

CITY OF ALAMO HEIGHTS
CITY COUNCIL
May 13, 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, May 13, 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
Interim City Attorney Frank Garza
Finance Director Robert Galindo
Community Development Services Department Director Nina Shealey
Human Resources Manager Lori Harris
City Secretary Jennifer Reyna
Chief Police Rick Pruitt
Public Works Director Pat Sullivan
Fire Chief Michael Gdovin

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

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Mayor Rosenthal requested a moment of silence for the passing of City Attorney Mike Brenan, whom served the City of Alamo Heights, for over 40 years.

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Closed Session

Item # 1 The City Council will convene into a closed session to deliberate the appointment and duties of the City Attorney as authorized by Section 551.074 of the Government Code.

Open Meeting

Item # 2 The City will consider the appointment, employment, and duties of an Interim City Attorney.

A motion was made by Mayor Pro Tem Lynda Billa Burke to appoint Frank Garza as Interim City Attorney and issue a Request for Proposal (RFP) for legal services. The motion was seconded by Councilmember John Savage.

Item # 3 Presentation of \$1.00 each to the Mayor and Council members for Compensation as per City Charter, Article IV, Section 13

Finance Director Robert Galindo thanked Council for their service and presented them a crisp dollar as compensation for their service.

Item # 4 Presentation of Certificates of Election and administration of Oaths of Office to newly elected officials: Mayor, Bobby Rosenthal; Councilmember, Place 1 – Lawson Jessee; and Councilmember, Place 2 – Wes Sharples

City Secretary Jennifer Reyna stated the general election was cancelled due to unopposed candidates. She announced Bobby Rosenthal is elected as Mayor. Councilmembers Lawson Jessee and Wes Sharples were declared elected. Ms. Reyna administered the oaths of office and congratulated them.

Item # 5 Election of Mayor Pro Tempore

A motion was made by Councilmember Fred Prassel to elect Councilmember Wes Sharples as the Mayor Pro Tempore. The motion was seconded by Councilmember Lynda Billa Burke and passed by unanimous vote.

Item # 6 Approval of Minutes

Mayor Rosenthal asked City Council for any revisions to the minutes of the April 8, 2019, Council Meeting. A motion was made by Councilmember Fred Prassel to approve the minutes of April 8, 2019. The motion was seconded by Councilmember Lynda Billa Burke and passed by unanimous vote.

* * *

Item # 7 Announcements

a. Reschedule May 27, 2019 Council Meeting due to Memorial Day Holiday

City Secretary Jennifer Reyna announced the next Council meeting is scheduled for Tuesday, May 28th since city offices will be closed on Monday, May 27th in observance of Memorial Day Holiday.

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Item # 8 Citizens to be heard concerning items not on the agenda

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There were no citizens that signed up to speak.

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Items for Individual Consideration

Item # 9 Mayor Rosenthal read the following caption.

Architectural Review Board Case No. 742F, request of Chris Gillespie, owner, for the significance review of the existing main structure located at 164 Oakview E. in order to demolish 78.4% of the existing main structure's roof, demolish 40% of the street facing façade with the addition of a front porch, and demolish 65.5% of all exterior facing walls and compatibility review of the proposed design under Demolition Review Ordinance No. 1860 in order to add to and remodel the existing single-family residence

Community Development Services Department Director Nina Shealey made a PowerPoint presentation that included background information, surveys, existing/proposed site plans, street views, and elevations.

Ms. Shealey identified the project and stated the project is to add 1,264 sq. footage to the 1,550 sq. ft. two bedroom, two bath single story home. She reviewed the existing and proposed Residential Design Standards (RDS). Building materials are hardie siding and a composition shingle roof.

On April 16, 2019, the Architectural Review Board (ARB) approved the applicant's request. Postcards were mailed to property owners within 200-foot radius of the property. Staff did not receive any postcards in support or opposition of the project request.

A motion for approval was made by Councilmember Billa Burke. The motion was seconded by Councilmember Savage and passed by unanimous vote.

Item # 10 Mayor Rosenthal read the following caption.

ORDINANCE NO. 2125

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A RENEWAL CONTRACT WITH FREESE AND NICHOLS, INC. FOR PROJECT MANAGEMENT, ENGINEERING, AND FLOODPLAIN DEVELOPMENT PERMIT REVIEW SERVICES

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

Freese & Nichols has provided engineering services to the City of Alamo Heights since 2007. Other services they have provided include environmental, construction, and architectural review. The proposed one year contract includes the addition of floodplain development permit review services with a set fee schedule.

