

CITY OF ALAMO HEIGHTS
CITY COUNCIL
July 23, 2018

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, July 23, 2018.

Present and composing a quorum were:

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

Also attending were:

Fire Chief/Assistant City Manager Buddy Kuhn
Assistant to the City Manager Marian V. Mendoza
City Attorney Mike Brenan
Finance Director Robert Galindo
Community Development Services Department Director Jason Lutz
Human Resources Manager Lori Harris
City Secretary Jennifer Reyna
Police Chief Rick Pruitt
Public Works Director Pat Sullivan

Absent was:

City Manager Mark Browne

* * *

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

* * *

Item # 1 Approval of Minutes

Mayor Rosenthal asked City Council for any revisions to the minutes of the June 11, 2018, Council Meeting. A motion was made by Councilmember Fred Prassel to approve the minutes of June 11, 2018 Council Meeting. The motion was seconded by Mayor Pro Tem Lynda Billa Burke and passed by unanimous vote.

Mayor Rosenthal asked City Council for any revisions to the minutes of the June 19, 2018, Work Session. A motion was made by Councilmember Lawson Jessee to approve the minutes of June 19, 2018 Work Session. The motion was seconded by Councilmember John Savage and passed by unanimous vote.

Mayor Rosenthal asked City Council for any revisions to the minutes of the June 25, 2018, Council Meeting. A motion was made by Councilmember Lawson Jessee to approve the minutes of June 25, 2018 Council Meeting. The motion was seconded by Mayor Pro Tem Lynda Billa Burke and passed by unanimous vote

* * *

Item # 2 Announcements

Mayor Rosenthal read the following caption.

a. 19th Annual Solar Sports Dam '09 Triathlon, August 18th

Community Development Services Department Director Jason Lutz invited residents to the 19th annual '09 triathlon hosted by Soler Sports on Saturday, August 18th, at 7:00 a.m. beginning and ending at the Alamo Heights Swimming Pool.

* * *

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

There were no citizens that signed up to speak.

* * *

Items for Individual Consideration

Item # 4 Mayor Rosenthal read the following caption.

ORDINANCE NO. 2104

DISCUSSION AND POSSIBLE ACTION TO AFFIRM OR REPEAL A NEW ALL-WAY STOP INTERSECTION ON PRIMROSE PLACE AT THE INTERSECTION WITH BUTTERCUP DRIVE

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

On June 11, 2018, Council passed Ordinance No. 2102 for a new all-way stop sign to be placed at the intersection of Primrose Place and Buttercup Drive addressing residents' concerns related to speed, heavy volume of commuter traffic and stop sign violations at Primrose Place and Wintergreen.

Residents at 235 Primrose Place expressed their concern to Public Works personnel when the stop sign was ready to be erected due to the proposed location of a

new stop sign, directly in front of the home. Police Chief Pruitt shared it is not uncommon to provide a stop sign in advance of an intersection; however, at this location, a ninety foot set-back from the intersection would be too far away from the intersection with Primrose place and Buttercup for that option to be safe. At the northwest corner of 222 Primrose is a landscaped area comprised of crushed granite and turf which does not provide an option to erect a stop sign. He identified another option along a property line; however, noted the numerous utility lines that are located and would not be safe for Public Works personnel. Photos of the proposed location and area were presented as he explained the circumstances. Police Chief Pruitt stated he worked with Fire Chief Buddy Kuhn exploring viable options for the stop sign that will not cause damage to landscape or create a dangerous intersection approach for westbound traffic on Primrose Place and there were no viable options.

Police Chief Pruitt informed Council that letters were sent to residents of 100, 200, and 300 block of Primrose Place inviting them of today's discussion.

Mayor Rosenthal asked Police Chief Pruitt if speed was an issue.

Police Chief Pruitt responded speed was not a concern as the stop sign located on Primrose and Wintergreen is working. He commented the new all-way stop intersection was to create a second crossing point for pedestrians and cyclists.

The following citizens spoke on this matter:

Robert Browning, resident, passed out a five-page handout supporting his reasons in opposition of a stop sign and referenced a map within the handout. He expressed in his opinion, the danger of walking is not reduced by a stop sign and actual safety for young children is a matter of the will and attention of every driver. He commented children under age of 10, unsupervised, is not a safe proposition.

