

CITY OF ALAMO HEIGHTS  
CITY COUNCIL  
August 10, 2015

A regular meeting of the City Council of the City of Alamo Heights, Texas was held at the Council Chambers, located at 6116 Broadway, San Antonio, Texas, at 5:30 p.m. on Monday, August 10, 2015.

Present and composing a quorum were:

Mayor Louis Cooper  
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

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Mayor 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 July 27, 2015, City Council meeting. A motion was made by Councilmember Bobby Rosenthal to approve the minutes of July 27, 2015. The motion was seconded by Mayor Pro Tem Lynda Billa Burke and passed by unanimous vote.

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*Item # 2      Announcements*

Mayor Cooper read the following captions.

**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.

**b. Soler Sports Dam 09 Triathlon, August 22, 2015**

Community Development Department Services Director Jason Lutz announced Soler Sports is hosting their 15th annual Dam '09 Triathlon on Saturday, August 22, 2015. The event is hosted by a local organization and scheduled to begin at 7:00 a.m. at the Alamo Heights Swimming Pool. He presented the route for the respective activity.

Mayor Cooper asked staff to discourage participants from blocking the streets. Police Chief Rick Pruitt stated officers are present; however, not at every street. He stated officers may have conversations with race marshals to inform them to keep the event's flow going.

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

Peter Turnbull, resident, expressed concern of the drainage for a new residential construction located at 202 Kennedy. He stated Pape-Dawson Engineers provided a summary of the desktop analysis at 202 Kennedy and encouraged Council to review the information he provided.

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Items for Individual Consideration

*Item # 4*      Mayor Cooper read the following caption.

**Architectural Review Board Case No. 500F, public hearing, consideration, and action concerning a request of Lazar Hausman, owner, to amend the tree mitigation requirements placed by the ARB on October 15, 2013 for the compatibility review of the proposed replacement structure located at 223 Corona under Demolition Review Ordinance No. 1860 in order to construct a new single-family residence**

Community Development Services Department Director Jason Lutz made a PowerPoint presentation that included background information and photos.

Mr. Lutz identified the project at 223 Corona in which the applicant is seeking to modify the tree types and sizes that are required to be planted per the Architectural Review Board's (ARB) recommendations. He stated due to the removal of a 32" heritage pecan tree, ARB required the applicant plant two 6" Red Oak trees on the property. He stated Mr. Hausman, the applicant, proposed to plant one of the following trees in the front yard: 1 1/2"/3" Crape Myrtle, Mountain Laurel, Vitex or Redbud. The applicant proposed to plant one of the following in the rear yard: 1 1/2"/3" Crape Myrtle or Lacey Oak trees. Mr. Lutz stated based on the reduction of sizes the applicant would still need to coordinate with the City to provide additional tree mitigation off site. Site photos were presented. He stated that one pecan tree located in the rear was removed to accommodate construction.

On July 21, 2015, ARB reviewed the request and recommended changes to the tree mitigation requirements. Mr. Lutz stated ARB recommended the following for the front yard: one 6" tree (left of sidewalk) with owner's choice of Lacey Oak, Red Oak, Burr Oak, Monterrey Oak, Live Oak, or Cedar Elm and one 4" Red Bud at the right of the sidewalk. For the rear yard, ARB recommended to plant a 4" tree, owner's choice of tree type, as suggested by the arborist; in addition to 18" of mitigation required off-site. Staff received two responses in support and none in opposition.

Mr. Lazar Hausman, owner, informed Council of his hired arborist's recommendations. He stated there are two types of Red Oak trees and the arborist discouraged from planting either one because both types mature large. The arborist recommended planting a tree on the right side of the front yard and one in the back yard.

Mayor Pro Tem Lynda Billa Burke expressed concern with the amount of neighboring shade and commented that too much shade will not allow grass to grow.

Mr. Hausman proposed a 4" tree planted in the front and another 4" tree planted on the back noting no tree to be planted on the left side of the front yard. He clarified that his request is different from the arborist; however, stated he is concerned what is best for the small lot property.

Mayor Cooper opened the public hearing at 5:52 p.m. No one signed up to speak. The public hearing closed at 5:53 p.m.

