

CITY OF ALAMO HEIGHTS  
CITY COUNCIL  
February 10, 2014

A regular meeting of the City Council of the City of Alamo Heights, Texas was held in the temporary facilities, located at 1248 Austin Highway Suite 220, San Antonio, Texas, at 5:30 p.m. on Monday, February 10, 2014.

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 Brennan  
Finance Director Cynthia Barr  
Building Official Nathan Lester  
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

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

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*Item # 1      Approval of Minutes*

Mayor Cooper asked City Council for any revisions to the minutes of the January 13, 2014, Council Meeting. A motion was made by Councilmember Fred Prassel to approve the minutes of January 13, 2014 as amended. The motion was seconded by Councilmember Elliot Weser. The vote was as follows: Ayes: Mayor Pro Tem Savage, Councilmembers Rosenthal, Prassel, and Weser; Nays: Councilmember Hasslocher. The motion passed.

Mayor Cooper asked City Council for any revisions to the minutes of the January 27, 2014, Council Meeting. A motion was made by Councilmember Bobby Rosenthal to approve the minutes of January 27, 2014 as amended. The motion was seconded by Mayor Pro Tem John Savage and passed by unanimous vote.

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*Item # 2      Announcements*

Mayor Cooper read the following captions.

**a. Bexar Metro 9-1-1 Grant in the amount of \$18,669.00**

Police Chief Rick Pruitt announced the Alamo Heights Police Department applied for a matching funds grant for the purchase of two new dispatch consoles. The Alamo Heights Police Department was selected to receive a 75% grant award of \$18,669.00 toward the purchase price of \$24,892.00.

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*Consent Item*

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

**Request for permission to refund erroneous payment of property taxes to Lawrence and Audrey Searcy in the amount of \$3,217.89 for the property located at 225 Redwood**

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

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*Items for Individual Consideration*

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

**Consideration approval of the City Manager's recommendation promoting and appointing Building Official Nathan Lester to Development Services Manager**

City Manager Mark Browne made a PowerPoint presentation that included Mr. Lester's qualifications.

Mr. Browne highlighted Mr. Lester's experience as the City's Building Official. He reviewed the interviewing process. Mr. Browne informed Council that the Planning and Development Services Department will now be part of the Administration department.

Councilmember Weser asked the balance between the enforcement on ordinances with reduced staff.

Mr. Lester responded he will handle requests as they are submitted. Mr. Browne added the Building Inspector position will be advertised in the future.

A motion for approval was made by Councilmember Rosenthal to promote and appoint Building Official Nathan Lester to Development Services Manager. The motion was seconded by Councilmember Weser and passed by unanimous vote.

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

**ORDINANCE NO. 1982**

**The City Council will consider approval of the ordinance memorializing the action of the City Council at the Special Council Meeting on January 13, 2014 granting a Specific Use Permit to Alamo Manhattan Properties, LLC for the development of a multi-family apartment project and amending Section 3-98 of the Zoning Code to authorize the Specific Use Permit. The purpose of this agenda item is to commit to writing the action taken previously by the City Council on January 13, 2014 and to correct an error included in the prior action which should have limited the maximum lot coverage to 82% rather than 85%. This agenda item is not for reconsideration or amendment of the action taken previously by the City Council on January 13, 2014 because no required notices, publications or public hearings regarding reconsideration or amendment have occurred**

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

Mr. Lester stated on January 13, 2014, a public hearing was conducted. He shared the City Attorney noted an error included in the prior action which should have limited the maximum lot coverage to 82% rather than 85%. He reviewed the process if the ordinance is approved and stated the Alamo Manhattan project will be subject to additional processes and approvals prior to permit issuance.

Mayor Cooper stated there were still concerns among Council on the ordinance. He added if Alamo Manhattan would like to move forward, there are still numerous things that need to be finalized.

The following citizen spoke on this matter:

Kimberly Lubianski, resident, referenced Section 3-87 and expressed in her opinion that the appropriate process was not conducted for a specific use permit. She expressed concern that an amendment to the ordinance on the SUP is not an appropriate action. She expressed opposition and requested Council to do the right thing.

City Attorney Mike Brenan responded that Council took appropriate action to notify residents to include postcards to property owners that live adjacent to the proposed zoning property.

Mayor Cooper stated the process needed to be re-evaluated. Mayor Cooper stated regardless the outcome, the City has learned there is a need to change ordinances for the requesting applicant to provide studies and own the interested properties. Comments were expressed by Council on the process and the ordinance. Councilmember Savage stated the process was established and noted Alamo Manhattan chose the sequencing in presentation of their project.

