

CITY OF ALAMO HEIGHTS  
CITY COUNCIL  
October 28, 2013

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 28, 2013.

Present and composing a quorum were:

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

Also attending were:

City Manager J. Mark Browne  
City Attorney Mike Brenan  
Finance Director Cynthia Barr  
Planning & Development Services Director Brian Chandler  
Information Services Manager Marian Vargas  
Human Resource Manager Lori Harris  
City Secretary Jennifer Reyna  
Chief Police Rick Pruitt  
Fire Chief Buddy Kuhn  
Public Works Director Pat Sullivan

\* \* \*

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

\* \* \*

*Item # 1      Approval of Minutes*

Mayor Cooper asked City Council for any revisions to the minutes of the October 14, 2013, Council Meeting. A motion was made by Councilmember Fred Prassel to approve the minutes of October 14, 2013 as amended. The motion was seconded by Councilmember Elliot Weser and passed by unanimous vote.

\* \* \*

*Item # 2      Announcements*

Mayor Cooper read the following captions.

**a. Howdy Parade, October 30, 2013**

Planning & Development Services Department Director Brian Chandler announced the 25<sup>th</sup> annual Howdy Parade will be held on October 28, 2013, beginning at 4:15 p.m. at the intersection of Broadway and Albany. The event will end at the Alamo Heights High School.

Mayor Cooper asked what streets will be closed and how the citizens be informed of the parade route to continue business. He expressed concern on safety and traffic congestion on Broadway.

Police Chief Rick Pruitt responded that Broadway from Albany to Castano Avenue will be closed. He stated everything will be done to keep everyone safe. City Manager Mark Browne stated information will be sent via email blast and phone notification. Information Services Manager Marian Vargas added that it was featured in the October's newsletter.

Residents Susan Harwell and Bill Kiel expressed their concerns which related to time, safety and route. Ms. Harwell shared the school committee is not aware of traffic before 5:00 p.m. Ms. Harwell suggested Council may ask the committees that host annual events to come forth with their requests and go through the process. Mr. Kiel expressed concern of the parade route during construction on Broadway and the throwing of candy.

Mayor Cooper recommended the parade route on Alamo Heights Boulevard due to the parade start time and traffic. Mayor Pro Tem Savage stated a 15 minute earlier start time makes a difference. Councilmember Hasslocher suggested consideration of a 5:30 p.m. or 6:00 p.m. start time due to traffic.

Mayor Cooper asked Police Chief Pruitt to express to Alamo Heights Independent School District (AHISD) personnel that this event needs to start on time. He asked staff to meet with the school to discuss an alternate route and time start. Police Chief Pruitt agreed.

**b. AHHS Band's March Through the Heights Fundraiser, November 2, 2013**

Planning and Development Services Director Brian Chandler announced the annual March Through the Heights is scheduled for Saturday, November 2, beginning at 9:00 a.m. – 1:00 p.m. He displayed the route for the event.

\* \* \*

Items for Individual Consideration

Item # 3 Mayor Cooper read the following caption.

**Request of Hausman Home Buyers Inc., owner, for the significance and compatibility review of the proposed replacement structure at 223 Corona Avenue under Demolition Ordinance No. 1860 (April 12, 2010) in order to demolish 100% of the existing main structure**

Planning & Development Services Director Brian Chandler made a PowerPoint presentation that included an existing site plan, elevations, streetscape panorama, and photos of existing conditions.

Mr. Chandler reviewed the existing and proposed Residential Design Standards (RDS) statistics. Photos of the existing conditions at 223 Corona Avenue were presented. He briefly reviewed the first/second floor plans and noted the rear single garage; color renderings were presented.

On October 15, 2013, the Architectural Review Board (ARB) recommended approval with the following conditions: 1) second story include the double hung windows and 2) the two proposed red oaks in the front yard have a six inch diameter at breast height and are changed to Burr Oaks. The Neighborhood Character and Commercial Revitalization (NCCR) Committee reviewed the case on October 18, 2013. Mr. Chandler stated three responses were submitted in favor and three responses were received in opposition.