A motion for approval was made by Councilmember Bobby Rosenthal for a four inch tree in the back and front yards with no tree on the left front yard. The motion was seconded by Mayor Pro Tem Lynda Billa Burke and passed by unanimous vote.

*Item # 5* Mayor Cooper read the following caption.

**Architectural Review Board Case No. 589F, public hearing, consideration, and action concerning a request of Steve and Allison Elder, applicants, representing Dabney Homes LLC, owner, for the**

**compatibility review of the proposed main structure located at 226 Cloverleaf Avenue under Demolition Review Ordinance No. 1860 in order to construct a new single-family residence and accessory structure**

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

Mr. Lutz identified the project and stated the applicants are seeking to construct a two-story 3,855 square foot custom home and a 594 square foot detached garage. He stated the property was part of a replat in 2013 that sub-divided the existing lot, creating two new lots. The property is zoned Single-Family A (SF-A). Mr. Lutz reviewed the existing and proposed Residential Design Standards (RDS). He stated the proposed structure will have an exterior comprised of hardie board planks, stucco, and limestone. The roof will consist of composition shingles. Elevations and streetscapes were presented. On July 21, 2015, ARB approved the proposed structure. Staff received four responses in support and four in opposition.

Mayor Cooper opened the public hearing at 5:57 p.m. No one signed to speak. The public hearing closed at 5:58 p.m.

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

*Item # 6* Mayor Cooper read the following caption.

**Architectural Review Board Case No. 590F, public hearing, consideration, and action concerning a request of John Grable, FAIA, applicant, representing Jeanne Alfaro, owner, for the compatibility review of the proposed main structure located at 505 Woodway Lane under Demolition Review Ordinance No. 1860 in order to construct a new single-family residence and accessory structure**

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

Mr. Lutz identified the project and stated the applicant is seeking to construct a two-story 5,077 square foot custom home and an 880 square foot attached garage. He stated the project was presented to ARB and Council. On July 1, 2015, the Board of Adjustment (BOA) granted a variance to allow the proposed attached garage to encroach 23 feet 2 7/8 inches beyond the midpoint of the main structure per Section 3-21 of the City's Zoning Code. Mr. Lutz reviewed the existing and proposed RDS. He stated the proposed structure will have an exterior comprised of hardie board planks, stucco, metal and glass. There are 80 trees on-site with three trees proposed to be removed. There will be no mitigation required since the trees are not classified as heritage trees. He stated the garage will have doors facing Tuxedo Avenue. Photos and elevations were presented.

On July 21, 2015 ARB approved the request. Staff received one response in support and none in opposition.

Mayor Cooper opened the public hearing at 6:03 p.m. No one signed to speak. The public hearing closed at 6:04 p.m.

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

*Item # 7* Mayor Cooper read the following caption.

**Architectural Review Board Case No. 592F, public hearing, consideration, and action concerning a request of C. J. Lammers & Associates, applicant, representing R. K. Faus, LLC, owner, for the significance and compatibility review of the proposed accessory structure located at 160 E. Oakview under Demolition Review Ordinance No. 1860 in order to construct a new two-story accessory structure**

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

Mr. Lutz identified the project and stated the applicant is seeking to demolish an existing accessory structure and construct a new two-story 1,470 square foot detached accessory structure. He reviewed the existing and proposed RDS. He stated the exterior will be comprised of wood siding. The demolition plan, site plan and elevations were presented. On July 21, 2015, ARB reviewed and approved the applicant's request.

Mayor Cooper opened the public hearing at 6:08 p.m. No one signed up to speak. The public hearing closed at 6:09 p.m.

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

Mayor Cooper announced that Item # 11 would be considered next.

*Item # 11* Mayor Cooper read the following caption.

**ORDINANCE NO. 2027**

**AN ORDINANCE APPROVING AND AUTHORIZING THE CITY MANAGER TO RENEW AND EXECUTE A CONTRACT WITH LINEBARGER, GOGGAN, BLAIR, AND SAMPSON LLP TO CONTINUE TO COLLECT DELINQUENT TAXES ON BEHALF OF THE CITY**

Finance Director Robert Galindo made a PowerPoint presentation which included background information. He acknowledged that Ms. Carrie Wells with Linebarger, Goggan, Blair and Sampson, LLP, was present.

