

MINUTES OF SPECIAL
CITY COUNCIL MEETING HELD
JANUARY 13, 2015

The City Council of Olmos Park, Texas held a special meeting on January 13, 2015 commencing at 5:30 p.m. in the Council Chambers at City Hall. Mayor Kenneth Farrimond presided and Council members present were Enzo Pellegrino, Sharon Plant, Kenyon McDonald, Casey Fry and Ronald Hornberger. Staff present was City Manager, Celia M DeLeon; City Secretary, Diane Gonzales. Also present were City Attorney, Steve Pena; Members of the Board of Directors for the Economic Development Corporation present were President Debbie Prost, Members Ayen Wen-Waldron, Wayne Knutson, Treasurer Susan Porr, Debbie Serrot and Blakely Fernandez, general counsel, were also present. Also present were Patricia Meier, 140 Stanford Drive; A.T. Brainerd, 201 E. Mandalay Drive; Wade Giddens, 636 E. Olmos Drive; Diana Durbin, 222 Primera; Dwayne Robinson, Bexar County; James Wiegrefe, Olmos Park Wash & Fold; David Rodriguez, Olmos Rugs; Terry Brechtel, 134 E. Mariposa Drive.

Mayor Farrimond called the meeting to order at 5:30 p.m. and determined a quorum was present.

Councilwoman Plant arrived at 5:45 p.m.

General discussion of the funding, plans and other related matters for the McCullough Corridor Project, possibly appoint a committee; take possible action

Mayor Farrimond stated a committee already exists and includes Councilman Fry.

Deb Prost stated this is a follow up meeting from when she gave Council the update in the December meeting of which I provided the status of the TAP Grant. I have put together the 27 steps that we have gone through since 2011 on this project and we are at a point right now where the consultants are working on the 50% design plans for the project, it has been through all the survey work, the utilities are just about finished and Via is stepping up to do their part of the project. The project did not make it to the final funding recommendations of the MPO staff and volunteer committee so the funds that we thought we were going to get through the federal funds that flowed through TXDOT to the MPO to the cities we did not get into that particular pool. There are other pools that the MPO suggested that we might consider going after but we are at a point really where since the plans are being done it's really the funding part of this project that we have to figure out. This is really a City of Olmos Park project, in fact that was part of the feedback that we got from the MPO is that it was partially undefined because we didn't have our plans in such that we could say a specific recommendation and specially how we would have McCullough look in terms of the re-stripping. They had the Mayor and I sign a note that this is really a City of Olmos Park project and the City would have to receive the funds if we received the grant. This needs to be a total City project and a total City Plan in terms of funding.

Mayor Farrimond stated the other funding options that the MPO spoke about is in March correct?

Deb Prost stated yes, it is another grant that we can apply for but we would have to change the stripping option that the City chose.

Mayor Farrimond stated my feeling about the stripping option is I hate to tell the people that we are going to put in bike lanes because I am not sure that everybody here agrees that the bike

lanes are safe on McCullough. When this goes to the bicycle committee do they take in consideration an alternate route? Could you turn in an application for two projects one being the McCullough project without bicycle lanes and another application for a bicycle project that is not on McCullough?

Deb Prost stated if the street is a McCullough project then the bike lanes would have to be on McCullough. There is a minimum amount of money that you apply for in these grants and I think putting in an alternate bike lane project would not come to the minimum amount to be considered.

Blakely Fernandez stated this is just a recommendation, it still goes to the Transportation Policy Board for final vote and it's possible the Board would not accept its recommendation as presented. .

Deb Prost stated the meeting for a final vote is January 26, 2015.

Councilwoman Plant arrived at 5:45 p.m.

Mayor Farrimond stated it appears unlikely Olmos Park will receive the TAP grant. The next grant starts in March 2015.

Councilman Fry stated there is an interest in making improvements to McCullough and you have taken this application as far as you can take it and it is now time for Council to come up with a more defined plan and move forward and see if there is funding out there and take the next steps and for this project to be more of a City project.

Deb Prost stated you have the sections of McCullough starting at the railroad tracks to the roundabout to the Olmos Park City limits which are divided up by construction cost to the amenities cost. If you just wanted to put a sidewalk in between the railroad tracks to the roundabout that would be \$985,000, or if you don't want to do any of the amenities which are landscaping, lighting, pedestrian crosswalks, benches.

