

CITY OF ALAMO HEIGHTS
CITY COUNCIL
November 12, 2024

A special 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 Tuesday, November 12, 2024. A teleconference was held via Zoom; staff and meeting attendees were welcomed in the Council Chamber.

Composing a quorum were:

Mayor Bobby Rosenthal
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 Jessie Lopez
Assistant to City Manager Jennifer Reyna
City Secretary Elsa T. Robles
Director of Finance Robert Galindo
Police Chief Rick Pruitt
Fire Chief Michael Gdovin
Public Works Director Frank Orta

Not attending:

Mayor Pro Tem Lynda Billa Burke – Via Zoom
Deputy Police Chief Cindy Pruitt
Community Development Services Director Lety Hernandez

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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 Rosenthal asked the City Council for a motion on the October 28, 2024 City Council Meeting minutes. Councilmember Lawson Jessee moved to approve the minutes as presented. The motion was seconded by Councilmember Blake M. Bonner and passed by unanimous vote.

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Item # 2 Announcements

Mayor Rosenthal read the following captions.

a. 46th Annual AH Chamber of Commerce Holiday Parade, November 23, 2024

Assistant City Manager Phillip Laney announced the 46th Annual AH Chamber of Commerce holiday parade will be held Saturday, November 23rd. Set-up will begin at 3:30 p.m. and the parade will begin at 5:30 p.m. at the Alamo Heights High School on Broadway, finishing at 7:00 p.m.

b. 5th Annual AH Chamber of Commerce Fun Run, November 23, 2024

Mr. Laney announced the 5th Annual AH Chamber of Commerce Fun Run will take place November 23rd simultaneously with the holiday parade. Set-up will begin at 3:30 p.m. and the parade will begin at 5:30 p.m. at Tuxedo Ave/AH Blvd, finishing at 7:00 p.m.

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Item # 3 Citizens to be Heard

Mrs. Christina De La Cruz, resident, thanked City Council for approving a variance to host the annual haunted house. She stated it was successful and appreciated the coordination with City staff. She noted for next year she hoped they would not have issues with restrictions.

Mr. Richard De La Cruz, resident, also thanked City Council for allowing the variance for the haunted house. He stated the structure had been officially torn down by and wanted to ensure no fines would be assessed. He stated neighbors helped with the effort and thanked them for doing so. He also acknowledged the help provided by City staff during the event.

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Consent Agenda

Item # 4 Mayor Rosenthal read the following caption.

RESOLUTION NO. 2024R - 196

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 Trey Jacobson moved to approve Resolution No. 2024R – 196 as presented. The motion was seconded by Councilmember Bonner and passed by unanimous vote.

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Items for Individual Consideration

Item # 5 Mayor Rosenthal read the following caption.

Public Hearing. A request submitted by Kyle Brooks of Integrated Outdoor Designs, applicant, representing Mike Senneff, owner, to

encroach into the city's right-of-way at the property identified as CB 4024, BLK 55, LOT 9, also known as 422 Harrison Ave and zoned SF-A, for a period of five (5) years for the purpose of extending an existing fence on the southwestern side along Claiborne Way.

Mayor Rosenthal opened the public hearing at 5:37 p.m. With no one to speak on the item, he closed the public hearing at 5:38 p.m.

Item # 6 Mayor Rosenthal read the following caption.

Discussion and possible action on request submitted by Kyle Brooks of Integrated Outdoor Designs, applicant, representing Mike Senneff, owner, to encroach into the city's right-of-way at the property identified as CB 4024, BLK 55, LOT 9, also known as 422 Harrison Ave and zoned SF-A, for a period of five (5) years for the purpose of extending an existing fence on the southwestern side along Claiborne Way.

Mr. Laney stated the Single Family - A property is located at 422 Harrison Ave. on the corner of Claiborne Way. The property owner is petitioning for a license to use the public right-of-way under Section 16-104 of the City's Code of Ordinances to extend an existing fence on the southwestern side for a period of five years.

Mr. Laney reviewed the site plan and noted the location of the existing fence and proposed encroachment measuring just under 1,600 square feet. He stated the applicant plans to demolish the driveway and have the fence extend all the way to the alley. They will reconfigure their existing garage and have alley access into that newly constructed garage. He reviewed the existing and proposed conditions.

