

CITY OF ALAMO HEIGHTS
CITY COUNCIL
November 13, 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, November 13, 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
Councilmember John Savage

Also attending were:

City Manager Buddy Kuhn
Assistant City Manager Phil Laney
City Attorney Frank J. Garza
Assistant to City Manager Jennifer Reyna
City Secretary Elsa T. Robles
Director of Finance Robert Galindo
Fire Chief Michael Gdovin
Deputy Police Chief Cindy Pruitt
Community Development Services Director Lety Hernandez
Public Works Director Pat Sullivan

Not attending:

Police Chief Rick Pruitt
Human Resources Manager Brenda Jimenez

* * *

Mayor Bobby Rosenthal opened the meeting at 5:32 p.m.

* * *

Item # 1 Approval of Minutes

Mayor Rosenthal asked City Council for a motion on the October 9, 2023 City Council Meeting minutes. Councilmember Lynda Billa Burke moved to approve the minutes as presented. The motion was seconded by Councilmember Lawson Jessee and passed by unanimous vote.

Mayor Rosenthal asked City Council for a motion on the October 24, 2023 Beautification Work Session Meeting minutes. Mayor Pro Tem Blake M. Bonner moved to approve the minutes as presented. The motion was seconded by Councilmember Billa Burke and passed by unanimous vote.

* * *

Announcements

Item # 2 Mayor Rosenthal read the following caption.

a. A Proclamation in recognition of Honorable Judge Joseph H. Vives for his dedication of 40 years to the City of Alamo Heights as Municipal Court Judge

City Manager Buddy Kuhn announced the City wanted to recognize the Honorable Judge Joseph H. Vives for serving the City of Alamo Heights for forty years. He was first appointed as Associate Judge in April 1983 and since 1988, serves as Municipal Court Judge. Mayor Rosenthal showed appreciation by presenting Judge Vives with a Key to the City and a proclamation on behalf of the citizens and City Council.

b. TxDOT Grant Award

Mr. Kuhn announced TxDOT, through their Transportation Alternatives Set-Aside (TA) Program, had recently awarded the city \$10.9M in Federal Funding for the Lower Broadway improvement project (State Loop 368 Project). The funds will be used for a shared use path, sidewalk, and other pedestrian improvements. He stated the project design and features are being developed/coordinated between TxDOT, COAH, and SA River Authority. Mr. Kuhn added the lengthy application process was completed by Assistant City Manager Phil Laney and thanked him for his hard work on this effort.

c. 45th Annual AH Chamber of Commerce Holiday Parade and Fun Run, Nov. 18, 2023

Deputy Police Chief Cindy Pruitt stated the annual holiday parade and fun run is scheduled for Saturday, November 18th. Set-up is at 3:00 p.m. and the parade will begin at 5:30 p.m. at the Alamo Heights High School on Broadway and finishing at 7:30 p.m. at 250 Viesca Street.

d. Stage 3 Water Restrictions

Assistant City Manager Phil Laney announced the Edwards Aquifer Authority declared Stage 3 restrictions, effective November 1st. He reminded Council the city had been in Stage 4 restrictions since July 21, 2023, 103 days. City watering restrictions will continue once a day, every other week: Week of November 13 – non watering week, Week of November 20 – watering week. Mr. Laney stated the allowable water capacity use increased to 65% from 60% in Stage 4.

*

*

*

Item # 3 Citizens to be Heard

Mr. Mike McGlone, resident, addressed the submission of a Special Use Permit submitted by the Texas Biomedical Research Institute (TBRI) and their tenant, the Argyle Club on August 1, 2023. He spoke of ongoing failures of TBRI, the Argyle Club, and leadership of the City of Alamo Heights to honor promises made to the citizens. Mr. McGlone read a letter outlining his points.

Mrs. April Dickson, resident, stated she was delighted to hear of the \$10.9M awarded to the city for a shared use path, sidewalk, and other pedestrian improvements. Additionally, she expressed a desire to see and hear more transparency and appropriate planning with the Special Use Permit for the Argyle Club.

