

CITY OF ALAMO HEIGHTS
CITY COUNCIL
February 27, 2023

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, February 27, 2023. 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 Lawson Jessee
Councilmember Wes Sharples
Councilmember Blake M. Bonner
Councilmember Lynda Billa Burke
Councilmember John Savage

Also attending were:
City Manager Buddy Kuhn
City Attorney Richard Lindner
Assistant City Manager Phil Laney
Assistant to City Manager Jennifer Reyna
City Secretary Elsa T. Robles
Director of Finance Robert Galindo
Community Development Services Director Lety Hernandez
Police Chief Rick Pruitt
Fire Chief Michael Gdovin
Deputy Police Chief Cindy Pruitt
Public Works Director Pat Sullivan – Via Zoom
Human Resources Manager Brenda Jimenez
Court Clerk Gina Huddleston
Court Clerk Valerie Lopez
Customer Service Rep. Mirtha Acosta
Utility Billing Coordinator Melissa Gomez

* * *

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

* * *

Item # 1 Approval of Minutes

Mayor Bobby Rosenthal asked City Council for a motion on the February 13, 2023 City Council Meeting minutes. Mayor Pro Tem Lawson Jessee moved to approve the minutes as presented. The motion was seconded by Councilmember Wes Sharples and passed by 5-0 vote.

* * *

Item # 2 Announcements

Mayor Rosenthal read the following caption.

a. Recognition of Gina Huddleston for her dedication of 20 years to the City of Alamo Heights as Municipal Court Clerk – Buddy Kuhn

Mayor Rosenthal read a proclamation recognizing Municipal Court Clerk Gina Huddleston for dedicating 20 years of service to the City of Alamo Heights and its residents. City Manager Buddy Kuhn stated Ms. Huddleston retires with 31 years total service in Municipal Government. Council, staff and citizens congratulated Ms. Huddleston on her retirement and wished her well in the future.

* * *

Item # 3 Citizens to be heard

No comments made.

* * *

Items for Individual Consideration

Item # 4 Mayor Rosenthal read the following caption.

Public Hearing – Planning and Zoning Case No. 429. A request of Rosanna Ruiz, applicant, for a Specific Use Permit (SUP) to allow for a cigar and cigarillo shop, whose primary product is intended for individuals twenty-one (21) years of age or older, as defined in Section 3-2 of the City’s Zoning Code under Stores Other Than Listed, at 6309 Broadway St. on property zoned Business District (B-1)

Community Development Director Lety Hernandez stated the applicant is seeking a Specific Use Permit (SUP) to authorize the retail use of a lease space located at 6309 Broadway for a cigar and cigarillo shop. The Business District (B-1) property is between Alta Ave and Inslee Ave. There are no building improvements being proposed.

Ms. Hernandez reviewed the existing site with entrance facing Broadway St. The building is 5,852sq ft; however, the lease space is only 168sq ft., a small tenant space. Applicant is maintaining retail use. She stated per the City’s use definition, the property falls under the “Stores other than listed”. The City’s permitted uses table places cigar shops into the “Stores Other Than Listed” category and are only allowed in the B-1 zoning district through an approved Specific Use Permit (SUP) per Sec. 3-8, Use of Land and Buildings, of the City’s Zoning Code.

In terms of parking requirements, Ms. Hernandez noted the property is currently non-conforming; however, because they are maintaining the retail use of the space and no modifications are proposed to the building, City code does not require additional parking. The property has seven parking spaces in the rear and on-street parking.

Ms. Hernandez stated the Planning and Zoning Commission (P&Z) considered the request at their February 6, 2023 meeting. As part of the presentation, staff recommended adding a provision to the ordinance that would revoke the SUP should the business cease to operate requiring further review by the Commission and approval by Council for any similar land uses. The Commission voted unanimously to approve the SUP request as presented.

Public notifications were mailed to property owners within a 200-foot radius. Notices were posted on the City's website and on the property. A legal notice was published in the *San Antonio Express-News*. Staff received two responses in opposition and none in support.

