

CITY OF ALAMO HEIGHTS  
CITY COUNCIL  
April 25, 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 25, 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

Also attending were:

City Manager Buddy Kuhn  
Assistant City Manager Phil Laney  
City Attorney Richard Lindner  
City Secretary Elsa T. Robles  
Director of Finance Robert Galindo  
Police Chief Rick Pruitt  
Fire Chief Michael Gdovin  
A-Shift Battalion Chief Cody Hobbs  
Deputy Police Chief Cindy Pruitt  
Community Development Services Director Lety Hernandez  
Human Resources Manager Brenda Jimenez – Via Zoom  
Public Works Director Pat Sullivan – Via Zoom

Absent:

Councilmember John Savage  
Assistant to City Manager Jennifer Reyna

\* \* \*

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

\* \* \*

Mayor Rosenthal welcomed local Boy Scouts from Troops 59 and 809 who were in attendance. He thanked them for attending and encouraged them to keep working on their citizenship and community badge.

\* \* \*

*Item # 1      Approval of Minutes*

Mayor Bobby Rosenthal asked City Council for a motion to approve the April 11, 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.

\* \* \*

*Item # 2      Announcements*

Mayor Rosenthal read the following caption.

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

Police Chief Rick Pruitt stated AHPD was still on schedule for National Drug Take Back day taking place on Saturday, April 30<sup>th</sup> from 10:00 a.m. to 2:00 p.m. via drive-thru service. All expired, unused, and unwanted prescription or over the counter drugs will be accepted. He encouraged residents to check with their elderly parents who tend to have several prescription or over the counter drugs that can also be turned in.

\* \* \*

*Item # 3      Citizens to be heard*

Mayor Pro Tem Billa Burke recognized the Boy Scouts in attendance and asked them to introduce themselves. Members from Troop 59 were: Paulo Lipari, and Roman Curry. Members from Troop 809 were: Trey Layman and John Schneider.

\* \* \*

***Mayor Rosenthal announced Item #10 would be heard first.***

\* \* \*

Staff Report

*Item # 10*      Mayor Rosenthal read the following caption.

**Presentation of CPS Energy Reliability and Vegetation Maintenance Program**

Assistant City Manager Phil Laney stated CPS Energy was here to brief Council on their Reliability and Vegetation Maintenance Program. CPS Energy will be coming into the City for a tree trimming initiative in the next few weeks.

Christopher Garcia, Manager of Power Quality & Reliability with CPS Energy, provided background information on the CPS initiative. He stated Alamo Heights is service by 5 main overhead distribution lines feeding the majority of the 4,200 customers in the City. There are several areas within the City where trees are interfering with power lines. Several of these power lines route through customer's back yards in between two lots. CPS crews will have to rely on the community to access these areas for tree trimming.

Mr. Garcia stated CPS studied the City's reliability within a 12 month period. From April 1, 2021 – April 19, 2022, there were 41 outages that were caused by trees interfering with powerlines during thunderstorms events. On February 3, 2022, winter storm Landon led to extended outages for 58 customers due to ice on trees. In 2021 during Memorial Day thunderstorms, trees were the primary cause of outages with 2245 customers who experienced 9+ hours without power. In June 2019, during a lightning storm, there was a 21 hour outage for 343 customers caused by trees obstructing power lines.

Robert Dieckow, Manager of the TSD Program Management Office, explained how CPS accessed the need for vegetation management. CPS uses LiDAR (Light Detection and Ranging) data to determine what the encroachment of the vegetation is to the powerlines. CPS Energy's required vegetation clearance is 10ft from power lines. A heat map indicates areas of encroachment within 10ft of distribution lines based on LiDAR data. He reviewed pictures of different scenarios of encroachment.

Mr. Dieckow shared reliability success stories over three circuits that were trimmed within the last year. On an average, targeted tree trimming in 3 different areas of our service territory resulted in an average of 60% improvement in reliability.

The types of trimming work include:

- Local Development
- Emergency trimming
- Routine planned trimming for reliability
- Customer requested inspection and trimming for clearance of primary and secondary conductor

Typical tree trim clearance distance: 10' high voltage and 8' neutral

Mr. Dieckow explained CPS is responsible for trimming the primary and secondary power distribution lines and the residents are responsible for trimming the areas within the residential service drop lines, telephone lines, and cable television lines. He stated the key to their vegetation management program is that it is an integral part of increased reliability for customers. They are committed to working with customers to achieve this. Vegetation clearances are critical to maintain the system.

