

CITY OF ALAMO HEIGHTS
CITY COUNCIL
January 27, 2025

A regular meeting of the City Council of the City of Alamo Heights, Texas was held at the Council Chamber, located at 6116 Broadway, San Antonio, Texas, at 5:30 p.m. on Monday, January 27, 2025. A teleconference was held via Zoom; staff and meeting attendees were welcomed in the Council Chamber.

Composing a quorum were:

Mayor Bobby Rosenthal
Mayor Pro Tem Lynda Billa Burke
Councilmember Lawson Jessee
Councilmember Karl P. Baker
Councilmember Trey Jacobson

Also attending were:

City Manager Buddy Kuhn
Assistant City Manager Phillip Laney
City Attorney Jessie Lopez
Assistant to City Manager Jennifer Reyna
City Secretary Elsa T. Robles
Director of Finance Robert Galindo
Fire Chief Allen Ottmers
Detective Jeff Nugent
Public Works Director Frank Orta
Community Development Services Director Lety Hernandez

Not attending:

Councilmember Blake M. Bonner
Police Chief Rick Pruitt
Deputy Police Chief Cindy Pruitt

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

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Item # 1 Announcements

Mayor Rosenthal read the following caption.

a. Recognition of Crew Leader Joe F. Ramirez

Director of Public Works Frank Orta stated the City of Converse had hosted the 2025 American Public Works Association-South Central Branch Equipment Rodeo on January 15th. AH Utilities Crew Leader Joe F. Ramirez competed and won 1st place out of 32 other competitors in Bexar County. He will now compete at the State Rodeo in College Station next month.

Mr. Ramirez thanked City Council and staff for his recognition and provided some highlights of the competition. Council wished him luck at College Station.

b. Tree Trimming Update

Deputy Fire Chief Allen Ottmers announced Davey Tree Service will provide a proposal to complete the project for FY25 tree trimming for emergency vehicle clearance. This includes elevating canopies 14' over street centers and 12-14 to curb faces, pruning on the inside of the City of Alamo Heights Right of Way - Curb face to Curb Face, paint Oak wounds and haul debris. It is scheduled to begin in February and last approximately 10 days. A certified arborist will be at the location to coordinate with residents during trimming. Deputy Fire Chief Ottmers stated all trimming is in accordance with adopted City Ordinances. Residents can find a detailed list of exact locations on the City's website.

c. Candidate Filing Period

City Secretary Elsa T. Robles stated this was a reminder regarding candidate filing period for the May 3, 2025 General Election which began Wednesday, January 15, 2025 and will end on February 14, 2025. Interested candidates can apply to serve a two-year term for Mayor and for Councilmember Place 1 & Councilmember Place 2. She noted Councilmember Place 5 is also on the ballot. Candidates can apply to serve the remaining unexpired term of one year for this position. To qualify, candidates should be residents of the City of Alamo Heights for at least one year and be a registered voter. She stated applications, along with a \$100.00 filing fee, should be turned in by 5:00 p.m. on February 14, 2025. Additional information is available on the City's website and kiosk. Candidate packets are available at City Hall and on the website.

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Item # 2 Citizens to be Heard

No comments made.

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Mayor Rosenthal took the opportunity to welcome Boys Scouts in attendance.

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Items for Individual Consideration

Item # 3 Mayor Rosenthal read the following caption.

The City Council will consider the appointment of a new Alamo Heights Fire Chief

City Manager Buddy Kuhn stated it was his privilege to present for consideration the appointment of a new fire chief. He noted prior Fire Chief Michael Gdovin recently retired after

thirty-one years of service. He commented the city strives for succession planning and implemented training to try to encourage and cultivate development of internal candidates.

Mr. Kuhn stated he proposed the appointment of Mr. Allen Ottmers as the new Fire Chief. He is the current Deputy Fire Chief and Fire Marshal of the city. City Charter Article 5, Section 10 – states the Fire Chief shall be appointed by the City Manager with the approval of City Council.

Deputy Chief Ottmers has 25 years' experience in fire service and began his career with Fredericksburg FD in 2000, rising to rank of Asst. Fire Chief. He worked at Terrell Hills Fire Department as Shift Captain and joined the Alamo Heights FD in April 2011 as Fire Marshal. In 2019, he was promoted to Deputy Fire Chief.

