

CITY OF ALAMO HEIGHTS
CITY COUNCIL
October 11, 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, October 11, 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 Wes Sharples
Councilmember John Savage

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

Absent were:
Councilmember Lawson Jessee
Councilmember Blake M. Bonner

* * *

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

* * *

Item # 1 Approval of Minutes

Mayor Bobby Rosenthal asked City Council for a motion to approve the September 27, 2021 City Council Meeting minutes. Councilmember Wes Sharples 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, October 23, 2021

Police Chief Rick Pruitt provided a friendly reminder that any expired, unused, and unwanted prescription drugs will be taken on Saturday, October 23, 2021 at City Hall beginning at 10:00 a.m. – 2:00 p.m. on a drive-thru basis. He stated the event will also be promoted via email and all City social media sites.

b. Cancellation of November 22, 2021 and December 27, 2021 Council Meetings due to holidays

Ms. Reyna announced the following Council meetings are cancelled due to the holidays: November 22, 2021 and December 27, 2021. Any special meetings will be scheduled as needed.

c. Recognition of Lori Harris for her dedication of 8.5 years to the City of Alamo Heights as HR Manager

City Manager Buddy Kuhn announced Human Resource Manager Lori Harris will retire from the City after 8.5 years of service. He thanked Ms. Harris for her dedication to municipal government and wished her the best in her future endeavors.

* * *

Item # 3 Citizens to be heard

No comments made.

* * *

Items for Individual Consideration

Mayor Rosenthal announced Item # 6 would be considered first.

Item # 6 Mayor Rosenthal read the following caption.

RESOLUTION NO. 2021R – 140

A RESOLUTION ACCEPTING THE SEALED COMPETITIVE PROPOSALS AND AWARDING A CONTRACT TO CLARK CONSTRUCTION FOR THE 2021 STREET MAINTENANCE PROGRAM AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE THE CONTRACT; AND SETTING AN EFFECTIVE DATE

Director of Public Works Patrick Sullivan stated the City of Alamo Heights accepted the competitive sealed proposal from Clark Construction to perform roadway improvements for 2021 Street Maintenance Program (SMP). This includes mill and overlay of existing surfaces, or full-depth pavement repair.

Mr. Sullivan identified the following streets for maintenance under the FY2020-21 plan:

- Ciruela, W Castano to Corona
- Westover, Encino to Patterson
- Viesca, Argo to Imlay
- W. Fair Oaks, Nacogdoches to Broadway
- W. Elmview, Nacogdoches to Broadway
- W. Oakview, Nacogdoches to Broadway
- Harrigan Court, Broadway to N. New Braunfels
- Evans, Rockridge to Ciruela
- W. Castano, Ciruela east to dead end
- Retama, Vanderhoeven to N. New Braunfels
- Halcyon, Vanderhoeven to N. New Braunfels
- Torcido, Argyle to Patterson
- Rockridge, Evans to dead end
- Penny Lane, Evans to W. Castano

Mr. Sullivan provided some background information on the FY2020-21 Street Maintenance Plan. The City advertised request for competitive sealed proposals in the *San Antonio Express-News* on August 18th and 25th, 2021. Staff held a pre-proposal meeting on September 2, 2021, proposals were received and opened on September 17, 2021.

Five sealed proposals were received: Austin Bridge and Road - \$884,212.53, Texas Materials Group - \$884,576.30, Clark Construction - \$947,565.04, J&P Paving Co. - \$1,230,065.04, and Green Dream International LLC - \$1,246,232.06. Mr. Sullivan added the bids were reviewed and scored by staff and City Engineer Freese and Nichols. Clark Construction scored the highest in the evaluation criteria.

Mr. Sullivan noted the request for proposal had specified a 60-day window for completion of the contract; however, Clark Construction proposed 17 working days for completion. He noted, if approved by Council, staff will stipulate a 30-day window for completion in the contract.

Financially, the total program cost is not to exceed \$1,048,448.68. Mr. Sullivan broke down the expenditures. Clark Construction – \$947,565.41 for sealed proposal price, and \$47,378.00 for 5% contingency; a total of \$994,943.68. Freese & Nichols, Inc. - \$53,505.00 for engineering fees approved by Council on May 26, 2021.

In closing, Mr. Sullivan noted the City Attorney and City Manager reviewed the proposal and selection of Clark Construction.

