

CITY OF ALAMO HEIGHTS
CITY COUNCIL
July 28, 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, July 28, 2014.

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
City Attorney Mike Brenan
Finance Director Cynthia Barr
Community Development Services Department Interim Director David Harris
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 5:33 p.m.

* * *

Item # 1 Moment of Silence and read the proclamation honoring former Councilmember and Honorable Mayor Lukin Gilliland

Mayor Cooper announced a moment of silence in memory of the passing of former Councilmember and Honorable Mayor Lukin Gilliland. Mayor Cooper read a proclamation and presented to Lukin Gilliland, Jr., on behalf of the Gilliland family.

Item # 2 Recognition of former Councilmember Jill Souter for her dedicated years of service

Mayor Cooper recognized former Councilmember Jill Souter. He expressed his appreciation for her providing a different perspective. He thanked her for sharing her expertise and dedicating her time as a servant to the community.

*

*

*

Items for Individual Consideration

Item # 5 Mayor Cooper read the following caption.

Architectural Review Board Case No. 544F, request of C. Collins Anderson, applicant, representing Thomas and Clara Chumney, owners, for the significance review of the structure at 524 La Jara under Demolition Review Ordinance No. 1860 in order to demolish 100% of the existing main structure

Community Development Department Services Interim Director David Harris made a PowerPoint presentation that included background information and photos of the existing structure.

Mr. Harris identified the project location and presented details. He reviewed the existing and proposed residential design standards (RDS). Mr. Harris informed Council that the Architectural Review Board (ARB) recommended approval of the demolition request on July 15, 2014. Mr. Harris stated no responses to the postcards that were mailed to property owners within a 200-foot radius of the property.

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

Item # 6 Mayor Cooper read the following caption.

Architectural Review Board Case No. 544F, request of Dabney Homes LLC, owner, for the compatibility review of the proposed replacement structure at 228 Cloverleaf Avenue under Demolition Review Ordinance No. 1860 in order to construct a new single family residence

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

Mr. Harris identified the project location and presented details. He reviewed the existing and proposed residential design standards (RDS). The existing survey, proposed site plan and various elevations were presented. Mr. Harris reviewed the project's timeline of presentations. On June 17, 2014, the applicant requested the significance and compatibility concerns be heard at two separate meetings and ARB granted Mr. Jack Dabney's (applicant) request. Mr. Harris stated the demolition request was approved by Council at the June 23, 2014 Council meeting. Mr. Dabney met with his neighbor, Dr. Thomas Spalten, Mayor Pro Tem Rosenthal, and Mr. Harris on July 9th to further discuss

concerns. No variances were requested on this project. Staff received four responses in opposition of the project plus an additional five outside the 200-foot radius. No responses were received in support. Mr. Harris informed Council that on July 15, 2014, ARB recommended approval of plans as submitted provided the HardiePlank on the main structure be replaced with stucco and the HardiePlank on the garage be replaced with stone.

The following citizen spoke on this matter:

Dr. Thomas Spalten, resident, expressed opposition and concern on compatibility.

Mayor Pro Tem Rosenthal shared the discussion at the meeting with Mr. Spalten, Mr. Dabney and staff. He shared Mr. Spalten's concern regarding the unknown plans for a proposed structure.

A motion was made by Councilmember Lynda Billa Burke asking Council to consider adding ARB's condition for approval of the demolition. The motion was seconded by Councilmember Fred Prassel and passed by unanimous vote to consider the motion including ARB's condition.

A motion was made by Councilmember Lynda Billa Burke to include ARB's condition as part of the approval of the demolition. The motion was seconded by Councilmember John Savage and passed by unanimous vote.

Item # 7 Mayor Cooper read the following caption.

Architectural Review Board Case No. 538F, request of H. Glenn Huddleston, owner, for the compatibility review of the proposed structure at 202 Crescent St. under Demolition Review Ordinance No. 1860 in order to construct a new single family residence

Mr. Harris made a PowerPoint presentation that included background information and proposed site plans.

