

MINUTES OF REGULAR
CITY COUNCIL MEETING HELD
JUNE 16, 2016

The City Council of Olmos Park, Texas held a regular meeting on June 16, 2016 commencing at 6:00 p.m. in the Council Chambers at City Hall. Mayor Ronald Hornberger presided and Council members present were Casey Fry, Kenyon McDonald, Sharon Plant and Deb Prost. Council member not present was Juliana Dusek. 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, Richard Lindner; James Griffin, 606 E. Mandalay; Pat Meier, 140 Stanford; David Givler, Givler Engineering; Beth O'Brien, 103 E. Mandalay; James O'Brien, 103 E. Mandalay; Judy Barker, 627 E. Mandalay; Mary Barker, 106 E. Mandalay; Bridgett McGregor, 107 Brittany; Matt McGregor, 107 Brittany; Renee Barker, 139 E. Mariposa; Jenny Wood, Paloma Blanco; Claire Holshouser, 107 Mandalay and Chris Fletcher, 211 E. Mandalay.

Mayor Hornberger called the meeting to order at 6:03 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.

James O'Brien stated I do not want a tunnel car wash across from my bedroom.

Bridget McGregor stated because of the tunnel car wash proposal there are numerous residents that I have collected signatures and petitions as well as letters have been written to the Mayor, City Council members and Planning & Zoning members. We all chose to move to Olmos Park because of its charm and history and this type of business does not fit with the overall desire addition for the residents of the City's use for growth on our main thoroughfare and given the approximity of the Frog Car Wash and several other tunnel washes in the immediate vicinity, this business will increase traffic on an already busy street and is dangerous to pedestrians. According to a study done by StatiscsReady.com a single carwash averages 45,750 carwashes a year and given that number of at least 5 minutes of vacuum noise and 30 seconds per car of high intensity blowers to dry the cars that is a lot of extra noise pollution. Neighbors and friends have elected our City Council members to up hold the value and integrity of our town and our property values and although it may not impact some members of the community the property values will start to decline because this type of business will roll over and effect residence and businesses. The high volume of car washes will likely take place on Saturday and Sunday mornings and being that my house is directly across within the 200 feet on McCullough and Brittany my families favorite times to get together are on weekend mornings when the traffic on McCullough is slightly reduced. This additional noise from the vacuuming and drying will be nuisance and I am also concerned about the water usage that will cause an increase of mosquitos. I urge you to turn down this proposal and we are in no means against progress on McCullough we just want to see the right business in the right neighborhood.

Mary Barker read some of the letters that were received that are opposed to the tunnel carwash.

Mayor Hornberger stated the matter in which you speak on is on the Planning & Zoning agenda for June 29th.

Discussion and questions on the Givler Engineering reports:

- a. Summary report on all current projects
- b. Presentation of the pavement evaluation report.
- c. Discussion of the bid results on the Storm Drain Outfall project with a council decision regarding the recommended bidder; take possible action

David Givler reported on current projects and stated right now there are six storm water projects going on and most of them have been uneventfully except for the PSW Storm Water Plan. The last time we spoke we talked about the possibility of a project shut down and we have had several meetings with PSW and one involved the City Officials, City Staff and they went right up to the deadline until they came in compliance as we were ready to shut them down the next day and we are continuing to speak with them and trying to get them to be more proactive so they maintain their plan and keep the sediment on their project side.

Councilman Fry asked how were they out of compliance?

David Givler responded their silk fence needed repair and they did not have proper outlets so there were gaps that were permitting sediment to leave the site and then they were having problems with filters on the inlets and they were trapping sediment and locking up and causing flooding on Shook.

Councilman Fry asked when were they notified about this and how much time do you give them to comply?

David Givler responded it has been 3 or 4 months that we have been having discussions with them to come into compliance and then falling out of compliance which can be caused by weather and we have to give them a certain amount of time to comply which we typically give them a week for a specific item.

Councilwoman Plant asked do you give them an opportunity to correct if it's the same problem over and over again?

David Givler responded we start over and we don't have the authority to stand there and make them rectify the problem.

Councilwoman Prost asked how many violations have they had now and how many times have they been out of compliance and came back into compliance for the same item and is there a way to levy the fines without going to litigation?

David Givler responded they have been out of compliance a number of times. We do have the ability to go to fines and we were at the threshold for issuing a stop work order and then issuing fines.

Councilman Fry asked has anyone had a one on one conversation with John Oliver and to tell him this is the way we operate here?

