

CITY OF ALAMO HEIGHTS
CITY COUNCIL
October 13, 2014

A regular meeting of the City Council of the City of Alamo Heights, Texas was held in the temporary facilities, located at 1248 Austin Highway Suite 220, San Antonio, Texas, at 5:30 p.m. on Monday, October 13, 2014.

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
Finance Director Cynthia Barr
Information Services Manager Marian Vargas
City Secretary Jennifer Reyna
Fire Chief Buddy Kuhn
Chief Police Rick Pruitt
Public Works Director Pat Sullivan

Absent was:

Human Resource Manager Lori Harris

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

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Item # 1 Approval of Minutes

Mayor Cooper asked City Council for any revisions to the minutes of the September 22, 2014, meeting. A motion was made by Councilmember Bobby Hasslocher to approve the minutes of September 22, 2014. The motion was seconded by Councilmember Lynda Billa Burke and passed by unanimous vote.

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Item # 2 Announcements

Mayor Cooper read the following caption.

a. Cancellation of November 24, 2014 Council Meeting due to Thanksgiving Holiday

City Secretary Jennifer Reyna announced the cancellation of the November 24, 2014 Council meeting due to the Thanksgiving Holiday. City Manager Mark Browne added that a meeting may be held if necessary. Council agreed to cancel the November 24, 2014 Council meeting.

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Mayor Pro Tem Bobby Rosenthal recognized the presence of a Boy Scout of America Troop # 809 in the audience. He explained he was present to observe the Council meeting as a requirement for his Citizenship in the Community merit badge.

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Citizens To Be Heard Concerning Non-Agenda Items

Item # 3 Citizens to be heard concerning items not on the agenda

Suzy Bettac, resident, requested Council to place the bonus points system of the Residential Design Standards (RDS) for review, discussion and possible action at a future Council meeting. She expressed concern on the bonus points system because she expressed in her opinion, the block face of Cloverleaf had been changed significantly. Ms. Bettac stated she requested RDS Board's recommendation and noted the bonus point system was not part of their recommendation.

Elliot Weser, resident, expressed concern on smart meters due to health, house fires, explosions, and privacy invasion. He stated although other communities in the U.S. and Texas had banned smart meters or had removed them after installation; he commented that CPS Energy supports their smart meter initiative. He stated the smart meter would affect everyone in Alamo Heights. Dr. Weser commented that a fair option would include keeping the analog meter.

Marcia Weser, resident, commented that CPS Energy responded quickly to the City's 12-month moratorium request. She stated their response announced an installation goal for 2015 demonstrating no thorough consideration of the risks. She stated there are no federal mandates for smart meter installation. She shared that many big companies had information hacked and expressed concern on the possibility that may occur to CPS Energy customers. She asked Council if profit shall be a priority before the consideration of people's lives and Council ban smart meters in the City.

Julian Hall, resident, provided an update to Council on smart meter readings. He provided different readings that he personally took at a range of different amount of

distances at various locations. Mr. Hall provided a sample of a cell phone reading at a pulsing rate of 1,300 microwatts per meter square; however, located three feet away from a smart meter produced 34,000 microwatts and 500 microwatts reading directly behind a smart meter on the other side of a brick wall. He shared 17 smart meters were at the Canopy Complex located off Highway 281 and noted it was a double range reading that is constant.

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Consent Agenda

Item # 4 Mayor Cooper read the following caption.

Request for permission to refund a duplicate and/or overpayment of property taxes to Karen (Courtney) Bonney, property owner, for the property at 440 Alamo Heights Blvd. in the amount of \$1,685.84

A motion for approval was made by Councilmember Bobby Hasslocher. The motion was seconded by Mayor Pro Tem Bobby Rosenthal and passed by unanimous vote.

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Items for Individual Consideration

Item # 5 Mayor Cooper read the following caption.

Discussion regarding future development plans for property at Broadway and Austin Highway

City Manager Mark Browne introduced Mr. Richard Peacock, property owner of lots located at Broadway and Austin Highway.

Mr. Peacock provided an update on his property. He reported the asbestos abatement is complete; therefore, the demolition will begin as early as in 10 days or two weeks.

Mayor Pro Tem Bobby Rosenthal asked how long the demolition can take.