Pruyn Hildebrand, property owner, stated something needs to be done regarding the speeding on Primrose Place. She stated families should be able to enjoy the street, regardless of any age. She had observed vehicles speed up the hill. She recalled a "No Through" sign was erected on Primrose Place and was removed. She expressed support for the No Through sign to be erected again. She encouraged Council to consider a solution.

Laura Guglielmo, resident, acknowledged the recent speeding survey did not showcase speeding as an issue on Primrose Place; however, commented that Primrose Place is a wider street and vehicles do use it as a thorough fare. She recommended consideration of lowering the speed limit. She shared the stop sign was proposed in the middle of the yard and expressed concern for the value of her home decreasing.

Frank Burzik, resident and property owner of one of the proposed locations that stop sign was proposed. He expressed opposition to erecting a stop sign at the intersection of Primrose Place and Buttercup commenting it will not help. He described

the corner of his property contains turf and turf is expensive; if the City continues to consider and proceed erecting the sign at the area, it will need to be done right and may seek monies from the City. He summarized neighbors are concerned with traffic and speed.

Tony Turner, resident, stated he resides within the 300 block of Primrose Place and had observed speeding within the 200 block of Primrose Place. He stated the traffic had changed around the high school. He stated if no stop sign is considered, then Council needs to consider another option to address speeding.

Camilla Morrison, resident, spoke on behalf of her parents who reside at 150 Primrose Place to ask Council to explore other options controlling the speed on Primrose Place.

Tom Elliott, resident, expressed support in favor of a stop sign and commented stop signs work; however, asked Council to consider another solution that does not involve erecting a stop sign directly in front of anyone's yard.

Mayor Rosenthal asked Council to reconsider and stated speed bumps would not be considered. He suggested a traffic survey may be conducted when school begins and consider other options evaluated by the City Manager and both Fire and Police Chiefs.

There was a brief discussion among Council. Mayor Pro Tem Billa Burke acknowledged speed bumps within the City are located on Claywell and observed the concern at N. New Braunfels and Primrose Place. She suggested staff erect a "Slow" sign at the corner of N. New Braunfels and Primrose Place and provide a speed bump at N. New Braunfels not allowing vehicles to pick up speed. She noted there are different types of speed bumps that may be considered. She recommended paint "Slow" on the street along 200 Primrose Place and Buttercup. She requested a brief discussion with residents regarding their ideas to explore other options. Councilmember Prassel noted Ms. Guglielmo suggested to lower the speed limit to 20 miles per hour and pursue within legalities. Councilmember Jessee suggested painting "Slow Down" on the streets or on crosswalks as he had observed signs can be blurred with other signs easily. Councilmember Savage asked if slow down signs were effective. Councilmember Sharples suggested a speed sign that electronically displays the rate of speed.

Chief Police Pruitt stated the Transportation Code would not allow lowering 20 mph for a speed limit and explained that previously lowering the speed limit to 25 was approved by legislature. City Attorney Mike Brenan added only a traffic engineering study was conducted. He expressed caution in consideration of creating crosswalks due to the required 15 foot no parking buffer on both sides of the crosswalk which could take up available parking space along the curb. He stated there are no reports that slow down signs are effective. Police Chief Pruitt stated he would explore a location to erect a "Slow" sign. In response to Ms. Hildebrand's reference, Police Chief Pruitt explained a "No Thru Trucks" sign was removed because it was not supported by an ordinance.

Mayor Rosenthal suggested to vote on the stop sign tonight and return to Council with other options to consider.

A motion to repeal Ordinance No. 2102 and return the item for consideration of other options was made by Mayor Pro Tem Billa Burke. The motion was seconded by Councilmember Savage and passed by unanimous vote.

Item # 5 Mayor Rosenthal read the following caption.

ORDINANCE NO. 2105

AN ORDINANCE REPEALING CHAPTER 15, SIGN REGULATIONS, OF THE CODE OF ORDINANCES AND ADOPTING A NEW CHAPTER 15, SIGN REGULATIONS

Community Development Services Department Director Jason Lutz made a PowerPoint presentation that included background information and proposed amendments.