Councilmember Bobby Hasslocher asked what had changed within the plans. He recalled Mr. Hausman did a house on Lafayette that was too big and stuck out within the neighborhood. He commented this house is too big.

Lazer Hausman, applicant, responded changes were made as requested by ARB and noted the second story height was lowered by one foot.

Mayor Cooper commented that the color renderings were nice that provided a visual on what the proposed project will look like.

Councilmember Prassel expressed his support for the project. He commented the building looks fine; however noted these lots are not practical for a two story building. He acknowledged the project had been presented to ARB.

Mayor Pro Tem Savage asked if this project is the same size as 215 Corona Avenue.

Bill Kiel, resident, responded to Mayor Pro Tem Savage and briefly highlighted the houses on Corona Avenue. He noted the size of the project is at significantly smaller (50%) and the height is lower compared to a neighboring house on Corona Avenue.

Councilmember Rosenthal asked if there had been any mediation among the neighbors.

Mr. Hausman responded there was no mediation and stated there was a short time to make large adjustments to plans. He observed other neighboring houses that are going up that are the same size as his project. He stated that lowering the height of the second story by one foot was a step he didn't have to take.

NCCR Committee members, Councilmembers Hasslocher and Weser stated neighbors and the neighborhoods need to be protected. Councilmember Weser noted that five negative responses were submitted on this project. Councilmember Weser stated it is important to see what can be done after speaking with concerned neighbors that are opposed to the project. He suggested Mr. Hausman meet with neighbors. He highlighted the height of the project and emphasized the need for consistency.

Mayor Pro Tem Savage asked what extra square footage was allowed due to bonus points.

Mr. Chandler responded the base FAR is .45 and utilized .03 in bonuses which is at 275 square feet. Councilmember Weser added the bonus elements were the ribbon driveway, substantial porch and single-story garage.

Councilmember Rosenthal stated if a 90-day demolition delay is declared, he can mediate with residents.

Bill Kiel, resident, commented that Mr. Hausman is a good builder that wants to continue to build in Alamo Heights. He stated he knows the applicant's neighbors and can talk to them. He expressed that in his opinion, mass and size are the issues of this project. Mr. Kiel expressed concern on two live oak trees within the middle of the streetscape. He noted the leaves hung significantly over and stated the oak tree needed to be trimmed.

Mr. Hauser noted the oak tree needed to be trimmed. He shared that since the oak tree is near the utility lines, CPS Energy will need to trim the tree and a property owner does not have an option to hire a tree expert for this task.

Carol Deleon, resident, expressed concern on the removal of the 38 diameter pecan tree as she noted there are no more big trees anymore in the renderings.

Mayor Cooper suggested Councilmember Rosenthal meet with neighbors. There was a brief discussion among Councilmembers Hasslocher and Weser. Councilmember Weser suggested Councilmember Rosenthal be involved since real estate mediation is his specialty. Councilmember Hasslocher thanked Councilmember Rosenthal for his offer; however, suggested NCCR meet with neighbors and Bill Kiel.

A motion for approval of a 90-day demolition day with the option of mediation to include a meeting with neighbors, Bill Kiel, and NCCR Committee was made by Councilmember Hasslocher. If NCCR Committee is not available, Councilmember

Rosenthal would fill in. The motion was seconded by Councilmember Elliot Weser and passed by unanimous vote.

Councilmember Hasslocher asked Mr. Chandler to send a message to neighboring homeowners that this is in delay and emphasized this mediation needed to be done quickly.

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

**AN ORDINANCE APPROVING A SECOND AMENDMENT TO LEASE AGREEMENT TO DELETE THE PROPERTY KNOWN AS LOTS 10 AND 11, BLOCK 58, COUNTY BLOCK 4024 FROM THE LEASE DATED APRIL 24, 1947 BETWEEN THE CITY OF SAN ANTONIO AND THE CITY OF ALAMO HEIGHTS FOR VARIOUS TRACTS OF LAND IN THE OLMOS BASIN FOR THE PURPOSE OF ALLOWING THE ABUTTING PROPERTY OWNER AT 222 CLAIBORNE WAY TO PURCHASE THE PROPERTY AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT TO PURCHASE**

Mr. Chandler made a PowerPoint presentation that included background information and lease amendment with the City of San Antonio (COSA).

