

**OLMOS PARK ECONOMIC DEVELOPMENT CORPORATION  
MINUTES OF REGULAR MEETING OF BOARD OF DIRECTORS  
HELD ON MAY 11, 2021**

The Board of Directors of the Olmos Park Economic Development Corporation met on Tuesday May 11, 2021, at 6:00 p.m. at City Hall in the City of Olmos Park at 120 West El Prado Drive, Olmos Park, Texas for considering the following agenda. Members of the Board of Directors present were President Ronald Hornberger, Councilwoman Dusek, Dr. Kenneth Kirlin, Donna McElroy, Councilwoman Plant and Madison Wilson. Member not present was Fedra Chapa. Also present was City Manager, Celia DeLeon; City Secretary, Kyndra Munoz; Carl Bain, Bain Medina Bain; Adam Shrek, E-Z Bell Construction; Barry Sturrock, 210 Stanford; Nathan and Kelly Wiegrefe, Lin Marche; Holly Rabinowitz, 215 E. Hermosa; and Sean Bourg, Killen, Griffin & Farrimond.

Call meeting to order and determination of quorum.

The meeting was called to order at 6:01 p.m. by President Hornberger; roll call was taken, and a quorum was announced.

Citizens to be heard. (This is the time provided for citizens to address the Board on issues and concerns. No action can or will be taken on issues raised under this portion of the meeting. Please limit remarks to a period not to exceed three minutes. Please state your name and address for the record.) After these 3 minutes have ended, please note that no other comments or questions will be entertained unless an individual is granted permission to speak on the request of the EDC President or other presiding officer. Please state your name and address for the record).

There were no citizens to be heard.

Review and discuss minutes of April 13, 2021 Board meeting; take possible action.

Dr. Kenneth Kirlin stated the placement of the light poles in regards to the survey was not reflected in the minutes.

Sharon Plant moved to accept the minutes of the April 13, 2021 meeting with the inclusion of the placement of the light poles in regards to the survey.

Donna McElroy seconded the motion.

The vote in favor of the motion was unanimous.

Discussion and possible action on amendment to FY2021 EDC Budget by increasing the Olmos Park Youth Commission/Sip and Shop line item by \$3,660, for a total of \$5,260.

Donna McElroy moved to approve amendment to FY2021 EDC Budget by increasing the Olmos Park Youth Commission/Sip and Shop line item by \$3,660, for a total of \$5,260.

Dr. Kenneth Kirlin seconded the motion.

The vote in favor of the motion was unanimous.

Review and discuss Financial Reports, including EDC expenditures, review invoices and allocations and monthly treasurer report; take possible action.

Councilwoman Plant asked, looking at the budget under May-21 with an ending balance of \$145,333.87, is the Youth Commission/Sip and Shop line increase to \$5,260 included in this, or is that another subtract out?

Celia DeLeon stated it would be another subtract out. Some of the invoices from the Youth Commission have already come in and have been taken off that bottom line; I would estimate an additional \$3,000 more to be taken off the bottom line.

Councilwoman Plant stated I would like to leave this item open until after discussion of item number six and seven.

Discussion on the McCullough Corridor Sidewalks and Landscaping Demonstration Project (referred to as the "McCullough Corridor Project") including Task 1 as well as Phases A – G of Task 1 which involve civil & electrical engineering design, surveying and landscaping design services by Bain Medina Bain, Inc. and its subcontractors Bender Wells Clark Design and HM3 Engineering Consultants for sidewalk and landscaping improvements to undertake the McCullough Corridor Project ("Task 1 project") as this Task 1 project will promote new or expanded business/economic development and commercial activity in the City and specifically along the McCullough Business Corridor; possible action involving the McCullough Corridor Project including the Task 1 project and Phases A-G of the Task 1 project.

President Hornberger combined this agenda item and the next agenda item, which has been done in the past meetings.

