

CITY OF ALAMO HEIGHTS  
CITY COUNCIL  
October 14, 2019

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, October 14, 2019.

Present and composing a quorum were:

Mayor Bobby Rosenthal  
Mayor Pro Tempore Wes Sharples  
Councilmember Lawson Jessee  
Councilmember Fred Prassel  
Councilmember Lynda Billa Burke  
Councilmember John Savage

Also attending were:

City Manager Buddy Kuhn  
Assistant to the City Manager Marian V. Mendoza  
City Attorney Frank Garza  
Community Development Services Department Director Nina Shealey  
Human Resources Manager Lori Harris  
Police Sergeant Lyle Key  
Public Works Director Pat Sullivan  
Fire Chief Michael Gdovin  
City Secretary Jennifer Reyna

Absent were:

Police Chief Rick Pruitt  
Finance Director Robert Galindo

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Mayor Bobby Rosenthal opened the meeting at 5:30 p.m.

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Mayor Rosenthal recognized the presence of the Boy Scouts of America, Patrol # 809 in the audience. They were present to observe the Council meeting as a requirement for their Citizenship in the Community merit badge. Mayor Rosenthal thanked them for being present.

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*Item # 1      Approval of Minutes*

Mayor Rosenthal asked City Council for any revisions to the minutes of the September 23, 2019 Council Meeting. A motion was made by Councilmember Fred

Community Development Services Department Director Nina Shealey made a PowerPoint presentation that included background information.

Ms. Shealey stated there were sections revised due to administrative processes, clarification, updates, and state legislative changes. She informed Council of extensions for Board of Adjustment (BOA) applications may be up to 180 days, only one request allowed per year and noted previously there were no limits to request extensions. BOA considered the proposed revisions and agreed to the amendment when it was presented on August 7<sup>th</sup>.

Senate Bill (SB) 21 prohibits the sale of tobacco products to persons under age 21. Section 3-21 Definitions are amended to include "individuals 21 years of age or older" in Retail General and Stores Others than Listed. A definition for Multi-Family Complex is provided under the section of Signs and is limited to one monument sign. Banners are limited to temporary signs only.

Other proposed amendments are related to landscaping, tree preservation, and visual obstruction. Landscaping materials shall be contained to prevent run-off of materials onto right-of-ways or abutting properties. There is added language that allows the City Manager to waive permit fee requirement to remove a tree that has fallen due to acts by nature. Visual clearance is defined only on intersections and needed to apply to driveways.

There are additional amendments related to building materials and fees. House Bill (HB) 2439 does not allow a governing body to prohibit the use of building materials if approved within the past three code cycles. Building materials in Section 3-21 Corrugated metal, canvas or vinyl for carports and Sec. 5-40: Wood Shingles/Shakes are removed. She reminded Council that HB 852 prohibits assessing residential building permits on project value. On June 10, 2019, Council approved a new building permit fee based on square footage to comply with HB 852. Ms. Shealey presented a permit fee reduction chart schedule as she noted the revised permit fee schedule in June 2019 was slightly higher than anticipated. The price per square feet scales begins at the highest at \$2.75 rather than \$3.25 per square feet and is reduced respectively to increased square footage. For interior models, only square footage of inspection is required for that area and a \$250.00 flat review fee rather than half of the cost of the permit fee.

The proposed amendments were coordinated with the Boards and Commission and City Attorney. On August 7, 2019, BOA reviewed and approved the amendments. The Architectural Review Board (ARB) was briefed on August 20, 2019. The code amendments were presented to the Planning and Zoning Commission (P&Z) on August 5, 2019 and a public hearing was conducted on October 7, 201. Notification was published in the *San Antonio Express-News*. Staff received no postcards in support or opposition of the proposed code amendments.

Mayor Rosenthal asked of any negative impact related to multi-family, daily lease banners and fee schedule.