James Griffin, attorney for homeowner of 222 Claiborne Way, was present.

Mr. Chandler briefly provided background information. The property owners of 222 Claiborne Way expressed an interest to purchase the abutting lot, Lot 10. The property owner of 222 Claiborne Way had an easement agreement with the City of San Antonio since the 1930's. The City of San Antonio has reviewed and recommended approval of the homeowner's request. This request would require removing Lots 10 and 11 from the COSA and City of Alamo Heights lease agreement.

Mr. Chandler presented the 222 Claiborne Way survey. He noted the meandering line flood plane boundary. He stated building a structure on Lot 10 would be difficult. He referenced Chapter 7 standards and that any the new structures proposed within the floodplain would require a floodplain development permit to ensure the project would not negatively impact the floodplain.

Councilmember Weser asked if the property owner on lot 9 had an option to build on lots 10 and 11.

Mr. Griffin responded no and there is just an easement for the driveway.

Mayor Cooper stated a similar case had surfaced earlier.

Councilmember Hasslocher shared there are other locations where this situation exists and acknowledged a listing of floodplain properties in which this situation can occur.

Mr. Chandler clarified that he provided Councilmember Hasslocher a listing of property owners whose properties abut COSA-owned properties that are also at least partially located in the floodplain.

Mr. Griffin stated the situation is unique. He noted the lot in question had been removed from the floodplain boundaries. He stated since the early 1930's the owner has had an easement agreement and noted the opportunity to obtain ownership of lot 10.

Councilmember Rosenthal asked what the easement allowed.

Mr. Griffin responded the easement allowed a driveway, flowerbed, and garden. Mr. Griffin stated it is not his client's intent to construct a structure over lot 10.

Councilmember Hasslocher asked why Alamo Heights was not notified of the opportunity to purchase the property.

City Attorney Mike Brenan responded that he was not certain why Alamo Heights was not notified and stated the applicant knew what they wanted to do and that when COSA decided to sell the property, Alamo Heights would be notified. He stated he was not aware of a standard procedure. There was a brief discussion among the Council regarding process, releasing the property, length of the lease and purpose. Mr. Brenan shared the lease terminates in 2027. Councilmember Weser asked if the City would have the first option to purchase property. Mr. Brenan responded the City of Alamo Heights did not have the first option to purchase.

Mr. Griffin stated the homeowner has plans for remodeling the home and lot 10. He further explained the process. He stated if Alamo Heights released the property, a public bid process would be the next step. The COSA is preparing an appraisal and other documentation to determine fair market value.

The following citizens spoke on this matter:

John Joseph, resident, asked the procedure to prevent the interested homeowner to sell the individual lots for more than the value.

James Loyd, resident, asked about the zoning. He expressed concern if the interested property owner fails to purchase the adjacent lot within the public bid process and stated issues will surface. He also asked if the easement on Lot 10 ran with the land or for a term of years.

Mr. Chandler responded it is SF-A and stated without a variance, the homeowner cannot build.

Susan Harwell, resident, asked how this will affect the Hondondo creek project. She asked the City to consider any other projects that may be utilized at that potential area. Ms. Harwell recalled a commission that focused on public land and stated the commission may meet to consider items such as this.

Mr. Chandler displayed a map that displayed the Hondondo Creek and community garden. He noted the Judson trails are on the other side of Hondondo Creek and the easement makes no impact to Hondondo Creek. Mr. Griffin added the easement runs with the land.

Mr. Brennan stated the property is under the control per the lease. He explained the lease was conducted for floodplain control purposes and stated COSA does not need it anymore due to floodplain control. He asked why would Alamo Heights want to lease the property if it is not for floodplain control?

Councilmember Rosenthal suggested denying the request with the understanding to see what plan is presented.

Mayor Pro Tem Savage asked if this request is part one of a larger plan.

Mr. Griffin responded yes and offered to provide detailed plans in the future.

