

CITY OF ALAMO HEIGHTS  
CITY COUNCIL  
January 26, 2015

A regular meeting of the City Council of the City of Alamo Heights, Texas was held at Council Chambers, located at 6116 Broadway, San Antonio, Texas, at 5:30 p.m. on Monday, January 26, 2015.

Present and composing a quorum were:

Mayor Louis Cooper  
Mayor Pro-Tempore Bobby Rosenthal  
Councilmember Bobby Hasslocher  
Councilmember Fred Prassel  
Councilmember Lynda Billa Burke  
Councilmember John Savage

Also attending were:

City Manager J. Mark Browne  
City Attorney Mike Brenan  
Fire Chief/Assistant City Manager Buddy Kuhn  
Assistant to the City Manager Marian Vargas  
Finance Director Cynthia Barr  
Community Development Services Department Director Jason Lutz  
Human Resource Manager Lori Harris  
City Secretary Jennifer Reyna  
Chief Police Rick Pruitt  
Public Works Director Pat Sullivan

\* \* \*

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

\* \* \*

Mayor Pro Tem Bobby Rosenthal recognized the presence of Boy Scouts of America, Troop # 809 in the audience. He explained they were present to observe the Council meeting as a requirement for their Citizenship in the Community merit badge.

\* \* \*

*Item # 1      Approval of Minutes*

Mayor Cooper asked City Council for any revisions to the minutes of the January 12, 2015, meeting. A motion was made by Councilmember Hasslocher to approve the minutes of January 12, 2015. The motion was seconded by Councilmember Billa Burke and passed by unanimous vote.

\*

\*

\*

*Item # 2      Citizens to be heard concerning items not on the agenda*

Mayor Cooper announced the City received a proposal from property owner Glen Huddleston regarding public property. He stated Council will not discuss this item tonight but noted a response to Mr. Huddleston will be at a later date. He reminded citizens that Council cannot address items that are not listed on the agenda.

Margaret Houston, resident, complimented Council on the new city facilities. She expressed concern regarding conversations within the community and encouraged public forum and transparency on the development process at Ausway and Ellwood. Ms. Houston commented the proposed development plan lacked a parking and driving study.

Debra Nason, resident, stated all submitted proposals must be carefully reviewed by Council, and the City is not obligated to sell any property. She expressed disappointment that Mr. Huddleston's proposal was not on tonight's agenda. Ms. Nason commented that the vision for the park is a heavily landscaped center piece used for gatherings for multitude of activities that increases walkability to the Broadway retail corridor. She stated that Mr. Huddleston's intention is to deed back the park to the City and should be considered as an alternative to utilize the property located at Austin Highway and Broadway.

Lisa Price, resident, supported Ms. Houston's comments and expressed that the elected Council are not listening to the residents. She requested netting the area of interest to display a visual of the project's height and size. Ms. Price stated the development is in the heart of the City.

Olive Roen, resident, stated the Council shall not consider the proposed development project. She referenced the mission/vision statement, and core values noting they are not being followed. She reminded Council to be responsible stewards.

Patsy Light, resident, expressed disappointment of the development plan and requested another independent appraisal. She suggested Council consider a bond issue to purchase the entire property in the interest for a park.

Ariel Walden, resident, expressed opposition in the proposed development project at Austin Highway and Broadway. She provided her personal background and reasons why she moved to Alamo Heights from Los Angeles, California. She informed Council of the traffic pollution and congested traffic that California faced. Ms. Walden chose this City because of the current ordinance that prohibits large buildings. She stated sunlight, trees, top notch school district, and greenspace are part of Alamo Heights, an exclusive community.

Pal Wenger, resident, stated ordinances are established for the protection of the citizens. He commented that deviation from ordinances shall be reviewed by the

Planning & Zoning Commission due to their knowledge prior to Council consideration. He described the community as a quiet neighborhood with good streets and Police/Fire departments. He commented that people want change within the ordinances.

Trey King, property owner of King Realtors, expressed opposition of the public property sale and development, in particular with the closing of Ellwood. He noted there are current parking issues because of La Paloma Restaurant and there will continue to be further parking issues. Mr. King expressed in his opinion that the project is too dense and generous in lot coverage; he stated three levels of apartments is preferred.