Mayor Rosenthal opened the public hearing at 5:44 p.m. With no one to speak on the item, he closed the public hearing at 5:45 p.m.

Item # 5 Mayor Rosenthal read the following caption.

Discussion and possible action on Planning and Zoning Case No. 429, a request of Rosanna Ruiz, applicant, for a Specific Use Permit (SUP) to allow for a cigar and cigarillo shop, whose primary product is intended for individuals twenty-one (21) years of age or older, as defined in Section 3-2 of the City's Zoning Code under Stores Other Than Listed, at 6309 Broadway St. on property zoned Business District (B-1)

Mayor Pro Tem Jessee questioned if the SUP would allow additional tobacco products to be sold other than cigars or cigarillos. Ms. Hernandez stated permitted products would be specified on the SUP. City Attorney Richard Lindner agreed and advised Council could put certain conditions upon approving a SUP. The SUP would only apply to the 168sq ft. and would run with the property unless Council sets a condition regarding change in ownership.

Councilmember Sharples discussed the issue of limited parking. Ms. Hernandez advised there is a total of 15 parking spaces based on the square footage of the building. She noted there is no room to add more parking spots and stated since the use is being maintained and no improvements are being proposed, the SUP does not trigger a parking survey.

Mayor Pro Tem Jessee stated he would like conditions in place to prevent the sale of vape products and potentially run the SUP with the ownership of the store. He also requested not to have tables and/or chairs in front of the business to allow smokers to lounge.

Applicant Rosanna Ruiz stated she and her husband have occupied this space as tenants for some time now using first as an antique shop and later as a storage/warehouse. Now they wish to open the location to the public and sell cigars/cigarillos. The small shop would not cater to "lounge" smokers, but would only be in sales. Ms. Ruiz assured Council vape products would not be sold in her store.

After some discussion, Councilmember Bonner moved to approved the SUP to allow for a cigar and cigarillo shop at 6309 Broadway St. with the following conditions: no vape sales, no tables/obstructions on the public sidewalk, and limiting the SUP to 168sq ft. as presented. The motion was seconded by Councilmember Sharples and passed by unanimous vote.

Item # 6 Mayor Rosenthal read the following caption.

RESOLUTION NO. 2023R - 162

A RESOLUTION OF CITY OF ALAMO HEIGHTS, TEXAS IN SUPPORT OF THE APPLICATION OF GRAY STREET LIGHT, LP TO THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) FOR A MUNICIPAL SETTING DESIGNATION (MSD) FOR PROPERTY LOCATED AT 420 BROADWAY AND ADJACENT PUBLIC RIGHTS OF WAY IN SAN ANTONIO, TEXAS; AND SETTING AN EFFECTIVE DATE

Assistant City Manager Phil Laney stated the item for consideration is a resolution in support of a Municipal Setting Designation (MSD) for development within the City of San Antonio (COSA). He stated both San Antonio Water System (SAWS) and COSA are in support of this initiative. The request for the resolution in support is due to the proximity of the MSD to Alamo Heights and its water wells.

Mr. Laney stated in 2003, Texas Legislature authorized the creation of MSDs to address existing groundwater contamination beneath redeveloping properties. An MSD restricts use of potable use of shallow groundwater for human consumption. This is overseen by the Texas Commission on Environmental Quality (TCEQ). Its purpose is to encourage redevelopment of blighted properties while protecting health, the environment, and the community's drinking water.

Mr. Laney provided some background on the item. The MSD applicant is Gray Street Light, LP. The location of the property is 420 Broadway, the former *SA Light* Building in San Antonio. The 2.692 acres is located approximately 4 miles from the Alamo Heights water wells. The applicant is seeking an MSD due to prior uses of the property: former printing press, former dry-cleaning, and location of underground storage tanks. Contamination of the ground water and soil have been identified.

