

MINUTES OF REGULAR
CITY COUNCIL MEETING HELD
OCTOBER 21, 2010

The City of Olmos Park City Council held a regular meeting on October 21, 2010 at 6:00 p.m. in the Council Chambers at City Hall. Mayor Susan Gragg presided and members present were Patricia Semmes, Ernest Locker, Gayle Girdley, Jeff Judson and Gene Allen. Administrative staff present were Amy Buckert, City Manager; Celia DeLeon, City Secretary; Police Chief Fred Solis and Fire Chief Mark Medbury. Also present were Marc Schnall, City Attorney; David Givler, City Engineer; Suzanne Markgraf, Randolph Road Runners; Audrey Vertucci, Randolph Road Runners; Jack Spector, Economic Development Corporation President; Patricia Temple, 215 East Hermosa; Ronald Tefteller, 228 Luther; Terry G. Puckett, 136 Paloma Drive; Bob Price, 145 Thelma; Tony Cantu, Prime Time Newspaper; Lynn Berchemmann, 202 Hermosa Drive, Dr. Kenneth Kirlin, Eagle Veterinary Hospital, David Evans, San Antonio Bar Association and Jackie Raney, 118 Primera Drive.

Mayor Gragg announced a quorum was present and called the meeting to order at 6:00 p.m.

Citizens to be heard

Patricia Temple, 215 East Hermosa Drive requested permission from City Council to allow her and her neighbors to solicit donations and perhaps host a bake sale to purchase a camera for the Police Department. Amy Buckert, City Manager thanked her for her generosity and said she can come before City Council to present the donation to the Police Department at a future meeting.

Robert Price, 145 Thelma Drive expressed his sorrow to see Amy Buckert leave the City of Olmos Park and congratulated her on a job well done.

Ronald Tefteller, 228 Luther also thanked Amy Buckert for her hard work and urged City Council to look for the best possible person to serve the community. He stated the Fire Chief, Police Chief and the City Secretary did an admirable job assisting with additional job duties while Ms. Buckert was out on maternity leave. He strongly City Council appoint an Interim City Manager while the City Council searches for the best qualified person to serve as City Manager.

Terry Gay Puckett, 136 Paloma Drive stated she is concerned with building height regulations being considered at tonight's meeting. She said it will immediately lay a direct path to the building of enormous buildings.

Receive and discuss bids for drainage issues on Park Hill Drive; take possible action. Possible Executive Session pursuant to Texas Government Code Section 551.071 Consultation with Attorney

David Givler, City Engineer presented an overview of the project through a power point presentation. He stated all references were favorable on all contractors. He said he recommends accepting EZ Bel Construction bid:

Base Bid- 30 inch RCP with street patch	\$108,693.00
Add Alternate 1 – Repave street	\$ 38,134.00
Add Alternate 2b-Inlet outside Park Hill R.O.W. & channel cover	\$ <u>23,564.00</u>
Sub-total	\$170,391.00
15% contingency	\$ <u>25,559.00</u>
Total cost	\$195,950.00

He reported this project will take 75 days to complete.

Mr. Givler informed City Council that there are two items that need to be addressed before proceeding with the project, 1.) The City needs to confirm its access to the easement at 226 Park Hill Drive and 2.) The utility companies are ready to begin on Tuesday. If the City wishes to proceed with this project, they need to get their utilities relocated so that they have a place to put in a pipe, with a projected completion date of November 8th.

Councilwoman Semmes stated she would like to include the outlet modification on Park Drive (Add Alternate 3). Due to the constraints of spending City funds outside of the city limits, Marc Schnall, City Attorney recommended City Council work on an Interlocal Agreement with the City of San Antonio.

Amy Buckert, City Manager agreed to set-up a meeting with the City of San Antonio Public Works Director, David Givler, City Engineer and Marc Schnall to discuss further.

Councilman Allen made a motion to accept EZ Bel Construction for the Base Bid, Add Alternate 1 and Add Alternate 2, and allocating \$80,000 from the Street Fund to pay for the project. Councilwoman Semmes seconded his motion.

