

CITY OF ALAMO HEIGHTS  
CITY COUNCIL  
May 28, 2019

A special 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 Tuesday, May 28, 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 Austin Beck  
Finance Director Robert Galindo  
Community Development Services Director Nina Shealey  
Human Resources Manager Lori Harris  
City Secretary Jennifer Reyna  
Police Chief Rick Pruitt  
Fire Chief Michael Gdovin

Absent:

Public Works Director Pat Sullivan

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Mayor Bobby Rosenthal opened the meeting at 5:31 p.m.

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*Item # 1      Administration of Oath to Office*

Fire Chief Michael Gdovin thanked the Fire Department for being present and Council for the ceremonial opportunity. He administrated the Oaths of Office to Chaplain Bobby Contreras, Deputy Chief Allen Ottmers, Battalion Chief Shelton Leonard, and Captain Jeremy Powers. Their family members pinned their respective badges.

Mayor Rosenthal commented residents move to Alamo Heights for the quick response public responders provides. The audience applauded them on their new roles.

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*Item # 2      Approval of Minutes*

Mayor Rosenthal asked City Council for any revisions to the minutes of the May 13, 2019, Council Meeting. A motion was made by Councilmember Fred Prassel to approve the minutes of May 13, 2019. The motion was seconded by Mayor Pro Tem Wes Sharples and passed by unanimous vote.

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

Elizabeth Houston, BlueDuck, shared Blue Duck received their operating permit from the City of Olmos Park and is working with their staff. She stated she was involved in an educational meeting with young children regarding safety of e-scooters. She commented it would be great to operate in Alamo Heights and reminded Council of the request to decrease the aggregate insurance requirement.

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*Items for Individual Consideration*

*Item # 4*      Mayor Rosenthal read the following caption.

**Planning and Zoning Case No. 406, public hearing, consideration, and action regarding a request by Megan Mosier, Studio8 Architects, on behalf of C. Trebes Sasser, as authorized by Section 16-105 of the Code of Ordinances to close, vacate, abandon and sell a portion of public right-of-way, approximately 3,826 square feet, out of Ellwood Street, which adjoins Lots 19-30, Block No. 70, County Block 4024 of the City of Alamo Heights, Texas, located at 200 Austin Highway**

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

Ms. Shealey identified the project and stated the applicant, Megan Moshier, Studio8 Architects, requests the City to close, vacate, abandon and sell Ellwood right-of-way (ROW) located at 200 Austin Highway. Ms. Shealey stated the property is zoned B-2 and the applicant is requesting to demolish 100% of the existing bank drive-through. The proposed project is a four-story commercial building with parking at grade level providing 90 parking spaces. The ROW will provide 16 parking spaces to fulfill 90 parking spaces as required by Section 3-84 Special Parking Regulation. Three stories of the building are leasable space.

On April 1, the Planning and Zoning (P&Z) reviewed and recommended approval. On May 1, 2019, applicant requested variances to use NET floor area requiring 90 onsite parking spaces and the Board of Adjustment (BOA) approved.

Section 16-105 Closure, Vacation and Abandonment of ROW supports the applicant's request and the sell of property at fair market value of the ROW to be abandoned. An appraisal and valuation analysis was conducted by Stouffer and Associates at a fair market value of \$29,840.

Postcards were mailed to property owners within a 200-foot radius and appropriate notice was posted on the City's website. Staff received four postcards in support and none in opposition.

Mayor Rosenthal opened the public hearing at 5:47 p.m. With no comments, the public hearing was closed at 5:48 p.m.

Mayor Rosenthal thanked BOA and Ms. Shealey for thinking outside the box utilizing NET space on this case.

Mayor Pro Tem Sharples asked if the extra parking spaces be restricted. Ms. Shealey responded there are no parking spaces for the extra parking spaces.

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

*Item # 5* Mayor Rosenthal read the following caption.

**Architectural Review Board Case No. 760F, request of Megan Moshier, applicant, representing C. Trebes Sasser, owner, for the final design review of the proposed commercial structure at the property at 200 Austin Highway under Chapter 2 Administration for Architectural Review**

Ms. Shealey made a PowerPoint presentation that included background information, site, courtyard planting, and floor plans.