Mr. Dieckow stressed the importance of having certified professionals clear the vegetation around high voltage lines. CPS has qualified and certified personnel & contractors to ensure safety for crews and the health of the trees. For trimming of the service drop, customers are encouraged to call to schedule a temporary disconnect to ensure safety.

Today's presentation was to help communicate with customers about the upcoming tree trimming program in the City. CPS will partner with the City to communicate with customers through a variety of media (social media, newsletters, emails, etc.). Weather permitting door hangers with contractor information will be on customers' homes the first two weeks of May. Asplundh (contractor) will begin tree trimming the third week of May.

In closing, Mr. Dieckow invited residents to a community safety event on May 14<sup>th</sup> from 11:00 a.m. to 2:00 p.m. at the CPS Energy Park on Perrin Beitel Rd. All customers are welcome to attend.

\* \* \*

Items for Individual Consideration

Item # 4 Mayor Rosenthal read the following caption.

**Architectural Review Board Case No. 877F, request of Jack Uptmore of Uptmore LLC, owner, for the significance review of the existing main structure and compatibility review of the proposed design located at 240 Corona in order to demolish 100% of the existing residence with accessory structure(s) and construct a new single-family residence with attached garage**

Community Development Services Department Director Lety Hernandez stated the Single-Family B property is located at 240 Corona east of Arbutus. The applicant requests approval of a significance review of the existing structure and compatibility review in order to demolish 100% of the existing residence with accessory structure and construct a new single-family residence with attached garage.

Ms. Hernandez stated the request triggered a significance review because of the proposed removal or encapsulation of more than twenty-five (25) percent of the framed structure of exterior walls facing public streets and the street-facing elevation tract of land is landlocked. A compatibility review was triggered due to the amount of total or substantial destruction of the structure or portion thereof. She presented the proposed site/roof plans, elevations, and floor/roof plans. The proposed main structure elevation is 27ft 7-1/8 inches with hardie board and rock veneer accents and a composition shingle roof.

In terms of policy analysis, Ms. Hernandez noted the proposed lot coverage is 39.99% of the maximum allowed of 40% in a SF-B zone. The proposed floor area ratio is 48.97%. The applicant is allowed the maximum of 49% due to the bonuses of a one (1) story garage and side or rear street/alley access. Staff found no historical or architectural significance to the existing main structure.

On April 19, 2022, the ARB declared the existing main structure as not significant and recommended approval of the design as compatible while encouraging the applicant to consider revising the window fenestration and roof offset on the street-facing side elevation.

Ms. Hernandez reviewed the current/proposed streetscapes and renderings. She stated public notifications were mailed to property owners within a 200-foot radius. Notices were posted on the City's website and on the property. Staff received no responses in support or in opposition.

Mayor Pro Tem Lynda Billa Burke moved to approve ARB Case No. 877F as presented. The motion was seconded by Councilmember Wes Sharples and passed by unanimous vote.

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

**Architectural Review Board Case No. 878F, request of Ziga Architecture Studio PLLC, applicant, representing Crowe Developments LLC, owner, for the significance review of the existing main structure and compatibility review of the proposed design located at 117 Claywell in order to demolish 100% of the existing residence with accessory structure(s) and construct a new single-family residence with detached carport**

Ms. Hernandez stated the Single-Family A property is located at 117 Claywell on the north side, east of Broadway. The applicant requests approval of a compatibility review in order to demolish 100% of the existing residence with accessory structure and construct a new single-family residence with detached carport.

Ms. Hernandez stated the request triggered a significance review because of the proposed removal or encapsulation of more than twenty-five (25) percent of the framed structure of exterior walls facing public streets and the street-facing elevation tract of land is landlocked. A compatibility review was triggered due to the amount of total or substantial destruction of the structure or portion thereof.

Ms. Hernandez reviewed the existing conditions and proposed site/roof plans, elevations, and floor/roof plans for the main structure and accessory structure. The proposed main structure elevation is 32ft 6 inches with combination Corten Western Wave metal siding, vertical wood siding, and vertical standing seam metal siding in charcoal color. The proposed roof is standing seam metal with galvalume finish. The accessory structure proposed height is 15ft 4in with vertical standing seam metal siding in charcoal color and a standing seam metal, galvalume finish roof.

