

MINUTES OF REGULAR  
CITY COUNCIL MEETING HELD  
OCTOBER 16, 2024

The City Council of Olmos Park, Texas held a regular meeting on October 16, 2024 commencing at 6:00 p.m. in the Council Chambers at City Hall. Mayor Erin Harrison presided and Council members present were Adam Harden, Will Brooks, Kenyon McDonald, Juliana Dusek and Sharon Plant. Staff present were Interim City Manager, Michael Goodreau; City Secretary, Hilary Pickard; Fire Department Captain, Tomas Montes; Fire Captain, Thomas Shipley; Fire Captain, Julian Ramirez; Fire Lieutenant, Christina Derringer; Police Chief, Fidel Villegas; Police Officer, Jarrod Tubbs; Director of Public Works, Gilbert DeLeon; and Public Works Foreman, John Caballero. Also present was City Attorney, Daniel Santee; Lauron Fischer with Porchlight Insights; David Givler with Givler Engineering; Melissa Morales Fletcher; Ricardo Cavazos; and Olmos Park residents, Flynn Harrison, Chris Pal-Freeman, Clint Plant, Brian Arriaga, Jon Cochran, Lance Reinsmith, Wendy Scholemer, and Deanna Rickabaugh.

Mayor Harrison 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 Harrison.

Mayor Harrison spoke and stated that, before we open our item for citizens to be heard, she would like to say something. Tonight, as we gather, we extend our deepest sympathy and support to Susanne Simpson's family during this profoundly difficult time. Our thoughts and prayers are with them as we hold on to hope for her safe return. I also want to express sincere thanks to our Olmos Park Police Department, the assisting agencies, and all of the volunteers working tirelessly in the search for Susanne. We appreciate the strength and compassion of this community in moments like this, and we pray to always be there for one another. Our next item is 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 20 minutes.

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.

No citizens spoke at this time.

Discussion and possible action on creating a Policy for use of City Hall and City Park facilities for community events

Mayor Harrison explained that many Olmos Park residents enjoy hosting and or attending events, specifically at Alameda Circle. The current City Hall usage agreement does not include the approval of use of City park facilities. Interim City Manager Goodreau explained that currently, there's a usage agreement that is vague, as well as a permit

application, that are typically required for usage of City Hall; however, people are actually gathering more often at Alameda Circle. This Policy would be beneficial in order to make sure that the City has a better agreement in place, as well as to help protect the City. Mayor Harrison stated that it would be beneficial to have the Interim City Manager work with City Attorney, Daniel Santee, to come up with a Policy to be brought back and approved that also includes our park spaces, which are currently not listed. City Attorney Santee agreed and stated that he will work with Interim City Manager Goodreau to draft wording of a Policy to bring back to Council. It was the decision of Council to table this item until a draft Policy is in place for review. No action was taken.

Discussion and possible action to amend the current City Gift Policy, Personnel Policy, Budget

Mayor Harrison explained that the recommendation is to amend the current Policy to include the current Personnel Policy and Budget. Council discussed the fact that they had recently participated in a training where we learned a lot of things, and that it would be helpful to have the City Attorney assist the City Manager to ensure that the Policy adopted is aligned with current rules, regulations, and laws, and makes it clear and easy to understand for both council residents. Councilwoman Plant made a motion directing the City Attorney to revise the current City Gift Policy, Personnel Policy and Budget. Councilman Brooks seconded the motion. The vote in favor of the motion was unanimous.

Discussion and possible action to approve the 2024 Halloween Pedestrian Traffic Plan for road closures plan to allow pedestrian traffic through W El Prado Dr and E El Prado Dr from E Olmos Dr to Stanford Dr

Mayor Harrison explained that this plan is to allow for pedestrian traffic through West El Prado and East El Prado Dr, from East El Prado and West El Prado from E Olmos Dr to Stanford Dr from 5:00 p.m. to 9:00 p.m. on Halloween, as there are many trick or treaters in the area and this will better ensure their safety. After brief discussion, Councilwoman Dusek made a motion to approve the 2024 Halloween Pedestrian Traffic Plan for road closures plan to allow pedestrian traffic through W El Prado Dr and E El Prado Dr from E Olmos Dr to Stanford Dr. Councilman McDonald seconded the motion. The vote in favor of the motion was unanimous.