Ms. Shealey identified the project and stated the applicant proposed the final design of the proposed commercial structure at 200 Austin Highway. The existing bank drive-through will be demolished and a four story multi-tenant commercial building is proposed with 90 parking spaces.

Ms. Shealey informed Council of the review and approval process. On December 10, 2018, the project was briefly presented as a Notice of Intent to Council. A preliminary review was presented to the Architectural Review Board (ARB) on March 19, 2019. A request to vacate, close, abandon and sell Ellwood ROW was presented on April 1, 2019 and P&Z approved the request. On May 1, 2019, BOA approved the

variance request to allow use of NET floor area ration for parking ratio. ARB approved the final design review of the proposed project on May 21, 2019.

Exterior materials for the 30,502 gross square footage building include wood grain metal siding, metal sunshading fins, aluminum composite panel system, limestone veneer, integral color stucco, glazing, and a metal screen. Ms. Shealey explained the building is located where is because it adjacent to the flood plain. She reviewed the site, courtyard planting and floor layout plans.

Postcards were mailed to property owners within a 200-foot radius of the property and appropriate notice was posted on the City's website. Staff received six postcards in support and one in opposition of the project.

Mayor Rosenthal asked about the potential timing of the project.

C. Trebes Sasser, applicant, stated the timeline of the project has changed estimating construction will begin in August and reported the contractor is on standby. He thanked staff for a smooth process.

Councilmember Billa Burke asked the location of the sidewalks.

Mr. Sasser responded the sidewalks are aligned with the trees that leads to the building that promotes pedestrian friendly sidewalks along the Austin Highway corridor.

Councilmember Billa Burke requested from Mr. Sasser to view and work together on the landscaping plan because the project is to be pedestrian friendly and make his business viable. She emphasized sidewalks are important; thanked and complimented him on his efforts.

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

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

**Architectural Review Board Case No. 748F, request of Jim Berg, applicant, representing the City of Alamo Heights, owner, for permanent signage at 1001 Townsend (JFK Landmark)**

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

Ms. Shealey identified the project and stated the signage is at proposed at the corner of Ogden and Broadway. She stated AHISD is aware and approves of the project. The signage commemorates the November 21, 1963 President John Kennedy's visit when his motorcade passed along Broadway.

On May 21, 2019, ARB reviewed and approved the design of the sign. Ms. Shealey described the monument sign. She stated there is an existing retaining wall at 1001 Townsend to serve as a foundation to the additional one foot concrete. The sign is proposed to be made of galvanized aluminum containing a description of the motorcade. A rendering of the monument sign was presented to display the scale and design.

Councilmember Prassel thanked Mr. Jim Berg and commented the monument is wonderful for the community.

Mr. Jim Berg stated how Mr. Ken Pruitt had assisted him on this project and idea. Mr. Berg shared how he acquired the photo and stated he received donations for the monument sign. He stated Mr. Tim Blonkvist, architect, designed the monument sign and explained the monument's design is with the intent to be displayed for drivers waiting in cue view the historic moment.

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

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

**ORDINANCE NO. 2130**

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO DESIGNATE QUALIFIED CITY EMPLOYEES WITH AUTHORITY TO ENFORCE CONSTRUCTION, ZONING, NUISANCE, STORM WATER, PUBLIC HEALTH AND ANIMAL ORDINANCES AND LAWS BY ISSUING CITATIONS IN MUNICIPAL COURT**

Police Chief Pruitt made a PowerPoint presentation that included background information.

Police Chief Pruitt stated the Community Development Services Department desired a more effective, efficient and time saving process that allows personnel to issue citations. The proposed ordinance authorizes the City Manager to designate personnel to issue citations for summons in municipal court. He referenced City Charter Article V, Section 4.F.3 *Duties of City Manager* and explained the need for a stronger ordinance that empowers the City Manager to designate personnel.