Mr. Kuhn stated staff met with Freese & Nichols due to their increased fees and recommended a one year contract. He commented the service cost is a percentage and there is a set fee for floodplain development permit review.

Councilmember Prassel recalled previously a small firm had provided engineering services.

Mayor Pro Tem Sharples asked if the contract includes an automatic renewal.

Mr. Kuhn responded one year renewals are options up to three times.

A motion was made by Councilmember Lawson Jessee. The motion was seconded by Councilmember Lynda Billa Burke and passed by unanimous vote.

Item # 11 Mayor Rosenthal read the following caption.

ORDINANCE NO. 2126

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH FRAZER AMBULANCE SALES FOR THE PURCHASE OF A NEW 2019 RAM DIESEL CHASSIS TO BE USED FOR MEDIC UNIT

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

Fire Chief Gdovin stated the 2007 medic unit had been in reserve status since December 8, 2018 due to incurred maintenance and cost fees in attempt to repair the rear unit suspension issues. The competitive bid process was facilitated through the Houston-Galveston Area Cooperative.

The Tri-City Emergency Medical Services partnership between Alamo Heights, Olmos Park, and Terrell Hills owns and operates three units and replace the units every ten years due to the type of maintenance to adhere to policy and avoid higher maintenance costs. The cost of the ambulance is \$167,460 through Frazer Ambulances Sales and allocating \$2,000 for additional expenses such as specific decals/custom equipment mounting iPhones, maps, GPS, etc. The retired 2007 medic unit will be used

towards a trade-in at the value of \$17,000. Fire Chief Gdovin stated it will take nine months to prepare and get ready. The 2019 Ram Diesel chassis is from Mac Haik Dodge Chrysler Jeep.

The capital replacement cost was allocated for FY20; however, the funding will be charged against the current FY19. Lease purchase options were explored but a purchase was favorable.

A motion was made by Councilmember Lynda Billa Burke. The motion was seconded by Councilmember Lawson Jessee and passed by unanimous vote.

Item # 12 Mayor Rosenthal read the following caption.

ORDINANCE NO. 2127

AN ORDINANCE AMENDING THE CAPITAL REPLACEMENT BUDGET FISCAL YEAR 2018-19 FOR \$170,000 TO FUND THE SCHEDULED REPLACEMENT OF AN AMBULANCE FOR EMS

Finance Director Robert Galindo made a PowerPoint presentation that included background information.

Mr. Galindo stated a budget amendment is necessary to reflect the purchase in FY2018-19 than originally scheduled in FY2019-2020.

Councilmember Sharples asked if the tri-cities will contribute accordingly.

Mr. Galindo explained the cities are contributing their share as allocated in the Capital Replacement Fund. Mr. Kuhn added the tri-cities contribute on an annual basis.

A motion was made by Councilmember John Savage. The motion was seconded by Councilmember Lawson Jessee and passed by unanimous vote.

Item # 13 Mayor Rosenthal read the following caption.

ORDINANCE NO. 2128

AN ORDINANCE AUTHORIZING A THIRD AMENDMENT TO THE STANDARD WATER TOWER LICENSE AGREEMENT BETWEEN THE CITY AND NEW CINGULAR WIRELESS PCS, LLC

Mr. Galindo made a PowerPoint presentation that included background information.

Mr. Galindo stated the original agreement was approved July 1, 2009 for nine antennas for a fee of \$10,300 per antenna per year with a 3% increase each year for ten years. On March 1, 2011, AT&T added three additional antennas for a fee increase of \$32,781 per year with a 3% increase each year through July 2018. The proposed agreement is with New Cingular Wireless (aka AT&T) for twelve antennas on the water tower with the existing agreement expiring June 30, 2019. The third amendment is for five terms with each term being five years for a total of twenty-five years. Mr. Galindo presented a chart that provided the renewal terms, license fees and amount of projected revenue.

Councilmember Prassel expressed concern on the term of the contract and suggested to reduce the contract for fifteen years rather than twenty-five years due to inflation.

There was a brief discussion among Council regarding the term of the contract, inflation, technology and possible other vendors. Mr. Galindo stated the licensee option can consider another business who would like to take opportunity. Mr. Kuhn commented technology may change; however, the contract would be for twenty-five years. Mr. Galindo stated the City was approached by vendors to request the City for a lower rate. Mayor Rosenthal asked what is typical for this type of contract.

Interim City Attorney Frank Garza stated the agreement presented is typical and shared his experience with other entities. He stated the vendors seek twenty-five agreements to secure antennas' location. Mr. Kuhn recalled City Attorney Mike Brennan had sought changes but not for the duration of the agreement.