Discussion and possible action on the McCullough Corridor Sidewalks and Landscaping Demonstration Project (referred to as the "McCullough Corridor Project") which involves constructing sidewalk and landscaping improvements to undertake the McCullough Corridor Project as this Task 2 project of the McCullough Corridor Project will promote new or expanded business/economic development and commercial activity in the City and specifically along the McCullough Business Corridor.

President Hornberger stated during our last discussion, we were dealing with the prospect of changing out some of the light poles and fixtures and acquiring two spare poles. Since then, there have been some additional questions and concerns. Last week, there was an on-site meeting with Councilwoman Plant, Celia DeLeon, Carl Bain, Barry Sturrock and Adam Shrek. We have a bid for a change order that will resolve the various issues discussed.

Barry Sturrock stated to date, the project has gone very well and we have not had any construction concerns until getting to the light poles. These pictures show the landscaping as a buffer to the street to give pedestrians a sense of security, which is what we wanted to do in the original plan. We were not able to continue this down the street because the right of way narrows so the sidewalk had to be flipped next to the street with the light located under the public utilities. As I understand it, the problem is the utility cable is put in lower than the required 18 feet. There are about 6 to 7 locations where the poles are too tall. Part of the demonstration project is to show what a great job we could do and to work out some of the kinks in the design. What we have agreed upon is to cut the poles down and lower the light heads.

Donna McElroy stated I am not saying we do not cut the poles down, but if we have the ability to ask the utility company to move their lights up the 18-foot requirement, I think this is something we should look into.

Councilwoman Plant stated it is like this all over the City and in the City of San Antonio as well. These companies are supposed to check in with the City before they do any work where Ric could be present to make sure it done correctly.

Celia DeLeon stated Building Official Ricardo Cavazos is doing some research and he will reach out to the utility company once he determines who the utility lines belong to. We will ask the utility company to move the lines, we just unsure of how long that process will take.

Councilwoman Plant stated there is still an issue with these companies not following the ordinances and not checking in with the City before they start the work.

President Hornberger asked, Celia would you look into the ordinances to see if we have something in

place for this and if we do not, create an agenda item for discussion? When companies come out here, we need to explain to them they need to check in with Ric before they get started and Ric can go out there to make sure they abide by the ordinances.

Dr. Kenneth Kirlin asked, when this first light was put in right up against the wire, why were any more lights put in? This is a metal light pole next to a wire with a possibility of lightning. Why didn't we stop at that point and figure out what we were going to do next?

Adam Shrek stated because it is a fiber telecom line, we didn't feel that it imposed an immediate hazard, so we continued with the install.

Dr. Kenneth Kirlin stated we are talking about shortening the light poles, but that voids the warranty on them. Have we talked to the company to see if they make 12-foot lights?

Councilwoman Plant stated just this little section of lights has to be done like this. Even though these lights could get hit, they are more protected and further away from the sidewalk. The remaining lights down McCullough will be 16-foot lights. I am personally not worried about the warranty. These are hollow metal poles, and other than rusting, I am not sure what the warranty would cover.

Donna McElroy asked how far below the wires will the lights be, and is there an option to dig further into the ground and sink the poles?

Adam Shrek stated the poles sit on a foundation and we don't have the option to dig further.

Carl Bain stated it varies, but ideally it will be about 3 feet lower from the wires. We are lowering all poles 4 feet to be uniform. From a code standpoint, it is ok to be that close to the wire. These poles come in 2-foot increments, from 12-feet up to 16-feet. The price for a new 12-foot pole is about \$2,250, but it will take about 16-18 weeks to deliver. This is why we suggested to cut the poles by 4 feet.

Dr. Kenneth Kirlin asked going south, the cables are not a problem with the remaining poles? Also, how much heat do these lights put out.

Barry Sturrock stated it is where you put the light pole itself, the sidewalk for the most part is inbound so you have a buffer. The lights are LED lights, and the heat is almost nothing.

President Hornberger asked do the LED lights have a transformer or other device that heats up?