Councilman Judson made a motion to amend Councilman Allen's motion to similarly accept the bid for Add Alternate 3, subject to negotiations with the City of San Antonio. Councilwoman Semmes seconded his motion to amend Councilman Allen's motion. The vote in favor of the amendment was:

AYES: Allen, Semmes, Judson, Locker, Girdley
NAYS: None
ABSTAIN: None

The vote in favor of the amendment was unanimous.

Add Alternate 3-Park Drive existing outlet modification	\$ 29,020.00
15% contingency	<u>\$ 4,353.00</u>
	\$ 33,373.00

Total project cost of \$229,323.00

The vote for the original motion with the amendment was:

AYES: Allen, Semmes, Judson, Locker, Girdley
NAYS: None
ABSTAIN: None

The vote in favor was unanimous.

Receive update on Master Plan from Olmos Park Economic Development Corporation representative Jack Spector

Jack Spector, President Olmos Park Economic Development Corporation provided City Council with an update on the Master Plan process. He said the final Master Plan draft will be completed on November 5th with all edits due November 12th for final presentation to City Council on November 18, 2010.

He said the next steps are:

- Creation of a committee to explore a process to review issues with the City of Olmos Park City Code as it relates to the Master Plan;
- Economic Development Corporation to identify a project within the plan that they can be easily implemented this year, bringing reality to the Master Plan vision;
- Begin the research process for long term funding to support the Master Plan.

CONSENT ITEMS:

(a.) Approve minutes for special meeting held August 30, 2010; minutes for special meeting held September 2, 2010; minutes for special meeting held September 7, 2010; minutes for regular meeting held September 16, 2010 and minutes for special meeting held September 20, 2010.

(b.) Accept disbursements for August 2010 and September 2010

(c.) Approve Resolution No. 2010-10 designating the Official City Newspaper

Councilman Judson made a motion to approve all consent items as listed. Councilman Locker seconded his motion and the vote in favor was:

AYES: Judson, Locker, Semmes, Allen, Girdley

NAYES: None

ABSTAIN: None

The vote in favor was unanimous.

Receive request from Randolph Roadrunners to hold their annual walk through the City of Olmos Park in January 2011; take possible action

Suzanne Markgraf, Randolph Roadrunners requested permission to conduct their annual walk/run through the City of Olmos Park.

Councilwoman Semmes made a motion to approve the Randolph Roadrunners' request to conduct their annual walk/run through the City of Olmos Park on January 8, 2011. Councilwoman Girdley seconded her motion and the vote was:

AYES: Semmes, Girdley, Locker, Judson, Allen

NAYES: None

ABSTAIN: None

The vote in favor was unanimous.

Receive request from San Antonio Bar Foundation to hold walk/run through the City of Olmos Park on November 20, 2010; take possible action

David Evans, San Antonio Bar Foundation requested permission to conduct their annual walk/run through the City of Olmos Park. He stated the event would begin and end at Alameda Circle, stating they would provide portable restrooms, face painting and moon bounces for the event. He stated he would like to invite the citizens of Olmos Park to participate in the activities as a thank you for sharing their community with the San Antonio Bar Foundation.

Amy Buckert, City Manager stated the Fire Department would station Rescue at Alameda Circle to provide medical assistance if needed.

Councilman Judson made a motion to approve the San Antonio Bar Foundation's request to hold their walk/run through the City of Olmos Park on November 20, 2010 with the direction to move the commencement and the conclusion of the event with all the activities to another location other than Alameda Circle. Councilman Allen seconded the motion and the vote in favor was:

AYES: Judson, Allen, Locker, Semmes, Girdley

NAYES: None

ABSTAIN: None

The vote in favor was unanimous.

Departmental Reports

Police Chief Solis presented City Council with the Halloween Traffic Control Plan.

No questions on the departmental reports.

PUBLIC HEARING on Ordinance 2010-14 amending Chapter 31, Sections 208 and 402 of the City Code regarding building height and stories regulations

Mayor Gragg announced a Public Hearing at 7:38 p.m.

No comments were heard.

Mayor Gragg closed the Public Hearing at 7:42 p.m.