TCEQ requires an MSD obtain support from each water provider within 5 mile radius of project. This would include SAWS and the City of Alamo Heights. In October 2022, SAWS issued Letter of Intent in support of the MSD and in December 2022, COSA approved an MSD ordinance and supported state certification by TCEQ.

Mr. Laney stated the designation is authorized by Texas Health & Safety Code, Chapter 361, Subchapter W, which prohibits use of designated groundwater at site and prevents exposure to affected groundwater by preventing water well installation and groundwater use in specific area through deed restriction.

The support of MSD is consistent with City's interests in providing clean and healthy water to residents and limiting potential contamination of water bodies utilized by City and surrounding communities.

Mr. Laney advised the City Attorney and City Manager reviewed the item. The resolution in support of the MSD will have no fiscal impact to the City.

Councilmember Billa Burke moved to approve Resolution No. 2023R-162 as presented. The motion was seconded by Councilmember Savage and passed by unanimous vote.

Item # 7 Mayor Rosenthal read the following caption.

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALAMO HEIGHTS, TEXAS AMENDING MUNICIPAL CODE OF ORDINANCES CHAPTER 10, MISCELLANEOUS PROVISIONS AND OFFENSES, ARTICLE I IN GENERAL BY REPEALING SECTION 10-8 NOISE ORDINANCE AND ADDING SECTIONS 10-11 THROUGH 10-18 NOISE AND SOUND LEVEL REGULATION TO SET FORTH PERMISSIBLE SOUND LEVELS AND ESTABLISH THE ENFORCEMENT THEREOF IN ORDER TO PROTECT THE CITIZENS AGAINST UNREASONABLE NOISE WITHIN THE CORPORATE LIMITS OF THE CITY OF ALAMO HEIGHTS; AUTHORIZING THE CITY MANAGER OR DESIGNEE TO TAKE ALL NECESSARY STEPS TO IMPLEMENT THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; REPEALING ANY OTHER CODE PROVISIONS, ORDINANCES, OR PARTS OF ORDINANCES, AND OTHER PROVISIONS IN CONFLICT HEREWITH; INCORPORATING RECITALS; AND ADOPTING AN EFFECTIVE DATE.

Police Chief Rick Pruitt stated staff proposed an ordinance amending Chapter 10, Article I. If passed, it will repeal Section 10-8 “Noise Nuisance” and replaces it with new Sections 10-11 through 10-18 “Noise and Sound Level Regulation”. Currently, Section 10-8 subjectively regulates noise nuisances by applying the standard the person disturbed is of “reasonable nervous sensibilities”. The proposed replacement Sections objectively measures noise and sound with a sound level meter measuring decibel (dBA) levels. The sound level meters are compared to known standards of noise levels measured in dBA having a detrimental effect on human hearing.

Police Chief Pruitt provided background information on the proposed change. Proposed *Section 10-11* provides the stated purpose for the Ordinance; to protect, preserve and promote the health, safety, welfare, peace and quiet of the citizens and reduce, control and prevent any loud noise which is unreasonable. Proposed *Section 10-12* are the definitions and standards by which the Ordinance stipulates. Proposed *Section 10-13*, sets the maximum allowed dBA for areas in different zoning districts: Single-family, two-family and multi-family districts (63 dBA); Business and office districts (70 dBA). He stated noise carrying across district boundaries will be measured using the source location allowed dBA.

Police Chief Pruitt continued to breakdown the proposed ordinance updates:

