

CITY OF ALAMO HEIGHTS
CITY COUNCIL
December 8, 2014

A regular meeting of the City Council of the City of Alamo Heights, Texas was held at the Alamo Heights Independent School District (AHISD) Administrative Offices, in the Board Room, located at 7101 Broadway, San Antonio, Texas, at 5:30 p.m. on Monday, December 8, 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
Fire Chief/Assistant City Manager Buddy Kuhn
Finance Director Cynthia Barr
Assistant to the City Manager Marian Vargas
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

Absent was:

Mayor Pro-Tempore Bobby Rosenthal

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Mayor Louis Cooper opened the meeting at 5:30 p.m. He announced that the meeting in January will be in the new Council Chambers and expressed appreciation to the residents that attended the meeting at the temporary location, AHISD administrative offices. He stated Mayor Pro Tem Bobby Rosenthal absence.

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Item # 1 Approval of Minutes

Mayor Cooper asked City Council for any revisions to the minutes of the November 10, 2014, meeting. A motion was made by Councilmember Bobby Hasslocher to approve the minutes of November 10, 2014. 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, 2014, meeting. A motion was made by Councilmember Lynda Billa Burke to approve the minutes of November 17, 2014. The motion was seconded by Councilmember John Savage. The vote was as follows: Ayes: Councilmembers Fred Prassel, Lynda Billa Burke, and John Savage; Nays: None; and Abstain: Councilmember Bobby Hasslocher. The motion passed.

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Item # 2 Announcements

Mayor Cooper read the following caption.

a. December 22, 2014 Council Meeting cancelled due to holiday

City Secretary Jennifer Reyna announced the cancellation of the December 22, 2014 Council meeting due to the Holidays.

b. Tree Trimming beginning January 12, 2015

Fire Chief Buddy Kuhn announced tree trimming will begin during the week of January 12, 2015. He identified the streets in which the tree trimming will be conducted by Davey Tree Service. Information may be found in the City's newsletter and via email blast. Mulch will be available at the Nature Trails.

Mayor Cooper expressed appreciation to CPS Energy as he observed CPS Energy trimming along utility lines with hand clippers as a demonstration of consideration and caution.

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City Manager Mark Browne announced a community service related item. He stated CPS Energy corresponded in a letter to allow residents keep analog meters as long as residents notify CPS Energy of their preference prior to the smart meter installation. He stated there will be a \$20.00 fee for the personnel to read the meter manually if you choose to keep your meter; however, there will be no fee for keeping or removal of the meter so long as there is prior coordination with CPS Energy. He stated an email blast will be sent and information will be available on the City's website.

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Citizens To Be Heard Concerning Non-Agenda Items

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

Vernon Helmke, resident, stated City staff and City Manager Mark Browne had been courteous and informative during the construction period and expressed his appreciation. Mr. Helmke shared Fire Chief Kuhn had asked him his opinion regarding the last city-owned house shall be torn down. He commented that the last city-owned house may be demolished to accommodate additional parking. He stated the entire neighborhood was opposed to City maintenance trucks being brought back into the residential community. Mr. Helmke requested the neighbors and himself be consulted for the landscaping design in front of the parking lot and at Blue Bonnet Boulevard. He commented that a fence is not appropriate. He asked the property value be protected. He asked Council to drive around the area if they were neighbors of City Hall.

Mayor Cooper thanked Mr. Helmke for his patience and consideration for allowing this process to proceed.

City Manager Mark Browne thanked Mr. Helmke and City Hall's adjacent neighbors for their patience and cooperation during the construction of the new City Hall facilities.

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Items for Individual Consideration

Item # 4 Mayor Cooper read the following caption.

