

**OLMOS PARK ECONOMIC DEVELOPMENT CORPORATION
MINUTES OF REGULAR MEETING OF BOARD OF DIRECTORS
HELD ON OCTOBER 8, 2019**

The Board of Directors of the Olmos Park Economic Development Corporation met in regular session on Tuesday, October 8, 2019 at 6:00 p.m. in the City Council Chambers of the City of Olmos Park at 120 West El Prado Drive, Olmos Park, Texas. Members of the Board of Directors present were Mayor Hornberger, Fedra Chapa, Pat Meier, Councilwoman Plant, Barry Sturrock and Richard Wolf. Board members not present was Donna McElroy. Also present was City Manager, Celia DeLeon.

Call to order and determination of quorum.

The meeting was called to order at 6:00 p.m. by President, Barry Sturrock; 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). 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 September 10, 2019 Board Meeting; take possible action.

After reviewing the minutes Councilwoman Plant moved to accept the September 10, 2019 board meeting minutes. Richard Wolf seconded the motion. The motion was approved unanimously.

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

City Manager DeLeon stated she received a late invoice from our attorney and she has placed a copy at each board members place seating with a revised financial report.

Treasurer Wolf stated the balance at the end of August was \$552,399.04 and the sales tax revenue collected for September was \$8,964.74. After paying the invoices for September that left a balance of \$559,863.78.

Pat Meier asked what budget account does the payment to the attorney go to?

City Manager DeLeon stated legal fees.

Pat Meier stated some of those legal fees are tied to a project and some are not. She cited that according to what has been reported to date the expenditures for the project are \$25,846.60 leaving a balance of \$394,153.40.

Mayor Hornberger stated he believes Mrs. Meier's point is this is a shared expense between the EDC and the project and some allocation is appropriate to allocate some portion of this bill to the project.

President Sturrock stated he thinks we have been tracking that separately.

City Manager DeLeon stated we have not been doing that.

Pat Meier stated we wrote a check for \$3,574.00 to our attorney. This was not to consult over the agenda. The attorney breaks down consultation fees by the hours and that is routed to the appropriate budget, for the project budget that is account 80-700-100. If the budget number for each check was written on the check, tracking would be easier. Can we go back and retro actively do it this? City Manager DeLeon stated she will have to consult with the attorney or ask the CPA because the City does not pay her to do the EDC work.

Mayor Hornberger stated \$129.00 of this invoice would be allocated to the EDC project and the balance would be allocable to the EDC general budget. He will go through all the legal bills and he will asterix what he thinks are allocated project expenses and he will provide to Richard Wolf and then he can make any adjustments if necessary and then submit it back to the board.

City Manager DeLeon stated she will give those adjustments to the CPA because they are going to be closing out the fiscal year.

Mayor Hornberger stated the key is reviewing the invoices.

Pat Meier stated you can't do it unless you have the running account that Richard Wolf gives us, then you have to look at the checks which date back to January.

Councilwoman Plant asked what is the open meetings matter that is listed on the legal invoice regarding?

City Manager DeLeon stated Pat Meier kept replying to all parties on an email after she was asked not to on several occasions so we asked the attorney to address it.

Pat Meier stated it happened when she added Councilwoman Plant. She requested to go back and talk about the budget and look at profit and loss actuals January through June under project expenses shows \$450,000 is allocated to the budget for the project rather than the approved \$425,000.

President Sturrock stated that may have been an oversight on his part because we had allocated \$360,000 for the construction and \$65,000 for the professional fees which totals \$425,000 and it was not his intent to increase the budget. He stated we could move to adjust the budget back or leave it to where it is.

Pat Meier stated City Council approved the \$425,000.

President Sturrock stated the number we approved in the budget was not correct, it was a little more than what we had asked for and the \$425,000 that City Council approved is what we are still asking for and we are not asking to change that.

Pat Meier stated that this was the only place it was noted. All of the other places show the correct number.

President Sturrock stated the engineer has not increased his fees and we have not identified any construction cost that would necessitate us to increase the budget.