Discussion and possible action on recommendations for Planning & Zoning to amend City Code Chapter 40 (Zoning) to meet the desired use for the Commercial District and remain thoughtful of the McCullough Beautification Plan

Interim City Manager Goodreau spoke and explained that the City has recently received requests for Special Use Permits and variances and that the requestors are very likely to be coming to the Boards, specifically the Planning & Zoning Commission for requests. Mr. Goodreau went on to explain that some of the requestors don't want to participate in the City's beautification plan. However, when we looked further into the matter, the beautification plan lays out in the Ordinances that it's 50% of the structure, so some may not have to comply to begin with. Mr. Goodreau stated that the City may start experiencing issues if changes aren't made to the current ordinance to where people aren't building their structures twice as large. Mr. Goodreau also stated that the current Code is not based on valuation, which allows requestors to not have to participate in the plan. The second issue is the property at 4337 McCullough Ave, in which the property owner bought that structure with the intentions of using it as a garage; however, when you read our

Ordinance, it doesn't specify open to the public, which changes the business dynamic, and essentially, affects revenue. Therefore, the recommendation would be for Council to bring these concerns to the Planning & Zoning Commission to go back and look at those Ordinances so they may be tightened up, and work with the City Attorney to make sure that we have Codes that are written that meet the intended intention. Councilwoman Dusek stated that she and Councilwoman Plant have both served on Economic Development Corporation, and that, as a reminder, when requests like these are received and the requestor has run into issues complying, they have been directed to the EDC if they get denied or they have a hardship, because the EDC will do their best to work with them. Council stated that the City doesn't want to make things impossible for people and that the EDC would love to help. Councilwoman Dusek made a motion to request that the Planning & Zoning Commission review and amend City Code Chapter 40 (Zoning) to meet the desired use for the Commercial District and remain thoughtful of the McCullough Beautification Plan. Councilman Brooks seconded the motion. The vote in favor of the motion was unanimous.

Discussion and possible action on prioritizing funding for street maintenance, including drainage and runoff mitigation

Mr. David Givler with Givler Engineering spoke and explained that he spoke previously about two alternatives. One would be to simply repair the waterline and pavement that was damaged when the waterline broke. To restore it to its condition. And the other alternative would be to have the waterline repaired prior to the waterline breaking. He stated that he expects that repair to cost about \$77,000 to \$84,000. Alternative two includes repairs to compensate for the lack of convenience in the utilities, and that repair is anticipated to cost between \$144,000 and \$158,000. In addition, a third alternative, which would be to restore the capacity of the easement and also repair the waterline and repair the pavement associated with the waterline damage. He would expect that to be between \$860,000 and \$1 million, that would involve accessing the utility easement through about eight properties to include restoring the capacity, putting in some curbing and erosion control, and areas of concrete. This would collect the water at McCullough, put in a treatment there, because there are two. There's one driveway that's pretty low there, but there's a garage. We did a conceptual drainage study, preliminary one, for alternative use. I think it looks like Hermosa has plenty of capacity. This third alternative would cost about \$860,000 to about \$1 million. Councilwoman Dusek asked about alternative three, related to working in the easement; and also, alternative two, as to whether that would help alleviate the water going into the easement behind the properties of Mandalay and Hermosa? Councilwoman Dusek asked if Mr. Givler believes that alternative two would be a fix to prevent the flow of water from going to the properties there as well, and he stated yes. Council stated they prefer having the City's infrastructure in those rights of way rather than in the easements which go through people's yards because the easements are too small to begin with and they haven't been respected consistently over the decades, so there are a lot of encroachments there. The discussion among Council also highlighted that sometimes we're dealing with retaining walls and that sometimes there are small buildings existing, which makes it complicated. Mr. Givler explained that the benefit of the expensive option is that it would solve the drainage problem and all of the issues we're trying to solve. This includes putting in the permanent replacement of the water line, restoring the pavement, and solving the drainage problem. Council mentioned that the middle solution is preferable, which involves re-draining part

