

MINUTES OF REGULAR
CITY COUNCIL MEETING HELD
OCTOBER 15, 2015

The City Council of Olmos Park, Texas held a regular meeting on October 15, 2015 commencing at 6:00 p.m. in the Council Chambers at City Hall. Mayor Kenneth Farrimond presided and Council members present were Casey Fry, Kenyon McDonald, Deb Prost and Ronald Hornberger. Council members not present were Juliana Dusek. Staff present was City Manager, Celia M DeLeon; City Secretary, Diane Gonzales; Fire Chief, John Surber; Police Chief, Rene Valenciano; and Public Works Director, Gilbert DeLeon. Also present were City Attorney, Ashley White and Frank Garza; Carol McMorris, 116 Paseo Encinal, Pat Meier, 140 Stanford, Donald Oroian, 2515 Plumbrook, Mike Lackey, 100 E. Guenter, and Suzanne Simpson, 520 E. Olmos.

Mayor Farrimond 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.

Carol McMorris stated there is a plaque outside the door that is honoring contributions to the City and some of these contributions were anonymous and not to be publicized and the people were not asked permission to place their names on the plaque. There have been many more anonymous contributions to the City and they have some support of current council is totally out of line. I have been told in order to remove my name I have to write a letter to the City Manager and I never gave my permission to have my name on there. They should contact jwheat@bexar.org who is our Assistant District Attorney and he has all the original documents from harassment by Council. There is a 95% turnover in your police force and this man is still dangerous and Council swore when you took office that you would uphold the law and you have not been doing that. Pat Semmes and Gayle Girdley's names are also on that plaque and I have talked to both of them and they would appreciate it if they would not have to write a letter to Mrs. DeLeon requesting that their names be taken down and they did not give permission to be put up. Gayle Girdley said it was an insult that her name was put up and it is embarrassing as a citizen to be manipulated politically by this group that is still running the City even though they are not elected. I hope I don't have to see you all ever again and especially this dangerous Police Chief and I hope to see jwheat@bexar.org email address in the minutes and you all can contact him and you can file a freedom of information act and he won't release it if there is a criminal investigation and believe me there should be.

Donald Oroian stated he wanted to introduce myself to Council and stated he is running for the San Antonio River Authority and early voting starts Monday. I am a licensed Civil Engineer and had my business for over 15 years; in addition I am also a licensed registered Accessibility Specialist with TDLR and my HOA in Rogers Ranch. I am a past Vice Chairman for the City of San Antonio Planning Commission and I am running for the River Authority and they handle a lot of flood issues and handle a lot of pedestrian parks and accessibility and I wanted to encourage everybody here to do some research on myself.

Mike Lackey stated he is our City Director for Bexar County Precinct 3 River Authority and he is also running for election on November 3rd and as your Director I am here to make myself available to you if you should have any issues with flood control, drainage issues and tire

cleanup which we will absorb the cost of any tire clean up. The Operations Committee met just this last Monday and I have been trying to get Olmos creek cleaned up where it crosses Jones Maltzberger.

Receive and discuss the proposed Bexar County Flood Warning System; take possible action