ORDINANCE NO. 2011

Planning and Zoning Case No. 357 University of the Incarnate Word requests a zoning change from P to B-1 for construction of a retail store located at 4600 Broadway. Of the four lots that make up the property, three are currently zoned B-1 and one is zoned P. This hearing will deal specifically with the request to change the zoning from P to B-1 for the property known as CB 5600 BLK 3 LOT E 37.5 of 24 ALL OF 25 & W 5 FT of 26 and is addressed as 115 Burr Road, Alamo Heights, TX – Jason Lutz, Community Development Services Department Director

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

Mr. Lutz identified the project and stated the applicant proposed to redevelop 4600 Broadway into a 13,013 retail store-pharmacy with a drive thru facility. There is a zoning request to change the only lot within the property from P to B-1 for the construction of the retail store. He informed Council that the building was shifted to the front per Architectural Review Board's recommendation. He explained the zoning change would be increased to a 15 foot landscape buffer when adjacent to residential

districts rather than 8 feet for a B-1 District. Staff received six responses in support and one in opposition.

Mayor Cooper asked what occurred at the Planning and Zoning (P&Z) Commission meeting.

Mr. Lutz responded P&Z granted approval for one zoning district for that one property.

Mayor Cooper commented that one presentation seems ideal instead of different presentations without the knowledge of the complete picture of the project.

Councilmember Bobby Hasslocher requested postponement of this item to view the total plans of the proposed CVS project. He expressed concern with the alley use, possible conflicts with CPS Energy, and the lack of time to specifically view the item's powerpoint, which was received earlier this afternoon.

Marsha Krassner, Planning and Zoning (P&Z) Commission member, stated P&Z had questions and concerns similar to Mayor Cooper regarding lack of information. She stated P&Z considered zoning and SUP requests to assist in moving the project forward.

Patrick Christensen, Attorney, reminded Council that the original plans presented the structure on the rear and changes were recommended by ARB. He stated P&Z approved the Specific Use Permit (SUP) for only a pharmacy and the drive-thru will be on northeast corner of the property. He stated the zoning request may be withdrawn to provide protection to multi-family residents; however, he noted the drive-thru is required to move forward and reassured Council there will be a design.

There was a brief discussion among Council regarding the possibility of different scenarios if the zoning request is granted, the amount of difference in the buffer for the different respective zones, and consideration of applicant withdrawing the zoning request. Councilmember Billa Burke stated the amount of buffer is important. Mr. Lutz informed Council that currently under P, an 8-foot buffer is required and it will be solely parking. With a B-1 zone, there is a requirement of a 15-foot buffer and Mr. Lutz noted a building may be located at the site. Councilmember Billa Burke reminded Council that an SUP is for a specific drive-thru which is being considered. Mr. Browne stated if the item is approved a business may use that land as zoned.

Mayor Cooper tabled this item for further discussion after Item # 5 is considered. Council agreed.

Item # 5 Mayor Cooper read the following caption.

ORDINANCE NO. 2010

Planning and Zoning Case No. 362 consideration of a request submitted by CVS Pharmacy for approval of a specific use permit (SUP) for installation of a drive-thru pharmacy lane on the properties located at 4600 Broadway St. (CB 5600, BLK 3, LOT 20 AND W 45 FT OF 21), 107 Burr Rd (CB 5600, BLK 3, LOT 22 AND E 5 FT OF 21), 111 Burr Rd (CB 5600, BLK 3, LOT 23 & W 12 ½ OF 24), and 115 Burr Rd (CB 5600, BLK 3, LOT E 37.5 FT OF 24 ALL OF 25 & W 5 FT OF 26) zoned B-1 (Business District)

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

Mr. Lutz identified the project and stated this request is to redevelop 4600 Broadway into a 13,013 retail store-pharmacy with a drive-thru facility. He briefly explained the project and requirements. He noted there are 14-foot CPS Energy utility easements surrounding the property. Mr. Lutz informed Council that CPS Energy is in negotiation with the applicant to build inside the easement or modify. He stated that prior to the issuance of any building permit the applicant will need to submit an application to replat the property, which will need to be approved by P&Z and Council.

Chris Weigand, Big Red Dog Engineers, summarized the project. He stated architectural changes were done based on recommendations made by ARB which limits CPS Energy's easements on Broadway to 10 feet or less. He stated the building would not encroach on CPS Energy's easements.

Mr. Lutz stated the drive-thru would be located at the northeast corner and vehicles would not be in the alley with an exit to the west onto Broadway. He informed Council that the site plan currently meets code regarding the number of parking spaces and a variance may be requested to modify the parking layout. A preliminary traffic report had been conducted during peak times providing estimates will roughly double during peak hours from roughly 50 trips to 103.5 trips per hour. He noted the proposed CVS and drive-thru are located south of and adjacent to Chase bank which uses a drive-thru. Mr. Lutz reviewed P&Z's recommendations and considerations for the SUP for Council's consideration.