Lucie Jean Whitehead Bourne, resident, recalled different landmarks over the years of time within the City of Alamo Heights. She suggested a park that the residents can enjoy at the corner of Austin Highway and Broadway.

Peter Bourne, suggested residents should have an opportunity to vote on a city park to be located at the corner of Ausway and Broadway.

Pruyn Hildebrand, resident, expressed concern on the sale of property for private development and suggested the land should be at a public sale or auction. She requested Council address Mr. Huddleston's proposal at a future meeting. She commented that the closing of two streets would not benefit the citizens of Alamo Heights; noting it would contribute to traffic congestion. Ms. Hildebrand recommended the price of public property at \$100/acre for insulting the citizens and denial of public access.

Elliot Weser, resident, stated the proposed development plan is a high density project that will change Alamo Heights. He stated residents had expressed their concerns regarding adverse impact to local parking, traffic flows, neighborhood serenity, local flooding and downstream inundation of the floodway affecting residential properties. He expressed concern on flooding, water usage, classroom size within the AHISD, and lower property home values. He stated all studies need to be assessed by Council and encouraged Council to consider an alternative use, Mr. Huddleston's offer.

Gilbert Matthews, resident, stated he is an honorary member of the American Institute of Architects and encouraged Council's consideration of Mr. Huddleston's proposal. He shared that greenspace promote pedestrian walkways, bikeways, gatherings in urban communities.

Susan Stanush, resident, stated a traffic study be conducted during traffic times in order for this project be conducted accurately.

Patricia Celis, resident, encouraged Council to consider the question, "Why can't the development be built to fit to what land the property owner currently owns?"

Siobhan Kierna, resident, stated the developer's project would not enhance the community. She stated Alamo Heights is quiet and has serenity.

John Joseph, resident, encouraged Council to consider the developer's request in a transparent form. He shared his first acquaintance with George Geis and their conversation regarded the greatest asset of Alamo Heights. Mr. Joseph stated Mr. Geis commented that it is greenspace. He stated this project is not an economic generator for the City. He encouraged Council to slow down and not rush the consideration of the project.

Laura Theurer, resident, expressed opposition of the proposed development project. She asked Council the limitation in consideration of development projects. She noted serious drainage problems at Austin Highway and Broadway. She commented that crowded classrooms will make an impact on scholastic standards and water consumption.

Julian Hall, resident, expressed in his opinion, that there is increased activity within the community regarding opposition of the proposed development project. He informed Council of an ongoing online petition against this project. Mr. Hall expressed support in Mr. Huddleston's proposal of a park instead of a development project.

Andrew Scott, resident, stated population growth is not considered and expressed caution with the possibility of increased population within Bexar County and density of the proposed development project.

James Loyd, resident, expressed support of the proposed development project as he commented the project is scaled down. He stated he is in support of selling city property if the project is right. He expressed disappointment in the appraisal and suggested Council not to consider the sale. He noted if the project is high density, the ordinances would need to be changed.

Betty Stone, resident, recommended re-evaluation of the proposed land due to the appraisal being under valued. She questioned the wisdom and community interest in selling the public property and right-of-way to a private developer. Ms. Stone stated open and green space are never recovered and encouraged the City to consider the areas of greenspace that she had identified.

Ron Teitz, resident, expressed in his opinion, that the project should be scaled down. He informed Council that their role is not to make a private entity a profit.

Claire Golden, resident, shared a story of the duck crossing Broadway with her 12 ducklings and the community stopped to allow them to cross. She encouraged a park be created for the ducks and stated Mr. Huddleston's proposal was generous.

Mayor Cooper thanked everyone for their thoughts.

\*

\*

\*

Items for Individual Consideration

Item # 3 Mayor Cooper read the following caption.

**A Resolution appointing a committee to review the zoning/commercial sections of the zoning code**

Community Development Services Department Director Jason Lutz made a PowerPoint presentation that included background information.