In terms of fiscal impact, the agreement fee is for a 5-year license to use the public right of way. The fee is the greater of \$2,000 or 10% of the fair market value. The total fee would be approximately \$7,636.86 for the area being requested. The cost averages are calculated using the Bexar County Appraisal District land appraisals for properties in that location.

Public notifications were mailed to property owners within the 200-foot radius. Notices were posted on the City's website and on the property. Staff received no responses in support nor in opposition.

Council briefly discussed lease terms approved in the past and noted many had not been followed-up on after the 5-years. They agreed this needed to be managed better rather than leaving them as the status quo.

Councilmember Jacobson moved to approve a 5-year license agreement to use the public right-of-way under Section 16-104 of the City's Code of Ordinances for the purpose of extending an existing fence on the southwestern side along Claiborne Way. The motion was seconded by Councilmember Jessee and passed by unanimous vote.

Item # 7 Mayor Rosenthal read the following caption.

Public Hearing. A request submitted by Dylan Stewart of Hocker, applicant, representing Easton McNab, owner, to encroach into the city's right-of-way at the property identified as CB 4024, BLK 28, LOT H & W IRR 23 OF G, also known as 215 Argyle Ave and zoned SF-A, for a period of five (5) years for the purpose of constructing a retaining wall on the south side.

Mayor Rosenthal opened the public hearing at 5:47 p.m. With no one to speak on the item, he closed the public hearing at 5:48 p.m.

Item # 8 Mayor Rosenthal read the following caption.

Discussion and possible action on request submitted by Dylan Stewart of Hocker, applicant, representing Easton McNab, owner, to encroach into the city's right-of-way at the property identified as CB 4024, BLK 28, LOT H & W IRR 23 OF G, also known as 215 Argyle Ave and zoned SF-A, for a period of five (5) years for the purpose of constructing a retaining wall on the south side.

Mr. Laney stated the Single Family - A property is located at 215 Argyle Ave. between Patterson and Morton. The applicant is petitioning for a license to use the public right-of-way under Section 16-104 of the City's Code of Ordinances for a retaining wall that will be in the front portion of the property along Argyle.

Mr. Laney reviewed the site plan and noted the location of the proposed masonry retaining wall which will be about 172 square feet and 5 feet tall. He commented the item will go before the Board of Adjustment at their next meeting for the proposed height. Mr. Laney continued to review the existing conditions of the property and the proposed conditions.

In terms of fiscal impact, the agreement fee is for a 5-year license to use the public right of way. The fee is the greater of \$2,000 or 10% of the fair market value. The total fee would be \$2000.00 for the area being requested. The cost averages are calculated using the Bexar County Appraisal District land appraisals for properties in that location.

Public notifications were mailed to property owners within the 200-foot radius. Notices were posted on the City's website and on the property. Staff received three responses in support and none in opposition.

Architect Tobin Smith addressed the City Council. He explained the reasons for the retaining wall request and stated the property has an extreme slope that is 19 feet from the west side to the east side and the site is well buffered on three sides with mature/heritage oak trees on the west side. The wall will be on the west side of the property where there is no current buffer. The wall will also host street numbers and a mailbox. Lastly, he noted the cross slope of the property is 19 feet and there is a need to create a flat entry promenade, entry, walkway leading to the front door.

Councilmember Bonner moved to approve a 5-year license agreement to use the public right-of-way under Section 16-104 of the City's Code of Ordinances for the purpose of

constructing a retaining wall on the south side. The motion was seconded by Councilmember Jesse and passed by unanimous vote.

Item # 9 Mayor Rosenthal read the following caption.

RESOLUTION NO. 2024R - 197

A RESOLUTION OF THE CITY OF ALAMO HEIGHTS, TEXAS AUTHORIZING THE CITY MANAGER TO AWARD FUNDS TO HEADWATERS AT INCARNATE WORD IN AN AMOUNT OF \$30,000 AND GREEN SPACE ALLIANCE OF SOUTH TEXAS, ON BEHALF OF ALAMO HEIGHTS COMMUNITY GARDEN, IN AN AMOUNT OF \$15,426 FOR THE FISCAL YEAR 2025 ALAMO HEIGHTS COMMUNITY IMPROVEMENT GRANT; AND SETTING AN EFFECTIVE DATE.

