

MINUTES OF REGULAR
CITY COUNCIL MEETING HELD
JUNE 15, 2022

The City Council of Olmos Park, Texas held a regular meeting on June 15, 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, Erin Harrison, and Sharon Plant. Councilmembers not present were Juliana Dusek and Kenyon McDonald. 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; Christopher Allison, M.E. Allison & Co.; Arnold Cantu, Cantu Harden LLP; Dr. Kenneth Kirlin, 414 Thelma Dr; Patricia Meier, 140 Stanford; and Megan Rodriguez, San Antonio Express News.

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: Consideration and discussion of proposed issuance of debt obligations to be titled "City of Olmos Park, Texas Combination Tax and Limited Pledge Revenue Certificates of Obligation, Series 2022" to finance sewer system and road improvements in the City. Citizens will be provided the opportunity to address the Council on issues and concerns related to this item. After an initial presentation, the Council will address questions, issues or concerns from the public in the order they were received. (continued from 5/18/2022 Special Meeting if necessary).

Dr. Kenneth Kirlin, 414 Thelma Drive stated Eagle Veterinary Hospital is the holding facility for strays from the City of Olmos Park. An issue has come up recently where if someone is arrested and they have pets that are impounded, the City of Olmos Park does not have a policy for this. In the State of Texas, pets and livestock are considered property and after 72 hours, they are not property of Olmos Park. Right now, we have 6 chihuahuas that were brought in and we are about to double that population because one of the dogs is pregnant and due in a couple of weeks. These animals are not strays, they belong to someone. We need a policy as to what direction the City wants go on this.

Consideration and appropriate action on a resolution by the City Council of the City of Olmos Park, Texas rescheduling the sale from June 15, 2022 to June 22, 2022 of obligations to be issued and designated as "City of Olmos Park, Texas Combination Tax and Limited Pledge Revenue Certificates of Obligation, Series 2022"; and resolving other matters in connection therewith.

Christopher Allison, M.E. Allison & Co. stated today the FED met and raised interest rates by 3/4 % which was originally expected to be 1/2 %. Interest rates did go down today across the board from short bonds to long bonds but interest rates did rise last Thursday. Rates are a little higher but we knew the FEDs were meeting today and thought next week would be a more appropriate time for a successful marketing of the bonds.

Mayor Rickabaugh stated Celia DeLeon and I had a conference call this afternoon with City Engineer, David Givler to discuss construction costs. He stated last year, construction inflation was 12 ½% and he does not see this going down. From my perspective, the takeaway is time is of the essence and I am still convinced this is an appropriate action for our Council to take. I think this is a good thing for our City and rates are still very historically low. This keeps us from placing an undue burden on our younger tax payers.

Councilwoman Plant stated I will echo time is of the essence. The FED has already discussed raising interest the next time they meet.

Councilwoman Harrison asked with the increase in construction costs, are we still anticipating what we are looking at passing is going to be adequate funding for the project we have outlined?

Christopher Allison stated from my perspective, the \$6 million in bonds was the appropriate amount for the City to move forward with the current tax rate and not raise taxes on citizens. It would allow you to tackle approximately 70% of the projects that were needed in the sewer system. If you end up completing 68% because costs are higher, to me you are going out and tackling what you can under the current operating plan.

Councilwoman Plant asked will the fee for the issue increase as well?

Christopher Allison stated I think we are right in the ballpark on things from our last presentation. Short term rates have come up much faster than long term rates. You will be almost able to earn the cost of borrowing during construction. A one-year treasury is 2.86% and we are looking at 3.7% interest costs for 20 years. You will be able to earn a substantial amount of that until you start spending the money down.

Mayor Rickabaugh stated Celia and I have also discussed this with Mr. Allison. We are ready to go as soon as the money hits our bank account. We are planning and have asked Mr. Givler to give us a time table of how this money will go out so we can make the best choice of how we invest our funds right out of the gate.

Councilwoman Harrison asked I will not be able to attend next week's meeting and we have a couple of Councilmembers who are out with an illness. Could this delay the bond?

Mayor Rickabaugh stated we could potentially have to cancel our meeting. We must have a super quorum at next week's Special meeting.

Christopher Allison asked are members allowed to participate via phone or video?

Arnold Cantu, Cantu Harden LLP stated I can look into that further. A super quorum is specific to anything having to do with the tax rate. Essentially, the ordinance will levy the taxes that are coming up for the certificates of obligation.

City Attorney, Richard Lindner stated during COVID there was an exception to the law regarding the open meeting acts and video conferencing. This exception has disappeared.

Mayor Rickabaugh stated to Councilwoman Harrison's question regarding running out of money before we complete the project, we are still in a very good position. In 3 years, if we need an additional \$500,000, we have the borrowing capacity to do this. We also received the highest rating we could receive for a City our size. We are in a really good place if there is a need for more borrowing and we also may not spend all of the regular budgeted money for the sewers.

Councilman Brooks asked who manages unused funds of the bonds?

Mayor Rickabaugh stated Christopher Allison is going to advise us on the managing of these funds. We will have an investment committee in place which will be myself, 2 citizens, Celia DeLeon and Christopher Allison.

Councilwoman Plant how are we going to handle the resolution if we have to change the meeting?

