

CITY OF ALAMO HEIGHTS
CITY COUNCIL
March 24, 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, March 24, 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 Brenan
Finance Director Cynthia Barr
Development Services Manager 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

* * *

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

* * *

Item # 1 Approval of Minutes

Mayor Cooper asked City Council for any revisions to the minutes of the March 10, 2014, Council Meeting. A motion was made by Mayor Pro Tem John Savage to approve the minutes of March 24, 2014. The motion was seconded by Councilmember Fred Prassel and passed by unanimous vote.

* * *

Consent Item

Item # 2 Mayor Cooper read the following caption.

Request for permission to refund a duplicate and/or overpayment of property taxes to:

a. Mary S. Gallagher, 125 Cardinal	\$3,668.48
b. CoreLogic, 326 Corona	\$ 988.18
c. CoreLogic, 209 W. Elmview	<u>\$1,166.96</u>
Total	\$5,823.62

* * *

Items for Individual Consideration

Item # 3 Mayor Cooper read the following caption.

Architectural Review Board Case No. 520F, request of Don B. McDonald Architect, applicant, representing William and Susie Newton, owners, for compatibility review of the proposed replacement structure located at 865 Estes Avenue under Demolition Review Ordinance No. 1860 in order to construct a new single family residence

Development Services Manager Nathan Lester made a PowerPoint presentation that included background information, proposed site plan, and elevations.

Architect and applicant Don B. McDonald was present.

Mr. Lester reviewed the proposed Residential Design Standards (RDS) statistics. He informed Council there are no rezoning or replatting required. He stated no variances had been requested for this project.

On March 18, 2014, the Architectural Review Board (ARB) recommended approval as submitted. The Neighborhood Character and Commercial Revitalization (NCCR) Committee reviewed this project on March 12, 2014. Mr. Lester stated responses were received in which one was in support and none were opposed of the project.

A motion for approval was made by Councilmember Bobby Hasslocher. The motion was seconded by Mayor Pro Tem John Savage and passed by unanimous vote.

Item # 4 Mayor Cooper read the following caption.

Architectural Review Board Case No. 517F, request of Mike Hagar, applicant, representing Alamo Heights ISD, for the final design review of the proposed shade cover over the existing playground structure located at 1001 Townsend under Chapter 2 Administration for Architectural Review

Mr. Lester made a PowerPoint presentation that included background information, photos, and canopy layout.

Mr. Lester displayed the project site location and the existing playground equipment. He also displayed the canopy layout that is mesh fabric, water resistant with the school's colors of blue and gold. He informed Council there are no rezoning or replatting required. He stated no variances had been requested for this project.

On March 18, 2014, ARB recommended approval as submitted. The Neighborhood Character and Commercial Revitalization (NCCR) Committee reviewed this project on March 12, 2014.

Councilmember Hasslocher shared that carports were a concern the NCCR committee discussed. Mr. Lester acknowledged the item was discussed at length and stated there is a difference between a carport and this request. Councilmember Weser added there was also concern for this item to serve as a precedent.

There was a brief discussion among Council regarding the need to cover playground equipment, review by respective boards/commissions, and sensitivity to the neighbors regarding canopy colors.

City Attorney Mike Brennan stated the code needed to be reviewed based on the different level of coverages and how permanent the coverage is. He recommended the Planning and Zoning Commission (P&Z) review zoning and stated the aesthetic is reviewed by the Architectural Review board that is decided upon by Council. He summarized the code may be amended for future projects.

Mayor Cooper commented the colors of the canopy needed to be earth tone to mask and blend within the neighborhood. He asked if notices had been sent to neighbors.

Mr. Lester responded three responses expressed support in the request and none in opposition.

A motion for approval was made by Councilmember Rosenthal subject to the canopy color being beige or green with the direction for the P&Z to review and/or refine the definitions of different uses referenced in the Code. The motion was seconded by Councilmember Prassel for further discussion.

There was a brief discussion among Council regarding colors of the canopy. Councilmember Rosenthal amended his motion to reflect the colors of the canopy be earth tone and P&Z review and/or refine the definitions of different uses referenced in the Code. The motion was seconded by Councilmember Prassel and passed by unanimous vote.

Council agreed there is a need for sensitivity to the neighbors regarding canopy colors.

Item # 5 Mayor Cooper read the following caption.

ORDINANCE NO. 1988

AN ORDINANCE GRANTING A LICENSE TO THE ALAMO HEIGHTS OPTIMIST CLUB TO USE A PORTION OF VIESCA STREET AND THE PARKING AREAS ASSOCIATED WITH THE ALAMO HEIGHTS SWIMMING POOL FOR THE ANNUAL "AN EVENING IN '09"

Mr. Lester made a PowerPoint presentation that included background information and a request by Optimist Club.

