

MINUTES OF REGULAR
CITY COUNCIL MEETING HELD
FEBRUARY 21, 2013

The City Council of Olmos Park, Texas held a regular meeting on February 21, 2013 commencing at 6:00 p.m. in the Council Chambers at City Hall. Mayor Kenneth Farrimond presided and Council members present were Enzo Pellegrino, Ernest Locker, Pat Semmes, Gayle Girdley and Sharon Plant. Staff present was City Manager Michael W. Simpson; City Secretary, Celia M. DeLeon; Fire Chief John Surber; Assistant Fire Chief James Ladewig; Public Works Director Gilbert DeLeon and Police Chief Fritz Bohne. Also present were Steve Pena, City Attorney, Carol McMorris, 116 Paseo Encinal, Patricia Meier, 140 Stanford Drive; Gene Allen, 204 East Wildwood; Clint Plant, 131 East Mandalay, Jeffery Judson, 205 East Wildwood; Valerie Guenther, 1 Ironwood and L. David Givler, Givler Engineering.

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

Citizens to be heard:

Gene Allen, 204 East Wildwood stated he would like to address at least two items on the agenda tonight. Item #4: Discuss recommendation from Givler Engineering to determine exact municipal boundaries; take possible action. "Item #3, Receive recommendation from Givler Engineering as a basis to discuss costs of including a storm water fee as part of the sewer fees; take possible action. This item includes planning and developing an Olmos Park Utility District, it will have the ability to levy a fee on all property owners and a collection process is more innovative is to be billed by San Antonio Water System (SAWS). There was another solution that at no cost or a nominal cost was presented to this Council and to the City Manager on a couple of occasions. It involved utilizing the services of the Bexar County Storm Water Utility District, which is in place to satisfy the requirements of the EPA for political subdivisions and Bexar County. There is virtually no cost to the City, other than we would have to inspect the inlets to make sure they are not stopped up, two times a year. The Bexar County Utility District has offered to take Olmos Park under its umbrella and provide the necessary services to satisfy the requirements. The second item I would like to address is the proposed survey of City boundaries; there seems to be some question whether or not we know where our boundaries are located. Olmos Park has been in existence over 80 years and I'm not aware of any problem we had dealing with our boundaries.

Receive recommendation from Givler Engineering as a basis to discuss costs of including a storm water fee as part of the sewer fees; take possible action. (December agenda)

David Givler stated there are many cities that have exercised their ability to follow one of the options they have available to them through the state laws, to collect fees to pay storm water maintenance, planning and infrastructure. The City could establish a fee by establishing a drainage utility and it becomes a direct way to collect money to maintain the drainage so it not only has to do with storm water quality issues, it also has to do with the infrastructure. This will give the City some flexibility to offset an unfunded mandate.

Councilman Pellegrino moved that the City not implement a Storm Water Utility District. Councilwoman Plant seconded the motion. The vote in favor was unanimous.

Discuss recommendation from Givler Engineering to determine exact municipal boundaries; take possible action. (City Manager)

The City Manager stated he asked David Givler to come up with this proposal because when he first came to work he came across a memorandum that said we are not sure where the City's boundaries are located, especially on Contour Drive. He stated the EDC is contracting with

Bain Medina Bain to survey the McCullough corridor which should locate the western City boundary.

City Engineer, David Givler stated specifically there are three areas of interest: Contour Drive, Park Drive and Westside. The records are very old and some of the plats are from 1927. This border (Contour Drive) was established by an elevation contour sometime in the early 1900's and the ground has changed since then. There are probably more specific documents that have surveys with more precision which are probably in the older archives in San Antonio. He stated during the construction on Westside Drive a couple of years ago, they located the property points on the eastside of Westside Drive and there is a deviation of up to one foot due to ground movement over time. Mr. Givler also reported that 533 East Olmos is a property that currently is in dispute as to whether it's in the City of Olmos Park city limits. The older documents (street plats) that the City has on file show this property to be in the City of Olmos Park. The records show that they are paying taxes and functioning as citizens of Olmos Park. The US Census Bureau 2010 boundary and annexation survey is where the issue came up; they are showing the lot as being outside of the City of Olmos Park boundaries and inside the City of San Antonio boundaries. The US Census Bureau requested the City of Olmos Park substantiate that this property is in the City of Olmos Park boundaries; "we did some research and the answer was we couldn't." The City of San Antonio is showing on their GIS information that the property is in Olmos Park. It's just a matter of time that this boundary gets reconciled in their system.