Barry Sturrock stated the light points up and reflects off the shield. It is low cut-off fixture; the transformer would be below the light and would not create a heat problem. We are also recommending adding boulders at the triangles where the trucks and cars turn in so they do not drag their rear wheel over the edge.

Councilwoman Plant stated there would be a total of 6, for each side of the two entrances of the Yard and at the corners of Clarence Street. During our meeting, we witnessed two different vehicles drive over the landscaping at Clarence Street. In the pictures we have, the boulders are flat and I think these will get knocked over. I am looking for a boulder that has some shape to it and that will stay under a total price of \$600. We have to be careful with the size of the boulders especially on Clarence because the space for entrances are not very big, but I also want them to be enough that they will protect our landscaping

Adam Shrek stated Keller Materials has a big selection of boulders in all sizes, types and colors.

Carl Bain stated the proposed \$600 for the boulders included the boulder, delivery and installation.

Councilwoman Plant stated with the proposed boulders, because they are flat and when they are propped up, I am worried they will be easier to knock over. If they are bulkier and buried down, it would be harder to do that. This project has gone very smoothly, and there have only been minor glitches. Ezbel has provided a change order proposal to include a maintenance agreement for the light poles.

Adam Shrek stated there is a proposal for the lights poles if the City were to buy them from the supplier and there is a proposal for the maintenance of the light poles. Say for instance a light pole gets hit, Ezbel would come out and install, reactive and make the pole function. There is also a proposal for lighting maintenance with bulb replacement only. There would be a separate agreement for the two poles purchased from the supplier. It is an effortless process, and if you need Ezbel to order them for you, we can do that. The extra poles are the 16-foot poles, which are more at risk to be hit because they are closer to the curb line and roadway.

Councilwoman Plant stated once Council has approved this item, we can move forward and the project will be completed.

Donna McElroy moved to approve the additional items discussed on the proposal from Ezbel with the inclusion of changing each placement of the boulders from the series of flat boulder shown to a single boulder for a total not exceed \$600 and a total change order request of \$27,260.60.

Dr. Kenneth Kirilin seconded the motion.

The vote in favor of the motion was unanimous.

Celia DeLeon stated I would like to discuss the maintenance agreement, who will be maintaining the landscape and for how long?

Adam Shrek stated normally we provide maintenance for 30 days after completion of the project then turn it over to the City maintenance department. At that point, we will provide training, the owner's manual and warranty for the maintenance of the drip system.

Celia DeLeon asked what was the water leak that was in front of Cowboy Kennels? Also, I believe we were owed some plants in that area.

Adam Shrek stated it was a shrub that had a bubbler placed there rather than the drip system. It appeared as a water leak, but the bubbler was spewing out and has been repaired.

Barry Sturrock stated when we are ready to place the owed plants in that area.

Adam Shrek stated I am anticipating starting the striping tomorrow and within the next few weeks can schedule a formal walkthrough.

Councilwoman Plant stated we need to include maintenance of plants and mulch if needed for the demonstration project in the budget for next year.

Adam Shrek stated I will request a one-year maintenance proposal to provide for landscape maintenance and beautification.

Discussion and consider funding application submitted by Lin Marche; take possible action

Donna McElroy stated I am trying to understand our balance from what Councilwoman Plant pointed out regarding additional items taken out from our ending balance as of May 21<sup>st</sup> and now the approved change order.

Madison Wilson stated from our \$145,000 balance there is less \$3,000 for the Sip and Shop, less the

\$27,000 change order, plus the \$9,000 sales tax would leave a balance of \$125,000.

Nathan Wiegrefe stated I would be happy to answer any questions you may have on the funding application.

Councilwoman Plant stated my comment is we have \$125,000 left in our budget and the project submitted on the application has a cost of \$130,000. The whole purpose of this Corporation is to help businesses with beautification on McCullough. This project pretty much spent all of our money. We roughly get a little over \$100,000 a year in sales tax and need to have an operating budget of \$75,000. I do not believe funding the entire project is something we can do, but I would be willing to make a motion to help fund some of it.

