

MINUTES OF REGULAR  
CITY COUNCIL MEETING HELD  
MARCH 19, 2015

The City Council of Olmos Park, Texas held a regular meeting on March 19, 2015 commencing at 6:00 p.m. in the Council Chambers at City Hall. Mayor Kenneth Farrimond presided and Council members present were Enzo Pellegrino, Sharon Plant, Kenyon McDonald and Ronald Hornberger. Council members not present and excused were Casey Fry. Staff present was City Manager, Celia M DeLeon; City Secretary, Diane Gonzales; Fire Chief, John Surber; Public Works Director, Gilbert DeLeon and Police Chief, Rene Valenciano. Also present were City Attorney, Frank Garza; PSW Real Estate, Ross Wilson; Andres Andujar; James Andrews; A.T Brainerd, 201 E. Mandalay and Pat Meier 140 Stanford.

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

Call the meeting to order and determine if a quorum is 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.

Discussion of Rail Road Quiet Zone violations

Ivan Jaime, Director of Border Policy and Community Affairs for Union Pacific Railroad stated I first want to apologize for the train horns that you were hearing routinely. The rail line is a very busy line for us and it's a rail line that connects Laredo to Dallas for our City and eventually will go into Mexico and keeps on going further north to Kansas City and Chicago so it's a very busy line with trains moving for some of the biggest production consumption markets. Around the Holidays is when our trains and UPS and retailers are moving quite often and there are new crews that come on the territory to help with the traffic around the holiday time. This rail line belongs to Union Pacific but is also used by Amtrak and is also used by another major railroad, The Burlington Railroad of Santa Fe. We have managers for segments of tracks that are responsible for to cover alternative shifts and they will monitor radio traffic on the trains and they will alter the environment with the train crews to make sure they are following the proper rules. Some of the information that the City Manager provided us with we were able to audit against what the local motive black boxes were recording which will record how train engineers are sounding the horn and conducting their business on the train. We were able to identify the issue through testing and auditing and basically, The Burlington Railroad of Santa Fe is fairly new to the district and while you see the quiet zone signs aimed at the vehicles on the roads those really don't apply to the trains because they can't see them. The trains have their own signage along the track right-of-way and one sign had been removed and the crews weren't sure when the quiet zone ended and they were taking the safe course and just sounded the horn to be safe for three (3) crossing too early. One thing we are teaching our new crews is if there is ever any question, take the safe course. For at least the last month we have not had any complaints and hopefully we have resolved this issue and want to apologize for any inconvenience this may have caused. City Council thanked Mr. Jaime for attending the City Council meeting and resolving the issues with the train horns.

Receive update on the progress of the PSW homes on Olmos Drive

Mayor Farrimond stated Andres Andujar and James Andrews have worked really hard and have worked for free and we really appreciate everything you have done on the PSW Project.

Andres Andujar gave a presentation update on the PSW Project and stated I have reviewed the Special Use Permit and I have a basic line by line update. The Mayor and the Committee are participants in our reviews often as well as City Manager and the City Engineer to get any feedback that we need to provide to PSW. Ross Wilson with PSW is here if you have any questions. PSW has been a good collaborator through the reviews and we have worked through all the issues and we will continue to work together.

Councilwoman Plant stated the rendering that you have; did you have a friend do that for you since these are very expensive?

Andres Andujar stated this is someone that has done projects for me in the past and PSW has hired this individual.

Mayor Farrimond stated will the final project look like the picture in the presentation tonight?

Ross Wilson stated yes it will look like something that you have as marketing materials as a rendering that was started from the software program.

Mayor Farrimond stated I have heard that PSW has presold a couple of homes, is that correct?

Ross Wilson stated we do not at this time have any presales.

Councilwoman Plant stated will the alleyways be one of the first steps that PSW will work on?

Ross Wilson stated the alleyway improvements will actually have to wait until we close on the second property which will be mid-June and the alley improvements will be done before any of our homes are closed because we making the alley wider than the city's right-of-way so we can't do that work until we own that property. Our plan is to do the grading for Phase I then do work along E. Olmos to try to get the curb and bulb outs done as quickly as possible and that time will be dictated by SAWS and water tap applications which we were told could take up to anywhere from 4 and 10 weeks.