Additionally, Deputy Chief Ottmers has degrees in Fire Service Administration and Fire Protection and Safety Technology from Weatherford College, is a paramedic with DSHS, and holds master certifications as a firefighter, fire investigator, inspector, and arson investigator. He is also a Certified Instructor II, driver operator and plans examiner.

In 2013, Deputy Chief Ottmers became a certified peace officer with his TECOLE commission being held by the AHPD. He is a tactical paramedic and served on the Alamo Area SWAT Team.

Mr. Kuhn stated he briefed Mayor Rosenthal on the proposed appointment. He noted Deputy Chief Ottmers was joined tonight by his wife Christie, daughter Cailey, and his parents Gerald and Linda. Many members of the AHFD were also present. Mr. Kuhn stated it was a honor to recommend DC Ottmers for Fire Chief.

Councilmember Lawson Jessee moved to approve the appointment of Deputy Fire Chief Allen Ottmers as the new AHFD Fire Chief. The motion was seconded by Mayor Pro Tem Lynda Billa Burke and passed by unanimous vote.

Ms. Robles administered the oath of office to newly appointed Fire Chief Ottmers followed by a badge pinning from his father. City Council, staff, and guests congratulated him and wished him well.

Item # 4 Mayor Rosenthal read the following caption.

Discussion and possible action to approve terms for a new pool lease with Clayton and Stacy Smaistrila, Alamo Heights Pool, LLC. and authorize the City Manager and City Attorney to negotiate and execute pool lease consistent with pool terms

Mr. Kuhn stated staff is continuing discussion on a possible new lease agreement to operate the City-owned swimming pool at 250 Viesca. A new subtenant was assigned in December of 2024, Clayton and Stacy Smaistrila, Alamo Heights Pool, LLC. The proposed new agreement would be for a term of 20 years, commencing January 27, 2025, through January 31, 2045, with one 10-year extension option.

Mr. Kuhn noted the new subtenant proposed to stay open twelve months from 6:00 AM to 10:00 PM. They propose to construct new pickle ball courts within the fence, open concession to outside walk-up sales with professional concessionaire, remodel/update existing kitchen prep area & concession stand, and relocate fence at main entrance of pool. All of the interior improvements will be paid 100% by the subtenant.

In addition, the subtenant will maintain the new furnishings in the city-built pocket park, be responsible for daily ongoing maintenance inside fenced area of the pool, provide cleaning and trash pick-up to the proposed new pocket park outside of the pool area paid for by the city, and maintain/clean the new public restrooms.

Mr. Kuhn reviewed the location of the proposed pool improvements. He noted staff is narrowing down the specific location for the pocket park. He stated this proposal is consistent with City's efforts to provide quality recreational services to citizens of Alamo Heights & City of San Antonio per the terms of the City's master lease agreement from 1947. The current master lease with COSA expires in 2058 with option of additional 40-year term to 2098.

Mr. Kuhn coordinated with the City Attorney and Councilmembers Baker and Jacobson on this project. He reviewed the fiscal impact for the city. Base Rent - \$35,000 from 2025-2029; \$40,000 from 2030-2034; \$44,000 from 2035-2039; \$48,000 from 2040-2044; 2% escalations every 2 years thereafter in extended term if applicable.

A percentage rent on gross sales will also be implemented that had not been included in the previous lease. For the first 3 years after completion of pocket park: 0% on gross sales up to and including \$500,000; 3% on gross sales between \$500,001 up to and including \$1,000,000; 4% on gross sales between \$1,000,001 and \$2,000,000; 5% on gross sales between \$2,000,001 and \$3,000,000; 6% on gross sales over \$3,000,001.

Mr. Kuhn stated after extensive discussions with Mr. Smaistrle and with the group, they identified if the pocket park is not built, people desiring to eat food purchased from the pool concession stand will not have a place to sit. He noted it will take some work to get it built. The percentage rent on gross sales would start at the beginning of the 4th year AFTER completion of the pocket park by the city. The main key change here is it would be 3% on gross sales up to and including 1 million. The city would collect from the 1st dollar the maximum percentage rent paid to the city in the 1st year, which is the cap would be \$75,000. Subsequent year increases after the initial to "The CAP" aligned with CPI – in no case shall the increase be more than 2.5% per the agreement.

