members with terms expiring December 31, 2013 were Diana Durbin, Stacey Guney, Mayor Kenneth Farrimond and Deb Prost.

Receive names of Planning and Zoning members with terms expiring December 31, 2013; submit and consider nominations at the December, 2013 meeting.

City Secretary Celia DeLeon announced the Planning and Zoning members with terms expiring December 31, 2013 were Patricia Meir, John Strybos, Steve Johnson and Kenyon McDonald.

Approve holiday schedule for 2014; take possible action.

Councilman Pellegrino moved to adopt the holiday schedule for 2014. Councilwoman Cubeta seconded the motion. The vote in favor was unanimous.

Receive report from the City Manager Search Committee; take possible action

Mayor Farrimond announced the City Manager Committee has completed their work and have selected three finalists for the City Manager position which are Jack Hamlett, Lanny Lambert and Celia DeLeon. He said the City Council will meet as a whole in a special meeting to interview the three finalists and announce a decision at the December meeting.

Councilwoman Cubeta moved to accept these candidates. Councilman Hornberger seconded the motion. The vote in favor was unanimous.

#### CONSENT ITEMS:

- a) Approve minutes for regular meeting held for October 3, 2013.
- b) Accept Disbursements for September 2013 and October 2013
- c) Approve City of Olmos Park Economic Development Corporation Budget for FY 2014.
- d) Approve City of Olmos Park Economic Development Corporation Work Plan for FY014
- e) Approve Councilman Hornberger's request to be excused from attending the January 2014 regular City Council meeting

Mayor Farrimond pulled item (d) for separate consideration.

Councilwoman Plant moved to accept items a.), b), c.) and e.) as submitted and to include the excusal of Councilman Judson from attending the regular meeting in January 2014. Councilman Hornberger seconded the motion. The vote in favor was unanimous.

Deb Prost, EDC President reported the CPS Pole relocation project is at a standstill. She informed City Council that ATT owns 39 of the poles. She stated it would help with the economics of McCullough if the City has an ordinance in place that when utilities do any type of construction, as I understand it, utilities generally place their equipment within one-foot, or so of the right of way. The current telephone poles are closer to the two-foot line of the right of way, sometimes eight-feet, or six-feet away from our right of way. There is a significant amount of footage that we are not able to use as a city because of the placement of these telephone poles. It would be very helpful if the City of Olmos Park had an ordinance in place that required utility companies to place their poles as close to the right of way as they could.

Councilman Judson moved to approve the EDC Work Plan for FY 2014. Councilman Hornberger seconded the motion. The vote in favor was unanimous.

Departmental Reports: (Written reports submitted to City Council, no further discussion required, unless requested by City Council.)

The departmental reports were received.

The remaining departmental reports were approved as submitted.

There was no further business the meeting was adjourned at 9:10 p.m.

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Kenneth Farrimond  
Mayor

ATTEST:

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Celia M. DeLeon  
City Secretary