Mr. Harris identified the project location and presented details. He reviewed the existing and proposed residential design standards (RDS). On July 2, 2014, the Board of Adjustment (BOA) approved a variance for the garage located in the front yard setback. On July 15, 2014, the Architectural Review Board (ARB) recommended approval of plans as presented. Staff received one response in support of the project and none in opposition. A three-dimensional video was presented to Council by Architect Chris Carson who also provided a brief description of the property as the video was presented.

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

*

*

*

Item # 8 Mayor Cooper read the following caption.

Architectural Review Board Case No. 540F, request of Henrietta PC Hildebrand, owner, represented by Malcolm G. Chesney, Architect, for the significance and compatibility review of the proposed replacement structure at 321 Rosemary Avenue under Demolition Review Ordinance No. 1860 in order to remodel the existing single family residence

Mr. Harris made a PowerPoint presentation that included background information, existing survey, proposed site plan, elevations, and proposed street views.

Mr. Harris identified the project location and presented details. He reviewed the existing and proposed residential design standards (RDS). The existing survey, proposed site plan, various elevations, and proposed street views were presented. On July 15, 2014 ARB approved plans as submitted with the addition of the third dormer and upgraded landscape rock in the front. Staff received three responses in support of the project and none in opposition.

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

Mayor Cooper announced that Item # 11 is considered next since the representatives were present.

Item # 11 Mayor Cooper read the following caption.

Presentation by CPS Energy regarding installation of new meters known as the Smart Grid Initiative and Tech Tours

Public Works Director Pat Sullivan introduced Roland Hinojosa with CPS Energy Local Government Relations Office. Roland Hinojosa introduced the CPS Energy corporate communication team: Lisa Lewis, Monica Maeckle, and John Moreno.

Mr. John Moreno provided background information on the initiative. He informed Council the Smart Grid Initiative began in December 2013 with the creation of a network in coordination with smart meters. He highlighted the importance of receiving information on customer consumption and receiving information on outages for CPS Energy to provide manpower and equipment. He explained the customer and company benefits with Smart Grid meters. Examples of customer benefits were outage detection, reduced estimates and remote connections. Examples of company benefits were remote meter reads, enhanced customer service and improved safety.

Mr. Moreno presented a timeline of the network/meter installation and distribution automation over a 10-year period. He announced neighborhood meetings are

scheduled on July 29th, August 7th, and August 13th beginning at 5:30 p.m. to 7:30 p.m. at Witte and McNay Museums, and St. Pius Catholic Church. Mr. Moreno informed Council that residents in Alamo Heights and Terrell Hills have received detailed information on the neighborhood meeting and initiative. He added residents that received a postcard will also receive a telephone call prior to the installation of the smart grid meter.

Council asked Mr. Moreno questions regarding a relay, substation, loss of CPS Energy employees, schedule, option for heavy daytime users, options for another electric company, and if the commercial district will be impacted.

Mr. Moreno answered Council's questions. He responded there is one relay and an access point already located in Alamo Heights. He stated employees will be transitioning and there will be no layoffs. Beginning August 18, 2014, the initiative will be carried out throughout the year and customers will be notified via mail providing details of the upcoming change. He shared calculations had not been made for estimations for high energy consumption users during the day. Mr. Moreno stated CPS Energy is owned by the City of San Antonio and noted CPS Energy having one of the lowest electric rates providing affordable utility costs. He informed Council that in April 2015, the commercial district will begin the transformation of the smart grid initiative.

The following citizens spoke on his matter:

Derek Cossey, resident, expressed concern on the protection and privacy of information.

Mr. Moreno stated nothing has changed with privacy and noted information will not be exchanged to a third party. He stated a meter number will be provided.

Elliot Weser, resident, asked if there is any down time associated with the initiative.

Mr. Moreno responded there is no intention for any down time. He explained there may instances in which a power outage may result due to loose jumpers.

