

MINUTES OF REGULAR  
CITY COUNCIL MEETING HELD  
FEBRUARY 18, 2010

The City of Olmos Park City Council held a regular meeting on February 18, 2010 at 6:30 p. m. in the Council Chambers at City Hall. Mayor Ronald Tefteller presided and members present were Susan Gragg, Joseph Izbrand, Jeff Judson, Ernest Locker, and Patricia Semmes. Administrative staff present were Celia DeLeon, City Secretary; Mark Medbury, Fire Chief; and Fred Solis, Police Chief. Also present were David Givler, City Engineer; Marc Schnall, City Attorney; Valerie Guenther, 1 Ironwood Road; A.T. Brainerd, 201 East Mandalay Drive; Tony Cantu, Prime Time Newspaper; Marc Notzen, Municipal Court Judge; Gayle Girdley, 847 Contour; Ben Buecker, 463 East Olmos; Bruce Hill, Sunshine Cottage Building Committee; Gene Dawson and Chris Orem, Pape-Dawson Engineers; Dorothy Jo Weiss, 701 W. El Prado; Michelle Grant, 226 Parkhill; Marc Weigand, Attorney for Ms. Grant; Ann Coiner, 232 Parkhill; Elise Cox, 501 Contour; Mary Anthony, 103 E. Mariposa; Ryland Howard, 144 Parkhill; Dr. Jerry Christian, Sunshine Cottage.

Mayor Ronald Tefteller called the meeting to order and announced a quorum was present at 6:30 p. m.

Citizens to be heard

Valerie Guenther, 1 Ironwood, stated she believed that a 30mph speed limit on Olmos Drive and Devine Road was neither unreasonable nor unsafe. She stated that there was no information that warranted the conclusion that 30mph was unreasonable or unsafe. She stated that the new 25mph will cause those who use these streets as throughways will regard the City as a speed trap and will avoid driving through the City. She stated her desire for Council to amend Ordinance 2009-10 to include Olmos Drive and Devine Road to the currently decided exceptions to the new 25mph City speed limit.

Dorothy Jo Weiss, 701 W. El Prado, stated her desire for new term limitations on City officials: that Councilperson limitation be four, 2-year terms; and Mayoral limitation of a total of 8 years in service. She stated that the limits should include the provision that a Councilperson/Mayor may not sit out a term and then file for re-election. Ms. Weiss stated her desire for the City to reinstitute a regulation limiting the amount of time garbage cans placed at the curb before or after pickup.

A.T. Brainerd, 201 East Mandalay, stated he was in agreement with Ms. Guenther regarding the speed limit. In regard to the point regarding refuse introduced by Ms. Weiss, Mr. Brainerd suggested the City publish something in the Gazette reminding residents to be more vigilant about their refuse.

Consent Items

Councilwoman Gragg made a motion to accept the minutes of the special meeting held January 12, 2010; regular meeting held January 21, 2010; and special meeting held February 2, 2010 as amended by Councilwoman Semmes. Councilman Judson seconded the motion and the vote in favor was:

AYES: Gragg, Judson, Izbrand, Locker, Semmes  
NAYES: None  
ABSTAIN: None

Receive and discuss report from Marc Notzon, Municipal Court Judge

Judge Marc Notzon stated he had met with Police Chief Solis and officers regarding the Court and its proceedings and how to make it work more efficiently and fairly.

Discussion regarding design, schedule, costs, and other matters relating to new City Hall, including possible change orders; take possible action

Mayor Tefteller stated he had signed the final document pertaining to change orders for the new City Hall and that it was the final piece of accounting for the building. He stated there was a savings under the guaranteed maximum price contract and the City was credited \$4,864.50. In response to Councilwoman Gragg's question, Mayor Tefteller stated the City Hall project was officially closed out. Mayor Tefteller stated the expectation was that the funds remaining in the City Hall contingency fund would be transferred to the Fire Station contingency fund.

Discussion regarding design, schedule, costs, and other matters relating to new Fire Department Building Project, including possible change orders; take possible action

Mayor Tefteller stated the Fire Department Building Project was progressing rapidly and smoothly and that the project was very close to being on schedule despite the recent weather problems.

Discussion of drainage issues on Parkhill Drive; take possible action. Possible Executive Session pursuant to Texas Government Code Section §551.071, Consultation with Attorney

Mayor Tefteller stated that there had been consensus among all parties involved at the end of the most recent meeting, special meeting held February 2, 2010, that Pape-Dawson would proceed with their proposed option 4. Mayor Tefteller requested that Mr. Dawson provide Council with an update. Mr. Bruce Hill stated that Sunshine Cottage desired a little more time. He stated everyone involved was very close to agreement. Mr. Hill stated he believed an agreement could be reached. He stated that Sunshine Cottage gave a letter to Mayor Tefteller at the beginning of the meeting which stated the desire for more time to work out option 4, and if Sunshine Cottage is denied that time, it will proceed with option 2. Mr. Hill stated that Sunshine Cottage desired for the City to share the cost of the detention pond to be created under option 4. He stated half the cost of the detention pond would be roughly \$25,000.

