

CITY OF ALAMO HEIGHTS  
CITY COUNCIL  
February 23, 2015

A regular meeting of the City Council of the City of Alamo Heights, Texas was held at Council Chambers, located at 6116 Broadway, San Antonio, Texas, at 5:30 p.m. on Monday, February 23, 2015.

Present and composing a quorum were:

Mayor Louis Cooper  
Mayor Pro-Tempore Bobby Rosenthal  
Councilmember Bobby Hasslocher  
Councilmember Fred Prassel

Also attending were:

City Manager J. Mark Browne  
Assistant to the City Manager Marian Vargas  
City Attorney Mike Brenan  
Finance Director Cynthia Barr  
Community Development Services Department Director Jason Lutz  
Human Resource Manager Lori Harris  
City Secretary Jennifer Reyna  
Chief Police Rick Pruitt  
Public Works Director Pat Sullivan  
Deputy Fire Chief Michael Gdovin  
Deputy Fire Chief John Massey

Absent were:

Councilmember Lynda Billa Burke  
Councilmember John Savage  
Fire Chief/Assistant City Manager Buddy Kuhn

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Mayor Louis Cooper opened the meeting at 5:30 p.m.

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*Item # 1      Approval of Minutes*

Mayor Cooper asked City Council for any revisions to the minutes of the February 9, 2015, City Council meeting. A motion was made by Councilmember Fred Prassel to approve the minutes of February 9, 2015. The motion was seconded by Councilmember Bobby Hasslocher and passed by unanimous vote.

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*Item # 2      Announcements*

Mayor Cooper read the following captions.

**a. City Hall's Grand Opening/Ribbon Cutting, February 26, 2015**

Assistant to the City Manager Marian Vargas invited residents to the grand opening/ribbon cutting of the new city facilities scheduled for Thursday, February 26, 2015. The ribbon cutting ceremony will begin at 10:00 a.m. with hosted tours beginning at 11:00 a.m. to 5:00 p.m. Additional information will be available to residents via the water bill, City's website, facebook page, and twitter. Neighboring cities were invited and light appetizers will be served.

**b. 1st Annual BBQ Cookoff/Fundraiser for Alamo Heights Volleyball Team, March 27-28, 2015**

Community Development Department Director Jason Lutz informed residents of the first annual BBQ cookoff/fundraiser hosted by the Alamo Heights Volleyball Team beginning on March 27 through March 28, 2015 at the Alamo Heights Swimming Pool. There will be a BBQ contest and washer tournament. Electricity will not be provided so generators will be required. No alcoholic beverages will be sold.

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*Item # 3      Citizens to be heard concerning items not on the agenda*

Peter Bourne, resident, encouraged Council not consider the Broadway/Ellwood project due to numerous concerns.

Debra Nason, resident, expressed opposition on the Broadway/Ellwood project.

Elliot Weser, resident, encouraged Council reconsider Broadway/Ellwood project due to numerous concerns. He encouraged Council to keep Alamo Heights as a city of charm and not harm.

Kimberly Lubianski, resident, referenced Council's power in closing streets and requirement for an election.

Jordan Hamilton, resident, expressed concern with property evaluation for the Broadway/Ellwood project. He encouraged the proposed property transform into a park.

Julian Hall, resident, referenced email communication between the Fire and Police Chiefs related to the proposed Broadway/Ellwood project. He encouraged Council to review the comments provided by the Fire and Police Chiefs noting they are doing their jobs.

Claire Golden, resident, encouraged Council to consider the city's environment that everyone values.

Sylvia Wong, resident, encouraged the developer to develop the property of a smaller residential project. She encouraged Council to consider Fire/Police Chiefs' comments which encompassed all of the residents' concerns.

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Items for Individual Consideration

Item # 4 Mayor Cooper read the following caption.

**Consider a request for IBC Bank, applicant, to allow VIA Metropolitan Transit to install an alternate bus stop shelter at 5029 Broadway**

Community Development Services Department Director made a PowerPoint presentation that included background information and photos.

Mr. Lutz reminded Council this item was returned for the lack of photos at the time it was presented to Council on February 9, 2015. He stated there are galvanized metal bus stop shelters, which the applicant desires, located within San Antonio and presented a few photos of the desired bus stop shelters. Locations highlighted were San Pedro and Avenue Del Rey, Nacogdoches and Cheever, and Broadway opposite Funston.

