

CITY OF ALAMO HEIGHTS
CITY COUNCIL
August 25, 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, August 25, 2014.

Present and composing a quorum were:

Mayor Louis Cooper
Mayor Pro-Tempore Bobby Rosenthal
Councilmember Fred Prassel
Councilmember Lynda Billa Burke

Also attending were:

City Manager J. Mark Browne
City Attorney Mike Brennan
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

Absent were:

Councilmember Bobby Hasslocher
Councilmember John Savage

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Mayor Louis 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 August 5, 2014, Special Joint Council/Architectural Review Board Meeting. A motion was made by Councilmember Lynda Billa Burke to approve the minutes of August 5, 2014. The motion was seconded by Councilmember Fred Prassel and passed by unanimous vote.

Mayor Cooper asked City Council for any revisions to the minutes of the August 11, 2014, Council Meeting. A motion was made by Mayor Pro Tem Bobby Rosenthal approve the minutes of August 11, 2014. The motion was seconded by Councilmember Fred Prassel and passed by unanimous vote.

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Item # 2 Announcements

Mayor Cooper read the following captions.

a. St. Peter's Church & School Parish Picnic, September 21, 2014

Community Development Services Department Interim Director David Harris announced the St. Peter's Church & School Parish Picnic scheduled for Sunday, September 21, 2014, beginning at 7:00 a.m. to 4:00 p.m. He briefly highlighted the activities and displayed the map of the event.

b. SNIPSA Race for the Rescues 5K, September 27, 2014

Mr. Harris presented the route for the SNIPSA 5K Run. The event begins and ends at the Alamo Heights Pool, 250 Viesca Avenue which is scheduled on September 27th, beginning at 8:05 a.m. to 11:00 a.m. He noted staff is working with the Alamo Heights/Terrell Hills Garden Club accommodating the butterfly garden with this event.

Mayor Cooper asked Mr. Harris to notify neighbors of the upcoming event and to request the organization to turn speakers a certain position so it will not interfere with neighbors. Mr. Harris agreed to notify neighbors and inform SNIPSA of his request.

c. Cancellation of the City Council meeting on December 22, 2014

City Secretary Jennifer Reyna announced the regularly scheduled meeting on Monday, December 22, 2014 would be cancelled in observance of the holiday. Council agreed to cancel; however, Mayor Cooper stated if a meeting is necessary a meeting can be scheduled.

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Citizens To Be Heard Concerning Non-Agenda Items

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

Glen Jones, resident, expressed concern regarding water conservation and provided a book specific on rainwater harvesting for Council and staff to reference. He commented that the design of CVS shall be a specific design to allow water flow for landscaping.

Susan Straus, resident, stated smart meters were not mandated by legislation and that is was optional. She shared that she had been in contact with many whom offered to speak to Council regarding smart meters. She encouraged delay of the installation of smart meters due to the lack of studies and the concerns it presents.

Elliot Weser, resident, cautioned Council on the installation of smart meters. He shared many communities in Texas, United States and Canada had rejected smart meters. Concerns are: 1) increased risk of exposures of house fires; 2) radio frequency radiation affecting the environment around the smart meters and increases the risks related to heart health; 3) increased risk of disclosing individuals' privacy; and 4) individuals that chose to opt out shouldn't pay a fee. He encouraged Council to delay installation from 6 months to 1 year to include precaution, data, and legislative action.

Marcia Weser, resident, shared information with Council by the American Academy of Environmental Medicine focusing on smart meters with health risks due to electronic magnetic frequencies. She encouraged further research on smart meters and the option to keep analog meters. She stated that safer and green technology exists.

Debbi Mason, resident, emphasized the health precautions related to smart meters. She expressed disappointment on the "opt out" and the additional fees to pay on a monthly basis. She encouraged further research prior to the onset of facing major issues.

Steven Dikcis, resident, expressed his comments on the proposed median removal on Vanderhoeven. He shared his experience as a civil engineer for the Air Force. He asked how many fires occurred in the neighborhood and what is the practice for the Fire Department. He expressed opposition to the removal of the medians on Vanderhoeven as he stated he is familiar with emergency responders' vehicles.

