

CITY OF ALAMO HEIGHTS  
CITY COUNCIL  
December 09, 2024

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, December 09, 2024. 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 Lynda Billa Burke  
Councilmember Lawson Jessee  
Councilmember Karl P. Baker  
Councilmember Blake M. Bonner  
Councilmember Trey Jacobson

Also attending were:  
City Manager Buddy Kuhn  
Assistant City Manager Phillip Laney  
City Attorney Frank J. Garza  
City Secretary Elsa T. Robles  
Director of Finance Robert Galindo  
Fire Chief Michael Gdovin  
Public Works Director Frank Orta  
Deputy Police Chief Cindy Pruitt

Not attending:  
Police Chief Rick Pruitt  
Assistant to City Manager Jennifer Reyna  
Community Development Services Director Lety Hernandez

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

\* \* \*

*Item # 1      Approval of Minutes*

Mayor Rosenthal asked the City Council for a motion on the November 12, 2024 Special City Council Meeting minutes. Mayor Pro Tem Lynda Billa Burke moved to approve the minutes as presented. The motion was seconded by Councilmember Trey Jacobson and passed by unanimous vote.

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*Item # 2      Citizens to be Heard*

Ms. Sue Ellen Ermine, resident, asked Council to consider keeping the neighborhood around the Argyle Club as residential and have the members build a facility elsewhere with plenty of room for event parking.

\* \* \*

Consent Agenda

Item # 3 Mayor Rosenthal read the following caption.

**RESOLUTION NO. 2024R-199**

**A RESOLUTION CASTING THE VOTES OF THE CITY FOR THE ELECTION TO THE BEXAR APPRAISAL DISTRICT BOARD OF DIRECTORS.**

Councilmember Jacobson moved to approve Resolution No. 2024R-199 casting 10 votes for Leslie Sachanowicz for election to the Bexar Appraisal District Board of Directors. The motion was seconded by Mayor Pro Tem Billa Burke and passed by a 5-0 vote.

\* \* \*

Items for Individual Consideration

Item # 4 Mayor Rosenthal read the following caption.

**Architectural Review Board Case No. 960F, a request of Jahan H. Ahmadi, owner, for the compatibility review of the proposed design located at 300 Circle St in order to construct a new single-story single-family residence with an attached garage.**

Assistant City Manager Phillip Laney stated the Multi-Family (MF-D) property is located on the southeastern side of Circle St. and north of Eaton. The applicant requests approval for a compatibility review in order to construct a new single-story single-family residence structure with attached garage.

Mr. Laney presented the existing conditions of the vacant property, proposed site plan, roof plan, elevations, renderings, and streetscape. The elevation overall proposed height is 28 feet with Cypress/Cedar and standing seam metal siding with a standing seam metal roof. He noted the project is required to complete the plan review process to ensure compliance with current regulations.

The Architectural Review Board (ARB) considered the request at the November 19, 2024 meeting and voted unanimously to recommend approval of the proposed design as compatible.

Mr. Laney 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 one response in support and none in opposition.

After a brief discussion regarding the proposed siding and addition of windows, Councilmember Lawson Jessee moved to approve ARB Case No. 960F. The motion was seconded by Councilmember Jacobson and passed by unanimous vote.

Item # 5 Mayor Rosenthal read the following caption.

**Architectural Review Board Case No. 959F, a request of Alejandra Acuna of The Thorn Group, applicant, representing Neera Bhatia, owner, for the final design review of the proposed multiple-family use structure located at 1009 Townsend Ave in order to construct four (4) townhomes.**

Mr. Laney stated the Multi-Family (MF-D) property is located at 1009 Townsend Ave. at Cambridge Oval. The applicant requests approval of the final design review for a proposed multiple-family use structure, constructing four townhomes.

Mr. Laney provided background information and reviewed existing conditions of the current structures. He stated the applicant desires to construct two separate structures, consisting of four units, three stories high. He noted the driveway will be exiting on Cambridge Oval and not Townsend Ave. as it is currently.

Mr. Laney reviewed the proposed renderings provided by the applicant and stated technical and administrative reviews of the proposed elevations and landscaping plans will be required to ensure compliance with current building and zoning code regulations.