Mr. Lester briefly highlighted the annual event and stated this year's event is scheduled for Saturday, April 12, 2014. He reviewed the agreement terms and noted the agreement is for a five-year term instead of a one-year term. He stated the annual agreement is that 50% of the generated revenues from the event support charities, programs, or non-profit organization that serve children in the City or attend the Alamo Heights Independent School District.

The Alamo Heights Optimist Club requested the City absorb costs for electrical systems as they typically spend approximately \$6,000 for temporary electrical and lighting on an annual basis. The Alamo Heights Swimming Pool parking lot is utilized by numerous organizations for staging their respective events.

Kevin Kiser, President, Optimist Club was present.

Mayor Cooper expressed concern on the term of the agreement and the erection of electrical poles for a one night event.

Councilmember Hasslocher expressed concern on the amount of power, impact of the light shining on adjacent neighbors, and the contract with Mr. Rick Shaw regarding the swimming pool. He inquired on the amount of crime activity due to the lack of light on the swimming pool parking lot. He inquired on the responsibility regarding maintenance of lights and after the event.

Police Chief Rick Pruitt responded that during summer hours, vehicular burglary is increased; however, noted during daylight.

Mr. Kiser responded the lights would be shielded and not interfere with the neighboring yards and noted the lights would only be utilized for the event. He acknowledged the ampere is already there and it's accessible. He proposed to place a meter between the pool and the Alamo Heights Little League's box so that the Little League calculates the consumption of electricity.

Councilmember Prassel asked how much generators cost for this event.

Mr. Kiser responded \$6,000 a year is the amount spent on generators and building temporary electrical access. He stated the generators are diesel-fueled.

Councilmember Hasslocher stated he observed multiple areas where heritage oak trees can be planted to change the asphalt parking lot. He asked Mr. Kiser consider instead of making a charitable donation to local charities to pay the City for funding the electrical equipment and access.

Councilmember Rosenthal suggested the Optimist Club instead take the City's portion (rental fee) and use for the purchase of electrical equipment.

There was a brief discussion among Council regarding the different organizations that benefits from lighting, alternate solutions for lighting, the need for secured electrical panels, LED lights, sensitivity to adjacent neighbors, City's rental fee, and amount paid to charitable organizations. Councilmember Weser stated the City needed to make a decision on the property and consider any potential improvements to proceed from there. Councilmember Hasslocher requested the final approval of the electrical panels coordinated with Nathan Lester, Development Services Manager; Pat Sullivan, Public Works Director; and Buddy Kuhn, Fire Chief.

Mayor Cooper noted the electrical system needs to be high enough to secure the panels and avoid flooding. He stated he can ask the contractor that removed the lights in San Antonio to reuse those fixtures at the parking lot. Another opportunity is the installation of LED lights within the City of Alamo Heights to observe LED advantages, with a possibility of paying installation charges only.

There was a brief discussion among Council on the location of the light poles with the coordination of Cappadonna Electrical Contractors (Cappadonna), and costs of light usage including LED lights. Mr. Lester shared there are questions that need to be answered by Cappadonna and noted there are differences on the existing lights and designs of lights required for the parking lot. Mayor Cooper suggested work with Cappadonna, provider, and not waste time with the event approaching.

A motion was made by Councilmember Rosenthal to approve a five-year lease with the Alamo Heights Optimist Club for a charitable donation requirement is 30% net revenue is provided instead of 50% to charity and their payment to the City be reduced from \$2,000 to \$1,000. In exchange the Optimist Club will install six lights as approved by the City of Alamo Heights and agree that if in the future during the five-year term the City requires any additional electrical and safety adjustments to the system that they be made by the Optimist Club.

Mr. Kiser suggested waiver of the \$2,000 rental fee for a period of 5 years.

Councilmember Rosenthal amended his motion to waive the City's rental fee for a duration of five years subject to the conditions and charity obligations.

City Manager Mark Browne expressed concern on the six additional poles and meeting everyone's satisfaction. He stated he had not seen anything submitted on the specific light pole fixtures. Mr. Browne requested language that if it is technically infeasible and there is a road block that there is flexibility to go to Plan B including the City have control of the lights.

Councilmember Rosenthal emphasized that safety is a concern for the parking lot. Mr. Kiser stated the lights will be controlled by a switch. Mayor Cooper added that lights may be simulated on a computer.

