

MINUTES OF REGULAR
CITY COUNCIL MEETING HELD
DECEMBER 17, 2015

The City Council of Olmos Park, Texas held a regular meeting on December 17, 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, Juliana Dusek, Deb Prost and Ronald Hornberger. 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, Steve Pena; Pat Meier, 140 Stanford, Christopher Allison, M.E. Allison & Co. Inc., Phil Vaughan, Armstrong, Vaughan & Associates, A.T, Brainerd, 201 E. Mandalay, Susan Porr, 106 Stanford, Gerardo Romero, 13999 Old Blanco Road, David Givler, Givler Engineering.

Mayor Farrimond called the meeting to order at 6:02 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.

No Citizens to be heard.

Review and discuss renewal of the Financial Advisor contract for a three-year term; take possible action

Mr. Allison presented a contract renewal for Council to consider and does contemplate any financing over the next 3 years.

Councilman Hornberger moved to approve the contract for the firm of M. E. Allison & Co., Inc., to serve as Olmos Park Financial Advisor for a three year term from June 2015 through June 2018 with no changes to the contract.

Councilman McDonald seconded the motion.

The vote in favor of the motion was unanimous.

Receive and discuss FY2015 Audit Report; take possible action

Phil Vaughan from Armstrong, Vaughan & Associates gave presentation on the FY2015 Audit Report and mentioned one of the things that is new this year is now they are making you record either unfunded net pension liability or overfunded pension liability and Olmos Park is overfunded and the excess money you have in your pension fund for your employees and you have an extra \$766,000 and is recorded on your financial statements. You are paying about 1% of your wages to TMRS and the demographics of your employees are what drives that percent rate. Right now SAWS is charging you 36.4 cents for hundred gallons and you are billing your citizens 35.1 cents for hundred gallons so you are in a little bit of a loss position. This presentation is considered a blended presentation to where the Economic Development Corporation is a separate fund but is intergraded with the City and it is shown as if it is part of the City. I commend you for your capital projects approach in trying to take a little each year from your general fund rather than doing bonds and have done a great job in reducing your tax rate.

Councilwoman Prost moved to accept the FY2015 Audit as presented.

Councilman McDonald seconded the motion.

The vote in favor of the motion was unanimous.

Receive and discuss Givler Engineering street and sewer system maintenance/planning for FY 2015-16 and receive project update report; take possible action

David Givler gave a presentation on street and sewer maintenance planning. He stated one of the things we discussed this past year was the state of the sanitary sewer system and we had made some recommendations for the City to start investigating, studying and mapping the existing system. The City has about 8 miles of sewer lines that we know about and there are other lines that haven't been located and we have come across some of those lines in the field but it has been about 15 years since the last major project was done on the sewer system. The older parts are showing some severe disrepair. Since 2009 there have been a number of repairs that had to be made on an emergency basis.

Councilman Hornberger asked does the location of these problems give us any clue as to what areas might be more troublesome than other areas?

David Givler stated yes Westside Drive was troublesome and we have already done a number of repairs there. Most of the failures were up in the North West area, we had blockage in the line in the easement behind the properties and the manholes on Westside Drive were leaking and the combination of those situations caused the water to come out of the system and backup into the trench. Most of what is happening is related to the older things that were not repaired.

Councilman Hornberger asked when you locate the lines with the video camera are going to be able to locate the man holes and if you find man holes that are in alleyways that are underneath things that people decided to put over the alleyway, will you be able to detect that?

David Givler stated yes that is correct.

Councilwoman Prost asked what you are recommending is videotaping and is that part lined or not lined and what was the total percentage of what was lined and not lined?

David Givler stated it is a combination, some is lined and some is not.

Councilwoman Prost stated when you make your report it would be interesting to understand the part that is lined and how has it held up as compared to the part that wasn't lined and what shape is it in.

Mayor Farrimond stated would you recommend lining the old parts that have not been lined.

David Givler stated that is where we are getting our problems and I think that would be a likely outcome.

City Manager DeLeon stated we would fund this out of the Sewer Reserves Funds.

Councilman Hornberger moved to authorize Givler Engineering to start the sewer system televising and pay out of the Sewer Reserve Fund and bring us periodic reports of where this project stands.

Councilman McDonald seconded the motion.

The vote in favor of the motion was unanimous.

Councilman Hornberger stated we would also like progress reports as often as you can give them to us if they have anything of importance.

Councilwoman Prost asked what would be the timeframe that this work would be done?

David Givler stated I will need to get feedback from the televising people but I would expect this to take about 5 months to be completed.

Councilwoman Prost stated I would suggest that we are provided with a project flow chart of what to expect on this project.

David Givler discussed the street planning project update spreadsheet.

Councilwoman Prost stated back in July when we talked about this at the budget meeting there was a \$206,000 thousand dollars suggestion to use for street maintenance.

David Givler stated that was something that I would like to get Council's authorization on and I need to give a review of what we know about the streets and get your authorization to get up to date with the conditions of the streets so I can make some more detailed recommendations of what should be done this year for maintenance and I can present this in January.

