

CITY OF ALAMO HEIGHTS  
CITY COUNCIL  
August 23, 2021

A regular meeting of the City Council of the City of Alamo Heights, Texas was held at the Council Chambers, located at 6116 Broadway, San Antonio, Texas, at 5:30 p.m. on Monday, August 23, 2021. A teleconference was held via Zoom; staff and meeting attendees were welcomed in the Council Chambers.

Composing a quorum were:  
Mayor Bobby Rosenthal  
Mayor Pro Tempore 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  
Community Development Services Director Lety Hernandez  
City Attorney Richard Lindner  
Assistant to City Manager Jennifer Reyna  
City Secretary Elsa T. Robles  
Director of Finance Robert Galindo  
Human Resources Manager Lori Harris – Via Zoom  
Fire Chief Michael Gdovin  
Police Chief Rick Pruitt  
Deputy Police Cindy Pruitt  
Public Works Director Pat Sullivan – Via Zoom

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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 Rosenthal asked City Council for the approval of the August 9, 2021 City Council Meeting minutes. Councilmember Lawson Jessee moved to approve the minutes as presented. Councilmember Wes Sharples seconded the motion and was passed by unanimous vote.

\* \* \*

Community Development Services Department Director Lety Hernandez stated the B-2 zoned property is located at 5421 Broadway at the intersection of Austin Highway. The applicant requests approval to change the exterior paint of the existing building. Ms. Hernandez reviewed the proposed design and noted the Architectural Review Board (ARB) heard the case at the July 20, 2021 meeting and recommended approval of the colors as submitted with the stipulation to paint the northeast corner of the building black to wrap around the parking lot.

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 no other responses on this case.

Councilmember Jessee moved to approve ARB Case No. 855F as requested. The motion was seconded by Mayor Pro Tem Lynda Billa Burke and passed by unanimous vote.

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

**Architectural Review Board Case No. 853F, request of Felix Ziga of Ziga Architecture Studio, PLLC, applicant, representing Crowe Developments, LLC, owner, for the compatibility review of the proposed design located at 164 Oakview E. in order to construct a new single-family residence with a detached accessory structure under Demolition Review Ordinance**

Ms. Hernandez stated the SF-A zoned property is located at 164 Oakview E. between Broadway and Vanderhoeven. The applicant requests approval to construct a new single-family home with detached accessory structure. Ms. Hernandez reviewed renderings of the property floor plan, elevations, roof plan, and streetscapes.

In terms of policy analysis, Ms. Hernandez noted the proposed lot coverage is 37% under the maximum allowed in a SF-A zone. The proposed floor area ratio is 42%, under the maximum of 45% or 50% with bonuses. The applicant is requesting to use 0.02 bonus for the single-story carport accessory structure.

The ARB reviewed this case at the July 20, 2021 meeting and recommended approval of the 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 14 responses in opposition, and no other responses on this case.

Mayor Rosenthal stated several concerns were received regarding this project and announced the City Council would go into executive session to discuss possible litigation issues.

\* \* \*

Closed Session

The City Council of the City of Alamo Heights convened into Executive Session at 5:39 p.m. and reconvened in Open Session at 6:28 p.m. in accordance with the Texas Open Meetings Act, Texas Government Code, *Section §551.071 (Consultation with Attorney)*. No action was taken.

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

**Architectural Review Board Case No. 853F, request of Felix Ziga of Ziga Architecture Studio, PLLC, applicant, representing Crowe Developments, LLC, owner, for the compatibility review of the proposed design located at 164 Oakview E. in order to construct a new single-family residence with a detached accessory structure under Demolition Review Ordinance**

Councilmember Jessee stated he received several letters from citizens opposed to this project due to the previous history of unfinished construction projects from the applicant. He added the applicant's performance history was an issue with surrounding residents.

Mr. Felix Ziga of Ziga Architecture Studio, PLLC, applicant, stated this was the first project he was involved in and did not understand why he was being penalized for lack of execution from previous contractors. He added he had no control over past unfinished projects at 163 Oakview E. or 164 Oakview E. and stated he was recently hired by the property owner, Mr. Chris Gillespie for this project.

Mr. Chris Gillespie, property owner, stated he recently purchased the property as it was in foreclosure. He stated he had not been responsible for any other projects on Oakview.

Mayor Pro Tem Billa Burke moved to table the item until the next City Council meeting on September 13, 2021 to allow staff time to research and provide further information. The motion was seconded by Councilmember John Savage and passed with Councilmember Jessee voting in opposition.

