

CITY OF ALAMO HEIGHTS
CITY COUNCIL
December 14, 2015

A regular meeting of the City Council of the City of Alamo Heights, Texas was held at the Council Chambers, located at 6116 Broadway, San Antonio, Texas, at 5:30 p.m. on Monday, December 14, 2015.

Present and composing a quorum were:

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

Also attending were:

City Manager J. Mark Browne
Fire Chief/Assistant City Manager Buddy Kuhn
Assistant to the City Manager Marian V. Mendoza
City Attorney Mike Brennan
Finance Director Robert Galindo
Community Development Services Department Director Jason Lutz
Human Resource Manager Lori Harris
City Secretary Jennifer Reyna
Lieutenant Dennis Kelley
Public Works Director Pat Sullivan

Absent was:

Police Chief Rick Pruitt

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

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Councilmember Bobby Rosenthal recognized the presence of Boy Scouts of America, Bobcat Patrol 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.

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Item # 1 Recognition of Emilio Cintron for his twenty-one dedicated years of service in the Public Works Department

City Manager Mark Browne announced Emilio Cintron's retirement. He recognized Mr. Cintron and provided his professional background during his tenure in the Public Works Department. He shared that Mr. Cintron prides himself working in the water system. Mr. Browne read and presented Mr. Cintron a plaque for his dedicated service of twenty-one years to the City of Alamo Heights.

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Item # 2 Recognition of Moises Cardenas for his seven dedicated years of service as Public Works Superintendent

Mr. Browne also announced Moises Cardenas' retirement. He recognized Mr. Cardenas and provided his professional background. He highlighted his accomplishments in the Public Works department. Mr. Browne read and presented him a plaque thanking him for his leadership.

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Item # 3 Approval of Minutes

Mayor Cooper asked City Council for any revisions to the minutes of the November 9, 2015, City Council meeting. A motion was made by Mayor Pro Tem Lynda Billa Burke to approve the minutes of November 9, 2015. The motion was seconded by Councilmember Fred Prassel and passed by unanimous vote.

Mayor Cooper asked City Council for any revisions to the minutes of the November 17, 2015, City Council meeting. A motion was made by Councilmember Bobby Rosenthal to approve the minutes of November 17, 2015. The motion was seconded by Mayor Pro Tem Lynda Billa Burke and passed by unanimous vote.

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Item # 4 Announcements

Mayor Cooper read the following captions.

a. December 28, 2015 Council Meeting cancelled due to holiday

City Secretary Jennifer Reyna announced the cancellation of the December 28, 2015 Council meetings due to the upcoming holiday. She stated the next regularly scheduled meeting is January 11, 2016.

b. Tree Trimming beginning January 2016

Fire Chief Buddy Kuhn informed Council that tree trimming will be conducted by Davey Tree Service beginning January 11, 2016. He identified the residential streets in which tree trimming will occur. He stated that mulch will be available at the trails.

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Item # 5 Citizens to be heard concerning items not on the agenda

There were no citizens that signed up to be heard.

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Items for Individual Consideration

Item # 6 Mayor Cooper read the following caption.

Architectural Review Board Case No. 601F, public hearing, consideration, and action concerning a request of Marcelo Andonie, applicant, representing MS410 Partners, LLC, owners, for the significance review of the existing structure(s) located at 518 Tuxedo Avenue under Demolition Review Ordinance No. 1860 (April 12, 2010) in order to demolish 100% of the existing main structure

Community Development Services Department Director Jason Lutz made a PowerPoint presentation that included background information, map, existing survey, and photos.

Mr. Lutz identified the project at 518 Tuxedo in which the applicant is requesting to demolish 100% of the existing structure. He presented a map that identified the property location, site survey, and photos of the existing structure. He shared with Council the rodent removal process.

On November 17, 2015, the Architectural Review Board (ARB) reviewed and approved the applicant's demolition request. Staff received no postcard responses in support or in opposition of the project.

Council expressed concern with follow-up maintenance after a lot is demolished, flood issue, lead paint and asbestos.

Mr. Lutz responded the lot would be subject to the local property maintenance code. He stated there will be less run-off because the property will return to its natural state and the rear of the property will continue to flood.

Councilmember Rosenthal asked about lead paint and asbestos.

Mr. Lutz stated since it is a residential property, property maintenance code allows homeowners to continue the process and a survey isn't required, however, mitigation is still required mandated by state law to dispose asbestos accordingly. Mayor Cooper stated if they are in communication with landowner that maintenance is required after demolition and inform them with their contractor so contractor may level out the lot.