Councilwoman Plant stated I have noticed the City of San Antonio has put in sidewalks at the corner of Oblate and McCullough and they are normal sidewalks, they are not ADA compliant.

Mayor Farrimond stated they are standard residential 4 feet sidewalks and the standard for ADA commercial sidewalks is 6 feet.

Blakely Fernandez stated you can do modifications to any existing system so you can make a curb cut on to one of your existing sidewalks without having to expand. If you are in a position where you have everything torn up and you are rebuilding something then you need to make it ADA compliant.

Steve Pena stated if you look at the law, their intent is they are going to give to you some leeway, but once you start construction you will have to comply.

Councilwoman Plant stated for any grant that we do, do we have to have a bike lane?

Deb Prost stated yes to receive federal funds or any type of governmental funds. The traffic consultant gave his pros and cons and assets and liabilities about each one and analyzed the accidents along the street and there were positives and negatives in terms of safety. The survey that was done for the businesses almost unanimously preferred the middle turn lane

because it would be easier access into their buildings. The survey that was done for the residents almost a 50% vote for the middle turn lane and almost a 40% vote for the bicycle lanes. There were over 30% negatives for bike lanes through the residential streets. If we don't want to do bike lanes on McCullough then we have to come up with some other funding mechanism. I think we need to do what is best for the community, and safest for the community. You can look at grants for one opportunity for funding but we still aren't going to be able to fund the whole project and if we don't get the grant do we still want to try to do the project, and if so how do we fund it?

Wayne Knutson stated McCullough is not the only street in San Antonio that is dangerous for bikes, would it be worth re-examining being that this is a viable source for funding for us, why would we take bike lanes off the table if there is a way to bring bike lanes into the project in a constructive way with safety issues and if this is a priority of how these funds are passed out?

Councilman Hornberger stated how are we going to enforce the bike lanes?

Councilwoman Plant stated if we are going to have to do ADA compliant sidewalks and then bike lanes on top of that then we are using up all of our space.

Councilman Hornberger stated if you have bike lanes than you can't put in a turn lane.

Deb Prost stated that is correct, a middle turn lane is probably the safest.

Councilwoman Plant stated when it comes to the streets; I see it as a City issue and not an Economic Development Corporation issue. We have 3 million in street work that needs to be done over the next couple of years.

Deb Prost stated we are open to all types of funding, the Economic Development Corporation can pledge sales tax to help pay back a loan but the City would have to loan the money to us and then there would have to be an interlocal agreement between the City and the Economic Development Corporation.

Councilwoman Plant stated any project that is funded by the Economic Development Corporation is supposed to have the funds to maintain that project. Plus we have the issue when the vision and master plan was done by the former Economic Development Corporation it stated the City's ordinances will have to be revisited. If we can get Planning & Zoning to get some ordinances put in place that if anyone purchases a business they will to have a requirement for sidewalks.

Councilman Pellegrino stated we have two big functions of our budget that we need to take into account.

1. We have a sewer account that is depleted and if we incurred any major infrastructure problems within our sewer the City would have to go back out and borrow money.
2. We were notified several months ago that we need to be preparing to spend 3 million over a period of time to repair the City streets and replacing certain sections of the streets. The City is capped by land and we have now exceeded our large expenses, personnel and benefits and our property ad valorem tax is now lower than our personnel expenditure. We depend on sales tax and permitting fees to help us afford cost of living adjustments for employees and pay raises. We have become very limited with these discretionary projects and I consider this project as a want and not a need.

Mayor Farrimond stated we should allow the Economic Development Corporation to spend their money to complete the plans for this project so we have a set of plans to work from that are complete. Then the next step would be in our budget process to set aside funds for sidewalks, curbs and etc. on McCullough and implement these plans over a period of time.

Councilman Pellegrino stated I think spending some time on the lack of or design of ordinances which will take time and effort.

Councilman Hornberger stated we need to have Planning and Zoning look at current ordinances as they apply to that district then make suggestions to Council on how to make those changes.

Councilwoman Plant stated how much does EDC need to spend to be done with the planning portion?

