

CITY OF ALAMO HEIGHTS  
CITY COUNCIL  
October 27, 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 4:30 p.m. on Monday, October 27, 2014.

Present and composing a quorum were:

Mayor Louis Cooper  
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  
Community Development Services Department Director Jason B. Lutz  
City Secretary Jennifer Reyna  
Chief Police Rick Pruitt  
Fire Chief Buddy Kuhn  
Public Works Director Pat Sullivan

Absent were:

Mayor Pro-Tempore Bobby Rosenthal  
Human Resource Manager Lori Harris

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Mayor Louis Cooper opened the meeting at 4:37 p.m.

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At 4:38 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 purchase and value of water rights and deliberate the value of real property to protect the position of the city in negotiations with a third person.

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Mayor Cooper reconvened the regular meeting at 5:33 p.m. There was no action taken during the closed session.

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*Item # 3* Mayor Cooper read the following caption.

**Discussion regarding process for acquisition of public property by private owners in the vicinity of Broadway and Austin Highway**

City Attorney Mike Brenan stated there was inquiry on the process of acquisition of public property by developers in the vicinity of Broadway and Austin Highway. He provided recommendations to Council as he noted the previous project by Alamo Manhattan did not get to that particular stage. He stated the developer must submit a detailed map with metes and bounds description of the desired acquiring property. Mr. Brenan stated the map is critical to display owners of specific property to include streets or alleys owned by either a dedication or fee. He stated ownership is important to identify for communication with adjoining property owners and verification of the cancellation of the dedication of the street and alley. Mr. Brenan advised Council regarding the selling of the property to include appraisals on narrow strips of alleys and/or streets, title, and written permission of all abutting properties that the identified desired property will be abandoned or closed. Mr. Brenan stated there are three options the City has. They are: 1) public auction, 2) competitive sealed bids, or 3) list the property through a broker and the broker may attempt the best price (new option). He explained the property must be sold if a public action is opted. There is no requirement to sell or risks through competitive sealed bids. He stated once a price is established, all other standards must be adhered to including written permission from abutting neighbors, project approved through zoning or a Specific Use Permit (SUP), FEMA rules, approved plat, and other regulatory approvals. The cost will be paid by the developers.

Mr. Richard Peacock, property owner, thanked Council for their time so that a development plan may be established. He referenced the Comprehensive Plan assisted in the development of the property. He presented aerials of the property and informed Council that current structures will be demolished on Friday, October 31, 2014. He identified the City's right-of-way in consideration of selling a portion of Ausway so the park may be extended with asphalt. He explained the request of a preliminary list is to begin their development plan appropriately keeping in mind comments of the previous proposed project. The development of the property is proposed to be "bulked up" on the north eastern side of the property. A conventional intersection/curb cut will be created for Paloma Blanca Restaurant who neighbors the property at Broadway and Austin Highway, slightly further north with the anticipated closure of Ellwood. Mr. Peacock concluded that a more walkable environment needs to be created. He informed Council that Pape Dawson is their engineer who had assisted in the planning.

Councilmember Hasslocher expressed concern on the traffic that Paloma Blanca Restaurant created to the business area, homeowners and how this would further impact all.

Mr. Peacock proposed a dedicated right lane among the three lanes at Broadway and Austin. He informed Council that he is re-evaluating the parking situation at Paloma

Blanca Restaurant to mitigate parking in an efficient way. Mr. Peacock reminded Council that at one point Ausway was a two-way street.

Council asked Mr. Peacock questions related to the development plan. Councilmember Prassel asked how residents of the Brighton Square Condominiums felt about Ellwood being closed, and if he had considered taking a slight portion of the park to produce a dedicated right turning lane.

Mr. Peacock responded he had spoken to a few individuals and community; however, a formal meeting with Brighton Square Condominiums had not been conducted. He commented that he obtained a full consensus on the closure of Ellwood. He stated that he didn't want to take away from the park and provide a conceptual plan.

Councilmember Savage shared he had received concerns from the residents of Brighton Square Condominiums. He shared that Ellwood and Kampmann are risk factors with cars cutting across at high speeds.