Patricia Meier stated you stated that the final outcome on the aesthetics will be somewhere between the presentation and your sales representation, my concern is not the color palette it's the wood type material that you had shown in your sales brochure.

Ross Wilson stated there is a wood trellis in one of the front homes on the presentation with vines growing on it and some other homes have wood brackets at the roof eaves which were details that were discussed during the Special Use Permit.

Councilwoman Plant stated we will have this item as a rolling agenda item and when PSW gets to a new phase, Andres and James can call the City Manager on any updates to add to the agenda.

Receive and discuss an Olmos Park Economic Development Corporation ("OPEDC) project, the OPEDC proposes to engage a professional engineering services to meet with each property owner to discuss improvements and document any feedback for an amount not to exceed \$10,000.00; take possible action (first reading)

Mayor Farrimond stated this is a request for approval from EDC of an amount not to exceed \$10,000 for the middle part of the three (3) stage planning. EDC has done the first 50% of the planning and has all been paid for and the planning was about \$35,000 and this \$10,000 is to go through the preliminary plans with all property owners and business owners along McCullough to make sure that these plans fit with the business owners needs in particular curb cuts and parking. Once this is completed the final phase will cost about \$34,000.

Councilwoman Plant stated knowing now what we know and we didn't get the TAP Grant my question is looking at what is left to be done for the professional engineering services to ask the businesses about parking and curb cuts when it might be 5 or 6 years down the road before the next TAP Grant is funded. Are we going to pay EDC \$10,000 to go meet with the existing businesses on McCullough and what if the dynamics of the businesses change?

Councilman Hornberger stated we don't have the flexibility to start early and start some of the first things we need to do with sidewalks and ADA compliance projects for those sidewalks to make sure we have walkable, passable sidewalks and we don't want to get started with that until we have input from the businesses that are there now. We may find ourselves in a position where we definitely want to start before the next grant and just start doing some of the work on the sidewalks.

Councilman Pellegrino stated is it customarily to go up and down to the businesses to talk to them about putting in sidewalks? We need a sidewalk and have a few businesses that are extremely important to the revenue stream of Olmos Park. There are some businesses that we want to be respectful to but other than that we need sidewalks. I am not necessarily for going to every business and asking what is perfect for them and bringing up their property value.

Councilman Hornberger stated the main question I have about this is the \$10,000 is I believe I heard from Frank Garza that other Cities will do what they need to do and not necessarily walk up and down the street and talk to all the businesses, is that correct?

Frank Garza stated that is correct, your smaller cities don't spend time on contacting the businesses they outline the projects and let the businesses know what the City is doing in regards to the sidewalks.

Councilman Hornberger stated so this \$10,000 survey is out of the ordinary.

Councilman Pellegrino stated it sounds to me it's out of ordinary and not necessary, a more of a want than a need. We have a few key holders because losing them could be detrimental to our sales tax revenue. Maybe we could table this item and have another meeting and have Bain Media Bain here to meet with us. I am in favor of not doing the project as it's stated, I would cut it down by 8%.

Mayor Farrimond stated Bain Medina Bain did a bunch of surveys and the whole engineering survey on McCullough which was expensive.

Councilwoman Plant stated I would like Bain Medina Bain to go through the rest of the plan and the phases to explain where we are at today.

Councilman Hornberger motioned to table item for next meeting.

Councilman Pellegrino seconded the motion.

The vote in favor of the motion was unanimous.

Public Hearing on Ordinance 2015-01 amending City Code Section 40-42 of the Code or Ordinances of the City of Olmos Park, Texas by amending front yard requirements for SD1 residential zoning district

Mayor Farrimond stated when the ordinance was drafted it was inadvertently changed to setback requirements under the residential district SD1 from 40 to 30 feet.

Mayor Farrimond opened the Public Hearing at 6:42 p.m.

Mayor Farrimond closed the Public Hearing at 6:43 p.m.