Deb Prost stated roughly another \$50,000. Right now what was approved was 50% of the plan. For the other 50% it would be another \$56,000 to finish everything up. The businesses are for this project if:

1. You have minimal amount of upheaval and;
2. The parking issue, if we try to do a block at a time the cost will be ten times of what it is now and the amount of dishevel.

Wade Giddens stated this is also street realignment so doing it block by block would be problematic because you would be moving the curb line.

Councilman Pellegrino stated you have \$250,000 in cash and you need \$56,000 to fund the rest of the plan and you need to spend time with Planning and Zoning to fix the ordinances before the developers come in and tells us what they want. In the meantime will we figure the funding out.

Mayor Farrimond stated before we start as far as construction goes, we have to make sure that CPS, SAWS and AT&T who have underground cables aren't going to come in and tear it up. Mr. Gilver is going to talk to them and see when they have plans for replacing gas and water lines.

Deb Serrot stated is there any funding in the City budget for this plan?

Councilman Pellegrino stated there are no funding options today, we have infrastructure projects and this plan is a discretionary item.

Councilwoman Plant stated laws are put in place to do what the federal government says is required and your tax base does not allow it without you having to put a burden on the residents by raising their taxes.

Wade Giddens stated I don't think that the ADA is the cost issue here; the width was not set by ADA so we could even go with a 5 foot sidewalk.

Mayor Farrimond stated if there are areas that need to be reviewed and corrected then we will see that it gets taken care of.

Blakely Fernandez stated when the City elected to not do the bike lanes and that amendment was sent as part of the application to the two committees that were comprised of bicycle advocates I think there may have been some offense taken, and it didn't look like it was in the

spirit of what they are trying to do with Transportation Alternative Programming, which does not mean the Transportation Policy Board will see it the same way. The Transportation Policy Board is made up of elected officials that balance a lot of issues and how they are going to decide to spend money. I drive McCullough all the time and McCullough is exactly what the MPO is created for. The MPO is about regional planning and McCullough belongs to the whole region and there is probably not another suburban street anywhere in Bexar County that is more utilized. I think there is still room to make a passionate plea to the Transportation Policy Board that this is the right kind of project for what that grant was designed for. The sidewalks alone are pedestrian mobility and are part of the mobility programming. You have a main throughway that the entire county uses, you accommodate the trucks that have to bypass from San Pedro and you have a thriving commercial district that has unsafe pedestrian access that is not handicap accessible. All of the City Council members could make that plea and there is an opportunity between now and January 26th to call the Board members and explain your plea for consideration on this recommendation and would be a waste of an opportunity to not give it your all in a plea.

Councilman Hornberger stated if doing this project is for the good of the county as well as Olmos Park because everybody utilizes McCullough, then the Approval Board won't take that into consideration?

Mayor Farrimond stated I think the Board will pay more attention if we encourage them.

Blakely Fernandez stated right now the Board has committee recommendations, one from the Bicycle Committee and one from the Pedestrian Committee. I think that the staff didn't like certain things about this project and I think the committee saw an opportunity that bicycle lanes could have been highlighted and they weren't so I think we were ranked less favorable then we might have been in a different scenario. If you read the guidelines for the Transportation Alternative Guideline and you understand why the MPO is there so the communities on a regional basis can share funds and planning.

Terry Brechtel stated there is a TIP alternative grant coming up in March and you might be in a better position with the plans being completed by then.

Mayor Farrimond stated in the next two weeks it would not hurt to go ahead and push the committee, also we should keep looking for other grants.

Deb Prost stated our entire budget is going towards the design fees because the grant does not allow you to put the design fees in the grant application.

Councilman Pellegrino stated I think if we give an initiative as far as priority, such as planning, ordinances, and continue to search for grant funding as the three things that we would like the Economic Development Corporation to focus on. Does this agenda cover this \$10,000 expenditure project fee that has been presented to Council to be able to approve and take action?

Steve Pena stated you will need to do that by resolution and typically have two separate readings.

Mayor Farrimond stated we will add the approval of the \$10,000 back on the agenda for next month.

Councilman Fry stated do we need a subcommittee? Do we need someone that is going to be in charge of keeping an eye on all these pieces and the process?