Mr. Lutz stated it is part of the demolition process and will stress the responsibility.

City Manager Mark Browne added that he didn't believe grading is part of the process; and staff is currently working on that.

Mayor Cooper opened the public hearing at 5:44 p.m. No one signed up to speak. The public hearing closed at 5:45 p.m.

A motion for approval was made by Councilmember Bobby Rosenthal subject Mr. Lutz notifying property owner of Council's desire to maintain the property. The motion was seconded by Councilmember Fred Prassel and passed by unanimous vote.

Item # 7 Mayor Cooper read the following caption.

Architectural Review Board Case No. 603F, public hearing, consideration, and action concerning a request of Catherine Nored, Architect, representing David and Becky Simpson, owners, for the significance and compatibility review of the proposed main structure located at 711 Evans Avenue under Demolition Review Ordinance No. 1860 in order to encapsulate 100% of the existing exterior facing walls and 52% of the front-facing façade to replace the existing exterior finish materials and construct a new front porch

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

Mr. Lutz identified the project located at 711 Evans and stated the applicant is seeking to encapsulate the existing brick home with stucco and add a front porch (8' 6" x 27' 6"), as well as, replace two existing widows with French doors and remove/infill one existing double hung window.

The existing and proposed residential design standards were reviewed. Mr. Lutz stated the proposed addition (porch) complies with the required front and side yard setbacks and will have a standing seam metal roof to match the existing home and painted wood columns. The site plan, elevations, and photos were presented.

On November 17, 2015, ARB reviewed and approved the request. Staff received six responses in support and none in opposition of the project.

Mayor Cooper opened the public hearing at 5:48 p.m. No one signed to speak. The public hearing closed at 5:49 p.m.

A motion for approval was made by Councilmember Bobby Rosenthal. The motion was seconded by Councilmember Lawson Jessee and passed by unanimous vote.

Item # 8 Mayor Cooper read the following caption.

Appeal to City Council regarding Architectural Review Board denial of monument signs for the CVS property located at 4600 Broadway

Mr. Lutz made a PowerPoint presentation that included background information on the requested appeal.

Mr. Lutz briefly highlighted the process the signage and monument signs were considered. On September 10, 2015, ARB approved the requested signage (wall and additional signage on doors) except for two requested monument signs. He reviewed respective codes justifying the denial of monument signs for the CVS property located at 4600 Broadway and identified the location of the proposed monument signs. Staff stated no postcards were received in support or in opposition of the request.

Ms. Marisol Juarez, Southwest Signs, made a brief presentation of the proposed monument signs desired at the new CVS store and explained the necessity of additional monument signs. Brief videos were also included as part of her presentation.

Mayor Cooper explained to Ms. Juarez that ARB was established to control signage within the city limits and provided reasons in which ARB denied the applicant's request.

Councilmember Fred Prassel asked if there are other options to consider.

Ms. Juarez stated a tree canopy is blocking the channel letters on Burr and perhaps consider a stack set on the elevation facing the alley and noted the sign would be lower to the grounds. Ms. Juarez stated that she will return to CVS to propose another option.

A motion for denial was made by Councilmember Lawson Jessee. The motion was seconded by Councilmember John Savage and passed by unanimous vote.

Mayor Cooper announced that Item # 14 would be considered next.

Item # 14 Mayor Cooper read the following caption.

Notice of Intent to develop for the property located at 6061 Broadway (Phyllis Browning Ranch & Realty)

Mr. Lutz made a PowerPoint presentation to include background information to develop an 8,400 square foot office facility located at 6061 Broadway.

Mr. Lutz highlighted the project's plans which included the demolition of the existing single-story structure and accessory structure and redesign the existing parking and driveway layout. He stated based on the conceptual design the applicant will need to apply to the Board of Adjustment (BOA) for a variance to allow parking within the required 15' landscape buffer. Mr. Lutz presented a tentative timeline of where the project will be considered to Boards/Commission and a final review to Council on March 14, 2016.

Mr. Robert Shemwell, Overland Partners Architects, provided a brief background of the property and photos of the one-story building with a detached garage. The site plan was presented. He briefly reviewed the existing site drainage and highlighted existing non-conforming conditions: 1) set back of existing home, 2) garage in rear and 3) decomposed granite parking. He expressed that the applicant desires to expand the decomposed granite along the south edge of the property and produce a larger second floor. He highlighted the slanted wooden pieces on the structure to disguise the parking lot. Elevations were presented. Mr. Shemwell stated that the existing trees will be preserved. Proposed renderings, roof plan, and a landscape/lighting plan were presented as well.