- Proposed *Section 10-13* also identifies a number of acts or sources of noise that may be considered “noise nuisances” without limitation of the source. Noise generated by construction or repair work and the tools necessary for that work is confined to the authorized days/hours unless an emergency exists. No dBA is available.
- Proposed *Section 10-14* - Vehicular mounted sound amplification systems will address when operated is audible at a distance of thirty (30) or more feet and when it causes a person to be aware of the vibration accompanying the sound outside the confines of the vehicle.
- Proposed *Section 10-15* – Exemptions are:
 - o Sounds for the purpose of alerting the public of large vehicle movement, public emergency alerts or sound produced by emergency vehicles;
 - o Sound produced by a vehicle traveling on a public right-of-way;
 - o Sound produced by any governmental body or function;
 - o Sound generated at a scheduled stadium event, parade spectators and participants;
 - o Outdoor celebration participants sponsored or co-sponsored by the City;
 - o Historical battle reenactments using cannons and gunfire for which a permit has been approved by the Fire Marshall;
 - o Pyrotechnic displays approved by the Fire Marshall;
 - o Sound produced by the operation of any air conditioning unit, heat pump or swimming pool machinery not exceeding the dBA limit at a distance of fifteen (15) feet from the equipment or the nearest exterior wall of a residence or commercial building;
 - o Sound produced solely for the purpose of encouraging citizen participation in elections.
- Proposed *Section 10-16* – Method of measurement
 - o Avoid periods of background noise interfering with the primary noise; and
 - o Microphone with windscreen not positioned so as to enhance or reduce the measured noise
 - o Measurements taken on the boundary line of public or private property nearest the source; or
 - o On either side of a public right-of-way at or near the boundary line of the property where the noise is generated
- Proposed *Section 10-17* – Penalties
 - o Unlawful acts and fines
- Proposed *Section 10-18* – Identification of violator
 - o Any resident present, guest or trespasser with the ability to control the level of noise;
 - o Any business owner, operator, manager, employee in charge and all persons in control or possession of the noise nuisance instrument;
 - o Any person who leaves unattended any machine, instrument, device, child, animal, or any combination of same which produces noise in violation of this Code.

Police Chief Pruitt noted the City Council has the authority to pass ordinances to protect citizens against unreasonable noise within the corporate limits of Alamo Heights and authorize the City Manager or designee to take all necessary steps to implement the provisions of the Ordinance. He added this initiative was proposed during the FY22-23 Strategic Action Planning (SAP) meeting. The City Manager and City Attorney reviewed the proposed ordinance. If passed by Council, the City Secretary will publish the ordinance in the *SA Express-News* and post it on the City webpage.

Additionally, staff requests to replace the current inventory of sound level meters with those having the latest technology for accurately determining the dBA levels of sounds or noise. The total cost for 10 sound meters is \$1,600 and will be purchased with existing funds in the police department budget.

Mayor Rosenthal commented residents often complained about events at the Argyle and asked it would be excluded due to its use. Police Chief Pruitt stated these proposed updates were not specific to the Argyle, but had been discussed by staff for some years now. If passed, the ordinance would apply to all residents and businesses alike. Council suggested staff provide an example of what 63 dBA would sound like before they considered the proposed ordinance.

Mayor Rosenthal opened the floor for citizen's comments.

- Ms. Leah Bullock, resident, stated she lived by the Alamo Heights High School. She stated the new loud speaker at the school has been a concern and hoped this ordinance would protect the citizens.
- Ms. Irene Allender, resident, was also concerned with the school's audio system and how loud it is. She feared the ordinance will give them "carte blanche" with the noise level.
- Ms. Sarah Reveley, resident, stated had neighbors in the past with barking dogs and didn't understand how this would be measured with a dBA system. She noted leaf blowers are also very loud and should be addressed.
- Mr. Mike McGlone, resident, shared there are websites that describe dBA levels and sounds. He stated a 63 dBA would be equal to people have a normal conversation. He stated where the noise is measured is critical and the ordinance should be very specific about these points.

After some discussion, Mayor Pro Tem Jessee moved to table the item for future Council meeting pending additional staff research. The motion was seconded by Councilmember Billa Burke and passed by unanimous vote.

Mr. Kuhn stated staff had reviewed neighboring city ordinances in preparing the proposed changes and added staff continue to research and present their findings at a later Council meeting.

Item # 8 Mayor Rosenthal read the following caption.