In terms of policy analysis, Ms. Hernandez noted the proposed lot coverage is 34.09% under the maximum allowed of 40% in a SF-A zone. The proposed floor area ratio is 47.29%. The applicant is allowed the maximum of 49% due to utilizing bonuses of a one (1) story garage and side or rear street/alley access. Staff found no historical or architectural significance to the existing main structure.

On April 19, 2022, the ARB considered the request and motioned to declare the existing main structure as not significant and recommend approval of the demolition as requested. It was approved unanimously. The motion to recommend approval of the design as compatible was not approved with the following vote: AYE (2), NAY (4).

Ms. Hernandez reviewed the current/proposed streetscapes and renderings. She stated public notifications were mailed to property owners within a 200-foot radius. Notices were posted on the City's website and on the property. Staff received no responses in support and three responses in opposition.

Mayor Rosenthal asked to hear comments from citizens who signed up to speak on this item.

- Mr. Bob Stevens, resident, stated he agrees the existing home should be demolished; however, the new home design should be more integrated with the neighborhood.
- Mr. Andrew Scott, resident, stated he is opposed to the new design and doesn't believe the proposed structure is compatible with the neighborhood.
- Ms. Donna Balin, resident, stated she attended the ARB meeting and heard 10 residents that were in opposition. She is also opposed to the proposed design and asked Council to reject it and keep tradition in Alamo Heights.
- Ms. Kyndra Carter, resident, stated she spoke at the ARB meeting and expressed her concern with the applicant doing away with the large trees in front of the property. She agreed the proposed house does not blend in with the community and asked Council to support ARB's recommendation not to approve.
- Ms. Chrysalis Heinkel, resident, stated she is in favor of demolishing the current structure; however, opposed the proposed design because it does not blend in with the current neighborhood.
- Sanford Futterman, resident, stated he lives next door to the property in question and is also opposed to the proposed design because it does not fit the community of Alamo Heights.

Mayor Rosenthal asked to hear comments from the applicant.

Mr. Feliz Ziga, architect on the project, stated he and the applicant heard the residents' concerns at the ARB meeting. He stated beauty is in the eye of the beholder and added they have made every effort to make the design tie into the neighborhood. Mr. Ziga addressed the trees and stated they will be removing three of the eight trees on the property due to disease or size. He noted the Scandinavian design of the structure serves to block light, sound and noise from the busy Broadway corridor and creates a private backyard for the resident.

Mayor Rosenthal asked if they had met with any of the neighbors to discuss their concerns. Mr. Ziga stated they had not and noted the proposed design met all the rules and codes of the City.

Mayor Rosenthal questioned the options to approve the demolition and/or construction. City Attorney Richard Lindner explained Council could opt to approve a 90-day demolition delay. Council would meet within those 90 days and decide whether or not to extend the delay for another 90 days or they could terminate the delay at any time. The applicant could choose to

use this time to meet with the neighbors and address their concerns. After 180 days is up, the design can go forward. Other options would be to approve the request as presented.

Councilmember Lawson Jessee stated this was the first time he heard the ARB deny a design for a new construction. He agreed the design is not compatible with the neighborhood.

Mayor Rosenthal suggested the applicant try to bridge the gap between the neighbors since they expressed the design is incompatible with the neighborhood. Mr. Ziga noted 10 neighbors out of 223 on the street thought the design was incompatible.

Councilmember Jessee reiterated this is the first time the recommending body, the ARB, had ever recommended disapproval of a design. Mr. Ziga responded the ARB is only a recommending body, they are not the law, and added if Council delays the demolition for 180 days, the design will still move forward, so why delay the inevitable?

Mayor Rosenthal stated Council is hopeful when developers come into the community that they try to work with the neighbors when they voice their concerns.

Mayor Pro Tem Billa Burke asked if this was going to be someone's home or was it going to be sold. Mr. Ziga stated he didn't think it was relevant to the case and added the project is a spec home being designed to the owner's taste in case something happens with the business plan.

Mayor Pro Tem Billa Burke disagreed and stated it was very relevant to the surrounding neighbors who have to live with the design and to the people living in the house that is not compatible to the rest of the neighborhood. She added if the applicant wanted to be a really good neighbor, they should meet with the neighbors. Mr. Ziga replied it was a matter of opinion and thanked Mayor Pro Tem Billa Burke for her input.

