

MINUTES OF REGULAR
CITY COUNCIL MEETING HELD
OCTOBER 17, 2019

The City Council of Olmos Park, Texas held a regular meeting on October 17, 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, Sharon Plant and Deanna Rickabaugh. Council members not present were Kenyon McDonald. 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.

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.

Receive report on permits and inspection fees by Building Official; take possible action

City Manager DeLeon stated this item is coming back to Council because at the August meeting we amended some building code fees and there were some concerns from our Council members that the new fee structure would not match the previous permit fees so the Building Official is here to answer any questions on the permit fee report. She stated Councilwoman Plant and Councilwoman Harrison have already talked to Mr. Cavazos with regards to their concerns on the report.

Ricardo Cavazos stated prior to amending the fees the building mechanical and electrical used to come with two inspections within that permit and plumbers were paying the additional \$50.00 for each inspection. With the new fee schedule the inspections have been broken out and each inspection that they are requiring are being paid at \$50.00 each.

Councilwoman Plant stated Mr. Cavazos did an analysis of other Cities, so we are just bringing our fees up to date.

Ricardo Cavazos stated we were charging on valuation percentage, it started at 2.6% and went down to a higher valuation, however HB 852 prohibits all municipalities within the State of Texas of using that system so it is illegal to ask for a signed contract or even ask for a valuation.

Councilwoman Rickabaugh asked if someone was doing \$300,00 worth of improvements to their property then nobody but the homeowner and the contractor will know what that cost is?

Ricardo Cavazos stated yes that is correct. We did look at Alamo Heights, Terrell Hills and Shavano Park to see what they were charging per square foot and we have mirrored some of those fees and we started at \$3.00 and worked it down to \$2.00 the minimum for a larger square foot for new construction and also includes remodel. He stated for a remodel you are still calculating the square footage. For example, if it is 100 square feet you multiply that at \$3.00 and you get your permit fees.

Discussion on the recycling and garbage programs and their costs and possibly implementing fees; take possible action.

Councilwoman Dusek stated she met with the members of the recycling committee and they are still researching billing options and will re-visit this in December.

Mayor Hornberger stated we will have this as a rolling agenda item.

Councilwoman Harrison asked if we are going to a fee structure for recycling what if there are people who prefer to not take advantage of recycling, is it a opt in or opt out program?

Councilwoman Dusek stated when we have more information in December it will be more on the options and Council can decide what the best solution is.

Councilwoman Harrison asked would there be a public hearing for the residents?

City manager DeLeon stated she would recommend a town hall meeting.

Discussion on an Ordinance 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

Mayor Hornberger stated he has reviewed the ordinance and asked why is there not an option to go straight to requiring anyone who is doing new construction or remodeling to submit with materials to obtain a permit for the existing surface of the lot and require that they obtain an engineering study and report to show nothing that they are doing will change run-off on absorption rates across the lawn?

City Attorney Richard Lindner stated the theory was a Council policy decision if is there anything that is just is too small and we need to create another permitting system because right now in the backyard not much triggers a permit so we would need to add another type of permitting structure.

Mayor Hornberger stated how involved should the City be in this, whether or not the City is involved it seems we need to be careful that the Cities involvement will not affect the existing rights of subservient landowners to go into court whether the offending party had dotted the i's and crossed the t's with any ordinance we may pass. Someone affecting drainage on their property that then increases the water flow on someone else's property has created a continuous trespass and the remedy for that is for party who is affected to give a warning to the party that has created the problem and if they don't get satisfaction then they go to court because you can't create a continuous trespass.

Councilwoman Rickabaugh stated her issue is we would be forcing the person that has been aggrieved to have to incur the legal action.

Mayor Hornberger stated that is the law.

Councilwoman Plant stated most every house in Olmos Park has a retaining wall behind it or on the side of it so the simplest thing would be to say you have to have a retaining wall to protect the people behind the property and a system to which the drainage flows towards the street. It is infringing on your neighbor but also what is going to happen to our storm drains.

Mayor Hornberger stated there are two issues, one is impervious cover and if you cement over the lot then rain will not sink down into the ground. Number two issue is run-off and where is it

going to run-off, if it runs off and affects any of the neighbors then you have created a continuous trespass and overburden our storm sewer system with additional run-off that was not there before and anyone changing the dynamics ought to submit an engineering study.

City Attorney Richard Lindner stated we can add to the permits process that we already have and add a structure in place for new construction and demolition to ask them questions that will affect drainage or absorption characteristics of the property.

Councilwoman Plant stated when the Building Official goes out and does his inspections he can see if they have a fence up, then he needs to see if there is a retaining wall.

City Attorney Richard Lindner stated he will prepare for the next Council meeting and have another discussion only on a permit requirement to tie it to large new construction and demolition projects and you have to represent if it will affect drainage, absorption or flow and if you check the box we will tie in language that we already have in option one in the draft ordinance. If the homeowner checks the box then they will need to prepare information to present to the City that the water absorption, drainage and flow are not going to be materialist in nature and checking of the box the owners will have to give us the required documents.

Discussion on regulating solicitors and peddlers to abide by a centralized no solicitation list of residents who have elected to be on it; take possible action

City Manager DeLeon stated she noticed on the Hollywood Park website they have a soliciting ordinance that includes a no visit list for residents, they can call City Hall to be put on the list. We would provide solicitors the no visit list and the list will be public record and posted on the website. She asked if Council was interested in a no call list for Olmos Park.

Mayor Hornberger stated the residents can buy a no soliciting sign.

There was no further discussion and no action was taken.

Consent Items:

- a. Approve Cash Disbursements September 2019;
- b. Approve City Council minutes of September 19, 2019
- c. Approve Resolution No. 2019-02 designating the San Antonio Express News as the Official City Newspaper

Councilwoman Rickabaugh moved to accept consent items A through C.

Councilwoman Plant 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.) Financial reports for September 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).

City Manager DeLeon stated we did not include the September financial reports because the City's CPA is still working on those since it was the end of our fiscal year. She stated we will have the September and October financials at the November meeting.

Councilwoman Plant asked what is the collection status of our fines?

City Manager DeLeon stated our collection agency has done a good job and it is going well.

Councilwoman Plant stated she had asked the City Manager about the EMS billing and where does the money go and found out that the City receives a credit and wanted to share this with Council.

City Manager DeLeon stated we have received a credit of approximately \$20,00 on the last fiscal year because of the EMS fees that they have collected and it is noted on the budget and we receive credits every year.

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 7:00 p.m.

Ronald Hornberger
Mayor

ATTEST:

Diane Gonzales
City Secretary