

CITY OF ALAMO HEIGHTS
CITY COUNCIL
March 23, 2015

A regular meeting of the City Council of the City of Alamo Heights, Texas was held at Council Chambers, located at 6116 Broadway, San Antonio, Texas, at 5:30 p.m. on Monday, March 23, 2015.

Present and composing a quorum were:

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

Also attending were:

City Manager J. Mark Browne
Fire Chief/Assistant City Manager Buddy Kuhn
Assistant to the City Manager Marian Vargas
City Attorney Mike Brennan
Finance Director Cynthia Barr
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

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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 March 9, 2015, City Council meeting. A motion was made by Councilmember Fred Prassel to approve the minutes of March 9, 2015. The motion was seconded by Councilmember Bobby Hasslocher and passed by unanimous vote.

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

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Item # 2 Announcements

Mayor Cooper read the following captions.

a. 1st Annual BBQ Cookoff/Fundraiser for Alamo Heights Volleyball Team, March 27-28, 2015

Community Development Services Department Director Jason Lutz informed residents of the first annual BBQ cookoff/fundraiser hosted by the Alamo Heights Volleyball Team beginning on March 27 through March 28, 2015 at the Alamo Heights Swimming Pool. There will be a BBQ contest and washer tournament. Electricity will not be provided so generators will be required. No alcoholic beverages will be sold.

b. Síclovía, March 29, 2015

City Secretary Jennifer Reyna informed Council that traditionally this recreational event is traditionally hosted south of Broadway; however, noted that the event will be held beginning at S. Alamo and continuing further south. The event is scheduled for Sunday, March 29th beginning at 11:00 a.m. – 4:00 p.m. Ms. Reyna referenced www.siclovía.org for additional information on the event.

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

Debra Porter, Regional Manager for Greystar Real Estate Partners, stated they are hosting a 5K/run that will occur on a few streets within Alamo Heights. She stated the fundraiser will benefit Camp Hope, an organization for wounded soldiers and their families. She requested assistance with the coordination of the upcoming event. She was directed to speak with Community Development Services Department Director Jason Lutz.

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Items for Individual Consideration

Item # 4 Mayor Cooper read the following caption.

Presentation of Comprehensive Annual Financial Report for the fiscal year ended September 30, 2014 by Mike Del Toro, Audit Partner for Alonzo, Bacarisse, Irvine and Palmer, P.C. for acceptance for City Council

Mike Del Toro, Audit Partner for Alonzo Bacarisse Irvine + Palmer P.C. Certified Public Accountant began his presentation and introduced his partner, Janet Pitman, also in attendance.

Mike Del Toro presented the Comprehensive Annual Financial Report (CAFR) in detail. He briefly explained the contents in the CAFR which included: independent auditor's report, management discussion & analysis, government-wide financial statements, fund financial statements, notes to the financial statements, required supplemental information, supplemental combining and individual financial statements and schedules, and statistical tables. Auditors issued an "unmodified opinion" on the CAFR which is the best opinion that can be given for an independent audit.

Mr. Del Toro highlighted that tax revenues increased \$85,012 due to the increase in property tax rates and minimal changes in appraised property values. The City complied with the Public Funds Investment Act. Mr. Del Toro also highlighted the fund financial statements. The general funds expenditures for the year were less than the approved budget by \$194,650 due to unfilled vacancies and turnover in personnel and unbudgeted expenditures for furniture in the amount of \$360,000; revenues were \$161,916 less than budget due to slightly lower tax revenues, fines, licenses and permits. He stated governmental funds overall fund balance decreased \$5,288,680 due to the construction of the new city facilities. Mr. Del Toro explained the different transfers that lead to the amount of the overall general fund balance due to street maintenance, capital projects, and capital replacement. He noted the CIED monies were assigned and designated for the capital project per Council. He stated the general fund unassigned fund balance is approximately 5 months of average annual expenses and the water fund net position is approximately 8 months of average annual expenses.

Mr. Del Toro briefly explained the letter on conduct of audit to include accounting policies, accounting estimates, difficulties, misstatements, disagreements, management representations, consultations with other independent accountants, and compliance with the Public Funds Investment Act. He noted GASB#65 *Items Previously Reports as Assets and Liabilities* was a new policy. He stated this resulted as reduction of \$93,715 to the governmental activities net position and \$10,428 to the business-type activities net position. He encouraged City departments to conduct a formal capital asset physical inventory of since the City had moved into a new facility.

