

CITY OF ALAMO HEIGHTS
CITY COUNCIL
July 27, 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, July 27, 2015.

Present and composing a quorum were:
Mayor Pro-Tempore Lynda Billa Burke
Councilmember Lawson Jessee
Councilmember Bobby Rosenthal
Councilmember Fred Prassel
Councilmember John Savage

Also attending were:
City Manager J. Mark Browne
Fire Chief/Assistant City Manager Buddy Kuhn
Assistant to the City Manager Marian V. Mendoza
City Attorney Mike Brenan
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 Louis Cooper

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Mayor Pro Tem Lynda Billa Burke opened the meeting at 5:30 p.m.

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Item # 1 Approval of Minutes

Mayor Pro Tem Billa Burke asked City Council for any revisions to the minutes of the June 22, 2015, Council Meeting and July 14, 2015 Budget Work Session. A motion was made by Councilmember Lawson Jessee to approve the minutes of June 22, 2015 and July 14, 2015. The motion was seconded by Councilmember Fred Prassel and passed by unanimous vote.

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Mayor Pro Tem Billa Burke announced that Item # 7 would be considered first.

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Items for Individual Consideration

Item # 7 Mayor Pro Tem Billa Burke read the following caption.

Acceptance of donations of the following donations to the City

Assistant to the City Manager Marian V. Mendoza made a PowerPoint presentation that included background information on the gifts.

Ms. Mendoza informed Council that a picture of President John. F. Kennedy passing by Cambridge Elementary on November 21, 1963 is being displayed at City Hall. She stated the picture and respective dedication plaque were gifts to the City during the Ribbon Cutting Ceremony on February 26, 2015. The gifts were donated by Jim Berg. Ms. Mendoza recognized other individuals that contributed to the beautiful display.

Councilmember Bobby Rosenthal commented that it is a wonderful gift and expressed his appreciation.

Mr. Jim Berg expressed his content that the gift was memorialized. He asked Council direction to pursue an engraved marker to place on the sidewalk in front of Cambridge Elementary so people will know that something happened here. He stated there would be no fiscal impact. He thanked Council for the recognition.

Council provided him direction to pursue an engraved marker to display to identify the location of the picture.

A motion for approval to accept the donations was made by Councilmember Bobby Rosenthal. The motion was seconded by Mayor Pro Tem Lynda Billa Burke and passed by unanimous vote.

Mayor Pro Tem Billa Burke stated Item # 2 would be considered next.

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Item # 2 Announcements

Mayor Pro Tem Billa Burke read the following caption.

a. Movie Nights in the Heights, August 14, 2015

Assistant to the City Manager Marian V. Mendoza invited the public to the annual Movie Nights in the Heights summer series. She invited the family to enjoy “Guardians of the Galaxy” scheduled on Friday, August 14, 2015, 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. She stated IBC Bank sponsored the family event.

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

Laurie Saunders, Director, Bark Park, announced Bark Park is finally open. She commented on parking issues and stated there are ideas to make the dog park more desirable. She observed no less than 20 dogs at the Bark Park on a daily basis. She stated additional donors had contributed including a few donors that were elderly; however, their age does not qualify them for disability and provides a challenge to go to the Bark Park.

Suzanne Powell, resident, noted the curb designated for the Americans with Disabilities Act (ADA) located at the Bark Park presents a challenge in getting out of the spot within your vehicle and asked for staff to explore the area.

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Mayor Pro Tem Billa Burke stated Item # 4 would be considered next.

Items for Individual Consideration (cont'd)

Item # 4 Mayor Pro Tem Billa Burke read the following caption.

ORDINANCE NO. 2024

**AN ORDINANCE APPROVING APPOINTMENTS TO THE
CITY'S BOARDS AND COMMISSIONS**

Community Development Services Department Director Jason Lutz made a PowerPoint presentation that included background information on the various committees, nomination, and appointment process.

Mr. Lutz stated the proposed ordinance will appoint individuals to serve on various Boards and Commission: Architectural Review Board (ARB), Board of Adjustment (BOA), and the Planning and Zoning (P&Z) Commission. He highlighted the appointees to the various Boards and Commission. Mr. Lutz concluded his presentation that the process is consistent with the "Procedures for Commission and Board Selections and Appointments". He stated the appointees will serve for two year terms, until reappointed or replaced by action of the Mayor and City Council.

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

Mayor Pro Tem Billa Burke congratulated Ms. Cindy Culver, present, and thanked current Boards and Commission members for their time and dedication.

Item # 5 Mayor Pro Tem Billa Burke read the following caption.