ORDINANCE NO. 2199

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, CHAPTER 2, ARTICLE VII, FISCAL AND BUDGETARY POLICY, SEC. 2-205 EXPENDITURE POLICIES, (B) PURCHASING

Finance Director Robert Galindo stated the item for consideration is an Ordinance revising the Code of Ordinances, Chapter 2, Article VII, Fiscal and Budgetary Policy, Sec. 2-205, Expenditure Policies (B) Purchasing. All city purchases of goods or services will be made in accordance with the city's current purchasing policy and with state law. The city's purchasing policy requires all contracts greater than fifty-thousand dollars (\$50,000) be approved by the City Council. Materials and other bid items may be purchased up to the fifty-thousand dollar (\$50,000) limit allowed by state law without Council approval. The current policy was established by Ordinance 1705 on March 26, 2007.

Mr. Galindo stated purchasing ordinance has not been updated since 2007. Under the current Texas Government Code Chapter 252 any purchase of more than \$50,000 has to be formally advertised for bid/proposals and approved by Council. He noted the revision will bring the codified expenditure policy and internal purchasing policy to be in conformity with the current Texas Local Government Code, Chapter 252 and the internal purchasing policy. Mr. Galindo advised legislation is considering increasing the limit to \$100,000 this year.

The proposed revision is in line with current Texas Local Government Code. The ordinance was reviewed by the City Attorney and City Manager. The revision will have no fiscal impact to the City.

Councilmember Billa Burke moved to approve Ordinance No. 2199 as presented. The motion was seconded by Councilmember Savage and passed by unanimous vote.

* * *

Staff Reports

Item # 9 Mayor Rosenthal read the following caption.

Staff Report on City Code Sections 18.101 thru 18.103; Overnight Parking Prohibited

Chief of Police Rick Pruitt presented a report on the existing 2:00 a.m. to 5:00 a.m. on-street parking restriction. The report focused on the intended purpose for restricted parking, temporary and long term parking permits, historical data for years 2014, 2016 and 2022, and public input. He stated parking restrictions was first enacted by Ordinance No. 80 on June 11, 1956. It established absolute no on-street parking. This was to dissuade vandalism, apprehension

of vandals, prevent traffic hazards. The ordinance was soon amended by Ordinance No. 96 (1956), Ordinance No. 1245 (1990) and Ordinance No. 2049 (2016).

Police Chief Pruitt advised staff worked to create/enhance a permit parking program and identify the types of vehicles and property prohibited. There are currently three permit types: overnight up to three days; overnight parking up to thirty days; and special needs permits. He reviewed permits issued by AHPD since 2014 and stated several warnings are given before issuing citations.

	1-3 Day Permits	30 Day Permits	Special Needs	Citations	Warnings
2014	3,664	258	16	180	1,260
2015	3,338	251	15	386	1,075
2022	2,621	179	12	293	1,313
2022 Holiday Advisory	226	(11/19/22 to 01/15/23)			53

Police Chief Pruitt stated the numbers demonstrate there is a continued need for on-street parking. Enforcement is contingent on officer availability. They patrol the city in sections. He advised, on-street parking contributes to negating incidents of vandalism and vehicle burglary. He added limited on-street parking also assists large fire department emergency response vehicles.

Citizens shared positive and negative input on on-street parking permits with staff. Positive input included: a desire for stronger enforcement, allowance for emergency response apparatus to maneuver thru, will address parking congestion on narrow streets, will detract from the desired ambiance in the neighborhoods. Negative public input included: current Ordinance is archaic and does not consider current needs, families on smaller lots have limited driveway space, number of vehicles exceeding parking capacity, and multi-family areas – resident drivers exceed on-property parking availability.

Police Chief Pruitt stated he and Fire Chief Michael Gdovin have no recommendations for change at this time; however, they are aware future multi-family districts will expand and solutions will be explored to allow fire and EMS have access to these areas. He stated monitoring on-street parking is positive for crime prevention, public safety and emergency response. It provides for large fire apparatus and EMS access during critical hours when people are sleeping and dissuades street for storage of boats, trailers, vehicles and personal property and large storage containers.

