

MINUTES OF REGULAR  
CITY COUNCIL MEETING HELD  
MARCH 20, 2024

The City Council of Olmos Park, Texas held a regular meeting on March 20, 2024 commencing at 6:00 p.m. in the Council Chambers at City Hall. Mayor Deanna Rickabaugh presided and Council members present were Erin Harrison, Kenyon McDonald, Will Brooks, Sharon Plant and Juliana Dusek. Staff present were City Manager, Celia DeLeon, City Secretary, Hilary Pickard; Fire Chief, Michael Goodreau; Police Chief, Fidel Villegas; Director of Public Works, Gilbert DeLeon, Fire Captain, Keith Drewry; Reserve Officer, Sandy Atherton; Police Officer, David Siller; and Police Officer, Antonio Davila. Also present was Planning and Zoning Chairman, Adam Harden, David Givler and Gregory Wassom, Givler Engineering; City Attorney, Daniel Santee; Theodore Bailey, 142 Paloma Dr; Daryl Lange, 137 Paloma Dr; Louis Wood, 911 Contour Dr; and Brian Thompson, 4223 McCullough Ave.

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.

There were no citizens to be heard.

At this time, Police Chief Villegas introduced Police Officer, David Siller, who started employment with the City of Olmos Park on March 16, 2024. Officer Siller briefly provided Council with his work and personal background and stated that he is excited to provide excellent service in his new role with the City.

An Ordinance 2024-02 Declaring Unopposed Candidates in the May 4, 2024 General Election, declared elected to Office; cancelling the General Election; take possible action  
Councilwoman Plant made a motion to approve Ordinance 2024-02 declaring unopposed candidates in the May 4, 2024 General Election, declared elected to Office and cancelling the General Election.

Councilman McDonald seconded the motion.

The vote in favor of the motion was unanimous.

Receive, discuss and possible action on request to place little library on Paloma Drive  
Theodore Bailey

Mayor Rickabaugh explained that City Manager, Celia DeLeon, has communicated with Mr. Bailey regarding this request and has ensured that the little library is to be placed in an appropriate location in relation to property lines and the City Right-of-Way.

Councilwoman Plant made a motion to approve the request to place a little library at 142 Paloma Drive.

Councilman McDonald seconded the motion.

The vote in favor of the motion was unanimous.

Receive, discuss and possible action on a speed limit radar sign request for 900 block of Contour

Olmos Park resident, Mr. Louis Wood, spoke and explained that he resides at 911 Contour and would like a speed limit radar sign installed at the 900 block of Contour, similar to the existing sign on Devine Road. Mr. Wood explained that as individuals come over the railroad tracks, they are driving fast and posing danger to residents that walk, ride bicycles, etc. Councilwoman Plant asked for input from Police Chief Villegas, and he stated that he believes placing a speed limit sign on the 900 block of Contour would be beneficial. The Director of Public Works, Gilbert DeLeon, mentioned that there is currently a speed limit sign between 921 and 925 Contour and suggested possibly replacing it with the newly requested radar sign; however, Council expressed concern about the level of visibility in that area. There was brief discussion about placement location of the sign among Council. Mayor Rickabaugh inquired about whether or not the new device is able to capture license plate numbers, and City staff stated that that would not be a possibility due to legal reasons. City Manager DeLeon explained that if approved, the cost would be paid by the School Crossing Guard fund.

Councilwoman Plant made a motion to place a speed limit radar sign at the 900 block of Contour based on direction from the Streets and Sanitation Department and Police Chief. Councilman McDonald seconded the motion.

The vote in favor of the motion was unanimous.

Fiscal Year 2023-2024 Pavement Evaluation: Discussion Only

David Givler with Givler Engineering stated that when their engineers measured the quantity of pavement damage throughout the City last year, the findings were 20 times greater than what they were in 2012 at the start of their study. Mayor Rickabaugh explained that the City is exploring funding options for the substantial street repairs required, and that several possibilities include the existing Sewer Fund, grants, or the \$125,000.00 from the Economic Development Corporation that could be capped and used as a short-term solution. City Attorney, Daniel Santee, stated that utilizing Sewer Funds would pose more of a difficulty, but that EDC funding could be used throughout the City, especially along the McCullough corridor. Councilwoman Harrison inquired about how much damage is caused by work done by utility companies and the impact that it has on the streets, and Mr. Givler explained that minor damage is possible; however, it is limited in Olmos Park due to good coordination and updated infrastructure. Mr. Givler also explained that Givler Engineering plans to put focus on pipe repairs first and then onto street repairs. Mayor Rickabaugh stated that this item is a priority for the City and will continue to be a main topic during upcoming Budget meetings.