Amy Buckert, City Manager stated these proposed amendments to Chapter 31, Sections 208 and 402 are recommendations of the Planning Zoning Committee. She stated the current City Code allows a home to be 35 feet tall or 2 ½ stories. She said there was a situation where a house was being built on top of a hill and measured two stories from the front of the home and three stories from the back of the home. She stated Planning and Zoning eliminated the 2 ½ stories requirement from the City Code because the International Residential Building Code dictates how many feet tall a story needs to be. She stated this change only applies to the residential area.

Review and discuss Ordinance 2010-14 amending Chapter 31, Sections 208 and 402 of the City Code regarding building height and stories regulations; take possible action

Councilman Judson made a motion to approve Ordinance 2010-14 amending Chapter 31, Sections 208 and 402 of the City Code regarding building height and stories regulations. Councilwoman Semmes seconded his motion and the vote was:

AYES: Judson, Semmes, Locker, Allen, Girdley

NAYES: None

ABSTAIN: None

The vote in favor was unanimous.

Review and discuss Ordinance 2010-07 amending Chapter 3, Animals to revise the definition of at large, to increase boarding and adoption fees, and to modify requirements as to dogs being under restraint; take possible action

Councilwoman Girdley thanked everyone who attended the Animal Information meeting in which residents expressed their opinions on whether dogs should be required by City Code to be leashed. She stated the opinions expressed by residents varied from dogs should be on a leash to suggestions that residents should have a variety of ways to control their dog. There were numerous stories given by residents about people using a shock collar and people using long leashes to control their dogs. Councilwoman Girdley stated there were more people in attendance who preferred a variety of methods to control their dog as allowed by the current ordinance.

Councilman Judson stated other than the recent animal attack, he does not know of a problem with residents being attacked by other residents' dogs. He said people fearing dogs or being uncomfortable with the presence of dogs have an irrational fear. He stated before the City passes an ordinance like this, it needs to start enforcing the current ordinance and educate their community to act responsibly with their pets.

Councilman Allen stated it would be nice if one could rely on everyone to do the proper thing but that he is familiar with people who have fallen or been injured due an unleashed dog. He said it is not inconvenient to have his dog on a leash, and it shouldn't be inconvenient for others to have their dog on a leash. He stated he does not understand what the terrible injustice is to have a dog on a leash. He said he believes in the leash law.

Councilwoman Girdley stated one of the residents present at the Animal Information meeting stated she used a shock collar to control her dog, because a leash was not working. She said there was one incident reported where a dog was on a leash and broke loose and the owner

suffered broken bones on her hands. She said there is one particular woman who is afraid of dogs in general, whether on a leash or not.

Councilwoman Semmes stated she is aware of residents being injured by dogs not on a leash. She said the problem is residents who don't see their dog as a danger to others. She said would like to hear Chief Solis' opinion on enforcing the current ordinance as suggested by another Councilman.

Chief Solis said it is difficult to enforce the current City Ordinance because a violation of the City Code is considered a misdemeanor. He said a misdemeanor offense must occur in the presence of the police officer or the police department must have information from a credible person that an offense has occurred. He said this requires the Police Department to document the incident (police report) and issue a citation. He said another type of enforcement could be done if the Police Department stopped every resident with a dog and inspected the dog for a shock collar. He said he receives many complaints about unrestrained dogs but the complainant refuses to file an official complaint with the Police Department because they don't want to be a bad neighbor. He also stated he is familiar with several cities who have incurred a civil lawsuit because they did not enact a leash law.

Dr. Kenneth Kirlin, stated an animal can overcome a shock collar unless you have set at its maximum. He said there is nothing cruel or restrictive with having a dog on a leash; it increases the safety of residents and drivers. He said by not having a leash law the City is placing the right of the dog above the right of a citizen to walk down the street.

Councilman Allen made a motion to approve Ordinance 2010-07 amending Chapter 3, Animals to revise the definition at large, to increase boarding and adoption fees, and to modify requirements as to dogs being under restraint. Councilwoman Semmes seconded his motion.