Mayor Cooper thanked Mr. Del Toro and his partner for their work and Ms. Barr for her efforts and congratulated her on the achievement. Councilmember Savage thanked staff for being frugal and noted monies were taken from the General Fund for the construction of the building and the City's fund balance improved.

Item # 5 Mayor Cooper read the following caption.

Architectural Review Board Case No. 567F, request of Ironside Building Group, applicant, representing Jaclyn Calhoun, owner, for the compatibility review of the proposed structure located at 208

Montclair under Demolition Review Ordinance No. 1860 in order to construct a new single family resident

Mr. Lutz made a PowerPoint presentation that included background information, proposed plans, and elevations.

Mr. Lutz identified the project and stated the applicant is seeking to construct a 3,047 square foot home within a 182 square foot carport, located at 208 Montclair. He reminded Council that on February 9, 2015, Council placed a 90-day demolition delay due to compatibility concerns utilizing hardie plank siding and no other materials. Council expressed concern with looming/privacy/window configuration due to the height of the proposed structure and the elevation change between the property and the adjacent home to the left of 208 Montclair. He reviewed the proposed structure's height, maximum lot coverage, front yard setback, side yard setback, and setback for accessory structures. The proposed structure will have an exterior comprised of a combination of hardie board planks, board and a batten design along with a composite shingle roof (2nd floor) and a standing seam metal roof (1st story). Elevations were presented in comparison of what presented originally submitted and modified.

Coordination included presentation to the Architectural Review Board (ARB) on January 20, 2015 which approved compatibility of the proposed structure. This item was presented to Council on February 9, 2015 and a 90-day demolition delay was issued. On March 17, 2015, ARB approved the compatibility for the original design approved by ARB rather than the modified plan. Mr. Lutz summarized that ARB found that the modified proposed structure was not as strong a design as the proposal previously considered by ARB. Staff received two responses in support and three in opposition of the project.

Councilmember Prassel expressed concern of looming and lack of privacy to the applicant. He stated he respected ARB's recommendation; however, noted that larger windows are not appropriate.

City Attorney Mike Brennan asked for clarification on the applicant's desired plan.

Trey Siller, applicant, responded that he desired his original plans that were approved by the ARB the first time be considered in establishing the design of the home to be approved should the 90-day demo delay expire. He informed Council that ARB requested the bigger windows on the plan. He shared that brick was provided as part of the fireplace, which would match the neighbor; however, Mr. Siller also stated that most homes on the street have exterior materials as wooden siding and that hardie plank provides the same look but is a higher quality material that will not rot.

The following citizens spoke on this matter:

Sam Wright, resident, stated Montclair has diverse houses and noted the project is within restrictions. He requested Council approve the project as the applicant had worked hard and made respective requested changes.

April Dickson, resident, provided personal background on her professional experience and volunteer work. She expressed opposition to the project reminding Council of her dislike of the structural design. She distributed pictures of similar houses that are compatible within the community and are currently on the market. She requested Council uphold the 90-day delay until a design is compatible with the neighborhood.

John Diggs, resident, expressed support on the project and design.

Zach Stinson, resident, complimented Mr. Siller's work for the ability to create a modern home. He commented the neighbors are aware of the windows; however, there is a mutual agreement of respect. He acknowledged there are different styles and exterior materials on Montclair, and encouraged approval of this project.

Omar Akhil, resident, thanked Councilmember Prassel for his concerns regarding the location and size of windows. Mr. Akhil requested smaller windows to prevent visibility coming across the street into his home. He expressed in his opinion the design should be different and ARB shall not dictate the look and feel of a neighborhood. He commented the second design was better than the original one.

Linda Christie, resident, shared windows are not a problem and agreed with neighbor, Zach Stinson, that there is a mutual agreement of respect. She encouraged Council to approve the project. Ms. Christie expressed concern on the process regarding the frequency a project needs to be returned for approval.

Albert Dickson, resident, expressed disappointment on the applicant's lack of effort in making changes during this second presentation. He provided pictures of 336 Alta and stated it is owned by the applicant and suggested the applicant redesign the house similar to what had been provided. Mr. Dickson provided estimate costs to redesign the project which he stated will pay for itself in the years to come.

Mayor Cooper explained the process of a 90-day demolition delay and summarized that at the end of the delay period, the applicant may built any design he/she desires. He asked Paul Fagan, Chair, Architectural Review Board (ARB), to share process/details on the considered project.

