

CITY OF ALAMO HEIGHTS
CITY COUNCIL
July 24, 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, July 24, 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 Blake M. Bonner
Councilmember Lawson Jessee
Councilmember Karl P. Baker
Councilmember Lynda Billa Burke

Also attending were:
City Manager Buddy Kuhn
Assistant City Manager Phil Laney
City Attorney Frank J. Garza
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

Absent:
Councilmember John Savage
Public Works Director Pat Sullivan
Human Resources Manager Brenda Jimenez

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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 on the June 12, 2023 City Council Meeting minutes. Mayor Pro Tem Blake M. Bonner moved to approve the minutes as presented. The motion was seconded by Councilmember Lynda Billa Burke and passed by a 4-0 vote.

Mayor Rosenthal asked City Council for a motion on the June 15, 2023 Special City Council Meeting and Strategic Action Plan Workshop minutes. Councilmember Lawson Jessee moved to approve the minutes as presented. The motion was seconded by Councilmember Lynda Billa Burke and passed by a 4-0 vote.

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Item # 2 Announcements

Mayor Rosenthal read the following captions.

a. New Code of Ordinances Platform, General Code: eCode360®

City Secretary Elsa T. Robles announced the launch of a new online code of ordinances for the city. She stated the city was migrating from Municode to General Code eCode360®, a more convenient, easy-to-use and search friendly user experience. The new platform will integrate with eCode360® MapLink™ an interactive zoning map that will help staff and customers find property information quickly and easily. Ms. Robles noted eCode360® was now available on the city's website and advised Municode would disconnect services on July 31st.

b. Stage 4 Water Restrictions

Assistant City Manager Phillip Laney announced Stage 4 Water restrictions are currently in effect. Pumping reductions are mandated by the Edwards Aquifer Authority (EAA). The city's ordinance requires a 40% reduction under Stage 4. Mr. Laney advised the current permitted acre feet is 2,822 acre feet. If the City remains in Stage 4 for the remainder of the year, the new acre feet reduction amount will be 1,789 acre feet. The ordinance does not address Stage 5 restrictions. He reviewed historic amounts from the past 3 years 2020 – 2,001 AF, 2021 – 1,810 AF & 2022 – 2,059 AF and noted, through June 2023, 885.2 AF was used, or 49.5% of revised capacity under Stage 4. Mr. Laney advised additional measures can be implemented to reduce consumption/pumping needs.

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Item # 3 Special Announcement

Mayor Rosenthal read the following captions.

a. In Recognition of the Alamo Heights Fire Departments' Achievement of the Insurance Services Office (ISO) Class 1

Fire Chief Michael Gdovin announced this recognition was in conjunction with the AHPD dispatch services and Public Works Water Division. Fire Chief Gdovin introduced Mr. Hugh "Skip" Gibson who presented the Alamo Heights Fire Departments' Achievement of the ISO Class 1. Mr. Gibson stated became effective as of June 1, 2023.

The ISO's Public Protection Classification (PPC) program accurately measures the effectiveness of public fire protection for structures in 45,521 fire districts across the country. PPC considers the overall fire suppression service capability relative to the risk in the graded area. Better fire protection, as measured by the PPC, generally leads to a better loss experience for insured structural damage.

Mr. Gibson stated, as Fire Chief Gdovin announced at the beginning, a community fire suppression evaluation is not just a fire department evaluation, but incorporates emergency dispatch/communications infrastructure, fire department, water supply, and community risk reduction.

There are 1 to 10 FSRS Classes and range from 00.00 to 100+ points. Alamo Heights Fire Department received an overall score of 99.84 and earned an ISO Class 1. Mr. Gibson presented a framed certificate to the Fire Department.

Council congratulated staff and Councilmember Billa Burke presented the Fire Department with cookies as a token of gratitude for a job well done. City Manager Buddy Kuhn also congratulated the departments involved in this achievement and said it was an “all-hazards” approach and he was grateful to have such a great team. Mr. Kuhn said Council should be proud of this important accomplishment and added people should be taking advantage of insurers who subscribe to ISO since they offer additional reductions for fire insurance premiums. Mr. Kuhn noted this was the first time they had been awarded a Class 1. The ISO evaluation is done every five years.

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Item # 4 Citizens to be Heard

No comments made.

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Items for Individual Consideration

Item # 5 Mayor Rosenthal read the following caption.