Mayor Pro Tem Savage referenced the layout of the light pole equipment and asked if there was coordination with the neighbors.

Mr. Kiser responded to Mayor Pro Tem Savage that Cappadonna identified the locations of the light poles and commented the poles are flexible locations. He informed Council that the following neighbors, Mr. Rogers and Mr. Denham provided letters of support and noted there is one property owner that needs to be contacted.

Mayor Cooper complimented Mr. Kiser for the thorough coordination and leaving the event site clean after the event.

Further discussion ensued and charity obligations were discussed. Councilmember Rosenthal commented that if this year, the Optimist Club cannot install the electrical equipment, the City may waive their charity obligation and resume next year with a reduced charity obligation in the amount of 30% net revenue. He confirmed the waiver of the rental fee is for the length of lease agreement, five years. No action was taken.

An amended motion was made by Councilmember Rosenthal to approve a five-year lease with the Alamo Heights Optimist Club with an agreement to waive the City's \$2,000 fee and altering the Optimist's obligation to provide 50% of its net revenue to a non-profit and reducing such amount to 30% of its net revenue; provided however, that the Optimist installs permanent electrical lighting acceptable in all respects to the City of Alamo Heights and further provided that the Optimist make future adjustments to the electrical system determined necessary by the City to be required for safety purposes. If the Optimist are unable to construct and install permanent electrical lighting satisfactory to the City prior to March 2015, then commencing with the 2015 event, the Optimist will be required to pay the City the \$2,000 annual fee until such time as satisfactory lighting is put into place. The motion was seconded by Councilmember Prassel and passed by unanimous vote.

Councilmember Hasslocher requested the City Secretary provide Mr. Lester and Mr. Kiser Council Rosenthal's motion to inform the Optimist Club of expectations. Ms. Reyna agreed.

Item # 6 Mayor Cooper read the following caption.

ORDINANCE NO. 1989

Discussion and possible action to amend Chapter 4

Police Chief Rick Pruitt made a PowerPoint presentation that included background information and an update.

Police Chief Pruitt informed Council this was a follow-up presentation that was made on November 25, 2013, correcting an error printed in City Code Section 4-35. He provided background information that included surrounding cities' restrictions on poultry. He stated in Bexar County that only San Antonio and Universal City allowed poultry with some restrictions.

Police Chief Pruitt presented two options on the ordinance which were: 1) repeal the existing Section 4-35 and replace with the intended language that it is unlawful to keep bovines, sheep, goats, equine, swine, poultry and pigeons in, or near any premises in the city; or 2) amend Section 4-35 to allow certain species of poultry with restrictions.

Police Chief Pruitt reminded Council that the residents at 512 Corona acquired six (6) hens in 2009 after researching the misprinted City Code and City staff. He shared currently there is no complaints filed against the poultry for noise or sanitation. Police Chief Pruitt requested guidance from City Council.

Heather Lammers, owners of hens, was present.

Mayor Cooper shared that at the last presentation, Council encouraged the Lammers to keep the chickens for their life time.

There was a brief discussion among Council regarding poultry within city limits. Council commented of the feedback received that residents do or do not desire hens within the City. Councilmember Prassel shared a story regarding Victory gardens and changing the law in keeping one hen. Councilmember Weser stated the positive and negative needs to be considered and what is the best benefit for the City.

A motion to table the item was made by Councilmember Hasslocher. Due to a lack of a second, the motion failed.

Councilmember Weser asked what kind of maintenance is required to keep the coups clean.

Ms. Lammers shared her routine maintenance of the chicken coups and noted they required less attention than their family dog.

A motion for approval was made by Mayor Pro Tem Savage to pass the restriction on animal species and grandfather the hens currently owned by the Lammers. The motion was seconded by Councilmember Prassel. The vote was as follows: Ayes: Mayor Pro Tem Savage, Councilmembers Rosenthal, Prassel, and Weser; Nay: Councilmember Hasslocher. The motion passed.

Item # 7 Mayor Cooper read the following caption.

Resolution No. 2014R-063

A resolution designating authorized investment officers to purchase certificates of deposit

Finance Director Cynthia Barr made a PowerPoint presentation that included background information.

Ms. Barr informed Council the resolution allows the purchase of a certificate of deposit (CD) for investment in the amount of \$250,000. The City's investment policy designates the City Manager and Finance Director as designated investment offers. Ms. Barr stated Generations Federal Credit Union offered an interest rate of 1.6% for a 14-month term for certificates of deposit over \$100,000. Ms. Barr noted the amount of increased revenue with the proposed action.

A motion for approval was made by Councilmember Bobby Hasslocher. The motion was seconded by Mayor Pro Tem John Savage and passed by unanimous vote.