Margaret Houston, resident, expressed concern for the CVS proposed on Broadway related to congested traffic and the traffic pattern for 18 wheelers to deliver goods. She expressed opposition for the commercial side considered on Broadway for access. She asked Council to consider traffic on Burr Road which may affect other businesses.

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Consent Item

Item # 4 Mayor Cooper read the following caption.

Request for permission to refund overpayment of property taxes to the following taxpayers in the amounts listed

a. Careme & Anthony Deep, 137 Encino	\$942.06
b. Marcous Bayona, 326 Redwood	\$1,403.30
c. Coby J. Dietrick, 644 Patterson	\$964.20
d. Stephen B. Atchison, 141 W. Elmview	<u>\$1,102.55</u>
Total	\$4,412.11

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Public Hearing

Item # 5 Mayor Cooper read the following caption.

First Public Hearing on FY 2015 Ad Valorem Taxes

Mayor Cooper opened the public hearing at 5:54 p.m.

There were no citizens that signed up for the public hearing.

Mayor Cooper closed the public hearing at 5:55 p.m.

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Items for Individual Consideration

Item # 6 Mayor Cooper read the following caption.

ORDINANCE NO. 1999

**CONSIDERATION OF AN ORDINANCE APPROVING THE
MAYOR'S NOMINATION OF RICHARD GARISON TO
THE CITY'S BOARD OF ADJUSTMENT, INCLUDING
INTERVIEW OF THE NOMINEE**

Community Development Services Department Interim Director David Harris stated there is a vacancy and referenced Mr. Richard Garison's application and resume.

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

Item # 7 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 and W 5 FT of 26 and is addressed as 115 Burr Road, Alamo Heights, TX

Mr. Harris stated the applicant requested to table the item for the September 22, 2014 Council meeting. He announced that Mr. Patrick Christensen will present a plan to include a front loaded building. He stated another special joint meeting will be

conducted to include Council, Architectural Review Board (ARB) and the Planning and Zoning Commission (P&Z) in consideration of this item.

Patrick Christensen, attorney, representing Five Star Developer and Big Red Dog Engineers stated CVS is working on solutions to present another project.

Mayor Cooper announced Items # 7 and 8 rescheduled for the September 22nd Council meeting at 5:30 p.m.

Item # 8 **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**

Mayor Cooper announced Items # 7 and 8 rescheduled for the September 22nd Council meeting at 5:30 p.m.

Item # 9 Mayor Cooper read the following caption.

Architectural Review Board Case No. 543F, request of Michael and Lucila Gartrell, owners, represented by ACT Services, for the significance and compatibility review of the proposed replacement structure at 841 Estes Avenue under Demolition Review Ordinance No. 1860 in order to demolish of the 63% of the existing roof

Mr. Harris made a PowerPoint presentation that included background information, existing/proposed site plan, tree survey, 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 and proposed site plan, tree survey, various elevations were presented. On July 15, 2014 ARB tabled the item and was reconsidered at the August 19, 2014 ARB meeting. ARB approved the project as presented declaring no significance to the existing structure and compatibility for the proposed structure. Staff received two responses in support of the project and two in opposition.

Mike McGlone, shared information as a concerned neighbor and ARB member. He stated it is a family that desires an extension. He stated the windows had been minimized. He briefly shared that the Becknell's owned both adjacent properties and now there are two different property owners that have different needs and desires.

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

Item # 10 Mayor Cooper read the following caption.

Architectural Review Board Case No. 549F, request of Richard Garison, AIA, applicant, representing Michael and Sarah Karcher, owners, for the significance and compatibility review of the proposed replacement structures at 240 Argo Avenue under Demolition Review Ordinance No. 1860 in order to demolish 100% of the existing main structure and detached garage

Mr. Harris made a PowerPoint presentation that included background information, existing/proposed footprint, proposed site plan, elevations, and streetscape photos.

Mr. Harris identified the project location and presented details. He reviewed the existing and proposed residential design standards (RDS). Photos, existing/proposed footprint, proposed site plan, and elevations were presented. On August 19, 2014 ARB approved the item as presented. Staff received three responses in support of the project and none in opposition.

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

Item # 11 Mayor Cooper read the following caption.