Nathan Wiegrefe stated the concern is if The Yard helped pay for any of the demonstration project and if they didn't, what kind of message that sends to rest of us.

Councilwoman Plant stated, demonstration project aside, anyone on McCullough can come to the EDC and ask to help with costs. The residency voted on the quarter percent tax to form this Corporation and the beautification of McCullough. Through the years our ordinances have been brought up to be in line with vision and master plan. Now as people buy and properties turnover the EDC can use their funds to assist in beautification of McCullough. Since we did not have any businesses come to the EDC, we had the money in our account to do the demonstration project and started at the beginning of the City.

Nathan Wiegrefe stated one of the reasons this came up is because Ricardo Cavazos told us we could not get a certificate of occupancy until this \$130,000 project was completed. We are willing to do our part and fix up our side, but do not feel like we should have to pay for the City's side of the property.

President Hornberger stated the ordinances require landowners who make the necessary changes to meet the building codes that include sidewalks, landscaping and beautification. As a part of redoing the sidewalk, you need to take the curb out to where it belongs. I do have a question regarding the bid. There is a line item that reads illuminations, is this for lights and light poles?

Nathan Wiegrefe stated this bid is to make the building look just like the demonstration project.

Kelly Wiegrefe stated the demonstration project will not work in front of our building. If we do bring out the curb, we will be the only ones on the block with the curb brought out three feet. We are trying to work with this plan but it will not work for us.

Nathan Wiegrefe stated we asked what consequences this would have for us and the City if we are required to bring the curb out an additional three feet. I want something that will say I will not be responsible if there is a lawsuit.

Carl Bain stated this will be the City right of way and not your property. This is similar to the boulders that are being placed on McCullough. If they hit it, their insurance will pay for it and not the City.

Donna McElroy departed the meeting at 7:14 p.m.

Kelly Wiegrefe stated I am a little frustrated because I have been contributing to this City for 31 years and I think I am one of the biggest contributors of sales tax in the City of Olmos Park. We finally have our own place and all of this got thrown at me from day one. We are a small family owned business and do not have this kind of money. I have already put in my notice and my lease is up at the previous location. I have a plan to make this beautiful and maybe it doesn't need to cost \$130,000. Is there a

way we can be actively work on and commit to a plan and still be open for business? I am happy to pay for some of this, we just need to be able to open the store and generate cash flow for us and the City.

Councilwoman Dusek asked can we amend the ordinance to where it reads you have to comply with the codes within the first six months of construction?

Celia DeLeon stated I will contact our attorney to see if either of these would be allowed.

Councilwoman Plant stated you could reach out to Joyeux Home Decor who recently made improvements to see if they have any recommended resources and we will talk to our attorney regarding opening the business.

Councilwoman Plant moved to approve funding in the amount of \$50,000 for the application submitted by Lin Marche.

Councilwoman Plant stated we have an account for the EDC in the City budget with a balance of \$50,000 if we need it.

Councilwoman Plant moved to amend the motion to approve funding in the amount of \$75,000 for the application submitted by Lin Marche to be paid when their project is completed.

Councilwoman Dusek seconded the motion.

The vote in favor of the motion was unanimous.

Dr. Kenneth Kirlin moved the Economic Development Corporation recommend and is in favor of amending the ordinance to grant the extension for Lin Marche.

Councilwoman Dusek seconded the motion.

The vote in favor of the motion was unanimous.

Dr. Kenneth Kirlin moved to approve the financial Reports, including EDC expenditures, invoices and allocations and monthly treasurer report.

Councilwoman Plant seconded the motion.

The vote in favor of the motion was unanimous.

Discuss liaison issues with businesses and receive update from Board member Chapa; take possible action

There were no liaison issues with business or updates to report.

Discuss administrative items and future agenda items.

There was no other business and the meeting adjourned at 7:39 p.m.

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Ronald Hornberger  
President

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Kyndra Munoz  
City Secretary