Alamo Heights Police Chief Pruitt gave presentation on the Bexar County Flood Warning System HALT. The purpose of the Flood warning system is to provide advance warning of flooding conditions of the Olmos basin through the Bexar County HALT System designed to recognize a potential for flooding and low water crossing for motorist traveling the roadways. The City of Alamo Heights, the City of Olmos Park requested that and the City of San Antonio all have roadways that enter into this basin. Alamo Heights requested that the City of Olmos Park partner with us and the City of San Antonio. We would be asking you to consider allowing two warning stations, one on Olmos Drive and US Hwy 281 and the other one at Contour and Dick Friedrich and also provide assistance in maintenance and repair on those two units. If the City of Olmos Park is willing to participate in this project then we would need to obtain permission to install the warning stations at or near the referenced points on Devine Rd and Dick Friedrich. Secondly, the warning stations would require some periodic maintenance to ensure they function reliably. We are asking if the City of Olmos Park would considering funding routine maintenance on those warning station locations mentioned. The City of San Antonio has committed to providing maintenance for all warning station locations in their jurisdiction and the City of Alamo Heights will fund those locations in their jurisdiction. The quote we received from High Sierra who does all the installation and repairs was \$1000 - \$1400 per year for two (2) warning stations which equates to \$280.00 per unit per year. Aside from maintenance costs, the equipment, initial testing and certification is paid for by Bexar County. There are no utility costs for electricity since all warning stations operate off solar power. However, once installed the jurisdiction assumes responsibility for damage or destruction of the warning station. We plan on placing our warning stations on our insurance so they are covered in the event of being struck by a vehicle.

Councilman McDonald asked if somebody knocks them down and destroys them what is the replacement cost?

Chief Pruitt stated I do not know the replacement cost but will get that information for you.

Councilman Fry asked what is the timeline that you need to hear from us by?

Chief Pruitt stated there is not a timeline; we are basically soliciting your partnership. If Olmos Park decides you don't want to participate in this then we will have to find another way to warn motorists the roadways that are coming out of Olmos Park.

Councilman Fry asked what is the life span of the system, and once it goes down who replaces it?

Chief Pruitt stated it is my understanding that once the system goes down then it is the City's responsibility to be replaced.

Councilwoman Prost stated that is why you put the systems on our insurance.

Councilman Fry asked do you have any stats over the past few years the number of motorist that have caught themselves in a situation where it could have been avoided if this system was in place?

Chief Pruitt stated we have been fortunate and we don't wait until flooding occurs and try to be proactive and start shutting the gates.

Councilman Fry stated my understanding is that there is some added benefit for the City of Alamo Heights and this is a first step in order to get some funding as it relates to flood control and if they don't take this step they won't get looked at by certain funding opportunities for flood control.

Councilwoman Prost stated another statistic would be the data of pre and post in terms of life saved or accidents, people going through the water that happened in other parts of the country.

Councilman Hornberger stated I think Council would like to pursue this but we do have some open questions so can we get that further information and if this were brought back to Council what would my motion be?

Chief Pruitt stated it would be to enter into a partnership for the Olmos Basin and to allow us to designate the locations.

Councilman Hornberger stated at this point I think we should table this item for a future Council meeting and obtain some more information and guidance from our City Attorney on what motion to make. I understand there have been some instances where the gates have been down and people have actually broken the gate and gone through.

Chief Pruitt stated yes we have experienced many times where people push their vehicle up against the gate and if we anticipate any rain our maintenance workers will go down and check all the gates.

Mike Lackey stated we would be glad to have somebody from SARA who manages this program for Bexar County to come meet with the Chief or your City Engineers and I will look into when that station is going to be erected on McCullough at the railroad track.

Councilman Hornberger moved to table this item until November when Chief Pruitt has more information.

Councilman Fry seconded the motion.

The vote in favor of the motion was unanimous.

Public Hearing to receive public comment regarding possible amending the Code of Ordinances City of Olmos Park, Texas Chapter 40 Zoning, Article IV. local Retail district section 40-112 sidewalks, curbs, curb cuts, driveway entrances; Article V. mixed retail commercial district section 40-140 sidewalks, curbs, curb cuts, driveway entrances; declaring a public purpose; incorporating recitals; providing a repealer and savings clause; providing for severability and setting an effective date.

Pat Meier handed out to Council some corrections that need to be made to the proposed ordinance.

Mayor Farrimond opened the public hearing at 6:47 p.m.

Mayor Farrimond closed the public hearing at 6:50 p.m.

