

CITY OF ALAMO HEIGHTS  
CITY COUNCIL  
September 12, 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, September 12, 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 Lawson Jessee – *Arrived at 5:34 p.m.*

Councilmember Wes Sharples

Councilmember Blake M. Bonner

Councilmember Lynda Billa Burke

Councilmember John Savage

Also attending were:

Assistant City Manager Phil Laney

City Attorney Frank J. Garza

Assistant to City Manager Jennifer Reyna – Via Zoom

City Secretary Elsa T. Robles

Director of Finance Robert Galindo – Via Zoom

Police Chief Rick Pruitt

Deputy Police Chief Cindy Pruitt

Community Development Services Director Lety Hernandez

Fire Chief Michael Gdovin

Public Works Director Pat Sullivan – Via Zoom

Absent:

City Manager Buddy Kuhn

Human Resources Manager Brenda Jimenez

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Mayor Bobby Rosenthal opened the meeting at 5:31 p.m.

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*Item # 1      Approval of Minutes*

Mayor Bobby Rosenthal asked City Council for a motion on the August 22, 2022 City Council Meeting minutes. Councilmember Wes Sharples moved to approve the minutes as presented. The motion was seconded by Councilmember Lynda Billa Burke and passed by 4-0 vote.

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*Item # 2      Announcements*

Mayor Rosenthal read the following caption.

**a. Centennial Celebration and National Night Out**

Assistant City Manager Phil Laney announced upcoming centennial celebration events. He encouraged residents to take advantage and register for Harvest Baskets being delivered during last week of September to residents 70 years and older. Other events include: Yappy Hour at Alamo Heights Bark Park on Sat. 10/1, on Sun. 10/2, and on Sun. 10/9 from 1PM – 3PM; History Display at Alamo Heights City Hall during the weeks of 10/3 and 10/10 from 8AM – 5PM, and 10/4 from 8AM – 7:30PM; a Centennial 5K Fun Run at Alamo Heights City Hall on Sat. 10/1 8AM – registration is currently open. All these events and much more are leading up to the culminating event, Centennial Fest at Alamo Heights Little League Baseball Fields on Sat. 10/8 from 2PM – 8:30PM. A detailed flyer listing each event will be mailed to residents.

Mayor Rosenthal took the opportunity to thank staff, vendors, residents, and everyone involved for putting their time and effort into bringing the Centennial events together.

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*Item # 3      Citizens to be heard*

No comments made.

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*Mayor Pro Tem Lawson Jessee arrived at 5:34 p.m. and voted for the remainder of the agenda items.*

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Items for Individual Consideration

*Item # 4      Mayor Rosenthal read the following caption.*

**Architectural Review Board Case No. 878F, 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**

Community Development Services Department Director Lety Hernandez stated this case was returning for consideration after a 60-day delay. The Single-Family A property is located at 117 Claywell on the north side, east of Broadway. The applicant requests approval of a significance review in order to demolish 100% of the existing residence and compatibility review to construct a new single-family residence with detached garage.

On April 19, 2022, the Architectural Review Board (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).

On April 25, 2022, City Council considered the case and voted to enact the 1st 90-day delay due to the incompatibility of the proposed replacement structure.

The project returned to City Council on July 25, 2022 for further review of revisions and Council chose to enact a 60-day delay to allow time for the applicant to meet with neighbors and address their concerns.

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, 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.

Ms. Hernandez reviewed the current/proposed streetscapes and renderings. She stated no new revisions were submitted for staff review. No additional correspondence was received regarding this case. The City Council has authority to: determine the replacement structure is compatible allowing the demolition to proceed or determine the replacement structure is not compatible and initiate a final 30-day demolition delay. A demolition review approval shall be granted when a demolition delay has been established and the maximum delay period of one hundred eighty (180) days has expired.

Public notifications were mailed to property owners within a 200-foot radius. Notices were posted on the City's website and on the property. The demolition delay notice was posted on the property and on the City's website after Council enacted the delay. Staff originally received no responses in support and three responses in opposition. No new responses were received.

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

- Sanford Futterman, resident, stated he lives next door to the property in question and is also opposed to the proposed design. In his opinion, it does not fit the community of Alamo Heights. He hoped the applicant would have reached out to the neighbors as a courtesy to hear their concerns.

Councilmember Billa Burke addressed the applicant and stated Council had enacted the 60-day delay and requested they reach out to the neighbors regarding this project.

Mr. Felix Ziga, architect on the project, stated he and the developer made an effort to reach out to residents. They knocked on residents' doors that had expressed concern at the July 25, 2022 Council meeting, but were only able to speak to one resident at 116 Claywell who was concerned with the height of the new home.