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

**Budget and Tax Ordinances to be considered in the following order:**

**a. FY 2021-2022 Operating Budget**

**ORDINANCE NO. 2176**

**AN ORDINANCE MAKING APPROPRIATIONS FOR THE SUPPORT OF THE CITY OF ALAMO HEIGHTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022; AND ADOPTING THE ANNUAL BUDGET OF THE CITY OF ALAMO HEIGHTS FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 AND ENDING SEPTEMBER 30, 2022**

**b. 2021 Ad Valorem Tax Rate**

**ORDINANCE NO. 2177**

**AN ORDINANCE LEVYING AN AD VALOREM TAX AT THE RATE OF \$0.404439 FOR EVERY \$100.00 VALUATION FOR THE SUPPORT OF THE CITY GOVERNMENT OF THE CITY OF ALAMO HEIGHTS, TEXAS, SPECIFYING SEPARATE COMPONENTS OF SUCH RATE FOR MAINTENANCE AND OPERATIONS AND FOR DEBT SERVICE; SAID TAXES BEING LEVIED FOR THE 2021 TAX YEAR; PROVIDING FOR DUE AND DELINQUENT DATES TOGETHER WITH PENALTIES AND INTEREST; PROVIDING FOR COLLECTION AND ORDAINING OTHER RELATED MATTERS; AND SETTING AN EFFECTIVE DATE**

**c. Ratifying the Increase in Property Tax Revenue reflected in the FY 2021-2022 Budget**

**ORDINANCE NO. 2178**

**AN ORDINANCE RATIFYING THE PROPERTY TAX REVENUE INCREASE REFLECTED IN THE FISCAL YEAR 2021-2022 BUDGET**

Finance Director Robert Galindo presented the proposed FY 2021-2021 and the proposed 2021 Tax Rate. The proposed 2021 total tax rate is \$0.404439 per \$100 valuation. The tax rate is composed of two components: the proposed Maintenance and Operation (M&O) rate of \$0.336439 and the proposed Interest and Sinking (I&S) rate of \$0.068000. Mr. Galindo stated the No New Revenue Tax Rate is \$0.379683 and the Voter Approval Tax Rate is \$0.451964.

Mr. Galindo reviewed a summary of the proposed General Fund Budget and Unassigned Budget Fund balance for FY 2021-2022. The proposed Operating Revenue is estimated at \$11,352,126. The proposed departmental allocations are \$11,131,191 and working capital is \$230,935.

Other proposed governmental funds for FY 2021-2022 are the Comprehensive Plan Fund with a beginning balance of \$45,798 with no allocations for next year, the Street Maintenance Fund revenues estimated at \$793,258 from sales tax and expenditures of \$1,000,000 for the street maintenance program. The Capital Projects Funds beginning balance of \$78,282 with \$25,000 allocated for the Olmos Basin Cleanup. The Capital Replacement Fund starting balance is \$1,285,322 with projected expenditures of \$274,526 for FY2021-2022.

Mr. Galindo reviewed the proposed Utility Fund Revenues and Allocations next fiscal year. The estimated beginning balance is \$2,095,583 with proposed revenues of \$4,614,353, proposed operating expenses of \$4,410,597, and working capital of \$203,756. The estimated fund balance at the end of the fiscal year is \$2,299,339.

Mr. Galindo stated the City Charter requires the City Manager to prepare a budget to cover all proposed expenditures and must be prepared in conformity with state law and City Council must vote to approve. A record vote to set the tax rate is required by Chapter 26 of the Tax Code. Local Government Code 102.007 requires a separate vote to ratify the property tax revenue increase in the budget.

Councilmember Sharples moved to approve Ordinance No. 2176 adopting the annual operating budget of the City of Alamo Heights for the fiscal year beginning October 1, 2021 and ending September 30, 2022. The motion was seconded by Mayor Pro Tem Billa Burke and passed by roll call vote as follows: Ayes – Mayor Pro Tem Billa Burke, Councilmember Jessee, Councilmember Sharples, Councilmember Bonner, and Councilmember Savage. Nays – None. Present but not voting – Mayor Rosenthal.

Councilmember Sharples moved to approve Ordinance No. 2177 stating the property tax rate be increased by the adoption of a tax rate of \$0.404439 per \$100 valuation, which is effectively an increase of 6.5% in the tax rate. The motion was seconded by Mayor Pro Tem Billa Burke and passed by roll call vote as follow: Ayes – Mayor Pro Tem Billa Burke, Councilmember Jessee, Councilmember Sharples, Councilmember Bonner, and Councilmember Savage. Nays – None. Present but not voting – Mayor Rosenthal.

