

CITY OF ALAMO HEIGHTS
CITY COUNCIL
May 27, 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 Tuesday, May 27, 2014.

Present and composing a quorum were:

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

Also attending were:

City Manager J. Mark Browne
Finance Director Cynthia Barr
Information Services Manager Marian Vargas
Human Resource Manager Lori Harris
City Secretary Jennifer Reyna
Fire Chief Buddy Kuhn
Chief Police Rick Pruitt
Public Works Director Pat Sullivan

Absent were:

Mayor Louis Cooper
City Attorney Mike Brennan

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Mayor Pro Tem John Savage opened the meeting at 5:33 p.m.

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Item # 1 Presentation of Certificates of Election and administration of Oaths of Office to newly elected officials: Councilmember, Place 3 – Fred F. Prassel; Councilmember, Place 4 – Lynda Billa Burke; and Councilmember, Place 5 – John Savage

City Secretary Jennifer Reyna announced Councilmembers Fred Prassel, Lynda Billa Burke, and John Savage were declared elected. Ms. Reyna administered the oaths of office and congratulated them.

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Item # 2 Election of Mayor Pro Tempore

A motion was made by Mayor Pro Tem John Savage to elect Councilmember Bobby Hasslocher as the Mayor Pro Tempore. The motion was not seconded and the motion failed.

Councilmember Fred Prassel stated I thought long and hard for the new Mayor Pro Tem for the next year. The City Charter states that one councilmember should be elected for Mayor Pro Tem for one year. All the City Councilmembers except for the Mayor are eligible. The Mayor Pro Tem performs duties in the Mayor's absence. I asked myself who is the best qualified for this position? Who has the best experience, the knowledge best of all? Who can conduct a timely and orderly meeting best of all? This is not in any way meant to demean any of the present Councilmembers including myself. The Councilmembers all have their strengths in various areas and have contributed much to the community. The best candidate for this position at this time has a Bachelor of Business Administration degree from the University of Texas at Austin and a Law degree from the University of Texas Law School. He is eminently qualified for this position and I move that Bobby Rosenthal be elected Mayor Pro Tem as this time.

A motion was made by Councilmember Fred Prassel to elect Councilmember Bobby Rosenthal as the Mayor Pro Tempore. The motion was seconded by Councilmember Lynda Billa Burke. The vote was as follows: Ayes: Councilmembers Bobby Rosenthal, Fred Prassel, and Lynda Billa Burke; Nays: 0; Abstain: Councilmembers Bobby Hasslocher and John Savage. The motion passed.

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Item # 3 Approval of Minutes

Mayor Pro Tem Rosenthal asked City Council for any revisions to the minutes of the May 12, 2014, Council Meeting. A motion was made by Councilmember Fred Prassel to approve the minutes of May 12, 2014. The motion was seconded by Mayor Pro Tem Bobby Rosenthal. The vote was as follows: Ayes: Mayor Pro Tem Rosenthal, Councilmembers Bobby Hasslocher, Fred Prassel, and John Savage; Nays: None, and Abstain: Councilmember Lynda Billa Burke and passed by unanimous vote.

Mayor Pro Tem Rosenthal asked City Council for any revisions to the minutes of the May 15, 2014, Special Council Meeting. A motion was made by Councilmember John Savage to approve the minutes of May 15, 2014. The motion was seconded by Councilmember Lynda Billa Burke and passed by unanimous vote.

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Item # 4 Announcements

Mayor Pro Tem Rosenthal read the following caption.

a. June/July Council meetings due to the Summer schedule

City Secretary Jennifer Reyna announced that cancellation of the July 14th Council meeting to accommodate the planning of upcoming budget work sessions and summer schedule. Council agreed.

b. Movie Nights in the Heights, June 20, 2014

Information Services Manager Marian Vargas welcomed the public to the annual movie nights in the heights summer series. The series is cosponsored by Generations Credit Union and will provide good bags for children and conduct prize drawings. She invited family to enjoy “The Lego Movie” scheduled on Friday, June 20, 2014, beginning at 8:30 p.m. at the Nature Trails Parking Lot Area, 250 Viesca. She reminded residents to come early to get good seating and not to forget to bring their chairs, blankets, and snacks.

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Consent Items

Item # 5 Mayor Tem Rosenthal read the following caption.

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

a. Townsend Apartments LTD	\$ 810.97
b. Harrigan Court LTD	<u>\$ 538.59</u>
Total	\$1,349.56

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

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Item for Individual Consideration

Item # 6 Mayor Pro Tem Rosenthal read the following caption.