Mr. Peacock responded the demolition can take as long as three weeks, depending on what Hansco finds. He reported the company is identifying and capping sewer services as requested in the meeting when the demolition was considered.

Mr. Peacock shared information on the planning process of the redevelopment of the property at Broadway and Austin Highway. He stated the redevelopment process needed to be re-examined due to the outcome of the previous developer. He stated he

evaluated the process of what the previous developer did well. Mr. Peacock noted that based on the last developer's process, many comments were received that the plan was presented first with a right-of-way. He requested a list from Council outlining a written preliminary approval to purchase a certain amount of right-of-way. Mr. Peacock expressed in his opinion that this would be an efficient way to get things moving. Mr. Peacock stated once a written preliminary approval is provided, thereafter, metes and bounds description would be provided to Council.

Mayor Cooper stated a process is followed and the land of interest would need to be appraised.

Councilmember Lynda Billa Burke suggested City Attorney Mike Brennan create a list of items that will be required from Mr. Peacock. The City Attorney can coordinate with the City Manager and provide a report back to Council. She stated there are numerous things that need to be addressed.

Elliot Weser, resident, commented that Council and the community needs an idea on what you want to do and not solely just the land. He referenced Alamo Manhattan's previous project, and stated that the floodplain/floodway was not fully considered and commented that the floodplain is more important rather than the height concern.

Mr. Peacock responded that any project going forth will have a zero affect on the floodplain/floodway. He emphasized the need for a preliminary approval that is acceptable by the City and community.

Councilmember Bobby Hasslocher commented that Council would like to see a project that would fit the neighborhood. He stated a sale of land may be part of the transaction. He asked Mr. Peacock when the City will receive a plan. He also asked what public right-of-way is considered being purchased.

Mr. Peacock responded when a preliminary approval is received, perhaps within two weeks, hopefully prior to the holidays. He stated the amount of land to be purchased is similar to the prior project, but the configuration of the land is likely to be different.

Julian Hall, resident, requested a detailed traffic report when considering a project.

Mr. Peacock stated a traffic report is reasonable and commented he would not do anything to hinder traffic flow.

Council provided their comments. Councilmember Prassel agreed with Councilmember Billa Burke's comments and added that plans need to be provided. Mayor Pro Tem Rosenthal stated there may be difficulty with a developer due to past experience and agreed with Councilmember Billa Burke's comments as well. Council agreed the City Attorney and City Manager should work together to provide a preliminary list of items for approval and then present a report to Council.

Item # 6 Mayor Cooper read the following caption.

ORDINANCE NO. 2006

A PUBLIC HEARING CONSIDERING THE FOLLOWING REQUEST(S): PLANNING & ZONING COMMISSION CASE NO. 360: CONSIDER AMENDING CITY ZONING CODE SECTION 3-8, USE OF LAND AND BUILDINGS, TO AUTHORIZE “DRIVE-THROUGH FACILITIES” IN B-1 AND B-2 ZONING DISTRICTS BY EITHER SPECIAL USE PERMIT OR BY RIGHT. THE ZONING CODE CURRENTLY AUTHORIZES SUCH USE BY SPECIAL USE PERMIT ONLY IN THE B-3 ZONING DISTRICTS. ALSO TO BE CONSIDERED IS A REQUEST TO ALLOW “RETAIL SHOPS AND STORES OTHER THAN LISTED” WITH A SPECIAL USE PERMIT ONLY IN B-1, B-2, AND B-3 ZONING DISTRICTS. AT THE CONCLUSION OF THE PUBLIC HEARING, THE CITY COUNCIL WILL CONSIDER THE RECOMMENDATION OF THE PLANNING AND ZONING COMMISSION REGARDING THE REQUEST AND WILL TAKE ACTION TO APPROVE, DENY, OR MODIFY THE RECOMMENDATION OF THE PLANNING AND ZONING COMMISSION

Mr. Browne made a PowerPoint presentation that included background information and proposed changes.

Mr. Browne presented the current zoning map and reviewed the current code. He reminded Council that on August 23, 2010, the code was amended to restrict drive-through facilities only in the B-3 District by a Special Use Permit (SUP). Current code allows any retail shops and stores not covered in the Table of Uses to be allowed in B-1, B-2, or B-3 districts. He explained that any retail shops and stores were expansive and a revised method is required.

