

MINUTES OF REGULAR
CITY COUNCIL MEETING HELD
NOVEMBER 21, 2019

The City Council of Olmos Park, Texas held a regular meeting on November 21, 2019 commencing at 6:00 p.m. in the Council Chambers at City Hall. Mayor Ronald Hornberger presided and Council members present were Juliana Dusek, Erin Harrison, Kenyon McDonald and Deanna Rickabaugh. Council member excused from attending was Sharon Plant. Staff present was City Manager, Celia DeLeon; City Secretary, Diane Gonzales; Fire Chief, Michael Goodreau; Police Chief, Rene Valenciano, Building Official, Ricardo Cavazos and Public Works Director, Gilbert DeLeon. Also present was City Attorney, Richard Lindner; David Givler and Abraham Galindo with Givler Engineering and Ashley and Joel Jenne of 410 E. Mandalay.

Mayor Ronald Hornberger called the meeting to order at 6:00 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.

There were no citizens to be heard.

Discussion on sewer issues at 410 East Mandalay and 404 East Mandalay and authorize City Manager to enter into agreements to make repairs; take possible action

City Engineer, David Givler stated they were notified of the situation that involved blockage of a sewer line of a short sewer main. The sewer line flows from 410 E. Mandalay to E. Hermosa and on the 404 side of E. Mandalay the manhole is located right next to the driveway that is coming from the carport and the manhole is fourteen feet deep. He presented a power point presentation with options.

Mayor Hornberger asked is the carport on the easement?

David Givler stated yes and there are a lot of encroachments on the easement for the utility and this was designed in 1927.

Mayor Hornberger stated you are not allowed to build over a city owned easement.

David Givler stated normally there is a risk taken by the owner that builds over an easement.

Mayor Hornberger stated if there is something built over the easement the City does not have to pay for it and if it needs to be removed in order to make the repair then the cost on doing anything is on the landowner.

David Givler stated there was blockage that prevented service. The owner had their own plumber inspect the situation and they are the ones that determined that there was a problem with the main. Their plumber cleared it and we also ran cameras in the line and found one location with two breaks in the line and is probably from root expansion. The pipe has been squeezed in an oval shape from the pressure and the upstream and downstream no longer connect properly and the roots have penetrated into the line. There are some cracks in the pipe and there is another location about fifteen feet down stream where there is another offset and this is on a short main that is only about twenty-one feet long. The lack of the space we have to work with because of the location of the fence, carport and the large tree and then there is a utility pole within several

feet of the sewer main. The biggest problem is the utility pole because when you start excavating near utility poles the general rule of thumb is you don't want to get closer with your excavation than the depth in the trench and in this case, you have a line that is thirteen to fourteen feet down so there is no way we can reasonably excavate that. We contacted CPS Energy and they will not stabilize the utility pole for us and they have asked us to find other ways to repair the line. There are some challenges to get to the easement with any kind of equipment so we have a fence and landscaping to deal with but regardless of what process we use we have to get some kind of equipment back there. We have considered three options:

Option #1 - Cured in Place Pipe (CIPP) with Excavated pit \$21,560 - \$26,420

Requires house to be demolished.

Uncertain timeline

Single pit at upstream end of line

Requires excavation to close to the power pole

Timeline is 7 days after house is demolished and old pipe repaired

David Givler stated we considered this option based on the possibility that the house would be demolished and understood that there may be a project going on in the near future. As we followed up with the owner that is an uncertain timeline.

Councilwoman Dusek arrived at the meeting at 6:12 p.m.

Mayor Hornberger asked is this area of our sewer system that was sleeved back in the early 2000's?

David Givler stated no. Basically, we would be doing the same kind of sleeving.

Option #2 - Cured in Place Pipe (CIPP) with Hydro Excavation - \$29,705

House remains in place

Single pit at upstream end of line

Time line is 7 days old pipe is repaired

Mayor Hornberger asked how many feet of that line will be repaired since we already see a potential problem and is it something we would do to the entire length?

David Givler stated it is about a twenty-one-foot-long line and yes, the entire length.

Councilwoman Harrison asked since the roots that are causing the pressure on the line and cracked it, if you do the cure in place pipe how is it going to hold up with continued pressure since there will be roots there and how will that hold up over time?

David Givler stated when the roots penetrate the pipe they tap into the water source and they rob nutrients then they accelerate in their growth. If you can get a liner in the pipe, it's not perfect but we make it water tight and we also cut off the roots so the pathway that the roots can't take. The roots will continue to grow but will grow at a slower pace, ultimately a new pipe is the solution and we can do that with option #3.