Mayor Pro Tem Billa Burke moved to approve Resolution No. 2021R - 140 as requested. The motion was seconded by Councilmember Sharples and passed by unanimous vote.

Mayor Rosenthal continued with agenda Item # 4.

Item # 4 Mayor Rosenthal read the following caption.

Public Hearing – Planning and Zoning Commission Case No. 414, consideration of proposed amendments to Chapter 3, Article III – Single-Family Dwelling District A (SF-A) and Single-Family Dwelling District B (SF-B) of the City’s Code of Ordinances

Community Development Services Department Director Lety Hernandez stated City Council requested staff to review the current Residential Design Standards (RDS) for SF-A and SF-B zoning districts to identify regulations that hinder applicants during the plan review phase of permitting.

Ms. Hernandez provided some background on the request. In 2006, the City adopted the 1st set of design standards. The standards were updated in January 2012 and additionally amended between 2013-2018. In January 2021, Council requested staff to review and update the current standards.

To initiate the review, an RDS Committee was established consisting of five (5) members: Architectural Review Board – John Gaines, Board of Adjustment – David Rose, Planning & Zoning – Al Honigblum, Community Volunteers – John Grable and Mac White. The RDS Committee identified several opportunities for improvement.

Ms. Hernandez presented the RDS Committee’s recommendations in bold print:

SIDE YARD SETBACK & ARTICULATION

Section 3-15 Side Yard Setbacks and Side Articulation:

- *“No building, structure or use shall here after so as to have a smaller side yard on each side of a building, **as measured from the edge of the foundation (to include masonry lug) than hereinafter specified...**”*
- *“Main structure articulation: The maximum exterior side wall plane width of a **structure located on a corner lot** without a minimum of a two (2) foot by ten (10) foot offset is thirty (30) feet or a combination of one (1) of the following architectural or utilitarian features every thirty (30) to break up the monotony of the **street-facing façade:...**”*
- *7. ~~Pilasters~~ **Recessed windows (Shall be inset a minimum of three (3) inches)***

SPECIAL REGULATIONS

Section 3-82(3)(a) Special side yard regulations:

- *“Every part of a required side yard for main structures shall be open and unobstructed except...and other architectural features projecting not to exceed **four (4) feet into the required side yard but not less than ~~four (4) five (5) feet from the property line.~~**”*

BUILDING HEIGHT

Section 3-2 Definitions:

- *"...a structure's height is defined as the measurement from the average of the highest and lowest existing ground elevation points around each structure's entire foundation."*
- *"...a structure's height is defined as the measurement from and along the existing continuous grade with no wall exceeding the permitted height at any point within the lot."*

Section 3-19 Height:

- *"No building or structure shall be erected...to exceed the maximum heights measured from average grade for a lot that slopes less than 10% or from actual grade for a lot that slopes 10% or more, not finished floor,..."*

Section 3-19(2)(a)(4) Height looming standard for a main structure:

- *"(4) The height looming standard shall not apply to a main structure when sharing a common boundary with, or next to, public rights-of-way."*

Section 3-19(5)(a) Height looming standard for an accessory structure:

- *"Except for the first ten (10) eleven (11) feet of wall plate, the maximum side and rear wall plates of an accessory structure shall not exceed twice the width of the side setback in height measured from average grade for a lot that slopes less than 10% or actual grade for a lot that slopes 10% or more, not finished floor (height looming standard)."*
- *Section 3-19(5)(a)(1) "The height looming standard shall not apply to an accessory structure when sharing a common boundary with, or next to, public rights-of-way."*

DORMERS

Section 3-20 Dormers ~~RESERVED~~:

- ~~*The minimum inset for dormers in all structures in the SF A and SF B Districts, as measured from the exterior wall face of the story below, shall be five (5) feet. The slope of the roof area covered by dormers shall not exceed forty (40) percent of the roof of the main structure of fifty (50) percent of the roof of accessory structures.*~~

REQUIRED OFF-STREET PARKING

Section 3-21 Driveway Specifications:

- *Exceptions:*
 - *1) For lots greater than sixty-five(65) feet in width, garages may be attached to the mains structure provided they are located towards the rear, beyond the midpoint of the main structure, and behind the front façade of the main structure and no closer than fifty(50) feet from the front yard property line, and accessed from the side to prevent the garage doors facing the street." and must be set back a minimum of 18ft from the front façade.*