Mr. Lutz continued his presentation and highlighted information about the SUP. He stated the proposed ordinance limits the SUP for the CVS project. He stated the applicant is required to submit a building permit within 180 days or the SUP will expire. The official site plan must substantially conform to the proposed site plan in regards to the location of the drive-thru, although minor adjustments to the building location and parking layout may be modified. He stated the development must adhere to all other codes. Staff received six responses in support of the project and three in opposition.

Councilmember Hasslocher asked how many alleys in the City are one-way traffic and what would be the circumstance with first responders in an alley.

Public Works Director Pat Sullivan responded there are not any alleyways designated as one-way traffic. Police Chief Rick Pruitt responded the Police Department will still access the alleyway if necessary. Fire Chief Buddy Kuhn stated generally the alleyways are narrow and noted it is a rare occasion that the Fire Department will fight a fire from the alleyway.

Councilmember Billa Burke asked if the city had received any complaints on traffic within the vicinity.

City Manager Mark Browne responded not that he is aware of.

Mayor Cooper opened the public hearing at 6:13 p.m.

The following citizens spoke on this matter:

Tommy Funk, resident, stated in his opinion, the traffic will be constant and is concerned with noise and traffic. He requested protection from sound and light from the eastern boundary of the property and a short time for the use of the drive-thru.

Mr. Weigand responded that most pharmacies close prior to actual operational hours. He stated there is no audio equipment for the drive-thru; face to face interaction is encouraged. He stated he was uncertain for the operational hours.

Jim Taylor, P&Z member, explained the different options Council has for an SUP. He stated he is opposed to drive-thru; however, encouraged Council to attach conditions for a better quality Alamo Heights specific project. He suggested conditions: 1) CVS respect and abide by 15-foot landscape buffer between parking lot and existing property, 2) respect and continue traditional existing pattern on public space found on Burr Road and Broadway which consist of street, curb, planting strip or tree wells with canopy street trees and then sidewalk, commercial building or residential front yard. He distributed copies of the list highlighting the seven conditions that should be tied in with the SUP.

Steve Koch, resident, expressed concern on traffic congestion with neighboring business and residential areas. He stated landscaping is important and commented that the buffer zone is respected, the trees located on the southeast corner of the property are not cut down and that other trees, foliage, and shrubs are separating the two properties.

Mayor Cooper closed the public hearing at 6:30 p.m.

Mr. Christensen stated the site plan will not be changed and CVS Pharmacy will be a good addition to the City. Elevations will be addressed by ARB and tonight is the consideration of the drive-thru access. He stated the project is following all regulations as any business would.

Mayor Cooper stated he observed there is a need for pharmacy drive-thrus to assist individuals or families.

A motion for approval for an SUP was made by Councilmember Billa Burke with the following conditions: 1) the drive-thru closes at 9 p.m. with the restriction of selling only pharmaceutical items and there is no audio system equipment for the drive-thru. The motion was seconded by Councilmember Savage. The vote was as follows: Ayes: Councilmembers Prassel, Billa Burke, and Savage; Nays: None, and Abstain: Councilmember Hasslocher. The motion passed.

Mayor Cooper announced that Item # 4 would be considered next.

Item # 4 Mayor Cooper read the following caption.

Planning and Zoning Case No. 357 University of the Incarnate Word requests a zoning change from P to B-1 for construction of a retail store located at 4600 Broadway. Of the four lots that make up the property, three are currently zoned B-1 and one is zoned P. This hearing will deal specifically with the request to change the zoning from P to B-1 for the property known as CB 5600 BLK 3 LOT E 37.5 of 24 ALL OF 25 & W 5 FT of 26 and is addressed as 115 Burr Road, Alamo Heights, TX – Jason Lutz, Community Development Services Department Director

Discussion continued among Council on this item regarding landscaping and buffer requirements. Mr. Lutz summarized that if the zoning change request is granted, the 15-foot buffer is required; however, if CVS relocates, the parking lot may be developed into a building.