of Hillside in order to give more capacity and divert the water to Hermosa instead of the utility easement. That would involve just more work on Hillside. It would involve modifying some of the driveways and so forth on Hillside. Mr. Givler explained that you want to keep the water in the right of way and not let it go into private property or into the easement and would require bigger pavement patches, grading, and repair of the water line. The alternative option is the minimum replacement that would get the City streets back to their early July condition. That would be the cheapest but would solve the drainage problem. Council also requested a Workshop to further discuss this item. After further discussion, Councilwoman Dusek made a motion to direct the City Engineer to conduct an extensive drainage study based on alternative two provided by Givler Engineering. Councilman McDonald seconded the motion. All members of Council voted in favor of the motion, and Councilmember Plant abstained from voting.

#### Consent Items:

- A. Approve regular and Special City Council minutes of September 18, 2024, and October 2, 2024;
- B. Approve EDC FY2025 Budget (annual requirement)
- C. Approve Resolution No. 2024-13 designating *the San Antonio Express News* as the Official City Newspaper (annual requirement)
- D. Adopt Ordinance 2024-10 approving updated City Investment Policy
- E. Discussion and possible action on an Ordinance 2024-11 amending the Budget of The City of Olmos Park, Texas, for The Fiscal Year beginning October 1, 2023, and ending September 30, 2024.
- F. Discussion and possible action on Resolution 2024-12 to accept CHP-COPS grant from the Department of Justice that will pay portion of new Police Officer's salary.
- G. Discussion and possible action to formally accept a \$5,000 donation from Warm Springs Foundation to the Fire Department to use as required by the Olmos Park Gift Policy.

Mayor Harrison explained that item D needs to come back to Council as a Resolution, so it will be tabled until the next Council meeting, and that the Ordinance number listed in item G needs to be changed, as it is incorrect. Councilwoman Plant made a motion to approve Consent Items A, B, C, E, with the request for the necessary changes to be made to items F and G. Councilman Brooks 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.) Monthly overtime, CT, vacation, sick leave report;

(2.) Building Department Report;

(3.) Municipal Court Report

(4.) City Engineer Report

E) Manager's report:

(1.) Discussion of written reports (if needed)

Councilwoman Plant made a motion to approve Departmental Reports A-E. Councilwoman Dusek seconded the motion. The vote in favor of the motion was unanimous.

Closed Session:

City Council will meet in closed session pursuant to Texas Government Code Section 551.071 to consult with legal counsel and receive legal advice on the following matters:

- a. pending code enforcement, land use and permit issues that are contested
- b. personnel policy considerations
- c. recent terminations and legal procedural matters

Councilwoman Plant made a motion to adjourn into Closed Session. Councilwoman Dusek seconded the motion. The vote in favor of the motion was unanimous and Council adjourned into Closed Session at 7:42 p.m.

Open Session:

Following Closed Session, the City Council will return to Open Session for additional deliberation and possible action, if needed, on items 11(a), (b) and (c).

Council reconvened into regular session at 8:10 p.m. and Mayor Harrison called the meeting to order. No action was taken in Closed Session.