Mr. Lutz informed Council appointing a nine-member committee to review and recommend modifications to the zoning code. He provided a few examples of the areas of focus ranging from commercial code updates to reviewing development review policy/standards. He stated the ad hoc committee would meet once or twice a month over a working lunch at City Hall. Since this committee is an ad hoc committee it would not be subject to the Texas Open Meeting Act. He stated there are five volunteers from the Planning & Zoning (P&Z) Commission, two from Board of Adjustment (BOA), and two from the Architectural Review Board (ARB).

City Attorney Mike Brenan suggested a simple motion to appoint an ad hoc committee and there is no obligation to post as open meetings. He explained it would be an informal committee as proposed when they can meet. Mr. Brenan stated this would be sent to P&Z for their review.

The following citizens spoke on this matter:

Kimberly Lubianski, resident, suggested staff send surveys to households and an opportunity via online to allow input from citizens or commercial owners. Ms. Lubianski encouraged transparency to post an agenda as meetings will be coordinated and encouraged compliance with the Texas Open Meeting Act (TOMA).

Marcia Weser, resident, questioned the validity of a meeting not subject to TOMA. She commented that the volunteers are already serving on a board/commission and new people may be part of the ad hoc committee. She stated citizens should be given the opportunity to provide input.

Elliot Weser, resident, expressed concern why the ad hoc committee is not subject to the TOMA. He stated the blend of the ad hoc committee may not be the best avenue to make internal changes to ordinances and zoning due to the statute. He expressed disappointment on the members serving on boards/commission and asked if they are public officials. He shared that last week, an ARB member's conduct was not professional and presented as an advocate for the proposed development project at an ARB meeting. He stated the conduct at this meeting was not necessary.

Mr. Brenan explained that members of P&Z and BOA are considered public officials because it is a state authorized commission, ARB is a local creation and the members are not considered as public officials. He stated Section 211.075 specifically applies to the initial comprehensive zoning plan or zoning regulations. He stated these are no initial plans or regulations and does not apply to the committee under any circumstances.

Bill Kiel, P&Z member, shared the creation of an ad hoc committee was proposed by P&Z to move forward with zoning codes. He informed Council that P&Z had discussion of open meetings and his colleagues did not oppose to conduct a meeting open to the public. He stated the intention is to meet at least once a month and at the next P&Z meeting, an update would be provided in a public meeting setting. Mr. Kiel recalled the Residential Design Standards (RDS) Committee hosted meetings by existing volunteers and the ad hoc committee would be modeled after RDS.

There was a brief discussion among Council regarding TOMA and expertise of volunteers for the ad hoc committee. Council agreed this consideration was the right process and volunteers are knowledgeable.

Mayor Pro Tem Rosenthal made a motion to form an ad hoc committee to act as an advisory role to review zoning commercial sections of the code and the committee members are outlined in the PowerPoint, and chairperson may incorporate additional members, meetings be open to the public and understand the meeting may be cancelled or a reposting is required. There was further discussion among Council, Mr. Brenan and P&Z member Bill Kiel regarding the mandates of the compliance of TOMA, required minutes, post specific agenda items, transparency, and efficiency. Mr. Kiel stated a general description can be utilized for an agenda. He noted the narrow time and inability to answer questions and obtain comments.

Mayor Pro Tem Rosenthal amended his motion to form an ad hoc committee including members presented in tonight's PowerPoint and the chairman may invite additional members, the agenda is posted on the City's website for at least 72 hours in advance with the meetings made open to the public, subject to public discussion with the committee's discretion, without compliance of TOMA. The motion was seconded by Councilmember Savage and passed by unanimous vote via roll call.

*Item # 4* Mayor Cooper read the following caption.

**ORDINANCE NO. 2013**

**AN ORDINANCE ORDERING A GENERAL ELECTION IN THE CITY OF ALAMO HEIGHTS, TEXAS, TO BE HELD ON MAY 9, 2015, FOR THE ELECTION OF A MAYOR AND TWO COUNCIL MEMBERS FOR PLACES ONE (1), AND TWO (2); PROVIDING THE DETAILS THEREFORE AND PROVIDING FOR A PROCLAMATION AND NOTICE OF SUCH GENERAL ELECTION; AND DESIGNATING JACQUELYN F. CALLANEN, BEXAR COUNTY ELECTIONS ADMINISTRATOR, AS THE ELECTION ADMINISTRATOR TO CONDUCT SAID ELECTION**