The following residents spoke on this matter:

Jim Taylor, P&Z member, requested the applicant maintain a 15-foot landscape buffer and stated it is important for Council to consider so it may provide security to the neighbors. He reminded Council of the applicant's variance request.

Mr. Brennan clarified the buffer requirements and stated B-1 will not allow an independent business to be built because the front entrance needs to be on Broadway or Austin Highway; however, a SUP may include a certain amount of buffer.

Mr. Christensen commented he would allow ARB flexibility and consider the loss of 12 parking spaces.

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

Item # 6 was considered next.

Item # 6 Mayor Cooper read the following caption.

Architectural Review Board Case No. 553F, request of Highlights Electric/Clyde W. Bryan, applicant, for the installation of additional outside lighting at 5408 Broadway Street under Chapter 2 Administration for Architectural Review

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

Mr. Lutz identified the project and stated the applicant will be installing 13 new fixtures and replacing 12 existing fixtures. He displayed photos identifying specifics on the changes to the lighting of the area. He referenced City Code 3-84 that lighting for the parking area will be demonstrated downwards and not directed to any adjacent residential area. Texas Finance Codes Sections 59.305 and 59.307 were referenced regarding lighting requirements and standards. Staff received two responses in support and none in opposition.

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

Item # 7 Mayor Cooper read the following caption.

Architectural Review Board Case No. 563F, consider a request of Ironside Building Group, applicant, representing Jaclyn Calhoun, owner, for the significance review of the structures located at 208 Montclair under Demolition Review Ordinance No. 1860 (April 12, 2010) in order to demolish 100% of the existing main structure

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

Mr. Lutz identified the project and stated the applicant requested to demolish the structure located at 208 Montclair. Photos were briefly presented highlighting the structure's condition. This project was reviewed by ARB on December 2, 2014 and approved the demolition request. Staff received four responses in support and none in opposition.

Mayor Cooper asked if the house may be exterminated prior to demolition. He stated he had residents that shared with him photos of the critters.

Mr. Lutz responded that the code may be amended to include certain demolition process.

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

Item # 8 Mayor Cooper read the following caption.

Architectural Review Board Case No. 564F, consider a request of Nic Abbey Luxury Homes, owner, for the significance review of the structures located at 517 Alta Avenue under Demolition Review Ordinance No. 1860 (April 12, 2010) in order to demolish 100% of the existing main structure

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

Mr. Lutz identified the project and stated the applicant requested to demolish the structure located at 517 Alta. Photos were briefly presented highlighting the structure's condition. The project was reviewed by ARB on December 2, 2014 and approved the demolition request. Staff received one response in support, none in opposition and one neutral response.

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

Item # 9 Mayor Cooper read the following caption.

Architectural Review Board Case No. 565F, request of Architectura SA, applicant, representing International Bank of Commerce, owner, for the final review of the proposed detached ATM Kiosk with separate ATM lane at the property located at 5029 Broadway

Mr. Lutz made a PowerPoint presentation that included background information, detached ATM plan, and elevations.

Mr. Lutz identified the project and stated the applicant is seeking to revisit the addition of a detached ATM at the property located at 5029 Broadway. He reviewed the project details to include a final proposal of four drive-thru lanes including an unattached ATM. The original plan was briefly presented as well as the detached ATM plan. Staff received no responses in support and one in opposition.

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

Item # 10 Mayor Cooper read the following caption.

Architectural Review Board Case No. 566 F, consider a request of Daniel Salazar of Ideal Shoes, applicant, for installation of two (2) storage sheds on existing permanent foundations at the property located at 6421 Broadway Street under Chapter 2 Administration for Architectural Review

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

Mr. Lutz identified the project and stated the applicant is seeking to install two storage sheds on the property. He presented two photos of sheds which the applicant was considering, which were of different measurements and style. Photos of the current site were presented as well. He stated this item was reviewed by ARB on December 2, 2014 and the request was denied due to visibility and the temporary structures are proposed on commercial property. Staff received two responses in support and none in opposition.