Steve Pena, City Attorney, recommended the City of Olmos Park speak with the City of San Antonio to negotiate an agreement with regard to 533 East Olmos Drive and inform the owners of the situation.

Council agreed to allow the City Manager to make contact with the City of San Antonio and the property owners with regard to this issue.

Councilwoman Semmes moved to table this agenda item. Councilwoman Plant seconded the motion. The vote in favor was unanimous.

Discuss assigning the unreserved equity in the Capital Fund Account; take possible action. (Plant)

Councilman Pellegrino moved the Council assign \$165,000 from the Capital Projects, account number 20-200-305, to Capital Replacement – Police Vehicles, account number 20-200-309, in the amount of \$50,000 and into the Capital Replacement – Fire Vehicle, account number 20-200-311, in the amount of designated for a replacement of a fire truck, not Rescue 1, in the amount of \$35,000 and into the Building Maintenance and Improvement Fund, account number 20-200-318, in the amount of \$80,000. Councilwoman Plant seconded the motion.

The City Council discussed the condition of Rescue 1. Fire Chief reported Rescue 1's condition is poor.

Councilman Pellegrino amended his motion by striking "not Rescue1" from the original motion. Councilwoman Girdley seconded the motion. The vote in favor of amending the motion was unanimous by all City Council members.

The vote in favor of motion as amended, that the Council assign \$165,000 from the Capital Projects, account number 20-200-305, to Capital Replacement – Police Vehicles, account number 20-200-309, in the amount of \$50,000 and into the Capital Replacement – Fire Vehicle, account number 20-200-311, in the amount of designated for a replacement of a fire truck, in the amount of \$35,000 and into the Building Maintenance and Improvement Fund, account number 20-200-318, in the amount of \$80,000 was unanimous by all City Council members.

Discuss re-assignment of \$25,000 Higher Education Facilities Corporation bond income from the operational reserve fund; take possible action (Plant).

Councilwoman Plant requested to withdraw this agenda item.

Discuss performance review of City Manager; take possible action. (Farrimond)

Councilwoman Plant moved to perform an annual review of the City Manager by the whole City Council to be presented at the March meeting. Councilman Pellegrino seconded the motion.

The vote in favor of the motion was:

AYES: Plant, Pellegrino

NAYES: Semmes, Girdley, Locker

The motion failed.

Discuss removal of webmaster's name from the City website and e-mails; take possible action. (Plant)

Councilwoman Plant moved that the City Council task the City Manager with obtaining some bids for maintenance of website to present at the March meeting." Steve Pena, City Attorney, interjected and said the agenda item does not permit the motion on the table.

Councilwoman Plant withdrew her motion and tabled it for the March meeting.

Discuss curb repairs monies; take possible action. (Plant)

Councilwoman Plant moved that "We instruct the City Manager to re-assign the \$10,000 curb money back to the Capital Fund account designated by Council in 2011-2012."

City Manager stated the City Council has never assigned any money to curb repair in the Capital account, so there is no money to re-assign.

No action was taken.

Discuss fountain accident insurance claims residuals; take possible action. (Plant)

No action was taken.