Council complimented Mr. Shemwell on the proposed project.

Mayor Cooper announced that Item # 9 would be considered next.

Item # 9 Mayor Cooper read the following caption.

ORDINANCE NO. 2039

Public hearing, consideration, and action concerning proposed amendments to Chapter 5, Article X – Tree Preservation, of the city's Code of Ordinances

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

Mr. Lutz reminded Council that this information was presented to Council on October 16, 2015 and Council approved proposed amendments to the Code of Ordinance regarding "Tree Preservation" which allows individuals to pay a fee in lieu of providing onsite mitigation. Council expressed at the time their concerns that multi-family projects located in the MF-D zoning district could clear cut a property and the fee in lieu of mitigation would be capped at \$2,000 per tree. Mr. Lutz presented the proposed language in the code in which residentially zoned properties located in SF-A, SF-B, and 2F-C districts and for properties with existing or proposed single-family structures in the MF-D districts, the cap for mitigation fees shall be \$2,000 per tree. Staff received no responses either in support or opposition of the proposed amendments.

Mayor Cooper opened the public hearing at 6:09 p.m. No one signed up to speak. The public hearing closed at 6:10 p.m.

A motion for approval was made by Councilmember Jessee. The motion was seconded by Mayor Pro Tem Billa Burke and passed by unanimous vote.

Item # 10 Mayor Cooper read the following caption.

Architectural Review Board Case No. 604F, Public hearing, consideration, and action concerning a request of the City of Alamo Heights, applicant, for the final design review of the proposed parking expansion and new landscaping at the property located at 6116 Broadway St. and demolition of existing structure at the property located at 213 Henderson St. 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 and a site plan.

Mr. Lutz stated the applicant, City of Alamo Heights, is requesting the final design review of the proposed parking expansion and new landscaping at the property located at 6116 Broadway Street and demolition of existing structure located at 213 Henderson Street. On April 16, 2013, the Architectural Review Board (ARB) approved the demolition and compatibility request. He reminded Council that a Specific-Use Permit (SUP) was granted on May 13, 2013 for the facility upgrades and parking expansions. He explained that there is a significance and compatibility review as part of the final review process being returned to Council since ARB reviewed the project.

Mr. Lutz stated the second phase parking improvements will provide a net gain of 11 spaces to include the relocation of existing trees, and include additional landscaping (Primrose Jasmine) along Henderson Street. A site plan was presented.

On November 17, 2015, ARB approved the request with the following recommendations: 1) at least 5' setback between the curb of the parking area and the property line located to the south of City Hall property and 2) the fence located along Bluebonnet be covered in vegetation as discussed during previous meetings. Mr. Lutz stated due to the Texas Commission on Environmental Quality (TCEQ) regulations, vegetation is not allowed along the wall due to water quality. Fire Chief Buddy Kuhn explained that vegetation is not allowed because of harboring insects and rodents.

Council asked if there are other options to consider regarding a fence along Bluebonnet and made a few suggestions. Councilmember Prassel asked if resident Vernon Helmke had been coordinated with through the process.

Fire Chief Buddy Kuhn further explained the landscaping preferences and shared what is not allowed. He emphasized that there is no space. Fire Chief Kuhn summarized TCEQ regulations include inspections and stated resident Tina Smith is aware of the attempts the City had made to compromise with a landscaping buffer. He added that Mr. Helmke had been part of the process with the exception of the fence buffer.

Staff received three postcard responses in support and none in opposition of the request.

Mayor Cooper opened the public hearing at 6:20 p.m. No one signed up to speak. The public hearing closed at 6:21 p.m.

A motion for approval was made by Mayor Pro Tem Billa Burke to include a five foot buffer fence. The motion was seconded by Councilmember Rosenthal and passed by unanimous vote.

Item # 11 Mayor Cooper read the following caption.

ORDINANCE NO. 2040

AN ORDINANCE APPROVING AN INTERLOCAL AGREEMENT WITH BEXAR COUNTY TO FACILITATE THE PROCUREMENT OF GOODS AND SERVICES NEEDED BY THE CITY AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR SUCH SERVICES

City Manager Mark Browne made a PowerPoint presentation that included background information.

Mr. Browne stated Bexar County approached the City regarding this interlocal agreement and explained the City would be allowed to utilize their services through a specific vendor at a lower price. He commented this agreement does not replace the process that requires Council approval. Bexar County would consider the interlocal agreement at the Commissioner's Court meeting scheduled for December 15, 2015.