ORDINANCE NO. 2025

PLANNING AND ZONING COMMISSION CASE NO. 373 – PUBLIC HEARING, CONSIDERATION, AND ACTION REGARDING AN APPLICATION BY TERRELL RD., LP FOR APPROVAL OF A SPECIFIC USE PERMIT (SUP) FOR APPROXIMATELY 0.7 TOTAL ACRES OF LAND DESCRIBED AS LOTS 38, BLOCK 12, CB 4050, LOCATED AT 123, 129, AND 131 TERRELL RD AND LOT 26, BLOCK 12, CB 4050, LOCATED AT 133 TERRELL RD. FOR A PROPOSED “MULTI-FAMILY” PROJECT: 1.) A “MULTI-FAMILY” CONDOMINIUM PROJECT CONSISTING OF TEN (10) “SINGLE-FAMILY” DETACHED UNITS LOCATED ON ONE (1) LOT; 2.) A TWENTY (20) FOOT FRONT YARD SETBACK; 3.) A TEN (10) FOOT REAR YARD SETBACK; 4.) A SEVEN AND ONE-HALF (7.5) FOOT SIDE YARD SETBACK; 5.) FORTY (40) PERCENT LOT COVERAGE; 6.) THIRTY (30) PERCENT CONTIGUOUS LANDSCAPING ADJACENT TO PUBLIC RIGHTS-OF-WAY; 7.) A SIX (6) FOOT FENCE LOCATED IN THE FRONT YARD FOR UNITS 1, AND 8 THRU 10; AND 8.) A SIX (6) FOOT SEPARATION BETWEEN BUILDINGS, LOCATED ON THE SITE

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

Mr. Lutz identified the project and stated the applicant is seeking to develop a multi-family condo project consisting of ten single-family detached units accessed from Terrell Road via a private drive.

Mr. Lutz shared information on a previous attempt to begin the project noting there were challenges created by building multiple single-family homes on a multi-family zoned property. At the time, several variances were granted by the Board of Adjustment but since no building permit was issued within 90 days, the variances expired. Mr. Lutz stated since then, the applicant purchased the adjacent lot bringing the total acreage to approximately 0.7 acres and the property is zoned Multi-Family District (MF-D).

The proposed project consists of 10 units as detached single-family structures. He stated the height will vary between 2 – 2.5 stories to provide a variation of unit types, but

will not exceed 30' from average grade, 27 total parking spaces for 10 units and units will be accessed via a private drive.

Mr. Lutz briefly reviewed the eight variances that were requested. He shared that one of the variances was recently modified to request a 4' fence in the front yard setback for units 1, and 8-10 instead of 6' based on ARB's recommendation.

A timeline was presented to display the project's presentation. The project was presented to Council on June 8, 2015 as a notice of intent, followed by the Architectural Review Board (ARB), and the Planning and Zoning (P&Z) Commission. The Specific Use Permit (SUP) is considered by Council today and scheduled for final review to ARB on August 18, 2015 and returning to Council on September 14, 2015.

The project was presented to ARB on June 16, 2015 and approval was granted; however, with the following concerns: 1) parking pads in the front yard setback; 2) width of "private lane" in regards to safely backing out of the garages/parking spaces 3) overall density of the property/project; and 4) fences in the front yard. On July 6, 2015, P&Z held a public hearing and recommended approval of the project as presented.

Photos of the current site, proposed plans considered for landscaping, and site plan layout were presented.

Staff received no responses in support or opposition of the project.

Mayor Pro Tem Billa Burke asked P&Z's conclusion on the approval of the SUP.

Bill Kiel, P&Z member, responded that with small homes there is a challenge to adhere to setbacks and regulations. He stated the Comprehensive Plan referenced an example of this development in the Multi-family District; however, noted there were differences among P&Z. He stated two P&Z members voted in opposition to the project because a driveway and garage (appearance) may be seen from the street among other reasons. He stated traditional condos generally have a history of financing challenges due to requirements and expressed in his opinion the condos are viable.

Council asked the developer, Mr. Ross Wilson a few questions. Councilmember Rosenthal asked if the balance of the property will be in a homeowner's association to maintain driveways. Councilmember Savage asked about the height of the fence within the project.

Ross Wilson, PSW Real Estate, responded the balance will be in a homeowner's association. He stated the fence was proposed as a four feet fence to provide flexibility with in a fenced-in area as it will be their main yard space.

Mayor Pro Tem Billa Burke opened the public hearing at 5:54 p.m. No signed up to speak. Mayor Pro Tem Billa Burke closed the public hearing at 5:55 p.m.

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

Item # 6 Mayor Pro Tem Billa Burke read the following caption.

Planning and Zoning Commission Case No. 372 - Public hearing, consideration, and action regarding a request by Katherine Moser to replat properties currently known as 700 Cambridge Oval and 702 Cambridge Oval, identified as CB 4024 BLK 49 LOT E 70FT of 10 & W 80FT OF 11

Mr. Lutz made a PowerPoint presentation that included background information, current and proposed plats.