Ms. Shealey responded to Mayor Rosenthal the revised amendment related to multi-family complexes to allow appropriate signage. Banners are temporary and an amendment is an effort to limit temporary signs; "for lease" banners are categorized under real-estate signs and shall not be of banner-like material.

Councilmember Jessee commented based on his professional experience, the permit fee schedule is better.

City Attorney Frank Garza advised Councilmember Jessee that a recusal was not needed as he explained this item is applied to all and not specific.

Ms. Shealey responded to Mayor Pro Tem Sharples, 90% of building fee permits were generating additional revenue than the original fee schedule that brought attention for review and justified sufficient samples to consider a change. Mr. Kuhn added the smaller end projects were coming in higher and Ms. Shealey had conducted research to present a revised amendment to the permit fee schedule.

Councilmember Billa Burke asked if an amendment needed to include vaping, in additional to tobacco sales.

Assistant to City Manager Marian Mendoza stated the code amendment includes vaping and adhere to recent state legislation changes.

Mayor Rosenthal opened the public hearing at 5:59 p.m. There were no citizens that signed up to speak. Mayor Rosenthal closed the public hearing at 6:00 p.m.

A motion was made by Councilmember Lawson Jessee. The motion was seconded by Mayor Pro Tem Wes Sharples and passed by unanimous vote.

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

**Resolution No. 2019R-114**

**A Resolution authorizing the City Manager to execute an agreement with Interpool Inc. for additional repair services at the Alamo Heights Swimming Pool**

City Manager Buddy Kuhn made a PowerPoint presentation that included background information and a photo.

Mr. Kuhn informed Council Interpool, Inc. was hired in September 2019 to complete a leak repair project of the Alamo Heights Swimming Pool, in the amount not to exceed \$50,000. He stated during the process, a liner had been applied and additional repairs were identified. He stated the contractor found a cast iron pipe in Wetwell # 1 and Manhole # 1 that needs to be removed and installation of new SCH80 modulation valve, butterfly valves, pipe, fitting and 316 stainless hardware, and a leak repair around

Wetwell pipe coming from lap pool main drain is needed, too. Due to the leak from the Wetwell pipe, the concrete retaining wall at the bottom of the diving well is crumbling. A photo of the valve was presented and emphasized a deep hole is at the swimming pool. He referenced Subchapter A Section 252 of Government Code allows general exceptions from a competitive bid process.

The estimated fiscal impact for the additional repairs is \$24,620. Mr. Kuhn explained the leak repair cost was \$47,300 leaving a balance of \$2,700 which brings the additional cost to \$21,920 over the \$50,000.

Councilmember Jessee inquired about the concrete of the retaining wall and noted the cost was cheaper than anticipated.

Mr. Kuhn stated the cost to repair the concrete at the bottom of the Wetwell is \$9,000. He commented the original scope of plan was to excavate 10 feet and resulted 16 feet deep.

Councilmember Billa Burke asked if an impact study needed to be conducted.

Mr. Kuhn stated staff self-reported to the Texas Commission on Environmental Quality (TCEQ) due to the leak and coordinated with the Texas Development of Licensing and Regulation (TDLR). He stated TCEQ had no issues with chlorinated water; however, the pool backwash must be captured which occurs on a weekly basis. He shared the Public Works Department will conduct the tie-in of the pool main drain into the sewer main; permission was sought and granted from San Antonio Water Systems (SAWS) which will save the City between \$85,000 - \$88,000 by conducting repair inhouse.

Mr. Kuhn reported a pre-bid mandatory conference for the swimming pool repairs is scheduled for tomorrow and the item will return to Council in November to award the bid.

Councilmember Savage inquired about the savings the City will realize for conducting inhouse work.

Mr. Kuhn explained the savings will be on construction costs to address the leak repair due to work conducted inhouse by the Public Works Department and the ability to tie-in to the SAWS main pipe.