Mr. Galindo stated Linebarger, Goggan, Blair and Sampson, LLP had provided excellent services since 2006. He informed Council that past collection rates over the past nine years had been within the 96% to 99%.

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

Mayor Cooper announced Item # 8 would be considered next.

*Item # 8* Mayor Cooper read the following caption.

**Architectural Review Board Case No. 593F, public hearing, consideration, and action concerning a request of Christine Gear and Luis Yelez, owners, for the significance and compatibility review of the proposed main structure located at 302 Alta Ave. under Demolition Review Ordinance No. 1860 in order to demolish 100% of the existing main structure and construct a new single-family residence with accessory structure**

Mr. Lutz made a PowerPoint presentation that included background information, map, photos, elevations, and existing and proposed street views.

Mr. Lutz identified the project and stated the applicants are seeking to demolish 100% of the existing main and accessory structures and to construct a 4,185 square foot home with a detached three-car garage with partial storage space above accessed by stairwell within the garage. The proposed garage would be accessed from Arbutus. A half story is proposed at the west side, towards the front of the main structure. Mr. Lutz stated ARB reviewed significance and compatibility. On April 21, 2015, Council reviewed and approved the request. He stated ARB recommended to locate the garage at least 3.5' from the property line per neighbor's request and minor changes to the front porch and garage roof. Since presentations made to ARB and Council, the applicant revised the original application and now proposed to demolish 100% of the existing main structure as opposed to the original request to demolish 84.1% of existing walls and 100% of the existing roof. He explained the revisions were due to the state of the existing foundation of the residence. The applicants followed ARB's recommendation for the front porch; however, requested Council maintain the original garage roof design which Council agreed to. Council requested the applicants work with the neighbor to consider adding an additional 6" of setback for the garage. Mr. Lutz reviewed the existing and proposed RDS.

Mr. Lutz continued with his presentation. Tree mitigation will not be required and explained no mitigation is required as the only heritage tree (pecan) is diseased. Mr.

Lutz stated a 17" Mesquite, 2" Red Bud (2), 4" Lugustrum, and a 30" Pecan tree will be removed. The proposed structure will be composed of hardie plank and metal roof. Elevations and photos of the project were presented. He noted a larger double-door was preferred to allow additional light in. He stated the roof remained the same. Photos, elevations, and existing and proposed streetscapes were presented. On July 21, 2015, ARB reviewed and approved the applicants' request. Staff received four postcards in support and none in opposition.

Mayor Cooper opened the public hearing at 6:16 p.m. No one signed up to speak. The public hearing closed at 6:17 p.m.

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

*Item # 9* Mayor Cooper read the following caption.

**Presentation of Proposed FY 2015 – 2016 Operating Budget and scheduling public budget hearings**

Mr. Browne made a PowerPoint presentation that included the tax rate, General Fund budget, Governmental Funds, Utility Fund Revenues and Allocations, and Capital Projects Fund.

Mr. Browne reviewed the current property tax information. He stated the current 2015 tax rate of \$0.390262 per \$100 valuation. He proposed the Maintenance and Operation (M&O) rate of \$0.330762 to pay for operations and proposed Interest and Sinking (I&S) rate of \$0.059500 to pay for debt service.

Mr. Browne presented the FY 2015-2016 budget to include projected beginning balance, operating revenues, departmental allocations, working capital, and operating reserve (25% of departmental allocations). Also included in the presentation was the proposed transfer to the Capital Replacement Fund. He stated there are no transfers proposed for the Street Maintenance Fund and Capital Project Fund. Mr. Browne reviewed projected fund balances, revenues/transfers, and expenditures to the Comprehensive Plan, Street Maintenance Fund, Capital Projects, and Capital Replacement Fund and explained proposed expenditures.