Option #3 - Directional Boring - \$33,135 - \$34,615

Limited excavation

Easier future repairs

Requires removing bushes and fence

Time line is 2-5 days with new pipe replacement

David Givler stated this involves an auger through the ground and they can steer it remotely and as it travels through the ground it pulls a plastic pipe behind it.

Councilwoman Harrison asked what is the estimated life span of this new high-density polyurethane?

David Givler stated that is a fifty-year pipe and we would put it in at a shallower depth with a brand-new line and put it in at maybe five or six feet deep.

Councilwoman Rickabaugh asked do these options include clean out?

David Givler stated yes, all three options include the clean out and the deeper the line then the deeper the excavation you have to make in order to resolve the clean out.

Councilwoman Harrison asked how will this connect with the already fourteen feet deep line?

David Givler stated we would tap into the man hole on the next property about mid-level and we would modify that man hole to make what is called a "drop man hole" that would have an attachment on the inside that would allow the water to make a smoother transition drop at the bottom of the manhole.

Mayor Hornberger asked will that cause a crimp in the line?

David Givler stated no, the modification that we make to the manhole would allow for that.

Councilwoman Rickabaugh asked would the landscaping and the wooden fence on the side of the house have to be moved?

David Givler stated yes, they would be impacted, option #1 and #2 are about 25-year repairs and option #3 would be about a 50 to 100-year repair.

Councilwoman Rickabaugh asked how was it intended that the City access this?

David Givler stated the City was laid out in 1927 and some of the standards at that time were nonexistent and had a hard time visualizing what Olmos Park would become some day and did not anticipate large homes.

Councilwoman Rickabaugh stated sub divided lots impact our existing sewer system and cause issue like this.

David Givler stated yes.

Joel Jenne stated he owns the home at 410 E. Mandalay and stated the best option would be option #3 and he would give them whatever access they need to get to the back.

Councilwoman Harrison noticed there was a playscape on the property and under option #3 would the playscape still need to be removed?

Ashley Jenne stated it has already been moved further down.

Councilwoman Rickabaugh move to authorize the City staff to pursue option #3.
Councilman McDonald seconded the motion.

The vote in favor of the motion was unanimous.

Discussion on changing the regular February 2020 City Council meeting from February 20, 2020 to February 13, 2020 due to Bexar County Elections using the Council chambers for primary early voting February 18, 2020 through February 28th; take possible action

City Manager DeLeon stated we always loan our City Hall to the Bexar County Elections Department so it is convenient for our residents and we want to do that next year since it is the primary elections and Bexar County Elections want to use the Council chambers because it will be an easier path with large crowds.

Councilman McDonald moved to change the regular February 20, 2020 City Council meeting to February 13, 2020 due to Bexar County Elections using the Council chambers for primary early voting February 18, 2020 through February 28, 2020.

Councilwoman Harrison seconded the motion.

The vote in favor of the motion was unanimous.

Discussion on Resolution 2019-03 adopting the Bexar County Election System and Software; Express Vote Universal Voting System, DS200, and Express Touch for Early Voting in Person, Early Voting by Mail, Election Day Voting and Provisional Ballots in all future elections n Bexar County; take possible action

City Manager DeLeon stated this new system is already in place but we need to adopt a resolution for the new election system and software.

Councilwoman Rickabaugh moved to accept Resolution 2019-03 as submitted.

Councilman McDonald seconded the motion.

The vote in favor of the motion was unanimous.

Discussion on Resolution 2019-04 of the City of Council of the City of Olmos Park, Texas establishing an Energy Conversation Goal in order to comply with Senate Bill 241; authorizing the City Manager to take all necessary steps to implement the provisions of this Resolution; incorporating recitals; providing a severability and adopting an effective date; take possible action

Mayor Hornberger stated he would like to table this for next month as it is a lot of information and has asked the City Attorney to do some more research. This is a State law that recently passed. Councilman McDonald Move to table until next month.

Councilwoman Dusek seconded the motion.

The vote in favor of the motion was unanimous.

Update and discussion on City Hall and Fire Department repairs; take possible

City Manager DeLeon stated staff provided an RFP schedule and it is posted on our website and we have had two contractors interested. We had our pre-submittal conference yesterday and are moving forward with the project.