Mr. Fagan stated the process is imperfect. He shared that Mr. Dickson provided pictures of homes that had resistance on the architecture and aesthetics. He suggested an ad hoc committee to meet with Mr. Siller to bring concrete ideas for improvements and shared that Mike McGlone, ARB member, agreed to be on the ad hoc committee. He commented that he is pleased with ARB who are dedicated members that take on difficult tasks.

Mr. Siller shared the process he initiated when the home was purchased in October 2014. He shared that he attempted to meet with Mr. Dickson but the meeting was cancelled; however, received emails of different elevations from Mr. Dickson and made changes to appease neighbors. He thanked Council for reviewing the plans again.

Councilmember Hasslocher stated he attended the recent ARB meeting and commented the design of the first plan presented controversy. He reviewed the project's process which is now presented again to Council and included two presentations to ARB. Councilmember Hasslocher asked what agreement is needed to proceed with building of the project.

A motion for approval was made by Mayor Pro Tem Rosenthal subject to the applicant meeting with the Community Development Services Department Director, ARB Chair Paul Fagan, ARB Member Mike McGlone, and necessary individuals to discuss the 2nd floor windows within a two-week time period. The motion was seconded by Councilmember Prassel. There was further discussion regarding appropriate individuals, applicant's desired plan and timeframe of when the meeting should be conducted. Mr. Fagan clarified the project desired is the second plan presented to ARB which was the first considered by Council. A vote was taken on Mayor Pro Tem Rosenthal's motion and passed by unanimous vote.

Item # 6 Mayor Cooper read the following caption.

Architectural Review Board Case No. 575F, request of Jerry & Judy Pierce, owners, for the significance review of the structures located at 217 Alta Avenue under Demolition Review Ordinance No. 1860 in order to demolish 100% of the existing main structures

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

Mr. Lutz identified the project and stated the applicant is seeking to demolish 100% of the existing structures located at 217 Alta Avenue. He stated the property is zoned SF-B and is located on the north side of Alta Avenue between Arbutus Street and Columbine Street. According to the Bexar County Appraisal District, the home and detached garage were built in 1937.

On March 17, 2015, ARB found no significance for the structure and recommended approval of the demolition. Staff received no responses in support and one response in opposition.

William Hodge, architect, provided a brief history regarding his professional relationship with the owners. He stated the home currently has major structural damages and is vacant.

A motion for approval was made by Mayor Pro Tem Rosenthal. The motion was seconded by Councilmember Hassloch and passed by unanimous vote.

Item # 7 Mayor Cooper read the following caption.

Architectural Review Board Case No. 576F, request of Uptmore Custom Homes, LLC, owner, for the compatibility review of the proposed main structure located at 610 Ogden Lane under Demolition Review Ordinance No. 1860 in order to construct a new single family residence

Mr. Lutz made a PowerPoint presentation that included background information, existing survey, site plan, elevations, and existing/proposed streetscape.

Mr. Lutz identified the project and stated the applicant is seeking to construct a 3,279 square foot single family residence with an attached garage. He reviewed the Residential Design Standards (RDS). He noted a future permit will be required prior to installation of swimming pool. Mr. Lutz informed Council the applicant is removing multiple trees from the property noting that none of them are of a protected species or large enough to be considered heritage trees, therefore, no mitigation is required. The proposed structure will have an exterior comprised of a combination of hardie board planks, stucco, and a rock veneer.

The existing survey, site plan elevations, photos, and existing/proposed streetscape were briefly reviewed. He stated the applicant commented the rock will not be as orange as presented in the photo.

On March 17, 2015, ARB found the proposed structure to be compatible and recommended approval of the proposed replacement structure with the following condition: 1) that the roof be extended out and over the bathroom and the secondary bathroom roof be removed. Staff received two responses in support of the project and none in opposition.

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

Item # 8 Mayor Cooper read the following caption.

Architectural Review Board Case No. 579F, request of Patrick W. Christensen, applicant, representing University of the Incarnate Word, owner, for the final design review of the proposed replacement structure and renovations at the properties located at 4600 Broadway and 107, 111, and 115 Burr under Chapter 2 Administration for Architectural Review

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

Mr. Lutz identified the project and stated CVS Pharmacy desires a 12,656 square foot store/pharmacy at 4600 Broadway with a drive-thru. He reminded Council the property is composed of four platted lots and Council approved a change in zoning of the fourth lot from Parking (P) to Business 1 (B-1).

