

MINUTES OF SPECIAL
CITY COUNCIL MEETING HELD
FEBRUARY 17, 2015

The City Council of Olmos Park, Texas held a special meeting on February 17, 2015 commencing at 6:00 p.m. in the Council Chambers at City Hall. Mayor Kenneth Farrimond presided and Council members present were Sharon Plant, Kenyon McDonald, Casey Fry and Ronald Hornberger. Council member not present were Enzo Pellegrino. Staff present was City Manager, Celia M DeLeon; City Secretary, Diane Gonzales; Fire Chief John Surber; Public Works Director Gilbert DeLeon and Police Sergeant Anthony Reed. Also present were City Attorney, Steve Pena; Mary Jane Page, 212 Primera; Michael Caddell, 214 Primera; Mike Stern, 232 Belvidere; Clair Holshouser, 107 E. Mandalay; Sheila Rosart, 250 Stanford; Jim Keller, 121 Cedar Street; Nikki Kuhns, 331 Twisted Wood Drive; Sean Straus, 232 Argyle; Bob Sartor, 43 Ashford Glen; Kathie Sherman, 202 Primera; Roland Hinojosa, Rayford Smith and Paul Flanagan with CPS Energy.

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

Receive presentation from City Public Service regarding the installation of Smart Meters and the benefits of the smart grid.

Rayford Smith, Vice President of CPS Corporate Development and Planning and Paul Flanagan, Director of Intergraded Communications gave presentation on the installation of the Smart Meters and the benefits of the smart grid.

Councilwoman Plant stated an email was forwarded by City Manager from Councilman Pellegrino that was sent by a resident Mary Jane Page who mentioned that she had declined to the smart meter and was home when they arrived to install the meter and informed them she declined the smart meter. I know CPS sent out notices because the Mayor had his meter installed. What is the process?

Rayford Smith stated there is an established process for notification of opt outs and there is a form that has to be filled out and sent back to us.

Councilman McDonald stated how susceptible are the smart meters to be hacked?

Rayford Smith stated the meters have been tested for cyber security or threats and are not susceptible to hacking and even if they were hacked the information stored on the meter is limited and it is just a time stamp and consumption data and does not contain and personal information.

Councilman Hornberger stated can hackers turn off the service to a residence?

Rayford Smith stated the meters do have the ability to remotely connect and disconnect and the encryption used is a 256 bit high level encryption in between the meter pin point and the software that controls the meter.

Councilwoman Plant stated what if CPS computers are down, what is the down time?

Rayford Smith stated if the meters lost power due to a power outage they have a last pass power that gives them the ability to report back that it is losing power which alerts our system so we can take action.

Councilwoman Plant stated would you like to address any information about fire data on this system?

Rayford Smith stated these new meters actually have an alarm on them if they get warm or hot and this system will send an alarm to us on a real time basis which is far more reliable because the analog users don't physically communicate.

Councilman Hornberger stated do these meters have the ability to notice that there may be a problem with the internal wiring so that there is stress on the system and do they push a signal back to the office? Also is this push technology from the meter back home or is it totally technology from home to the meter?

Rayford Smith stated the meters can't tell us about a bad breaker but they can tell us if it detects a power quality issues and it will report back to us. The meter is a bit of both depending on how you want to set up the meter, some meters you can set to pull and on the other hand they can actually push information back to us.

Councilman McDonald stated do you notify the customers if you have a data power quality issue?

Rayford Smith stated I don't know if we have a process to alert the customer, but our internal people notice the alarms and we take internal action.

Mayor Farrimond stated I understand that CPS has another program that goes along with smart meters but is not part of smart meter package?

Rayford Smith stated the meters are one component and distribution on the automation of the operation of the grid is the other component and they are both connected via network that allows them both to communicate with one another. It is a combined set of efforts to automate the entire infrastructure to make sure we have an automated response to reduce cost and approve the service to our customers. We also have another program which is separate from the smart meters called home manager which allows you to have sensors in your home and allows you to get additional information about how you are consuming energy and allows you to get incentives.

Councilwoman Plant stated if you opt out of the smart meter what is the charge involved?

Rayford Smith stated is would be a fee of \$20.00 a month.

Fire Chief Surber stated it appears that smart meters or automated meters have been around for over 10 years now throughout the United States and there are different implementation basis. Based on the information I have received from CPS is they are doing acceptance testing and before they accept the meters in they have a criteria they have to meet before they allow these to go out. I asked the question "how many have they had failed" and there answer was zero. Over the years the control has been really good on these meters. They are plastic instead of glass on the outer cover so there is a difference in the materials inside. The real issue from all the research that I have done is not the meters that are the problem it is the installation and having quality installers that are reliable and having been trained properly. CPS has assured me that the people that they are working with have experience in this process. CPS is going the extra mile and doing an inspection on the equipment and if they see a problem, they are hiring a contractor to come in and replace that equipment for the customer.