Councilmember Weser requested clarification on the motion's language specifically "must be within 350' of the intersection of Broadway and Austin Highway". He commented the boundaries of the property was changed that was previously defined as "1.66 acres of property bounded by Broadway Street on the west, Ellwood Avenue on the north, Austin Highway on the East, and the southern edge of Ausway Lane on the south". He expressed concern on the following: (1) the project is within the floodway and the issuance of a floodway development permit is required; (2) the validity of the traffic study; and (3) the developer's request required 11 specific variance waivers. He expressed in his opinion that the waivers are tailored for Alamo Manhattan and not for any other developers. Councilmember Weser stated the City should specify more restrictive standards for the best interest of the community. He encouraged Council to reject the ordinance.

City Attorney Mike Brenan briefly explained spot zoning. He stated the property is zoned multi-family which is the primary use of the property. He stated the small use of retail space is permitted because many of properties of close proximity are zoned commercial. He added the SUP is a legislative act in rezoning the property for a particular use. He stated there is no argument on the principle of the use.

Councilmember Hasslocher stated he received an email from City Manager Mark Browne on January 10<sup>th</sup>, regarding drafted motions and the SUP wording to be drafted into Section 3-87 of the Zoning Code if approved. He requested an explanation on the difference of the measurements of 300' for 350' property boundaries. He commented that the project had been rushed. He expressed his personal thoughts on the acquisition of public land.

Mr. Brenan explained the language describes the perimeters of what an SUP could look like if the Council elects to approve an SUP in that area. He stated the property is zoned which matches the criteria.

Mayor Cooper added that the language provides limitations on the coverage of the SUP and stated part of the lack of discussion could be due to motions to end debate.

Councilmember Hasslocher requested further discussion on the percentage amount of 82% to a maximum of 85% lot coverage.

Councilmember Rosenthal explained the motion was modified to continue discussions. He expressed that in his opinion, the project was not the right size but it is worth discussing. He stated he does not know what will happen from here; however, admitted he made a mistake on the lot coverage. Councilmember Rosenthal asked to be on the record that he did not speak with anyone about his motion and used the draft motion to create his own motion. He commented that he wanted Council to continue discussions and there was a possibility of previous debate. He shared Councilmembers Hasslocher and Weser also met with the developers.

Councilmember Weser explained the Neighborhood Character and Commercial Revitalization (NCCR) meeting on January 16, 2013 contained a presentation from the developers of a potential apartment developing project at the intersection of Broadway and Austin Highway known as the Alamo Manhattan project. The 27-page presentation was informational and it provided an overview of a project, some background of the developers, and potential elevations. Councilmembers Hasslocher and Weser, and the NCCR Committee gave no direction nor did the presentation involved or called for decisions. It was simply an opportunity to discuss and ask questions.

Councilmember Prassel stated he did not fully understand the property lines and setbacks that lacked clarity. He expressed the need of an engineer drawing conducted by the City's engineers, Freese & Nichols, to display square foot calculations of property, property lines, curb lines, and setbacks, locations of entries and exits at the cost of the City of Alamo Heights. A motion was made by Councilmember Prassel to table the item until the Council receives requested information by the engineer, which is paid by the City of Alamo Heights. The motion was seconded by Councilmember Rosenthal for further discussion.

In response to Councilmember Hasslocher's question, Mr. Brennan stated the process could begin again if the ordinance is denied; however encouraged that the ordinance needed to be written to amend the code.

Mayor Pro Tem Savage asked if the process to obtain engineering drawings is lengthy and expensive. He shared the residents will lose availability on flood insurance based on FEMA's call for a zero impact project.

Councilmember Prassel estimated the drawings at \$1,000 dollars to display the boundaries of the lots. He expressed in his opinion, there was ambiguity.

City Attorney Brennan shared that Alamo Manhattan had reimbursed the City for items that the City had incurred.

A motion to table the item until an engineer's drawing is produced was made by Councilmember Prassel. The motion was seconded by Councilmember Rosenthal. The vote was as follows: Ayes: Mayor Pro Tem Savage, Councilmembers Rosenthal and Prassel; Nays: Councilmembers Hasslocher and Weser. The motion passed.

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Councilmember Rosenthal recognized the presence of a member of the Boy Scouts of America, Troop # 59 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 # 6* Mayor Cooper read the following caption.

**Notice to Intent to construct a building at 6333 Broadway**

Mr. Lester made a PowerPoint presentation that included background information on the prospective project.

Mr. Lester identified the project location at Inslee and Broadway and stated it is the vacant lot typically used for the annual Papa Noel Christmas sales. He stated the project is the construction of a new two-story approximately 22,000 square foot office building with subgrade parking level. Mr. Lester stated no re-zoning or replatting is required or anticipated variances. The process will include review by ARB and Council. Mr. Lester introduced Mike McGlone, Alamo Architects.