Councilmember Bobby Hasslocher expressed concern on the Americans with Disabilities Act (ADA) accessibility for the galvanized metal bus stop shelter.

Ms. Abigail Rodriguez, Manager of VIA's program facilities, provided confirmation that the galvanized metal bus stop shelter provides ADA accessibility.

A motion for approval was made by Mayor Pro Tem Bobby Rosenthal. The motion was seconded by Councilmember Bobby Hasslocher and passed by unanimous vote.

Item # 5 Mayor Cooper read the following caption.

**Discussion and presentation by Glenn Huddleston regarding his land purchase proposal**

Mr. Glenn Huddleston, real estate developer, stated in his opinion that Alamo Heights is a village keeping up with nature and the desires of the community related to scale and usage. He stated a village is best enhanced with greenspace. He is the property owner of the Mobil station located adjacent to the proposed area of development of the Broadway/Ellwood project.

Mr. Huddleston briefly presented his offer which included the purchase of four parcels identified as Tract A (Ausway), Tract B (southeastern edge of land surrounded by Ellwood Avenue and Ausway), Tract C (triangular area at the intersection of Broadway and Austin Highway), and Tract D (land encompassed by Ellwood Avenue and Austin Highway) for an amount of \$100,000; with no time expiration for the City to consider his offer. He stated he is not making any changes to the property and leave as is, subject to City's and citizens' desires. Mr. Huddleston stated he would purposely raise money to maintain the park and personally pay for the survey and landscape architect. Mr. Huddleston summarized that the park would be improved and be deeded to the City of Alamo Heights for public use as the best interest for the residents.

The following citizens spoke on this matter:

Lucie Jean Whitehead Bourne, shared her family's history as residents of Alamo Heights. She stated this is an excellent opportunity for the Council to do something nice for the community.

Debra Nason, resident, expressed support in Mr. Huddleston's offer and stated his offer is generous for the City and provides an opportunity for residents to come together.

Marcia Weser, resident, referred to Brackenridge Park where the land was donated to the City of San Antonio and commented this was a generous offer. She stated there are citizens that are willing and able to pledge money to donate for this type of function. She referenced the Cities of Austin and Houston that provide greenspace.

Olive Roen, resident, expressed concern of possible health concerns related to the proposed Broadway/Ellwood project to include ozone changes and gas submission.

Julian Hall, resident, thanked Mr. Huddleston on the proposed offer. He commented the proposed park offer is aligned with the Comprehensive Plan. Mr. Hall stated he will donate \$5,000 for the park.

Claire Golden, resident, suggested school activities shall be promoted at the proposed park.

Patsy Beveridge, resident, shared her family's personal history living in Alamo Heights. She commented that Alamo Heights is different, better, and has the quality of being neighborly. She expressed in her opinion that Mr. Huddleston's offer would be perfect.

Pruyn Hildebrand, resident, expressed support for greenspace and an area that would provide a centralized meeting center for the residents.

Mr. Huddleston responded to questions from the audience related to the vision of the property and safety.

A motion for approval was made by Councilmember Bobby Hasslocher to place Mr. Huddleston's item on the next agenda to vote in support or opposition of the offer. City Attorney Mike Brenan explained that Council can simply ask for the item to be placed on the next agenda and a motion was not necessary.

Mayor Pro Tem Bobby Rosenthal asked Mr. Huddleston questions related to greenspace reservation, parking, and consideration between tracts B and D.

Mr. Huddleston stated it is a blank pallet on how it could be integrated with the activities of Alamo Heights. He noted there are no parking signs on Austin Highway and there is probably more parking space than meets the eye. Mr. Huddleston stated he would not initiate the closing of a street.

There was further discussion among Council regarding the offer. There was no formal action.

*Item # 6* Mayor Cooper read the following caption.

