

CITY OF ALAMO HEIGHTS
CITY COUNCIL
April 11, 2022

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, April 11, 2022. 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 Wes Sharples
Councilmember Blake M. Bonner
Councilmember John Savage

Also attending were:
City Manager Buddy Kuhn
Assistant City Manager Phil Laney
City Attorney Frank Garza
Assistant to City Manager Jennifer Reyna – Via Zoom
City Secretary Elsa T. Robles
Director of Finance Robert Galindo
Police Chief Rick Pruitt
Fire Chief Michael Gdovin
Deputy Police Chief Cindy Pruitt
Community Development Services Director Lety Hernandez
Human Resources Manager Brenda Jimenez – Via Zoom
Public Works Director Pat Sullivan

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

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Item # 1 Approval of Minutes

Mayor Bobby Rosenthal asked City Council for a motion to approve the March 28, 2022 City Council Meeting minutes. Councilmember Blake M. Bonner moved to approve the minutes as presented. The motion was seconded by Mayor Pro Tem Lynda Billa Burke and passed by unanimous vote.

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Item # 2 Announcements

Mayor Rosenthal read the following caption.

a. National Prescription Drug Take Back Day, April 30, 2022

Deputy Police Chief Cindy Pruitt announced National Drug Take Back day will take place on Saturday, April 30th at the rear entrance of City Hall from 10:00 a.m. to 2:00 p.m. All expired, unused, and unwanted prescription or over the counter drugs will be accepted, no questions asked. Due to the risk of injury to handlers, syringes, epi-pens or other injectable devices will not accepted.

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Item # 3 Citizens to be heard

No comments made.

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Items for Individual Consideration

Item # 4 Mayor Rosenthal read the following caption.

Public Hearing – Planning and Zoning Case No. 419. A request by Richard and Meixian (Sue) Y’Barbo, applicants, 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 2,212 sq ft (0.05 acre tract) of the 15ft wide alley that adjoins the western side of the property identified as Lot E 83.3ft of 5, BLK 199, CB 4024, also known as 740 Tuxedo Ave, of the City of Alamo Heights, Texas

Community Development Services Department Director Lety Hernandez stated the property owner requests to purchase a portion of the alley that is on the west side of their property line. She added the Single-Family A property is located at 740 Tuxedo Avenue and reviewed the existing conditions and survey of the property and alley.

Ms. Hernandez explained the City and owner must agree on a sale price for the right-of-way. One option is to use the fair market value which relies on an average price per square foot per Bexar County Appraisal District (BCAD) market values. A second option is to require an independent professional appraisal by a jointly selected appraiser. The applicant agreed to the average price per square foot per BCAD market values calculated as: 2,212 sq ft at \$21.43/sq ft for the total price of \$47,403.16.

On February 7, 2022, the Planning & Zoning Commission (PZ) considered the request but tabled the case to allow the applicant to communicate with the adjacent property owner on the west side of the property regarding the proposed purchase. The applicant contacted the owner in

question and staff provided information and/or clarification regarding the looming standard exemption. On April 04, 2022, the PZ Commission recommended approval of the request.

Public notifications were mailed to property owners within the 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 six responses in support and one in opposition.

Mayor Rosenthal opened the public hearing at 5:36 p.m. With no one to speak to the item, he closed the public hearing at 5:37 p.m.

Item # 5 Mayor Rosenthal read the following caption.

Discussion and possible action on Planning and Zoning Case No. 419, a request by Richard and Meixian (Sue) Y'Barbo, applicants, 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 2,212 sq ft (0.05 acre tract) of the 15ft wide alley that adjoins the western side of the property identified as Lot E 83.3ft of 5, BLK 199, CB 4024, also known as 740 Tuxedo Ave, of the City of Alamo Heights, Texas

Mr. Richard Y'Barbo, applicant, address the Council and stated he was participating via Zoom should they have any questions for him.

Councilmember Lawson Jessee asked if moving the property line affected compliance of the neighboring structure. Ms. Hernandez answered it did not because the neighbor's property line would not change. The looming standards would be affected based on the recent revisions; however, the owner was fine with this and expressed his support.

Councilmember Bonner questioned if the sale would affect access to the neighbor. Ms. Hernandez explained the applicant will fence in the area; however, the neighbor will maintain access.