Architectural Review Board Case No. 522F, request of Architectura SA, applicant, representing International Bank of Commerce, owner, for the final design review of the proposed office building project located at 5029 Broadway

City Manager Mark Browne made a PowerPoint presentation that included background information, existing/proposed site plans, photos, elevations, ingress/egress plan, landscape plan, and other perspectives.

Mr. Browne provided a brief project description and stated development is permitted within a floodway so long as the projects engineer can certify that the project will not result in an increase to the Base Flood Elevation (BFE). Mr. Browne stated a

floodplain development permit was submitted to Freese and Nichols Engineers and on May 2, 2014, staff received written approval of the project from Freese and Nichols Engineers after their engineering analysis and review verified “No Rise”. He noted no rezoning or re-platting is required. No variances are required.

Coordination included the presentation of the notice of intent to Council on February 10, 2014. The Architectural Review Board (ARB) reviewed on March 18, 2014 and issued two comments. Comments were the consideration of providing a green landscaped screen for the drive-through from the adjacent residential properties to the west and consideration of maintaining the attached ATM. The case was tabled by ARB on April 15, 2014 when the final review was presented. On May 7, 2014, the Neighborhood Character and Commercial Revitalization reviewed the proposed case. On May 20, 2014, ARB recommended approval of the revised design as presented. Staff received feedback with one response in support and none in opposition.

Mayor Pro Tem Rosenthal asked the location of the entrance off Broadway. He asked if the bank will be closed during construction.

Mr. Joshua Calzada, engineer architect, stated the entrance will be at the same location but wider. He noted the bank will be open during construction with the exception of drive through.

Councilmember Billa Burke asked if plants are drought tolerant.

Mr. Calzada responded business-type plants were selected as well as colorful plants that are drought tolerant.

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

Item # 7 Mayor Pro Tem Rosenthal read the following caption.

Architectural Review Board Case No. 527F, request of Albert and Sylvia Honigblum, owners, for compatibility review of the proposed replacement structure located at 624 Alta Avenue under Demolition Review Ordinance No. 1860 in order to construct a new single family residence

Mr. Browne made a PowerPoint presentation that included background information, existing survey, existing and proposed street façade, and proposed site plan, elevations, and proposed roof plan.

Mr. Browne reviewed the existing and proposed residential design standards (RDS) statistics. He briefly noted the existing structure included an existing non-conformity where the attached garage is beyond or forward of the mid-point of the structure. Mr. Browne noted the proposed design does not increase the non-conformity

and more specifically reduces the existing non-conformity by bringing a portion of the front elevation forward on the structure which provides relief to the forward facing garage, not expanding the structure. He noted no conflicts with City ordinances.

Mr. Browne reviewed the project's coordination efforts. On December 17, 2013, ARB recommended approval of the demolition of the existing structure. On January 27, 2014 City Council approved the demolition of the existing structure. On May 7, 2014, NCCR reviewed the proposed case. On May 20, 2014 ARB determined the proposed structure is compatible and recommended approval as presented. Staff received eight responses in support and none in opposition. Mr. Browne noted there were 10 additional supporters that were provided by the applicant.

Mayor Pro Tem Rosenthal asked Mr. Honigblum regarding drainage.

Mr. Honigblum stated the civil engineer will look into the drainage. He stated the lot is off the crest of Alta and noted the drainage would not be altered; however, due to the extension of the back, the drainage will be slowed down.

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

Item # 8 Mayor Pro Tem Rosenthal read the following caption.

Architectural Review Board Case No. 529F, request of Valdez Designs, applicant, representing Nic Abbey Luxury Homes, owner, for compatibility review of the proposed replacement structure located at 325 Westover Road under Demolition Review Ordinance No. 1860 in order to construct a new single family residence and accessory structure

Mr. Browne made a PowerPoint presentation that included background information, proposed site plan, elevations, and proposed roof plan.

Mr. Browne reviewed the RDS statistics. He noted the coordination of the project. NCCR reviewed the case on May 7, 2014. On May 20, 2014, ARB determined that the proposed structure is compatible and recommended approval as presented with two stipulations that 1) the owner/developer make all reasonable efforts in the construction phase to protect the 36" DBH Japanese Yew and that 2) the owner/developer work with the County and City to identify the property as 325 Westover Road as currently in the records of Bexar County. Staff received feedback with three in support and one in opposition.

Mayor Pro Tem Rosenthal asked regarding the status of the plans being complete.

Mr. Browne responded the plans are completed required by the City's ordinances.