Discussion Ordinance 2015-01 amending City Code Section 40-42 of the Code or Ordinances of the City of Olmos Park, Texas by amending front yard requirements for SD1 residential zoning district; take possible action

Councilman Hornberger stated is the 40 feet from the curb? Doesn't the City have an easement from curb to 10 feet?

City Manager DeLeon stated yes the 40 feet is from curb and it ranges from 10 to 15 feet in some lots.

Councilwoman Plant stated when this is updated in our Municode, does it show up as an amendment to the ordinance or does it incorporate into the whole document?

City Manager DeLeon stated the amendment is incorporated into the whole document and we send it to Municode and they charge us \$19.00 a page to upload.

Councilman Pellegrino motioned to approve Ordinance 2015-01 as submitted.

Councilman McDonald seconded the motion.

The vote in favor of the motion was unanimous.

Public Hearing on Ordinance 2015-02 amending City Code Section 40-48 Art. VI. § 40-162 of the Code of Ordinances of the City of Olmos Park, Texas by inserting the phrase "continuous and adjacent" to the SD3 Single Family District

Mayor Farrimond stated apparently when the ordinance was written the term continuous and adjacent was not inserted.

Frank Garza stated the language in the ordinance is specific while continuous and adjacent for 300 feet was part of a motion from Planning & Zoning which we are missing in the entire terminology of the original ordinance.

Mayor Farrimond opened the Public Hearing at 6:45 p.m.

Pat Meier stated we are not writing a new ordinance, we are amending to insert continuous and adjacent for 300 feet. This terminology was in the original ordinance and we took it out because those 30 foot lots couldn't have anything and we started looking and realized that there is a real possibility that they could and there are two other alleys and I would have thought that PSW would have put this package together. James Griffin who is one of the P&Z Board Members has been a real asset because of his background and he stated there is still a little fear that the SD3 could apply to other blocks adjacent to that alleyway and it wasn't spot zoning because it was a small area. The idea was to meet the specifications of the Special Use Permit and Council's direction to minimize a checkerboard effect so that someone couldn't take a lot of 60 feet and divide it by two lots of a third and that a developer would have to do just as the Special Use Permit requires. An average lot is 341 and Attorney, Steve Pena suggested we say 300 feet, so we are asking for reinserting for this protection.

Mayor Farrimond closed the Public Hearing at 6:49 p.m.

Discuss and review Ordinance 2015-02 amending the City Code Chapter 40 Section 40-48. The City Council will discuss the insertion of the phrase "continuous and adjacent" to the SD3 Single Family District; take possible action

Councilman Hornberger motioned to approve the amendment to ordinance establishing new single districts of City Code of Ordinances Chapter 40-48 by reinserting the phrase adjacent and continuous for 300 feet as shown in the revised ordinance.

Councilwoman Plant seconded the motion.

The vote in favor of the motion was unanimous.

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

Public Works Director Gilbert DeLeon stated I spoke to about 10-12 yard men to see if it was possible that they start working at 9:00 am and they all said Alamo Heights and Terrell Hills have asked us the same thing and we understand and it was no problem. As of now it seems to be working.

Discussion of farmer's market event at the Yard to include parking issues caused by the event; to include discussion of Ordinance 2015-03 amending Chapter 36, Article III, Parking Regulations of the Code of Ordinances City of Olmos Park, Texas ("City") by adding a new Section 36.60 entitled Weekend Permit Parking; take possible action

City Manager DeLeon stated after I read the article in the paper, I called Rachel who is the Manager at the Yard and she stated that yes she will give them their 90 day termination notice this Sunday with an option to leave sooner, however the vendors still want to remain there because they like the location and Olmos Park so they are going to try to develop a new Board with bylaws and new LLC and see if they can re-group which may take a couple months or not at all because they do not want to work under the current management.

Mayor Farrimond stated I think we need to table this item until we have further information.

Councilwoman Plant motioned to table item until City Manager puts item back on agenda with more information.

Councilman Hornberger seconded the motion.

The vote in favor of the motion was unanimous.