A motion to table the item was made by Councilmember Hasslocher. The motion was seconded by Mayor Pro Tem Savage and passed by unanimous vote.

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

**Resolution No. 2013R-059**

**A Resolution amending the Rules of Procedure Governing City Council Meetings adopted on August 23, 2010 by amending the number of City Council members required to call a special meeting**

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

Ms. Reyna reminded Council regarding Resolution No. 2010R-016 that defined a procedure for members of Council to place items on the Council agenda and call special meetings of the City Council. She also informed Council that Article VI, Section 2 titled Meetings, also defined the procedure to call a special meeting which consists of three Council members.

Mayor Cooper acknowledged the Charter prevails over the resolution.

There was a brief discussion among Council. Councilmember Hasslocher expressed concern on the consensus of three Councilmembers required for scheduling a special Council meeting avoiding a discussion, and a walking quorum. Councilmember Prassel expressed support of the item.

Councilmember Weser asked if a formal request made to the City Manager regarding a special meeting is prevented by the Charter. He briefly spoke about the original Alamo Manhattan project and the need of a special Council meeting.

Mr. Brenan explained the charter has a specific provision on a specific item that overrules the resolution. He further explained the Open Meetings Act and an Attorney General's opinion that the request of three Councilmembers in a home-rule city was not a problem as long as it was not used as a vehicle for discussion.

Bill Kiel, resident, recommended one Council member may call a special Council meeting for discussion and at that point explore Council's availability if they are interested in conducting the meeting. He stated a Councilmember may call a special meeting and with the support and respect of his colleagues, a special meeting will happen.

Councilmember Hasslocher asked the appropriate time to order a charter election.

Ms. Reyna responded to Councilmember Hasslocher that the election may be ordered for a May or November election. She stated the election must be ordered in February 2014 for a May election. She also recommended review of other items in the charter if need amending since the charter may be amended every two years.

A motion for approval was made by Councilmember Rosenthal. The motion was seconded by Councilmember Prassel. The vote was as follows: Ayes: Mayor Pro Tem Savage, and Councilmembers Rosenthal, Prassel, Weser; Nays: Councilmember Hasslocher. The motion carried.

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

**Discussion and possible action concerning interior and exterior finishes for the new City Hall facility and approval of the ADA required elevator for the fire department**

Mr. Browne introduced architects who presented the interior and exterior finishes for the new City Hall facility. Staff present from Overland Partners Architects included Joel Albea, project manager; Tim Blonkvist, principal; and Jim Shelton designer. Bill Huber, project executive, Joeris General Contractors was present as well as Robert Hanley, project manager consultant.

Mr. Albea displayed the exterior and interior finishes for the new City Hall facility. Council agreed with the finishes Mr. Albea presented.

Mr. Browne stated that the Americans with Disabilities Act (ADA) review required an elevator within the Fire Department that leads to the second floor.

Mr. Albea presented the location of the elevator and costs to include revised floor plans to accommodate the elevator within the Fire Department. He explained the floor plan changed because the elevator requirements were bigger than originally planned and balancing other requirements.

Mr. Browne stated the total cost of the elevator is \$102,765. He stated that \$60,000 was earmarked for the elevator and the elevator is \$51,000. The remaining costs are associated with dry wall and labor required for the elevator.

Mr. Huber further explained the remaining costs which included digging the hole, concrete pit, mainstream walls, concrete, steel fabrication, dry wall, case work and a pair of double doors and single doors that had been added. Electrical costs included tying into the fire alarm system to include plumbing. He reported a credit of \$20,400 for the deletion of a transformer pad and conduit.

Mayor Cooper wanted to write a letter on behalf of the citizens regarding this costly expense.

Councilmember Hasslocher asked Mr. Browne on the next step.

Mr. Browne stated the total amount of additional money required for this expense is \$40,000 and with the credit of the elimination of the transformer, the total cost is estimated in the amount of \$20,000. He proposed a combination of owner's and builder's contingency to pay for the elevator.

Councilmember Hasslocher stated a savings is a savings and leave that alone. He suggested a separate approval on the additional monies needed.