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

Item # 9 Mayor Cooper read the following caption.

Architectural Review Board case No. 530F, request of Thorn & Graves Architects, applicant, representing Katinka Ruhfus & John C. Howell, owners, for compatibility review of the proposed replacement structure located at 231 Bronson Avenue under Demolition Review Ordinance No. 1860 in order to construct a new single family residence and accessory structure

Mr. Browne made a Powerpoint presentation that included background information, proposed site plan, elevations, and adjacent properties front frontage panoramic.

Mr. Browne noted the irregular shape of the property lot and reviewed the proposed RDS statistics and briefly reviewed coordination efforts. On April 15, 2014, ARB recommended approval of the proposed demolition of the existing structure followed by final approval by City Council on April 28, 2014. On May 5, 2014, the Board of Adjustment (BOA) reviewed the case and granted the following variances on the property: 1) an attached garage 5 feet beyond the front of the main structure's front façade instead of beyond the midpoint of the main structure's front façade, and 2) a front setback for the attached garage of 32 feet instead of the minimum 50 feet. NCCR reviewed the case on May 7, 2014. On May 20, 2014, ARB determined that the proposed structure is compatible and recommended approval as presented. Staff received four responses in support and none in opposition.

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

Item # 10 Mayor Pro Tem Rosenthal read the following caption.

Architectural Review Board Case No. 533F, request of Richard Peacock, Jr., applicant, representing Broadway Ellwood Company, LLC, owner, for the significance review of the proposed replacement structures located at 200, 202, & 206 Ellwood and 5500, 5514 Broadway Street under Demolition Review Ordinance No. 1860 in order to demolish 100% of the existing main and accessory structures

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

Mr. Browne noted coordination efforts. On May 20, 2014, ARB determined the existing structures are not architecturally significant and recommended approval of

demolition as presented. Staff received feedback in which four responses were received in support and none in opposition.

Mayor Pro Tem Rosenthal noted the property was controversial and asked Mr. Richard Peacock, Jr., applicant, why the decision to tear down now rather than the time during the consideration of the Alamo Manhattan Gateway project.

Mr. Richard Peacock, Jr. stated at the time, the project was under a development plan/contract for 18 months. He commented that the properties needed to be demolished and shared there were conversations within concerned residents and leaders. He requested the properties be demolished.

Council asked questions regarding oak trees on the property, asbestos removal and properties with asbestos.

Mr. Peacock responded there is no tree removal and noted there were pecan trees. He expressed to keep the large trees and there will be further conversations. He stated an asbestos survey had been conducted and a company will be hired to conduct the asbestos removal process and then demolition to follow. There are three properties with asbestos; however, he commented the properties are old and now is the time to deal with them the right way.

Public Works Director Pat Sullivan asked Mr. Peacock to identify and cap the sewer services. He explained when a project comes forth the City is asked to identify the sewer lines and the City does not have a record. Mr. Peacock agreed.

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

Item # 11 Mayor Pro Tem Rosenthal read the following caption.

Discuss and take possible action regarding purchase of 25 acre feet of water rights

Public Works Director Pat Sullivan made a PowerPoint presentation that included background information.

Mr. Sullivan provided background information that Council provided approval to proceed with the purchase of an additional twenty-five (25) acre feet of permitted water. He stated the purchase of additional 25 acre feet would increase the City's permitted ground water withdrawal from the current 2,658.194 acres to 2,683.194 acres feet beginning January 1, 2015. He briefly reviewed the price per acre foot that included legal fees.

Councilmember Billa Burke expressed concern regarding information on the legal fees.

Public Works Director Pat Sullivan explained the amount of gallons per acre feet and stated the allotment from the Edwards Aquifer. He noted reductions are from permitted amount of water rights.

Councilmember Hasslocher stated there is an opportunity to purchase water and noted it is expensive. He stated additional water is needed as the City grows and noted the cutbacks from the Edwards Aquifer Authority.

Mr. Browne explained the City hired a lawyer to explore water purchase opportunity. He noted there is Council's support; however, requested authorization to move forward to negotiate with the lawyer to proceed with a purchase. He noted that the legal fees are expensive and will attempt a resolution.

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

Item # 12 Mayor Cooper read the following caption.

Discussion and possible action on construction of city hall facilities

City Manager made a PowerPoint presentation that included an update on the construction of city hall facilities.

Mr. Browne provided an update. He reported on the Fire Department. He noted the contractor is working on the interior punch list items and finish items on the exterior. He reported there are concerns about parking on Bluebonnet due to the slope and drainage. He shared that Mr. Sullivan assisted with the concern to maximize parking spaces and had worked on a solution.