Discussion and possible action on implementing residential and commercial garbage monthly fees

City Manager DeLeon explained that this agenda item is one of several suggestions that resulted from last year's budget discussions regarding revenue options for the City, and

that the recommendation is to approve the implementation of monthly residential and commercial garbage fees and bring an Ordinance back to Council for approval. The Director of Public Works, Gilbert DeLeon, presented the results of the Waste Collection Fee study completed by City staff. Mr. DeLeon explained that the cost for services is increasing nationwide which is affecting municipalities, that this is a solution aimed at funding challenges related to manpower, equipment, services, infrastructure, etc., and that it provides a resource for Olmos Park to consider implementing to maintain high quality services without economic shock. Mr. DeLeon went on to state that during the study of the Alamo Area, it was found that most cities have a waste collection fee in place for residential and commercial establishments and that many of those cities have increased rates in recent years due to increasing costs. It was also found that the average monthly fees for municipalities within the area charge a base of \$20.81; with the base average residential fee being \$30.06 a month and commercial averaging \$41.28 a month, and that adopting an area average of combined fees can net \$309,678.48 annually. Mr. DeLeon provided a breakdown of current costs by jurisdiction. He also explained that the City proposes to outsource billing services to a third party, the fees for the third party will be on an individual invoice that will then be passed on to the consumer by the company, and that the third party fees would include billing, collection, customer service, etc., with rates starting at \$2.95 each month. Fire Chief, Michael Goodreau, explained that the City received a service proposal from Synergy Utility Billing and that it is included in each Councilmember's packet for review. Mayor Rickabaugh asked each Councilmember for their input on the information presented, and there was discussion. Councilwoman Dusek stated that she is strongly against implementing these fees and believes that there are other options that should be explored in order to bring in revenue to the City. Councilman McDonald expressed concerns about whether these fees would continue to rise in the future and how to accurately project that. Councilwoman Plant stated that she is in favor of implementing these fees and feels that in doing so, it would help the City to stay competitive in the current market. Resident, Daryl Lange, who resides at 137 Paloma Dr, spoke and stated that he feels that this topic is of concern and is worthy of further discussion, especially in respect to obtaining the opinion of the citizens of Olmos Park. It was the decision of Council to include this topic into the upcoming budget meetings for further discussion. It was also decided that a survey be sent to residents electronically to collect their input.

Councilwoman Plant made a motion to instruct the City Manager to include information regarding the garbage fees into the weekly email blast with a survey for residents to provide their opinion and whether they are for or against this implementation, as well as to include this item on next month's Council agenda.

Councilman McDonald seconded the motion.

The motion carried 3-2.

Discussion and possible action on Ordinance 2024-03 amending the Code of Ordinances Chapter 34 Taxation, in part, by adding SECTION 34-05 residential use of gas and electricity reimposing the local sales tax on residential use of gas and electricity

City Manager DeLeon explained that this agenda item is another suggestion that resulted from last year's discussion related to the City's revenue stream. Celia DeLeon also stated that this ordinance would add sales tax onto the residential use of gas and electricity, and that with this tax, the rate would be at 1.5% for total usage on a monthly basis.

Councilwoman Plant stated that this has been mentioned to her by residents in the past. Councilmember Harrison recollected that in 2020, Council adopted an ordinance that increased the CPS franchise fee from 4.4% to 5.5% of CPS Energy's gross receipts from the sale of gas and electricity, with the extra 1% being payable to the City. Councilwoman Dusek expressed concern in regard to this increase and stated that before approving something like this, she would prefer to wait for a final decision on the implementation of residential and commercial garbage fees and move forward from there. Councilwoman Harrison inquired about how cities were originally able to opt out of imposing sales tax on residential use of gas and electricity, and City Attorney, Daniel Santee, explained that in 1979, municipalities were given the option of opting out or not. After further discussion, it was the decision of Council to table this item and continue discussion on it during the upcoming budget meetings.