Mr. Laney stated Council had budgeted \$50,000 in FY 2025 to support groups that oversee parks and other community assets. This is the 3rd year that City Council has authorized budgeted funds to support these groups. Staff requested that any interested groups apply and submit improvement projects to be considered for funding. Staff proposes awarding funding to Headwaters at Incarnate Word and to Green Spaces Alliance of South Texas, on behalf of AH Community Garden.

Mr. Laney shared local community groups, nonprofits and other groups have engaged. Residents have envisioned, developed, and maintained public parks and other community assets in Alamo Heights. Historically, they have been operating on private funding donations and fees. However, since 2023 Council has been prioritizing the use of city funds to help supplement some of these groups' efforts for specific projects. He explained the funds are allocated in a competitive process. Applications are reviewed by staff and then proposed to City Council for their final decision. Three groups applied for project funding this year with projects totaling \$86,826.

- Neighborhood Preservation League of Alamo Heights (NPLAH) - \$41,400
- Headwaters at Incarnate Word - \$30,000
- Green Spaces Alliance (GSA) of South Texas, on behalf of AH Community Garden - \$15,426

The Neighborhood Preservation League of Alamo Heights (NPLAH) requested \$41,400 to fund study and develop a Master Plan to transform Alamo Heights Blvd. into natural parkway from Tuxedo to Corona. They also propose to address pedestrian environment, drainage & flooding, heat island effect & streetscape's aesthetics. The funds requested would be for community engagement, planning and design services associated with this effort.

Headwaters at Incarnate Word requested \$30,000 to support their Headwaters Habitat Restoration Program. The purpose of this program is to promote native habitat transformations through the removal of invasive plant populations. Remove the invasive plant populations to create more of an ecosystem for natural wildlife and species. In this area the funds, if funded, would provide services related to removing invasive plants and replacing them with native species, plantings, and seeds.

Green Spaces Alliance (GSA) of South Texas, on behalf of AH Community Garden requested \$15,400 to replace the decaying, raised planting beds which have been there since 2,012. They also want to upgrade and replace the irrigation system that provides irrigation to the garden beds. Green Space Alliance is a 501c3 and foster/support over 40 community gardens in the San Antonio area. They approached the city and the community garden to ask if they could apply on the garden's behalf.

Mr. Laney commented each grant application was evaluated according to the organization's goals & experience, project proposal, anticipated project impact, return on City investment & leveraged outside funding, and project completion timeline. Staff proposes Council consider awarding \$45,426 in total funding for the following projects: \$30,000 to the Headwaters Incarnate Word and \$15,426 for Green Space Alliance on behalf of the Alamo Heights Community Garden. If approved there will \$4,574 remaining in unspent funds from the total \$50,000 budgeted for this effort.

Awarding of Community Improvement Grant funds is consistent with City's efforts to provide quality recreational services to citizens of Alamo Heights. The City Attorney and City Manager reviewed the proposal.

Mr. Laney explained the funding process. The organizations who are selected for funding pay the money upfront to the contractor, etc. for their services. They in turn provide an invoice to the city who reimburses the organization. Other ways of funding is when the project is complete, the contractor invoices the city directly for payment. The city does not provide the money upfront.

Council discussed the timeframe for project completion and agreed the organizations should have a deadline of one year to complete their proposed projects for funding.

City Manager Buddy Kuhn stated staff has recognized this issue, but some of the groups are organized better than others. The goal is to have the projects completed within the fiscal year. He noted staff is trying to develop a better process for this going forward.

After a quick discussion, Councilmember Jessee moved to approve awarding funds to Headwaters Incarnate Word in the amount of \$30,000 and Green Space Alliance on behalf of the Alamo Heights Community Garden in the amount of \$15,426. The motion was seconded by Councilmember Jacobson and passed by unanimous vote.

Item # 10 Mayor Rosenthal read the following caption.

