

MINUTES OF REGULAR  
CITY COUNCIL MEETING HELD  
SEPTEMBER 21, 2022

The City Council of Olmos Park, Texas held a regular meeting on September 21, 2022 commencing at 6:00 p.m. in the Council Chambers at City Hall. Mayor Deanna Rickabaugh presided and Council members present were Will Brooks, Juliana Dusek, Erin Harrison, Kenyon McDonald and Sharon Plant. Staff present were City Manager, Celia DeLeon, City Secretary, Kyndra Munoz; Police Chief, Rene Valenciano; Fire Chief, Michael Goodreau; and Director of Public Works, Gilbert DeLeon. Also present was City Attorney, Richard Lindner; City Engineer, David Givler; Hank and Carol Cornelius, 107 E. Hermosa; Dr. Ann Cross, 410 E. Wildwood; Dr. John Frierson, 300 Parklane Drive; Abraham Galindo, Givler Engineering; Abigail Knott, SAWS; Tyler Meals, Meals & Myers Engineering & Surveying; and Logan Rodgers, Rodgers Group LLC.

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

Pledge of Allegiance

The Pledge of Allegiance was led by Mayor Rickabaugh

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.

Dr. John Frierson, 300 Parklane Drive stated we have a lot of beautiful park space around the City of Olmos Park. I would like to request the City Council send a letter asking the City of San Antonio Parks to ban alcohol use in the Alamo Basin Park area. This contributes to a lot of the litter; there are a lot of beer cans, beer bottles and other debris that shows up on the side of the road, trails and edge of the woods. There are actually very few parks in San Antonio that allow alcohol and it is not necessary to use alcohol to enjoy the park. From time to time, other citizens and I pick up litter around the parks. If it were to be officially banned, this is something the San Antonio Police Department can enforce and try to keep the place a bit cleaner. I have been in touch with the City of San Antonio on ways to keep the park cleaner and this is just one small item. If the City Council added their voice and said we as community think this is a good idea, the City of San Antonio Parks can make a recommendation to the City of San Antonio. I think this would be a positive impact that we could enjoy. Thank you for considering this proposal.

Public Hearing on FY2023 proposed budget.

Mayor Rickabaugh opened the public hearing at 6:04 p.m.

There were no citizens to be heard.

Mayor Rickabaugh closed the public hearing at 6:04 p.m.

Review, discuss and consider Ordinance 2022-10 adopting the FY2023 Budget; take possible action **by record vote.**

Mayor Rickabaugh stated I believe we were very conservative in the way we budgeted for FY2023 while uncertain with what will happen with costs in the economy. We are clawing back some of the tax increases we did not take in the prior 3 years. I think it is prudent we do this right now; given our tax constraints, I think this puts us in the best possible position.

Councilwoman Plant moved to approve Ordinance 2022-10 adopting the FY2023 Budget.

Councilman McDonald seconded the motion.

Councilman Brooks           Aye  
Councilwoman Dusek        Aye  
Councilwoman Harrison     Aye  
Councilman McDonald       Aye  
Councilwoman Plant         Aye

The motion passes unanimously.

Take possible action to ratify the adoption of a budget that will require an increase in total property tax revenue.

Councilwoman Plant moved to ratify the adoption of the FY2023 budget that will require an increase in total property tax revenue.

Councilman McDonald second the motion.

The vote in favor of the motion was unanimous.

Public Hearing on 2022 tax rate to fund FY2023 Budget.

Mayor Rickabaugh opened the public hearing at 6:07 p.m.

There were no citizens to be heard.

Mayor Rickabaugh closed the public hearing at 6:07 p.m.

Consider Ordinance 2022-11 setting the 2022 Tax Rate to fund the Fiscal Year 2023 Budget; take possible action **by record vote.**

Councilman McDonald moved that the property tax rate be increased by the adoption of a tax rate of \$0.426806, which is effectively a 6.4% increase in the tax rate, and adopt Ordinance 2022-11.

Councilwoman Harrison seconded the motion.

Councilman Brooks           Aye  
Councilwoman Dusek        Aye  
Councilwoman Harrison     Aye  
Councilman McDonald       Aye  
Councilwoman Plant         Aye

The motion passes unanimously.

Discussion on City of San Antonio Interlocal Agreement to install and maintain flood gauge on Annie and Shook; take possible action.

Councilwoman Plant asked what were the changes made to the interlocal agreement?

City Attorney Richard Lindner stated most of my changes were to take into account what happens during a flood event and if the sign is damaged or has debris, delegating the response time and what the City can do.

Councilwoman Harrison asked does the installation of the flood gauge impact the streets in any way?

Abigail Knott, SAWS stated no it does not. There is already an existing barrier and the flood gauge will be located off of the road.

Councilwoman Plant moved to direct the City Manager to execute the Interlocal Agreement with the City of San Antonio to install and maintain a flood gauge on Annie and Shook.

Councilman McDonald seconded the motion.

The vote in favor of the motion was unanimous.