Bill Kiel, resident, asked if a smart meter will work with solar systems.

Mr. Moreno estimated a timeframe within four to five years in which the smart meter will work with the solar system.

Mr. Moreno identified the area that will receive smart meters. He shared that customers will be notified via mail 30 days prior in which meters will be received with a follow up telephone call. He explained there is an opportunity to opt out; however, there will be a fee associated with the option.

Mayor Cooper thanked CPS Energy for being in attendance to present the information and answer residents' questions. He announced that Item # 9 will be considered next.

Item # 9 Mayor Cooper read the following caption.

Public Hearing with City Council consideration following, regarding Planning and Zoning Commission Case No. 357: University of the Incarnate Word requests a zoning change from P to B-1 for construction of a retail store located at 4600 Broadway. Of the four lots that make up the property, three are currently zoned B-1 and one is zoned P. This hearing will consider specifically the request to change the zoning from P to B-1 for the property known as CB 5600 BLK 3 LOT E 37.5 FT OF 24 ALL OF 25 & W 5 FT OF 26 and is addressed as 115 Burr Road, Alamo Heights, TX

Mayor Pro Tem Rosenthal abstained due to his service as a board member for the University of the Incarnate Word.

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

Mr. Harris identified the location and stated the applicant proposed to redevelop 4600 Broadway into a 12,900 retail store-pharmacy with a drive-through facility. Photos were presented of the current site, facility, lot, and zoning.

Mr. Harris noted the two different concerns to be considered, the zoning change at the request of the applicant from Parking, "P" to Business District 1, B-1" and amend the City's Zoning Code, Section 3-8, Table of Uses, to allow for drive-through facilities for pharmacies by right in District B-1. Staff received no responses on the zoning request change to include in support and in opposition. Staff received responses on the Table of Uses to allow drive-through facilities for pharmacies by right that included one in support and none in opposition. He informed Council of the estimated amount of sales tax the project would generate.

Councilmember Hasslocher expressed concern on the adjacent streetscape views related to the placement of the building, and the design of the project; otherwise, he noted it was a great project.

Mr. Harris informed Council that there had been several statements regarding the location of the building. There was a brief discussion among Council regarding the location of the building and the necessity to change the zoning if the store was located on the front of the lot. Councilmember Billa Burke stated the location is welcoming people to Alamo Heights and the building needs to be a gem that leads people to Alamo Heights. Councilmember Billa Burke stated with a lot zoned "B-1", the City has control related to parking. She shared landscaping is the big picture to beautify COAH. Mr. Harris

summarized concerns were the building placement, exterior materials for building, and allowing the drive-through.

Patrick Christensen, attorney, was present on behalf of Five Star Developer and Big Red Dog Engineers. He stated staff had different comments on the project and stated the alley will be accessed as a natural ingress and egress. He stated people will use the drive-through and most likely go through the alleyway. Mr. Christensen requested the zoning change on behalf of the applicant.

Mr. Pat Sullivan confirmed the use of the alleyway for utilities and sewer. He stated the garbage route utilizes the alleyway.

The following citizens spoke on this matter:

George Geis, property owner, encouraged Council not to approve until a site plan is received. He commented the project should be good for the City of Alamo Heights and not solely a business.

Kimberly Lubianski, resident, shared both benefits of supporting and opposing the zoning request. She encouraged viewing a site plan and consideration of a Specific Use Permit (SUP).

Elliot Weser, resident, reminded Council of the no drive-through ordinance that is in effect. He reminded Council of the multi-family district that is adjacent to the applicant.

Derek Cossey, resident, thanked Council for serving. He asked feedback on the project so that the information is received and in particular younger families can be prepared for the change. He noted all residents do not have the same opportunity.

Bill Kiel, resident, shared information at the previous Planning & Zoning Commission (P&Z) meeting. He informed Council of a split vote in which majority of the P&Z members expressed that rezoning to B-1 was most appropriate. Mr. Kiel stated some members requested to deny the request due to some reasons expressed today. He shared there were lots of discussion regarding the design and concern with the structure.

