

MINUTES OF REGULAR  
CITY COUNCIL MEETING HELD  
SEPTEMBER 18, 2024

The City Council of Olmos Park, Texas held a regular meeting on September 18, 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; Police Chief, Fidel Villegas; Director of Public Works, Gilbert DeLeon; and Police Officer, Jarrod Tubbs. Also present was City Attorney, Daniel Santee; Lauron Fischer with Porchlight Insights; Sandy Mattick with TML Bootcamp Financial Services; David Givler with Givler Engineering; and Olmos Park residents, Clint Plant, Brian Arriaga 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.

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.

Resident, Mr. Brian Arriaga at 321 Thelma Drive, introduced himself and provided Council with a packet of photographs and information that provided detail regarding his comments. Mr. Arriaga stated that their home is located on a corner lot that has a side driveway that opens up to Shook Ave., and during the past several years, he has experienced flooding in the garage when heavy rainfall occurs. Mr. Arriaga explained that before the development along Olmos Dr., he did not experience flooding issues. Mr. Arriaga stated that since the development of the alleyway between Judson and Shook Ave and the PSW development, which created a large amount of impervious coverage, the rainwater floods across Shook Ave and into his property. Mr. Arriaga stated that on September 3, 2024, he received about 6-7" of water in his garage due to the heavy rain. Mr. Arriaga also explained that he has a driveway grate, but that even that is not adequate at this point, and that he would like for a solution to be provided.

Resident, Mr. Clint Plant at 131 E Mandalay Dr, introduced himself and stated that he was present to discuss the drainage issue on Hillside Dr, which is causing a flooding issue for all residences along E Mandalay Dr and E Hermosa Dr. Mr. Plant explained that there is a long history related to this issue, dating back to the time when Mr. Mark Colligan at 134 E Hermosa Dr was allowed by the City to violate Texas Water Code 11.086, which addresses overflow caused by diversion of water. Mr. Plant stated that Mr. Jim Raby, who was the City Inspector at the time, approved the plans for this project, which he felt should not have been approved under any circumstances. Mr. Plant explained that he has had discussions related to this issue with Mr. David Givler with Givler Engineering, and that he has expressed agreement. Mr. Plant also explained that he reviewed the plans

submitted to Mr. Raby with him and logged a complaint with him and the City due to the elevations that were shown on the plans at the time. He stated that over the years, he has had several instances in which water has been diverted onto his property but that the recent incident involving the water main break has exasperated the situation to where it is even worse. There is a new hump in the road that allegedly acts as a funnel and diverts all water traveling down the hill from the circle onto Hillside Dr as well as from the opposite direction on Hillside, which has caused his garage, maid's quarters, pool, pool house and den twice in the past two months. Mr. Plant stated that the estimates he has received to repair the damage to his home exceeds \$200,000.00 and may continue to increase. Mr. Plant stressed that the source of the water is coming from the City streets and not from a neighbor's yard, and stated that this issue needs to be dealt with immediately because until it is, it is impossible for him to begin repairs knowing that the next heavy rain event will result in additional flooding of his property as well as others. Mr. Plant also provided a photograph showing the elevations taken from the top of the curb on Hillside Dr from Mandalay to Hermosa.

#### Presentation of Proposed FY 2025 Budget and proposed 2024 Tax Rate

Interim City Manager, Michael Goodreau, reviewed several changes to the budget that were made after the August City Council meeting, which include an increase to the City Manager's salary up to \$150,000.00 so that it remains competitive, the vehicle for the Police Department's DEA program at an increase of about \$19,000.00 and a proposed COLA range from 0-3% for City employees. Interim City Manager also provided a brief overview of the proposed FY 2025 budget. Councilwoman Plant inquired about why the Worker's Compensation values had not changed. Mayor Harrison explained that those values had not changed the previous year either, and Interim City Manager Goodreau also stated that the City's claims remain very low which is one reason as to why the Worker's Comp values did not change. Councilwoman Dusek asked about the General Fund transfers and reserves dollar amounts and whether the funds will go into this year's budget. Interim City Manager Goodreau explained that these funds will be dispersed into the FY 2025 budget and will be completed as budget amendments that will be presented for approval at the October City Council meeting, as done in years past. He also explained that City staff conducted a study on COLA rates that have been implemented by surrounding cities based on direction from Council, and that it was found that Terrell Hills and Alamo Heights currently each provide a 3-3.5% COLA to employees. Councilwoman Plant asked about the Professional Services account, specifically as to why the amount increased from \$8,000.00 to \$38,000.00, and Police Chief, Fidel Villegas, explained that the increase is for Tyler Technology services that was previously discussed in order to install computers in the City's Police vehicles.

#### Public Hearing on FY2025 proposed budget

Mayor Harrison opened the Public Hearing at 6:20 p.m.

Olmos Park resident and former Mayor, Deanna Rickabaugh, spoke and stated that she is an advocate for the implementation of a COLA, and explained that if that is not approved, the City will continue to fall behind and not remain competitive. Ms. Rickabaugh also explained that continuing to build the City's reserves is critical.