Mr. Browne reviewed the proposed Utility Fund budget to include proposed revenues, operating expenses, capital expenditures, transfers to General Fund, and operating reserve. He briefly explained the planned capital expenditures to include continuation in resolving 4X2 water issues, equipment purchases, and debt payment for bonds. He stated a transfer is proposed from the Utility Fund to go to the General Fund.

Mr. Browne continued with Capital Projects Fund revenues/allocations to include interest on time deposits, transfers from General Fund, and capital expenditures. He referenced capital expenditures contains CIED monies and noted no activity.

Mr. Browne concluded his presentation with a schedule of the upcoming budget public hearings. There is a public hearing scheduled on Monday, August 24, 2015 on the 2015 proposed ad valorem tax rate. The second public hearing for the ad valorem tax rate is Monday, September 14<sup>th</sup> as well for the first public hearing for FY2016 proposed budget. On September 28, 2015, Council will consider and adopt the proposed budget and 2015 ad valorem tax rate.

Councilmember Rosenthal noted that no transfers will be made next fiscal year to street maintenance; however recommended doubling up the following year. Mr. Browne agreed.

*Item # 10* Mayor Cooper read the following caption.

**Discussion and possible action to set the proposed FY 2016 tax rate and scheduling public hearings**

Finance Director Robert Galindo made a PowerPoint presentation that included background information on the proposed tax rate.

Mr. Galindo referenced Chapter 26 of the Texas Property Code related to effective tax rate/rollback rate, publication of notices and adoption of the tax rate. He announced the total tax rate is proposed to remain at \$0.390262 per \$100 evaluation. The proposed Maintenance and Operation (M&O) rate is \$0.330762 for operations. The proposed Interest and Sinking (I&S) rate of \$0.059500 to pay for debt service.

Mr. Galindo presented information to include freeze adjusted taxable value, effective and rollback tax rates. He stated the effective tax rate is 0.365900 and the rollback tax rate is 0.402746. He informed Council the proposed tax rate exceeds the effective tax rate which requires the City to hold public hearings which are scheduled on Monday, August 24<sup>th</sup> and Monday, September 14<sup>th</sup>. Publication of the required public hearing notice is on Wednesday, August 26<sup>th</sup> in the *San Antonio Express-News*.

There was a brief discussion regarding the education of taxpayers on the election of freezing their property taxes and the timing. Mr. Galindo stated compared to last year's property taxes, values increased overall by 9%.

A motion for approval was made by Councilmember Prassel to set the proposed FY 2016 tax rate as \$0.390262 and conduct public hearings for August 24<sup>th</sup> and September 14<sup>th</sup>. The motion was seconded by Mayor Pro Tem Billa Burke and passed by unanimous vote.

Item # 12 was considered next.

*Item # 12* Mayor Cooper read the following caption.

**Discussion on Google Fiber Internet and Cables Services**

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

Ms. Mendoza informed Council that Google Fiber plans to install equipment in the City of San Antonio area. She shared that Google Fiber's implementation plan is within four to six years laying 4,000 miles of fiber. She stated they have two backbones located in Leon Valley and Schertz. She explained the process in which fiber hubs will be buried to serve 700 homes within a district. She noted it is pure fiber presenting a lower cost to residents. Ms. Mendoza stated Google met with six cities within the San Antonio area which included Alamo Heights, Balcones Heights, Leon Valley, Shavano Park, Olmos Park and Terrell Hills.

Ms. Mendoza referenced Chapter 66 Texas Utility Code, State-Issued Cable and Video Service Franchise that allows Google Fiber to work within the City. She explained the company is required to pay a state franchise fee based on gross revenues earned within the respective entity, City of Alamo Heights.

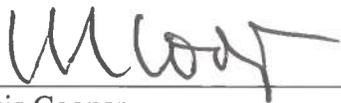
Councilmember Prassel asked if the fiber will be located underground within the City.

Ms. Mendoza responded that current wiring is not located underground, the anticipated fiber will be located overhead. She stated that Google Fiber will need to continue to work with the City regarding lane closures or to conduct work.

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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 Cooper adjourned the meeting at 6:41 p.m.

  
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Jennifer Reyna  
City Secretary

  
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Louis Cooper  
Mayor