***UNA ORDENANZA ORDENANDO UNA ELECCIÓN GENERAL EN LA CIUDAD DE ALAMO HEIGHTS, TEJAS, QUE SE LLEVARÁ A CABO EL 9 DE MAYO 2015, CON EL PROPÓSITO DE ELEGIR EL ALCALDE Y DOS CONCEJALES: CONCEJAL LUGAR UNO Y CONCEJAL LUGAR DOS; EN FACILITAR LA INFORMACIÓN Y POR LO TANTO SE ESTABLECE UNA PROCLAMACIÓN Y NOTIFICACIÓN DE DICHA ELECCIÓN GENERAL; Y LA DESIGNACIÓN DE JACQUELYN F. CALLANEN, ADMINISTRADOR DE ELECCIONES DEL CONDADO DE BEXAR, COMO LA FUNCIONARIA DE ELECCIONES***

City Secretary Jennifer Reyna made a PowerPoint presentation that included background information.

Ms. Reyna informed Council that early voting activities would be conducted at all Bexar County designated sites, including Lion's Field Adult and Senior Center, Olmos Park City Hall, and Tobin Library at Oakwell. Ms. Reyna stated Election Day voting would be held on Saturday, May 9, 2015 at Alamo Heights City Hall, Council Chambers for Precincts 3020, 3025, and 3026.

Newspaper publications are scheduled for Wednesday, April 22<sup>nd</sup>, Sunday, April 26<sup>th</sup> in the *San Antonio Express-News*, and on Sunday, April 26<sup>th</sup> in *La Prensa*. Election information will also be located on the City's website and newsletter. Ms. Reyna briefly highlighted the different opportunities of voting.

A motion for approval was made by Councilmember Prassel. The motion was seconded by Councilmember Billa Burke and passed by unanimous vote.

\* \* \*

Staff Reports

*Item # 5* Mayor Cooper read the following caption.

**Briefing on the 2014 Police Contact Tier 1 Data Annual Report**

Police Chief Rick Pruitt provided background information on Police Contact Tier 1 Data Annual Report.

Police Chief Pruitt informed Council the annual report contained information relevant to the policies of the Alamo Heights Police Department to include: prohibiting the practice of racial profiling by officers, providing for a system to address citizen complaints regarding racial profiling, addressing training and education mandates for officers regarding racial profiling, and requiring the use of video and voice recording on all officer initiated vehicle and pedestrian stops. He stated the data compared statistical

data to the 2010 U.S. Census concerning population demographics of the City of Alamo Heights. He stated there were no formal citizen complaints regarding racial profiling by officers received during the reporting period, January 1, 2014 through December 31, 2014.

Police Chief Pruitt stated this report had been accepted by the state and is available on the City's website. He stated the findings in the 2014 Police Contact Tier 1 Data Annual Report verified the Alamo Heights Police Department had complied with all the requirements set forth in the Texas Racial Profiling Law.

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

**Discussion of Floor-to-Area (FAR) bonuses within the Residential Design Standards (RDS) in consideration of possible amendments**

Mr. Lutz made a PowerPoint presentation that included background information that included goals, bonuses, FAR breakdown and options.

Mr. Lutz provided goals and explained the difference of lot coverage vs. FAR. Goals were to limit residential home size and incentivize desirable design standards by allowing bonuses to home size. The differences between lot coverage vs. FAR were that lot coverage regulated one-story homes and no regulations limiting home size when a second story was constructed. FAR applied to two-story residential homes with a maximum FAR of 45% is allowed by right with an increase up to 50% of lot size with bonuses.

Current bonuses were presented along with a chart that displayed FAR breakdown and calculations.

Mr. Lutz presented two options to include eliminate the bonuses or modify the FAR percentages with and without bonuses. A chart was displayed. He asked Council for direction on home size.

Councilmember Prassel commented that bonuses were not a good idea and suggested to eliminate the bonuses and consider FAR at .48. He stated architects should be given the freedom to design a beautiful home without restrictions.