City Manager DeLeon responded yes we did we had a meeting with the City Engineer, Fire Chief, Building Official and myself to inform him as to what we expect.

David Givler stated what we are trying to do is just give them advance notice as much as possible so that we shorten the timeline on it and there isn't any confusion or extended period of unintended grace so we are trying to make this as efficient as possible.

Richard Lindner stated I would be surprised if they are coming into compliance right before the deadline if you could use their past wrong to stack up penalties I would be surprised if your ordinances allowed to use past offenses that were brought into compliance.

Fire Chief Surber stated I have been involved in a daily basis because of all the rain we have had and there are no longer these silk type grade covers, now there is one set of sand bags on each side of the street that keeps the debris from going into the storm drain which is the goal but allows the water to rise up over the sand bags to go into the drainage ditch without causing flooding so the issue was the rain was causing the silk to go down and clog up the filter then the filter had to be removed because it was causing flooding in the intersection. I believe we have educated them enough and it took multiple conversations and we now have a good system in place.

Councilwoman Prost asked when you met with PSW did you address with them the utility humps that they made on the road on Olmos Drive and are they going to fix those?

David Givler responded I am not aware of that.

City Manager DeLeon stated she asked Roland Hinojosa to look at the "humps" and he said it was fine. I see patching but don't see any humps.

David Givler stated there is a proposed project that has been on the table a while with CPS in order to dig a trench and install duct bank on Devine and Ironwood Road in order to get certain overhead utilities underground and is at the request of certain residents but has also become a CPS priority because of some of their infrastructure aging and limitations and has been delayed about 9 months now and may start up around the end of this month.

David Gilver reported on the pavement evaluation report and stated we have been talking about the 5 year infrastructure plan and there should be a draft in your packet as what I would like to see as annual cycle that engineering would go through in working with City staff in order to do regular evaluations on the City infrastructure and report back to the City so that the information can be used annually in the budget process. I would like input and comments and I expect to put more detail I need to add. Most of the infrastructure has life spans of 25 to 100 years and if you are going to plan and maintain budget over infrastructure you need to think in longer cycles and this 5 year planning is important so each year if we have the opportunity to re-evaluate and make recommendations to Council.

Councilwoman Plant asked since I was off Council for a while what other streets than McCullough have you told Givler Engineering to work on?

Councilwoman Prost responded Givler has done a complete analysis of the streets that we will get a report on that should turn into a 5 year plan and then the Sanitary Sewer System we approved the first mile out of eight miles for a camera to go into the sewer and analyze it and find pinch points and correct them. Depending on what is found Mr. Givler will pick the most opportune time to approve a section to do first and then during our budget process I think we can do the next mile or two or whatever is appropriate. The Cork is a separate project.

Councilwoman Plant stated "As far as going over David's schedule, the entire street report is usually given to the City Council in August." A five year plan is great but sometimes something happens that makes other streets worse off than others.

Mayor Hornberger stated the purpose of the general schedule template is to have a look at what every year is going to look like which is a good idea.

David Givler stated the Pavement Evaluation is a snapshot of where we are with the infrastructure and right now we are at a critical point to where the deterioration is accelerating so right now an average maintenance would be 10 or 15 times more than what you needed 2 years ago. In order to do strategic planning and figure out your budgeting process you need to understand the trajectory of where the life span.

Councilwoman Plant stated a five year plan on our streets does not make any sense because it depends on weather or construction so looking at what you did in your evaluation you can put it in your report by gaging it today and I think this is something that we need to bring you back on when we have our next budget meeting.

Councilwoman Prost asked is it possible to have an inventory of streets and you have it divided by crack seal rejuvenation versus mill overlay versus cut and patch so at this point in time where are we and based on the deterioration so we have something based on our snapshot as of today and you look at it every year and adjust. You have an estimate but I think we need to go to the next step for the budget session to actually have what you recommend for FY2016, FY2017, FY2018 and FY2019 based on your assessment right now?

David Givler responded I was anticipating some of the things that you said and had asked the City to find the documents about the construction date about when the streets were built which I received last week and now I have some data points through time that show what the maintenance cost have been over the years by block by block basis and I want to make some projections that show how rapidly the streets are deteriorating and how we are going into this end stage of the lifecycles of the streets which will help you plan for next year but will also help you plan for 5 years out.