Mrs. Ann McGlone, resident, is opposed to the Argyle SUP. She stated she wanted to remind City Council of their duties and responsibilities to protect the citizens and to uphold the laws of Alamo Heights. She noted the city passed zoning laws and ordinances to create safe and peaceful neighborhoods. She read a letter addressing these concerns.

Mr. David Brigham, resident, stated he is also opposed to the Special Use Permit requested by the Argyle. He has submitted several complaints regarding outdoor event noise level, traffic and parking issues. He fears this will increase with the proposed addition to the Argyle Club.

Mr. Jay Scholz and Mrs. Belinda Scholz, resident, shared concerns regarding the 3-way stop sign located at the corner of Cambridge Oval, Joliet and Willim near Cambridge Elementary and stated cars speed through the stop sign/area causing a safety concern for children & parents walking to and from the school. She provided Council with a list of suggestions to address the issue. Additionally, she shared concerns with Cambridge Elementary allowing Camp Gladiator to use their facility for exercise classes after hours. Ms. Scholz stated the music is too loud and sees alcohol is consumed after classes are done.

Mr. Ed Dingivan, resident, opposed the Argyle SUP. In his opinion, he stated it is all about the numbers, adding Texas BioMed has collected about 12 million dollars for tax deferred or tax exempt contributions to build an event center. He added only 5% of the citizens of Alamo Heights have anything to do with the Argyle, 8% of Olmos Park, 10% of Terrell Hills, and 50% of the City Council. He noted a facility of that size could use up to 25,000 gallons of water a day or 28 acre feet a year, one per cent of the city's maximum allocation. He suggested the event center be built on the campus on the west side, where there is enough room to build the facility and parking.

* * *

Consent Agenda

Item # 4 Mayor Rosenthal read the following caption.

RESOLUTION NO. 2023R - 170

A RESOLUTION DESIGNATING THE *SAN ANTONIO EXPRESS-NEWS* AS THE OFFICIAL NEWSPAPER OF THE CITY OF ALAMO HEIGHTS FOR THE PUBLICATION OF OFFICIAL NOTICES.

Councilmember Billa Burke moved to approve Resolution No. 2023R-170 as presented. The motion was seconded by Councilmember John Savage and passed by unanimous vote.

* * *

Items for Individual Consideration

Item # 5 Mayor Rosenthal read the following caption.

Architectural Review Board Case No. 907F, request of Golsch of Sitterle Homes, applicant, representing Forrest Robertson, owner, for the significance review of the existing main structure and compatibility review of the proposed design located at 540 Lamont Ave in order to demolish 100% of the existing residence and construct a new single-family residence with accessory structure

Community Development Services Department Director Lety Hernandez stated the Single-Family A property is located at 540 Lamont Ave, southeast corner at the intersection of Loveta St. The applicant requests approval for the significance review of the existing main structure for 100% demolition and compatibility review of the proposed design in order to construct a new single-family residence with detached garage.

Ms. Hernandez stated a significance review was required due to the 100% demolition. She reviewed photos of the existing conditions, existing site plan and proposed site plan. She presented the proposed site/roof plans, elevations, and floor/roof plans. The proposed main structure elevation is 28ft – 7-3/16 inches with stucco siding with metal roof. The proposed accessory structure is a detached garage with a height of 15ft – 8-9/16 inches with stucco siding and metal roof to match the main structure.

In terms of policy analysis, Ms. Hernandez noted the proposed lot coverage is 26.05% of the maximum allowed of 40% in a SF-A zone. Due to the alley access, applicant would be allowed a .49. They are proposing floor area ratio of .250.

The project is currently completing the plan review process. On October 17, 2023, the Architectural Review Board (ARB) conducted a significance and compatibility review. They voted unanimously to declare the existing main structure as not significant and recommended approval of the proposed design as compatible.

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 seven responses in support and none in opposition.