Mayor Pro Tem Lynda Billa Burke moved to approve Planning and Zoning Case No. 419 as presented. The motion was seconded by Councilmember John Savage and passed by unanimous vote.

Item # 6 Mayor Rosenthal read the following caption.

Presentation of Annual Comprehensive Financial Report for the fiscal year, ended September 30, 2021, for acceptance by City Council

Finance Director Robert Galindo stated this was a presentation of the City's Annual Comprehensive Financial Report (ACFR) for the fiscal year which ended September 30, 2021. He introduced ABIP Partners Michael Del Toro and Kyle Layer who presented the report.

Mr. Del Toro stated the ACFR contains several key elements including the Independent Auditor's Report conducted by ABIP. This report contains audit standards which are generally accepted auditing standards for the purpose to form an independent opinion on whether the financial statements are presented in accordance with Generally Accepted Accounting Principles

(GAAP). The independent opinion on the financial statements audit is “unmodified” which is the best opinion that can be given for an independent audit. This means there have been no modifying statements in the auditor’s opinion letter.

Mr. Del Toro reviewed the financial highlights or the government-wide financial statements. This identified assets of the City exceeded its liabilities (Net Position) by \$22.9 million at September 30, 2021 with Governmental Activities at \$12.4 million and Business-type Activities at \$10.5 million. The Net Position increased by \$2.5 million from 2020 where the Governmental Activities were at \$1.75 million and the Business-type Activities were at \$750 thousand. He stated these indicators show the City of Alamo Heights is a strong and healthy organization.

The Fund Financial Statement indicated the General Fund’s fund balance at the end of the 2021 fiscal year was \$5.85 million, an increase of \$117 thousand from 2020. The financial operating reserves or Unassigned fund balance was \$5.77 million which is approximately 7 months of operating reserve. The combined fund balance for all funds was \$23.87 million, an increase of \$15.35 million from 2020. The City’s fund balances ending September 30, 2021 were as follows: Restricted - \$13.8 million (unspent bond funds) and Committed/assigned - \$3.2 million, and \$1.0 million for City projects.

Mr. Del Toro reviewed the Proprietary Fund/water fund. The net position increased \$750 thousand to \$10.5 million with the Unrestricted Net Position at \$2.5 million. At September 30, 2021 the City had a working capital of \$2.9 million for the utility operations; an increase of \$900 thousand from the prior year’s working capital ratio. This is almost 9 months operating reserves of working capital. He added this also indicated the water fund was in a good, strong financial position.

In addition to the audit report, a letter is also issued identifying any findings that require reporting.

- Accounting Policies
- Accounting Estimates and Disclosures
- Difficulties in Performing the Audit – none were identified, staff provided the necessary information for audit purposes
- Misstatements – finance department provided good information throughout the year
- Disagreements – none identified
- Management Representations – staff provided everything needed to conduct the audit in accordance to required standards
- Consultations with other Independent Accountants
- Compliance with the Public Funds Investment Act – clean opinion, found no compliance findings
- Comments and Recommendation Regarding Internal Control and Operations – identified a weakness regarding check disbursements, staff has rectified process by eliminating Finance Director as an authorized signer and are requiring two authorized signatures for check disbursements.

Mr. Galindo explained he had been one of the authorized signers for check processing; however, he removed himself as soon as auditors identified this weakness. He stated before the pandemic, two authorized signatures were required for check processing; however, since the pandemic, only one signature was required to avoid the potential spread of COVID-19. The

required two signatures were re-established to improve the check disbursement process. Mr. Kuhn added he is still responsible for signing checks over \$50,000 along with a second signature.

After some discussion Councilmember Savage moved to approve the Annual Comprehensive Financial Report as presented. The motion was seconded by Mayor Pro Tem Billa Burke and passed by unanimous vote.

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Mayor Rosenthal announced Item #9 would be considered next.

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Item # 9 Mayor Rosenthal read the following caption.

Consideration and possible action to renew Contract with Freese and Nichols, Inc. to provide Project Management, Engineering and Floodplain Development Permit Review

Public Works Director Patrick Sullivan stated this was a request for a contract extension with Freese & Nichols, Inc. for project management, engineering services, floodplain development permit review, and other services upon request, such as, environmental, construction, architectural related services.