Councilmember Savage stated bonuses complicated the ordinance and encouraged abuse that promoted odd configurations. Mayor Pro Tem Rosenthal and Councilmember Savage agreed with Councilmember Prassel comments and recommended the FAR limit at .45.

The following citizens spoke on this matter:

Suzy Bettac, resident, stated bonuses produced unintended consequences. She expressed favor of a FAR limit at .45. She suggested perhaps a bonus system only for

single story homes. Ms. Bettac referenced the qualifying setback on front porches within the RDS and suggested consideration of an incentive and be returned to what it was before, four (4) feet into the front setback. She stated these ties into RDS on setbacks and RDS committee may address that.

Elliot Weser, resident, recalled while serving on the RDS Committee, the FAR limit ended up to a .45. He expressed in his opinion that the bonus system is a failure.

Mayor Cooper noted there had been abuse and that was not the intention. He stated the porch bonus may be eliminated. He asked staff if there are any projects being processed and recommended a specific date to end consideration of current policy.

Mr. Browne responded projects that are in process may be grandfathered to not halt their progress. He reminded Council that this would be returned to P&Z and back to Council for final approval.

John Joseph, resident, cautioned with the freedom of architect building their home and encouraged not to remove all FAR.

Councilmember Prassel asked what percentage of the construction projects consumed bonuses.

Mr. Lutz responded 80% of the construction projects reached 50% and shared that recently an applicant did not want to consider bonuses which was a shock to staff.

Mayor Cooper summarized there are things that need to be further explored regarding limitations, beginning with swimming pools, design and depth of backyards. Mayor Pro Tem Rosenthal requested P&Z may propose a FAR limit as a start while there is further exploration.

Mayor Cooper referred to Mr. Lutz to ask P&Z if this is a short or long-term consideration and return to Council. Mr. Lutz agreed and will provide Council a report of the discussion.

*Item # 7* Mayor Cooper read the following caption.

#### **Update on progress of construction for new City Hall Facilities**

City Manager Mark Browne made a PowerPoint presentation that included an update on the new City Hall facilities.

Mr. Browne provided an update on the Police Station, City Hall, and Council Chambers. He informed Council that Dispatch moved into the new building on January 14<sup>th</sup>. He thanked Assistant to the City Manager Marian Vargas, Police Chief Rick Pruitt, Police Lieutenants Dennis Kelley, and Cindy Pruitt for transferring everything flawlessly. As the new facility is complete, the interior and exterior punch list is ongoing to include

stone cap on wall in front of Council Chambers, caulking, window trim, and miscellaneous painting.

Related to site work, the parking lot paving is complete and striping is on-going. The Henderson Alley will open when curing is complete. The landscaping is on-going with two weeks away from completion. The irrigation is ongoing. He reported the ADA inspection is complete; however, there are two significant items that need repair.

Mr. Browne announced the ribbon-cutting ceremony is scheduled for Thursday, February 26<sup>th</sup> at 10:00 a.m. Ms. Vargas informed Council of the invitations and speakers. She stated staff will host tours of the new city hall facilities.

Mr. Browne briefly presented photos of the current construction progress which were of the courtyard, landscaping, parking lot, and the new sidewalk between the Fire Station and the Public Works Department.

Mr. Browne concluded his presentation with a budget update. The budget included construction fees, architect fees, materials testing, appliances, security equipment and Council Chamber audio/visual. He stated the furniture lease will be terminated on March 31, 2015 and came in under budget. A spreadsheet was also provided.

\* \* \*

Closed Session

At 7:52 p.m., Mayor Cooper adjourned the regular City Council meeting to conduct a closed meeting as authorized by Section 551.072 of the Texas Government Code to deliberate the value of real property for which a purchase request has been submitted.

\* \* \*

Mayor Cooper reconvened the regular meeting at 8:35 p.m. There was no action taken during the closed session.

\* \* \*

There being no further business, a motion was made by Councilmember Prassel to adjourn the meeting. The motion was seconded Mayor Pro Tem Rosenthal and passed by unanimous vote. Mayor Cooper adjourned the meeting at 8:36 p.m.

  
Jennifer Reyna  
City Secretary

  
Louis Cooper  
Mayor