Architectural Review Board Case No. 897F, request of Hilary Scruggs Beebe, applicant, representing Trace and Laura Nell Burton, owners, for the compatibility review of the proposed design located at 222 Claiborne Way in order to construct a 2-story addition to the existing detached garage

Community Development Services Department Director Lety Hernandez stated the SF-A zoned property is located at 222 Claiborne Way, on the eastern side between Greely St and Harrison Ave. The applicant requests a compatibility review of the proposed design in order to construct a 2-story addition to the existing detached garage. Ms. Hernandez advised, under the demolition review, all detached accessory structures are subject to a compatibility review.

The project previously came before the Board of Adjustment (BOA) in 2012 and in 2020 for the same scope. The project was reviewed by the Architectural Review Board (ARB) and City Council in 2020. On both occasions, the applicant did not move forward with the project. The new proposed project is a decreased scope from the originally requested design. Under the demolition review process, the applicant has six (6) months to obtain a permit. If a permit is not obtained within that time, it becomes null/void and the applicant must start the process again.

Ms. Hernandez reviewed the existing site plan, proposed elevations, and roof plan. The applicant is proposing an overall height of 24ft 10½ in, currently the max allowed is 22ft. They propose to use stucco and stone siding with a cedar shingle roof.

Since both lots are not formally re-platted, staff could only apply the square footage based on one property. In terms of lot coverage, the property is currently 7500 sq ft with lot coverage of 46.37% as approved previously. The only proposed change is floor to area ratio from .636 to .715 due to the bonus for preservation of the main structure.

Ms. Hernandez stated the project is currently in the plan review process and is scheduled to be reviewed by the BOA on August 2, 2023 for a looming encroachment in the rear of the structure. The ARB considered the request at their July 18, 2023 meeting and voted unanimously to recommend approval of the proposed design as compatible.

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 nine responses in support from residents within the 200-foot radius and three in support from residents outside of the 200-foot radius. No other responses were received.

Councilmember Karl P. Baker requested clarification on the plat status. Ms. Hernandez stated the applicant had not approached the city for a replat; however, even though they are not required to replat, they may be doing so in the future.

After a brief discussion, Mayor Pro Tem Bonner moved to approve ARB Case No. 897F as presented. The motion was seconded by Councilmember Jessee and passed by 4-0 vote.

Item # 6 Mayor Rosenthal read the following caption.

Architectural Review Board Case No. 898F, request of Matt Christian of M.W. Christian Builders, applicant, representing Diane Kolar, owner, for the significance review of the existing main structure and compatibility review of the proposed design located at 270 E Oakview Pl in order to demolish 100% of the existing residence and construct a new single-family residence with attached garage

Ms. Hernandez stated the SF-A zoned property is located at 270 E Oakview Pl. on the south side between Vanderhoeven and N. New Braunfels. The applicant requests a significance review of the main structure and a compatibility review of the proposed design in order to demolish 100% of the existing residence and construct a new single-family residence with attached garage. She advised, due to the full demolition of the existing structure, this case is subject to the demolition review and compatibility of the proposed design.

The project previously came before the ARB in 2020 with a similar design. City Council did approve the project in 2020. The applicant failed to obtain the permit within the time allowed (six months) as in the previous case and must start the process again.

Ms. Hernandez reviewed the existing conditions, elevations, and existing/proposed site plans. Currently the applicant has access to the attached garage from Oakview Pl, but is requesting to access the garage from the alley in the new site plan. She pointed out a portion of the property is located in the city's floodway.

Ms. Hernandez noted the applicant is proposing an overall height of 28ft 2-5/8 for the main structure of the 33ft max allowed. They propose to use stucco and stone veneer columns and shingle/TPO roof. She reviewed proposed elevations and roof plan. In terms of lot coverage, the applicant is proposing a decrease from 30.94% to 26.72%. A floor to area ratio of .47 is allowed due to the proposed alley access to the required parking. The applicant requests to increase from .254 to .390. Ms. Hernandez reviewed existing and proposed streetscapes.

The project has completed the plan review process. The ARB considered the request at their July 18, 2023 meeting. They voted unanimously to declare the existing main structure as not significant and recommended approval of the proposed design as compatible.

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 three responses in support and one in opposition.

Councilmember Billa Burke moved to approve ARB Case No. 898F as presented. The motion was seconded by Councilmember Jessee and passed by 4-0 vote.

Item # 7 Mayor Rosenthal read the following caption.

