

MINUTES OF REGULAR
CITY COUNCIL MEETING HELD
APRIL 20, 2017

The City Council of Olmos Park, Texas held a regular meeting on April 20, 2017 commencing at 6:00 p.m. in the Council Chambers at City Hall. Mayor Ronald Hornberger presided and Council members present were Kenyon McDonald, Sharon Plant, Juliana Dusek, Casey Fry and Deb Prost. 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, Frank Garza; David Givler, Givler Engineering; Kenneth Kirlin, Eagle Veterinary and George Wilkins, 106 Luther.

Mayor Hornberger 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.

No citizens to be heard.

Discussion of Givler Engineering reports:

- Ongoing Project update; take possible action
- Discuss 2017 Pavement Evaluation; take possible action
- Receive and discuss bids for 2017 Street and Drainage Maintenance Project and 2017 Asphalt Pavement Rejuvenation Project; take possible action

David Givler presented the project update report and stated there are 17 projects open with the City and a couple are in the process of being closed and many of them were related to storm water. He stated Council approved and selected a contractor at the last Council meeting for the Sanitary Sewer Cleaning and Inspection and the inspection is slated to begin between on May 8th and end approximately July 22nd.

David Givler presented the 2017 Pavement Evaluation and stated that he and his staff walked all the streets and reviewed all of the pavement and drainage structures that were of above surface and evaluated and tabulated all of the quantities that would be required in order to repair and in a typical street maintenance. What they found were between \$2.4 and a little over \$2.8 million in normal maintenance and in limited areas they found that the normal maintenance won't do it and need to start getting into capital improvements where we would be refilling the pavement and that is somewhere between \$386,000 to \$460,000 worth of work. He also stated then some things left over from last year's questionnaire and complaints that his office tabulated is about \$706,000 to \$841,000 so the total that they have identified is about \$3.5 million to \$4.1 million dollars' worth of repairs that could be done at this time if it was budgeted for.

Councilwoman Plant stated the City has already repaired all the curbs and we are going to need to relay to the residents that if they have construction going on and one of their trucks runs over the curb, the City won't be fixing it and the City can't afford to keep repairing the damage that is caused by construction.

City Manager DeLeon stated the Building Official notifies the resident as well as Givler Engineering.

Councilwoman Prost asked what percentage are the construction crews fixing?

Public Works Director DeLeon stated about 30 percent he will talk to the construction crew and they will talk to the home owner and when a residents does complain about the curb we mention to them it does fall on the resident.

Councilwoman Prost asked do we need an ordinance that when a permit is provided for construction that is part of the inspection?

Fire Chief Surber stated it is already in the ordinance, part of the requirement when a general contractor pulls a permit he has to get a \$5,000 bond and the specific purpose of that bond is to have money available to do repairs for damages to that site and the Building Official tries to make sure that that they do an inspection when they do their final building inspection.

Councilwoman Plant asked are the residents aware of this?

Councilwoman Prost asked when you do the inspection and you see that there are issues that do not meet the inspection that the bond would cover are we communicating that back as a courtesy to our residents?

Public Works Director DeLeon stated he does notify them.

Councilwoman Plant stated we need to send out an email blast to notify the residents for information purposes and increase that limit of \$5,000.

Councilwoman Prost stated maybe Mr. Givler can come up with a cost per linear foot.

Mayor Hornberger asked if David Givler could give us a recommendation on the appropriate amount.

Councilwoman Plant stated there is too much overbuilding, tearing down retaining walls, drainage issues and taking away landscaping that is causing flooding and not proper drainage into our streets.

Mayor Hornberger stated if this happens, the neighbor who is being affected needs to take it up with the neighbor who is causing it because that is a trespass and another way to handle that is to investigate whether or not we have as part of our building permit process a requirement for a homeowner to submit an engineering report on what if any affect to the current drainage situation the building of the house has contemplating will have on the surrounding area.

Frank Garza stated you already have that requirement in your ordinance.

Mayor Hornberger asked if we already have that requirement then there is a problem then the homeowner has violated the ordinance by building something that causes the damage because if the construction had been according to plans that were approved by a Drainage Engineer so does our ordinance provide for a solution whether it's legal work or fines and does it provide for some sort of remedy? When you build a building that has a result with interfering with the current drainage such that another property owner is now effected in a way then that has

caused a drainage problem that is a continuous trespass until it is remedy and whoever is affected by it has the right to get them to fix it or pay them some damage. We have alleyways that traditionally have provided several functions and one of which has been drainage and those alleyways have been interfered with in ways not originally contemplated.