Councilmember Prassel expressed concern of the proposed ordinance used as a disadvantage with an overzealous business inspector. Mr. Kuhn stated Ms. Shealey and him are on the same page with the intention of empowering the Code Enforcement Officer. He provided a few examples in the past when it could have been easier in situations when designated personnel could issue citations. Ms. Shealey stated a standard proceeding document has been established that outlines the process of communication to work with the property owner. She commented issuing a citation is the last resort.

Councilmember Savage asked how many citations had been issued.

Mr. Kuhn stated in his experience, within a ten-year period, he had only issued seven citations. He complimented Mr. Rick Ayala for his efforts and the City has realized savings with the Tree Trimming program alone solely working with property owners.

Councilmember Jessee stated the multi-family areas are in review for compliance and stated this proposed ordinance would assist in the process.

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

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Staff Reports

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

**A staff report regarding Ordinance No. 2122 as it relates to shared active transportation companies and dockless vehicle operations**

Police Chief Rick Pruitt made a PowerPoint presentation that included background information.

Police Chief Pruitt stated his presentation would include an update on dockless vehicle permits, liability insurance requirement, COSA dockless vehicle program and Senate Bill 549.

Police Chief Pruitt reported Razor applied for a permit to operate 15 e-scooters in Alamo Heights. Blue Duck expressed interest in operating in Alamo Heights; however, with a request to Council lowering the liability insurance. Police Chief Pruitt stated no permits had been processed because of the liability insurance inquiry.

COSA's six-month pilot program included over 16,000 permits for e-bicycles and e-scooters and noted amendments were made within the midst of the pilot program. A few amendments are restricted hours of operation are 6:00 a.m. – 11 p.m., elect to remove dockless vehicles in restricted area without calling dockless transportation vendor, permitting moratorium until the pilot program is finished because there were over 16,000 permits issued. Police Chief Pruitt stated COSA conducted a comprehensive study and changes were made to their dockless vehicle program and citizens responded there were too many e-scooters. Annual permit fee was increased, \$100 per vehicle. A reduction in permits was made from an issuance of 16,100 permits to 5,000 permits including e-bicycles. COSA is limiting dockless transportation permits to three vendors. A Request for Proposals (RFP) will be conducted to select the vendors that will operate in San Antonio until a selection is made, COSA will extend current permit holders until

September 2019 at a pro-rated fee but will require a 50% reduction in the number of permits during that time.

Police Chief Pruitt informed City Council Senate Bill 549 did not make it out of committee and is not an issue for concern.

Police Chief Pruitt summarized no action is needed to change Alamo Heights' ordinance with the exception to consider Blue Duck's insurance request.

Councilmember Jessee asked if there any scooters operating in Alamo Heights.

Mr. Kuhn replied to Councilmember Jessee permits had not issued so the process may be fair to all vendors noting one application had been submitted. He explained the Police Chief was awaiting for the outcome of Senate Bill 549. Currently, there are no scooters.

Police Chief Pruitt responded to Council's questions. He stated majority of the popularity of e-scooters are downtown. He stated Lime and Bird were in Alamo Heights but not much activity as they hoped. He explained COSA increased their permit fee to hire four additional Code Compliance Officers to enforce regulations and ensure operators are only driving dockless transportation devices during that specific timeframe.

Mr. Kuhn reminded Council of the aggregate total amount is 75 dockless transportation devices. He informed Council that interested vendors were requested to submit data on their usage of e-scooters and none of them provided the City with the requested data. He stated Razor has requested to operate 15 e-scooters in Alamo Heights out of the aggregate total of 75. He commented if the aggregate total is too high the number of operating dockless transportation devices may be changed, responding to Mayor Rosenthal's question. He stated the insurance requirement may be amended to reflect the industry's standard in the amount of \$1M and \$2M (aggregate amount) or consider a RFP process. Councilmember Jessee expressed support in the insurance standard of \$1M and \$2M and Councilmember Savage agreed.