Mr. Blonkvist informed Council that Overland Partners Architects waived a 7% additional fee in the amount of \$7,000 to not burden the City with additional costs.

Councilmember Hasslocher asked clarification on the elevator and if one door elevator was the appropriate size.

Fire Chief Buddy Kuhn stated he had not observed pictures but is aware of the requirement. Mr. Huber clarified it's a traction elevator. Mr. Albea stated the one door elevator is the smallest version and stated if the elevator was larger it would make a space impact.

Bryan Gray, resident, asked if there are any savings for making changes now.

Mr. Huber responded there are because if it had been noted later, the slab would had been poured.

Councilmember Hasslocher asked Mr. Hanley if he had reviewed the elevator plans.

Mr. Hanley stated he reviewed the information and noted it is required.

A motion for approval was made by Councilmember Hasslocher to fund the difference in the cost of the elevator and offset of the transformer. The motion was seconded by Councilmember Weser and passed by unanimous vote.

Mayor Cooper requested the City send a letter to the appropriate agency asking for clarification on why this addition is necessary.

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

**Consideration of a license to encroach for a period of five (5) years into the right-of-way along Harrison Avenue submitted by owner, Lori Becknell, for the purpose of enclosing an area of 2552 square feet at 201 Crescent Street with a fence**

Mayor Cooper announced this item was postponed by applicant until the November 12, 2013 City Council meeting.

\* \* \*

#### Staff Reports

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

#### **Briefing on paperless agenda and agenda memos**

Information Services Manager Marian Vargas made a PowerPoint presentation that included background information, benefits and a brief tutorial.

Ms. Vargas stated Council will be issued an iPad to access memos and PowerPoints for Council meetings. She stated this would be implemented by the November 12<sup>th</sup> Council meeting.

Mayor Cooper expressed support in a data plan for iPads. He asked Ms. Vargas if iPads were better than the notebooks/tablets.

Ms. Vargas stated this may be considered but this was not included in the budget. She explained she may order to hopefully utilize by the November 12<sup>th</sup> City Council meeting. Ms. Vargas stated that tablet applications are not as user-friendly. She noted there are limitations with an iPad and notebooks do not have data plans, solely Wi-Fi accessible.

Councilmember Prassel asked the cost for the purchase of iPads.

Ms. Vargas estimated the cost at \$500 for an iPad at a government rate.

Councilmember Hasslocher asked if the implementation of paperless agenda packets be implemented in January 2014.

Ms. Vargas responded that Council may implement this anytime but would like to implement soon. Ms. Vargas continued with her presentation and highlighted the benefits with an iPad to include access to city email, and social media applications. She briefly demonstrated the process how to access memos and PowerPoints.

Bill Kiel, resident, asked if memos will be accessible on the city's website.

Ms. Vargas stated the goal is by January 1<sup>st</sup> to place Council information on the City's website.

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

**Update and discussion on the board, commission and city council process for consideration of the proposed multi-family project by Alamo Manhattan Properties, LLC**

Mr. Chandler made a PowerPoint presentation that included background information and next steps.

Mr. Chandler presented a timeline of public meetings and next steps for formal approval. He informed Council the developer intends to apply for a Specific Use Permit (SUP) with dates of presentation to the Planning & Zoning (P&Z) Commission on December 2<sup>nd</sup>, and City Council on December 9<sup>th</sup>. He showed a FEMA floodplain map that displayed the floodway and another map with floodway boundaries.

Councilmember Hasslocher stated he is deeply concerned with the project's boundaries. He stated there is a marker at the Ausway Park with former Police Chief Albert Earl and Jim Starkey. Mr. Chandler stated the developers confirmed they are removing the plaza from their project plans.

Mr. Chandler further explained the process/next steps that included the floodplain development permit. He stated the developer requested coordination with City Engineer, Freese & Nichols, on the following analyses: traffic impact, floodplain, and utilities. The developer indicated agreeable to paying costs incurred by the City for this service.

Councilmember Weser asked the approval process or interaction with FEMA.