Mr. Peacock asked Mr. Brennan a few questions related to ownership process.

Mr. Brennan answered his questions based on stand-alone ownership or through a dedication. He emphasized the importance of ownership.

Mr. Peacock stated he will provide information on the properties owned by the City and County as soon as the written process produced by the City is provided to him.

The following citizens spoke on this matter:

Elliot Weser, resident, asked the location of the floodway boundaries. He inquired on the rules related to the broker and the interaction among Council between the broker governing the sale. He noted the project is difficult to image without plans highlighting cut-offs and walkability.

Mr. Peacock identified the floodway boundaries.

Mr. Brennan stated a decision will be made in the best interest of the City, protecting the City.

Sarah Reveley, resident, shared that the park area located at Broadway and Austin has a spring and commented that it is historical. She noted it is one of the only pieces of land that does not have any archeology dig.

Linda Hudson, President, Brighton Square Condominium Association, stated she had not met with Mr. Peacock; however, noted an attempt had been made and the meeting had not occurred. She shared that the residents use the access from Ellwood to Broadway and do not agree with their plan or proposed changes.

Item # 4 Mayor Cooper read the following caption.

**Consideration of contract to purchase additional water rights**

A motion was made by Councilmember Hasslocher to redirect and authorize the City Manager to continue negotiation on the purchase of water rights and execute a contract. The motion was seconded by Councilmember Lynda Billa Burke and passed by unanimous vote.

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Item # 5 Approval of the Minutes

Mayor Cooper asked City Council for any revisions to the minutes of the October 13, 2014, Council Meeting. A motion was made by Councilmember Bobby Hasslocher to approve the minutes of October 13, 2014. The motion was seconded by Councilmember Lynda Billa Burke and passed by unanimous vote.

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Citizens To Be Heard Concerning Non-Agenda Items

Item # 6 Citizens to be heard concerning items not on the agenda

Suzy Bettac, resident, stated it is her right to decide what she desires with the energy provider concerning smart meters. She commented that the relationship is between the resident and CPS Energy.

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Items for Individual Consideration

Item # 7 Mayor Cooper read the following caption.

**Architectural Review Board Case No. 557F, request of Professional Building Solutions, LLC, applicant, representing Dirago Properties, owner, for the compatibility review of the proposed replacement structure at 270 E. Elmview Place under Demolition Review Ordinance No. 1860 in order to construct a new single family residence**

Community Development Services Department Director Jason Lutz made a PowerPoint presentation that included background information, photos of the street views, proposed/existing site plan, and elevations.

Mr. Lutz identified the project and reviewed the Residential Design Standards (RDS) guidelines. He stated the project's significance was reviewed by the Architectural Review Board (ARB) on September 16, 2014 and approved by City Council on September 22, 2014. On October 21, 2014, ARB proposed the following modifications: 1) addition of high-mounted lateral windows on the second story east and west elevations and 2) extend wainscot around the entire main structure. Staff received two responses in support and one response in opposition.

Councilmember Hasslocher asked how many two-story houses on Elmview. He asked the status of the trees.

Mr. Lutz noted there is one two-story located directly across from the applicant and stated there is no loss of trees.

Councilmember Prassel expressed concern on the location of the windows located on the second floor which may deny privacy.

Mr. Lutz shared that ARB discussed location of windows and noted higher end windows were added for articulation located at the top.

Adrian Lamas, Professional Building Solutions, LLC, stated he originally did not place windows; however, at the request of ARB windows were placed and located at the highest location of the second floor.

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

*Item # 8* Mayor Cooper read the following caption.

**Architectural Review Board Case No. 558F, request of Carmen Ingram and Esther Cervantes, owners, for the significance and compatibility review of the proposed replacement structure at 140 Terrell Road under Demolition Review Ordinance No. 1860 in order to demolish 100% of the existing main structure**

Mr. Lutz made a PowerPoint presentation that included background information, photos of existing/new streetscape, garage plan, roof plan, site plan, elevations, and proposed landscape design.

