

CITY OF ALAMO HEIGHTS
CITY COUNCIL
January 9, 2012

A meeting of the City Council of the City of Alamo Heights, Texas was held in the Council Chambers, located at 6120 Broadway, San Antonio, Texas, at 5:30 p.m. on Monday, January 9, 2012.

Present and composing a quorum were:

- Mayor Louis Cooper
- Mayor Pro-Tempore Bobby Rosenthal
- Councilmember Bobby Hasslocher
- Councilmember Fred Prassel
- Councilmember Elliot Weser
- Councilmember John Savage

Also attending were:

- City Manager J. Mark Browne
- City Attorney Mike Brenan
- Information Services Manager Marian Ramirez
- Finance Director Cynthia Barr
- Planning & Development Services Director Brian Chandler
- Deputy City Secretary Judith E. Surratt
- Fire Chief Buddy Kuhn
- Police Lieutenant Dennis Kelley
- Public Works Director Pat Sullivan

Absent was:

- City Secretary Jennifer Reyna

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Mayor Louis Cooper opened the meeting at 5:30 p.m.

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Item #1 Interview with citizen expressing an interest to serve on a City of Alamo Heights board or commission

a. Al Honigblum

Mayor Cooper announced that the interview with Mr. Honigblum was postponed to allow him more time to complete his application and resume.

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Item #2 Approval of Minutes of the December 12, 2011 City Council Meeting

Mayor Cooper asked City Council Members for any revisions to the minutes of the December 12, 2011, City Council meeting. No revisions were offered and a motion was made by Councilmember Bobby Hasslocher to approve the minutes of December 12, 2011. The motion was seconded by Councilmember Elliott Weser and passed by unanimous vote.

Item #3 Announcements

a. City Website's New Homepage

Information Services Manager Marian Ramirez informed Council that the redesign of the City's Website Homepage was instituted to make the site more user friendly by making it easier to access information in specific areas of interest. In her Power Point presentation she showed everyone how a visitor to the site just needed to click on a picture on the banner at the top of the page to go to the desired destination. The new website also provided quick links to related web sites. In closing, Ms. Ramirez stated that many of the changes to the City's web site were made in response to residents' suggestions.

b. Update of Facility Design Services RFQ Process

City Manager Mark Browne reported to Council that the RFQ for Architect Services was released on December 13, 2011 and that a voluntary pre-submittal conference was scheduled for January 17, 2012 for those parties who were interested. Mr. Browne added that the deadline for submittals was 3:00 p.m., January 25 for which a Special City Council Meeting would be held for the opening of the RFQs and that another Special City Council Meeting would be called for January 30 for Council Members to review staff evaluations of the RFQs and proposed selection of firms for interviews. Interviews with the candidate firms would be conducted at Special City Council Meetings February 1 through February 3. The exact dates and times of the interviews would be coordinated with Council Members schedules. City Council would approve the final selection at the regular City Council Meeting on February 27.

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Consent Item

Item #4 Mayor Cooper read the following caption.

Request for permission to refund duplicate or erroneous property tax payments:

- a. **2009 Property Tax payment to Joe and Angie Hernandez for the property located at 802 Tuxedo Avenue in the amount of \$1,179.06**
- b. **2009 Property Tax payment to Julian and Catherine Hall for the property located at 515 Circle in the amount of \$1,280.38**

c. 2011 Property Tax payment to Ramon and Amy Contreras for the property at 210 W. Fair Oaks Place in the amount of \$1,905.42

A motion for approval was made by Councilmember Bobby Hasslocher and his motion was seconded by Councilmember John Savage. The motion passed by unanimous vote.

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Items for Individual Consideration

Item #8 Mayor Cooper announced that in the interest of time, Item #8 was being moved up to the first item for individual consideration. The Mayor then read the following caption.