ORDINANCE NO. 2207

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF ALAMO HEIGHTS, TEXAS, AMENDING CHAPTER 18, TRAFFIC, SECTION 18-147, SCHEDULE B, STOP SIGNS BY CREATING A NEW FOUR WAY STOP INTERSECTION AT ST DENNIS AVENUE AND ENCINO AVENUE, A NEW THREE WAY STOP INTERSECTION AT ST. DENNIS AVENUE AND BRONSON AVENUE, AND CREATING A NEW STOP INTERSECTION AT BRONSON AVENUE AND ENCINO AVENUE AND PROVIDING FOR A PENALTY; REPEALING ALL PARTS OF ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND OPEN MEETINGS CLAUSE.

Police Chief Rick Pruitt stated this ordinance was in response to residents' concern for the speed and volume of vehicles traveling where St. Dennis Avenue, Encino Avenue and Bronson Avenues intersect. Residents desire a safer neighborhood environment and travel route to Cambridge Elementary for children.

Residents requested an ordinance to strengthen traffic control at three intersections – St. Dennis Avenue and Encino Avenue; Encino Avenue and Bronson Avenue; and St. Dennis Avenue and Bronson Avenue.

Police Chief Pruitt advised there is a triangular median that borders St. Dennis Avenue, Encino Avenue and Bronson Avenue. There are no street lights at any intersecting points of the three roadways. He stated St. Dennis Avenue is a typical residential street measuring 29' width; however, it is 50' wide at the Bronson intersection. The street is 100% residential, has front and side drive-ways, no sidewalks, has a partially obstructed corner vision, and a downhill grade

from Encino to Bronson. There are stop signs posted on St. Dennis Avenue at the intersection with Encino Avenue. He reviewed speeds on the street and shared photos of the intersection at St. Dennis and Encino. He pointed out obstructions at the corners making it dangerous for drivers going through.

Police Chief Pruitt stated Encino Avenue is a “through street” with 30’ wide and measuring 60’ at the intersection with Bronson Avenue. The street is also 100% residential, with front drive-ways, no sidewalks, has a partially obstructed corner vision approaching St. Dennis Avenue, and downhill grade from St. Dennis to Bronson. Currently, no traffic control devices exist at the intersection with St. Dennis Avenue or Bronson Avenue. He reviewed the speeds on Encino Avenue stating these were a bit worse than on other streets with drivers going between 26 mph to over 35 mph. He reiterated it was a “through street” with no traffic control devices, starting at Patterson Avenue and ending at Bronson Avenue. He reviewed photos of the intersection identifying potential obstructions.

Police Chief Pruitt noted Bronson Avenue is also 30’ wide, 100% residential, with front and side drive-ways, no sidewalks, and south bound downhill grade. There are no traffic control devices at the intersection with St. Dennis or Encino Avenues. He reviewed the speeds from Bronson Avenue going downhill with an average speed of 21.5 mph.

Police Chief Pruitt shared a map of current traffic control device locations and proposed locations. He stated historically, the city tries not to encroach on residential properties when establishing traffic control devices; however, sometimes it is unavoidable. He discussed the options at the intersection of St. Dennis and Bronson and identified reasons why residents are against a stop sign on/near their properties. One reason being, the 30ft no parking zone from any traffic control device. This would restrict parking in front of residences.

Traffic control devices address common concerns of residents, such as, vehicle speeds, traffic volumes, driver behaviors and child safety. Traffic control devices may be warranted to calm traffic where there are no sidewalks and children are forced to walk or ride bicycles in the street.

Staff considered traffic volume diversion impacts on other streets. They found no impact is anticipated if these devices are established in these locations. Staff proposes an ordinance to create a new one-way stop intersection on Encino Avenue where it intersects Bronson Avenue and change the existing two-way stop intersection to a four-way stop on St. Dennis Avenue where it intersects Encino Avenue. Additionally, change the existing one-way stop intersection on St. Dennis Avenue where it intersects Bronson Avenue to a three-way stop intersection by adding stop signs for north and southbound traffic on Bronson Avenue.

Police Chief Pruitt stated a proposed ordinance to create, enhance or remove stop intersections is allowed in provisions of the Texas Transportation Code and Section 18-98 “Stop Intersections” of the City Code. He advised the City Manager reviewed the proposal and the City Attorney prepared the proposed ordinance. If approved, the ordinance will be published in the *San Antonio Express-News* and posted on the COAH website. Public Works will install the sign poles and signs.

Staff mailed letters to addresses within 300 feet of the intersections on St. Dennis Avenue, Encino Avenue and Bronson Avenue. Four responses were received in favor and three in opposition.

Police Chief Pruitt reviewed the fiscal impact to establish proposed traffic control devices: five stop signs, poles and labor - \$625; traffic survey - \$1,356 and cost to publish the ordinance in the *San Antonio Express-News*.