Mayor Hornberger stated what David just went over is something that David, Celia and myself discussed and that is his need for historical data that he can use to then give us projections on where these streets really are and how they are going to crumble and where we will need to spend money based on the historical data. The two largest expenditures are sewer and streets but unfortunately the two worst items to try to budget for are sewer and streets, sewers are hidden which is the purpose of the photo shoot that we are underway with right now. The streets have a number of variables that determine how long they last and there are only a few things you can do to make them last longer. Our streets are different than anybody else's streets. David can get with Celia and let her know when he can have that data worked into projections so we can schedule his presentation at a time when he is ready.

David Givler stated in the Pavement Evaluation Report you should have some oversized handouts in your reports which show the types of repairs that are needed throughout the City which indicates five or six types of repairs that are needed right now and the biggest point is the streets, they are showing their age. When I became the City Engineer the streets were relatively new and now there is more alligator cracking more than ever.

Mayor Hornberger asked how far along on the life of the streets are we and does your current evaluation tell you whether were deteriorating faster, slower or about in line?

David Givler responded it looks like most of the streets were put in about 2003 so that means many of the streets are 13 years old and if they have a life span of 20 to 25 years

that means they are 52% to 65% to the end of their lives. When you get to that life of the street the cost of maintenance starts to curve up. I will make projections that will give you an approximation of how it will look and I will update it annually.

Councilwoman Plant stated the bids for "The Cork" have already been approved and we will take your report and schedule at a separate budget session along with the street evaluation updates.

Councilwoman Prost stated the Mayor and myself have received an email from a couple of residents that state that the problems on Contour may have been SAWS fault because of the fill that was not used correctly and made the street collapse and felt that SAWS was going to be reimbursing the City of San Antonio for some stuff and that the City of Olmos Park should get in line as it relates to Contour area. I had asked the City Manager to forward this on to you to include this on your analysis of Contour to see if we can get any money out of SAWS because of something that was not done right.

David Gilver reported on the bid results on the Storm Drain Outfall and stated six contractors and three plan houses picked up the plan specifications and we had a fairly good response for a project this size. We received five bids and our opinion of cost was a little over \$81,000 and the low bid was E-Z Bel's for \$135,330.00 which was 65% higher than the opinion cost which is the indication of where the market is right now. I would recommend going with E-Z Bel and they have offered to provide some value engineering that would save some money and bring the price to \$126,050.00 and I would recommend to accept that offer but to budget an additional 15% for contingency just in case they find something unexpectedly so I am recommending the budget for this item of \$144,957.50 to allow for that 15% contingency.

Councilwoman Plant moved to accept the bid for E-Z Bel Construction in the amount of \$126,050 with consideration of a 15% contingency of a total amount of \$144,957.50.

Councilwoman Prost seconded the motion.

The vote in favor of the motion was unanimous.

Councilwoman Prost asked what is our timeframe to get this completed?

David Givler responded we have to get the contractor rolling and it typically takes about a month, than he has a month to complete the work then has 60 days to make sure that the vegetation is established. The crack sealing on McCullough should be finished today or tomorrow and I expect to do a final inspection next week and I will coordinate with Carl Bain and Andres Andujar. The sanitary sewer contractor will began work on July 5th and should be done by August 4th unless we encounter rain and the final should be done before the end of August.

David Givler stated the Mayor, City Council member and the City Manager had a meeting with me to talk about my performance and the company's performance and I wanted to tell you that I appreciate that feedback and input and wanted to tell you how determined I am to do everything that I can to meet your needs and expectations.

Public Hearing to receive public comment regarding an ordinance amending the Code of Ordinances City of Olmos Park, Texas Chapter 40 Zoning, Article II. Single Family Residence Districts Section 40-39 Description and Article III Apartment District Section 40-75 Description; declaring a public purpose; incorporating recitals; providing a repealer and savings clause; providing for severability and setting an effective date, regarding the City of Olmos Park's proposal to rezone the following properties from the current classification of Apartment District, to SD-3 "Single-Family Residence District III":

Lots 25 through 32, Block 1, County Block 5717, Replat of Park Place II Subdivision of record in Book 9674, Page 89, of the Deed and Plat Records of Bexar County, Texas. (known as 334, 338, 342, 346, 350, 354, 400, 404, and 408 E. Olmos Drive);

Lots 27 through 35, Block 2, County Block 4038, Replat of Park Place II Subdivision of record in Book 9674, Page 89, of the Deed and Plat Records of Bexar County, Texas. (known as 412, 416, 420, 424, 428, 432, 436, and 440 E. Olmos Drive); and,

Lots 33 through 41, Block 1, County Block 5717, Replat of Park Place III Subdivision of record in Book 9687, Page 168, of the Deed and Plat Records of Bexar County, Texas. (known as 444, 448, 452, 456, 460, 464, 468, 472, and 476 E. Olmos Drive).