Market update and proposed bond sale methodology

Managing Director Anne Burger Entrekin with First Southwest presented the members of Council with a hand-out which included a Market Update, a Bond Sale Method and a Proposed Timeline of Events. Ms. Entrekin elaborated on each of the sections of the handout; however the primary focus was on the Bond Sale Method section. Ms. Entrekin compared and contrasted three types of bond sales: Competitive Sales, Negotiated Sales and Private Placements. Ms. Entrekin stated to Council that based on recent market conditions, First Southwest recommended the City utilize a competitive bond sale method. She proceeded to explain the rationale for the recommendation, citing a favorable interest rate estimated at 3.25% or 1.25% less that projection stated in the voter information, followed by a proposed timeline of events for the bond sale. Key dates in the timeline are January 9, City Council guidance on method of sale; January 13, City would seek a rating; January 23, a request to City Council for approval of the distribution of the offering document and finalization of the debt structure; January 31, Special City Council Meeting for the sale of the bonds; and February 29, transaction closes and funds received. Ms. Entrekin summarized her presentation by saying that the proposed timeline would enable the City to lock in a low interest rate in a historically low interest rate environment and the recommended bond sale method would allow the City to access two different investor groups in a competitive sale, creating competition that should result in an aggressive interest rate. Ms. Entrekin then responded to a number of questions by members of Council. Council instructed Ms. Entrekin to proceed according to First Southwest's recommendations.

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Item #5 Mayor Cooper read the following caption.

Request for re-plat of 636 Lamont Avenue by Claiborne Gregory, Jr., owner. The property is zoned SF-A (Single-Family), is currently identified as County Block 4024 BLK 176 LOT 1,2 & 3, and the applicant is requesting to re-plat the existing three lots into two lots

Planning and Development Services Director Brian Chandler, through a Power Point presentation, familiarized the Council with details of the existing property; including background information, a copy of the re-plat, footprint and pictures of the existing structure. Mr. Chandler reported that the project had received CPS and Public Works approval, met all technical requirements and complied with all zoning requirements. Mr. Chandler also reported post cards were mailed and signs posted as required, and that the City had received 11 responses in opposition to the re-plat and none in favor. The NCCR Committee had reviewed the request; the Planning and Zoning Commission recommended denying the request and there would be no direct fiscal impact on the City. Mr. Chandler then invited Mr. Gregory to make his presentation on behalf of the project.

Mr. Gregory informed the Council that he had inherited a portion of the property at 636 Lamont Avenue from his parents who purchased the property in 1956. Mr. Gregory explained that he had only recently been able to purchase the other portion of the property and he and his wife planned to divide the 150 ft. lot into two 75 ft. lots, sell the undeveloped lot, then demolish the existing home and build a new home on the lot they were retaining. Mr. Gregory pointed out that there were a number of lots in the area of similar or smaller size than the proposed subdivided lots. The new house would have the same footprint as the existing house and would be compatible with the neighborhood. He went on to say that the Planning and Zoning Commission had rejected his application for a re-plat citing the objections of neighboring residents. Consequently, he and his wife met with many of the neighbors to share the preliminary plans for the new house with them and all seemed pleased with the design of the new structure but remained in opposition to the division of the large lot that they felt would change the character of the neighborhood. Mr. Gregory reiterated that his project satisfied all requirements of the City's codes and added that he had done his best to overcome all the neighbors' objections.

Mayor Cooper then opened the meeting to citizens wishing to speak on the re-plat request. The following residents spoke in opposition to the re-plat:

Dr. Lester Libow
Elizabeth and Tom Hensey
Tom Cunningham
Mike Holland
Richard Bennett
Harriet and Dan Peavy
Jim Lloyd

Resident Mimi Weber spoke in favor of the re-plat.

A short discussion followed between Councilmembers and City Attorney Mike Brenan in regards to the Council's options in the matter and the legal implications of those options. Mr. Brenan stated that under state law, if Council did not take action on Mr. Gregory's request at this meeting, the re-plat would automatically go into effect the next day.

The Mayor then called for a motion from the Council; no motion was offered. Councilmember Weser stated that he would like it clearly understood that this was the proverbial

“rock and a hard place” that no one likes to see occur; however, law mandates that with no vote by the Council, the request would automatically be approved.

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Item # 6 Mayor Cooper read the following caption.