Mayor Rosenthal asked to hear any comments from the audience.

- Mr. James Dingivan, resident, clarified he was in favor of putting the stop sign in front of his property at 123 Bronson Avenue. He stated he requested a stop sign to address safety issues for children walking this intersection.
- Mr. Dave Hornberger, resident, added he was in favor of a traffic control device. He was concerned with people accelerating in front of their residences. He added he wasn't aware of any opposition from neighbors.
- Ms. Karen Greenwood, resident, stated the proposed stop sign on Bronson would be established in an awkward place and suggested other mechanisms such as speed bumps to slow traffic down.
- Mr. Ed Dingivan, resident, stated he measures traffic speeds on Bronson Avenue using a radar gun and has caught drivers going over 40 to 50 mph.

Council thanked Mr. James Dingivan for agreeing to put a stop sign in front of his home. They discussed other options to address speed concerns, such as, using portable speed limit signs in the area. Councilmember Billa Burke suggested painting "slow down" on the street or posting a sign.

Mr. Dingivan address Council and stated he did not trust portable speed signs because they are not permanent like a stop sign. Mr. Hornberger added he did not know why there was opposition, if any, from Council since Mr. Dingivan was in favor of putting the stop sign in front of his property.

Mayor Rosenthal responded, in general, when it comes to safety, Council considers Police Chief Pruitt's recommendations; however, having discussion is helpful. After discussion, Councilmember Billa Burke moved to approve Ordinance No. 2207 as presented. The motion was seconded by Councilmember Baker and passed by 4-0 vote.

Police Chief Pruitt added Public Works will help mount reflective traffic delineators on the roadway to create to separate lanes on Bronson to Encino and St. Dennis.

Item # 8 Mayor Rosenthal read the following caption.

ORDINANCE NO. 2208

AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF ALAMO HEIGHTS, TEXAS, AMENDING CHAPTER 18, TRAFFIC, SECTION 18-147, SCHEDULE B, STOP SIGNS

BY ESTABLISHING A NEW FOUR WAY STOP SIGN AT THE INTERSECTION OF ABISO AVENUE AND COLUMBINE AVENUE AND PROVIDING FOR A PENALTY; REPEALING ALL PARTS OF ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND OPEN MEETINGS CLAUSE.

Police Chief Pruitt stated this ordinance was in response to Abiso Avenue residents' concerns for vehicle driving behaviors and speeds of traffic turning from Columbine Street. Residents desire a safer neighborhood environment and travel route to Cambridge Elementary for children. To address concerns, staff proposes an ordinance to change an existing two-way stop intersection to a four-way stop intersection on Abiso Avenue and Columbine Street.

Police Chief Pruitt noted Abiso Avenue is 30' wide, 100% residential, with front driveways, no sidewalks, has an obstructed corner vision, and no street lighting. There is currently a stop sign on Abiso Avenue. Columbine Street is 29' wide, 100% residential, with side driveways, no sidewalks, an obstructed corner vision, no street lighting, and a south bound downhill grade. There is no traffic control device on Columbine Street.

Police Chief Pruitt reviewed the 24 hour traffic study data for both streets. The average speed for both was 17.5 mph. He shared photos of the intersection identifying potential obstructions at the intersection. He added Code Compliance Officer Rick Ayala had recently addressed the obstruction in the photo and it was no longer an issue.

Police Chief Pruitt stated the proposed ordinance is in response to residents' common concerns of vehicle speeds, driver behaviors and child safety. As in the previous item, traffic control devices may be warranted where traffic enforcement efforts fail or special circumstances exist. Staff considered traffic volume diversion impacts on other streets, no impact is anticipated.

Police Chief Pruitt shared a map of current traffic control device locations and proposed locations. He added all streets intersecting Columbine Street between Argo Avenue and Ogden Lane have all-way stop intersections. He noted four intersections in the Cottage District that are two-way stops and stated an accident had recently occurred at one of them.

Staff proposes an ordinance to change the existing two-way stop intersection on Columbine Street and Abiso Avenue to an all-way stop. The proposed ordinance to create an all-way stop intersection is allowed in provisions of the Texas Transportation Code and Section 18-98 "Stop Intersections" of the City Code

Police Chief Pruitt advised the City Manager reviewed the proposal and the City Attorney prepared the proposed ordinance. If approved, the ordinance will be published in the *San Antonio Express-News* and posted on the COAH website. Public Works will install the sign poles and signs.