Councilmember Billa Burke moved to approve ARB Case No. 907F as presented. The motion was seconded by Mayor Pro Tem Bonner and passed by unanimous vote.

Item # 6 Mayor Rosenthal read the following caption.

ORDINANCE NO. 2215

AN ORDINANCE APPOINTING MEMBERS AND CHAIR AND VICE CHAIR OF THE CITY OF ALAMO HEIGHTS ARCHITECTURAL REVIEW BOARD, BOARD OF ADJUSTMENT AND PLANNING AND ZONING COMMISSION; SETTING AN EFFECTIVE DATE.

Ms. Hernandez stated per city code, Boards & Commission members are appointed by the Mayor and confirmed by the City Council. These are two-year terms or until successor is appointed. She reviewed a list of the current boards and commission members and stated there is only one vacancy, on the Architectural Review Board. Staff request to appoint Mr. Samuel M. White to fill this vacancy. Ms. Hernandez stated this had no fiscal impact on the City.

Councilmember Jessee moved to approve Ordinance No. 2215 as presented. The motion was seconded by Councilmember Billa Burke and passed by unanimous vote.

Item # 7 Mayor Rosenthal read the following caption.

RESOLUTION NO. 2023R - 171

A RESOLUTION APPROVING THE EXTENSION OF AN INTERLOCAL AGREEMENT AMENDMENT FOR EMS SERVICES AMONG THE CITIES OF ALAMO HEIGHTS, TERRELL HILLS AND OLMOS PARK AND AUTHORIZING THE CITY MANAGER TO EXECUTE AN AMENDMENT TO THE EMERGENCY MEDICAL SERVICE AGREEMENT WITH SAID CITIES.

City Manager Buddy Kuhn stated staff is still discussing a few things that were proposed by the cities and request to extend the agreement again. The proposed resolution would allow for the City Manager to execute an agreement upon Council's approval to extend the agreement. He stated the original agreement expired on September 30, 2023. The advice of legal counsel was not to let it expire, but continue to extend it. Staff had previously proposed to extend it until November 17, 2023.

Mr. Kuhn noted the original agreement was signed in 1982. The cities have maintained a good relationship for a long time. He stated negotiations have not concluded; therefore, staff requests to extend it once again until December 21, 2023. The new agreement shall replace the prior extension agreement at 12:01 A.M. November 18th, and shall terminate at 11:59 P.M. on December 21, 2023 unless terminated as hereinafter provided or extended further by the Cities. This extension allows the Cities to have their Council meetings to consider the proposal.

Mr. Kuhn assured Council negotiations are favorable and staff is optimistic that the Cities will come to an agreement soon. He added he had sent the contracts to the Cities for review. The only change is extending the agreement, all other provisions are still in full force. The agreement was drafted by the City Attorney.

Mr. Kuhn advised the City has not assessed the bill for the first quarter and will not do so until the contracts get resolved. He stated staff planned to bring it back to Council on December 11th. Mr. Kuhn commented he and the City Attorney are talking frequently with the other Cities and the extension will provide time for their legal counsel to review and proposes any changes.

Councilmember Savage moved to approve Resolution No. 2023R - 171 as presented. The motion was seconded by Councilmember Jessee and passed by unanimous vote.

Item # 8 Mayor Rosenthal read the following caption.

ORDINANCE NO. 2216

AN ORDINANCE AMENDING CHAPTER 5, BUILDING AND BUILDING REGULATIONS, ARTICLE II – CODES ADOPTED BY REFERENCE, OF THE CODE OF ORDINANCES, TO INCORPORATE TEXT OMISSIONS AND CLARIFYING LANGUAGE RELATED TO THE ADOPTION OF THE 2021 INTERNATIONAL CODE SERIES-ICC AND THE 2020 NATIONAL ELECTRICAL CODE; REPEALING ALL PARTS OF ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AN OPEN MEETINGS CLAUSE; AND AN EFFECTIVE DATE.