Mr. Dawson stated he had revised the storm water report for Sunshine Cottage and submitted it to Mr. Givler.

Mayor Tefteller acknowledged he received the letter from Dr. Christian at the beginning of the meeting but neither he nor council had had an opportunity to read it.

Dr. Christian expressed his gratitude to Mayor Tefteller and Council for being given more time. He stated Sunshine Cottage was not looking for a great deal of time as this issue has been ongoing for some time. He stated that something was to happen soon, and if there is not a "meeting of the minds" regarding option 4, Sunshine Cottage would simply implement option 2 to come into compliance with City Code.

Mr. Givler, City Engineer, presented to Council a series of slides illustrating option 4 proposed by Pape-Dawson. He stated the new detention pond in the northwest corner of the Sunshine Cottage property would function to temporarily hold the runoff reduce the it to a slower rate (to 35-40 cubic feet per second). He stated the plan called for a

culvert and/or a channel to route the water to the Parkhill right of way. Mr. Givler stated the street will currently carry roughly 12 cubic feet per second, which increases the potential for flooding. He stated that one option was to construct a 36"-diameter concrete storm drain to carry the storm water to an existing inlet. Mr. Givler stated another option was to modify the street itself so that it could accommodate a 25- or 100-year flow. He stated this alternative is the less expensive alternative. Mr. Givler stated the need to reconstruct three driveway entrances and rebuild curbs, including removal and replacement of flagstone sidewalk. He stated there was an impact on private amenities located in the right of way. Mr. Givler stated the approximate cost for the 36" storm drain to be \$119,000-137,000 and the cost of the street modification to be \$58,000-67,000. He stated that these costs are predicated on the idea that option 4 works the way it is expected to work. Mr. Givler stated that it is important to note that at the moment everyone is dealing with concepts, but that Pape-Dawson is willing to produce a detailed design if the option is approved.

Councilman Judson asked how it was certain that flooding would be an issue because there was no precedent for flooding. He asked why, in light of the fact that most streets are built to accommodate the 5-year flow, the City should choose to accommodate the 100-year flow.

Mr. Givler replied that if the street is going to be repaired, the City might as well accommodate for the 100-year flow because there is very little cost difference between constructing the street to accommodate the 5-year flow and constructing the street to accommodate the 100-year flow. Mr. Givler stated the difference between what has happened in the past and what is happening now is twofold: 1. though there is not a detention pond at the moment, there is a detention effect caused by the construction of fences and walls being built along the backs of residential properties. He stated with the new detention pond, the storm water will be concentrated; there will not necessarily be more water, but the flow will have been changed drastically.

Mayor Tefteller called an Executive Session at 7:30 p. m. pursuant to Texas Government Code Section §551.071, Consultation with Attorney.

Executive Session ended at 8:03 p. m. and open meeting resumed. No action was taken.

Mayor Tefteller thanked the parties involved in this situation and stated that he and Council would like to call a special meeting on Monday, March 1, 2010 regarding the issue at hand. He requested that the parties involved continue negotiation and discussion, and that documentation be given to Mr. Givler, City Engineer, and Mr. Schnall, City Attorney, by 12:00 p. m. on Thursday, February 25, 2010 so they will have adequate time to review it on behalf of the City prior to the special meeting. He stated that at the February 2, 2010 meeting, Council clearly stated that option 4 was the preferred option and that Mr. Givler agreed. He stated the importance of working toward the completion/implementation of option 4.

#### Report from Givler Engineering, City Engineer

Mr. Givler stated the weather has hindered the street maintenance project. He stated that crack sealing was roughly 90% complete. He stated the bulk of the remaining work consisted of the French drains and reconstruction of Westside. Mr. Givler stated the

entire project should be completed by the third week of March, 2010, dependent on the weather.

Mr. Givler stated one of his staff attended a meeting regarding the updating of floodplain maps and stated the need of passing a new floodplain ordinance by September, 2010.

Regarding storm water fees, Mr. Schnall stated there were several requirements before Council may implement storm water fees. Mayor Tefteller stated that many cities had implemented storm water fees. He stated the cost of the storm water mandates must come from somewhere, whether it be from storm water fees or increased taxes.

Mr. Givler stated the City must come into compliance with requirements from various state and federal agencies.

Councilman Izbrand requested that Mr. Givler prepare an explanatory document for Council. Mayor Tefteller requested documentation of costs incurred by the City thus far regarding the 5-year storm water plan.

Hold PUBLIC HEARING to receive comments on amendments to Section 31.401.3 of Chapter 31 of the City Code of Ordinances in regard to accessory buildings and exterior windows on accessory buildings.

Mayor Tefteller called a Public Hearing to order at 8:29 p. m. to receive comments on amendments to Section 31.401.3 of Chapter 31 of the City Code of Ordinances in regard to accessory buildings and exterior windows on accessory buildings.