RESOLUTION NO. 2024R - 198

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ALAMO HEIGHTS, TEXAS AUTHORIZING THE CITY MANAGER TO EXPEND THE CITY'S ALLOCATION OF AMERICAN RESCUE PLAN ACT FUNDING IN A MANNER CONSISTENT WITH ELIGIBLE USES AS DEFINED BY THE UNITED STATES DEPARTMENT OF TREASURY AND DIRECTION OF THE CITY COUNCIL

**AND THAT CONTINUE TO PROMOTE THE RECOVERY
FROM THE COVID-19 PANDEMIC.**

Mr. Kuhn stated the City received \$2,136,537.31 as part of the American Rescue Plan Act (ARPA). Currently there is a remaining balance of \$1,528,194.23 which includes interest earned of \$167,438. He noted there are restrictions on use of funds by the Federal Government. The funds can be used for Capital Equipment purchases, building maintenance, water and sewer related expenses, broadband, vehicles, and safety related improvements to public areas.

To date, the City has spent \$775,781.20 on items including a one-time premium pay in 2021 for employees who were required to work during the height of the Covid pandemic, the purchase of one (1) new garbage truck, one (1) new police patrol vehicle, three (3) computer servers and increased storage capacity.

Mr. Kuhn commented the City has been studying improvements at Broadway @ Ogden since 2022 and hoped to use the remaining ARPA funds to fund these improvements. They include improved lighted crosswalk near school, road narrowing, intersection re-alignment, drainage improvements and construction of a new public park with seating area. A schematic design which is currently at 100%; however, additional engineering work and time is needed to complete the project and properly bid. The deadline to obligate funds by Council action is 12/31/2024 and funds must be expended by 12/31/2026 or returned to the federal treasury.

Since the deadline to obligate the ARPA funds is approaching, staff studied other avenues the funds could be used for. They forecasted a few years to see what capital purchases could be included. After careful consideration, staff proposes the following purchases:

Police - \$230,854.29

- 2025 Chevy pick-up, 2024 Chevy Traverse, 2025 police patrol unit – Existing patrol unit moved to SRO – other vehicles are replacements
- Dual drone system and pilot training – New
- Interview room camera upgrades facilities – Upgrade
- Kawasaki UTV – shared by police and fire - New

Facilities - \$151,123.65

- Two (2) RTU A/C units for city hall
- New A/C for dispatch office and downstairs police 911 server room
- New A/C for upstairs city server / IT room

Fire - \$57,102.60

- 2025 F250 – Replacement of 2012 model

Public Works / Utilities \$1,096,105.55

- Grapppler Truck for Brush collection – New
- Bucket Truck – Replacement
- Pothole Patch Truck – Replacement
- Backhoe – Replacement – Utilities
- Water Truck – Replacement – GF / Utilities
- Heavy Duty truck with truck crane body – Replacement - Utilities

Mr. Kuhn commented all the proposed equipment will be purchased through pre-bid state contracts unless it is sole source such as the camera system because it is part of a proprietary system in the police department. He stated the pre-bid contracts are through Sourcewell, Buy Board and TIPS-The Interlocal Purchasing System. All the surplus equipment will be sold with proceeds returning to the Capital Replacement Fund. Mr. Kuhn coordinated with the Assistant City Manager, the City Attorney, Finance Director, and all the department directors on this proposal.

Mr. Kuhn reiterated the current ARPA Balance is \$1,528,194.23 (\$1,360,756.11 ARPA funds plus \$167,438.12 interest). The interest will increase slightly before the final purchase. He shared staff confirmed through the city attorney that the interest can be used for an allowable purchase. He reviewed the total fiscal impact would be \$1,535,186.09 with the difference of \$6,991.86. If Council agrees with the proposed purchases, a budget amendment to FY 2025 will be necessary for expenditures. He clarified the proposed purchases were all scheduled replacements staff identified were upcoming within the next two years.

After some discussion, Councilmember Jessee moved to approve Resolution No. 2024R – 198 as presented. The motion was seconded by Councilmember Jacobson and passed by unanimous vote.

Item # 11 Mayor Rosenthal read the following caption.

Approving the renewal of contracts for employee health insurance, dental, vision, 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. Kuhn stated HUB International Texas, Inc. had taken over Catto & Catto, the city's previous vendor. He commented he had good news to share regarding employee health insurance and other benefits. Each year staff projects a 15% increase for medical; however, renewals obtained were below the projected budgeted increase. Additionally, vision and long-term disability benefits will have no increase in premium for 2025. He outlined recommendations for employer paid coverage.