Freese & Nichols has served the COAH since 2007. In 2015 the initial Project Management & Engineering Contract with a 2-year term and a 2-year extension option was approved by Council. In 2017, the 2-year extension option was exercised. Council approved a 1-year contract extension in 2019 and Freese & Nichols is currently honoring the last contract executed. The proposed contract is for 2-years with an option of three 1-year contracts pending staff and Council's approval.

Mr. Sullivan explained staff's review determined the new contract has additional management levels and recalculating of rates within those positions. The only changes are to position-related charges. Due to new technology, in-house services and equipment (drones, GPS, valve crew vehicle, pressure data logger, microscopes, etc.) have been updated.

In reference to fiscal impact, the contract is set, has a reasonable fee schedule, allows for cost savings for projects, and expense is variable due to the ad-hoc nature of services.

Councilmember Lawson Jessee moved to approve to renew engineering contract with Freese and Nichols as requested by staff. The motion was seconded by Councilmember Wes Sharples and passed by unanimous vote.

Item # 7 Mayor Rosenthal read the following caption.

Consideration of a Resolution of the City of Alamo Heights, Texas reappointing Dr. Chichi Junda Woo, M.D., as the health authority for Alamo Heights, Texas for emergency purposes and authorizing the City Manager to execute an interlocal agreement for designation of health authority in accordance with Chapter 121 of the Texas health and safety code and authorizing the Mayor to execute a certificate of appointment for the local health authority

Fire Chief Michael Gdovin stated in an effort to have prompt medical authority in the event of a natural or man-made disaster, the City of Alamo Heights entered into an Interlocal Agreement (ILA) with Dr. Chichi Junda Woo on May 26, 2020 and terminates on May 26, 2022. The ILA ensures the City has the resources and support necessary to control events of a man-made or naturally occurring disaster and allows Dr. Woo to impose area or widespread quarantine in the event of a biological, nuclear, natural or other manmade disaster.

A Resolution renewing this interlocal agreement is consistent with prior actions by the City of Alamo Heights and pursuant to Health and Safety Code Chapter 121. It maintains local control and faster resource response and is consistent with other municipalities in Bexar County. There is no fiscal impact, unless Dr. Woo's services are used in accordance with Local Government Code, Chapter 791.011(c) in conjunction with a large-scale event. This action becomes effective upon Council's approval and Mayor's signature.

Councilmember Sharples shared concerns in renewing the ILA with Dr. Woo. He would prefer to default into Region 8 for the COAH health authority.

Mayor Pro Tem Billa Burke moved to approve the resolution to reappoint Dr. Chichi Junda Woo, M.D., as the health authority for Alamo Heights and authorize the City Manager to execute an interlocal agreement with Bexar County. The motion was seconded by Councilmember Jessee and passed 3-2 with Councilmember Sharples and Councilmember Bonner voting in opposition.

Item # 8 Mayor Rosenthal read the following caption.

Consideration of a Resolution of the City of Alamo Heights, Texas approving the renewal of an Interlocal Agreement between the City of Alamo Heights (City) and the Alamo Heights Independent School District (AHISD) for a School Resource Officer (SRO) Program and authorizing the City Manager and Police Chief to execute the Agreement

Police Chief Rick Pruitt stated staff is seeking to continue to sponsor a School Resource Officer (SRO) Program for AHISD and renew the Interlocal Agreement (ILA) initially passed on September 24, 2018. Approval of the Resolution will renew the ILA and allow the City Manager and Chief of Police to execute. If renewed, the ILA will expire on June 30, 2025.

Chief Pruitt stated the SRO program has been very successful for the community, schools and school district. The Alamo Heights Police Department (AHPD) staff worked with the Alamo Heights Independent School District (AHISD) executive staff to update the provisions of the ILA and reflect current needs. These new provisions will allow the ILA to commence on the date signed by the authorized representatives and will automatically renew under the same terms/conditions for a period of ninety (90) days. Additional conditions are, the School Resource Officer (SRO) supervisory authority changed from "Administrative Lt" to "SRO Supervisor", and the jurisdiction of the SRO was amended to include all school campuses within the geographical boundaries of AHISD. Chief Pruitt stated there were occasions where the SRO needed to be sent to other campuses. The SRO also handles truancy situations and delivery of other paperwork to the student's home. He advised the AHISD Board of Trustees approved the proposed ILA on March 24, 2022.