I think they have done a good job in implementing best practices and quality control; however I think you can always have a fire with a loose connection. With the new meters having temperature probes in them I would feel like we do get a change out of warning if something went wrong.

Councilwoman Plant stated are you using certified electricians?

Rayford Smith stated the process to do the installation is, we go through a certification process and we are staffing through contractors which are certified and licensed electricians.

Mayor Farrimond stated if you discover the socket that the meter goes in is not up to standards is it replaced and a cost to the homeowner?

Rayford Smith stated it is replaced at no cost to the homeowner.

Discussion of The Yard Farmers Market and any parking or other issues arising from the event; take possible action

Sergeant Reed stated we have not had any complaints at the Farmers Market for parking and have had no complaints from our residents. The paint and body shop was having several vehicles towed and they had no parking signs on their property. We have been erecting the no parking signs and cones on our streets.

Councilwoman Plant stated I think people love the Farmers Market but the houses the people are parking in front of have safety concerns. On the streets that are across from the Farmers Market, can you get a fire truck through there if a car is parked on one side of the street and no matter what street it is?

Fire Chief Surber stated yes no matter what street a fire truck could get through there if a car is parked on one side.

Councilman McDonald stated some of the streets have cars parked on both sides where you can't get a fire truck down.

Councilman Hornberger stated we need to figure out a way to make sure the fire truck can get through the streets and don't have places where people are blocking emergency vehicle access.

Public Works Director DeLeon stated during the Alamo Heights football games they have the residents put a stake out in front of their homes that says no parking and they rotate each week sides and every resident has a stake.

Attorney Steve Pena stated if this is something the City intends to do, you have to do this in an ordinance. I think it is problematic having residents decide where people are to park. You have the right to prohibit parking on the streets; municipalities have total control over their streets. The issue is, if you ban parking there then they will go somewhere else and park.

City Manager DeLeon stated I am checking with Alamo Heights and they do have something in their code of ordinances that allows permit parking on certain streets.

Mayor Farrimond stated the City Manager will talk to Frank Garza and see what we can come up with an ordinance on parking.

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.

Mary Jane Page of 212 Primera Drive, Olmos Park stated last week a man was installing the meters and I asked him who opted out and he said he was not given a list so I told him not to install mine and also my neighbor who also opted out not to install hers. If I would have not been home at the time he would have installed the smart meter. There are problems with the installation of these meters when utility companies contract with sub-contractors and hire temporary workers and not professionals which is a violation of the FCC. With the smart meter the microwave radiates completely through the structure affecting all inhabitants. Let's be smart about the smart meters.

Michael Caddell of 214 Primera, Olmos Park stated I am not here to argue about smart meters, I opted out and they did not take my notice. The guy was not a qualified electrician, I questioned him and he said "he took a weekend course". If we turned in our opt out letters why are they sending out some guy from Oklahoma City who took a weekend training course and did not even have any tools in his bag to install the meters.

Kathie Sherman of 202 Primera, Olmos Park stated a man came and installed the smart meter and we were not home and I want to share with you the pictures that show our door that shelters the former meter and our fuse box no longer can close and this is how we found it flapping in the breeze. It protrudes the box that covers it and the man had no courtesy to tell us that the door would not close. I called CPS and they came over and they said you need to build and awning and my husband told them it was their problem. If these are not electricians handling this, then I don't want them putting these in my home and I am very disappointed.

Sheila Roseart of 250 Stanford Drive, Olmos Park stated I just purchased property in Olmos Park which is being renovated. I have concerns of all of the reports from all over the world. It is likely that I do have a fire that is caused by this equipment on my property then who is liable and I understand my insurance company will not cover this sort of damage. The utility company is saying that I own this equipment and it is now my property. There are health issues and privacy issues I am very concerned about and are they are going to sell my information to a third party corporation since they did say it was cloud based and nothing is safe in the cloud and can be hacked. I do not care about all the advantages of tracking my power and I don't want it nor should I have to pay for it. Furthermore since my house is under construction I can't receive mail there and I have communicated with CPS already and said I want to opt out of this and they are in fact putting in meters this week outside my house because they had to replace the old meters.