Discussion on Ordinance 2015-04 adopting new Section 8-1 to 8-7 of Chapter 8 "Buildings and Building Code" to the City of Olmos Park Code of Ordinances to be entitled "Enforcement"; creating the position of Municipal Code Enforcement Official; outlining the Official's powers and duties; providing the City the authority to enter private property in order to investigate and remediate public nuisances; take possible action

City Manager DeLeon stated Jim Raby our Building Official is unofficially our Code Compliance Officer but his hands are tied when he comes across code compliant issues and he can't issue citations or file complaints with municipal court so I asked Frank Garza how to remedy this and allow Jim Raby to enforce the code compliance issues. Frank Garza drafted an ordinance which should resolve the problem and I also asked Frank to designate our Fire Chief as an alternate Code Compliance Officer to handle any complaints regarding fire or safety. I recommend that that this ordinance be approved.

Frank Garza stated this ordinance has language that it does name Mr. Raby or the position and allows for other positions and Certified Peace Officers also have the ability to also cite citations

as well. The ordinance reads the Building Official, Fire Chief, or their designated representative may serve in this position, so it gives the flexibility.

Councilwoman Plant stated the Fire Chief and myself were talking about this earlier in the week about problems before in the Fire Department where there were so many people designated and lots of people writing tickets because of their interpretation of ordinances were looked at different.

Councilman Hornberger stated the ordinance states or their designated representatives, how do we know who are the designated representatives?

Frank Garza stated they will have to notify the City Manager who their designated representative is going to be, it does not need to be in the ordinance, it's assumed.

Mayor Farrimond stated does this ordinance need a public Hearing?

Frank Garza stated no, this is not issuing any type of violation it's simply notifying the authority that an individual is now going to serve.

Councilwoman Plant motioned to approve Ordinance 2015-04 Ordinance of Olmos Park. An Ordinance of the City of Olmos Park, Texas adopting new section 8-1 to 8-7 of Chapter 8 "Buildings and Buildings Code" to the City of Olmos Park Code of Ordinances to be entitled "Enforcement"; creating the position of Municipal Code Enforcement Official; outlining the Official's powers and duties; providing the City the authority to enter private property in order to investigate and remediate public nuisances; providing a penalty clause; declaring a public purpose; incorporating recitals; providing for severability; providing a repealer; requiring publication and setting an effective date.

Councilman Hornberger seconded the motion.

The vote in favor of the motion was unanimous.

Discussion on possibly placing a recycle dumpster near the Public Works Yard; take possible action

Councilman Pellegrino stated I have seen recycle bins at my local church and I know we can't put big boxes out there so I didn't know where to take them. This was more of a random thought I had and I don't know how feasible it is.

Public Works Director Gilbert DeLeon stated he called several cities, Alamo Heights, Castle Hills and Terrell Hills and they do not have a recycling program. Alamo Heights used to have one and they did away with it 5 years ago because it was causing a problem with residents dropping off items at all hours and there were also animals getting in the dumpster and bees flying around but the main complaint was the smell of the dumpster. I asked the Cities if they would recommend it and they all said no because when the dumpster gets full people will just put stuff around the dumpster. Also, Alamo Heights said they would not have room to put this stuff in the garbage trucks so they had to load up in different trucks and take to the recycling center.

Councilman Hornberger stated it sounds like a great idea, but it doesn't work.

Councilwoman Plant stated Gilbert actually witnessed a resident throwing brush in the dumpster and it's not protected where it is at. The value I see for the dumpster is at the Holidays.

Public Works Director, Gilbert DeLeon stated our residents receive trash services every day, we run the trash route and a courtesy route and the courtesy route is when it is not your trash day.

Discussion and review of Alamo Area Emergency Services Mutual Aid Agreement; take possible action

Fire Chief Linc Surber stated this agreement replaces the agreement we signed back in 2008 and there was a second version that came out several years later that Olmos Park, Alamo Heights and Terrell Hills did not sign because Mike Brennan did not like one clause in there so they left in running with two different agreements and this new agreement is either a sign or don't sign so our choice is either sign and get in or don't sign and we will be out of the group. They updated the agreement mainly for Federal reimbursement reasons and changes to state laws but they did not change the substance of the way it works. We have been working on this for two years and through the use of many cities legal departments and trying to find consensus that everyone could live with is basically the draft agreement that you have in front of you.