In reference to policy analysis, pursuant to the Interlocal Cooperation Contracts, Chapter 791, Texas Govt Code, the COAH, a home rule municipality, and AHISD, an independent school district, may jointly exercise the power to provide governmental services for public health, safety, and general welfare.

Chief Pruitt advised, the cost of the SRO's salary and benefits will be shared by AHISD (75%) and COAH (25%). The FY21-22 base salary and benefits cost is \$87,828 (AHISD cost - \$65,871 and COAH cost - \$21,957). There is no cost for SRO equipment, vehicle and equipment is currently in inventory. All financial obligations of the SRO program will be funded by the respective revenues of AHISD and COAH.

Chief Pruitt noted the he coordinated with Dr. Frank Alfaro, Assistant Superintendent for Administrative Services, City Manager Buddy Kuhn, and City Attorney Frank Garza who reviewed the ILA and prepared the Resolution. He stated the SRO program had dissuaded situations on campus and has helped with response time on active situations. Chief Pruitt advised 95% of the time the SRO is at the high school, but on occasion the officer does go help at other AHISD campuses.

Councilmember Bonner commented the AHISD should pay 100% of the SRO salary. Chief Pruitt stated the SRO serves the City during summer, spring, and holiday breaks. The salary breakdown reflects costs for the times of the year the SRO works for the City.

Councilmember Sharples moved to approve to the Resolution and authorize the renewal of an ILA between the COAH and AHISD for a School Resource Officer Program as requested by staff. The motion was seconded by Mayor Pro Tem Billa Burke and passed by unanimous vote.

Item # 10 Mayor Rosenthal read the following caption.

Consideration of a Resolution between the City of Alamo Heights and the Texas Department of Transportation for the purpose of supporting the continued development of the Lower Broadway Roadway Improvement Plan

City Manager Buddy Kuhn stated discussions between TxDOT and COAH have continued over past several months and recently in past couple of weeks. Discussions are focused on roadway and stormwater improvements. TxDOT is adamant there will be no lane reductions, the current capacity will remain.

TxDOT has shown support to address initiatives such as, road/sidewalk surface and underground storm water improvements, incorporation of landscaping and low impact design landscaping (LID) features where possible by City, the replacement of water and sewer lines by City, and potential burial of overhead utilities by City.

TxDOT submitted a modified project to the MPO policy board for the original \$10 million committed to the project. They have not shared the modifications with the City; however, the MPO policy board has tentatively approved it. As of this date, Bexar County and San Antonio River Authority (SARA) funding is still committed to the project.

In summary, Mr. Kuhn stated TxDOT is requesting a resolution showing support of this effort be approved by COAH prior to April 20, 2022 Board meeting in Austin. He added several procedural items still needed to be worked out in a formal written agreement in Austin.

Mayor Rosenthal requested to enter into executive session before discussing Item # 10.

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Closed Session

The City Council of the City of Alamo Heights convened into Executive Session at 6:13 p.m. and reconvened in Open Session at 6:45 p.m. in accordance with the Texas Open Meetings Act, Texas Government Code, Section §551.071 (Consultation with Attorney) to discuss Broadway infrastructure construction.

No action was taken.

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Item # 10 Mayor Rosenthal re-read the following caption.

Consideration of a Resolution between the City of Alamo Heights and the Texas Department of Transportation for the purpose of supporting the continued development of the Lower Broadway Roadway Improvement Plan

Mayor Pro Tem Billa Burke moved to approve the Resolution between the COAH and TxDOT for the purpose of supporting the continued development of the Lower Broadway Roadway Improvement Plan. The motion was seconded by Councilmember Savage and passed by unanimous vote.

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Before closing the meeting, Mayor Pro Tem Billa Burke thanked Chief Pruitt and the Police Department for doing a phenomenal job during all the Fiesta activities in the City. Council agreed.


With no further business to consider, Councilmember Bonner moved to adjourn the meeting at 6:46 p.m. The motion was seconded by Councilmember Savage and passed by unanimous vote.

PASSED AND APPROVED THIS 25th DAY OF APRIL, 2022.



Elsa T. Robles, TRMC
City Secretary





Bobby Rosenthal
Mayor