Mr. Lutz identified the project and stated the applicant is seeking to adjust the location of the interior lot line between the existing home (part of lot 11) and the vacant lot (part of 10). The adjustment will be accomplished by moving the interior lot line approximately 2.86' to the east with the intent of enlarging the property as a replat request.

The replat application requires conditions and proper coordination. He stated SAWS and CPS Energy provided approvals. He stated there were conditions to be met: 1) the block numbers on the plat must be changed from 48 to the accurate number of 49; 2) the image showing the "Area Being Replatted" needs to show the interior lot line with the same "line weight" as the outer boundary to better show that it is two lots and not one; 3) the lot distances along both lot frontages and rear lot lines must show the distances labeled on the plat for the image showing the "Area Being Replatted"; and 4) the contour lines must be removed from the plat. The current and proposed plats were presented.

On July 6, 2015, P&Z approved the project with the conditions listed above. Staff received six responses in support and none in opposition.

Mayor Pro Tem Billa Burke opened the public hearing at 5:59 p.m. No signed up to speak. Mayor Pro Tem Billa Burke closed the public hearing at 6:00 p.m.

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

Item # 8 Mayor Pro Tem Billa Burke read the following caption.

ORDINANCE NO. 2026

AN ORDINANCE AMENDING CHAPTER 19 – WATER AND SEWERS OF THE CODE OF ORDINANCES BY ADOPTING AN INCREASE IN THE SEWER FEE TO OFFSET CHARGES AND COSTS INCURRED

Ms. Mendoza made a PowerPoint presentation that included background information.

Ms. Mendoza reminded Council that on January 12, 2015, staff presented information regarding SAWS implementing an increase on wholesale sewer rates of 6.4% effective January 1, 2015 to all wholesale customers. She stated that this increase is an unbudgeted expense in the City's utility fund of approximately \$75,000 annually leaving no additional revenue for infrastructure replacement or repair. At the time of presentation, Council directed staff to inform citizens through the City newsletter and website regarding the proposed increased sewer rate.

Charts were presented highlighting the current fee, proposed fee and example of a bill calculated at the new increased fee.

Councilmembers Rosenthal and Savage asked for confirmation that this is a pass through and if the rate increase to the residents is sufficient to cover the increased SAWS sewer rate.

Mr. Browne stated the increase is strictly a pass through and will cover the increased sewer rate that SAWS had implemented.

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

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Staff Reports

Item # 9 Mayor Pro Tem Billa Burke read the following caption.

Discussion concerning park congestion on Alamo Heights Boulevard as related to little league activities, visitors to the Bark Park and large fund raising events

Police Chief Rick Pruitt made a PowerPoint presentation that included background information, maps, and photos.

Police Chief Pruitt stated there is an overlap of games which contributes to the overwhelmed parking related to little league activities. A map was displayed and the

little league fields, parking areas, and nature trails were identified. He identified the little league field properties including five playing fields and one playing field for the Alamo Heights Independent School District (AHISD) girls softball. Available parking includes 102 paved parking spaces, approximately 40 spaces on unpaved surfaces and 9 head-in parking spaces on Alamo Heights Boulevard. The greenspace adjacent to the nature trails and swimming pool are used for large permitted events (5k/10k runs, Pooch Parade, and an Evening in '09).

On-street parking impacts expand to the 100 - 200 blocks of Alamo Heights Boulevard, Viesca, Ogden, Abiso and Greely. He informed Council the Bark Park is open and gaining momentum contributing to on-street parking congestion primarily on the 100 block of Alamo Heights Boulevard in the south bound lane of traffic. He observed that on-street parking is complicated due to the narrow 18' road and illegal parking on the unpaved shoulders. He noted the challenge for two vehicles to pass in opposing directions through a street when vehicles are parked on both sides; in addition, to the safety of pedestrians crossing the street when drivers vision can be compromised by the volume of traffic and parked vehicles.

Photos were presented on a game day beginning since early morning and how it progressed during the day including pedestrians, congested parking, and shrubs.

Police Chief Pruitt presented several options to alleviate congested parking to include restricted parking and alternatives. Maps were tailored to the proposed restriction to display the impacted area. He stated incremental placement of signage compatible for wilderness areas on the unpaved shoulder may be considered. He stated for the streets measured 20' that they should be red curbed not allowing parking as there is no sufficient room. Another option was to create a new off-street parking area behind the Bark Park by improving 130' of available open fence with road base and crushed granite surface material which would provide 12 parking spaces. He noted that the proposed off-street parking lot is a long walk to arrive at the Bark Park. If this option is considered, additional signage may be placed at the corner of Viesca and Alamo Heights Boulevard directing visitors where to park. A map was presented of the Bark Park.

Police Chief Pruitt referenced TX Transportation Code Section 542.202(a)(a2) and Alamo Heights City Code Section 18-99 which allows the municipality for the creation or to repeal of restricted and time limit parking zones.