Councilmember Sharples moved to approve Ordinance No. 2178 ratifying the property tax revenue increase reflected in the Fiscal Year 2021-2022 Budget. The motion was seconded by Mayor Pro Tem Billa Burke and passed by roll call vote as follow: Ayes – Mayor Pro Tem Billa Burke, Councilmember Jessee, Councilmember Sharples, Councilmember Bonner, and Councilmember Savage. Nays – None. Present but not voting – Mayor Rosenthal.

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

**RESOLUTION NO. 2021R-135**

**A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT FOR EMERGENCY DISPATCH SERVICES AMONG THE CITIES OF ALAMO HEIGHTS, TERRELL HILLS, AND OLMOS PARK, AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN EMERGENCY DISPATCH SERVICE AGREEMENT WITH SAID CITIES; INCORPORATING RECITALS; PROVIDING FOR SEVERABILITY AND SETTING AN EFFECTIVE DATE.**

Police Chief Rick Pruitt stated staff is seeking approval of a resolution to renew the existing Emergency Dispatch Agreement between the cities of Alamo Heights, Olmos Park, and Terrell Hills for Fire, EMS, and Police services. Police Chief Pruitt stated the Alamo Heights Police Department has provided dispatch service to the cities of Olmos Park and Terrell Hills since 1985. The current three-year agreement will expire on September 30, 2021 at 11:59 p.m.

The police and fire chiefs of all three cities developed an updated Emergency Dispatch Agreement. The participating cities have the opportunity to opt out of the agreement by July 31<sup>st</sup> of each year. The shared costs are based on the FY2021-2022 budget and are locked for the term

of the agreement. The agreement sets cost sharing of most components of the Emergency Service Center budget. It includes support costs for the Police Administrative Assistant (10%) and the Deputy Police Chief (8%). The cost share percentages are as follows: Alamo Heights – 60%, Olmos Park – 20%, and Terrell Hills – 20%.

Police Chief Pruitt stated the agreement is right in line with the requirements of the City of San Antonio to operate off their radio system. The City Councils of Olmos Park and Terrell Hills have approved the proposed agreement with the cost projections. If approved, the agreement will be effective October 1, 2021 at 12:01 a.m. and expires on September 30, 2024 at 11:59 p.m.

In terms of fiscal impact for FY2022, the budgeted expenses for the City of Alamo Heights total \$769,498 and combined shared costs for the three cities is \$746,655 which covers personnel expenses, commodities, and contractual services.

In terms of policy analysis, Interlocal Agreements are authorized by the Texas Government Code Section 791.001 and the Texas Local Government Code Section 362. Police Chief Pruitt stated the goal is to provide a high level of emergency dispatch services to all participating cities. He added all Fire and Police Chiefs from all three cities coordinated on the proposed agreement. The agreement was reviewed by City Attorney, the City Manager, and the resolution was prepared by the City of Alamo Heights City Attorney. The City Councils of the participating cities; Olmos Park and Terrell Hills, previously approved the agreement.

Mayor Pro Tem Billa Burke moved to approve Resolution No. 2021R-135 as presented. The motion was seconded by Councilmember Savage and passed by unanimous vote.

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

**RESOLUTION NO. 2021R-136**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALAMO HEIGHTS, TEXAS, REQUESTING THE TRANSFER OF THAT CERTAIN PUBLIC ROADWAY NEAR AUSTIN HIGHWAY AND BROADWAY KNOWN AS THE N. NEW BRAUNFELS AVENUE TO BURR ROAD PROJECT AND FULLY DESCRIBED HEREIN ON EXHIBIT "A" FROM THE TEXAS DEPARTMENT OF TRANSPORTATION TO THE CITY OF ALAMO HEIGHTS AND SETTING AN EFFECTIVE DATE.**

Mr. Kuhn presented a resolution for consideration with the Texas Department of Transportation (TxDOT) for the City's formal request of Broadway Street from Austin Highway to Burr Road and become City owned. The action required is as part of the funding provided by TxDOT.

As a condition of the TxDOT funding requirements, the City must enter into an agreement with TxDOT to "Turn back" ownership of the roadway upon completion of the project to the City of Alamo Heights.