Architectural Review Board Case No. 550F, request of Richard Garison, AIA, applicant, representing Richard and Kim Nunley, owners for the significance and compatibility review of the proposed replacement structure at 406 Evans Avenue under Demolition Review Ordinance No. 1860 in order to demolish 68% of the street-facing front facade

Mr. Harris made a PowerPoint presentation that included background information, proposed site plan, elevations, and existing/proposed panoramic streetscape photos.

Mr. Harris identified the project location and presented details. He reviewed the existing and proposed residential design standards (RDS). Photos, proposed site plan, elevations, and existing/proposed panoramic streetscape photos were presented. On August 19, 2014 ARB approved the item as presented. Staff received three responses in support of the project and none in opposition.

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

Item # 12 Mayor Cooper read the following caption.

Consider requesting the Planning & Zoning Commission to review which zoning districts “Drive-Through Facilities” are allowed by Special Use Permit or by right and designating “Retail shops and stores other than listed” to be allowed only with a Special Use Permit

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

Mr. Harris stated drive-throughs were restricted in 2010 and presented a map that displayed the existing drive-through facilities. He proposed changes to the Table of Uses. They are: 1) allow for drive-through facilities with SUP in B-1, B-2, and B-3 and 2) allow for other uses in B-1, B-2, and B-3 only with SUP. He explained this would allow business owners to apply and go through the process. He asked Council to request P&Z consider having a discussion to provide a recommendation for drive-through facilities in B-1, B-2, or B-3 zones or retail shops and stores in B-1, B-2, B-3.

The following citizen spoke on this matter:

Kimberly Lubianski, resident, encouraged Council coordinate with City Attorney on notification rules as this consideration affects an entire city to include all B-1 property owners.

A motion for approval was made by Councilmember Prassel that this item be further reviewed by the Planning and Zoning Commission. The motion was seconded by Councilmember Billa Burke and passed by unanimous vote.

Item # 13 Mayor Cooper read the following caption.

Resolution No. 2014R-065

A Resolution authorizing the City Manager to execute a 2015 Annual Use & Aquifer Management Fee contract with the Edwards Aquifer Authority on behalf of the City

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

Mr. Sullivan reminded Council that the Edwards Aquifer Authority (EAA) discontinued rebating water purveyors at the end of the calendar year that money for unused water not pumped within the total permitted amount. This prepaid amount was assessed at the beginning of each calendar year which currently is 2,683.194 acre feet. He presented the City’s annual water usage since 2010 as an example of past usage by the Council for consideration. He informed Council the total permitted amount of 2,683.194 acre feet would continue being used to calculate the City’s reduction during times of drought and this contract would not affect this amount. He further explained the amount

determined for the initial contract would be paid in advance and if amended for over pumpage of this “contracted” amount then an additional fee of 20% or \$16.80 more per acre foot over the initial “contracted” amount. Mr. Sullivan added that the contracted amount was to exceed and not amended then an additional fee of 22% would be assessed for allowing laps in the initial contract at the end of a calendar year those amounts whether previously amended or not, whichever is prevalent. The City is responsible for tracking consumption and initiating amendment(s) to a contract with the EAA.

Mayor Pro Tem Rosenthal asked Mr. Sullivan the amount of days in Stage 3.

Mr. Sullivan responded the City went into stage three about 100 days into the calendar year and has been all year with a recent drop into Stage 4.

A motion for approval was made by Mayor Pro Tem Rosenthal to execute the 2015 annual use and aquifer management fee contract for the amount of 2,000 acre feet. The motion was seconded by Councilmember Billa Burke and passed by unanimous vote.

Item # 14 Mayor Cooper read the following caption.

Resolution No. 2014R-066

A Resolution to replace and upgrade City’s technology system through a three-year lease purchase

Information Services Manager Marian Vargas made a PowerPoint presentation that included background information and proposal to update the City’s technology system.

Ms. Vargas informed Council regarding cloud-based systems and expressed the concerns to include bandwidth usage and availability, control of the data, required firewalls and compliance issues, and additional level of support.

Ms. Vargas proposed to update the City’s IT infrastructure to create a private cloud infrastructure with the efficiency and growth of a public cloud infrastructure. This allows the City to maintain control and the ability to customize an environment for our specific applications. She reviewed the proposed equipment which addresses server replacement, additional storage capacity, wireless solution for the city complex, upgrading email exchange to 2013 and an email archiver.