Mr. Lutz reminded Council of the proposed amendments to the Sign Code were presented at the June 11, 2018 Council meeting. At that time, Council requested a survey of how many structural signs would be out of compliance. A survey was conducted and Mr. Lutz noted that most of the structural signs would be out of compliance to include the recent business sign located at 110 Chichester. He stated the non-conforming section of the Sign Code was modified to allow structural signs with modifications and prohibits “significant improvements” to “grandfathered” signs. A business may apply to seek approval from the Architectural Review Board (ARB) to keep the non-conforming sign; effective immediately for new sign applications. He stated all other non-conforming signs such as window signage and banners will be allowed six months to bring into compliance from the date they are contacted. State law prohibits signs from being regulated on content. Mr. Lutz presented two options for murals. An option is to allow murals (or similar) and regulate sizes accordingly by size type (wall, window or canopy) or prohibit all murals.

Mr. Lutz further explained the options for murals. He stated the murals may be classified as temporary signage based on 25% coverage on a window or a wall. He stated temporary is defined as 30 days and a business may have up to two temporary signs such as “now hiring” and “sale” are a few examples. The maximum time allotted for temporary signs is up to 180 days.

Councilmember Jessee asked if there is a fee for temporary signs and are renderings required.

Mr. Lutz responded to Councilmember Jessee that renderings need to be submitted and there is a nominal fee for temporary signs.

Mayor Rosenthal inquired if the City may be sued for someone wanting to provide a message and accused of being judgmental.

Mr. Lutz stated a mural will be considered and treated as a temporary sign and valid for 30 days. He stated displays and window signage may be evaluated on a case-by-case basis.

A motion to repeal Chapter 15, Sign Regulations, of the Code of Ordinances and adopting a new Chapter 15, Sign Regulations was made by Councilmember Jessee. The motion was seconded by Mayor Pro Tem Billa Burke. There was further discussion.

Councilmember Jessee amended his motion to repeal Chapter 15, Sign Regulations, of the Code of Ordinances and adopting a new Chapter 15, Sign Regulations with the exception that murals be permitted under temporary signs. The motion was seconded by Mayor Pro Tem Billa Burke and passed by unanimous vote.

Item # 6 Mayor Rosenthal read the following caption.

Resolution No. 2018R - 101

A Resolution granting a three-year renewal with a two-year contract extension to TXTOW Corp. DBA Texas Towing for vehicle towing and storage service

Police Chief Rick Pruitt made a PowerPoint presentation that included background information and the Request for Proposal (RFP) process.

Police Chief Pruitt stated a RFP was issued on April 18, 2018. Submittals were received from Pantusa Towing and Recovery, LLC and TxTow Corp. dba Texas Towing. The evaluation board consisted of Police Administrative personnel who reviewed and evaluated the submitted RFP's prepared by the bidders. Police Chief Pruitt shared the evaluation process included a question and answer session for the interested bidders prior to submission of the RFP, independent evaluations of the RFP's by each board member, interviews with each bidder's representative, and an inspection of each bidder's storage facility, licenses, insurances and personnel records.

Police Chief Pruitt provided background of Texas Towing. They have been in business since 1993 providing a response time between 18-25 minutes, encompass 50 vehicles in their inventory, and their business has 60 employees with a secured storage facility and a storage lot that holds 500 vehicles accessible 24/7 a day.

Police Chief Pruitt briefly reviewed the contract and stated the towing fees are locked in for three years. He noted an increase within the past two years; however, commented it was reasonable. The City is paid 20% of all fees collected related to towing, labor associated with towing, and storage of all non-City owned vehicles. Texas Towing does not charge the City to tow city-owned vehicles within Bexar County. The

City will be paid 15% of the lien value plus any additional process to the City for all vehicles sold at the auction that were impounded at the direction of the City's representatives. Texas Towing will collect a \$20 administrative fee applied to each impounded vehicle for the City to cover the costs of local record keeping and monthly accounting. He stated the contract is a three-year contract that may be extended for two years.