Discussion and take possible action on an Ordinance 2019-11 amending the Code of Ordinances City of Olmos Park, Texas Chapter 40 Zoning, Article IV, Article V, and Article XI by repealing and relocating provisions of McCullough Avenue Corridor Site Development Standards, Article XI, in recognition of recent changes to applicable state laws; adding Local Retail Districts section 40-117, Aesthetic Requirements; adding Mixed Retail Commercial section 40-142, Aesthetic Requirements; declaring a public purpose; incorporating recitals; providing a repealer and savings clause; providing for severability and setting an effective date.

City Attorney Richard Lindner stated the legislation prohibited municipalities from excluding certain building materials. Council passed an ordinance regarding certain materials being used along McCullough and this ordinance deletes those provisions that are in conflict with state law.

The rest of the ordinance is housekeeping and the way it was codified by Municode and was confusing so most of it is non-substance changes putting it back to where we thought it should go in the code. This just deletes unenforceable restrictions that you passed and your option is to pass it, or not enforce it. In this same ordinance you passed screening, color palette and specific certain building materials and the color palette and screening you can still enforce.

Councilman McDonald moved to approve Ordinance 2019-11 amending the Code of Ordinances. Councilwoman Dusek seconded the motion. The vote in favor of the motion was unanimous.

Discuss and take possible action on an Ordinance 2019-12 amending Article II to the Code of Ordinances City of Olmos Park, Texas Chapter 40 Zoning; Single-Family Residence Districts, subsection 40-45 Impervious Cover; for the purpose of regulating certain improvements affecting flow patterns of surface runoff on residential lots; declaring a public purpose; incorporating recitals; providing a repealer and savings clause; providing for a penalty; providing for severability and setting an effective date

City Attorney Richard Lindner stated at the last meeting we presented an ordinance with several options and he was asked to present something and because it is only a recommendation for further discussion this ordinance can't be passed until there is a public hearing which could be no sooner than next month.

Councilwoman Harrison stated if Planning & Zoning gave us a recommendation which was not to change this and we ignored that and having nobody else in our area having something like this in place, so why are we trying to pass this since there is already a state law in place?

City Attorney Richard Lindner stated there is a state law that does this for larger scale commercial and for small lots there is no state law. There is a cause of action if the neighbor has a recognized ability to sue another neighbor for service water diversion.

Mayor Hornberger asked would this establish a defense?

City Attorney Richard Lindner stated the aggrieved neighbor would say this was incorrectly done.

Councilwoman Harrison asked what would the cost for a run off study be from an Engineer?

City Manager DeLeon stated approximately \$2,500.00.

Councilwoman Harrison asked are there any other cities in San Antonio area that have something like this?

City Attorney Richard Lindner stated only on a much larger scale.

Councilwoman Harrison asked can we add something in the ordinance about not being able to demolish an existing retaining wall.

City Attorney Richard Lindner stated his concern about regulating retaining walls is it is a structure element and tying an Engineer's hand on whether they can or cannot.

Mayor Hornberger stated the alleyways and streets were dedicated to public use by the developer, you would think that the City through the building inspector would be protecting those alleyways from people encroaching on them.

After a lengthy discussion, Council decided to have more discussions on this agenda item.

Discuss Resolution 2019-05 Bexar Appraisal District Board of Directors official election ballot; take possible action

City Manager DeLeon stated Council nominated Councilwoman Harrison to be a nominee on this ballot and we need to place our vote and the vote needs to be done by resolution.

Councilwoman Rickabaugh moved to adopt the 2019-05 resolution and vote for Councilwoman Harrison.

Councilwoman Dusek seconded the motion.

The vote in favor of the motion was unanimous.

Discuss and take possible action on an Ordinance Of The City Of Olmos Park amending Chapter 20 of the City's Code Of Ordinances by adopting the 2018 Edition of the International Fire Code and the 2018 Edition of the NFPA 101, Life Safety Code; making local amendments to such codes; providing for the issuance of permits and collection of fees therefor; providing for penalties for violations; providing for repeal of all ordinances in conflict; stating a public purpose and providing cumulative, continuation, and severability clauses.

Mayor Hornberger asked what additional requirements are required by these codes? These International Fire Codes are written by people looking for money to get everyone to pass them and then the people realize they don't like them. Does any of this require retro fitting any residential or commercial property before there is major construction or a need for a new certificate of occupancy?