Pat Meier asked under project and loss budgets for January through June why are there line items for Codemeterics and Code Consultants, why are those still listed?

City Manager DeLeon stated the CPA keeps them listed and there is no dollar amount showing listed.

Pat Meier stated they need to be taken out.

City Manager DeLeon stated she will have to ask the CPA.

President Sturrock stated the contract with Codometrics is expired and completed and there could be some requirement for code consultants in the future.

Pat Meier stated she was looking at Richard Wolf's renderings for every month and there is an error on check #1258, it shows it to be made out to Diane Gonzales but check #1259 is made out to her.

Mayor Hornberger asked how old are those checks?

Pat Meier stated back in February and she went back and checked what Richard Wolf gives the board members each month and if you look at the bank statement for February it lists the checks.

Fedra Chapa joined the meeting at 6:12 p.m.

Councilwoman Plant stated she wanted to know why it would take the attorney almost six hours to type up a memo regarding the open meetings act.

City Manager DeLeon stated it was 3 pages of an email.

Pat Meier stated she only received three sentences in an email.

Councilwoman Plant stated everyone on the board had to take the open meetings act training.

President Sturrock stated part of our responsibility is a serious thing and we all need to take it seriously because we could be personally responsible and he thanks the attorney's effort to help us stay out of trouble.

Mayor Hornberger stated the old law did not make it clear that there was a personal liability involved and the new law does make it clear that there is personally responsibility.

Pat Meier agreed it was her responsibility.

Councilwoman Plant moved to accept the 2019 Financial Reports, EDC expenditures, allocations and monthly treasurer report as presented. Mayor Hornberger seconded the motion. The motion was approved unanimously.

Mayor Hornberger stated on this same agenda item we discussed in the discussions asking the City Manager to talk to the auditor about making the appropriate allocation in the attorney's fees between general purposes and the project and made a motion to authorize the City Manager to direct the auditor to make the appropriate allocations. Councilwoman Plant seconded the motion. The motion was approved unanimously

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 Sturrock stated the last couple of meetings we have combined agenda item #5 and #6. We have had discussions with the attorney trying to determine exactly who owns Clarence Street. The records for Clarence Street show that the City owns it but we are not sure so the attorney has some ideas with working the other direction to determine what the plat is for Valero and Cowboy Kennels. He will call the Engineer to see if he has information on the plat for Valero in which case that would leave the space in between us the right-of-way for Clarence Street. We still need to have a meeting with the owners of Cowboy Kennels and make our proposal. The City Manager and Mr. Sturrock had an initial discussion and they listened to our proposal and things are complicated once you start working with all the different properties and keeping in mind that we are an Economic Development Corporation so we are here to help the businesses not to hurt them. It is a very delicate partnership between us and the business owners on McCullough and to do the right thing for the City as we continue to develop McCullough and it is important that we get it right this time.

Pat Meier stated she talked to the Building Official about the ordinances and Cowboy Kennels has enough space to not lose any parking places and the City can according to our ordinances grant use of some of the right-of-way so they would not be hurt by losing a parking place.

President Sturrock stated the goal is for everyone to get the pedestrian traffic to a point where cars are not backing out across the sidewalk. We need to be patient and due our diligence to make sure we are doing the right thing by the business community and by the citizens of Olmos Park and by these ordinances. Hopefully by the next meeting we should be in a position we can go back to the attorney and get his thoughts on where we stand with regards to ownership of Clarence Street.

Discussion on the McCullough Corridor Sidewalks and Landscaping Demonstration Project (referred to as the "McCullough Corridor Project") including Task 2 which involves constructing sidewalk and landscaping improvements to undertake the McCullough Corridor Project in an amount not to exceed \$360,000.00 ("Task 2 project") as this Task 2 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 2 project.

The item was discussed with the previous item.

Discussion on Holiday decorations and budget; take possible action

Fedra Chapa stated we now have a committee of four which is herself, Nicole Greenburg, Joey Cortez and Satchie Seidlits and she will meet with the committee after this meeting to provide direction. We know what we are working with in terms with the budget after the Sip and Shop Event. She asked what is the cost to install the Christmas decorations?