Mayor Rosenthal announced Council would go into executive session to discuss before considering this item.

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Closed Session

Item # 5 Mayor Rosenthal read the following caption.

Executive Session as authorized by the Texas Government Code Section 551.071 (Consultation with Attorney) and 551.072 (Deliberations about

Real Property) to discuss possible new long-term lease for Alamo Heights Swimming Pool.

The City Council of the City of Alamo Heights convened into Closed Executive Session at 5:50 p.m. and reconvened in Open Session at 5:58 p.m. in accordance with the Texas Open Meetings Act, Texas Government Code, *Section §551.071 (Consultation with Attorney) and §551.072 (Deliberations about Real Property).*

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Open Session

Item # 6 Mayor Rosenthal read the following caption.

Discussion and possible action resulting from Executive Session.

No action taken.

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Item # 4 **Mayor Rosenthal stated City Council would continue discussion on the proposed pool sublease and asked to hear comments from the audience.**

Ms. Sally Ann Smith, resident, stated she has property across the street from the pool and appreciates the wonderful job they have done in the past, but she is concerned with the neighborhood becoming too commercial with the concession stand opening up for walk-up sales.

Councilmember Jessee recognized Mr. Rick Shaw who has managed the swimming pool for the past thirty-four years and stated he was excited to add a new amenity to the city with the proposed improvements. Councilmember Jessee addressed Ms. Smith's concerns and assured her the hours of operation for the concessions will be extremely limited.

Councilmember Jessee moved to authorize the City Manager to execute the lease draft according to the lease terms presented. The motion was seconded by Mayor Pro Tem Lynda Billa Burke and passed by unanimous vote.

Mr. Rick Shaw took the opportunity to thank the City Council for allowing him to operate the swimming pool for thirty-four years. He agreed the improvements to the area will be a great amenity for a lot of people.

Council thanked Mr. Kuhn and staff for their efforts on this project. Mayor Pro Tem Billa Burke thanked Ms. Smith for taking on the nature trails which complement the area.

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Staff Reports

Item # 7 Mayor Rosenthal read the following caption.

Notice of Intent to expand and renovate the interior of the existing elementary school structure on the property located at 1001 Townsend Ave., also known as Cambridge Elementary

Community Development Services Director Lety Hernandez reviewed the location of Cambridge Elementary School zoned Multi-Family (MF-D). She stated they propose to add to the rear of the existing structure and to renovate part of the interior. Ms. Hernandez reviewed the existing conditions, proposed site/elevation plans, and renderings.

Ms. Hernandez commented the project is subject to preliminary and final reviews by the Architectural Review Board (ARB) and by Council. The technical and administrative reviews of proposed elevations and landscaping plans will be required to ensure compliance with current building and zoning code regulations.

Ms. Hernandez explained the addition will be behind the building where there is currently a parking lot and fire lane. The applicant has contacted the fire department regarding these changes.

Mayor Rosenthal asked to hear comments from the audience.

Mrs. Belinda Scholz, resident, stated not more than five years ago and residents were impacted by construction at Cambridge Elementary School. She requests a community meeting be held to discuss the upcoming project and address how it will impact residents.

Mayor Rosenthal requested staff contact AHISD regarding residents' concerns with the proposed project.

Item # 8 Mayor Rosenthal read the following caption.

Staff report on the creation of a Historic Preservation program for residential and commercial properties

Mr. Kuhn stated staff has continued to work with the city attorney to create a draft historic preservation ordinance which was sent out and are now seeking direction from City Council for draft edits of the ordinance for possible adoption.

In June 2024, Ms. Kelly Little of the Texas Historic Commission spoke to City Council concerning the creation of a historic preservation ordinance. She spoke on Section 211 of the Texas LGC which authorizes zoning functions and procedures for municipalities, Section 211.003(b) of the Texas LGC which stipulates that a governmental entity may regulate construction, reconstruction, alteration or razing of buildings and other structures, and Section 211.005(a) of the Texas LGC which authorizes the governing body of a municipality to divide the municipality into districts.

Chapter 3, Article IX is proposed for historic preservation. Creation of this ordinance would outline the permitting procedures for designated properties. It would also promote rehabilitation, discourage demolition, encourage compatible infill construction, ensure exterior renovations are compatible with historic character and preserve and protect neighborhood character as well as help protect historic landmarks.