**AN ORDINANCE CALLING A SPECIAL ELECTION TO BE HELD IN THE CITY OF ALAMO HEIGHTS, TEXAS TO CONSIDER A PROPOSITION TO AMEND THE ALAMO HEIGHTS CITY CHARTER TO AUTHORIZE PROPERTY OWNERS TO DECLINE INSTALLATION OR DEMAND REMOVAL OF ANY DIGITAL AND/OR RADIO FREQUENCY TRANSMITTING METERING DEVICE AND THE RETENTION OF EXITING ANALOG METERS WITHOUT ADDITIONAL CHARGE; MAKING PROVISION FOR THE CONDUCT OF THE ELECTION; AND RESOLVING OTHER MATTERS INCIDENT AND RELATED TO SUCH ELECTION**

***UNA ORDENANZA LLAMANDO A UNA ELECCIÓN ESPECIAL QUE SE LLEVARÁ ACABO EN LA CIUDAD DE ALAMO HEIGHTS, TEJAS, PARA CONSIDERAR UNA PROPOSICIÓN PARA MODIFICAR LA CONSTITUCIÓN DE LA CIUDAD ALAMO HEIGHTS PARA AUTORIZAR LOS DUEÑOS DE PROPIEDADES A NO ACEPTAR LA INSTALACIÓN O DEMANDAR QUE CUALQUIER DISPOSITIVO DE TRANSMISIÓN DISPOSITIVO RADIO FRECUENTE Y LA RETENCIÓN DE MEDIDORES ANALÓGICOS EXISTENTES SIN CARGO ADICIONAL; HACER PROVISIÓN PARA LA REALIZACIÓN DE LAS ELECCIONES; Y RESOLVER***

***OTROS ASUNTOS RELACIONADOS CON DICHA  
ELECCIÓN***

Mayor Cooper referred to City Attorney Mike Brenan regarding the consideration of the item.

City Attorney Mike Brenan stated today he received communication from CPS Energy's Attorney related to the submitted petition. The memo received referenced Section §40.055 of the Public Utility Regulatory Act that grants to the City of San Antonio 1) exclusive jurisdiction to set all terms of access conditions and rates applicable to services provided by its municipally owned utility; 2) the authority for the management and operation of the municipally owned utility, 3) the right to establish and enforce service quality and reliability standards and consumer safeguards designed to protect retail customers, 4) the authority to determine any other utility matters appropriate to manage and operate the municipally owned utility, and 5) the authority to determine all utility matters to manage utility and 6) grants Council /COSA to determine the extent to which the municipally owned utility offers energy efficiency programs. Mr. Brenan stated CPS Energy would refuse to comply with the submitted petition and would file a lawsuit if an election is ordered. He informed Council that citizens are not to fund a lawsuit with no insurance coverage. He stated the election order would be null and unlawful to spend City's money in support of the election. Mr. Brenan advised Council not to order the special election or the City will be in a lawsuit. He shared that via television media he was aware that the League of United Latin American Citizens (LULAC) was petitioning the San Antonio City Council to forego smart meters.

The following citizens spoke on this matter:

Susan Straus, individual that submitted the petition, stated she understood the reasoning regarding denial of the ordering of a special election and stated that the citizens of Alamo Heights had spoken. She shared that CPS Energy would be installing smart meters within a few weeks and stated she would like to seek legal advise. She demanded Council request an additional six month delay on the smart meter installation as an investigation is conducted. She added that Stan Mitchell with LULAC will be at the upcoming council meeting for the City of San Antonio.

Mr. Cooper explained to Ms. Straus the process in calling an election and thanked her for her efforts.

John Joseph, resident, expressed concern on the timing of ordering an election.

Olive Roen, resident, asked what is LULAC considering and encouraged the City to gain information and align with their objectives.

Pruyn Hildebrand, resident, expressed concern on CPS Energy's letter regarding installation. She stated that CPS Energy's consumers are unaware of the smart meter installation and shared the difficulty in obtaining the opt-out forms via CPS Energy's

website. Ms. Hildebrand expressed support in requesting an additional six month delay for the installation of smart meters.

Elliot Weser, resident, encouraged Council to obtain a delay for the smart meter installation. He stated CPS Energy acknowledged the installation with an option to opt-out and shared the challenge in obtaining a form to opt-out of the smart meter installation.

Julian Hall, resident, expressed concern on the opt-out program and noted the difficulty in locating an opt-out form.

Marcia Weser, resident, commented CPS Energy is bullying the City of Alamo Heights and chooses not to disclose the truth in regard to smart meters.

Mr. Brennan responded to the audience related to the petition and ordering of the special election. He explained ordering the election would be misappropriating funds.