Councilmember Sharples asked for more information on ARB's recommendation not to approve. Ms. Hernandez stated the two members that were in favor didn't speak to the compatibility on the street. They felt the design was more compatible with the City as a whole, since similar designs are found within the City limits. The four members that voted in opposition found the design incompatible with the residential neighborhood the structure will be in.

After some discussion, Mayor Pro Tem Lynda Billa Burke moved to approve a 90-day demolition delay for ARB Case No. 878F. The motion was seconded by Councilmember Sharples and passed by unanimous vote.

Mayor Pro Tem Billa Burke encouraged home owners to contact State Representative Steve Allison and express their concerns regarding the power the State has taken away from Council to protect residents from projects that don't work well in the community.

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

**Architectural Review Board Case No. 879F, request of Joaquin Escamilla of Studio E Architecture & Interiors Inc., applicant, representing Andrew Huck and Mona Min, owners, for the compatibility review of the proposed design located at 304 Albany in order to construct a 2-story detached garage**

Ms. Hernandez stated the Single-Family A property is located at 304 Albany to the east of Ashcroft. The applicant requests approval of a compatibility review in order to demolish existing 1-story detached garage and construct a 2-story detached garage. The request is subject to demolition review for compatibility due to the request to construct a 2-story detached garage.

Ms. Hernandez reviewed the existing garage conditions, existing and proposed site plans, and proposed elevations. The proposed accessory structure height is 19ft 11 inches composed of hardie plank board and batten. The proposed roof is standing seam metal and TPO for the low slope roof. She continued to review the roof plan and perspective renderings.

In terms of policy analysis, Ms. Hernandez noted the proposed lot coverage is 39.62% of the maximum allowed of 40% in a SF-B zone. The proposed floor area ratio is 44.78%. The applicant is allowed the maximum of 49% due to the preservation of fifty (50) percent of the main structure.

The ARB considered the request at their April 19, 2022 meeting. They voted unanimously to recommend approval of the design as compatible with possible revisions to address the busyness of the elevations, removal of the applied awnings, and gable the roof instead of constructing a mono pitched shed design to better reflect the style of the main residence.

Ms. Hernandez stated public notifications were mailed to property owners within a 200-foot radius. Notices were posted on the City's website and on the property. Staff received two responses in support and none in opposition.

Councilmember Jessee moved to approve ARB Case No. 879F as presented. The motion was seconded by Mayor Pro Tem Billa Burke and passed by unanimous vote.

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

**Architectural Review Board Case No. 880F, request of Javier D. Alonso RA of Architaktos Architecture & Design, applicant, representing Andres Cuellar, owner, for the significance review of the existing main structure located at 317 Normandy in order to demolish 100% of the existing residence with accessory structure(s)**

Ms. Hernandez stated the Single-Family B property is located at 317 Normandy on the north side between Imlay and Arbutus. The applicant requests approval of a significance review in order to demolish 100% of the existing main and accessory structures. The request is subject to demolition review for significance due to the 100% demolition request.

Ms. Hernandez reviewed the existing site plans and conditions of the main structure. Staff found no historical and/or architectural significance to the existing main structure and have not received a request to rebuild a new single-family residence on the property. Additional ARB and Council review would be required at that time.



Ms. Hernandez stated public notifications were mailed to property owners within a 200-foot radius. Notices were posted on the City's website and on the property. Staff received two responses in support and none in opposition.

Mayor Pro Tem Billa Burke moved to approve ARB Case No. 880F as presented. The motion was seconded by Councilmember Jessee and passed by unanimous vote.

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

**Discussion and possible action to authorize the purchase of 2024 Pierce Enforcer Pumper fire apparatus**

Fire Chief Michael Gdovin stated this was a request for authorization to purchase a 2024 Pierce Enforcer Pumper fire apparatus to replace the 2004 Pierce Saber Pumper which is scheduled to be replaced. The replacement of the 2004 Pierce Saber Pumper maintains compliance with N.F.P.A 1912, Appendix D.3 pertaining to front line response, reserve status replacement of fire apparatus. The recommendation is to utilize the apparatus 15 years in the front line and 5 years as a reserve with retirement thereafter.