Proposed changes were presented to allow for drive-through facilities with a SUP in B-1, B-2, and B-3. The code would be amended to allow other uses in B-1, B-2, and B-3 only with a SUP. He stated Council would be given the authority and not by right.

Mr. Browne presented the language that the Planning and Zoning (P&Z) Commission provided when they reviewed the item on October 6, 2014. He stated that P&Z provided an amendment to direct staff to provide a list of existing certificates of occupancy holders and the listing under which they are classified within 60 days to the commission. P&Z recommended the change to the code to allow “Drive-Through Facilities” in the B-1 and B-2 zoning districts by SUP.

Councilmember Hasslocher asked P&Z member Bill Kiel for a report at the last P&Z meeting.

Mr. Kiel explained the reasonings of the two P&Z members that voted in opposition of the proposed change. He shared that one expressed the process should be comprehensive of commercial zoning instead of piece meal. The other P&Z member did not want a drive-through. He stated the discussion did not include the CVS project. Mr. Kiel stated this option gave the City flexibility to control drive-throughs. He shared that this would had been considered without the CVS project and referenced that a proposal was presented four years ago that contained the exact same recommendation.

Mr. Kiel stated in regards to retail shops not other than listed category, noted that a clothing or cellular store is not listed and the table of uses needs to be updated. He suggested updating the table of uses to what the City currently has.

Mayor Cooper began the public hearing at 6:27 p.m.

Elliot Weser, resident, recalled the process when this was considered in 2010. He noted traffic flow and walkability were factors considered for this restriction. He commented the explosion of banks were part of the consideration as well.

Mayor Pro Tem Rosenthal agreed with Dr. Weser's comments; however, stated he changed his opinion since then due to the possible scenario of a Starbucks moving into a building across the street and the ability to provide a drive-through. He stated the City of Alamo Heights needs to be more business friendly.

Councilmember Prassel agreed with Mayor Pro Tem Rosenthal's comments and complimented P&Z for their recommendation.

Mayor Cooper asked if there is a distinction for a single or multi-lane as he commented there is a difference. He asked if the recommendation be narrowed and commented that residents do not like SUPs.

Councilmember Billa Burke responded the SUP is distinct and can be considered at that time it is requested. She encouraged P&Z review outdated codes and noted the City of Alamo Heights is a landlocked city. She stated this item is the perfect solution.

Mr. Browne stated that narrow language can be done by right or with an SUP.

Kimberly Lubianski, resident, expressed in her opinion, that by right does not provide control to Council and a SUP can be defined.

Councilmember Prassel suggested additional language to include drive-through facilities - single lane.

Mayor Cooper concluded the public hearing at 6:45 p.m.

A motion for approval was made by Mayor Pro Tem Rosenthal with limitation for drive-through facilities by SUP in B-1, B-2, and B-3 for single lane drive-throughs only. The motion was seconded by Councilmember Prassel and passed by unanimous vote.

Item # 7 Mayor Cooper read the following caption.

Presentation of VIA bus stop shelter at N. New Braunfels and Burr Road

Public Works Director Pat Sullivan made a PowerPoint presentation that included background information and photos.

Mr. Sullivan shared that VIA applied for a permit for a bus stop shelter at the northwest corner of N. New Braunfels Avenue and Burr Road. Photos were briefly presented of the proposed bus stop shelter.

Mayor Cooper asked what will this do to the sidewalk. He commented that the bus stop shelter is not appropriate.

Mr. Sullivan explained that the sidewalk will be demolished and come across providing a concrete area. He stated there are eight pick ups and four drop offs at that location. He stated he will ask VIA on a different style of bus shelter and then report to Council.

Item # 8 Mayor Cooper read the following caption.

ORDINANCE NO. 2007

AN ORDINANCE ACCEPTING THE COMPETITIVE PROPOSAL OF \$694,004.50 FROM CLARK CONSTRUCTION OF TEXAS, INC. TO INCLUDE A 5% CONTIGENCY OF \$34,700.17 AND AN ADDITIONAL 25% CONTIGENCY OF \$173,500.88, FOR A TOTAL AUTHORIZATION OF \$902,204.42 FOR THE VARIOUS STREETS IDENTIFIED IN THE CITY'S 2014 STREET MAINTENANCE PROGRAM AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS WITH THE SUCCESSFUL PROPOSER FOR THE COMPLETION OF SUCH WORK

Mr. Sullivan made a PowerPoint presentation that included background information.