Mayor Harrison closed the Public Hearing at 6:22 p.m.

Review, discuss and consider Ordinance 2024-07 adopting the FY2025 Budget; take possible action **by record vote**

Councilman McDonald moved to approve Ordinance 2024-07, adopting the FY2025 budget to include a 3% COLA.

Councilman Brooks seconded the motion.

Councilman Brooks	Aye
Councilwoman Dusek	Aye
Councilman McDonald	Aye
Councilwoman Plant	Aye
Councilman Harden	Aye

The motion passes.

Take possible action on Resolution 2024-11 to ratify the adoption of a budget that will require an increase in total property tax revenue **by record vote**

Councilwoman Plant moved to approve resolution 2024-11 to ratify the adoption of a budget that will require an increase in total property tax revenue, applying the Voter Approval Rate.

Councilman McDonald seconded the motion.

Councilman Brooks	Absent
Councilwoman Dusek	Aye
Councilman McDonald	Aye
Councilwoman Plant	Aye
Councilman Harden	Aye

The motion passes.

Public Hearing on 2024 tax rate to fund FY2025 Budget

Mayor Harrison opened the Public Hearing at 6:34 p.m.

There were no speakers.

Mayor Harrison closed the Public Hearing at 6:35 p.m.

Consider Ordinance 2024-08 setting the 2024 Tax Rate to fund the Fiscal Year 2025 Budget; take possible action **by record vote**

Councilwoman Dusek moved to approve Ordinance 2024-08, setting the 2024 Tax Rate to fund the Fiscal Year 2025 at \$0.500352 per one hundred dollars, effectively increasing the Tax Rate by 11.98% and increasing taxes for Maintenance and Operations on a \$100,000.00 home by approximately \$53.54.

Councilwoman Plant seconded the motion.

Councilman Brooks	Absent
Councilwoman Dusek	Aye
Councilman McDonald	Aye
Councilwoman Plant	Aye

Councilman Harden            Aye

The motion passes.

### Executive Session

The City Council will meet in closed session pursuant to Texas Government Code Section 551.071, consultation with attorney, to discuss cause number 2023CI25719 Grable v. Olmos Park

### Receive update from Givler Engineering on status related to T Construction project repairs and updates on estimated project completion date; discuss and take possible action

David Givler with Givler Engineering asked Council what questions they would like answered, and Interim City Manager Goodreau asked for a total cost from Givler Engineering to date and the City's incurred amount related to the break in repair by T Construction, the recent water pipe burst, a timeline for completion of work performed on any temporary repairs performed related to the pipe burst to restore the status of both the water main line and road conditions back to the condition it was in prior to July 3, 2024, as well as the date the request to SAWS was submitted to begin the temporary replacement of the water main line in lieu of the permanent replacement and any additional information that the City Council needs to be aware of. Mr. Givler stated that the total billable cost to date that the City has incurred related to the T Construction pipe break from Givler Engineering is \$7,143.00. Mr. Givler also stated that the temporary repairs should be completed by the end of this week. Mayor Harrison expressed concern regarding the temporary repairs, stating that more in-depth, permanent repairs are what is required in order to restore the status of the roads back to the condition that they were in before the pipe burst. Mr. Givler provided a brief response, stating that the temporary repairs are necessary until the final repair can be completed, which will take a longer time. Councilwoman Dusek also expressed concern regarding the fact that SAWS had not been contacted yet, as well as the timeline provided for the project completion. Mr. Givler stated that SAWS was contacted on July 3, 2024. Councilwoman Plant commented that the insurance adjuster came to her home, and that the adjuster made a comment, saying that he doubts that SAWS will end up covering anything because of the fact that the water pipe was too close to the sewer and was out of compliance. Mr. Givler explained that in the SAWS franchise agreement with the City, they agree to pay for relocating utilities in the area when a re-grade of the streets occurs. Mr. Givler stated that Givler Engineering will submit a request to SAWS for a Utility Coordination on this matter, and that the request will go out this Friday. Councilwoman Plant stated that there is still concern regarding the bid for the insurance claim to restore the condition of the streets, and Interim City Manager Goodreau explained that the City has submitted \$157,000.00 to the insurance company. Councilwoman Plant also mentioned that repairing the streets will not solve the big picture issue. Mr. Givler explained that Givler Engineering is moving forward with the original direction that was received from the previous City Manager and Council. Council expressed that they would like to receive additional updates, and Mr. Givler explained that Givler Engineering provides the City with an update every month. Councilman Harden asked what the cost of re-grading the street and the SAWS improvements would cost, and Mr. Givler stated it would be a total of \$158,000.00, and

that a portion of the cost would go back to the insurance company. In regard to closing the contract with T Construction, City Attorney Santee explained that additional information is needed in order to do so. There was additional brief discussion, and Council and Mr. Givler agreed to move forward with the direction from City Council and staff that took place at City Hall the previous Friday, and that Givler Engineering will provide an update to Interim City Manager Goodreau.