Councilmember Hasslocher asked if the City may seek an opinion from the Attorney General's office. Mr. Brennan responded yes. There was a brief discussion among Council regarding an opinion from the Attorney General and considering current options. Council agreed to seek an opinion from the Attorney General's office.

No action was taken by Council.

*Item # 7* Mayor Cooper read the following caption.

**Resolution No. 2015R-070**

**A Resolution approving a Regional Mutual Aid Agreement with various local government entities and local organizations within the geographic area of the Alamo Area Council of Governments and authorizing the City Manager to execute said agreement**

Deputy Fire Chief Michael Gdovin made a PowerPoint presentation that included background information.

Deputy Fire Chief Gdovin stated the revised agreement provides additional resources in the event of an emergency that scales beyond the City's resources. He provided examples of recent large scale mutual aid events with Hurricanes Ike, Rita and Katrina, local area flooding, and fire responses. Deputy Fire Chief Gdovin highlighted the revised agreement conforms to State and Federal reimbursement guidelines and aids in reimbursement for events exceeding the 12-hour operational period.

A motion for approval was made by Councilmember Prassel. The motion was seconded by Mayor Pro Tem Rosenthal and passed by unanimous vote.

*Item # 8* Mayor Cooper read the following caption.

**ORDINANCE NO. 2014**

**AN ORDINANCE REGULATING ELECTIONEERING FOR  
ELECTION DAY ACTIVITIES AT CITY HALL**

Ms. Reyna made a PowerPoint presentation that included background information.

Ms. Reyna referenced Texas Election Codes Sections 85.036(b) and 61.003(a-1) includes the posting, use, or distribution of political signs or literature as electioneering. She stated the proposed ordinance is to provide regulations to electioneering maintaining a clean facility and its surroundings while promoting safety. She stated the proposed ordinance designates a specific time period, limits size and amount of signs outside the 100 feet on public property. Ms. Reyna stated political/campaign signs may not be erected earlier than 6:00 a.m. on Election Day and must be removed within two calendar days following Election Day by 8:00 a.m. If responsible party fails, the sign(s) will be disposed of. Signs may not exceed 4 square feet in area and are limited to two signs for each candidate, measure, or political party. She referenced City Charter Article II – Sign Regulations, Section 15-33 titled *Signs on or over public property* that declares existing regulations. Ms. Reyna also referenced Election Code Section 61.003 *Electioneering and Loitering near Polling Place* in which political literature may not be distributed nor loitered within 100 feet of an outside door which the voters enter the polling site as the person commits an offense.

A motion for approval was made by Councilmember Prassel. The motion was seconded by Councilmember Hasslocher and passed by unanimous vote.

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Staff Reports

*Item # 9* Mayor Cooper read the following caption.

**Annual Update regarding fees for EMS Services**

Deputy Fire Chief John Massey made a PowerPoint presentation that included background information and a chart.

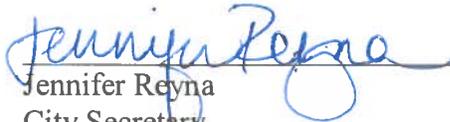
Deputy Fire Chief Massey stated staff evaluation of area EMS provider rates was completed in December 2014. He informed Council the last fee increase was August 23, 2010 and provided background information. He noted changes conducted in 2010 included the elimination of “Response Only” category and a mileage increase from \$12.00 to \$14.00 per mile. Other changes included the base rate for transports including consumables for Medicare, and Responses with Aid/No Transport and consumables was from \$150 to \$206. Participating agencies included San Antonio, Schertz, Shavano Park

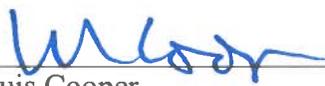
and Kendall County on the evaluation of EMS provider rates. A chart was presented that displayed participating agencies and their fees in comparison.

Deputy Fire Chief Massey reviewed the fiscal impact and noted the EMS fee study rates are reviewed on an annual basis. He recommended the EMS rates remain at the same level.

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There being no further business, a motion was made by Councilmember Prassel to adjourn the meeting. The motion was seconded by Councilmember Hasslocher and passed by unanimous vote. Mayor Cooper adjourned the meeting at 7:28 p.m.

  
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Jennifer Reyna  
City Secretary

  
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Louis Cooper  
Mayor