Mr. Browne reported on the Police Station. He noted there was preparation for the grading for the foundation where the temporary bay was previously located. He stated there may be a set-back due to the weather as the foundation pour is tentatively scheduled for June 4th. He reported MEP rough-in in progress.

Mr. Browne reported the storm drain installation is being conducted and the base work for the colonnade is in progress. The renovation for the Public Works department is in progress.

Mr. Browne shared pictures of the new Fire Station to include bed/bed spreads of the Fire Department. Another picture included the vacant area of the temporary bay/colonnade location and photos of the renovation of the Public Works department. He reported that stucco will be soon on the exterior of the City Hall Complex and identified the area for the elevator pit to be located in the Administration building. He provided a move-in date of October 1, 2014 for Administration and the Police Station.

The construction budget was reviewed accompanied by a spreadsheet.

Mayor Pro Tem Rosenthal thanked City Manager Mark Browne and Fire Chief Buddy Kuhn for going above and beyond for their efforts as they maintain their usual duties.

Fire Chief Buddy Kuhn began his presentation regarding dais and lectern options and costs. He noted three companies (Struttoff of San Antonio, Novikoff, and Broussard) were contacted for Council furniture bidding. He noted Struttoff of San Antonio offered two bid packages, Novikoff is cost prohibitive and Broussard outsourced this specific furniture need. He displayed three different proposed Council layouts and highlighted their benefits and challenges. He demonstrated the available space with the dais, lectern placement and audience seating.

In Option 2 is Council sits separately from staff, cost more (\$2,500) and back turned to staff. Lectern placement will be in the center of the room with detached table.

Mayor Pro Tem Rosenthal asked if more seats are obtained with option 2, a table be included with Option 3, and inquired on the appropriate time to order.

Fire Chief Kuhn responded that another 5 feet can be obtained with Option 2 to locate additional chairs or enhance mobility. Fire Chief Kuhn stated there is limited space; therefore, a table cannot be included in the layout for Option 3. He responded 8 weeks up to 12 weeks is the delivery time frame and the order needs to be placed in July.

Fire Chief Kuhn finalized his presentation and reviewed proposed layouts.

Councilmember Billa Burke referenced castors and asked the location to store the furniture.

Fire Chief Kuhn responded the furniture may be moved for a community event.

The following citizens spoke on this matter:

Suzy Bettac, resident, noted there is no center aisle for people to move within and the U-shape of the dais is intimidating. She commented to raise the dais so the officials may be distinguished.

Fire Chief Kuhn responded to Ms. Bettac that the raised dais was considered; however, Americans with Disabilities Act (ADA) access was a concern. Mr. Browne added that the dais/lectern costs are in budget.

Pruyn Hildebrand, resident, recalled in previous construction drawings that the wall within the Chambers may be temporarily extended. She stated in her opinion, the wall is the problem that is limiting space within the Chambers.

Kimberly Lubianski, resident, commented on the options of removing the detachable tables and if the ends were capped. She recommended consideration of the option of having capped ends.

Council provided their comments regarding options of dais furniture and lectern. Councilmember Billa Burke noted that safety is a priority. She requested the need to visit other schools and provide feedback to Fire Chief Kuhn. Councilmember Prassel expressed that option 3 is the best consideration. Mayor Pro Tem Rosenthal requested staff to obtain estimates on ramps and explore flexibility with the tables being removed to provide an inviting setting. Discussion continued among Council regarding layout of Council Chambers to accommodate Council, staff, and possible ramp regards to space and mobility.

Mr. Browne asked guidance from Council. Councilmember Billa Burke requested the need to visit other schools and agencies and provide feedback to Fire Chief Kuhn. She suggested a proposed deadline to provide feedback to Fire Chief Kuhn.

Mayor Pro Tem Rosenthal stated consideration at the June 23, 2014 Council meeting. Mr. Browne stated input by Council, no later than June 17th so that staff is prepared for presentation on June 23, 2014. Council agreed.

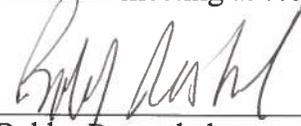
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Citizens To Be Heard Concerning Non-Agenda Items

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

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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 Savage and passed by unanimous vote. Mayor Pro Tem Rosenthal adjourned the meeting at 7:01 p.m.



Bobby Rosenthal
Mayor Pro-Tempore



Jennifer Reyna
City Secretary