Discuss and take possible action on amending the Code of Ordinances City of Olmos Park, Texas Chapter 40 Zoning, Article IV. local retail district section 40-112 sidewalks, curbs, curb cuts, driveway entrances; Article V. mixed retail commercial district section 40-140 sidewalks,

curbs, curb cuts, driveway entrances; declaring a public purpose; incorporating recitals; providing a repealer and savings clause; providing for severability and setting an effective date. Councilman Hornberger stated it reads install and maintain a 6 foot minimum width sidewalk for each side of the property abutting a public right-of-way, 6 feet from where to where?

Pat Meier stated that statement came from one of our board members, James Griffin who is an attorney so the whole block. So it is from parallel and adjacent to the property line.

Councilman Hornberger stated you are trying to say if a property were to abut a public right-of-way on two sides then you have sidewalks. I don't understand where the 6 feet is measured from?

Pat Meier stated what our intent is that there should be where the private property line is to what you call the 10 foot easement area or the curb, can we get our Attorney to revise and make this clearer.

Councilman Hornberger stated if for example you had two sides of the property each of which abutted a right-of-way then you would have to build a sidewalk on each of those so "each" needs to be changed to "any".

Frank Garza stated most code provisions for most municipalities identify that it begins at the curb line of right-of-way

Councilman Fry stated so we need to have a new sentence that reads on any side of the property abutting the right-of-way the sidewalk shall be located within the public right-of-way and then figure out where the 6 feet should start.

Councilwoman Prost stated the 6 feet should start at the right-of-way line.

Frank Garza asked which right-way-of line, the one next to the property line?

Councilwoman Prost stated the engineering study shows the right-of-way line between public property and private property along McCullough.

Frank Garza stated the right-of-way line is 10 feet so it would be abutting the private property line.

Mayor Farrimond asked is it possible for the Board of Adjustments to give variances for this?

Frank Garza stated it would not be in your zoning division so yes the Board of Adjustments would be able to give variances but they would have to show a hardship. You start measuring the 6 feet from abutting the property line into the right-of-way.

Councilwoman Prost stated on all the engineering plans that our civil engineer has done for Olmos Park calls that property line the ROW or PL so that's how it's referred to and if you put both in then you are definitely clear. On item #5 which will now become #4 does this exclude ingress driveways; I am for having a continuous sidewalk as possible without having the continuous ingress.

Pat Meier stated no, when we get to that section we will look at that. Every property owner gets a curb cut so you have to look at your difficult streets to determine where your curb cuts will be.

We want to be very careful that we look at all the ramifications and not be so restrictive that we don't allow for flexibility.

Councilwoman Prost asked in #6 which will become #5 has that description of slip resistant surface such as brush finished concrete been passed by all of our resident experts and our Civil Engineer?

Pat Meier stated yes, they wanted that in there and we will be looking at a lot of requirements, the last time we updated our ordinances on this was back in 1985 and comparing it to others they were well written.

Councilwoman Prost stated we just want to be as similar and have continuity across mile so if someone uses material A and someone uses material B and I think that is in one of the documents that we have.

Pat Meier stated there will be a list that we will take from the engineering. We have someone that is going to come talk to us about designs that work with cities and we want to have some options.

Councilwoman Prost stated on #8 which will become #7 talks about City approved barriers and defines a barrier such as a fence what does this refer to?

Pat Meier stated the City of Highland Park has a type of a wrought iron fence that is about 5 feet tall near one of their shopping centers and it meets their barrier requirements so if I am parking diagonally and backing up I would hit that fence so you have to have 9 feet at a 45 degree angle which is 9 feet plus 12 feet to pull out so you have to have 20 feet. However, they did not have 20 feet so when I backed up my wheel hit that fence and that kept me from going onto the sidewalk and hitting a pedestrian, so that would be a barrier.