Mr. McGlone represented his client, Peleton Partners, LLC. He displayed the site plan with street level parking, Levels 1, 2 and sublevel parking were briefly reviewed. He noted the setbacks and the building footprint is 40% lot coverage as the maximum. He displayed preliminary exterior designs on Broadway and Inslee.

Councilmember Hasslocher asked about storm water on Inslee.

Mr. McGlone responded the low point would not be changed and referenced the existing topographic and tree survey. He noted that due to the building's shape the water will be directed to the south; however, he noted there lacked an engineer's report and stated he didn't expect any impact to Broadway.

Mayor Cooper complimented Mr. McGlone on the project and that no variances are required.

Councilmember Rosenthal disclosed his firm represented Peleton Partners, LLC.

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

**Notice to Intent to construct a building at 5029 Broadway**

Mr. Lester made a PowerPoint presentation that included background information the prospective project.

Mr. Lester identified the project location at the corner of Poco and Broadway. He stated the project is the demolition of the existing 4,300 gsf building and relocation and

rebuilding of a new 2,800 gsf building. Renovation of the existing drive-through is proposed to include reduced lanes from six to five and a detached ATM. He stated no rezoning, replatting, or variances are anticipated. He noted a floodplain development permit is required. The process will include a review by ARB and Council. He stated preliminary review is scheduled on February 18<sup>th</sup> to ARB. Mr. Lester introduced Joshua Calzada, Architectura SA.

Mr. Calzada represented his client, IBC Bank. He stated there are many entrances and their primary purpose is to have a more friendly entrance to the building. He briefly described the project to include a park image on Barilla and Cleveland Court to create a livelier landscaping. A proposed landscape plan with a planting palette was presented. Mr. Calzada presented a site plan, proposed elevations, and stated the finish would be granite. He displayed different perspectives from Poco and Broadway and noted there is a decrease of the water runoff. He thanked Council for this opportunity which provides a time to correct or incorporate any changes.

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

**Consideration of funding \$10,000 (which is 1/6 of the total cost) of a feasibility study to install a trash collection system along Olmos Creek. The City of San Antonio and San Antonio River Authority will each fund the same amount and Valerie Guenther will fund the other \$30,000 as a challenge grant**

Public Works Director Pat Sullivan made a PowerPoint presentation that included background information on the proposal the City of Alamo Heights received.

Mr. Sullivan stated the Olmos Basin continues to experience a problem due to a large amount of trash and debris left after a flood event. He stated Mrs. Valerie Guenther had offered \$30,000 to cover half of the estimated amount of \$60,000 to perform a feasibility study for the purpose of installing trash racks up stream of the Basin. He informed Council the balance of \$30,000 needed to fully fund the project by the City of San Antonio, SARA, and the City of Alamo Heights. The funds would be conducted by SARA on the City's behalf.

There was a brief discussion among Council regarding cost. Councilmember Hasslocher shared information regarding a trash rack system.

Sarah Reveley, resident, shared there has been a low participation on cleaning of the Olmos Basin and noted the adjacent property owners to the Basin were privately owned which may be a challenge. She suggested the City clean along the creek that looks on the other side to let the water come through. Ms. Reveley also suggested make a part of the creek as part of the San Antonio River.

Mr. Sullivan introduced Karen Bishop, Executive Services Supervisor, San Antonio River Authority (SARA). He shared that Ms. Bishop spearheaded the awareness

of responsibilities. Ms. Bishop thanked the Council and stated the study results will be shared and the City will be a stakeholder component to the study.

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

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

**Discussion and possible action regarding fees for EMS Services**

Fire Chief Buddy Kuhn made a PowerPoint presentation that included background information on area EMS provider rates.

Fire Chief Kuhn provided background information on the last evaluation of EMS provider rates. He summarized the surrounding cities' study that included fee comparisons among Alamo Heights, San Antonio, Schertz, Shavano Park, and Kendall County. He explained the difference in the costs across the different categorized level of services. Fire Chief Kuhn stated the projected revenue for FY13 was \$210,000 and noted the actual amount collected was \$206,648.26 after the audit. He noted the call volume was approximately 15% lower in 2013. Fire Chief Kuhn reviewed the financial information and recommended to maintain the EMS rates at the same level. He encouraged a review on an annual basis and perhaps consider an increase in the non-resident fee and/or the mileage fee in the future.