Mr. Howard Anderson, representing Ideal Shoes, explained the need for an additional structure to be located on the property. He informed Council that he requested the video of the meeting to obtain substantial information on the denial of the request. He stated in his opinion the shed didn't match the structure. Mr. Anderson noted Type B shed matches the remaining structure on the property and would be ideal for a temporary time frame.

Mayor Cooper stated the shed is not typically placed within a business.

Mr. Anderson requested ample time to view the ARB meeting video and the reason(s) for denial.

Councilmember Billa Burke asked Mr. Anderson to define temporary.

Mr. Anderson responded temporary is five years and stated the business owners want to be part of the community.

Mr. Lutz shared briefly a summary of what was exchanged at the ARB meeting. He stated an additional structure was ideal; however fear for the shed being vandalized and ARB didn't provide much direction.

Councilmember Prassel provided a brief history of the property and stated there are not many options to consider due property ownership.

Mayor Cooper suggested the item return to ARB and consideration of landscaping and a fence.

Mr. Lutz summarized the comments he will provide to ARB.

A motion was made by Councilmember Savage to return this item to ARB for suggestions. The motion was seconded by Councilmember Billa Burke. The vote was as follows: Ayes: Councilmembers Prassel, Billa Burke, and Savage; Nays: None, and Abstain: Councilmember Hasslocher. The motion passed.

Fernando Salazar, business associate, provided a summary of the products of what the business offers.

Item # 11 Mayor Cooper read the following caption.

ORDINANCE NO. 2012

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

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

Ms. Reyna informed Council that *Alamo Heights Weekly*, official designated newspaper, served Alamo Heights, Olmos Park, and Terrell Hills ceased publication on November 5, 2014. She briefly shared the convenience and accessibility *San Antonio Express-News* offers to the Alamo Heights residents. She stated an official newspaper guides the readers where to obtain information on legal notices and the City Charter requires publication of certain ordinance captions in a newspaper of general circulation.

A motion for approval was made by Councilmember Billa Burke to designate San Antonio Express-News as the official newspaper. The motion was seconded by Councilmember Prassel. The vote was as follows: Ayes: Councilmembers Prassel, Billa Burke, and Savage; Nays: None, and Abstain: Councilmember Hasslocher. The motion passed.

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Staff Report

Item # 12 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.

Mr. Browne briefly reported the move to the new facilities. He stated City staff moved in on November 19, 2014. He thanked Assistant to the City Manager Marian Vargas for the smooth transition related to information technology.

Mr. Browne reported the few areas that are still in progress. The following are areas under construction for City Hall: 1) wood stairs in public foyer, stone work on exterior, landscaping, and exterior window trim. The Council Chambers' woodwork, roller screens for windows are still in progress as well. The furniture delivery for the Council Chambers is scheduled for December 18, 2014.

Mr. Browne provided an update on site work. He stated the paving is complete around the Police/Administration buildings and the striping is nearly complete. He informed Council that the fire lane and second coat is still needed. Demolition of the city-owned houses is in progress and estimated to be complete in January 2015. Mr. Browne stated a contract for maintenance for the new facility had been signed.

Mayor Cooper asked if the third city-owned house had been contemplated to be removed to provide additional parking spaces.

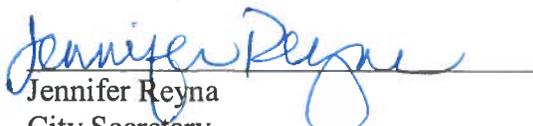
Mr. Browne responded he received an estimate of \$16,000 to remove the third house and current building plans focus on the construction of city facilities; however, at some point, we need to consider demolition of the third house.

Mr. Browne continued his presentation with meeting information and photos. He stated the first meeting is scheduled for January 12th and noted it may change due to pending construction. Mr. Browne displayed photos of the facility that included parking areas, public entrances, temporary signs, customer service area, and the Council Chambers.

Mr. Browne presented a budget spreadsheet regarding expenditures. He informed Council of the contingency amounts, \$150,000 for the contractor with \$34,000 remaining. There is \$60,000 contingency amount for the owner with \$9,000 remaining.

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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 Billa Burke and passed by unanimous vote. Mayor Cooper adjourned the meeting at 7:27 p.m.


Jennifer Reyna
City Secretary


Louis Cooper
Mayor