Review and discuss authorizing utilization of court security funds to provide a service window intercom system and the 1-door access control system to secure office areas in City Hall; take possible action (City Manager & PD Chief Bohne)

Councilman Locker moved we purchase and install intercom systems for the Court Clerk and City Secretary and a cypher lock for the door to the hallway as recommended by the Chief of Police, and fund the purchase and installation through the use of Court Security funds from the Special Revenue account. Councilman Pellegrino seconded the motion. The vote in favor of the motion was unanimous by all Council members.

Review and discuss the Economic Development Corporation's FY2013 Work Plan; take possible action (EDC)

Councilwoman Semmes moved to approve the Economic Development Corporation's FY2013 Work Plan as submitted. Councilwoman Girdley seconded the motion. The vote in favor of the motion was unanimous by all Council members.

Review and discuss the Planning and Zoning Commission 2012 Annual Report; take possible action (P&Z)

Councilwoman Semmes moved to approve the Planning and Zoning Commission FY2012 Annual Report as submitted. Councilwoman Girdley seconded the motion. The vote in favor of the motion was unanimous by all Council members present.

Review and discuss the Planning and Zoning Commission 2013 Work Plan; take possible action (P&Z)

Councilwoman Semmes moved to table this item until the joint workshop of the City Council and the Planning and Zoning Commission. Councilman Pellegrino seconded the motion. The vote in favor of the motion was:

AYES: Semmes, Pellegrino, Locker, Girdley

NAYES: Plant

The motion passed.

CONSENT ITEMS:

- a) Approve minutes for regular meeting held January 17, 2013.
- b) Accept Disbursements for January 2013.
- c) Adopt Order of Election for General Election to be held May 11, 2013.
- d) Approve Joint Election Agreement with Bexar County Elections for General Election to be held May 11, 2013.
- e) Approve Ordinance 2013-05, codifying previously adopted policy concerning who may contact the City Engineer or City Attorney to perform work for the City.
- f) Approve Ordinance 2013-06, appointing the City Secretary as the municipal human relations manager.

Councilwoman Plant pulled items a), e) and f) for individual consideration by the City Council.

Councilman Pellegrino moved to approve items b), c) and d) as submitted. Councilman Locker seconded the motion. The vote in favor of the motion was unanimous by all Council members.

Items for individual consideration:

- a) Approve minutes for regular meeting held January 17, 2013

Councilwoman Plant moved to not approve the minutes for January 17, 2013. There was no second, the motion failed.

Councilwoman Semmes moved to approve the minutes for regular meeting held January 17, 2013, as submitted. Councilwoman Girdley seconded the motion. The vote in favor of the motion was:

AYES: Semmes, Pellegrino, Locker, Girdley

NAYES: Plant

The motion passed.

- e) Approve Ordinance 2013-05, codifying previously adopted policy concerning who may contact the City Engineer or City Attorney to perform work for the City.

Councilwoman Girdley moved to approve Ordinance 2013-05 amending Section 2-13 ad 2-14 of the City Code of Olmos Park, Texas to codify previously adopted policy concerning who may task the City Attorney or City Engineer to perform work for which the City may be billed; providing for severability; providing for proper notice and meeting; and providing an effective date of the ordinance. Councilwoman Semmes seconded the motion. The vote in favor of the motion was:

AYES: Semmes, Pellegrino, Locker, Girdley

NAYES: Plant

The motion passed.

- f) Approve Ordinance 2013-06, appointing the City Secretary as the municipal human relations manager.

Councilwoman Plant moved to approve Ordinance 2013-06 amending Section 2-3 of the City Code of Olmos Park, Texas to designate the City Secretary as the Municipal Human Relations Manager; providing for severability; providing for proper notice and meeting; and providing and effective date of the ordinance. Councilwoman Semmes seconded the motion. The vote in favor was unanimous by all Council members present.

Mayor Farrimond stated the Council needs to find more money to compensate the City Secretary for the additional duties.

Departmental Reports:
City Council received the reports.

There was no further business and meeting was adjourned at 9:00 p.m.

Kenneth Farrimond
Mayor

ATTEST:

Celia M. DeLeon
City Secretary