Jim Keller of 121 Cedar Street, San Antonio stated I am a former resident of Olmos Park and a current resident of King William District. I am concerned about the threats to the privacy and security. In the old days a burglar would stake out your property in order to figure out what the daily habits are but with the data collected by the smart meters there is a fairly detailed diary of what happens inside of every home and is only a matter of time that the database is hacked or given to the highest bidder or posted online.

Susan Straus of 232 Argyle, Alamo Heights stated since August I have spent more than 1000 hours researching these smart meters and I am satisfied with the research I have done. I really believe smart meters are a violation of our privacy and they are a serious health concern, people all over the country are reporting adverse health side effects and fire is a huge concern.

A man was killed in a fire in Dallas recently which was a very old house and his family is sure that the smart meter installed 3 weeks ago was the cause of that fire. On February 13, 2015 evidence has now been made public about illegal actions between public utilities commission, President Michael Peavey and criminal investigations continue involving senior executives regarding 65,000 emails that have been publically released and has to do with covering up health effects that people are reported and they continue to roll out the smart meters and delay the health effects until the roll out is complete. This is happening right now in California.

Councilman Fry stated what kind of health effects are listed?

Susan Straus stated heart palpitations, arrhythmia, insomnia, sleep disorders, pace maker disruption, cancers and people not being able to live in their homes, they are called smart meter refugees and have to live in RV's and they can't live in their homes.

Nikki Kuhns of 331 Twisted Wood Drive, San Antonio stated please see the handouts I brought for you. The only qualifications that these meter installers have is, they have a high school diploma or equivalent and have a valid driver's license. It is important the you take this seriously because the citizens of Olmos Park need you to step in. The San Antonio City Manager, Sheryl Sculley hasn't done anything and the local gas and monopoly will not do anything. The reason I got involved with this is I live in the Woodlands of Camino Real and they came through our area and they did not send out the letter that they claimed they did as I did an open records request and found out that they did not. The home manager program you asked about earlier, the user must dissolve CPS Energy of any damage to appliances cost by this. Why would a customer have to sign this? You need to protect the people of Olmos Park.

Bob Sartor of 43 Ashford Glen, Hollywood Park stated I am a former Council Member and former Mayor of Hollywood Park, I also spent 26 years in the United States Marine Corp that I carried a top secret ESI clearance my entire time I worked in the White House. I will tell you that the encryption is easily broken. There are 24 incorporated Cities within Bexar County only one of them in Bexar County, San Antonio owns the utility company called CPS. You have different building codes for the City of San Antonio, you should be standing up and making sure your building codes are going to be enforced especially when the Fire Chief says there is a meter that CPS does and they are going the extra mile to do the other part then that is what you control in your building codes. If you allow your building codes to be violated like no permit drawn and no licensed electrician then that puts your town in jeopardy. We should not be worried about an opt out program we should be an opt in program. CPS should have a program in which they spend their money to go convince everybody when you want to opt in the program not pay money to opt out. All of our rates that we already paid are already cycled to the overhead on the amount of the meter readers and we should not have to pay a single penny for it.

Discussion regarding the current noise nuisance ordinance of the Code of Ordinances, Section 18.44-45.

Councilman Fry stated we currently have a noise ordinance in place and this is more for discussion purposes. What has come to my attention from several concerned residents is the gas powered leaf blowers that have a decibel of 85, but actually averages between 95 and 102 decibels and these lawn services are turning these leaf blowers on at 7:00 am on Saturdays and I understand the lawn services want to get started early and get done early and tackle as many lawns as possible but it seems like it is very disruptive to someone who is trying to enjoy their Saturday morning. I am not suggesting that we put an ordinance in place which would be very difficult to enforce but wanted to discuss with Council to find out some way we would be able to

alert the citizens and maybe throughout an email blast on Friday's to the fact that maybe the home owner could convince their lawn crews to start at a later hour. This is an ongoing nuisance and I continue to get complaints from residents.

Steve Pena stated I did speak to City Manager today and in your ordinance you actually define any unreasonably amount of noise as a nuisance and it does in fact exceed the 85 decibel level stated in section 18-44. There is a big difference between somebody doing it themselves and somebody getting paid to do it.

Councilman Fry stated I don't want to over regulate but could we have those lawn care services register with Olmos Park?

Steve Pena stated you don't have to have a permit to cut somebody's grass. When you have the Police Department out on the streets maybe they can talk to these lawn services.

Public Works Director, DeLeon stated to cut a yard in Bexar County you have to get a permit to do the yards.

Steve Pena stated you could have the lawn services register and have no fee and give them the ordinances.

Councilman McDonald stated would this require an ordinance?

Steve Pena said yes.