Councilman Judson made a motion to amend Councilman Allen's motion to amend Sections 3.09 (D) and 3.09 (F) of Chapter 3, Animals to read:

Whereas, Sections 3.09 (D) and 3.09 (F) of Chapter 3, Animals, of the Code of Ordinances of the City of Olmos Park set out fees to cover actual cost for boarding and for adoption of animals; and

Councilman Allen seconded his motion to amend the original motion. The vote in favor was:

AYES: Judson, Semmes, Locker, Allen, Girdley

NAYES: None

ABSTAIN: None

The vote in favor was unanimous.

Councilwoman Girdley made a motion to amend Councilman Allen's motion to amend Sections 3.01 of Chapter 3, Animals to read:

1. *On Premises of Owner – Any ~~animal~~ dog not confined to the premises of the owner by electronic means or physical means of sufficient height, strength, length, and/or manner of construction to preclude the ~~animal~~ dog from leaving the premises of the owner.*

2. *Off Premises of Owner - Any ~~animal~~ dog which is not physically and continually restrained by use of a leash or chain of proper strength and length that precludes the ~~animal~~ dog from making any unsolicited contact with any person, their clothing, their property, and/or their premises; provided, however, that any ~~animal~~ dog confined within a cage, automobile, truck, or any other vehicle of its owner shall not be deemed at large.*

Councilman Judson seconded her motion to amend the original motion. The vote in favor was:

AYES: Judson, Semmes, Locker, Allen, Girdley
NAYES: None
ABSTAIN: None

The vote in favor was unanimous.

The vote in favor of the original motion as amended was:

AYES: Semmes, Locker, Allen
NAYES: Judson, Girdley
ABSTAIN: None

The vote in favor of the motion passed.

Meeting recessed at 8:40 p.m.

Meeting resumed at 8:46 p.m.

Review and discuss Ordinance 2010-15 amending Chapter 3, Animals to address dangerous animals; take possible action

Councilman Judson made a motion to approve Ordinance 2010-15 amending Chapter 3, Animals to address dangerous animals. Councilman Locker seconded his motion and the vote in favor was:

AYES: Judson, Semmes, Locker, Allen, Girdley
NAYES: None
ABSTAIN: None

The vote in favor was unanimous.

Review and discuss Ordinance 2010-16 amending Chapter 13 Garbage and Refuse to reduce the risk of injury to City Public Works employees collecting garbage; take possible action

Councilwoman Girdley made a motion to approve Ordinance 2010-16 amending Chapter 13 Garbage and Refuse to reduce the risk of injury to City Public Works employees collecting garbage. Councilman Locker seconded her motion and the vote in favor was:

AYES: Judson, Semmes, Locker, Allen, Girdley
NAYES: None
ABSTAIN: None

The vote in favor was unanimous.

Appoint a member to the Board of Adjustment to serve an unexpired term through May 31, 2011; take possible action

Councilman Judson made a motion to appoint Sandra Hornberger to the Board of Adjustment to serve an unexpired term through May 31, 2011. Councilman Allen seconded his motion and the vote in favor was:

AYES: Judson, Semmes, Locker, Allen, Girdley
NAYES: None
ABSTAIN: None

The vote in favor was unanimous.

Appoint Audit Committee

Mayor Gragg appointed Councilman Allen and Councilman Locker to the Audit Committee.

Discussion regarding Request for Qualifications for Municipal Court Prosecutor; take possible action

Councilman Judson made a motion to authorize Amy Buckert, City Manager to Request Qualifications for Municipal Court prosecutor. Councilwoman Semmes seconded his motion and the vote in favor was:

AYES: Judson, Semmes, Locker, Allen, Girdley
NAYES: None
ABSTAIN: None

The vote in favor was unanimous.

Mayor Gragg appointed Councilwoman Girdley and Councilman Allen to work on the process for hiring a Municipal Court Prosecutor.

Receive letter of resignation from City Manager Amy Buckert and discuss process for hiring a new City Manager; take possible action

Mayor Gragg appointed Councilwoman Semmes and Councilman Judson to work on the search committee.

There was no other business and the meeting was adjourned at 9:24 p.m.

Susan O. Gragg
Mayor

ATTEST:

Celia M. DeLeon
City Secretary