Fire Chief Goodreau stated currently we are operating on the 2012 fire code and one of the things that we take in consideration is most of our businesses are currently in operation so the only time that the 2018 International Fire Code would apply is if somebody is applying for a new certificate of occupancy then we go to the existing building code which is quite different when you compare it to the rest of the book because they already take that into consideration that these buildings have already been built to a previous code. They are still making sure that things are done in a safe manner but within reason and with new construction and adopting the 2018 code that is when it will apply. We took our current amendments, reviewed them and carried over what would be applicable. We went through the entire code and identified anything that we did not have currently adopted that we should by recommendation we wrote that as an amendment. As we adopt the current code we would write it as an amendment for the existing building code. For the existing building code, we have no changes and the rest we are pretty much carrying over the existing amendments along with a few amendments that should be applied such as the Fire Investigator being able to take pictures. For us to be able to do our job we should stay current with the code and not get to far behind. He went through the Life Safety Code and the International Fire Code to see how it is going to affect our City. There is nothing in the codes that would hinder any type of business or building to be conducted.

Councilman McDonald asked are the surrounding Cities adopting this 2018 International Code?

Fire Chief Goodreau stated the City of San Antonio, City of Leon Valley and the City of New Braunfels. The City of Alamo Heights and Terrell Hills are operating on the 2015 additions. We reviewed our current code of ordinances, then we looked at our current ordinances to see if this

still applies and looked at what changes the new code had and then shopped other municipalities to see where we were in line.

Mayor Hornberger asked is all of the this targeted at the commercial district and what is the impact on residential properties?

Fire Chief Goodreau stated yes, the majority is for the commercial district and the impact is small for the residential. Apartment buildings are considered commercial because of the multiple dwellings built into one.

After lengthy discussions Mayor Hornberger stated he would like to table this for next month so the Council can review this more.

Councilman McDonald moved to table this item.

Councilwoman Harrison seconded the motion.

The vote in favor of the motion was unanimous.

Discuss and take possible action on appointments to the Dangerous Animal Determination Panel under Chapter 6, Section 6-108 of the City's Code of Ordinances, including a state-licensed veterinarian and a resident of the City.

Mayor Hornberger stated Dr. Kirlin serves as the licensed Veterinarian and the Police Chief would also serve on this panel and we need to have a resident on the panel as well.

City Manager DeLeon stated our recommendation is for a resident to serve on the Panel and we recommend Beth O'Brien who has a very flexible schedule.

Councilwoman Rickabaugh moved to accept the recommendation for the City staff to constitute the Dangerous Animal Determination Panel with Dr. Kirlin, resident Beth O'Brien and Police Chief Valenciano.

Councilman McDonald seconded the motion.

The vote in favor of the motion was unanimous.

Consent Items:

- a. Approve Cash Disbursements October 2019;
- b. Approve City Council minutes of October 17, 2019;
- c. Approve City Council minutes of October 23, 2019;
- d. Approve 2020 Holiday schedule;
- e. Excuse Council member Kenyon McDonald from attending the October 17, 2019 regular meeting;
- f. Approve Tax Roll as required by Section 26.09€ of the State Property Tax Code;
- g. Excuse Councilwoman Sharon Plant from attending the November 21, 2019 regular meeting;
- h. Excuse Councilwoman Erin Harrison from attending the January 16, 2020 regular meeting. City Manager DeLeon pulled item D the holiday schedule.

City Manager DeLeon stated she would like to pull item D.

Councilman McDonald moved to accept consent items A, B, C, E, F, G and H.

Councilwoman Rickabaugh seconded the motion.

The vote in favor of the motion was unanimous.

City Manager DeLeon stated she is proposing two new holidays, Martin Luther King on January 20, 2020 and the Battle of Flowers on April 24, 2020. She stated she did a review of other Cities and other Cities have the same days.

Councilwoman Harrison asked on the days that are holidays, is that paid at time and a half?
City Manager DeLeon stated they get holiday time off.

Councilwoman Harrison asked what does that add up to money wise?

City Manager DeLeon stated she will have something at the next meeting to discuss.

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 September and October 2019;
 - (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).

Police Chief Valenciano stated the overview on the dangerous animal determination is we had a repeat offender for an animal bite and we are trying to address it through the City ordinance and the provisions for the City to take.

City Manager DeLeon stated the October financial reports were not ready and will be ready next month.

Councilwoman Rickabaugh moved to accept the Departmental Reports as submitted.

Councilwoman Dusek seconded the motion.

The vote in favor of the motion was unanimous.

There was no further business and the meeting was adjourned at 7:23 p.m.

Ronald Hornberger
Mayor

ATTEST:

Diane Gonzales
City Secretary