Mayor Harrison explained a motion is required for the action taken on the rules covered within closed session. First, there will be consideration by Council of the actions to adopt the administrative rules, and if adopted, they will be provided by the participants. The recommended administrative rules for appeal are City Council may convene in closed session at any time, pursuant to Texas government code 55.071 for consultation with legal counsel. The City Council may choose to deliberate in closed session pursuant to the Texas government code section 551.074. An employee has the right to request that deliberation to take place in open session that has no right to be present in the closed



session of the City Council. Participants should refrain from stating names of employees other than the appellant and the Interim City Manager while in open session. All questions shall be asked by the City Council and not by the appellant or Interim City Manager. All participants shall refrain from making personal, impertinent, or slanderous remarks. The Mayor has the right to end the appeal proceedings at any time, should any participant fail to follow the administrative rules. Councilman Brooks made a motion to adopt the rules outlined by Council in Closed Session with the addition of 15 minutes for presentation by the Interim City Manager, 15 minutes for the presentation of the appeal by appellant, and 5 minutes for the presentation of any rebuttal evidence by the city manager, and 5 minutes for closing statements for both the appellant and city manager. Councilwoman Plant seconded the motion. The vote in favor of the motion was unanimous.

#### Appeal of Termination:

Former employee Ricardo Cavazos has appealed his termination of employment pursuant to Olmos Park Employee Manual Section 5-03 Appeals of Terminations of Employment or Demotions.

- a. Determination of Procedural Completeness
- b. Presentation of evidence supporting termination by Interim City Manager
- c. Presentation of any evidence by terminated former employee
- d. Presentation of any rebuttal evidence by Interim City Manager
- e. Closing statements

The City Council will render a written decision on the appeal no later than fourteen days following the hearing of the appeal.

Interim City Manager Goodreau spoke and presented information to each member of Council which included the reasons for Mr. Cavazos' termination with the City of Olmos Park, supporting documentation for such and witness statements. Mr. Goodreau read each witness statement from each employee. He stated the grounds for termination that applied to this case, which included violations of the Employee Manual. These included harassment and intimidation (sec. 1-04), insubordination (sec. 5-02), dishonesty and misrepresentation (Work Standards sec. 5-02), and malicious gossip and disruptive behavior (Work Standards sec. 5-02). He also explained each in detail, stating that Mr. Cavazos failed to address prior complaints on multiple occasions, as well as the fact that Mr. Cavazos had many work-related performance issues including inadequate planning for City Board meetings which caused one to be cancelled, inconsistent application of permitting procedures such as missing scheduled inspections in projects resulting in inconsistent fees and services charged to the public and is arbitrary and acceptable, and lack of communication with multiple ongoing projects that required Mr. Cavazos' specific attention and created a decline in the quality of service provided to the community. Mr. Goodreau explained each issue in detail, and stated that the serious infractions and cumulative impact of Mr. Cavazos' decisions resulted in immediate termination. He then explained that Mr. Cavazos submitted an appeal to him and then to the City Council.

Mr. Cavazos' attorney, Melissa Fletcher, presented information on behalf of and in defense of Mr. Cavazos. Mr. Cavazos then spoke on behalf of himself and presented his rebuttal related to his termination.

Interim City Manager Goodreau then presented his five-minute rebuttal to Council, which was followed by a five-minute rebuttal by Mr. Cavazos' legal representative. Following these statements, Mr. Goodreau provided his five-minute closing statement. Ms. Fletcher then provided hers.

Following these presentations, it was the decision of Council to convene into Executive Session. Councilwoman Plant made a motion to convene into Executive Session. Councilman McDonald seconded the motion. The vote in favor of the motion was unanimous, and Council convened into Executive Session at 9:03 p.m.

Council reconvened into regular session at 9:21 p.m. and Mayor Harrison called the meeting back to order. No action was taken in Executive Session. Councilwoman Plant made a motion to sustain the termination of Mr. Ricardo Cavazos for the reasons and grounds stated in the termination letter from the Interim City Manager. Councilman Brooks seconded the motion. The vote in favor of the motion was unanimous.

Announcements from Council members

Councilwoman Dusek requested the form for requesting items to be included on Council agendas. There were no other announcements.

There being no further business, Councilwoman Plant made a motion to adjourn the meeting. Councilwoman Dusek seconded the motion. The vote in favor of the motion was unanimous, and the meeting was adjourned at 9:24 p.m.

---

Erin Harrison  
Mayor

ATTEST:

---

Hilary Pickard  
City Secretary