BUILDING CODE

Section 5-116: ~~RESERVED~~ Utilities during construction

- **“In the event construction is to be performed on a vacant residence or to an extent that requires the occupants to move out during construction, the gas meter will be locked out, and the electric meter removed by City Public Service (utility provider). A temporary electric meter is to be set and used for construction purposes the electric meter removed by City Public Service (utility provider), and a temporary electric meter is to be set and used for construction purposes if deemed necessary by the building official.”**

Section 5-138(b)(2) Responsibility of the owner:

- **“All utilities shall be disconnected and the sewer line shall be effectively plugged with concrete or as may be required by the director, at or near capped disconnected at the property line and a clean out installed extending no more than six inches above grade or as required by the director.”**

Ms. Hernandez stated staff presented revisions to the Board of Adjustment (BOA) and the Architectural Review Board (ARB) respectively. The BOA offered no feedback; however, the ARB shared concerns with the proposed articulation requirement changes.

On August 2, 2021, the Planning and Zoning Commission (P&Z Commission) reviewed the proposed amendments submitted by the RDS Committee. The P&Z Commission proposed revisions to the amendments and tabled the item until further review. On September 7, 2021, the P&Z Commission recommended City Council approve the proposed amendments.

Public notice was posted on the City’s website and a legal notice was published in the *San Antonio Express-News*. No responses were received on this case.

Mayor Rosenthal opened the public hearing at 5:56 p.m. With no one to speak to the item, Mayor Rosenthal closed the public hearing at 5:57 p.m.

Item # 5 Mayor Rosenthal read the following caption.

Discussion and possible action on Planning and Zoning Commission Case No. 414, consideration of proposed amendments to Chapter 3, Article III – Single-Family Dwelling District A (SF-A) and Single-Family Dwelling District B (SF-B) and Chapter 5, Articles VII Miscellaneous Requirements and Article IX Demolition of the City’s Code of Ordinances

Ms. Hernandez stated she was in favor of the proposed amendments. She shared most applicants struggled with articulation and looming designs, but the proposed changes will help.

Mayor Pro Tem Lynda Billa Burke moved to approve Planning and Zoning Commission Case No. 414 as presented. The motion was seconded by Councilmember John Savage and passed by unanimous vote.

Item # 7 Mayor Rosenthal read the following caption.

Awarding a Five-Year contract for Audit services to ABIP, PC and authorizing the City Manager to execute a contract for audit services

Finance Director Robert Galindo stated the item for consideration is to authorize the City Manager to execute a one-year contract with ABIP, PC for auditing services, and up to four annual renewals.

On August 18, 2021, the City advertised for Request for Qualifications (RFQ) for Audit Services with a due date of September 17, 2021. Six proposals were received from: ABIP, PC; Armstrong, Vaughan & Assoc.; Beasley, Mitchell & Co. LLP; RSM US LLP; Patillo, Brown and Hill LLP; and Martinez, Rosario & Co. LLP. Staff evaluated and scored the proposals using key criteria including: audit firm qualifications, municipal audit experience, firm staffing and resources, audit quality, audit team, audit plan, and preparation of annual financial statement for cities.

Out of the six proposals; ABIP, PC scored the highest and set the cost for the Year 1 FYE 2021 Audit of \$32,175. Mr. Galindo stated he asked for pricing on a single audit which the City could initiate as needed and reviewed costs for five years.


Mr. Galindo noted the state statute and the City charter requires an annual audit of the City by a professional audit firm. The current audit contract expired. He stated the City advertised for RFQ proposals as best practice and confirmed the City Attorney reviewed the proposal.


Councilmember Savage moved to approve awarding a five-year contract for audit services to ABIP, PC and authorizing the City Manager to execute a contract as requested. The motion was seconded by Councilmember Sharples and passed by unanimous vote.

* * *

With no further business to consider, Mayor Pro Tem Billa Burke moved to adjourn the meeting at 6:01 p.m. The motion was seconded by Councilmember Sharples and passed by unanimous vote.

PASSED AND APPROVED THIS 25th DAY OF OCTOBER, 2021.


Elisa T. Robles, TRMC
City Secretary


Bobby Rosenthal
Mayor