Mayor Rosenthal suggested providing more awareness to residents regarding permit parking. Police Chief Pruitt agreed and stated some residents are not aware permits are needed for on-street parking.

Councilmember Sharples stated he asked the City Manager and Police Chief to look into on-street parking permits and provide a report. His concern lies with families who have limited parking and have long-term needs for overnight on-street parking. He suggested longer term permits to assist families with multiple cars.

Councilmember Billa Burke agreed it was a concern; however, since the City is landlocked, solutions are scarce. She suggested staff explore a pilot program to offer alternate day parking in neighborhoods. Mr. Kuhn advised staff would research further, but noted the City would need “buy-in” from residents to proceed with a pilot program.

Item # 10 Mayor Rosenthal read the following caption.

Presentation of Financial and Investment Report for the first quarter ending December 31, 2022

Mr. Galindo presented on the first quarter financial and investment report for FY2023. The report focused on the General Fund Revenues & Expenditures, Utility Fund Revenues & Expenditures, Capital Projects Fund, Investment Portfolio Update, Update on consideration for using an outside investment management firm, and a Summary of City’s Financial Position.

The General Fund total revenue ended at \$4.9M, equal to 41% of the budget. Mr. Galindo noted property tax collections is doing well this quarter at \$4.1M compared to last year, a little over \$3.0M. The sales tax revenue continues to do well. This year sales tax revenue has surpassed every month for the first three months, up 25% compared to the previous year.

Mr. Galindo reviewed the General Fund expenditures and noted Public Works was over budget at 26% due to inflated costs for restriping school crossings. Administration was slightly over budget due to IT software licenses/upgrades and annual dues. The overall General Fund expenditures stands a 24%. All other departments are within budget.

Mr. Galindo stated the Utility Fund is doing well. The total revenues were \$1.1M or 26% of the budget and total expenditures were \$640,685 or 15% of the budget.

The Capital Projects Fund beginning fund balance for the fiscal year was \$14,668,140 which includes the proceeds from the 2021 Bond proceeds. No expenses were incurred this quarter; however, the budget includes continued cleaning of the Olmos Basin.

Mr. Galindo reviewed the investment portfolio which includes 2% of funds in CDs with Generations FCU and Jefferson Bank, a savings account with Jefferson Bank and several investment pools, a total 92% of the fund. There is a non-interest bearing operating account with Frost Bank, a total of 7%. The overall investment portfolio balance is \$29,651,634. Frost Bank pledges securities for any amount over \$250,000 in the name of the City to be in compliance with the Public Funds Investment Act (Chapter 2256).

Mr. Galindo stated since December 2022 staff has been analyzing the option to have a portion of the investment portfolio managed by an outside investment management company. Six outside firms were contacted, of those, three firms said they normally work with \$100+

million portfolios. He met with Councilmember Savage and the City Manager to review options last week. Based on information from investment professionals, there is a consensus that the Federal Reserve will be increasing rates one to three times this year by another 0.25% each time and then the rates are expected to remain at a higher rate through December 2022. An option to consider is to invest \$10 million through a broker for a one-year U.S. treasury or federal agency for about 5% to 5.125%. The custody/safekeeping fee would be approx. \$75-\$100 per month.

The average yield for the investment portfolio was 3.52% and is in line with the 90-Day U.S. Treasury benchmark of 4.04%. The report complies with the investment strategies as established by the City of Alamo Heights Investment Policy and the Public Funds Investment Act (Chapter 2256).

In closing, Mr. Galindo reviewed the 1st Quarter Performance Summary:

PERFORMANCE THROUGH 25% OF BUDGET			
	% of Budget	Current Quarter	YTD Quarter
GENERAL FUND			
Total Revenues	41%	Positive	Positive
Total Expenditures	24%	Positive	Positive
Total Property Tax Collections	43%	Positive	Positive
Sales Tax Revenues	27%	Positive	Positive
ENTERPRISE FUND			
Utility Fund Revenues	26%	Positive	Positive
Utility Fund Expenditures	15%	Positive	Positive

Item # 11 Mayor Rosenthal read the following caption.