Item # 8 Mayor Cooper read the following caption.

Resolution No. 2014R- 064

A Resolution to authorize the City Manager to enter into a lease/purchase agreement for city facilities furniture and amending the FY14 budget in the amount not to exceed \$360,000 for furniture assets

City Manager Mark Browne made a PowerPoint presentation that included background information and an inventory summary.

Mr. Browne informed Council of the furniture inventory within the departments. He began with the Fire Department highlighting the furniture that will be reused and the requirement of new furniture for their living quarters, dining area, modular workstations for on-duty personnel (four) and training room which are new areas within the department. Specifically for the Police Department, Mr. Browne noted the furniture that will be reused and the requirement of new furniture to include modular work stations interview/squad room, prisoner processing, sally port and some filing/dispatch furniture. The Administration Department will reuse desks, bookcases, credenzas, and new furniture will be in the Council Chamber, Council foyer, customer service area, executive/training room, upstairs conference room, and employee break room. He informed Council that estimates were received for the purchase of a new dais and stated it will be presented to Council for consideration. Mr. Browne summarized with a partial purchase of new furniture and furniture being reused, he informed Council the furniture will be mixed match.

Anthony White, Frost Bank, was present.

There was a brief discussion among Council regarding salvaging furniture and the opportunity for employees to personalize their working area.

Councilmember Hasslocher asked what department contains cost of a big ticket item.

Fire Chief Kuhn responded City Hall/Council Chambers/Administration is estimated at a total of \$85,000. He explained there is new space that requires furniture. He shared the aesthetics of the new facility is cherry wood.

Councilmember Rosenthal asked if the furniture would still be mixed match if approved at the \$220,000 amount.

Mr. Browne provided an estimated amount of \$360,000 for new furniture for the city hall facilities. He noted the facility is 26,000 square feet with dispatch, EMS, firefighters, jail cell.

Councilmember Rosenthal asked the lease payment financing for different combinations of years. Mr. White provided the amounts respectively to different years of financing.

Mr. White provided estimated payments over different year amounts.

Councilmember Hasslocher expressed concern on costs and reiterated to Council regarding water issues.

Mr. Browne responded to Councilmember Hasslocher the different funds that are available and explained the process with the lease agreement. Ms. Barr added that the City can afford the lease payment and it may be paid sooner. She noted the city's funds are stable and balanced. Ms. Barr commented that water acquisition will be earmarked in the Enterprise Fund. Councilmember Rosenthal commented that a lender is available and the opportunity for pre-payment is available taking advantage of a low interest rate.

A motion for approval was made by Councilmember Rosenthal authorizing the City Manager to enter into a lease/purchase agreement for city facilities furniture and amending the FY14 budget in the amount not to exceed \$360,000 so long as the amount is financed over a period of 4 years. The motion was seconded by Councilmember Prassel and passed by unanimous vote.

Item # 9 Mayor Cooper read the following caption.

Discussion and possible action on construction of city hall facilities

City Manager Mark Browne made a PowerPoint presentation that included an update.

Mr. Browne reported the progress on the Fire Station that included installation of tile, fire alarm, bathroom accessories, and casework and trim. Painting, electrical wire pull and trim out, and stucco are in progress as well. The exterior staircase is installed and the wainscoting to be done soon.

Mr. Browne reported the progress on the Police Station that included framing, MEP rough in, and fire sprinkler installation. In April, the following are expected: complete framing, sheathing, water proofing, demolition of the apparatus bay, and pouring of the remaining building foundation. Mr. Browne stated the Firefighters are expected to move into the department April 14th through April 21st.

Mr. Browne briefly reported on site grading, switch over to permanent power, and the beginning of the Public Works' Department renovation. He displayed photos of the construction site. Mr. Browne noted the site grading and stated the alley had been regarded. He stated a retaining wall will be built there. He reviewed the budget expenditures and balance for the construction project. He noted the budget the O&M costs, rental of temporary facility, cost of project manager are not included in construction cost. He summarized there are a few parking issues on Blue Bonnet Boulevard and had not received any complaints.

* * *

Citizens To Be Heard Concerning Non-Agenda Items

Item # 10 Citizens to be heard concerning items not on the agenda

There were no citizens that signed up to speak.

* * *

There being no further business, a motion was made by Councilmember Prassel to adjourn the meeting. The motion was seconded by Councilmember Rosenthal and passed by unanimous vote. Mayor Cooper adjourned the meeting at 7:27 p.m.



Louis Cooper
Mayor



Jennifer Reyna
City Secretary