Mr. Lutz identified the project for the existing structures to be demolished and construct a new two-family dwelling (duplex). He reviewed the existing and proposed RDS guidelines. The project was reviewed and approved by ARB on October 21, 2014. Mr. Lutz briefly presented the landscaping design and noted it was zeroscape. Staff received six responses in support and none in opposition of the project.

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

*Item # 9* Mayor Cooper read the following caption.

**Architectural Review Board Case No. 559F, request of Ironside Building Group, applicant, representing David West, owner, for the compatibility review of the proposed replacement structure at 219 Tuxedo under Demolition Review Ordinance No. 1860 in order to replace the existing finish materials with new exterior finish materials**

Mr. Lutz made a PowerPoint presentation that included background information, photos, site plan, and elevations.

Mr. Lutz identified the project and stated the applicant was seeking to stucco the existing exterior of the main structure and add overhang to front and left elevation. On October 21, 2014 ARB reviewed and approved the item. Staff did not receive any responses from citizens regarding the project.

Mr. Trey Siller, Ironside Building Group, informed Council of the collaborated work with Architect John Grable specifically with the overhangs. He noted the project was originally for stucco.

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

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

**ORDINANCE NO. 2008**

**CONSIDER AN ORDINANCE REQUIRING PROPERTY DEVELOPERS TO REIMBURSE THE CITY FOR PROFESSIONAL REVIEW OF SUBSTANTIAL OR COMPLEX PROJECTS AS DEEMED NECESSARY BY THE CITY**

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

Mr. Browne informed Council that currently there is no ordinance in place to reimburse the City for any costs that may incur for engineering or other professional services (survey, architect, legal) during project review.

Councilmember Savage asked if other cities had a similar ordinance.

Mr. Browne responded research had not been conducted regarding similar ordinances within surrounding or other cities.

Councilmember Prassel asked how is the discretion of different projects to be applied to the proposed ordinance.

Mr. Browne responded generally the funds will be expended under the proposed ordinance, if the City had to obtain engineering services.

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

*Item # 11* Mayor Cooper read the following caption.

**Discussion and possible action to designate Buddy Kuhn as Fire Chief/Assistant City Manager**

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

Mr. Browne stated it would be beneficial to have someone officially designated as the Assistant City Manager to assist in the absence of the City Manager. He shared with Council Fire Chief Buddy Kuhn's capabilities and the outstanding job he does in his current role.

A motion for approval of the appointment of Buddy Kuhn as Assistant City Manager was made by Councilmember Hasslocher. The motion was seconded by Councilmember Savage and passed by unanimous vote.

*Item # 12* Mayor Cooper read the following caption.

**Discussion and possible action on construction of city hall facilities**

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

Mr. Browne provided an update on the construction of the city hall facilities. The masonry window sill is still in progress for the Fire Station. The Police/City Hall/Council Chambers' progress included: final paint in Council Chamber, wood trim in progress in all areas, tile in wet areas, exterior window trim, and exterior paint. Completed progress included stucco on the colonnade and the elevator installation except for the phone line. Other items included that the arcade roof is nearly complete and the site grade continues. The punch list is being finalized for the Public Works Department. He informed Council the feeder line was damaged by a subcontractor during the grading of the Henderson alley. He reported the new trench and new feeder line are completed and finalizing connections.

Furniture was delivered to the Police and City Hall Administration during the week of October 20<sup>th</sup>. Council Chambers will follow when ready. Furniture is installed in the Public Works Department.

City Hall's move is scheduled for November 19, 2014. Mr. Browne reported critical items include repair of power line, site grading, asphalt and paving.

Photos were presented to include Council Chambers, damaged feeder, new trench for feeder, Police Station, sally port, grading work on alley, public entrance, wainscoating on buildings, bathrooms.

Mr. Browne presented budget information in a spreadsheet. He offered Council a tour of the City Hall complex.

Mr. Browne recognized and thanked Information Services Manager Marian Vargas for her dedicated efforts in handling the issues related to information technology and data related to the construction of the city facility.

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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 Savage and passed by unanimous vote. Mayor Cooper adjourned the meeting at 6:54 p.m.

  
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Jennifer Reyna  
City Secretary

  
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Louis Cooper  
Mayor