Request for re-plat of the existing six lots and portion of a seventh lot at 322 and 330 Westover Road by Donald Oroian, P.E., ADA Consulting Group, Inc. into one lot to be called 330 Westover Road. The properties are zoned SF-A (Single-Family)

Planning and Development Services Director Brian Chandler showed a Power Point presentation reflecting the proposed re-plat of the two lots and pictures of the existing house. Mr. Chandler stated that the re-plat was approved by CPS and Public Works and met all of the technical requirements. Four responses were received; 3 in support and 1 undecided and the Planning and Zoning Commission recommended approval. The project would not have a direct fiscal impact on the City. Councilmember Hasslocher asked Mr. Chandler who the undecided neighbor was; Mr. Chandler responded that the undecided neighbor is Frank Russell. James W. Calloway, owner of the property at 405 Argo Avenue, informed Council that he had met with Mr. Russell to address his concerns and that he now was in favor of the project. Mr. Chandler confirmed.

Councilmember Hasslocher asked Mr. Calloway what his plans were for the property at 322 Westover. Mr. Calloway responded that his intent was to demolish the house at 330 Westover in order to expand his existing home on the larger lot. Councilmembers Weser and Hasslocher expressed their concern about any encroachment in the alley way as this had been a contentious subject in the past. Mr. Calloway assured Council that his plans to expand his home in no way impacted the alleyway. Mayor Pro-Tem Rosenthal made the motion to approve Mr. Calloway’s request to re-plat 322 and 330 Westover Road, seconded by Councilmember Hasslocher. The motion was approved by a unanimous vote.

Item #7 Mayor Cooper read the following caption.

Request of Keith Shelly, Shelly Home Company, for the significance review of the existing structure and compatibility review of the proposed replacement structure located at 404 Argo Avenue under Demolition Review Ordinance No. 1860 (April 12, 2010) in order to demolish 100% of the existing main structure

Planning and Development Services Director Brian Chandler gave an overview of the project in which he stated that both CPS and Public Works had approved the request and it met all of the technical requirements. Post cards had been mailed to property owners within a 200 ft. radius, a sign posted on the property and the Planning and Zoning Commission recommended

approval. Four responses were received in support of the re-plat and none were received in opposition. The project would not have a direct fiscal impact on the City.

Mr. Richard Garrison representing Shelly Home Company advised Council that the replacement garage would be at the back right side of the property and that the home would be constructed with brick siding, wood windows, a front porch and a moderate roof pitch keeping it in character with the neighborhood. He added that the design meets all guidelines and does not require any variances. Mayor Cooper commented that the roof looked unusual and asked Mr. Garrison if the design had something to do with the current RDS guidelines. Mr. Garrison replied that it did and went on to explain that it had to do with the small lot size and the square footage desired.

Resident Patricia Celis noted that slide #12 showed a mature tree in front of the garage and asked if any trees were being removed. Mr. Garrison responded that the large tree would have to be removed. Several Councilmembers asked Mr. Garrison about the unusual design of the roof and the relationship to the current RDS. Councilmember Prassel offered a motion to approve the request by Shelly Home Company. Councilmember Savage seconded his motion and the motion passed by a unanimous vote.

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Staff Reports

Item #9 Mayor Cooper read the following caption.

Presentation of proposed amendments to Chapter 3 of the code of Ordinances of the Zoning Code (also known as the “Residential Design Standards” related specifically to SF-A and SF-B standards) for single-family districts, such as floor-to-area ratio, lot coverage, height looming, setbacks, etc.

Planning and Development Services Director Brian Chandler began by thanking the members of the RDS Committee for the many hours they had logged reviewing the existing guidelines and attending numerous meetings over the past year to accomplish this task. Mr. Chandler explained that he would be presenting a summary of the Committee’s proposed amendments to the RDS and that he would bring them back to Council on January 23rd for a vote. He then proceeded with the summarization of each of the Committee’s recommendations in regards to: Main Structures - articulation, setbacks, maximum height; Accessory Structures – height looming, setbacks; and Overall Standards – floor-to-area ratio (FAR), lot coverage, height calculation, rear garages and breezeways. Mr. Chandler stated that the Planning and Zoning Commission had reviewed the proposed changes to the RDS and recommended approval with the following conditions: (1) The FAR be revised to a baseline of .45 with the opportunity to reach a maximum of .50 in both SF-A and SF-B districts using the “bonus system” as set by the RDS Committee; (2) the height measurement remain as it currently exists in code; and (3) the porte-cochere and ribbon driveways be included into the proposed code language as presented.