Frank Garza revised the Ordinance and made the following changes per Council's request:

ARTICLE IV. - LOCAL RETAIL DISTRICTS

Sec. 40-112 Sidewalks, Curbs, Curb Cuts, Driveway Entrances. *Pedestrian safety shall be the primary consideration in designing sidewalks, curbs, curb cuts and driveway entrances.*

- (3) *For any new construction or for an expansion constituting more than fifty (50%) percent of the size of an existing structure, the property owner shall be required to install and maintain a six foot (6') minimum width sidewalk on any side of the property abutting a public right of way. Sidewalk must be located in the public right of way and the 6' shall commence at the private property line into the public right of way.*

ARTICLE V. - MIXED RETAIL COMMERCIAL DISTRICTS

Sec. 40-140 Sidewalks, Curbs, Curb Cuts, Driveway Entrances.

Sidewalk, curb, curb cuts and driveway entrances shall be provided by the property owner subject to the following requirements; however, nothing herein shall relieve the owner from satisfying American with Disability Act (ADA) minimum standards:

(4) For any new construction or for an expansion constituting more than fifty (50%) percent of the size of an existing structure, the property owner shall be required to install and maintain a six foot (6') minimum width sidewalk on any side of the property abutting a public right of way. Sidewalk must be located in the public right of way and the 6' shall commence at the private property line into the public right of way.

Councilman Hornberger moved that the Code of Ordinances City of Olmos Park, Texas Chapter 40 Zoning, Article IV. local retail district section 40-112 sidewalks, curbs, curb cuts, driveway entrances and Article V. mixed retail commercial district section 40-140 sidewalks, curbs, curb cuts, driveway entrances be amended pursuant to the draft ordinance 2015-10 submitted with the amendments that were discussed today, first of which is to move Article 3 into the preamble and then re-number accordingly. Second, by changing the word "each" to "any" and both of these sections and third, to add the language concerning the measuring of the 6 feet as outlined by Mr. Garza.

Councilman McDonald seconded the motion.

The vote in favor of the motion was unanimous.

Discuss and consider two Economic Development Corporation Board Member appointments to serve unexpired terms through December 31, 2016; take possible action

Councilwoman Prost stated Jordana Decamps had put in her resume to be on the EDC and I have passed out her resume back out and I would like to make a motion to appoint Jordana Decamps to the EDC, she has a stellar Economic Development resume and secondly to appoint Barry Sturrock who's an architect who worked with many of the City's planning departments throughout Texas.

Councilman Hornberger stated he would like to table this item until the January meeting and would like to be fair and open and say the Jordana Decamps I think has some conflicts as she currently serves as Deputy Director of Bexar County Economic Development Department which puts her in direct conflict concerning any kinds of grants or monies that we both would be competing for. We have a functioning board right now and Andres Andujar is in the process of trying to get some very basic stuff done and have EDC bring it to Council quickly as possible.

Frank Garza stated there is a motion on the floor; if there is no second then it fails and continue the discussion.

Mayor Farrimond stated at the moment we do not have a second so the motion fails.

Councilman Fry asked is there a reason we need to table this until January?

Councilman Hornberger stated I think with discussion with Andres Andujar that he envisions trying to have these preliminaries in place and to the Council by January so either they are far enough along where it is not going to cause any interruption in the flow of getting to Council.

Councilwoman Prost stated I think in December you are going to lose at least two more members and as I understand Andres as well so you could lose up to three members and there will not be any continuity if you don't appoint someone now.

Councilman Hornberger asked who do you think is leaving in December?

Councilwoman Prost stated Ayon Waldren and Wayne Kuntson have both mentioned that they don't want to continue.

City Manager DeLeon stated Ayon and Wayne are up for re-appointment.

Councilman Fry stated my concern with the EDC is that these appointments based off what we just went through and based on appointing someone that ended up not being as engaged as we would have liked. I am wondering if these individuals that have put in their resumes can come to Council and make an introduction and prove they really have a desire to be on the EDC.

Mayor Farrimond stated one of the things that is in the process is that EDC is writing an introduction letter that explains to the people applying what is involved and I would like to get that letter to all of those people that are applying.