Mayor Hornberger opened the public hearing at 7:15 p.m.

Mayor Hornberger closed the public hearing at 7:16 p.m.

Discuss and take possible action amending the Code of Ordinances City of Olmos Park, Texas Chapter 40 Zoning, Article II. Single Family Residence Districts Section 40-39 Description and Article III Apartment District Section 40-75 Description; declaring a public purpose; incorporating recitals; providing a repealer and savings clause; providing for severability and setting an effective date, approving City of Olmos Park's proposal to rezone the following properties from the current classification of Apartment District, to SD-3 "Single-Family Residence District III":

Lots 25 through 32, Block 1, County Block 5717, Replat of Park Place II Subdivision of record in Book 9674, Page 89, of the Deed and Plat Records of Bexar County, Texas (known as 334, 338, 342, 346, 350, 354, 400, 404, and 408 E. Olmos Drive);

Lots 27 through 35, Block 2, County Block 4038, Replat of Park Place II Subdivision of record in Book 9674, Page 89, of the Deed and Plat Records of Bexar County, Texas (known as 412, 416, 420, 424, 428, 432, 436, and 440 E. Olmos Drive); and,

Lots 33 through 41, Block 1, County Block 5717, Replat of Park Place III Subdivision of record in Book 9687, Page 168, of the Deed and Plat Records of Bexar County, Texas (known as 444, 448, 452, 456, 460, 464, 468, 472, and 476 E. Olmos Drive).

Councilwoman Plant moved to adopt the proposed ordinance rezoning the following properties from apartment district to SD-3, Single-Family Resident District 3:

Lots 25 through 32, block 1, county block 5717, replat of Park Place II Subdivision of record in book 9674, page 89, and

Lots 27 through 35, block 2, county block 4038, replat of Park Place II Subdivision of record in book 9674, page 89; and

Lots 33 through 41, block 1, county block 5717, replat of Park Place III Subdivision of record in book 9687, page 168, of the deed and plat records of Bexar County, Texas.

Councilman Fry seconded the motion.

The vote in favor of the motion was unanimous.

Councilwoman Prost stated this is finally going to protect us along with the next agenda item and is all for Phase I and Phase II.

Public hearing to receive public comment regarding amending the Code of Ordinances City of Olmos Park, Texas Chapter 40 Zoning, Article III. Apartment District Section 40-77 building height; section 40-80. townhouses; declaring a public purpose; incorporating recitals; providing a repealer and savings clause; providing for severability and setting an effective date.

Mayor Hornberger opened the public hearing at 7:19 p.m.
Mayor Hornberger closed the public hearing at 7:20 p.m.

Discuss and take action amending the Code of Ordinances City of Olmos Park, Texas Chapter 40 Zoning, Article III. Apartment District Section 40-77 building height; section 40-80. townhouses; declaring a public purpose; incorporating recitals; providing a repealer and savings clause; providing for severability and setting an effective date.

Councilwoman Plant moved to accept and pass amending the Code of Ordinances City of Olmos Park, Texas Chapter 40 Zoning, Article III. Apartment District Section 40-77 building height; section 40-80. townhouses; declaring a public purpose; incorporating recitals; providing a repealer and savings clause; providing for severability and setting an effective date.

Councilman McDonald seconded the motion.

The vote in favor of the motion was unanimous.

Discuss future FY2017 budget meeting dates, take possible action.

Mayor Hornberger stated we want to have one more meeting to allow Mr. Givler to provide his final input on the budget.

City Manager DeLeon stated we can plan for the first week in August so we can have some tax evaluations and some medical rates coming in. We will send out a poll to get some early dates in August.

Mayor Hornberger stated perhaps someone will make a motion that we will have another meeting first week in August to determine by poll of Council that City Manager will conduct for us.

Councilwoman Prost moved that Council determined by a poll will have another meeting first week of August.

Councilman McDonald seconded the motion.

The vote in favor of the motion was unanimous.

Consider direction to the Planning and Zoning Commission to work with City Public Service representative to draft an ordinance for the business district to bury utilities or place an above ground junction box or other connections at back of their property; take possible action.

Mayor Hornberger stated this item is on the agenda by request and there have been some discussions on placement of a utility box on the Covey's property. Planning & Zoning and Council with our CPS Representative, Roland Hinojosa will develop an ordinance that would require two options for businesses up and down McCullough for properties on the west side. One option would be a burial of the utilities to the property and the second option would be having any type of conjunction boxes be placed at the back of the property.