Councilmember Billa Burke suggested the developer lighten the color of the proposed structure to make it more compatible with the neighborhood.

Mr. Ziga requested information regarding "compatibility" as pertaining to the project. Ms. Hernandez stated "compatibility" is defined in Chapter 5 of the Code of Ordinances in definitions speaking to lot coverage, materials, and surrounding properties. She added the project was in compliance for setbacks and lot coverage; however, per State Law, the City cannot dictate the materials used in a project.

Councilmember Billa Burke moved to approve ARB Case No. 878F as presented. The motion was seconded by Councilmember Savage and passed by unanimous vote.

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

**Notice of Intent to construct a new commercial use building on the 6400 Block of Broadway St also known as 6401/6403 Broadway St and 6421 Broadway St.**

Ms. Hernandez stated this was a notice of intent to construct a new commercial use building. She introduced project developer Barton Kelly with Radom Capital LLC. He stated the company was about 8 years old and spoke about projects in the City of Houston.

Mr. Kelly stated the proposed project is a single story retail building with similar color and similar height to the surrounding buildings. It would sit in between the Rise Up/Brazilian Jiu-Jitsu and Honchos buildings with parking in the rear. He stated the goal is to direct all of the energy toward Broadway and is proposing to close the existing curb cut to provide outdoor space in front of the building. In closing, Mr. Kelly reviewed renderings of the proposed building and noted they had also purchased the building at 5939 Broadway (Sherman-Williams Paint Store).

Council thanked Mr. Kelly for his presentation and wished him luck on the new project. Mr. Kelly stated he would be submitting plans later this year.

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

**Consideration for a contract with The CE Group to prepare for the City of Alamo Heights 100th Anniversary Celebration**

Mr. Laney presented a funding agreement with the CE Group who is preparing the City's 100<sup>th</sup> Anniversary Celebration. He stated the City had retained the CE Group in June 2021 and Council renewed their agreement in January 2022 to assist in planning of the 100-year

anniversary celebration. At this time staff is presenting a funding agreement for final planning/execution of the culminating event – Centennial Fest. The Centennial events are scheduled for October 1<sup>st</sup> - 12<sup>th</sup>, 2022.

The CE Group was selected to develop, strategize the scheduling and marketing of centennial activities and events with city leaders, the community, and city staff. Ongoing work continues on planning, coordinating, and marketing of Centennial Fest scheduled for Saturday, October 8<sup>th</sup> from 2:00PM to 8:30PM. If needed, the weather back up date is scheduled for October 15<sup>th</sup>.

Mr. Laney shared some background on the CE Group and their vast experience in event planning, both locally and throughout the Country. Some local events planned by the CE Group include: Siclovia, Luminaria, Rock ‘n’ Roll Marathon/Half Marathon, Central Library, Doseum, Convention Center, Men’s and Women’s Final Four, and the Spurs Championship Parades.

The CE Group will be instrumental in finalizing all planning-related costs for Centennial Fest related to rental deposits for portable restrooms, equipment rentals, and signage; and support for cleaning, other day-of events support as needed. There are additional expenses for entertainment, games, food, music, the Army Golden Knights, and fireworks show. These expenses were budget separately and are not included in the agreement being presented for consideration. The City has received contributions from several sponsors to help defray the cost of the celebration.

Mr. Laney stated the agreement is consistent with the Strategic Action Plan to celebrate and commemorate Alamo Heights’ 100-year anniversary. The funds are available in the current budget. He noted the City hired a planner for the 50-year anniversary in 1972.

In closing, Mr. Laney advised, the CE Group funding agreement being considered will cover the celebration planning and execution and is not to exceed \$31,000. He reiterated, on January 10, 2022, Council approved an agreement with CE Group for \$39,500 to begin the Centennial preparation. The cost included a \$10,000 in-kind donation from CE Group.

Mayor Rosenthal stated he and staff have met with the CE Group daily and was impressed with the extensive work/planning they were doing on Centennial Fest. Council reviewed a list of expenses for the event. Mayor Rosenthal noted the City had received \$80,000 from sponsors for the event.

Councilmember Blake M. Bonner thought the CE Group fee was excessive and asked how much the City budgeted for the event and what amount would be going toward CE Group’s fees. Mr. Laney advised \$175,000 was budgeted for the event. Of the fee amount under Council consideration, roughly 30% would be absorbed by CE Group consultant fees and the rest would go toward the Centennial Fest rentals and other hard costs.