Councilman Hornberger stated I think the appropriate time for those candidates to come to Council would be in November or December since we have two that are cycling off or up for re-appointment.

Mayor Farrimond stated if two people cycle off at the end of December then as of January 1, 2016 we will not have a quorum so if we are going to appoint people to fill any of the slots we should probably do it in December. So we will have those people come introduce themselves in November as an agenda item to interview them and tell us how serious they are then in December bring this item back. Is it time to send out a notice to the re-appointments and tell them we need to know at the November meeting?

City Manager DeLeon stated yes, she will contact those up for re-appointment.

Councilwoman Prost stated I think you need to put a call out for all resumes as some of the resumes that were in our packet I'm not sure if they are interested anymore which is why I recommended those two candidates.

Councilwoman Prost stated I would like to make a statement about one of the members, Deb Serrot was present and worked for two years and I think was let go for no reason.

Councilman Hornberger stated Ms. Serrot missed 6 meetings in 2014 and that is not functioning.

Councilman Fry stated we need to let these candidates know that this is a real job and requires a lot of work and a lot of their time.

Discuss executing Request for Qualifications for City Attorney and City Engineer for 2016; take possible action

City Manager DeLeon stated the City Attorney made some revisions to the RFQ's and the last time we went out for RFQ's for City Engineer was 2012 and for City Attorney was 2011. The Mayor will appoint at least three members so they can review proposals and interview candidates and make their recommendation to Council.

Frank Garza stated it would be the Mayor and two members.

Councilwoman Prost asked are we having two different committees?

Mayor Farrimond stated yes we probably should.

Councilman Fry moved that we execute the Request For Qualifications for City Attorney and City Engineer for 2016.

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

Mayor Farrimond stated the committee for attorneys would be myself, Mayor Pro Tem Hornberger and Councilman Fry and the committee for City Engineers is myself, Mayor Pro Tem Hornberger and Councilwoman Prost.

Discuss purchasing a new Patrol Vehicle within 30 days at a cost of approximately \$35,000 to replace the "out of service" 2011 Crown Victoria with funds to be allocated from Police Department Vehicle Reserve Fund take possible action

Police Chief Valenciano stated I have two vehicles that need to be replaced, one of them has 88,221 miles and the other one has 86,402 miles and we average about 2,700 miles per month on the vehicles. On the FY2016 reserve budget we have enough allocated to purchase two vehicles. My recommendation is to purchase the 2015 and then if you would authorize the purchase of a second vehicle because that one will take almost 12 weeks to receive it.

Councilman Hornberger asked how much will these two vehicles cost?

Police Chief stated the first one from Silsbee Ford a 2016 fully equipped is \$34,578.00 and the 2015 from Jordan Ford is \$36,700.00 fully equipped.

City Manager DeLeon stated keep in mind the agenda reads a cost of approximately \$35,000 and we can't allow to purchase two vehicles under this agenda item.

Councilman Hornberger moved to replace the 2011 Crown Victoria with a Ford Explorer from Jordan Ford and then further to be outfitted by Southwest Public Safety Company.

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

Discuss Fire Department's request to purchase within 30 days a Fire Rescue vehicle at a cost of approximately \$37,000 with funds to be allocated from the Fire Department Vehicle Reserve Funds; take possible action

Fire Chief Surber stated I am recommending the lowest bid price which is priced from Silsbee Ford for \$36,500.00 and can actually save \$511.00 dollars if we drive to Beaumont and pick it up and could get it down to \$36,043 which does not include moving the radio which we can do that locally.

Councilman Hornberger asked is Rescue One really a rescue vehicle?