Mr. Chandler explained the “bonus system” under the proposed FAR changes. He then went on to describe the porte-cochere and ribbon driveway concepts in more detail.

Mayor Cooper asked Mr. Chandler what size house a resident could build on a 15,000 sq. ft. lot under the proposed RDS. Mr. Chandler responded that under the existing guidelines the maximum would be 6,750 sq. ft., but under the proposed guidelines it would be almost 8,000 sq. ft. Councilmember Prassel questioned why the City had a bonus system connected to FAR. Mr. Chandler replied that the seven bonuses would encourage desirable design features, such as porches and one story garages, in the building of new structures and the remodeling of existing structures. Councilmember Savage agreed with Councilmember Prassel, saying that the bonus system did not make sense to him. Councilmember Weser interjected that the Planning and Zoning Commission had made the determination that the RDS Committee’s recommendation would add another element to what is desirable in the structures in the future. Councilmember Weser noted that seldom does a committee appointed by Council put in as much time as this committee did. Mayor Pro-Tem Rosenthal asked why FAR was based on districts instead of lot size. Mr. Chandler stated that the reasoning was to protect the Cottage District’s unique designs. Mayor Pro-Tem Rosenthal then asked about second story windows in accessory structures. Mr. Chandler responded that the Committee mostly discussed decks. Mayor Pro-Tem Rosenthal commented that this topic frequently comes up in building permit applications for two-story garages and that perhaps the City should look at this and fence height as well. Committee Chairman Steve Waters advised Council that in other cities, these topics were variance issues.

Mayor Cooper announced that the Council would now hear from citizens who signed up to speak on this item.

Resident John Joseph had several questions regarding lots less than 50 ft. in width. Mr. Chandler responded that City Attorney Mike Brennan would have to address his issues. Mr. Joseph stated that he had a hard time understanding slide #7 and asked for an explanation. Mr. Chandler explained that the bonus for adding pervious cover parking would benefit the City by taking parking off the streets. Mr. Joseph expressed his opinion that this might also encourage the parking of motor homes, boats, etc. on properties. Mr. Chandler stated that the City had Ordinances to prevent this from happening.

Resident Richard Garrison informed Council that his clients wanted to know the time frame on enacting the revised RDS. This is holding up their projects as they do not know what guidelines to design to.

Resident Laura Theurer referred to the property at 404 Argo Avenue and wanted to know if it was a spec house. Mr. Garrison replied that it was. Ms. Theurer wanted to know why spec homes can’t be built in line with the neighborhood – why is the FAR different? The Mayor responded to her question saying that it had to do with the lot size.

Councilmember Weser advised the audience that Council has the Committee’s report and Planning and Zoning Commission’s recommendation but it has not been officially decided if there will be a single FAR or multiple FAR limits.

Councilmember Hasslocher asked about notification for right-of-way encroachment. Mr. Chandler answered that there are specific times for notification for specific types of permits; however, this topic is not on the Agenda and so Council and staff could not discuss at this meeting. He did advise Councilman Hasslocher that staff could bring it back to Council at another time.

Discussion ensued about the timeframe for adopting the proposed RDS guidelines. Mayor Cooper suggested that the Council discuss this topic further at the next City Council Meeting.


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Citizens to be Heard


Resident Cindy James addressed the Council regarding her concern with what was going on at 140 College Blvd. Ms. James provided a picture of the property and a map showing its location to the Council Members and stated that she had not been notified of any demolition or remodeling on the property. Ms. James told Council that there were workers continuously in and out of the home. Planning and Development Services Director Brian Chandler said that he was not aware of the project but from the picture it appeared that this was an interior demolition which would not trigger a demolition permit. Mr. Chandler advised Council that he would look into it. Mayor Cooper thanked Ms. James for bringing this to the City's attention.

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There being no further business, a motion was made by Councilmember Prassel to adjourn the meeting. The motion was seconded by Mayor Pro-Tem Rosenthal and passed by unanimous vote. Mayor Cooper adjourned the meeting at 8:25 p.m.



Louis Cooper
Mayor



Judith E. Surratt
Deputy City Secretary