After some discussion, Mayor Pro Tem Lawson Jessee moved to approve a contract with the CE Group to prepare for the City of Alamo Heights’ 100th Anniversary Celebration not to exceed \$31,000. The motion was seconded by Councilmember Wes Sharples and passed by unanimous vote.

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

**A Resolution approving and authorizing the City Manager to execute an Agreement for Consultant Services with Grace & McEwan Consulting, LLC**

Mr. Laney presented a consultant services agreement with Grace & McEwan Consultant to assist the City with the Broadway development project. The agreement is for a 1-year term, with renewal options if mutually agreed to by both parties. They were selected to develop and execute a working strategy with TxDOT to advance the Broadway development project.

Mr. Laney stated this has been a multi-year effort in terms of understanding the needs of lower Broadway to include drainage, roadway improvements, utility locations and the overall walkability/drivability experience of lower Broadway. The road will be retained by TxDOT and the six lanes will remain with a potential turning lane.

Per Chapter 252.021 of the Texas Local Government Code, it permits the City Manager to enter into contracts without competitive bidding or proposals for contracts less than \$50,000; however, the exception is Chapter 252.022 of the Texas Local Government Code which states Competitive bidding or proposals are not required for contracted personal, professional or planning services, such as the agreement being proposed with Grace & McEwan Consultant.

Mr. Laney advised the purpose of acquiring Grace & McEwan is to formulate a strategy to advance the Broadway project, to advocate to TxDOT for project continuation, and to reach an agreed upon design by TxDOT standards and the City needs.

The contract term is for one year with a renewal option if mutually agreed to by both parties and can be cancelled with a 30-day notice by either party with or without cause. There is a monthly fee of \$7,500.00. The City is responsible for paying additional costs and expenses the contractor may incur while acting on City's behalf. The funds are available in the FY2022-23 City Budget.

Councilmember Billa Burke moved to approve and authorize the City Manager to execute an Agreement for Consultant Services with Grace & McEwan Consulting, LLC. The motion was seconded by Councilmember Savage and passed by unanimous vote.

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

**A Resolution to authorize a grant application with the Office of the Governor, Public Safety Office, to fund the purchase of rifle resistant ballistic shields**

Deputy Police Chief Cindy Pruitt stated staff is seeking approval of a Resolution to authorize a grant application with the Office of the Governor, Public Safety Office to purchase rifle resistant ballistic shields and authorize the Chief of Police to act on behalf of the City of Alamo Heights in matters pertaining to the grant. She provided some background information on this effort.

On June 28, 2022, Governor Abbott executed an Executive Order to make \$50 million dollars available for grants to defray costs of purchasing rifle resistant ballistic shields. The shields must meet National Institute of Justice (NIJ) standards and be capable of resisting common assault rifle calibers. Currently, AHPD's inventory of ballistic shields have the capability of stopping pistol caliber ammunition. The NIJ standards recommended to stop assault rifle calibers exceed the capability of AHPD's current inventory.

Deputy Police Chief Pruitt stated a qualifying component is a Resolution from the COAH governing body addressing the following four (4) provisions: authorization for submission of the grant application; commitment to provide all applicable matching funds (no matching funds are applicable with this grant); designation of an authorized official having the authority to apply for, accept, reject, alter or terminate a grant; and written assurance that, in the event of loss or misuse of the grant funds, the governing body will return all funds.

The City Council has authority to pass Resolutions authorizing grant applications in the name of the City of Alamo Heights and designate an authorized official to act on its behalf. The pre-requisite grant application requirements have been met. The City Manager has been briefed on the grant application and the Resolution was prepared by the City Attorney.

Staff is applying for a grant in the amount of \$17,022.40 for the purchase of four rifle resistant ballistic shields. The intent is to provide the three School Resource Officers with the rifle resistant shields as the first responders and have one available for the additional responding officers. The Office of Governor's Public Safety Office is the grant provider and no matching funds are required by the City.

Councilmember Bonner moved to approve a Resolution to authorize a grant application with the Office of the Governor, Public Safety Office, to fund the purchase of four rifle resistant ballistic shields. The motion was seconded by Councilmember Sharples and passed by unanimous vote.

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With no further business to consider, Councilmember Bonner moved to adjourn the meeting at 6:22 p.m. The motion was seconded by Councilmember Sharples and passed by unanimous vote.

**PASSED AND APPROVED THIS 26<sup>th</sup> DAY OF SEPTEMBER, 2022.**

  
Elsa T. Robles, TRMC  
City Secretary



  
Bobby Rosenthal  
Mayor