Appoint a City Engineer for January 1, 2016 to December 31, 2016, pursuant to City Code Chapter 2-14(a); take possible action

Councilman Hornberger stated Mayor, Councilwoman Prost and myself met with Mr. Givler and had a very good detailed session and discussed what needs to be improved, mainly the timing and the depth of reporting on various projects that are reported back to the City. We felt a little unbalanced about how the City was being informed about the progress and to see if we are on budget or off budget. The sense of the committee was to go ahead and recommend that Mr. Givler's contract be re-newed as City Engineer.

Councilwoman Prost stated there was concern about not only the communication that the Trevitt Drainage Project we talked about last June and only 12% of the work has been done on it and that was 6 months ago. Mr. Givler was forthright in that he indicated that two other Cities had not renewed his contract so he trimmed his staff down. I have reviewed his invoices and where he used to have 2 or 3 engineers billing us for the last 3 months it has only been David Givler billing us so he really did not have any back up and that was a concern. We also talked about budget about sewer and streets and Mr. Givler has given us an overview of his recommendations of what we should do but again it has been 6 months and nothing has been done to move forward on the sewer or street projects. I think we need to make sure that there is going to be action taken because Olmos Park is Givler's vendor and maybe we need to look at this for the next couple of months and see if the performance improves.

Mayor Farrimond stated the plan that Mr. Givler gave us at our budget session about going forward with televising portions of the sewer lines and the main reason nothing has happened on that is we didn't tell him to do anything so we don't want to blame him for that part.

Councilman Fry moved to re-appoint Givler Engineering as the City Engineer for the period of January 1, 2016 through December 31, 2016.

Councilman McDonald seconded the motion.

The vote in favor of the motion was unanimous.

Appoint a City Attorney for January 1, 2016 to December 31, 2016, pursuant to City Code Chapter 2-13(a); take possible action

Councilman Fry stated the Mayor, Mayor Pro tem Hornberger and myself met and discussed several great candidates and law firms for the City and we ultimately decided we had a great comfort level with Frank Garza's firm with the understanding that more of a collaboration of who will be copied on emails so that everyone is up to speed.

Councilman Fry moved to re-appoint Firm Davidson, Troilo, Ream & Garza as our City Attorney for the period of January 1, 2016 through December 31, 2016 pursuant to City Code Chapter 2-13(a).

Councilman McDonald seconded the motion.

The vote in favor of the motion was unanimous.

Discuss implementation of Board of Adjustment, Economic Development Corporation, Planning and Zoning and Higher Education Facilities Corporation term limits; take possible action

Councilman Hornberger stated we are a small city and these are all volunteers and people have a tendency to get busy and not make meetings and not be able to be focused and the longer you are on one of these boards the worst that gets. We also need much more participation. I think we need to have new ideas and we need term limits on the boards and commissions. The term limits will be no more than two complete consecutive terms. This is a proposed resolution that members will be serving no more than two complete consecutive terms and thereafter you can be re-appointed after sitting out a term of two years, then you can apply to any board or commission.

Mayor Farrimond stated the reason for the two complete consecutive terms is because a lot of our people are appointed in mid-term so you get to serve what is left and then two terms after that. My limitations would be the same for elected officials.

Councilman McDonald stated I would suggest to change some of the language under section Terms of Office under (b) and add "specific board or commission".

Mayor Farrimond stated I think it should count for people who have already served two terms.

Councilman Hornberger stated current service counts towards limitations.

Steve Pena stated I think counting the current term is fine but counting anything prior is a problem.

Councilwoman Prost stated we as Council colleagues can get an excused attendance but we are more demanding on our volunteer boards by just saying they are absent. I used to announce who was excused because they were out of town on a business trip versus someone who didn't come to the meeting. Do we need to hold our volunteers to be more demanding than we hold ourselves?

Mayor Farrimond stated our excused absences should be excused at the previous Council meeting.

Councilman Fry stated if that individual has 50% of the year excused absences the reality is they should not be on the board because their time does not allow them to serve. I am noticing that some of our most active board members have missed three consecutive absences.

Steve Pena stated the way the resolution was submitted states regularly scheduled meetings.

Councilman Hornberger stated there are two changes that need to be made, one is to make sure that it is clear that it is a policy effective tonight and calculate consecutive for the purpose of term limits as opposed to re-appointment and if you are currently serving a term that counts as a term so that the next term you get re-appointed will be the second consecutive year term. Two, you can migrate from one board to the other without violating this resolution.

City Manager DeLeon stated and we need to delete the word "regular" and insert three scheduled meetings.

Councilman Hornberger moved to adopt Resolution 2015-04 with the three changes discussed and have attorney modify the resolution.

Councilman McDonald seconded the motion.

The vote in favor of the motion was unanimous.

Appoint members to the Planning and Zoning Commission to serve a two-year term through December 31, 2017; take possible action

City Manager DeLeon stated she emailed Council a resume from Judy Lutz that is interested in serving on the P&Z and Steve Johnson has resigned due to his work schedule so we need to fill his spot. Members up for re-appointment are Pat Meier and Blair Young. We have several people who have constant absenteeism as you can see on the P&Z attendance sheet.