Fire Chief Gdovin stated the City of Alamo Heights procurement policy and Texas laws pertaining to the purchase of equipment exceeding \$3000 were followed. The purchase of apparatus was reviewed by the Finance Director and City Manager for fiduciary compliance. He broke down the cost of the apparatus: Proposal: \$819,539.00, Full Pre-Pay discount: \$31,000.00, 2004 Pierce trade-in: \$21,000.00 (upon delivery), HGAC fee: (\$2,000.00), Net cost: \$769,539.00.

The budgeted funds from the FY 24 Capital Improvement Fund will be used for the purchase of the fire apparatus (truck). The estimated build time is 22-23 months. The price quoted by Siddons Martin Emergency Group LLC. is valid only until 04-28-2022. The truck will stay in the fleet until the new one is delivered.

Fire Chief Gdovin stated retired fire trucks can serve volunteer fire departments or be sent to Mexico. This particular truck had caught on fire in 2014 which decreased the trade-in value; however, Terrell Hills recently went through the same process and received only \$10,000 for their trade-in. He added staff had explored other used fire apparatus vendors to see if they would list the truck for a higher amount, but none had replied because the intent is to keep it until 2024.

Ordering a new fire truck is a detailed process. The new fire truck will be built from the ground up per specifications. It will have extra safety features which will enable a safer and faster response. Fire department personnel will visit the factory on two occasions to witness the truck being built. Staff chose to purchase a Pierce Enforcer due to the proximity to a Pierce maintenance facility in the San Antonio Area. This facility maintains the City of San Antonio Fire Department Fleet of Pierce trucks.

Councilmember Jessee shared concerns with paying up front for the fire apparatus and asked if it would be wise to just keep the money in an interest bearing account and purchase the truck at a later time. City Manager Buddy Kuhn explained staff looked into using other avenues

to purchase the truck; however, the truck must be ordered now and paid for in advance to lock in the discount/trade-in value and get the truck built by 2024.

Councilmember Bonner moved to authorize the purchase of 2024 Pierce Enforcer Pumper fire apparatus as presented. The motion was seconded by Councilmember Jessee and passed by unanimous vote.

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

**An Ordinance amending the capital replacement budget fiscal year 2021-22 for \$770,000 to fund the Fire Truck replacement**

Mr. Kuhn presented on behalf of Finance Director Robert Galindo. He stated Council and staff have been planning ahead for this purchase by setting funds aside in the capital replacement budget each year. The ordinance will amend the capital replacement budget for FY 2021-22 in the amount of \$770,000 to purchase the fire truck as approved in the previous agenda item. The existing fire truck was built in 2004 and was scheduled for replacement in 2024. Due to manufacturing challenges, the manufacturer needs at least 23 months to pre-order the fire truck with full payment required upon ordering. As stated before, other fire departments in the area are facing the same challenges when replacing fire trucks.

Mr. Kuhn stated the budget amendment complies with paying for capital equipment on a “pay as you go method” through the Capital Replacement Fund. The funds are available in the Capital Replacement Fund with a current balance of \$1,272,363. The budget amendment of \$770,000 will not delayed other equipment purchases. The projected Capital Replacement balance after the fire truck purchase is \$491,000. Mr. Kuhn added staff plans for capital replacements 10 years in advance and updates it each year.

Councilmember Jessee moved to approve to the ordinance amending the FY2021-22 Capital Replacement Fund budget for \$770,000 to fund the Fire Truck replacement. The motion was seconded by Councilmember Bonner and passed by unanimous vote.

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Closed Session

*Item # 11* Mayor Rosenthal read the following caption.

**Executive Session per Section 551.071 (consultation with attorney) to discuss Broadway infrastructure construction.**

*Item # 12* Mayor Rosenthal read the following caption.

**Executive Session per Section 551.071 (consultation with attorney) to discuss Katherine Court Development.**

The City Council of the City of Alamo Heights convened into Executive Session at 6:46 p.m. and reconvened in Open Session at 7:25 p.m. in accordance with the Texas Open Meetings Act, Texas Government Code, *Section §551.071 (Consultation with Attorney)*.

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Open Session

Item # 13 Mayor Rosenthal read the following caption.

**Discussion and possible action resulting from Executive Session**

No action taken.

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

**PASSED AND APPROVED THIS 9<sup>th</sup> DAY OF MAY, 2022.**

  
Elsa T. Robles, TRMC  
City Secretary

  
Bobby Rosenthal  
Mayor