Councilwoman Plant stated I don't think that this project is a City Council function I think the Economic Development Corporation has a plan and they are in touch with the commercial district and they are the ones that should be working the Planning and Zoning to assist them in structuring the ordinances to make these plans work.

Deb Prost stated we have coordinated with Planning and Zoning but whatever Planning and Zoning comes up with is on private property and will not affect what these plans are or the 50% designs plans or the extra other 50% that we have talked about. The plans that have been done are 3 feet into McCullough and the 6 feet in the current and Planning and Zoning has already been working on the businesses and I have already talked to new business owners and the ordinances changes are not going to affect what these plans are.

Councilman Fry stated if the plan is not going to be implemented tomorrow, in the interim we need some ordinances in place to line up with the plans.

Patricia Meier stated Planning and Zoning has talked about parking in terms of sidewalks and modifications that would have to be made and we have talked about setbacks but I don't know if that is an issue that relates to this Economic Development plan.

Mayor Farrimond stated is it possible from a legal standpoint to setup a zoning code for businesses that need to have front access where they can set their businesses farther back?

Steve Pena stated if it's all in the same zoning classification then I believe it becomes more problematic, the question is that you have a reason for doing it rather that you just don't want a certain type of business there and you don't want parking more difficult.

Patricia Meier stated what is problematic is, you need 30 feet setbacks for a sidewalk parking, so by saying 30 feet that means everybody can park in front.

Steve Pena stated you would have to look at your current zoning code, and then you have to go through the process of amending your zoning code which has to be consistent with your comprehensive plan.

Mayor Farrimond stated we will add to February agenda continuance of trying to get the grant and Deb can email the Council a list of the Transportation Policy Board Members and Blakely Fernandez will give us some bullet points that Council needs to make to appeal our case. We will task Planning and Zoning to work with Economic Development Corporation McCullough Improvement Committee looking at updating our ordinance base to improve and be more closely in line with the Corridor.

Councilman Fry stated I believe we need census of the Council on the bike lanes:

Councilman McDonald stated I am not a fan of bike lanes on McCullough.

Councilman Pellegrino stated I am not a fan of bike lanes. My concern is slowing down the traffic by too much causes spill over traffic and cut through traffic through the residential areas.

Councilwoman Plant stated not a bike lane fan.

Councilman Fry stated I am a fan of bike lanes on McCullough, I feel like that is what narrow downs the street so when I was looking at the plans I was trying to figure out how to tackle the Westside and also tackle the Eastside and move it in as well so that you would have a much more narrow street.

Councilman Hornberger stated if we do that we take away completely the option of having a center turn lane. I am not a believer of bike lanes on McCullough because of the safety issues.

Deb Prost stated can we get a census on the middle turn lane?

Councilman Fry stated I am not for a middle turn lane.

Councilman Pellegrino stated I don't have a strong preference; I am in favor for what the traffic consultant decides what the safest flow is.

Councilwoman Plant stated I would like to see the sidewalks put in first to get a better grasp of a middle turn lane.

Councilman Hornberger stated I feel the same way as Councilman Pellegrino and Councilwoman Plant but I lean more of the idea of a middle turn lane depending on the safety issues.

Councilman McDonald stated I don't have a preference.

Deb Prost stated if we go for the next grant in March what would we turn in our street stripping as?

Mayor Farrimond stated the same plans that you turned in for the TAP grant for the single strip. I don't see a need to appoint anyone to a committee you have a good committee now.

Discussion of City of Olmos Park Code of Ethics and Conduct for City Officials and Employees; take possible action

Councilman Hornberger stated I would encourage everybody to continue to review this document and on an annual basis as well.

Councilwoman Plant moved to adopt the City of Olmos Park Code of Ethics and Conduct for City Officials and Employees.

Councilman McDonald seconded the motion.

The vote in favor of the motion was unanimous.

Mayor Farrimond stated we will have these handed out to all the officials and employees and have them turned in by a specific date.

Steve Pena stated he will prepare a resolution adopting this policy so you will have as a permanent record.

There was no further business the meeting was adjourned at 7:15 p.m.

Kenneth Farrimond
Mayor

ATTEST:

Diane Gonzales
City Secretary