The ARB considered the request at the November 19, 2024 meeting and voted unanimously to recommend approval as presented.

Mr. Laney 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 one response in support and three in opposition. He noted the applicant was not present for questions.

Mayor Rosenthal asked to hear comments from the audience.

Ms. Lynden Kosub, resident, stated she shared the property line with the applicant. She was concerned with the hazard abatement during demolition and the possibility of asbestos and other dangerous materials. She was also concerned with the impact this would have on the local school in the area. Ms. Kosub did not agree with the height of the proposed structures because it would provide a view into the backyards of surrounding neighbors. She noted the structure may also create drainage issues. She did not understand the purpose of the Architectural Review Board or why they had approved of the design.

Mayor Rosenthal acknowledged Ms. Kosub's concerns and stated the State has removed most of the city's authority to govern anything having to do with construction and continue to do so in each legislative session.

Mr. Laney stated the applicant had not submitted formal plans for the project, but they would have to comply with State law for asbestos mitigation. In reference to drainage, per city code, there should be no adverse impact from the new development on any neighboring properties.

Council briefly discussed the item. Mayor Pro Tem Billa Burke moved to table ARB Case No. 959F until January 13, 2025 to allow the applicant to be present for discussion. The motion was seconded by Councilmember Bonner and passed by 4-0-1 vote with Councilmember Karl P. Baker abstaining. After the vote to table the item, additional citizens' comments were made.

Ms. Sally Ann Smith, resident, stated she did not approve of the proposed structure that looks commercial in the renderings. She noted it was much taller than the surrounding buildings/homes.

Ms. Sue Ellen Ermine, resident, noted the structure was not appealing or appropriate for the neighborhood.

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

**ORDINANCE NO. 2235**

**ORDINANCE OF THE CITY OF ALAMO HEIGHTS, TEXAS, ADOPTING AND ENACTING A NEW CODE OF ORDINANCES; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF NOT EXCEEDING \$500 GENERALLY OR NOT EXCEEDING \$2,000 FOR VIOLATIONS RELATING TO FIRE SAFETY, ZONING OR PUBLIC HEALTH AND SANITATION OR NOT EXCEEDING \$4,000 FOR VIOLATIONS RELATING TO DUMPING OF REFUSE; PROVIDING FOR THE AMENDMENT OF SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.**

City Secretary Elsa T. Robles announced she was presenting an ordinance to adopt a new and revised Code of Ordinances for the city. She stated the last time the code had been updated was in 2008 with codifier Municode who was the city's codifier until late 2023.

In January 2023 Municode proposed a flat rate increase for the upcoming year that exceeded the city's average annual codification costs. In recent months, staff had expressed dissatisfaction with delayed codification services and lack in customer service delivery, this prompted staff to explore other vendors for codification services. Codification through Municode was ongoing until August 2023.

In May 2023, staff initiated a Code of Ordinances Codification project and launched a new online code/ordinances, converting from Municode to General Code eCode360® in July. By October, General Code completed the initial editorial and legal analysis of the city's current code. Staff was given a deadline of April 2024 to review the digital code manuscript and provide responses to 161 questions identified by General Code.

Ms. Robles stated staff completed the review by the deadline; however, in September 2024, General Code submitted a Code of Ordinances draft with additional questions. In December 2024, the final publication of City's new/revised Code was in process and ready for adoption.

Ms. Robles commented staff had coordinated the project with General Code. The City Manager had reviewed the item, and the City Attorney prepared the proposed Ordinance. If adopted the Ordinance will be published in the *San Antonio Express-News* and posted on the COAH website.

The City Council is required to formally adopt a code of ordinances for the City. If adopted the new/revised Code of Ordinances of the City of Alamo Heights, Texas, consisting of Chapters 1 through 19, each inclusive, will be enacted and shall supersede all other general and permanent ordinances of the City passed on or before July 8, 2024. The revised eCode360® will be uploaded to the city website.

In closing, Ms. Robles added the total project cost of \$13,279 was included as part of Strategic Action Plan and Budget FY2023-24.