Mayor Farrimond stated so the cities that we have always worked with have agreed to this agreement?

Fire Chief Linc Surber stated yes, Alamo Heights, Terrell Hills and Olmos Park.

Councilwoman Plant stated so if Shavano Park has a fire do you automatically go out there?

Fire Chief Linc Surber stated no it's not automatically, its' based upon request. We have an EMS Agreement and a Dispatch Agreement and Mutual Aid Agreement and soon we will be getting an update which is regional ACCOG Agreement which also has legal updates.

Councilwoman McDonald motioned to adopt the Alamo Area Emergency Services Mutual Aid Agreement as submitted.

Councilman Pellegrino seconded the motion.

The vote in favor of the motion was unanimous.

Discussion of businesses within the residential district; take possible action

Councilwoman Plant stated Police Chief Valenciano has already investigated this complaint from former Mayor Gragg that there is a house on E. Contour the owner also has a residence in Monte Vista, however his homestead is on Contour. The rumor was the resident was a criminal attorney and he was seeing clients at his house and it turns out he is not a criminal attorney he is a probate attorney and his wife is also a probate attorney and they see clients there from time to time and Police Chief said he has never heard a complaint about them.

Councilman Hornberger stated once you get into it and start thinking about this neighborhood and how to accomplish what your goal is without unintended consequences is not an easy task. If we were a City like Friendswood, Texas because it's a geographically land locked city and they have such an ordinance and it works well because they have some transitional zoning that works in a town that big. Olmos Park does not have any transitional zoning, we are either residential or a business district.

Councilwoman Plant stated if you know them Councilman Hornberger maybe you could reach out to Mayor Gragg and see if she wants you to get in contact with the people complaining.

Police Chief Rene Valenciano stated I did some particular research on that residence and there were no complaints.

Consent Items:

- a. Approve Cash Disbursements for February 2015;
- b. Approve City Council minutes for February 17, 2015
- c. Authorize a FY2015 budget amendment to increase the 30-400-508 TxLEOSE Police Department Training expense Budget from \$0 to \$3,922.48 which is the current amount in 30-200-308 TxLEOSE Equity

Councilwoman Pellegrino motioned to approve consent items A through C.

Councilwoman Plant 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 February 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 McDonald motioned to approve departmental reports as submitted.

Councilwoman Plant seconded the motion.

The vote in favor of the motion was unanimous.

Executive Session Pursuant to Govt. Code Section 551.071, the City Council will meet in closed session to seek the advice of legal counsel regarding property located at 215 E. Wildwood, 78212.

Mayor Farrimond stated developments have occurred that no executive session will be necessary just a briefing update from our attorney.

Police Chief Rene Valenciano stated we received a call regarding a possible deceased person at a residence, the police and fire went to scene and found a deceased man and the medical examiners ruled it was a natural death. We proceeded to determine who the persons were that were going to be in charge of the residence for upkeep and for security purposes and Mr. Henry Amen, an attorney here in Olmos Park was able to assist us and just recently there was a temporary administrator assigned to the residence and to his business and at this point we are



confident we are able to complete whatever necessary paperwork and the reimbursement to the City as far as clean up.

Frank Garza stated we did look at this situation because we had no idea who was going to maintain the property and were concerned of some of the things that were discovered in the home of valued matters. We were ready to become a trustee to take control but that was taken care of by the deceased own legal counsel. Attorney, Henry Amen went ahead and filed the paperwork to be the trustee. Besides the property there were issues of paychecks being signed for employees which we the City should not have been involved in.

City Manager Celia DeLeon stated if we have a problem with the home we contact Mr. Amen. The City has already paid the company Aftermath for cleanup and we will send Mr. Amen an invoice to reimburse the City.

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

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Kenneth Farrimond  
Mayor

ATTEST:

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Diane Gonzales  
City Secretary