Arnold Cantu stated this resolution is sort of a belt and suspenders. When we first did the notice of intention, we had 2 publication dates in which we stated June 15th is the sale date. We want to abide by the rules of the Attorney General, so we have placed it on the agenda as something that people know about and is open to the public. If we have to reschedule on July 22nd, as long as someone is in attendance on the 22nd and can certify no citizen came in to file a petition, we can reschedule the meeting. I will provide the City Secretary with notices for the website as well.

Councilwoman Plant moved to approve a resolution by the City Council of the City of Olmos Park, Texas rescheduling the sale from June 15, 2022 to June 22, 2022 of obligations to be issued and designated as "City of Olmos Park, Texas Combination Tax and Limited Pledge Revenue Certificates of Obligation, Series 2022"; and resolving other matters in connection therewith.

Councilwoman Harrison seconded the motion.

The vote in favor of the motion was unanimous.

Ordinance Review and discussion NO ACTION: Fence regulations, City Code 8-159; 8-323 and 8-163

Mayor Rickabaugh stated I wanted to offer this up as an opportunity to bring to Council some ordinances I get questions on. You may get questions on other things and we can spend some time discussing these ordinances. The first item for discussion is the fence regulations. I have driven around and questioned whether some fences are in compliance. I also have a question regarding the section of the code referring to the natural surface of the ground; is this simple enough for everyone to understand? Could someone build a berm, build a fence on that and would they be in violation?

Councilwoman Plant stated the issue is when was the fence built? If it is a new fence, that would be something Ric looks into when they pull a permit. At the time I built my fence, I wanted it as high as it could go so I built it on my retaining wall, which I was allowed to do.

Mayor Rickabaugh stated we can ask Building Official, Ricardo Cavazos to attend our next meeting to explain this ordinance in further detail and get his thoughts on interpretation.

Councilwoman Harrison stated there are fences that have a stone base with iron built on top that is certainly above 3 feet in the front yard. This will be a question for Ric as well. I know there are some fences that have been around for a while and are grandfathered in, but on new construction why are there stone walls with additional ornamentation that go higher than allowed? Also, if a resident already has a stone wall in place and would like to add ornamental to it without demolishing the original wall, would this fall under the 6-foot rule?

Councilman Brooks stated I like the language of the ordinance and if they are trying to get around the statute, they will find a way to do it.

Mayor Rickabaugh stated they also may have gone through the Board of Adjustment to get a variance. We have demonstrated why I would like to bring these ordinances to Council for discussion. Some of these things are not so clear. Let's keep this item on the agenda for next month and bring Ric in to discuss this.

Per the City's policy, accept \$1,000 donation from Mr. Dreyer to the Fire Department; take possible action

Councilwoman Plant moved to accept Mr. Dreyer's generous \$1,000 donation to the Fire Department.

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

Discussion regarding appointment of member to the Economic Development Corporation to serve a two-year term through December 31, 2023; take possible action

Councilwoman Plant stated we had our EDC meeting last night and actually paused the nomination of electing a President after the appointment from Council tonight. With the consistency of the Economic Development Corporation and the projects going on right now, I think it is a good idea to have Mr. Hornberger on the Board.

Councilwoman Harrison moved to appoint Ronald Hornberger to the Economic Development Corporation to serve a two-year term through December 31, 2023.

Councilman Brooks seconded the motion.

The vote in favor of the motion was unanimous.

Consent Items:

- a. Approve Cash Disbursements May 2022;
- b. Approve special City Council minutes of May 18, 2022 and regular City Council minutes of May 18, 2022;
- c. Adopt Ordinance #2022-08 to repeal Drainage Ordinance 2021-12, Section I

Mayor Rickabaugh stated I would like to pull item C.

Councilman Brooks moved to approve consent items A and B.

Councilwoman Harrison seconded the motion.

The vote in favor of the motion was unanimous.

Mayor Rickabaugh stated when we established Ordinance 2021-12 which was fairly extensive and published public hearings before approval. Is it as easy to place this on the consent agenda to appeal it?

Richard Lindner stated yes. The reason we had a public hearing is at the last legislative session, any addition or tinkering with local amendments to your building code require a public hearing. Deleting an amendment does not require a public hearing.

Mayor Rickabaugh stated as we discussed at last months meeting, we are aware the State of Texas has a law where you cannot change your property to force water onto adjacent properties. Sometimes we have citizens call City Hall to discuss these problems; how would you advise us to respond?

Richard Lindner stated you could refer them to the Texas Water Code, or refer them to hire attorneys. Ric as a Building Official can provide whatever input or documents he has on the properties under the normal Public Information Act.

Councilwoman Harrison moved to approve consent item C to adopt Ordinance #2022-08 to repeal Drainage Ordinance 2021-12, Section I.

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 May 2022;
 - (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 would like to pull Item d) Administration 1) Financial reports for May 2022.

Councilwoman Plant moved to approve the Departmental Reports with the exception of Item d) Administration 1) Financial reports for May 2022.

Councilwoman Harrison seconded the motion.

The vote in favor of the motion was unanimous.

Councilwoman Plant asked are we looking at needing to move money around and adjust the budget based on where gas prices are right now? I do not want to get to a point where we have to do without equipment or something else important that is needed.

Celia DeLeon stated I am working on that item right now. I believe this will affect the bottom line where we usually have a surplus.

Councilwoman Plant moved to approve item d) Administration 1) Financial reports for May 2022.

Councilman Brooks seconded the motion.

The vote in favor of the motion was unanimous.

There was no further business and the meeting was adjourned at 6:57 p.m.

Deanna Rickabaugh
Mayor

ATTEST:

Kyndra Munoz
City Secretary