Assistant City Manager Phil Laney stated the proposed ordinance was to clarify language on an ordinance adopted by Council in November 2021. Chapter Five of the Code of Ordinances, oversees the building and building regulations. At that time, Council adopted the latest series of the national building codes, the 2021 series, which was the most recent at that time. Language explaining these codes was accidentally left out.

The updated ordinance will provide the appropriate language ensuring the City of Alamo Heights follows the most recent code series as adopted back in November 2021 by City Council. Updating these codes keeps up with the current minimum construction requirements, which has the benefit of safeguarding public health safety and general welfare and also contribute to the City's insurance service organization or ISO fire rating requirements. The codes that were adopted at that time would remain in effect and would not change with this action.

Mr. Laney stated the proposed ordinance was coordinated with the City Attorney and staff and has no fiscal impact.

Councilmember Jessee moved to approve Ordinance No. 2216 as presented. The motion was seconded by Councilmember Billa Burke and passed by unanimous vote.

Item # 9 Mayor Rosenthal read the following caption.

Approving the renewal of the contract with Blue Cross-Blue Shield for employee health insurance, MetLife for dental, life, accidental death & dismemberment, and long term disability insurance, and authorizing the City Manager to execute all necessary agreements for the provision of such insurance

Mr. Laney stated he was presenting the renewal for employee health insurance, dental insurance, accidental death/dismemberment and long-term disability insurance. Staff worked with Catto & Catto to provide updates for insurance coverage for the next calendar year beginning on January 1st. Staff typically budgets for a 15% increase each year. Mr. Laney noted premiums came considerably under 15%. The benefits for vision, basic dental, life and long-term disability benefits will have no increase.

Blue Cross Blue Shield is proposing a 3.6% decrease for the HSA base plan that's offered to all of our employees. Employees do not pay premiums; however, if they add family members, there are additional premiums they need to pay. The MetLife Dental PPO (upgrade) insurance plan is going to increase about 17%, about \$2 to \$5 per pay period. Vision insurance will remain flat, no increase.

Mr. Laney stated the proposed employee benefits are consistent with the City's goal of providing a quality affordable health insurance for our employees and their relatives. He added this was coordinated with Catto & Catto, reviewed internally by the City Manager, City Attorney, and Councilmember Savage who each year provides excellent industry expertise, a financial background, and helpful accessible information regarding insurance premiums.

The total fiscal impact is approximately \$580,000 for all benefits, a decrease of about \$15,000. The medical insurance premium went down, but the dental PPO premium will increase about \$5,000. Employees receive a benefit of an annual maximum contribution of \$1,250 per employee directly deposited in a health savings account by the City for medical expenses they may incur throughout the year. Additionally, an employee can elect to contribute funds to build those accounts. Any unspent funds will rollover into future years.

Councilmember Billa Burke moved to approve the renewal of the contract with Blue Cross-Blue Shield for employee health insurance, MetLife for dental, life, accidental death & dismemberment, and long term disability insurance, and authorizing the City Manager to execute all necessary agreements for the provision of such insurance. The motion was seconded by Councilmember Jessee and passed by unanimous vote.

* * *

Closed Session

Item # 10 Mayor Rosenthal read the following caption.

Executive Session as authorized by the Texas Government Code Section 551.071 (consultation with attorney) regarding SUP Ordinance.

The City Council of the City of Alamo Heights convened into Closed Executive Session at 6:14 p.m. and reconvened in Open Session at 7:24 p.m. in accordance with the Texas Open Meetings Act, Texas Government Code, *Section §551.071 (Consultation with Attorney)*.

* * *

Open Session

Item # 11 Mayor Rosenthal read the following caption.

Discussion and possible action resulting from Executive Session

No action taken.

*

*

*

With no further business to consider, Mayor Pro Tem Bonner moved to adjourn the meeting at 7:25 p.m. The motion was seconded by Councilmember Baker and passed by unanimous vote.

PASSED AND APPROVED THIS 11th DAY OF DECEMBER, 2023.


Elsa T. Robles, TRMC
City Secretary




Bobby Rosenthal
Mayor