Fire Chief Surber stated it's more for us for a quick response medical and fire vehicle and are able to put one or two staff members in that vehicle and leave immediately while the other staff get in the fire truck and lock up the station and leave so if we didn't have a vehicle like that to serve that purpose or we would send two fire trucks to a call so when we got to that call and we got a second call two of the staff could branch off and go to the next call. We end up putting a lot more mileage on both trucks in trying to take two large trucks to every call, instead of a small vehicle and fire truck. Once we get our staff better trained we won't need to have a supervisor on every call then we can actually send rescue out by itself on EMS calls then the fire truck never has to go to the location.

Councilman Hornberger stated the appropriateness of the current vehicle versus the new vehicle that you have recommended, are we getting an upgrade in a vehicle that is actually dedicated to this kind of service?

Fire Chief Surber stated it is still a rescue vehicle because it won't have all the equipment that you would typically put on a rescue and we will have more equipment for our quick response and EMS. Now we have to carry hazmat type equipment also and we help out people with all kinds of issues so having the ability to put a small ladder on the new vehicle would help us from keep driving the fire truck to every one of those service request.

Councilman McDonald moved to approve the purchase of the Ford F150 pickup from Silsbee for \$36,554.

Councilman Hornberger seconded the motion.

The vote in favor of the motion was unanimous.

Discuss dates and times for a City Council Strategic Planning Workshop; take possible action

Councilman Hornberger stated a draft of the proposed agenda is in process and Councilwoman Prost and I met earlier for about 2 hours and we both made notes for what needs to go into the agenda. I should be able to have a draft ready in the next couple of weeks. I would like to suggest a full Saturday so that we meet from 9:00-9:30 a.m. until as late as 5:00 p.m. and have this as an annual retreat and if we get one under our belts the rest will go smoothly and less time will be needed and get through a reasonably aggressive agenda which would like to see this around January or February timeframe and then another retreat would be conducted in May or June. Elections are in May so the thought is if you have the regularly scheduled retreat then everybody can plan around it and has an advantage of making sure that anyone elected to Council in May 2016 will then go to their first meeting like this in May or June then have another one in 2017. This is also good for a brand new Council person to see what Council services are all about, ask questions and what is expected. It will be a retreat of which no decision will be made other than putting something on an agenda for future Council meetings; we will be covered by open meetings. EDC, P&Z, BOA and departments heads can come but would not be there to make decisions but to do some planning for the next two years. I am hoping to have an agenda that will be circulated in the next few weeks and let's start thinking about the January and February timeframe for this first retreat then have another one in May or June.

Councilman Fry stated I think that is a great idea and the sooner we can get it on the calendar for January or February the better.

Mayor Farrimond stated let's put this on the November agenda and look at your calendars and let City Manager know what Saturday in January and February you will be free.

Discuss amendments to the Economic Development Corporation bylaws submitted by the Economic Development Corporation; take possible action

Mayor Farrimond stated the bylaws have been approved by EDC but Council has never approved them. On page 6 at section 7.08 agenda states specific agenda requests submitted by two directors shall be placed on the agenda without objection. Does that mean nobody can object to it?

Frank Garza stated unless someone objects.

Mayor Farrimond asked so two members can propose an agenda item but if another board members objects then it won't necessary go on the agenda.

Frank Garza stated that is correct, it would have to go through the normal agenda process. Usually the President puts the EDC agenda together or staff associated for the lawyer of the EDC are the ones that normally place the agenda items on the agenda. I would take out the words "without objection" it's not needed and you can add to be placed on the next agenda. The Council can recommend the change.

Councilman Hornberger asked is it appropriate for Council to approve these amendments as modified?

Frank Garza stated Council has the final say on the approval of the bylaws, we are not changing the intent, my recommendation is to approve and send them back and if they do have an objection to then let the Council know.

7.08 Agenda. In order to assure that public business is timely considered, any director may request an item of business be placed on the agenda for a meeting. Specific agenda requests submitted by two directors shall be placed on the agenda. Remove wording "without objection".

Councilman Hornberger moved to approve the revisions to the bylaws as presented with the modifications into section 7.08 to remove "without objection" and add "shall be placed on the next agenda".