- Medical: BlueCross BlueShield is proposing a 3.48% decrease for the HSA base plan.
- Dental:
 - o MetLife is proposing a 0% increase for the DHMO plan and a 37.37% increase for the PPO plan.
 - o Mutual of Omaha is proposing 17.87% increase for dental. *Staff recommended plan.*
- Vision: No increase with MetLife-Davis.
- Life & AD&D: Mutual of Omaha is proposing a 6.29% decrease
- LTD: Mutual of Omaha is proposing a 0% change
Agreement with Mutual of Omaha is for two years.

Mr. Kuhn stated the proposal is consistent with the City's efforts to provide quality but affordable insurance benefits to its employees and relieve the impact of the increased dependent coverage costs to the employees. He noted this was coordinated with the vendor and City Attorney.

Mr. Kuhn reviewed the total fiscal impact of approximately \$558,292.68 for medical, dental, vision, life, AD&D, and LTD coverage, with a decrease of \$12,508.56 overall. Medical insurance cost is a decrease of \$23,637.12. Dental insurance cost is an increase of \$11,128.56. He noted employees will continue to receive the annual maximum contribution of \$1,250 per employee deposited into Health Savings Account (HSA) from the city.

Councilmember Jessee moved to approve the renewal of contracts for employee health insurance, dental, vision, 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 Bonner and passed by unanimous vote.

Item # 12 Mayor Rosenthal read the following caption.

Discussion and possible action on assignment of the current pool lease with Heights Pool Ltd and other potential public improvements at the Alamo Heights Pool located at 250 Viesca.

Mr. Kuhn noted this was the second time Council has heard the proposal for a new sublease agreement to operate the Alamo Heights Pool located at 250 Viesca. The current Sub-tenant (Heights Pool LTD) can assign to a new operator with Council approval. Height Pool, Ltd. has been the sub-lessee since February 1990.

In December 2021, a new 10-year extension approved by Council through December 2031. The rent increased from \$30,000 per year to \$35,000 per year starting in 2024 through the end of the term in 2031. The latest extension expanded the pool operating timelines from April 1st through October 31st.

Mr. Kuhn reviewed the proposed new agreement with Heights Pool, Ltd. It would be a 20-year term with possible extensions. The new subtenant proposed to open the pool area all year, 12 months. They seek to add new pickle ball courts within the fenced grounds with alternate membership required for use during non-pool operating timeframes. They also desire to remodel the food prep area/concession stand and open the concession area for outside food/beverage pick-up to non-members.

Mr. Kuhn stated the city is exploring possible improvements to the Alamo Heights Pool area that include a pocket park near the main entrance with shade structure and fenced outdoor seating and additional public restrooms near the pool entrance. He reviewed the proposed project site.

In regard to policy analysis, the item is consistent with the City's efforts to provide quality recreational services to citizens of Alamo Heights & City of San Antonio per terms of the City's lease agreement and was coordinated with the City Manager and City Attorney. Negotiations for fee increases are to be determined before approval by City Council.

There was no one to speak on the item and City Council took no action.

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Closed Session

Item # 13 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 6:35 p.m. and reconvened in Open Session at 7:16 p.m. in accordance with the Texas Open Meetings Act, Texas Government Code, Section §551.071 (Consultation with Attorney) and 551.072 (Deliberations about Real Property).

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Open Session

Item # 14 Mayor Rosenthal read the following caption.

Discussion and possible action resulting from Executive Session.

No action was taken in executive session.

Councilmember Jessee moved to authorize the City Manager to enter into negotiations with Clayton Smaistrila regarding a new term sheet and move forward with an updated lease for the Alamo Heights Swimming Pool. The motion was seconded by Councilmember Bonner and passed by unanimous vote.

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With no further business to consider, Councilmember Bonner moved to adjourn the meeting at 7:28 p.m. The motion was seconded by Councilmember Baker and passed by unanimous vote.

PASSED AND APPROVED THIS 9th DAY OF DECEMBER, 2024.



Elsa T. Robles, TRMC
City Secretary



Bobby Rosenthal
Mayor