Staff mailed letters to addresses in the 100 and 200 blocks of Abiso Avenue. Seven responses were received in favor and one in opposition.

Police Chief Pruitt reviewed the fiscal impact to establish proposed traffic control devices: five stop signs, poles and labor - \$250; traffic survey - \$552 and cost to publish the ordinance in the *San Antonio Express-News*.

After some discussion, Council requested staff study the remaining two-way stop intersections in the Cottage District to possibly convert them to all-way stops. They asked staff to present their findings at a future Council meeting for consideration.

Councilmember Jessee moved to approve Ordinance No. 2208 as presented. The motion was seconded by Councilmember Billa Burke and passed by 4-0 vote.

Staff Reports

Item # 9 Mayor Rosenthal read the following caption.

Presentation of Financial and Investment Report for the third quarter ending June 30, 2023

Finance Director Robert Galindo presented the third quarter financial and investment report ending June 30, 2023. The report focused on the General Fund Revenues & Expenditures, Utility Fund Revenues & Expenditures, Capital Projects Fund, Investment Portfolio Update, and Summary of City's Financial Position. The General Fund total revenue ended at \$11,073,129, equal to 92% of the budget. Mr. Galindo noted revenues are stable and doing well. The property tax revenues are currently under \$7.5M, on track for the budget. The sales tax revenues have been slightly lower during the last three months as compared to last year during this time. He noted the sales tax is plateauing.

Mr. Galindo stated the General Fund expenditures are currently at \$7.8M or 66% of the budget for the year. All the departments are doing well and staying within budget. At the end of the quarter, net revenues are \$3.2M over the expenditures.

The Utility Fund total revenues were \$3.2M or 65% of the budget. Total expenditures were \$2.8M or 58% of the budget with revenue over expenses of \$450,114 for the Utility Fund. The fund revenue balance is at 65% revenue due to a \$520,052 transferred from the equity fund to ensure funds are available for the TCEQ Compliance of 4 X 2 water service this year. Otherwise, the Utility Fund would be at 75%.

The Capital Projects Fund beginning balance for the fiscal year was \$14,668,140 which includes the proceeds from the 2021 Bond Issuance of \$13,250,000. There are expenditures of \$34,114 for the lower Broadway project and \$20,559 for swimming pool repairs, ending the fund balance at \$14,638,467.

Mr. Galindo reviewed the investment portfolio which includes 0.7% of funds in a CD with Jefferson Bank and a small savings account with Jefferson Bank of \$1,221. He stated federal bonds represent 15.9% of the investments. One of the two \$5M bonds purchase earlier this year from Federal Home Bank remains and earns 5.50%. The other bond was called right before June and was earning 5.75%.

The investment pools equal \$25.8M or 82% of the fund. Included in the investment portfolio equaling 1%, is a non-interest bearing operating account with Frost Bank. To comply with the Public Funds Investment Act, Frost Bank pledges securities in the name of the City to cover balances which are over the FDIC limit.

The beginning investment portfolio balance was \$28,943,472 and ending for the quarter is \$31,426,397. Staff recently processed a transaction to purchase another \$5M bond from Federal Home Bank with a 5.625% interest. This will be reflected in the fourth quarterly report.

The average yield for the investment portfolio was 5.15% and is in line with the 90-Day U.S. Treasury benchmark of 5.07%. Mr. Galindo stated 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 3rd Quarter Performance Summary:

PERFORMANCE THROUGH 75% OF BUDGET			
	% of Budget	Current Quarter	YTD Quarter
GENERAL FUND			
Total Revenues	92%	Positive	Positive
Total Expenditures	66%	Positive	Positive
Total Property Tax Collections	97%	Positive	Positive
Sales Tax Revenues	79%	Positive	Positive
ENTERPRISE FUND			
Utility Fund Revenues	65%	Negative	Positive
Utility Fund Expenditures	58%	Positive	Positive

Mr. Galindo advised, on the sales tax revenues, the city has collected 8% more than last year at this time. He stated, as mentioned before, the 65% Utility Fund revenues was due to the transfer in from the equity fund to cover costs for the TCEQ Compliance of 4 X 2 water service and current Stage 3 water restrictions.

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With no further business to consider, Mayor Pro Tem Bonner moved to adjourn the meeting at 7:06 p.m. The motion was seconded by Councilmember Jessee and passed by a 4-0 vote.

PASSED AND APPROVED THIS 14th DAY OF AUGUST, 2023.


 Elsa T. Robles, TRMC
 City Secretary




 Bobby Rosenthal
 Mayor