Mr. Sullivan briefly provided information on the bidding process. He stated one response was received from Clark Construction. He provided the different options

Council had to include a five percent contingency or with a favorable contract Council had the option to increase the contract up to 25%.

Mr. Sullivan identified the streets that will be repaired as part of the 2014 street maintenance program. It included Albany, Broadway to Austin Highway; Blue Bonnet, Broadway to Henderson; Encino, just north of Patterson (Lagos) to Argyle; Woodway, Alamo Heights Blvd. to College; La Jara, Tuxedo to Corona also Alamo Heights Blvd. to radius at ball fields. With a favorable contract, he identified possible additional projects at Alamo Heights Blvd., Argo to Jones Maltsberger; Claiborne Way between Greely and Estes; and Harrison between Acacia and Morse.

A motion for approval was made by Councilmember Hasslocher. The motion was seconded by Councilmember Billa Burke. The vote were as follows: Ayes: Councilmembers Hasslocher, Rosenthal, Prassel and Billa Burke; Nays: None, and Abstain: Mayor Pro Tem Rosenthal. The motion carried and passed.

Item # 9 Mayor Cooper read the following caption.

A Proposal to accept a Grant Award from the Brown Foundation, Inc. for the Alamo Heights Police Department Bicycle Patrol Program

Police Chief Rick Pruitt made a PowerPoint presentation that included background information.

Police Chief Pruitt informed Council the Police Department was authorized a grant in the amount of \$7,000 by the Board of Trustees to the Brown Foundation, Inc. of Houston. He stated the Police Department currently has five patrol bicycles in need of replacement due to age, condition or design compatibility to the bicycle patrol function. Police Chief Pruitt proposed the purchase of three replacement bicycles and that the remaining funds would be used for the purchase of emergency lighting, audible signals, equipment bags, helmets and other necessary equipment specific to bicycle patrol duties. The remaining inventory of bicycles would be sent to an auction for public sale.

A motion for approval was made by Mayor Pro Tem Rosenthal. The motion was seconded by Councilmember Hasslocher and passed by unanimous vote.

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Staff Report

Item # 10 Mayor Cooper read the following caption.

Update on progress of construction for new City Hall Facilities

Mr. Browne made a PowerPoint presentation that included an update of the new City Hall Facilities.

Mr. Browne reported an update on the Fire Station to include the stone arch is complete and the masonry window sills are still in progress.

The Police Station and City Hall update included the following trim items in progress: final paint, wood trim, tile in bathrooms, doors and glass. The carpet was installed upstairs and downstairs. The Council Chambers had made progress on the sheetrock and the trimming still needs to be done. The stucco on the exterior and exterior painting are both in progress. The furniture is scheduled for delivery to the Police Station and City Hall on Monday, October 20, 2014. The Council Chambers to follow when ready.

Mr. Browne stated the arcade roof is nearly complete as well as the column framing in progress and stucco to follow. He stated the site grading continues. He provided Council a new move-in date which is most likely to occur the week of November 14th.

Mayor Cooper stated it is important that the final details be done precisely and recommended the contractors take their time and do their job well.

Mr. Browne displayed photos of the sally port, customer support area, break room, City Administration's training room, offices on the second floor, area adjacent to the Public Works Department, parking area for Police patrol area, public entrance, trench of water main (now completed), Council Chambers' common area/arch, and wainscoating is expected soon. He noted the Council Chambers is the last portion to be completed.

Mayor Pro Tem Rosenthal asked about the parking arrangement for staff.

Mr. Browne stated the demolition of the two city-owned houses will be conducted after the facilities are completed; however, noted staff parking will be on Bluebonnet.

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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 Councilmember Hasslocher and passed by unanimous vote. Mayor Cooper adjourned the meeting at 7:23 p.m.



Jennifer Reyna
City Secretary



Louis Cooper
Mayor