Mr. Kuhn stated the current draft creates a historic preservation commission and currently drafted for P&Z; however, it can be considered as a function of ARB if Council desires. The draft ordinance allows for the appointment of a historic preservation officer who must have expertise that meets the relevant Secretary of Interior Professional Qualification Standards.

Furthermore, it establishes criteria for designation of historic districts or landmarks, provides a path for economic hardships, addresses ordinary maintenance and demolition by neglect, and is applicable to residential and commercial projects including signs.

Mr. Kuhn stated a historic landmark is accepted only by request of the property owner and approved by Council. The commission (board designated by the city) may recommend other buildings, sites, or structures as historic landmarks; however, the board must obtain prior written consent from the property owner.

The designation process states all property owners must be notified prior to hearing on proposed designation. A minimum of 51% of property owners within proposed districts must agree to the designation, some communities desire a higher number. Once created, at least 51% of property owners must also agree for removal of a designation.

Mr. Kuhn reviewed the requirements to become a Certified Local Government (CLG).

- Adopt and maintain a local preservation ordinance
- Maintain Historic Preservation Officer (HPO)
- Appoint Historic commission / board
- Enforce the preservation ordinance
- Adopt Secretary of Interior Standards for preservation
- Ensure public participation in local preservation program
- Maintain a system for the survey and inventory of local historic properties
- Review and comment upon nomination to the National Register of Historic Places for properties within its' jurisdiction
- Monitor and report to the THC any actions affecting any National Register Property or locally designated landmark
- Provide appropriate training for HPO, staff and board
- Submit a report to CLG staff from the prior FY outlining the actions of the local preservation commission

Mr. Kuhn stated he coordinated with the City Attorney to draft the proposed ordinance. He noted fiscal impact to become a CLG is yet to be determined.

Mayor Rosenthal asked to hear comments from the audience on this item.

Ms. Sarah Reveley, resident, stated she has personally been involved in getting this passed and added she qualified to be a historical preservation officer, but did not want to be one. She disagreed that the city had to become a CLG. She was concerned that the Texas Historical District created a "model", and the city didn't follow it when creating the draft ordinance. Ms. Reveley disagreed with there having to be 51% of the property owners to remove the designation. She added historical districts are allowed to have houses in the district that are not historical.

Mr. Gene Marck, resident and secretary of the AH Neighborhood Association, stated he was happy to see the progress and believed it would be an enhancement to the city.

Ms. Debbie Brodigan, resident, stated she welcome the idea of a historical district. She spoke about the environmental impacts of new development in the city. She disagreed with removal of trees and thought creating a historic district is great for the city.

City Attorney Jessie Lopez shared that the draft ordinance was derived from several other established small city ordinances for historical districts.

Mr. Kuhn took the opportunity to thank Ms. Reveley for all her extensive research on this effort which has proven to be valuable in pursuing this further. He stated he presented all he options that are available and it was up to Council to decide what they want staff to pursue. Mr. Kuhn added his guidance comes from the City Attorney who put together the ordinance. He agreed it was a working progress, but this was the route the City Attorney chose at this time.

Councilmember Jacobson commented this effort should have been pursued years ago to maintain the charm and character of the city. He was on board with addressing this now. He noted there are many policy questions that are embedded in the draft ordinance, and Council has a lot of work to do. He recognized this will not be solved overnight and suggested Council consider a work session to discuss it further and get a better consensus. Councilmember Jacobson commented he suggested the board overseeing historical designations be the ARB and not the P&Z Commission.

Councilmember Jessee commented certain trees could be designated as historical. Additionally, he stated guidelines would need to be established to help constitute something as a historical or historical landmark. He suggested having two or three work sessions to get this done. Councilmember Baker agreed, but stated the conversation should start with policy goals.

Mayor Rosenthal suggested having a work session before a scheduled Council meeting. Mr. Kuhn agreed and stated staff would tentatively coordinate a work session before the second meeting in February.

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With no further business to consider, Mayor Pro Tem Billa Burke moved to adjourn the meeting at 7:05 p.m. The motion was seconded by Councilmember Jacobson and passed by unanimous vote.

PASSED AND APPROVED THIS 10th DAY OF FEBRUARY, 2025.


Elsa T. Robles, TRMC
City Secretary




Bobby Rosenthal
Mayor