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

Item # 12 Mayor Cooper read the following caption.

Resolution No. 2015R-075

A Resolution casting the votes of the City for the election to the Bexar Appraisal District Board of Directors

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

Ms. Reyna stated the Bexar Appraisal District (BAD) had presented a ballot and is requesting the City of Alamo Heights to cast votes for the election to the Board of Directors. She explained a resolution is required to submit the entity's vote no later than December 15, 2015.

There was a brief discussion among Council regarding the ballot and nominated candidates. City Manager Mark Browne shared positive remarks that the Alamo Heights Independent School District shared regarding Ms. Cheri Byrom.

A motion to cast a vote for candidate Cheri Byrom was made by Councilmember Rosenthal. The motion was seconded by Councilmember Jessee and passed by unanimous vote.

Item # 13 Mayor Cooper read the following caption.

ORDINANCE NO. 2041

AN ORDINANCE DESIGNATING THE SAN ANTONIO EXPRESS-NEWS AS THE OFFICIAL NEWSPAPER FOR THE CITY OF ALAMO HEIGHTS

Ms. Reyna made a PowerPoint presentation that included background information.

Ms. Reyna reminded Council that in November 5, 2014, Alamo Heights Weekly ceased services due to budgetary reasons. She stated last year the City designated the *San Antonio Express-News* as the official newspaper for the City. She reminded Council of the convenient and accessibility *San Antonio Express-News* has provided to the community.

A motion for approval was made by Councilmember Rosenthal to designate the *San Antonio Express-News* as the official newspaper for the City. The motion was seconded by Councilmember Savage and passed by unanimous vote.

Mayor Cooper announced that Item # 15 would be considered next.

Staff Reports

Item # 15 Mayor Cooper read the following caption:

Staff report for a long-term mutual aid agreement between Alamo Heights Fire/EMS and Joint Base San Antonio – Fort Sam Houston Fire Department for fire protection services

Fire Chief Buddy Kuhn made a PowerPoint presentation that included background information.

Fire Chief Kuhn reminded Council that as a small suburban response agency, Alamo Heights Fire/EMS has limited resources to include apparatus, equipment and personnel and are not able to manage large scale incidents without assistance from other emergency response agencies. He stated the Joint Base San Antonio – Fort Sam Houston Fire Department will provide the framework for mutual aid assistance, if needed. The mutual aid agreement includes long-term renewals for five years with automatic renewal for twenty years with no fiscal impact.

Item # 16 Mayor Cooper read the following caption:

Presentation of Financial and Investment Report for the fourth quarter ending September 30, 2015

Finance Director Robert Galindo made a PowerPoint presentation that summarized the City's financial position. The Financial and Investment Report included General Fund Revenues/Expenditures, Utility Fund Revenues/Expenditures, Capital Projects Fund and an Investment Portfolio Update.

Mr. Galindo presented a Budget to Actual graph for property tax collections for the Maintenance & Operations (M&O) and Interest and Sinking (I&S), year to date since 2009. A graph of the total sales revenues dated 2014-2015 was presented that included street maintenance tax collection. The graph displayed the monthly sales tax collections.

General fund expenditures were categorized by departments and noted at 95% year to date which is within budget. A graph of general fund expenditures was displayed for actual and budget for the fiscal year. Mr. Galindo explained that expenditures included being in the new facility for a year and paying for additional services. Utility fund revenues & expenditures were presented. Mr. Galindo noted water restrictions and increased rainfall during the year reflected revenue decreases.

Mr. Galindo reviewed the capital projects fund that included revenue and expenditure balances for the 2012 General Obligation (GO) bonds, and Community Infrastructure and Economic Development (CIED) fund, and transfers from the General Fund.

Mr. Galindo provided an investment portfolio update with a beginning value as of January 1, 2015. He summarized the city's financial position as strong and positive.

Councilmember Savage asked about the decrease on the expenditures for the utility fund.

Mr. Galindo responded the boring project was less than budgeted.

City Manager Mark Browne commented the federal reserve is expected to raise the interest rates and stated perhaps within six months the City may explore diversification on investment pools.

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Mayor Pro Tem Billa Burke thanked staff for viewing the project hosted by the University of Texas at San Antonio's (UTSA) students and Fire Chief Kuhn in coordination of the event.

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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 Billa Burke and passed by unanimous vote. Mayor Cooper adjourned the meeting at 6:47 p.m.


Jennifer Reyna
City Secretary


Louis Cooper
Mayor