Councilman Fry seconded the motion.

The vote in favor of the motion was unanimous.

Discuss draft Interlocal Agreement with the City of San Antonio relinquishing all building permits authority for businesses along McCullough to the City of Olmos Park; take possible action

Mayor Farrimond stated there have been several properties on McCullough that are partially in San Antonio and partially in Olmos Park which the City of San Antonio has relinquished their rights on some of those properties but we think it will be a good idea to have a Interlocal Agreement with all properties because there are more of those occurring.

City Manager DeLeon stated she spoke to Mike Dice of the City of San Antonio Planning Department and she presented the idea to him and he spoke with his legal department and they asked for us to draft up an Interlocal Agreement and Frank has drafted one.

Councilman Hornberger asked there is a reference in here to subdivision regulations what are those?

Frank Garza stated subdivisions regulations are your zoning regulations which goes into detail including zoning ordinances and building code. Subdivision is the general term.

City Manager DeLeon stated this agreement also has attachments and one is the map of the City and the second attachment will be the addresses on McCullough facing east that will be affected, so we will provide all the addresses to the City of San Antonio that could be affected by this agreement.

Frank Garza revised the Interlocal Agreement and made the following changes per Council's request:

ARTICLE II CITY OF OLMOS PARK RESPONSIBILITIES

- A. *Olmos Park shall notify all the Identified Properties of the requirement to comply with only the Olmos Park ordinances identified in Article II A and provide them a copy of this Interlocal Agreement.*
- D. *Olmos Park shall provide notice to COSA of any zoning change applications, a copy to COSA of any Plats granted or of any variances granted to the Identified Properties.*

ARTICLE III GENERAL PROVISIONS

A. General Administration

1. *Administering this Agreement and the contact person and representative for Olmos Park is the City Manager, or her representative (or successor in office).*

B. Alteration, Amendment or Modification

1. *This Agreement may not be altered, amended, or modified except in writing, and signed by both parties to this Agreement.*
2. *No official, agent, employee, or representative of either COSA or Olmos Park has the authority to alter, amend, or modify the terms of this Agreement except in accordance with express authority as may be granted by both the San Antonio City Council or Olmos Park City Council.*

D. Venue

COSA and Olmos Park agree that this Agreement shall be governed by and construed in accordance with the laws of the State of Texas. Any action or proceeding brought to enforce the terms of this Agreement or adjudicate any dispute arising out of this Agreement shall be brought in a court of competent jurisdiction in San Antonio, Bexar County, Texas.

Mayor Farrimond stated we have to pass the Resolution which will be presented to the City of San Antonio along with the Interlocal Agreement.

Frank Garza stated this item if we are lucky might make the December agenda for City of San Antonio.

Councilman Hornberger moved to have Frank Garza amend with the proposed changes to the Interlocal Agreement.

Councilwoman Prost seconded the motion.

The vote in favor of the motion was unanimous

Receive and discuss request from resident to close the 500 block of East Olmos Drive from Contour to Shook on October 31, 2015 for a Halloween Party; take possible action

Suzanne Simpson stated she lives at 520 E. Olmos Drive where Contour and Olmos come together and is having a Halloween party on October 31st and is planning on having about 20 adults and about 30-40 kids and to make it safer I am asking the City if we can block off that one

block. I am looking at the times from 5:30 to 9:00 p.m. It is a short block and I am just asking for barricades and would make it easy for the kids to cross.

Councilman Hornberger asked has an application been filled out?

City Manager DeLeon stated she was going to bring it today, but I told her if her request was approved then she could bring it tomorrow. She asked that some of our requirements on the application on items #2 and #4.

Suzanne Simpson stated since this is our home residence I wasn't sure about the insurance and would like to waive the cost of the cleanup of debris since there won't be any cleanup. I would be happy to go talk to my neighbors to get their approval.