Councilwoman Plant stated "or option three coming from the utility pole directly to the building." Roland Hinojosa has some ideas and wants to work with Planning & Zoning on the different options.

Councilwoman Plant moved to direct Planning & Zoning to work with Roland Hinojosa, our Government Representative of CPS to draft an ordinance for the business district regarding placement of utilities for any new or when there are changes to the property.

Councilwoman Prost seconded the motion.

The vote in favor of the motion was unanimous.

Review and discuss revised Interlocal Agreement for permitting and inspecting construction by the City of Olmos Park within a portion of the City of San Antonio; take possible action.

Mayor Hornberger stated the redline copy shows the changes that were made by the City of San Antonio and this draft has been approved by Frank Garza.

Councilwoman Prost asked why is this just limited to just the properties that are currently zoned by both Cities because part of the discussions was to help the other businesses that if somebody decides to buy a house behind and they want to incorporate it into their business which is what Covey did, they bought two houses behind their property. We want them to only to have to deal with one municipality but it seems this interlocal agreement is just for those properties that are already in existence.

City Manager DeLeon responded that is correct and that discussion did not take place, we did talk about current properties that are expanding into the City of San Antonio. This agreement was drafted in October for Olmos Park and we took it back to City of San Antonio and they are the ones that pinpointed the addresses and Frank Garza and myself reviewed them and agree.

Mayor Hornberger stated there are two problems, and one is identifying further the properties that would be included in this agreement and the other problem is then a living agreement that expands itself which would be difficult to draft and impossible to get through to the City of San Antonio. You have to set the properties you are talking about now and further set additional properties that you would be talking about.

Councilman Fry asked could you not add to this agreement in the event that future properties add on or replat?

Mayor Hornberger responded this agreement gives us the opportunity to amend or supplement this agreement within any year.

City Manager DeLeon stated City of San Antonio does not have a City Council meeting in July so this will not go on their agenda until August.

Councilwoman Prost stated it's limiting right now and the whole idea was to help future businesses.

Councilman McDonald moved to approve the Interlocal Agreement for permitting and inspecting construction as redlined for City of Olmos Park within a portion of the City of San Antonio.

Councilman Fry seconded the motion.

The vote in favor of the motion was unanimous.

Mayor Hornberger stated as an addendum to this, we request the City Manager to move forward with further discussions with the representative of the City of San Antonio that would allow future addendum to cover further properties to the west.

Consent Items:

- a. Approve Cash Disbursements for May 2016;
- b. Approve City Council special minutes for May 18, 2016;
- c. Approve City Council regular minutes May 18, 2016;
- d. Approve San Antonio Bar Foundation to hold their Annual Fun Run through Olmos Park on November 20, 2016.

Councilman McDonald moved to accept the consent items as submitted.

Councilwoman Prost 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 May 2016;
 - (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).

City Manager stated you will notice some of the reports were expanded as per your requests.

Councilwoman Plant stated I just want Council to be mindful of the additional burden of paper work we are putting on City Department Heads for certain items that have no value for. Fire Chief Surber is to monitor everything that happens in the Fire Department and the Police Chief is to monitor everything that happens in the Police Department and the City Manager's responsibility is to manage them.

Fire Chief Surber stated the work was building the spreadsheet.

Police Chief Valenciano stated my information is disseminated differently on the spreadsheet it is not going to be the same as the Fire Department or any other Department.

Mayor Hornberger stated the more information we are requesting the more we are getting into micromanaging and that is something that Council is not supposed to be doing.

Councilman Fry moved to accept the departmental reports.

Councilwoman McDonald seconded the motion.

The vote in favor of the motion was unanimous.

EXECUTIVE SESSION

City Council shall convene in Executive Session in accordance with Section 551.074 (Personnel Matter) to deliberate the duties and possible discipline or removal of an appointed city official.

City Council shall convene in Executive Session in accordance with Section 551.074 (Personnel Matter) to deliberate the duties of a city official.

Mayor Hornberger announced at 7:38 p.m. that City Council will adjourn into executive session as authorized by Texas Government Code §551.072 (Consultation with Attorney)

Mayor Hornberger announced at 8:05 p.m. there was no action taken in executive session.

There was no further business and the meeting was adjourned at 8:06 p.m.

Ronald Hornberger
Mayor

ATTEST:

Diane Gonzales
City Secretary