Consider and take possible action on a re-plat application by Dr. Ann Cross for property located at 4401 McCullough. The property to be re-platted is zoned local retail district and comprised of Lots 1, 2, 3, 4, 6 and the south 15 feet of Lot 5 of Block 20 of the Kenwood addition to Laurel Heights Subdivision.

City Manager Celia DeLeon stated the Planning and Zoning Commission reviewed this item at their September 14<sup>th</sup> meeting and approved it unanimously. Per City Code, the City Council shall act within 30 days of the recommended re-plat and I recommend approval.

Councilwoman Plant moved to approve the re-plat application by Dr. Ann Cross for property located at 4401 McCullough.

Councilman McDonald seconded the motion.

The vote in favor of the motion was unanimous.

Provide update on city hall and fire department roof repairs and damage; take possible action.

Logan Rodgers, Rodgers Group LLC stated I have been assisting in the process of trying to have the original claim placed on the roof overturned, and we have been successful in doing that. Approximately \$79,000 has been approved by TML. There are some complications in the process, and with TML being an intergovernmental risk pool, they run things a little differently. What we are working on at this point is to come to an agreement on the numbers. An RFP was previously submitted in March and Guido Construction is willing to stand by those numbers for City Hall and the Police Station. A new RFP must be submitted for the Fire Department because it was not included in the original RFP.

Celia DeLeon stated we may need to submit another RFP for City Hall as well because the original did not include costs for replacement of the AC units.

Councilwoman Harrison stated when we replace the AC units we need to make sure they bring the building back up to code based on the measurements.

Richard Lindner stated as of right now, the contract with Guido was never executed. The City has the authority to execute the contract and have the insurance pick up the cost they have submitted. Staff would not need authority to go out for bids for the same roof or both roofs, but they will need City Council approval to begin the construction project. We don't need official authority to do anything right now, but we would like direction from City Council.

Mayor Rickabaugh stated we have a budget item of \$380,000. As far as I am aware, cost continue to rise and I believe we should move as quickly and prudently as we can to get this fixed.

Councilwoman Harrison stated we also have a timeline to keep in mind regarding the claim.

Councilwoman Plant asked what information is TML using to vet the numbers that were used for payment of loss? How are we handling the check received from TML for the \$79,000?

Richard Lindner stated we are holding the check and I am going to reach out to TML. There is a clause in your policy that is unusual and it concerns me.

Logan Rodgers stated this appears to be done by a preferred vendor that typically work for insurance carriers to keep the cost down. We have not been provided any supporting documentation from TML as to how they arrived at these numbers.

Councilwoman Plant stated this is very disappointing. Is TML our only option for insurance providers? Is there additional or supplemental coverage we can purchase for big items whose warranty has expired, like replacing the AC units?

Richard Lindner stated they are your easiest option. I am not aware of any smaller cities that use a different carrier.

Logan Rodgers there are additional coverages afforded. It would be better to have it all under the same policy so you don't have them point the finger at each other saying the other is responsible.

Councilwoman Harrison stated it is concerning that our policy states they will cover the cost of repair but they are not even covering a fraction of the cost. Considering costs have risen so much, it is surprising to be provided with a final low dollar amount for the repair; this does not cover the cost of repair for one roof, much less two. It makes it hard to understand the value of the policy if it does not provide the coverage we understood it to provide.

Logan Rodgers stated in my professional opinion this is not close to what you need in order to do the work and you need more explanation. Second, a lot of the language in the policy is pretty restrictive by most standards. It is my goal to use the policy to our advantage as much as possible; we are going to try and recover everything that is due to you under the policy. TML does not have any allowances for resetting of the HVAC units or the replacement of them. I do not believe the estimate is thorough enough from TML.

Celia DeLeon stated I will contact TML and request support documentation for the estimate.

The consensus of City Council was to direct City Attorney Richard Lindner to create a request for proposals for the roof replacement at City Hall and the Fire Department to include replacement of the AC units as add alternates and for Celia and Logan to continue their efforts with TML.

#### Discussion and possible action on recommended bidder for construction services on the Sewer Bond Project, Phase A.

Abraham Galindo, Givler Engineering stated the numbers came back right where we expected. The engineer's opinion of costs was in the range of \$727,900 to \$946,270. We received 2 bids with Texas Pride Utilities being the low bidder with a base bid of \$774,870. Texas Pride Utilities has completed several projects for the City in the past and I recommend the City award the base bid of \$774,370 to Texas Pride Utilities. We ask the City maintain a budget of \$886,446.24 for items that may come up or that are slightly out scope for the project.

Mayor Rickabaugh stated when we first started this discussion, there were about 150 repairs that were needed. How far does this project get us down that list?

Abraham Galindo stated this project will complete about 37-point repairs.

Councilwoman Harrison asked were we happy with Texas Pride Utilities in the past or did we have any issues with the previous work they provided?

Celia DeLeon stated we have not had any issues with Texas Pride Utilities, they have been great to work with.

Councilwoman Plant stated the contingency is roughly about \$100,000. How likely are we to use this money?