Mr. Kuhn explained this is a two-step process. First, City Council will consider passing a resolution which will be forwarded to the local TxDOT office. Upon receipt, TxDOT will submit a request to the TxDOT board in Austin, Texas for formal consideration. This process takes between 6 months and 1 year. Second, upon approval by the TxDOT board and prior to construction beginning, the City would then consider adoption of an Advanced Funding Agreement (AFA) between the City and TxDOT. The AFA summarizes and obligates both parties to the funding required for the project. Upon project completion, the City assumes full ownership and maintenance of Broadway Street. TxDOT will maintain ownership and maintenance of Austin Highway from Broadway to N. New Braunfels Avenue.

Mr. Kuhn noted the resolution is consistent with prior discussions between the City of Alamo Heights and TxDOT. It's consistent with other binding agreements and is in accordance with State Law – Section 273.004 of the Texas Local Government Code. The process was coordinated with the City Attorney, City Manager, and WGI Engineering firm.

Mr. Kuhn stated there is currently no fiscal impact for the transfer of the roadway to the city. The transfer is finalized after a successful project completion. A detailed survey will be provided referencing City and TxDOT boundaries.

Councilmember Jessee moved to approve Resolution No. 2021R-136 as presented. The motion was seconded by Mayor Pro Tem Billa Burke and passed by unanimous vote.

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

**Review of the agreement and contract for the City's current local health authority and consideration of other options to fill this role for the City of Alamo Heights**

Fire Chief Michael Gdovin stated on May 26, 2020, Resolution No. 2020R-121 adopted the interlocal agreement with Bexar County and is consistent with prior actions by the City of Alamo Heights. On August 10, 2020, Alamo Heights City Council discussed possible options to amend the designation of Dr. Chichi Woo as the appointed Public Health Authority for the City of Alamo Heights.

Fire Chief Gdovin noted a health authority must be appointed in a municipality or county that has established a local health department or public health district. A health authority may be appointed, but is not required to be appointed, in a municipality or county that has not established a local health department or public health district. A regional director of the Department of State Health Services (DSHS) shall perform the duties of a health authority for a municipality, county, public health district, or entity authorized to appoint a health authority in a jurisdiction in the regional director's region in which there is no health authority.

The City of Alamo Heights is part of DSHS Public Health Region 8 which consists of 28 counties with a population of 3 million. Dr. Lillian Ringsdorf is the Regional Medical Director. Fire Chief Gdovin stated 18 counties currently utilize Dr. Ringsdorf as their Local Health Authority (LHA), and 10 counties have an independent LHA. He noted the City of Olmos Park did not adopt Dr. Woo as their LHA.

The City of Alamo Heights appointed Dr. Woo to serve as Health Authority pursuant to Health and Safety Code Chapter 121 pursuant to Resolution #2020-121. Article II 2.02 states, "Any City may terminate this Agreement by giving ninety days written notice to San Antonio. A termination by a City is only effective as to that City. A copy of this agreement will be kept on file in the office of the District."

Fire Chief Gdovin asked Council to consider: cancellation of current agreement and provide 90 days' notice, retain or own health authority at additional cost to the City, automatically revert to Region 8, or retain current health authority.

Councilmember Sharples explained he asked to have this item back on the agenda because he was concerned with the agreement. Given the current state of events, the City of Alamo Heights is being blanketed under Bexar County measures that may not benefit the City, the citizens, or may attempt to supersede Governor Greg Abbott's executive order. Councilmember Sharples proposed moving to default into Region 8 and avoid the City being placed in an uncomfortable position later.

Fire Chief Gdovin noted Region 8 abides by the Governor's executive orders and reminded Council the City of Olmos Park is with Region 8. Councilmember Jesse added he didn't want to jeopardize the great partnership Bexar County shares with the City.

After some discussion, Councilmember Sharples moved to provide a 90-days' notice to terminate the interlocal agreement with Bexar County and default to Region 8. The motion was seconded by Councilmember Bonner. Motion failed 2-3 with Mayor Pro Tem Billa Burke, Councilmember Jessee, and Councilmember Savage voting against.

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With no further business to consider, Councilmember Bonner moved to adjourn the meeting at 7:05 p.m. The motion was seconded by Councilmember Jessee and passed by unanimous vote.

**PASSED AND APPROVED THIS 13<sup>th</sup> DAY OF SEPTEMBER, 2021.**

  
Elsa T. Robles, TRMC  
City Secretary

  
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Bobby Rosenthal  
Mayor