Adopt Resolution 2024-13, approving Armstrong, Vaughan & Associates to perform the City's annual FY 2024 financial audit

Mayor Harrison explained that Armstrong, Vaughan & Associates are asking Council to select an option as to who they would like to conduct the audit. Councilwoman Plant asked who did the audit last year, and Mayor Harrison stated that Phil Vaughan has conducted audits for the City in the past.

Councilwoman Plant made a motion to adopt Resolution 2024-13, approving Phil Vaughan of Armstrong, Vaughan & Associates to perform the City's annual Fiscal Year 2024 financial audit.

Councilman McDonald seconded the motion.

The vote in favor of the motion was unanimous.

Discussion and possible action on Ordinance 2024-09 amending the City Code of Ordinances Chapter 2 Section 2.8 Employees, to conform the City Code with the City Personnel Policy

Councilwoman Plant made a motion to approve Ordinance 2024-09 amending the City Code of Ordinances, Chapter 2, Section 2.8, Employees, to conform with the City Personnel Policy.

Councilman McDonald seconded the motion.

The vote in favor of the motion was unanimous.

Discussion and possible action on outsourcing Human Resources for the City

Councilwoman Plant moved to table this item and gave direction to the City Secretary to have a representative attend the next City Council meeting to answer questions and provide additional information.

Councilman McDonald seconded the motion.

The vote in favor of the motion was unanimous.

Discussion and possible action authorizing the City's participation in the DEA Program and execution of the program participation contract

Police Chief Villegas spoke and stated that an Olmos Park Police Officer will be participating in this program for 36 months and will receive critical training throughout that time. Chief Villegas also stated that the funds that will be received by the City will take some time, but that the return will be well worth it. Councilwoman Plant asked what the money received by the City may be used for, and Chief Villegas explained that the funds can be used for any items within the Police Department.

Councilwoman Plant made a motion to approve the DEA Program and execution of the program participation contract, pending review by the City Attorney.

Councilman McDonald seconded the motion.



The vote in favor of the motion was unanimous.

Discussion regarding possible amendments to the Policy on Tasking the City Attorney or Engineer

Councilwoman Plant explained that this Policy was created in 2011 in order to set specific parameters related to the way the City Attorney is able to be contacted by Councilmembers. Councilwoman Plant stated that she would like the Policy to be amended to allow for a different communication process between Councilmembers and the City Attorney or Engineer or any other professional services provider. There was brief discussion. No action was taken.

Consent Items:

- a. Approve Cash Disbursements August 2024;
- b. Approve regular and special City Council minutes of August 21, 2024 and August 12, 2024;

Mayor Harrison made a request for an amendment to the August 21, 2024 regular City Council minutes.

Councilwoman Dusek made a motion to approve Consent Items A-B with the edit to the August 21, 2024 regular City Council minutes.

Councilman McDonald 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 August 2024;
  - (2.) Monthly overtime, CT, vacation, sick leave report;
  - (3.) Building Department Report;
  - (4.) Municipal Court Report
  - (5.) City Engineer Report
- e) Manager's report:
  - (1.) Discussion of written reports (if needed).

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

#### Executive Session

The City Council will meet in closed session pursuant to Texas Government Code Section 551.072 to deliberate the possible purchase of real property within the City

Councilwoman Plant made a motion to convene into Executive Session.  
Councilman McDonald seconded the motion.  
The motion to convene into Executive Session at 8:16 p.m. was unanimous.

#### Open Session

Mayor Harrison closed Executive Session and reconvened into regular session at 8:43 p.m.

City Attorney Santee requested that on item 10, City Council authorize Denton Navarro Rodriguez Bernal Santee & Zech, P.C. pursue an appeal related to Grable v Olmos Park.

Councilwoman Plant made a motion to authorize Denton Navarro Rodriguez Bernal Santee & Zech, P.C. pursue an appeal related to Grable v Olmos Park.  
Councilman McDonald seconded the motion.  
The vote in favor of the motion was unanimous.

#### Announcements and requests from Council members for future agenda items

Councilwoman Plant mentioned that resident, Hayley Conger, has requested to hold a dinner for the Alamo Heights High School football team at Alameda Circle on October 10, 2024, as has been done the past few years. Councilwoman Plant asked that the City consider approving this request. City Attorney suggested placing this item on the October 2, 2024 Special City Council agenda. Mayor Harrison mentioned that she would like to propose a plan to close certain streets in the City for Halloween trick-or-treaters. Councilwoman Dusek asked the Interim City Manager to check to see when the City's contract with the City Engineer is up.

Councilman McDonald made a motion to adjourn the City Council meeting.  
Councilman Harden seconded the motion.  
The vote in favor of the motion was unanimous.

There being no further business, the meeting was adjourned at 8:51 p.m.

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Erin Harrison  
Mayor

ATTEST:

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Hilary Pickard  
City Secretary

DRAFT