David Givler, Givler Engineering stated we are planning to use the contingency towards the add alternates if everything comes in within budget. We have several add alternates that are in this project, and if we are able to, we will complete some of these.

Councilwoman Harrison asked what is the timeline from start to finish on this project? Do we have a contingency in place if the requirement for the timeline is not met?

Abraham Galindo stated 120 days. We expect to start around mid-October 2022 and complete the project at end of January 2023. In the contract, we have liquidated damages in place regarding the timeline.

Councilwoman Plant moved to accept Givler Engineering recommend base bid from Texas Pride Utilities of \$774,870 with a 14.40% contingency to go towards add alternates if possible for a total construction cost of \$886,446.24 for Sewer Bond Project, Phase A.

Councilwoman Harrison seconded the motion.

The vote in favor of the motion was unanimous.

Discussion and possible action on using the School Crossing Guard funds to purchase cameras and placement thereof, or any qualified purchase for public safety in the FY2023 Budget.

Celia Deleon stated the flock camera proposal in your packet only detects license plates of the vehicles and will not detect an individual inside the vehicle or a pedestrian walking on the street.

Councilwoman Plant asked what would be the cost for cameras similar to the ones located in Alamo Heights?

Police Chief Rene Valenciano stated I am not aware of any cameras used in the City of Alamo Heights. For example, the cameras at 410 and IH-10 are tied into multiple agencies including VIA transit which receives a lot of federal funding. Some of the cameras located on red lights are motion detectors for traffic patterns.

Councilwoman Dusek asked can we look into providing flood light Ring cameras for residents? If we could get more cameras on the street, I would be interested in something like this.

Richard Lindner stated what we have done in past to stay out of the liability when helping a private citizen pay for something, is to offer reimbursement up to a certain amount. I have not looked to see if this would be an allowable use of these funds.

Councilwoman Plant stated I am not sure of another way other than cameras to monitor safety. I went to take a look at the homeless camp that was sent out in our email notifications. People can cut through the gun club from the location of this camp and be right in the middle of Olmos Park. The City of San Antonio stated they will be cleaning up this camp in October.

Councilwoman Harrison stated is there an additional solution or a different camera that would help with monitoring safety? Along the boundary of Olmos Park there are heavily wooded areas and a lot of the homes along Contour are set further back; a Ring camera on a home that is set 45 feet back from the road will not capture the activity.

Police Chief Rene Valenciano stated in my opinion, cameras are a great resource, but the cameras are reactive. It is a tool for us to go back and look at to get the details. There is a cost increase for regular cameras because of the storage and power.

Councilwoman Plant stated the EDC does not have that much money right now because we have been working on a few projects; the EDC can help with cameras on McCullough Ave only. We might be able to start with couple of cameras at a time. Can we get a cost for cameras and for the storage?

Mayor Rickabaugh stated we will place this item back on the October agenda to receive more information on the camera systems.

Discussion and possible action on Ordinance 2022-12 amending the FY2022 budget.

Celia DeLeon stated these amendment allocations are due to the projected surplus we are going to have from the FY2022 general fund.

Councilwoman Plant moved to approve Ordinance 2022-12 amending the FY2022 budget with the following amendments:

Administration:

1. Increase expense GL# 10-400-553 Overtime from \$20,000 to \$25,000.
2. Increase expense Reserve Building Repair #10-500-583 from \$0 to \$380,000.  
Increase Transfer in Reserve #20-200-318 Reserve Building Repair from \$68,940 to \$448,940.
3. Increase expense Reserve Street Repairs/Replacement #10-500-505 from \$0 to \$20,000.  
Increase transfer in Reserve 20-200-321 Street Repairs/Replacement from \$528,526 to \$548,526.

Public Works:

4. Increase expense Reserve Vehicle #10-900-556 from \$0 to \$10,000.  
Increase Transfer in Reserve #20-200-314 PW Vehicles from \$34,235 to \$44,235.

Police Department:

5. Increase expense Reserve PD Vehicles & Equipment # 10-700-556 from \$0 to \$10,000.  
Increase revenue Transfer in Police Reserve # 20-300-309 from \$20,000 to \$30,000.

Councilwoman Harrison seconded the motion.  
The vote in favor of the motion was unanimous.

Consent Items:

- a. Approve Cash Disbursements August 2022;
- b. Approve regular City Council minutes of August 17, 2022 and Special City Council minutes of August 17, 2022.

Councilman McDonald moved to approve consent items A and B.

Councilwoman Harrison 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 August 2022;
  - (2.) Monthly overtime, CT, vacation, sick leave report;
  - (3.) Building Department Report;
  - (4.) Municipal Court Report
  - (5.) City Engineer Report
- e) Manager's report:
  - (1.) Discussion of written reports (if needed).

Councilwoman Dusek moved to approve the department reports as submitted.  
Councilwoman Harrison seconded the motion.  
The vote in favor of the motion was unanimous.

There was no further business and the meeting was adjourned at 7:10 p.m.

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Deanna Rickabaugh  
Mayor

ATTEST:

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Kyndra Munoz  
City Secretary