During their process, Council granted a replat of the property and a Specific Use Permit (SUP). Board of Adjustment (BOA) granted two variances: 1) to reduce parking stall sizes from 9'X20' to 9'X18' and 2) remove the requirement for an alley or service easement located at the rear of the property.

Mr. Lutz summarized the project as the building to be constructed of brick, 48 parking spaces, and the main entrance on Broadway. He stated he had samples of brick available. He briefly reviewed the setbacks and landscape buffers. No trees shall be removed from the 15' landscape buffer; however, 21 trees including 2 heritage trees will be removed. He stated the removal of these trees will need to be mitigated by planting more trees on a 1:1 ratio, either on site, in a public park, or public right-of-way. Site plans and photos were briefly presented.

On March 17, 2015, ARB recommended approval of the significance and compatibility review for the proposed development with the following conditions: 1) provide a detailed lighting plan; 2) provide a detailed landscaped plan to include mitigation trees to be located on the site and in the street in front of the property; 3) provide samples of the exterior materials, 4) provide roof plan showing the location of AC units; 5) modify the location of the front access door (far left) to the side and remove the door in the middle of the front facade; 6) extend the windows to the edges and add windows where the door was previously located. Staff received any responses in support or opposition of the project. Mr. Lutz displayed a photo including the conditions that were requested by ARB.

Mayor Pro Tem Rosenthal abstained as he serves on the University of the Incarnate Word (UIW) Board.

Councilmember Billa Burke complimented CVS for doing everything as requested by Council and respective boards and commission.

Councilmember Hasslocher asked Mr. Christensen if he had any concerns with ARB recommendations.

Mr. Patrick Christensen, attorney, stated the service trucks will be through an alley and noted the configuration of the pharmacy/storage presenting a challenge on the layout of the store. He requested to maintain the door located at the north end of the building instead of relocating to the side of the building. He requested not to comply

with fake windows as it will not be complementary with materials and appearance and the location falls within storage of the facility.

Councilmember Hasslocher reviewed the conditions that ARB requested with Mr. Christensen which he accepted with the exception of installation of fake windows and relocating the north end door of the building to the north side of the building. Mr. Christensen shared that the architects informed him that the AC units will not be visible from the streets; however, will comply with ARB request.

A motion for approval was made by Councilmember Prassel with satisfaction of certain ARB conditions, including retention of Broadway door near north corner of building, lighting/landscaping approval and verification of concealed air conditioning units on roof. Other ARB conditions are waived. The motion was seconded by Councilmember Savage. The vote was as follows: Ayes: Councilmember Hasslocher, Prassel, Billa Burke, and Savage; Nays: None; and Mayor Pro Tem Rosenthal abstained. The motion passed.

Mr. Lutz clarified that the motion included not to install fake windows and retain the Broadway door near the north corner of the building. The lighting/landscaping and roof AC units do not have to return to Council for consideration. Mayor Cooper confirmed.

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Staff Report

Item # 9 Mayor Cooper read the following caption.

Update on Optimist Club Annual “An Evening in ‘09” Fiesta Event License Agreement

Assistant to the City Manager Marian Vargas made a PowerPoint presentation that included background information.

Ms. Vargas provided an update on the license agreement for the “An Evening in ‘09” Fiesta Event. She reminded Council that on February 24, 2014, Alamo Heights Optimist Club signed a five-year agreement on the annual event and at the time, the Alamo Heights Optimist Club was working on a plan to install electrical lighting equipment in the parking lot adjacent to the south end of the Alamo Heights swimming pool prior to the 2015 event. Council agreed to waive the \$2,000 permit and inspection fee and keep net revenue contribution given to support charities, programs or non-profit organizations that serve children in the City of Alamo Heights or Alamo Heights Independent School District to induce the process. Ms. Vargas reported that the Alamo Heights Optimist Club had not completed the installation; therefore, the net revenue contribution would increase from 30% to 50% and they would pay the City \$2,000 for the permit/inspection fee. She confirmed that the electrical installation and lighting

completion will not be ready by the 2015 event. She reported the Alamo Heights Optimist Club is working on the installations for the future.

Councilmember Hasslocher asked Council to consider the agreement for another year. There was a brief discussion among Council regarding the costs, and increased contribution percentages. Council acknowledged the project is costly that requires planning, and coordination with CPS Energy.

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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 7:02 p.m.



Jennifer Reyna
City Secretary



Louis Cooper
Mayor