Mayor Pro Tem Rosenthal asked if a B-3 zoning change was requested.

Mr. Kiel responded it was indirectly but not considered.

Mr. Christensen commented perhaps the consideration of a replat request. He noted a B-3 zoning request is limitless and a drive-through is allowed in B-1; however, B-3 zoning is not compatible to their request.

Councilmember Savage encouraged support of the project; however, stated the proposed building does not depict beauty or charm.

Mayor Cooper requested Mr. Christianson present CVS' best looking stores that may perhaps fit in Alamo Heights. He shared there was a nice CVS in the Hardy Oaks area within the City of San Antonio.

Mr. Browne suggested a special meeting with Council and ARB to address the concerns and needs of the City. Council agreed to host a special Council meeting prior to August 11th.

A motion was made by Councilmember Hasslocher to table the item until the August 25, 2014 Council meeting at 5:30 p.m. The motion was seconded by Councilmember Billa Burke. The vote was as follows: Ayes: Councilmembers Hasslocher, Prassel, Billa Burke, and Savage; Nays: None, Abstain: Mayor Pro Tem Rosenthal. The motion passed.

Item # 10 Mayor Cooper read the following caption.

Planning and Zoning Commission Case No. 358: University of the Incarnate Word requests that City Zoning Code, Section 3-8, Table of Uses be amended to allow for Drive-Through facilities for Pharmacies by right in District B-1

A motion was made by Councilmember Billa Burke to table the item until August 25th Council meeting at 5:30 p.m. The motion was seconded by Councilmember Hasslocher. The vote was as follows: Ayes: Councilmembers Hasslocher, Prassel, Billa Burke, and Savage; Nays: None, Abstain: Mayor Pro Tem Rosenthal. The motion passed.

Item # 12 was considered next.

Item # 12 Mayor Cooper read the following caption.

Discussion and possible action on construction of city hall facilities

City Manager Mark Browne provided an updated progress of the construction of city hall facilities.

Mr. Browne reported the items in progress for the Fire and Police Stations, Public Works Department and the Administration Building. He informed Council of the complications with the fabrication for the cast stone arch. The flatwork is still in progress as well as the parking lot on Blue Bonnet Boulevard. He shared with Council of the concerns with the drainage in the rear of the Fire Station. The floor polishing is complete in the Police Station and the interior staircase is in place. Other items in the Police Station that are in progress included framing, MEP rough-in, and stucco on the exterior. He expressed concern with the drainage at the sally port. Mr. Browne informed Council that the arcade foundation was poured on June 19, 2014 and experienced some cracking; however, there were saw cutting repair spots. He reported the Public Works renovation is near completion.

Mr. Browne shared photos of the construction progress. There were photos of the exterior of the Police Station, Public Works Department, stucco on the exterior of City Hall, customer service representative area, Council Chambers, elevator pit within the City Hall. He summarized there was major progress in all areas with an anticipated move in date of October 1, 2014.

Mr. Browne stated he is seeking an amendment on Joeris' contract for a reduced amount of \$100,000 in which \$21,167 will be returned to Joeris and \$78,833 to the City. He stated that amendment will be presented to Council at a future meeting. He summarized the Guaranteed Maximum Pricing (GMP) will be reduced for an amount of \$6,614,163.

Mr. Browne provided a budget spreadsheet on the updated costs of the construction.

* * *

Citizens To Be Heard Concerning Non-Agenda Items

Item # 13 Citizens to be heard concerning items not on the agenda

There were no citizens that signed up to speak.

* * *

Mayor Cooper recognized City Secretary Jennifer Reyna for producing proclamations while preparing for a special meeting and a regularly scheduled Council meeting.

* * *

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 7:23 p.m.

Louis Cooper
Mayor

Jennifer Reyna
City Secretary