City Manager DeLeon stated she put the invoices from Carl Electric on her place seating.

Fedra Chapa stated she will take those expenses out of the total and then that is what we have to work with for any extra decorations and she will have a list of items at the next meeting.

City Manager DeLeon stated she will ask Carl Electric about the condition of our large tree.

Pat Meier stated it is an eleven-foot tree out in the roundabout and it looked pretty bad last year.

Fedra Chapa stated for future holiday expenses should we look at this again after the season is over so we can get more for our budget as it seems we are paying full price for everything and we can buy for next year after everything goes on sale. The company Temple that we bought the banners from last year said if we purchase anything else from them this time around there is an additional 15% discount.

Discuss liaison issues with businesses and Olmos Park Living Magazine.

Pat Meier stated she has the purchase order for the banner for the Sip and Shop and she has two bids on putting it up and they will meet one more time later this month. We have all the flyers done and post cards done and have ordered the non-flammable luminaries. We have nine businesses that donated \$100.00 each to help with the printing costs. She is worried about if it should rain at night and people going in and out of the parking spaces backing out onto the street with people walking. She asked would it be possible to have "no parking signs" in the front of some of the businesses. If they are going to put up the luminaries and there are eight per business that they could use those as maybe a barrier of some sort. We probably won't do food trucks, she visited with some of the restaurants and they were not happy that we were going to compete with them with the food trucks so they all will set something up. The restaurant Pesto is going to have a group of kids making cards and they will provide babysitters so the parents can shop.

Councilwoman Plant asked what is the cost to purchase the sign and to put it up and is it weather proof so we can use it again?

Pat Meier stated the sign cost \$1,007.00 and the date is replaceable on the sign and it will cost about \$700.00 to put it up and take it down. Ginger Diaz with Feliz Modern will keep the sign and be responsible for it then next year they will have to raise funds again to put it up. She called Carl Electric and Dixie Flag and they are working on quotes to put the banner up and stated next year we are looking to get trollies.

Pat Meier stated last year somebody was almost hit and she will ask the businesses about what they want to do. She has laid out the street and talked to the people that have adequate parking like at the end of The Yard, there is one parking place, we can block off Clarence Street, and we have three dead end streets that we can use. Nicole Greenburg suggested if it rains the Olmos Park Youth Commission kids will have big umbrellas to help people cross the streets.

President Sturrock stated at the end of the day it is their property and they can choose to park there.

Mayor Hornberger stated the parking is an issue that should be addressed so the shop owners do not forget about it.

Councilwoman Plant stated the businesses need to look at this as this is a festival with the intent you don't park in front where you have a gathering place.

President Sturrock asked what is the outreach to the community that is in walking distance?

Pat Meier stated flyers and email blast. There will be tents in The Yard instead of the food trucks.

Discuss administrative items and future agenda items.

FY2020 Work Plan

McCullough Corridor Sidewalks and Landscaping Demonstration Project task 1 and task 2

Holiday decorations

Liaison issues with businesses and Olmos Park Living Magazine

Barry Sturrock contract for consulting work

Pat Meier asked do you think this project will be completed before your term expires?

President Sturrock stated no and his term expires in December and if we can get all the legal questions answered then he can get the landscape architect and engineer moving quickly and have the design documents ready for bid by December but it will probably take six months to get the construction done.

Pat Meier asked Mr. Sturrock if he could professionally help the EDC without a contract once his term expires?

President Sturrock stated no his insurance does not let him work for someone without a contract; he can get the EDC through at least the bidding process with the attorneys help. You can hire consultants to come in and go to construction meetings and Bain Medina Bain will do that for you but you need somebody on your side that can manage Bain Medina Bain.

Councilwoman Plant asked can we pay Barry Sturrock to continue to help with the project so we don't have someone new and starting from scratch?

President Sturrock stated he would be happy to give a discounted rate.

Mayor Hornberger suggested that Barry Sturrock have something in terms of a contract for the board to discuss on the agenda for next month

The meeting adjourned at 6:49 p.m.

Barry Sturrock, President

ATTEST:

Diane Gonzales
City Secretary