A motion was made by Councilmember Savage. The motion was seconded by Mayor Pro Tem Sharples. The vote was as follows: Ayes: Mayor Pro Tem Sharples, Councilmembers Jessee, Billa Burke and Savage; Nays: 0, Abstain: Councilmember Prassel. The motion passed.

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Item # 14 Mayor Rosenthal read the following caption.

Discussion and possible action on disbursement of Joint Cities Board's bank account

Assistant to the City Manager Marian Mendoza made a PowerPoint presentation that included background information.

Ms. Mendoza informed Council of a joint Broadway Bank account with the Cities of Terrell Hills, Castle Hills, Olmos Park, and Hollywood Park for an old landfill site in northeast San Antonio. In 1995, the bank account was established with Broadway Bank. Ms. Mendoza identified the properties. The Texas Natural Resources Conservation Commission (TNRCC) required Joint Cities to permanently close the landfill properly.

On November 9, 2004, TNRCC revoked Municipal Solid Waste Permit No. 505. The bank account had been dormant for years facing the risk of being closed and funds to be sent to the Texas Comptroller's Office; the City of Alamo Heights made minimal deposits to the bank account. She reported the land is currently owned by Crestmore and JM Assets. The joint cities have this item to be considered respectively at their Council meeting so that monies in the account may be disbursed accordingly to the percentage as outlined in the agreement.

A motion was made by Councilmember Billa Burke. The motion was seconded by Councilmember Jesse and passed by unanimous vote.

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Staff Reports

Item # 15 Mayor Rosenthal read the following caption.

An update on Chapter 15 – Sign Regulations

Ms. Shealey made a PowerPoint presentation that included an update on Chapter 15 – Sign Regulations.

Ms. Shealey reminded Council that in July 2018, Ordinance # 2105 approved the new sign regulations. January 2019 (six month grace period) was the deadline to allow business signs be modified to comply with Ordinance # 2105. Code Enforcement Officer Rick Ayala conducted a sign inventory during January – March 2019 and reported 391 businesses in which 44 had non-compliant signs. She provided examples of non-compliant signs that were faded, dilapidated or displayed banner or window decal.

On April 12, 2019, non-complaint letters were hand delivered to business owners to comply or apply to the Architectural Review Board (ARB) by May 31st. Currently, 25 business signs are in compliant with a summary of more than half non-compliant signs are now compliant.

On April 16, 2019, Ms. Shealey presented to ARB sign regulations related to multi-family that are in need of clarification. She anticipates future discussion with ARB on banners and the sign regulations review process. She reported an expectation of summer 2019 with proposed amendments to present to Council.

Councilmember Jesse asked if there are structural signs that simply need paint or signs are too tall and if the tenant changes, is the sign still grandfathered.

Ms. Shealey stated height is not an issue; however, majority of the sign inventory are faded or dilapidated. She stated a structural sign is grandfathered unless the sign is removed or there are modifications to the sign.

Item # 16 Mayor Rosenthal read the following caption.

Staff report on asset protection and cyber security protocol

Finance Director Robert Galindo and Assistant to the City Manager Marian Mendoza made a PowerPoint presentation that included a report on the City’s asset protection and cyber security protocol.

Mr. Galindo informed Council that local municipalities were threatened with ransomware. He gave the example of a municipality that had been threatened with their W2 information. With local occurrences, he stated additional procedures were being explored for cyber security.

Mr. Galindo identified the procedures for fraudulent transactions, checks and shared the process is reviewed by the City Manager. He briefly highlighted the insurance coverages. He noted what improvements can be made to prevent any malfunction.

Ms. Mendoza stated there are quarterly security vulnerability scans. She reported the first scan was a graded “C” and the last run was a “B” that displayed improvements. She stated a pen test had been conducted and highlighted vulnerability. She identified the filters that City has that are protective anti-software.

Councilmember Jessee asked how credit card processing is protected.

Mr. Galindo stated only the last four numbers of a credit card are disclosed and information is not stored on server. Ms. Mendoza stated information would be through the vendor and not the municipality.

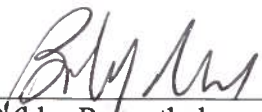
Mr. Kuhn shared of recent activities and the local municipalities encounters.

Ms. Mendoza stated educating the employees is important and key.

Mr. Kuhn thanked Mr. Galindo and Ms. Mendoza of their efforts.

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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 Savage and passed by unanimous vote. Mayor Rosenthal adjourned the meeting at 6:30 p.m.



Bobby Rosenthal
Mayor



Jennifer Reyna
City Secretary