Staff report on potential changes to the Architectural Review Board (ARB) ordinance from City Council direction on January 9, 2023

Mr. Kuhn presented a staff report on the status of a Council-requested review of the Architectural Review Board (ARB) ordinance. The ARB provides recommendations for construction & demolition in reference to Construction – design compatibility of building projects; Demolition – significance of structures; and Signs – aesthetics & compliance with Sign Code.

The ARB consists of a 7-member advisory board providing recommendations to Council. Their responsibilities include: promoting orderly and harmonious development of city, encouraging attainment of most desirable land use, enhancing desirability of living conditions in city, and promoting high aesthetic quality of development. The ARB references City Code of Ordinances from: Chapter 2 – Administration, Chapter 5 – Buildings & Building Regulations, and Chapter 15 – Sign Regulations in their recommendations to City Council.

Mr. Kuhn stated ARB's recommendation has been a key step in building a process for many years. The ARB recommends on: Construction – design compatibility with surrounding structures & area; Residential – new construction, additions or significant alterations; Commercial & multifamily – all exterior & site changes; Demolition – significance of structures; and Signs – aesthetics & compliance with Sign Code. He outlined the ARB's involvement in the development process which includes the application to staff, the recommendation by ARB, and recommendation to Council for consideration. The process includes public notification requirements and public comment opportunities.

Mr. Kuhn commented Council directed staff to review the current ARB ordinance and provide proposals on a new board purpose, structure and procedures. Some considerations/priorities for the ARB review were to strengthen the City's ability to enforce codes, comply with state law, maintain and promote City character, and most importantly, to remove subjectivity of ARB roles.

Mr. Kuhn reviewed staff findings on ARB criteria and shared examples of existing zoning/building code and subjective.

- Existing Code: Land use, planning & siting, scale, open space, access, natural features, building components, and energy efficiency.
- Subjective: Compatibility, significance, aesthetics & character, appropriate design, desirable & functional environment, suitable & adaptable to site

As reference, Mr. Kuhn provided information on ARB case results between 2018 and 2023. In reference to compatibility (construction) cases, 66% were approved as presented, 32% were approved with modifications, and 2% were denied. In Significance (demolition) cases, 98% were approved as presented, 2% were approved with modifications, and 0% were denied. For Sign cases, 77% were approved as presented, 21% were approved with modifications, and 2% were denied.

Mr. Kuhn closed by stating staff's next steps are to complete the review of existing ordinances, develop alternatives for each component overseen by ARB, and incorporate considerations & priorities where possible.

* * *

Closed Session

Item # 12 Mayor Rosenthal read the following caption.

Executive Session as authorized by the Texas Government Code Section 551.071 (consultation with attorney) to discuss Broadway infrastructure construction.

Item # 13 Mayor Rosenthal read the following caption.

Executive Session as authorized by the Texas Government Code Section 551.071 (consultation with attorney) to discuss pending or contemplated

litigation: Cause No. 2020-CI-04375; Gillespie Real Estate, Inc, et al v. Lead Funding, LLC.

The City Council of the City of Alamo Heights convened into Closed Executive Session at 7:29 p.m. and reconvened in Open Session at 7:49 p.m. in accordance with the Texas Open Meetings Act, Texas Government Code, *Section §551.071 (Consultation with Attorney)*.

* * *

Open Session

Item # 14 Mayor Rosenthal read the following caption.

Discussion and possible action resulting from Executive Session

No action taken.

* * *

With no further business to consider, Councilmember Bonner moved to adjourn the meeting at 7:50 p.m. The motion was seconded by Councilmember Savage and passed by unanimous vote.

PASSED AND APPROVED THIS 27TH DAY OF MARCH, 2023.



Elsa T. Robles, TRMC
City Secretary



Bobby Rosenthal
Mayor