Mr. Kuhn stated he informed Ms. Jenny Woods, Friends of the Hondondo Trails, regarding the leak that is occurring and the anticipated repair.

A motion was made by Councilmember Prassel. The motion was seconded by Councilmember Savage and passed by unanimous vote.

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

**Resolution No. 2019R-115**

**A Presentation and Resolution adopting the Bexar County Election System and Software; Express Vote Universal Voting System, DS200, and Express Touch for Early Voting in Person, Early Voting by Mail, Election Day Voting and Provisional Ballots in all future elections held in Bexar County**

City Secretary Jennifer Reyna made a PowerPoint presentation that included background information and a video presentation.

Ms. Reyna stated a resolution is required to adopt new voting machines that will be used for future elections. She informed Council of the required process to adopt new voting machines. In April 2019, the Secretary of State (SOS) mailed a letter to Bexar County informing them of the approval to use voting machines offered by Elections Systems & Software (ES&S). On May 21, 2019, Bexar County purchased the EVS600 Election System, DS200, and Express Touch to be used for Early Voting in Person, Early Voting by Mail, Election Day Voting and Provisional Ballots in all future elections conducted by Bexar County. The new voting machines replaced their 17-year old voting machines. A brief video was presented to introduce the new voting machines and highlighted their features. Election Code 123(a) mandates adoption of a voting system by resolution, order or other official action.

Ms. Reyna stated the City will continue to contract with Bexar County on a pro-rata basis for election expenses.

Ms. Reyna responded to Mayor Pro Tem Sharples regarding the additional steps to make your ballot valid.

Mayor Rosenthal suggested information be provided to the community so they will be educated and aware of the upcoming change.

Assistant to City Manager Marian Mendoza stated the information is on the City's website and an email blast will be sent as election activities approaches.

A motion was made by Councilmember John Savage. The motion was seconded by Mayor Pro Tem Wes Sharples and passed by unanimous vote.

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Staff Report

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

**Information on the Voter Center Model for Elections**

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

Ms. Reyna informed Council that on Election Day, constituents may vote at any designed Bexar County polling site, referred to as the Voter Center Model/Countywide Polling Place. She added all voting opportunities such as curbside voting, voting by mail, early voting and voting on Election day are still available.

The Secretary of State's office outlines the requirements of a county to be designated as a Voter Center Model. Ms. Reyna informed Council, per the Secretary of State's office, during the first year of implementation, the total number of polling sites may be decreased by 35% and if successful, their next election may decrease polling sites by 50%. Bexar County decided to keep all of the 287 polling sites for the November 2019 special election, since it is the first election trying the Voter Center Model.

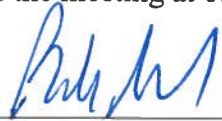
The Voter Center Model will be implemented at the upcoming November 5, 2019 Constitutional Amendment Special Election conducted by Bexar County. Ms. Reyna stated there are no city propositions or measures on the November ballot for Alamo Heights; however, Alamo Heights will be a Voter Center (polling site). In 2006, Lubbock County was the first county to conduct a pilot program of the Voter Center Model. Since then, 42 counties have been designated as a "successful" Voter Center Model. Voter Centers have experienced increased number of voters and provides convenience.

Council asked questions regarding election process and process in determining polling sites.

Ms. Reyna responded to their questions. She stated the election process may be a little longer since it consists of a two-step process including a touch screen to make selections to submit a paper ballot. Ms. Reyna stated Bexar County hosts meetings with other municipalities to determine which polling sites would be ideal to use, when planning an election. She further explained the process to be designated as a Voter Center. Ms. Reyna stated she will keep Council informed if Bexar County is designated as a "successful" Voter Center Model.

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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 Billa Burke and passed by unanimous vote. Mayor Rosenthal adjourned the meeting at 6:22 p.m.

  
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Bobby Rosenthal  
Mayor

  
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Jennifer Reyna  
City Secretary