Mr. Howard, of the Planning and Zoning Commission, presented to Council the proposed changes to Section 31.401.3 of Chapter 31 of the City Code of Ordinances. He stated the proposed ordinance dealt specifically with second-story accessory building windows and privacy issues.

Mr. Brainerd stated that he knew of several tall accessory buildings where he could see a potential problem.

The public hearing ended at 8:38 p. m. and the regular meeting resumed.

Discussion and possible adoption of Ordinance 2010-04 amending Section 31.401.3 of Chapter 31 of the City Code of Ordinances in regard to accessory buildings and exterior windows on accessory buildings; take possible action

Councilwoman Gragg made a motion to adopt Ordinance 2010-04 amending Section 31.401.3 of the City Code of Ordinance to add requirements and limitations as to windows on accessory buildings and as to accessory buildings establishing a penalty and setting an effective date. Councilwoman Semmes seconded the motion and after much discussion, the vote in favor was:

AYES: Gragg, Semmes, Izbrand, Judson, Locker  
NAYES: None  
ABSTAIN: None

Discuss speed limit on Olmos Drive and Devine; take possible action

Councilwoman Semmes stressed the importance of working with neighboring cities of Olmos Park to provide continuity on Devine Road. Councilman Izbrand read a letter from a resident who lives on Olmos Drive imploring Council to keep the speed limit at 25

m.p.h. Councilman Locker stated his desire for more discussion regarding this issue. Councilwoman Gragg requested the Safety Committee, consisting of Councilman Judson and Councilwoman Semmes, look into this issue further. Councilman Izbrand requested the police department not write citations under the 25 m.p.h. speed limit on Olmos Drive and Devine Road until this issue is resolved. Police Chief Solis stated enforcement would not begin until a month after the new entrance signs were implemented.

Communications Committee update including branding recommendation, new website and emails; take possible action

Mrs. Cox presented to Council a brief update regarding the Communications Committee. She presented to Council an entrance sign design that includes the brand on the sign itself.

Councilwoman Gragg made a motion approve the new website and the entrance sign design including the new logo and slogan. Councilman Locker seconded the motion. Councilwoman Gragg withdrew her previous motion and made a motion to approve the new website and entrance sign design with the logo but without the slogan. Councilman Izbrand seconded the motion and the vote in favor was:

AYES: Gragg, Izbrand, Judson, Locker, Semmes  
NAYES: None  
ABSTAIN: None

Councilwoman Semmes stated her desire to remain the webmaster for the City website until Council designates a professional webmaster. Councilman Locker made a motion to appoint Councilwoman Semmes as official webmaster until the City finds a professional webmaster. Councilwoman Gragg seconded the motion. Mayor Tefteller stated the importance of working with City staff regarding website content. The vote in favor was:

AYES: Locker, Gragg, Izbrand, Judson, Semmes  
NAYES: None  
ABSTAIN: None

Departmental Reports

Police Chief Solis and Fire Chief Mark Medbury provided Council with departmental updates.

Councilwoman Semmes made a motion to accept the January financial disbursements. Councilwoman Gragg seconded the motion and the vote in favor was:

AYES: Semmes, Gragg, Izbrand, Judson, Locker  
NAYES: None  
ABSTAIN: None

Mayor Tefteller requested that a sales tax income report be sent to Council in order to compare it to last year at the current time of year.

Discuss options for business signage and landscaping at roundabout; take possible action

Councilman Izbrand presented to Council a suggestion from a resident to have business-sponsored landscaping at the roundabout in exchange for some sort of advertising signage. Mr. Schnall stated the sign ordinance prohibited commercial

signage unless said signage is approved by Council after a public hearing is held regarding the issue. He also stated that the sign ordinance provided that the public safety effects be considered and stated consultation with both the Police and Fire Chiefs was necessary. Mayor Tefteller requested that the Fountain Committee look into this idea and report to Council at the next regular meeting.

Discuss Interlocal Agreement with San Antonio Water System for billing services; take possible action

Mr. Schnall stated that no other economically viable option was found for billing services. Councilwoman Gragg made a motion to adopt Ordinance 2010-01 that the City enter into an Interlocal agreement with San Antonio Water System. Councilwoman Semmes seconded the motion, and the vote in favor was:

AYES: Gragg, Semmes, Izbrand, Judson, Locker  
NAYES: None  
ABSTAIN: None

Design Review Study Committee update

Councilwoman Gragg stated the Design Review Study Committee desired to wait until the EDC had the master plan for the revitalization of the business district before reviewing the current proposed design review ordinance.

Mayor Tefteller requested that the Design Review Study Committee provide the EDC with the proposed design review ordinance.

Streetlight Committee update including CPS lights and solar lighting

Councilwoman Gragg answered questions regarding the use of the SECO grant money for solar lights.

There was no further business and the meeting adjourned at 10:30 p. m.

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Ronald G. Tefteller  
Mayor

ATTEST:

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Celia M. DeLeon  
City Secretary