Mr. Chandler responded if any of the analysis shows there is a negative impact on the floodplain/floodway then FEMA could get involved at the request of the applicant to

review a request to modify the floodplain boundaries and it would not be a quick process. He shared Mayor Cooper will send a letter to Bexar County requesting County Right-of-Way (ROW) which the property is given to the City or 2) the property is not sold to anyone else.

The following citizens spoke on this matter:

Kimberly Lubianski, resident, requested the City engage in a comprehensive analysis of all line items and cost to balance the benefits.

James Loyd, resident, agreed with ARB's comments; however, expressed concern on traffic congestion. He stated the project's proposal cost is more than the title of the property and underground excavation of utilities is an unnecessary subsidiary. He stated he had no problems selling the property as it is in a floodplain. He commented that this project and another project can transform the city and the nature of the city can be dramatically changed. He stated there are two transactions related to floodplain solution and a land purchase. Mr. Loyd cautioned Council not to purchase all property without building.

Bill Kiel, resident, asked who was writing the SUP and will the SUP be available to the public prior to the public meetings. He stated he didn't have any problems with the process. He commented that if the SUP was not granted then the developers cannot go forward. He expressed concern on the dismissal of citizens to speak at the previous ARB meeting.

Mr. Chandler stated the SUP had been submitted but has not been fully reviewed yet. He responded the SUP will be made available to the public.

Bryan Gray, resident, asked about the application form, deadlines, and if the application was incomplete.

Mr. Chandler stated the project is a zoning case and explained the board application is due 35 days prior to a P&Z meeting to ensure newspaper publication to inform the public. He explained the process and stated time is needed to review the plans.

City Attorney Mike Brenan explained the Code of Ordinances does not specify a sequence. He stated there is nothing that exempts public land.

Patsy Light, resident, stated she didn't understand the process as the developer does not own all the desired property. She expressed concern on the presentation of the preliminary plan. Ms. Light stated ARB encouraged the developer and people were extremely troubled.

Councilmember Rosenthal added the developer is going through the process and at one point the SUP should be public.

Councilmember Weser stated the developer's process had been unorthodox and wasn't aware the City had responded back to this non-traditional request. He suggested that we ask the developers of their intent.

Councilmember Hasslocher asked if the City was operating based on their developer's term sheet.

Mr. Chandler responded no.

Pal Wenger, resident, asked if this project is beneficial to the citizens of Alamo Heights.

Mr. Chandler stated that the remaining steps in the process are all final and the City needs to explore parking and traffic impacts and noted that is part of a zoning analysis that needs to be provided.

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

**Discussion concerning purchase of Christmas decorations for Ausway Park**

Information Services Manager Marian Vargas provided an update on holiday decorations in preparation of the upcoming holiday season. Ms. Vargas presented measurements of the ball ornaments to be ordered for display during the holiday season at Ausway Park.

Mayor Cooper asked about renting the decorations instead of purchasing them.

Ms. Vargas stated she had spoken with a company called Illusions and shared they only contract at a minimum of three years.

There was a brief discussion among Council regarding the ornaments and lack of lights at the site. Councilmember Rosenthal suggested lights at Ausway Park; however, noted storage costs for the large ball ornaments. He suggested Mayor Cooper to explore. Mayor Cooper shared he will talk to a vendor and share the information.

Ms. Vargas stated another option is a Christmas tree with LED lights.

Patsy Light, stated there are terrific LED lights in Kennedy and a lit tree would be spectacular; the lights are phenomenal. She recommended the City use a consultant.

\* \* \*

*Citizens To Be Heard Concerning Non-Agenda Items*

*Item # 11* *Citizens to be heard concerning items not on the agenda*

There were no citizens that signed up to speak.

\*

\*

\*

There being no further business, a motion was made by Councilmember Prassel to adjourn the meeting. The motion was seconded by Councilmember Weser and passed by unanimous vote. Mayor Cooper adjourned the meeting at 8:35 p.m.



\_\_\_\_\_  
Louis Cooper  
Mayor



\_\_\_\_\_  
Jennifer Reyna  
City Secretary