Councilmember Prassel asked Police Chief Pruitt the amount of towing that occurred last year in Alamo Heights.

Police Chief Pruitt responded last year there were 740 tows and the year prior, there was 1,036 tows for drivers mostly driving without a valid driver's license.

A motion for approval was made by Councilmember Lawson Jessee. The motion was seconded by Councilmember Wes Sharples and passed by unanimous vote.

Item # 7 Mayor Rosenthal read the following caption.

Resolution No. 2018R - 102

A Resolution granting a one year contract for a canine sheltering agreement between the City and the 4DogSakes Rescue

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

Police Chief Pruitt stated 4DogSakes Rescue was formerly Alamo Heights Kennel Club and provided to the City a shelter for lost and abandoned animals since 2010. Alamo Heights Kennel Club has reorganized into a 501(c)(3) non-profit canine rescue organization named 4DogSakes Rescue. Ownership and staff has remained the same during the transition to 4DogSakes Rescue. The owner of 4DogSakes Rescue agreed to offer the City a new one year contract with restructured daily boarding fees including a termination clause allowing either party to terminate the agreement upon 30 days notice.

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

* * *

Staff Reports

Item # 8 Mayor Rosenthal read the following caption.

A Presentation on the update for Harrigan Court Sewer Rehab

Public Works Director Pat Sullivan made a PowerPoint presentation that included background information, an update, photo, and a map.

On May 10, 2018, a contract with Freese and Nichols (F&N) Engineering for engineering and special services was approved. Special services covers the possible need for further design in the event a retaining brace is needed along the south retaining wall located next to McDonald's parking lot. The contract covers survey and design while providing construction services for the Harrigan Court sewer rehab. A photo of the retaining wall and the alley width were presented.

Mr. Sullivan provided an update to include the logistic obstacles that were discovered at the conclusion of the survey. They were: 1) the existing sewer main is eight feet deep or more, depending on the topography, while the alley is only 12 foot wide; 2) there is an existing gas main which lays within the sewer trench; 3) F&N increased the estimate cost of construction from under \$400,000 to \$600,000; 4) CPS Energy will need to relocate gas main out from immediate proximity of the sewer work; 5) timeline for CPS Energy to begin construction is February 2019 under the Civic Improvement Program (no cost to the City). He briefly presented a utility map that identified various utility lines and measurements. Due to cost, Mr. Sullivan noted the cost will impact next fiscal year budget and wanted to provide Council an update of the project.

Item # 9 Mayor Rosenthal read the following caption.

Presentation of Financial and Investment Report for the third quarter ending June 30, 2018

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 graph that displayed property taxes, sales tax, permits and fees, fines and forfeitures, investments, and miscellaneous in regard to General Fund Revenues. He noted the Debt Service Fund received \$826,034 in property tax revenue.

A Budget to Actual graph for property tax collections for the Maintenance & Operations (M&O) and Interest and Sinking (I&S), since 2013 was presented. A graph of the total sales revenues dated 2017-2018 was presented that included General Fund and street maintenance tax collection. Mr. Galindo reminded Council that the additional ¼ street maintenance sales tax was approved by the voters in the May 2017 special election and began collection on October 1, 2017.

General fund expenditures were categorized by departments and noted at 65% year to date which is within budget. A graph of the General Fund expenditures was displayed categorized by departments for actual and budget for the fiscal year. Utility

Fund revenues & expenditures were presented. He explained the Harrigan Court rehab project will not be finished until next fiscal year as monies are being allocated.

Mr. Galindo reviewed the Capital Projects Fund that included revenue/expenditure balances, and transfers from the General Fund. He noted expenditures of the interior decoration at City Hall and the Olmos Basin clean up are included in the Capital Projects Fund.

Mr. Galindo provided an investment portfolio update with a beginning value as of October 1, 2017. He stated the City is in compliance with the City of Alamo Heights Investment Policy and Public Funds Investment Act. He summarized the city's financial position as strong and positive.

* * *

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 6:43 p.m.



Jennifer Reyna
City Secretary



Bobby Rosenthal
Mayor