Councilmember Baker moved to approve Ordinance No. 2235 adopting a new and revised Code of Ordinances for the City of Alamo Heights. The motion was seconded by Councilmember Jessee and passed by unanimous vote.

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*\*\*Mayor Rosenthal requested staff present Item # 10 before Item # 7.\*\**

\* \* \*

Staff Reports

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

**Presentation of Financial and Investment Report for the fourth quarter ending September 30, 2024**

Finance Director Robert Galindo presented the fourth quarter financial and investment report ending September 30, 2024. 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 \$12,469,015 equal to 110% of the budget. Mr. Galindo noted the city had a good year. The property tax revenues are at approximately 100% of what was budgeted. The sales tax revenues were a little bit less than what was anticipated in the initial budget, but this was a statewide trend. He noted the city had a significant increase in the permit revenues and fees, \$1.3M due to the two large projects with AHISD and HEB. He continued to review and stated he always budgets conservatively on the investments revenue which was at \$779,000 at the end of the fiscal year since interest rates are still high but are coming down slowly.

Mr. Galindo reviewed the property taxes totaling \$8,005,868 for the year or about 100% of the budget. He reviewed sales taxes and stated collections from the state are two months in arrears. Year-to-date sales tax revenue of \$2,503,532 compared to the prior year’s total of \$2,649,813, is a decrease of \$146,281 or -5%; however, three out of the last four months have been positive.

The General Fund Expenditures were 97%. He noted Community Development went over budget due to a Council approved contract with BB Inspection Services to collaborate directly with the school district and ensure the project continued on track. All other departments were within budget for the year.

The Utility Fund total revenues were \$4.5M or 74% of the budget. Total expenditures were \$4.1M or 69% of the budget with positive \$348,000 for the fiscal year.

The Capital Projects Fund beginning balance for the fiscal year was \$16,063,555 which includes the proceeds from the 2021 Bond Issuance of \$13,250,000. Included is approximately \$1.5 million in earned interest on the bond proceeds.

Mr. Galindo reviewed the investment portfolio total balance of \$33,240,611 which includes \$250,864 or 0.8% of funds in a CD with Jefferson Bank maturing on December 28, 2024 and a small savings account with Jefferson Bank of \$1,228. He stated the City has two federal bonds at \$5M and \$2M from Federal Home Bank. They are earning 5.10% and 5.00%, respectively.

Mr. Galindo continued to review the investment pools equal to \$25,421,750 or 76.5% of the fund. Included in the investment portfolio equaling 1.7%, is a non-interest-bearing operating account with Frost Bank with a total of \$566,769. 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 of \$250,000.

The beginning investment portfolio balance was \$29,785,054. The ending balance for the quarter was \$33,240,611. There was an increase to the investment pool accounts of \$6,667,000.

The average yield for the investment portfolio was 5.17% and is in line with the 90-Day U.S. Treasury benchmark of 5.14%. 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 4th Quarter Performance Summary:

<b>PERFORMANCE THROUGH 100% OF BUDGET</b>			
	<b>% of Budget</b>	<b>Current Quarter</b>	<b>YTD Quarter</b>
<b>GENERAL FUND</b>			
Total Revenues	110%	Positive	Positive
Total Expenditures	97%	Positive	Positive
Total Property Tax Collections	100%	Positive	Positive
Sales Tax Revenues	96%	Negative	Positive
<b>ENTERPRISE FUND</b>			
Utility Fund Revenues	74%	Negative	Positive
Utility Fund Expenditures	69%	Positive	Positive

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Item # 7 Mayor Rosenthal read the following caption.

**RESOLUTION NO. 2024R-200**

**AUTHORIZING THE CITY OF ALAMO HEIGHTS, TEXAS TO CONSENT TO THE ASSIGNMENT OF THE SUBLEASE AGREEMENT OF THE ALAMO HEIGHTS SWIMMING POOL FROM HEIGHTS POOL, LTD., A TEXAS LIMITED LIABILITY COMPANY TO ALAMO HEIGHTS POOL, LLC. AND AUTHORIZE THE CITY MANAGER AND/OR MAYOR TO EXECUTE ALL DOCUMENTS RELATED; AND SETTING AN EFFECTIVE DATE.**

City Manager Buddy Kuhn stated this was regarding a possible new sublease to operate the City of Alamo Heights pool. The current sub-tenant Rick Shaw with Heights Pool, Ltd. can assign, with Council approval, to a new operator. He has had the lease with the city since 1990, and the new proposed sub-tenant is Clayton and Stacy Smaistrila as Alamo Heights Pool, LLC.