Councilwoman Plant stated we have an ordinance in place that requires that and unfortunately you don't know if the trespass is going to happen until you have a treacherous downpour and an event would have to occur that would cause a problem.

Frank Garza stated the ordinance states that the Engineer has to show that they are not going to have a negative effect on adjoining properties and the ordinance requires a drainage study and outlines the 25 and 100 year flood for the analysis to be made and make sure there is not a negative effect on the property owners.

Mayor Hornberger stated perhaps our ordinance needs to have a slight modification that spells that part of what you are doing is providing as study that says what you are building is not going to create a drainage problem. He wants the inspection charged to whoever is doing the building.

City Manager Deleon stated if it is submitted to the Building Official then he would forward it to David Givler and the ordinance looks like it is requiring through a re-plat request and not during the normal building process.

Mayor Hornberger stated we need to adjust our ordinance to require if you are going to pull a building permit of any kind. When Council goes into budget we need to have an estimate cost amount for full street or drainage projects and to itemize in bite sizes of which is a complete estimate by highest priority and everything necessary for this dollar is included. He stated we need the best information that we can get going into the budget process so Council can make informed decisions on the size of the budget item.

Councilwoman Dusek stated with the estimate cost we also need all the cost added in including David Givler's fees as well so we can have a good idea per chunk.

David Givler presented the bids for 2017 Asphalt Pavement Rejuvenation Project which involves penetrating oil that gets applied to the asphalt in order to restore its flexibility and take away its brittleness and will get a more significant life of the pavement. The contractors who do this type of work are specialty contractors and if we take that work and roll it into one contractor and roll it into one contract then you are guaranteed to get the mark up so we bid that item separately. He summarized the results of the bid process and the contractor that came in on a low bid was 56 percent lower than what we expected and he recommended going with the base bid amount of \$23,585.35 and with a contingency the total cost would be \$27,123.15.

David Givler presented the bids for 2017 Street and Drainage Maintenance Project and the French drain on Belvidere and the utilities underground are acting like French drains and the water is filling up underneath the pavement and is leaking out through the valve covers and cracks in the pavement and if we don't fix this we can have a problem where we have pressure building up underground and can actually lift the pavement. He stated there were other parts that we added to the bid package for a total of \$114,940.88 and with a contingency the total cost would be \$132,182.01 which does not include the repair for the asphalt of the City's parking lot.

Councilwoman Plant moved to accept the bid of \$132,182.01 shown in Mr. Givler's letter dated April 20, 2017 regarding 2017 Street and Drainage Maintenance-French Drain and the other bid of Mr. Givler's letter dated April 20, 2017 regarding 2017 Asphalt Pavement Rejuvenation that contains a bid of 27,123.15 for the primary work recommended by Mr. Givler.

Councilman Fry seconded the motion.

The vote in favor of the motion was unanimous.

Receive and discuss agreement with Eagle Veterinary Hospital regarding transporting of unclaimed dogs and cats for adoption and the possibility of requesting donations from the citizens to fund this effort; take possible action

Councilwoman Plant stated she had some minor changes on the contract.

City Manager Deleon stated it is the pet owner's responsibility for the microchipping, spay and neutering and she removed that portion from the exhibit on the contract.

Councilwoman Plant moved to approve with the changes of the agreement with the City of Olmos Park and Eagle Veterinary Hospital and to renew Eagle Veterinary Hospital's contract to be City of Olmos Park's veterinarian.

Councilman McDonald seconded the motion.

The vote in favor of the motion was unanimous.

City Manager Deleon stated that Dr. Kirlin has some receipts on the prior dog transports and would Council authorize to pay those to Dr. Kirlin once we start receiving donations?

Council gave direction to the City Manager to pay Dr. Kirlin out of donations.

Discuss possible revisions to the City Code, Chapter 6 Animals of the code of ordinances to require the spay/neuter and microchipping of dogs and cats; take possible action

Councilwoman Plant stated we are not stating in section 6-14 and 6-5 what the penalty is, is that up to the judge to decide?

Frank Garza stated this is amending certain provisions to the code and there is a penalty provision in Chapter 6 of Animals which would include the penalty for any violation of Chapter 6.