Councilwoman Plant stated in regulating time wise these lawn services have a job to do and a businesses to run.

Mayor Farrimond stated would it be reasonable for us to ask the Police Department if they could keep an eye out for a month until our March meeting and just let us know how the lawn services respond if you do have to ask them to not start the yards until 9:00 am on Saturday's and Sunday's only.

Councilwoman Plant stated and also have Streets and Sanitation keep an eye out for the next month.

Discuss possible implementation of a tree ordinance for the City of Olmos Park

Councilman Fry stated we don't have an ordinance in place and some other Cities do, however there are some positives and negatives. On some of the streets we have some big old trees and there are some developers in town that are trying to max out the lots and doing so it is taken away some of those big trees.

City Manager DeLeon stated former Councilman Jeff Judson sent out an email and Councilman Pellegrino sent me an email stating he agrees with Jeff Judson's comments.

Mayor Farrimond stated if you notice on the wall out in the lobby the picture of Olmos Park which was taken in late 1927 and there was not a tree in that picture so all these trees we have now are about 85 years old. Back in the 80's Council had proposed to have a tree ordinance and the City Manager had the County Arborist come and speak to us at that time and he mentioned the three most heavily forest areas in the County's in the State of Texas are, Harris, Dallas and Bexar and what was being suggested at the time was if somebody cuts down a tree

that they replace it with two trees so I think maybe we need to have an Arborist come speak to us.

Steve Pena stated you would need to pass an ordinance for certain protected Heritage trees.

Councilman Fry stated Alamo Heights has a tree ordinance and theirs is geared towards Heritage trees, certain species and mostly 24 inches in diameter and my concern is that if a new developer comes in and maxes out the lot and not allowing for any trees to go in.

Councilman Hornberger stated the biggest fear I have is eventually Olmos Park becomes a target for tearing down and maximizing the lots and I am not thrilled about telling people how many trees they have to have in their yards, on the other hand I am not thrilled with having a developer have the ability or someone buying a smaller lot and have the idea of tearing it down. Our setbacks are designed to protect against maximizing the lot and if we feel our setbacks are not designed properly, then we need to take a look at those.

Steve Pena stated this is a planning function and should be tackled by the Planning & Zoning Commission.

Councilwoman Plant stated no it is not a planning & zoning function. Jordy said he has worked with several Cities and would rather have several conversations with residents.

Steve Pena stated as your City is currently configured there really isn't much multifamily, if a developer were to come in your zoning code will not allow them to do that, they will have to re-zone the property if they want to put different types of structures on them and I don't see a large scale infield.

Public Works Director, DeLeon stated Jordy was talking about the tree companies that are coming in that are cutting down trees and residents are chopping down their trees like dear horns thinking they will grow more and they will not, they are hurting the tree. The tree services and the yard people are leaving the debris on the yard for us to pick up. Alamo Heights has a permit good for year to trim or cut trees.

Mayor Farrimond stated we need to put this back on the agenda for April when we have a full Council and see if we can get an Arborist to come talk to us.

Consent Items:

- a. Approve Cash Disbursements for January 2015;
- b. Approve City Council minutes for January 13, 2015 and January 15, 2015;
- c. Excuse Councilman Casey Fry from attending the March 2015 regular City Council meeting;
- d. Excuse Councilman Ronald Hornberger from attending the February 2015 and March 2015 regular City Council meetings;
- e. Adopt Order of Election for the May General Election to be held on May 9, 2015
- f. Approve contract with Bexar County Elections Administration to conduct the May 9, 2015 General Election;

Councilman McDonald moved to accept consent items A through F.
Councilman Hornberger seconded the motion.

The vote in favor of the motion was unanimous.

1. 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.
 - (2.) Annual 2014 Racial Profiling Report
 - 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 January 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).

Councilwoman Plant stated I think it would be interesting for Chief Surber or Jim Ladewig to come out for a surprise visit to see if the installers are installing the smart meters correctly.

Councilman Hornberger stated I am concerned about the level of understanding regarding one of these residents putting in these systems to be able to read your refrigerator or shut off your water heater. That is not a CPS program and it is not mandatory.

Councilwoman Plant stated maybe we need to send out an email blast or a letter from the Mayor stating the City Council of Olmos Park can't control having the smart meters installed.

Councilwoman Plant moved to accept the departmental reports as submitted.

Councilman Hornberger seconded the motion.

The vote in favor of the motion was unanimous.

The departmental reports were received.

There was no further business the meeting was adjourned at 7:40 p.m.

Kenneth Farrimond
Mayor

ATTEST:

Diane Gonzales
City Secretary