Elizabeth Houston, Blue Duck, highlighted Blue Duck is headquartered in Alamo Heights and expressed to maximize their business opportunity. She shared in Olmos Park Blue Duck has a permit for 50 but strategically staging e-scooters in increments of 20. She stated she would work with the AH Police Chief to identify locations to stage dockless transportation devices. She thanked Council for consideration of insurance amendment and explained the benefit of a local and outside vendor.

Councilmember Sharples asked Mr. Kuhn of the difference the insurance requirement amount from \$5M to \$2M will impact the City.

Mr. Kuhn shared the \$1M and \$2M aggregate total insurance amount is the industry's standard and the current insurance assist in infrastructure repairs such as

sidewalks that needed work. He stated TML had no opinion when Human Resources Manager Lori Harris explored insurance coverage.

Ms. Houston added COSA has one pedestrian fatality per week and it is the greatest pedestrian fatality number within the country. She stated Blue Duck, in their opinion, has not seen anything to warrant increased amount of insurance coverage.

Councilmember Jessee requested to adjust time operations in the ordinance since insurance requirement will be amended. He commented a citation may be considered if rules are not followed. Mayor Rosenthal stated this item may be changed on a regular basis as COSA makes changes.

Council agreed to change the insurance for \$1M and \$2M. Mr. Kuhn summarized insurance of \$1M and \$2M, operators' hours for dockless transportation devices allowed during 6:00 a.m. to 11:00 p.m., and Blue Duck may operate the remaining 60 allowable e-scooters as the other interested vendor. Council were fine with present permit fee charges.

Mr. Kuhn stated the item will be presented in June to include their recommended amendments.

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

**Presentation of Financial and Investment Report for the second quarter ending March 31, 2019**

Finance Director Robert Galindo made a PowerPoint presentation that summarized the City's financial position. The Financial and Investment Report included General Fund Revenues/Expenditures, Utility Fund Revenues/Expenditures, Capital Projects Fund and an Investment Portfolio Update.

Mr. Galindo presented a Budget to Actual graph for property tax collections for Maintenance & Operations (M&O) and Interest and Sinking (I&S), year to date since 2014. A graph of the total sales revenues dated 2018-2019 included the General fund and street maintenance tax collection.

General fund revenues and expenditures were reviewed. General Fund Revenues were at 74% which included property taxes, sales tax, permits/fees, fines and forfeitures, charges for services, intergovernmental, investment and other financing sources. General Fund expenditures were categorized by departments and are 44% year to date which is within budget. A graph of general fund expenditures was displayed for actual and budget for the fiscal year.

Utility fund revenues & expenditures were presented. Water and sewer collection as revenues are 39% and expenditures are 33% of budget. He noted water and sewer revenues are low due to increased rates were effective March 1<sup>st</sup>.

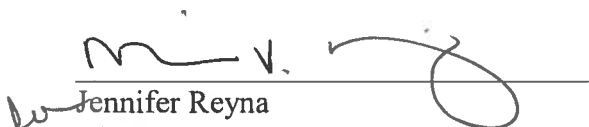


Mr. Galindo reviewed the capital projects fund that included revenue and expenditure balances for the Community Infrastructure Economic Development (CIED) Fund in which city projects were earmarked such as beautification of Olmos Basin and improvements to the public areas at City Hall. He stated he anticipates expenditures for the next quarter for the City's projects.

Mr. Galindo provided an investment portfolio update with a beginning value as of October 1, 2018. He reviewed the amount the City had for Certificate of Deposits (CD), savings, and investment pools. He reported the city remains strong, highlighting the general and enterprise fund. He summarized the city's financial position as strong and positive. He noted the utility fund revenues should be picking up as it is in negative due to water level below average. Utility revenues were negative but he anticipates there will be improvements to utility fund revenues at the next quarterly report. Mr. Galindo stated overall the sales tax is doing well at 7% more than last year and reminded Council the report is at 50% of the budget.

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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 Jessee and passed by unanimous vote. Mayor Rosenthal adjourned the meeting at 6:51 p.m.

  
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Jennifer Reyna  
City Secretary

  
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Bobby Rosenthal  
Mayor