The term for the proposed new agreement is for 20 years commencing December 09, 2024, through December 09, 2044, with one (1) 10-year extension option. The new sublease proposes to be open for 12 months, 6 am – 10 pm.

Alamo Heights Pool, LLC. desires to construct new pickle ball courts within the fence and remodel/update the existing kitchen prep area, concession stand and relocate the fence at the main entrance of the pool. They would also maintain the new furnishings in the city-built pocket park and be responsible for daily ongoing maintenance inside of the fenced area of the pool.

Additionally, Alamo Heights Pool, LLC. plan to open concessions to outside walk-up sales with professional concessionaire, provide cleaning and trash pick-up to the proposed new pocket park outside of the pool area and paid for by COAH, and maintain/clean new public restrooms.

Mr. Kuhn reviewed a map of the proposed improvement location and stated the agreement is consistent with the City's efforts to provide quality recreational services to citizens of Alamo Heights and the City of San Antonio per terms of the City's master lease agreement from 1947. The current master lease with COSA expires in 2058 with option of additional 40-year term to 2098. He added this effort was reviewed by the city attorney and himself. Staff has continued to work with Mr. Smaistrila on this proposal and fiscal impact is yet to be determined.

Mr. Kuhn clarified the item presented is only for the assignment of the sublease as requested by the subleasee and not the agreement which is still being negotiated.

Mayor Rosenthal announced City Council would convene into closed session for further discussion before considering this item.

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Closed Session

Item # 8 Mayor Rosenthal read the following caption.

**Executive Session as authorized by the Texas Government Code Section 551.071 (Consultation with Attorney) and 551.072 (Deliberations about Real Property) to discuss possible assignment and new terms for lease for Alamo Heights Swimming Pool.**

The City Council of the City of Alamo Heights convened into Closed Executive Session at 6:15 p.m. and reconvened in Open Session at 7:09 p.m. in accordance with the Texas Open Meetings Act, Texas Government Code, *Section §551.071 (Consultation with Attorney)*.

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Open Session

Item # 9 Mayor Rosenthal read the following caption.

**Discussion and possible action resulting from Executive Session.**

No action taken.

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Item # 7 Mayor Rosenthal reread the following caption.

**RESOLUTION NO. 2024R-200**

**AUTHORIZING THE CITY OF ALAMO HEIGHTS, TEXAS TO CONSENT TO THE ASSIGNMENT OF THE SUBLEASE AGREEMENT OF THE ALAMO HEIGHTS SWIMMING POOL FROM HEIGHTS POOL, LTD., A TEXAS LIMITED LIABILITY COMPANY TO ALAMO HEIGHTS POOL, LLC. AND AUTHORIZE THE CITY MANAGER AND/OR MAYOR TO EXECUTE ALL DOCUMENTS RELATED; AND SETTING AN EFFECTIVE DATE.**

After executive session, Mayor Rosenthal called for a vote on this item. Councilmember Jacobson moved to approve Resolution No. 2024R – 200 consenting to the assignment of the sublease agreement of the Alamo Heights Pool from Heights Pool, LTD., to Alamo Heights Pool, LLC. and authorizing the City Manager to execute all related documents. The motion was seconded by Mayor Pro Tem Billa Burke and passed by unanimous vote.

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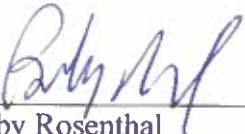
With no further business to consider, Councilmember Bonner moved to adjourn the meeting at 7:10 p.m. The motion was seconded by Councilmember Jessee and passed by unanimous vote.



PASSED AND APPROVED THIS 13<sup>th</sup> DAY OF JANUARY, 2025.



Elsa T. Robles, TRMC  
City Secretary



Bobby Rosenthal  
Mayor