Councilman Hornberger stated where do you envision this blocking to occur from Shook all the way to where, Contour dead ends into Olmos Drive so to the West or East side of Contour? There is a set of fourplexes that will be trapped in the middle and might have trouble getting a car out.

Suzanne Simpson stated the West side and I am going to address this with each of those residents and the fourplexes.

Police Chief Valenciano stated on Halloween we close other streets in the City and we do overstaff on Halloween to monitor the streets that are closed. I had one of the supervisor go out there and look at where Ms. Simpson wanted to block the street. Keep in mind that Devine Road is still closed so a lot more traffic does funnel down E. Olmos onto Contour, however with your recommendation we are willing to make it work. I would circumvent the traffic through Contour as much as possible.

Councilman Hornberger asked how much of our City code is going to be waived from this application?

City Manager DeLeon stated I don't recommend waiving the fee as we had another party that we did not waive for them and they were able to achieve what we needed through their homeowners insurance.

Suzanne Simpson stated I will call USAA and ask them what we need to do to make a temporary policy.

Councilman Hornberger stated I guess we are waiving the 60 day review period and you are not going to have a plan for removal of litter. Are you going to have cars that are going to be parked at your house?

Suzanne Simpson stated there will probably be about 10 cars and we can hold 6 cars in our driveway and the rest will park along Contour.

Councilman Fry moved to allow resident to close the 500 block of E. Olmos from Contour to Shook on October 31, 2015 for a couple of hours for a Halloween party with the understanding that the barricade will be placed by the City of Olmos Park Police Department and that placement shall not impede traffic westbound on Olmos Drive to Contour and subject to the resident's homeowners insurance and the approval of her neighboring residents.

Councilwoman Prost seconded the motion.

The vote in favor of the motion was unanimous.

Consent Items:

- a. Approve Cash Disbursements for September 2015
- b. Approve City Council minutes for September 3, 2015 and September 17, 2015

City Manager stated I would like to remove item (A.) as those were not distributed and our server is still being worked on so can we table the cash disbursements for the November meeting.

Councilman Hornberger stated on page 6 of the September 17, 2015 minutes I want to make the following changes:

Councilman Hornberger stated I have met with Andres and one of the key elements for Planning & Zoning and the City's sake is the importance of setting the west curb of McCullough between the circle and the railroad tracks because everything is driven off of that west curb line. Setting that curb line is essential in order to go forward with changes to our building code that is driven off of the west right-of-way and the west curb of McCullough. In addition, Andres mentioned there are studies that show that the narrower the space is for which traffic travels then the slower it intends to travel. If we change the feel of the roadway we can affect the speed at which people travel through.

Councilman Hornberger stated another benefit of that is we want people to slow down to see what businesses we have on McCullough.

Councilwoman Prost stated on page 7 of the September 17, 2015 minutes I want to make the following changes:

Councilwoman Prost stated what I mentioned in the last meeting was that was all these documents were already turned in and that you may not know that you had them, but they were in City Hall. I provided several emails and memos to that effect and I have another document to indicate the exact dates that they were in your possession. The other items were not just 30 there were 300 items in this project and the sheet that supposedly had some items missing only showed 30 and if you look there were 5 documents that were word documents, Bain Medina Bain provided 4 "electronic-only" documents, 3 documents were excel files, 5 documents were in with the MPO 3-ring binder, 2 documents were handouts at meetings, 2 documents were obsolete, 3 were duplicates and Celia indicated she had 6 so when you add all that up then that is the 30.

Councilman Hornberger moved to accept the consent items as revised.

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 September 2015;

(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).

Councilman Hornberger moved to accept the departmental reports as submitted.

Councilwoman Prost seconded the motion.

The vote in favor of the motion was unanimous.

There was no further business and the meeting was adjourned at 8:05 p.m.

Kenneth Farrimond
Mayor

ATTEST:

Diane Gonzales
City Secretary