Police Chief Pruitt provided a brief summary of the cost to include signage, poles, hardware, boulder stones, paint red curbs and improving Bark Park parking.

Councilmember Fred Prassel suggested a map that defined the boundaries of the area and identified ownership of the properties as he recalled possible leasing in the proximity of the area.

Ms. Laurie Saunders, Bark Park, stated the parking lot behind the Bark Park would be an ideal improvement to alleviate parking congestion.

Councilmember Rosenthal stated improvements to the rear of Normandy will provide additional parking and the ability for a vehicle to turn back. He suggested a rear entrance to the park may be incorporated.

Ms. Saunders responded to incorporate a rear entrance would require the reconfiguration of the dog park.

There was a brief discussion among Council regarding other options to consider alleviating the parking congestion. Councilmember Rosenthal suggested the following: remove the curb at the intersection where the JV fields are at. He suggested moving the fence located at the JV field. Councilmember Prassel stated Normandy was a large area and perhaps a few parking spaces may be considered there at the corner of Argo. He stated there is a landscaped area.

City Manager Mark Browne asked Mr. Mark Markette regarding the parking lot on Devine Road.

Mr. Matt Markette, President, Alamo Heights Little League, responded to Mr. Browne that the parking lot is filled to its capacity on game days. He shared that it is his understanding that Little League is banned from utilizing the parking lot on Viesca. He stated the little league uses the JV fields for warm ups and vice versa. He stated the fence at the JV fields may be potentially moved back. Mr. Markette asked Council to consider security as a factor in determining additional parking spaces.

Councilmember Savage asked Police Chief Pruitt the worst scenario from a public safety perspective.

Police Chief Pruitt stated the concern for public crossing and encouraged pedestrian protection for the south bound at Alamo Heights Boulevard. He expressed concern on the streets that become narrow. He stated he can work with Public Works Director Pat Sullivan to consider handicap parking, and observe the layout for safe parking and prevent visitors going into a ditch.

Mayor Pro Tem Billa Burke encouraged Council to provide questions and/or suggestions to staff for consideration. She requested a map from staff that displayed ownership, time the fields are utilized, and contracts we have with others to fully understand the outline of the project.

Councilmember Rosenthal summarized that the following be considered: 1) red curb along Alamo Heights Boulevard in front of Bark Park, make a parking lot on Normandy and coordinate with Bark Park for a second entrance, explore parking spaces near the JV Field (between dog park and practice field), and create head-in parking on the southside of Alamo Heights Boulevard/Argo just prior Viesca.

Mr. Browne agreed to explore the options and present at a future Council meeting.

Item # 10 Mayor Pro Tem Billa Burke read the following caption.

Discussion concerning the City's adopted tree mitigation regulations

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

At Council's request, staff reviewed the City's regulations concerning tree removal in order to determine if any modifications or amendments could be made in order to help achieve the City's goals on beautification. Mr. Lutz explained the current regulations for Heritage Tree and mitigation. He highlighted that according to current regulations any tree to be removed that is classified as a "Heritage Tree" must be mitigated by planting additional trees on the property or off-site on a 1:1 ratio and pay a permit fee of \$125. He stated current code does not allow the applicant to pay a fee in lieu of planting trees. For non-heritage trees, mitigation is not required and a \$25 permit fee would be charged. He noted there are challenges finding areas off-site for applicants due to small lot sizes. Mr. Lutz informed Council that over the years applicants were unable to get approval for planting trees along Broadway and have not completed their mitigation requirements. He stated applicants have agreed to pay their fees to proceed with their project. Currently there are over 300 inches (caliper) that have not been planted.

Mr. Lutz referenced the City of San Antonio's (COSA) mitigation regulations. In comparison, the differences are the fee for any significant tree removal and COAH requires no fee or mitigation. He stated most cities allow the applicant to pay a fee in lieu of planting a tree. He stated COSA's maximum fee is \$2,000. Mr. Lutz presented tree mitigation amendment options and consideration to make no changes.

There was a brief discussion among Council regarding the options of tree mitigation. Councilmember Jessee stated it is important for tree mitigation to be enforced. Councilmember Prassel requested an example of a non-heritage tree and suggested no fee for non-heritage tree removal.

Mr. Lutz provided an example to Council that if there are six trees that are required to be planted, the lot is small and over time trees planted would need to be cut or removed. He stated he can provide a listing of examples of tree removals.

Mr. Browne suggested a fee based ordinance would be easier and will be presented at a future Council meeting.

Mayor Pro Tem Billa Burke thanked staff for compiling the information.

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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 Billa Burke adjourned the meeting at 7:10 p.m.


Jennifer Reyna
City Secretary


Lynda Billa Burke
Mayor Pro Tem