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

**ORDINANCE NO. 1984**

**AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT AND A BUSINESS ASSOCIATE AGREEMENT BETWEEN ALAMO HEIGHTS EMS AND THE SOUTH TEXAS REGIONAL ADVISORY COUNCIL (STRAC)**

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

Fire Chief Kuhn stated the South Texas Regional Advisory Council (STRAC) provided cost effective software solutions for member agencies for electronic Patient Care Reporting (ePCR). He stated the renewal was conducted 5 years ago and will renew annually for a period of 6 years.

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

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

**ORDINANCE NO. 1985**

**AN ORDINANCE ORDERING A GENERAL ELECTION IN THE CITY OF ALAMO HEIGHTS, TEXAS, TO BE HELD ON MAY 10, 2014, FOR THE ELECTION OF THREE COUNCIL MEMBERS FOR PLACES THREE (3), FOUR (4), AND FIVE (5); PROVIDING THE DETAILS THEREFOR AND PROVIDING FOR A PROCLAMATION AND NOTICE OF SUCH GENERAL ELECTION; AND DESIGNATING ELECTION ADMINISTRATOR TO CONDUCT SAID ELECTION**

***UNA ORDENANZA ORDENANDO UNA ELECCIÓN GENERAL EN LA CIUDAD DE ALAMO HEIGHTS, TEJAS, QUE SE LLEVARÁ A CABO EL 10 DE MAYO 2014, CON EL PROPÓSITO DE ELEGIR TRES CONCEJALES: CONCEJAL LUGAR TRES, CONCEJAL LUGAR CUATRO Y CONCEJAL CINCO; EN FACILITAR LA INFORMACIÓN Y POR LO TANTO SE ESTABLECE UNA PROCLAMACIÓN Y NOTIFICACIÓN DE DICHA ELECCIÓN GENERAL; Y LA DESIGNACIÓN DE JACQUELYN F. CALLANEN, ADMINISTRADOR DE ELECCIONES DEL CONDADO DE BEXAR, COMO LA FUNCIONARIA DE ELECCIONES***

City Secretary Jennifer Reyna made a PowerPoint presentation that included background information on the upcoming election.

Ms. Reyna informed Council that early voting activities would be conducted at all Bexar County designated sites, including Lion's Field Adult and Senior Center and Tobin Library at Oakwell. Ms. Reyna added that Election Day voting would be held on Saturday, May 10, 2014 at Alamo Heights High School, in the rear off Vanderhoeven, at the room adjacent to the ROTC Room (Visitor's Locker Room) for Precincts 3020, 3025, and 3026. Photos of the polling site were presented highlighting ADA accessibility and parking spaces.

Newspaper publications are scheduled for Sunday, April 27<sup>th</sup> in the *San Antonio Express-News*, and *La Prensa*. Election information will also be located on the City's website. Ms. Reyna briefly highlighted the different opportunities of voting.

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

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Staff Reports

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

**A presentation comparing index crime total for the calendar years of 2011 through 2013**

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

Police Chief Pruitt referenced a chart that displayed the index crime comparison for the years 2011 - 2013. He reviewed the eight crime index offenses. Police Chief Pruitt presented yearly totals which indicated that crime activity had slightly decreased compared to 2013.

Council thanked Police Chief Pruitt for the valuable report.

Item # 13 Mayor Cooper read the following caption.

**Briefing on utilizing iPads for paperless agenda and agenda memos**

Information Services Manager Marian Vargas made a PowerPoint presentation that briefly highlighted the use of iPads for paperless agenda and agenda memos. She introduced iAnnotate, a software that can be utilized with the use of an iPad. She provided examples on the use of iAnnotate demonstrating highlights, stamps, note taking and access.

Mr. Browne stated a training session will be conducted to familiarize Council with iPads and the variety of software applications.

There was a brief discussion among Council regarding the time to implement the use of iPads and having a hardcover for the iPad. Mr. Browne suggested include this item in the next Strategic Action Plan (SAP) Session. Council agreed.

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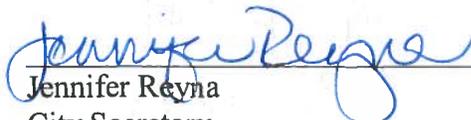
Citizens To Be Heard Concerning Non-Agenda Items

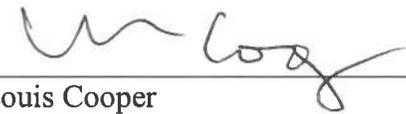
Item # 14 Citizens to be heard concerning items not on the agenda

There were no citizens that signed up to be heard.

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There being no further business, a motion was made by Councilmember Prassel to adjourn the meeting. The motion was seconded by Councilmember Hasslocher and passed by unanimous vote. Mayor Cooper adjourned the meeting at 8:03 p.m.

  
Jennifer Reyna  
City Secretary

  
Louis Cooper  
Mayor