Councilwoman Plant stated if the residents provide proof since we are giving them a 30 day window and she stated she does not see anything in the ordinance that if you prove you microchipped and spay/neutered within 30 days that you have to provide proof to the court. We need to make sure they get it done within 30 days

Frank Garza stated in most instances when someone has been ticketed for not microchipping you have to come to court to show the violation has been resolved and for the judge to say it has been dismissed. If they have been cited it will be up to the court to make them provide proof and the judge will not dismiss it totally until they have come back and shown proof.

Councilman Fry asked what is the history on this item?

Councilwoman Plant stated we have \$9,000 that we are budgeting for veterinary cost and we are trying to get control of the stray cat issue and people are bringing in animals from outside the City of Olmos Park and in looking at other cities all around us we are trying to bring our ordinance in line with everybody else.

Mayor Hornberger stated the important part of this ordinance is that it reads after 72 hours the animal belongs to the City and Olmos Park and we can either put it up for adoption or have it euthanized.

Frank Garza stated it is only when the animals get out and they are found to be in violation of this ordinance that the owner would be cited and in most instances if they spay and neuter then they won't be cited. If the animal gets out the first time they are returned back and can be cited and if the animal gets out a second time the owner must agree to remove the animal from the City or enter into the contract to spay and neuter within 30 days. He stated this is very common practice in most municipalities.

Councilwoman Plant stated we will give a 6 month window to get this done and we are going to send out postcards so residents will have enough notice to get this done.

Councilwoman Dusek stated we need to clarify on a notification that we are not searching every dog that is spay or neutered.

Councilman Fry stated if it is impounded for an at large violation for a second time either remove from the City or spay and neutering them so if it is getting out at large and it is spay or neutered then the only other option would be getting it out of the City. The section is vague and needs to read "should be for animals that are not yet spayed or neutered".

Mayor Hornberger stated that Councilman Fry is concerned that section 6-14 D is vague and ambiguous in that even if the dog has already been spay or neutered but gets out a second time then there is some kind of problem and you have to remove it from the City and it has not yet been spayed or neutered then the owner must agree to remove the animal from the City or enter into the contract.

Frank Garza stated he will make the changes for clarification.

Councilman McDonald moved to accept revisions to Chapter 6 Animals with the changes discussed.

Councilwoman Plant seconded the motion.

The vote in favor of the motion was unanimous.

Appoint four members to the Board of Adjustment with terms through May 2019; take possible action

Councilwoman Plant stated we passed the resolution with these term limits when she wasn't on Council and asked in the future that Council re-look at this since volunteers are in short supply.

Councilwoman Plant moved to appoint Sandra Hornberger, Melissa Phillips, Lee Sandoloski and Dorothy Jo Weiss to the Board of Adjustment for the terms through May 2019.

Councilman McDonald seconded the motion.

The vote in favor of the motion was unanimous.

Consent Items:

- a. Approve Cash Disbursements for March 2017;
- b. Approve City Council minutes for regular meeting for March 16, 2017

- c. Budget Amendment to increase 50-400-600 Televising Project by \$61,000 to \$121,000 to cover actual cost of Televising Project as approved at the March 16, 2017 meeting.

Councilwoman Prost stated she had two minor corrections on the minutes.
Councilwoman Plant stated she wanted to pull C since she was not at last month's meeting.

Councilwoman Plant moved to approve A and B with the minor corrections.
Councilman Fry seconded the motion.
The vote in favor of the motion was unanimous.

Councilman McDonald moved to approve C.
Councilman Fry seconded the motion.
Councilwoman Dusek - AYE
Councilwoman Prost - AYE
Councilwoman Plant - NAY
The motion passes.

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 March 2017;
 - (2.) Monthly overtime, CT, vacation, sick leave report
 - (3.) Building Department Report
 - (4.) Municipal Court Report

Councilwoman Prost stated she had asked for the contract of Givler Engineering's fees and the contract from December 2016 shows a different set of percentages because he stated at the last meeting the mark-up was 21 ½% and the highest in the contract was 15%.

City Manager Deleon stated David Givler has not changed his fees in 3 years.

Councilwoman Plant moved to accept the departmental reports as submitted.
Councilman McDonald seconded the motion.
The vote in favor of the motion was unanimous.

There was no further business and the meeting was adjourned at 7:24 p.m.

Ronald Hornberger
Mayor

ATTEST:

Diane Gonzales
City Secretary