Councilwoman Prost stated Wade Giddens and Blair Young have spoken to me and they were helping coaching their kid's football teams for 3 months and there was a conflict with the P&Z meetings and they had asked the meetings be changed for those 3 months while they were coaching.

Councilman McDonald moved to re-appoint Pat Meier and Blair Young and add Jody Lutz as the new appointee to P&Z.

Councilwoman Prost seconded the motion.

The vote in favor of the motion was unanimous.

Appoint members to the Board of Directors of the Economic Development Corporation (EDC) to serve a two-year term through December 31, 2017 and appoint two members to serve unexpired terms through December 2016; take possible action

City Manager stated the members up for re-appointment are Andres Andujar, Ayon Wen-Waldren and Wayne Knutson. Ayon submitted her resignation due to her new job and she is unable to serve. I do not recommend re-appointing Wayne Knutson due to his absences. EDC has two other vacancies, Andrew Craig and Barry Sturrock and I also received an email from Susan Porr to be considered.

Councilwoman Prost stated she resigned because she changed jobs so instead of being absent she resigned and now her job has changed.

Councilman Hornberger stated I have a suggestion on the attendance sheets that if there was not a quorum we need to know who was there and who was not.

Councilman Hornberger moved to re-appoint Andres Andujar to a two year term and appoint Andrew Craig and Barry Sturrock to serve un-expired term through December 2016.

Councilman Fry seconded the motion.

The vote in favor of the motion was unanimous.

Appoint a Municipal Court prosecutor and an alternate prosecutor for calendar year 2016; take possible action

City Manager DeLeon stated the Municipal Court prosecutor and the alternate prosecutor are annual appointments. Frank Dickson has been working really well and has been working with us for 4 years and Julie Patterson has been working for us for two years and I recommend they be re-appointed.

Councilman Fry moved to re-appoint Frank Dickson and Julie Patterson as Municipal Court prosecutor and alternate prosecutor for calendar year 2016.

Councilman Hornberger seconded the motion.

The vote in favor of the motion was unanimous.

Review and discuss draft tree preservation ordinance for the City of Olmos Park; take possible action

Councilman Fry stated this proposal involves a lot of time and energy from City staff, City Council, Planning & Zoning and an Arborist that the City does not have. It is not concise and is really the opposite of what I was going for. If we could table this and let me take a look at it and come up with another proposal. The idea was if you are doing heavy tree pruning you will have an annual fee for the landscaper or arborist and if you want to remove a tree then you would have a permit to remove that individual tree or for your lot.

Councilman Hornberger stated when you go through it, we are landlocked and don't have an ETJ.

Councilman McDonald moved to table item.

Councilman Hornberger seconded the motion.

The vote in favor of the motion was unanimous.

Discuss Ordinance 2015-12 establishing the requirement to make the intersection of West El Prado Drive and Parklane a four way stop intersection, requiring all drivers of vehicles entering said intersection controlled by such signs to stop; take possible action

Police Chief Valenciano stated we had a complaint about this intersection and as you approach West El Prado coming from Parklane and traveling westbound it's hard to see from the right so the police officers and myself traveled that particular intersection for 3 days and it would be ideal to erect two more stop signs making it a four way stop and Public Works has the stop signs already.

Councilman Hornberger moved to establish the intersection of West El Prado and Parklane a four way stop.

Councilman McDonald seconded the motion.

The vote in favor of the motion was unanimous.

Consent Items:

- a. Approve Cash Disbursements November 2015;
- b. Approve City Council minutes for November 19, 2015 and December 7, 2015;
- c. Approve 2016 Holiday Schedule;
- d. As per Property Tax Code Section 26.09e, approve Tax Assessment Roll 2016;
- e. Excuse Councilmember Ronald Hornberger from attending the January 21, 2016 City Council meeting;
- f. Approve the Economic Development Corporation bylaws as amended

City Manager DeLeon stated we need to pull item (f) since the EDC did not have a meeting in December.

Councilman Hornberger moved to accept item (b) of the consent items and attach to the Council minutes the Board of Adjustment minutes dated October 7, 2015 that was discussed at last City Council.

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

Councilman Fry moved to accept items a, c, d & e of the consent items.
Councilman Hornberger 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 November 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 Fry moved to accept the departmental reports as submitted.
Councilman McDonald seconded the motion.
The vote in favor of the motion was unanimous.

Mayor Farrimond called executive session at 7:47 p.m.

Mayor Farrimond closed the executive session at 8:32 p.m.

EXECUTIVE SESSION

The City Council will adjourn into executive session as authorized by Texas Government Code §551.071 (Consultation with Attorney) regarding security for offices utilized by the court.

Mayor Farrimond stated no action was taken in executive session.

There was no further business and the meeting was adjourned at 8:33 p.m.

Kenneth Farrimond
Mayor

ATTEST:

Diane Gonzales
City Secretary