Hold a PUBLIC HEARING, consideration, and possible action on Ordinance 2024- 04 amending the Code of Ordinances Chapter 40 Zoning, Sections 40-2 and 40-40 related to home occupations land use and regulations

Councilwoman Dusek explained that currently, it is a common occurrence for business owners to charge sales tax from their homes; however, they do not have a billing address that is within the City of Olmos Park, which does not allow the City to collect those taxes. This amendment to the Code of Ordinances would allow the City to collect taxes from all business that takes place within the City. Mayor Rickabaugh explained that this idea was suggested by Councilwoman Dusek, and that topics such as these originally go through the Planning and Zoning Commission for consideration and then on to Council for approval. The Mayor stated that the Chairman of the Planning and Zoning Commission, Adam Harden, is present to speak further on the matter. Chairman Harden then introduced himself and explained that this is a sales tax that is already being paid; however, the funds are not being collected by Olmos Park due to the fact that the billing address of some businesses are not within the City of Olmos Park. Mr. Harden went on to explain that having this amendment in effect will allow the City to keep the money that is already being generated here, that it has a net zero impact to citizens, and that it will allow citizens to conduct business properly. Mr. Harden also stated that the goal is to continue to maintain the "neighborhood feel" by restricting disturbances such as bright lights, noise, machinery, etc.

Mayor Rickabaugh opened the public hearing at 7:28 p.m.

Brian Thompson, business owner of Edward Jones at 4223 McCullough Ave spoke and stated that despite the City not charging a fee for businesses to change their billing address, he is concerned about what it will cost for any additional steps he might be required to take in order to correct their information to reflect within Olmos Park.

Mayor Rickabaugh closed the public hearing at 7:33 p.m.

City Attorney Santee explained that if they choose to do so, the EDC could provide a grant program with a percentage of the cost required for businesses to make the necessary changes if needed.

Councilwoman Plant made a motion to adopt Ordinance 2024-04 amending the Code of Ordinances Chapter 40 Zoning, Sections 40-2 and 40-40 related to home occupations and land use regulations.

Councilwoman Harrison seconded the motion.

The vote in favor of the motion was unanimous.

Hold a PUBLIC HEARING, consideration and possible action on Ordinance 2024- 05, adopting the fees recommended in the Building Fee Study

Mayor Rickabaugh opened the public hearing at 7:40 p.m.

There were no speakers.

Mayor Rickabaugh closed the public hearing at 7:40 p.m.

Councilwoman Plant made a motion to accept Ordinance 2024-05, adopting the fees recommended in the Building Fee Study.

Councilman McDonald seconded the motion.

The vote in favor of the motion was unanimous.

Review and discuss the City's Job Performance Policy; take possible action

Mayor Rickabaugh explained that this is the job performance review policy that has been revised by City Manager DeLeon. Councilwoman Harrison stated that she would like to see updated job descriptions from each department, and Celia DeLeon explained that City staff is in the process of finalizing their revisions and will have them ready by the end of the month.

Councilwoman Plant made a motion to adopt the City's revised Job Performance Policy.

Councilwoman Harrison seconded the motion.

The vote in favor of the motion was unanimous.

Consent Items:

- a. Approve Cash Disbursements February 2024;
- b. Approve regular City Council minutes of February 21, 2024;
- c. Request to hold Dam 09 Triathlon through Olmos Park on August 17, 2024 and approve Soler Sports.

Mayor Rickabaugh requested a correction to the regular City Council minutes of February 21, 2024.

Councilman Brooks made a motion to approve consent items A-C.

Councilwoman Dusek seconded the motion.

The vote in favor of the motion passed unanimously.

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 2024;
  - (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).

Mayor Rickabaugh inquired about whether there are still vacancies to be filled in the Police Department, and Police Chief Villegas explained that the Police Department is currently performing background checks on three candidates, and that they currently have a tentative start date of April 16, 2024. Councilman Brooks stated that based on recent reports from the Police Department, it appears that the 2023 Ford Explorer gets the most miles put on it out of all of the vehicles and Chief Villegas stated that he will look into that further to find out exactly why. Councilwoman Plant thanked Fire Chief Goodreau and Director of Public Works, Gilbert DeLeon, for their time and effort spent on the garbage fee study and said that she appreciated the results they reported.

Councilwoman Dusek made a motion to approve the Departmental 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 7:49 p.m.

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Deanna Rickabaugh  
Mayor

ATTEST:

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Hilary Pickard  
City Secretary