The financial options were reviewed including a cash or lease purchase.

A motion for approval was made by Councilmember Prassel to authorize the purchase of computer software/technology system utilizing City’s reserved funds. The motion was seconded by Councilmember Billa Burke and passed by unanimous vote.

City Manager Mark Browne thanked Ms. Vargas for her thorough research and expressed his appreciation on her efforts.

Item # 15 Mayor Cooper read the following caption.

Discussion and possible action on construction on city hall facilities

Mr. Browne made a PowerPoint presentation that included an update on the construction for the Fire Station, Police Station, Administration offices, and Council Chambers.

Mr. Browne reported the following are in progress on the Fire Station to include cast stone arch, flatwork around the Fire Station, and the Blue Bonnet Boulevard parking lot with the anticipation of striping soon. He stated the retaining walls are done. He informed Council that drainage in the rear of the Fire Station had been addressed and the drainage hole will be moved to the center of the avadek.

Mr. Browne reported the following are in progress for the Police Station/Administration offices and Council Chambers to include Council Chamber framing, drywall, and stucco on exterior. The framing and insulation are almost complete for the Police Station and Administration offices. He informed Council the concern with the drainage at the Sally Port had been addressed. The drainage from the roof is tied into the drainage of the underground system. A drainage box will also be placed in front of the Sally Port.

Other related items are that the arcade steel beams had been erected and the Public Works renovation is in progress and near completion. He reported the floor had been a challenge in the Public Works Department.

Mr. Browne displayed photos of the construction of the facilities that highlighted progress of the Police Station, Administration offices, Public Works Department, and stucco as the exterior, and the interior/exterior progress of the Council Chambers.

Mr. Browne reported a move in date of mid to late October. He shared the project had several days delayed because of lumber and anticipates additional delays. Mr. Browne stated everyone is all under pressure to execute in a short timeframe.

Mr. Browne presented information related to budget with a spreadsheet. He highlighted the savings related to the Guaranteed Maximum Price (GMP).

Mr. Browne thanked Fire Chief Buddy Kuhn for managing the day-to-day affairs and Public Works Director Pat Sullivan for monitoring the site work and addressing paving issues.

Item # 16 Mayor Cooper read the following caption.

ORDINANCE NO. 2000

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO EXECUTE THE SECOND GUARANTEED MAXIMUM COST AMENDMENT AND FEE INCREASE AGREEMENT WITH JOERIS GENERAL CONTRACTORS LTD TO REFLECT A REDUCTION IN THE AMOUNT OF THE GUARANTEED MAXIMUM COST OF THE CONSTRUCTION/REMODELING OF CITY HALL/POLICE STATION/FIRE STATION AND PUBLIC WORKS FACILITIES AND A RESULTING INCREASE IN THE CONTRACTOR'S FEE

Mr. Browne made a PowerPoint presentation that included background information of the proposed amendment.

Mr. Browne explained the proposed amendment and highlighted the amendment was due to overall savings based on favorable buyout of subcontractor contracts. He noted the proposal reduced the Guaranteed Maximum Cost (GMC) by \$100,000. In 2013, Council agreed to a 2% fee increase of Joeris' contractor cost if there were overall savings which amounts to \$21,167. The amount of savings to the City is \$78,833.

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

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Staff Report

Item # 17 Mayor Cooper read the following caption.

Discussion of amending or abolishing the restrictions in Chapter 5, Building and Building Regulations, concerning the use of wooden shakes and wooden shingles

Fire Chief Buddy Kuhn made a PowerPoint presentation that included background information.

Fire Chief Kuhn provided a timeline of certain requests that were considered and noted as remodels. In July 2014, the legal question was raised regarding the ordinance regulating wooden shakes and shingles as the current ordinance reflected new construction and not remodels.

Fire Chief Kuhn highlighted the factors to consider: impact to ISO score, requestor, building construction types related to current building codes/set-backs and variances granted, exposures and prior incidents, flying brands and embers from roof

fires, contacted National Fire Protection Association (NFPA), Southwest Research and Texas Department of Insurance.

Fire Chief Kuhn provided photos of recent house fires. One occurred on Montclair and noted the 12-foot proximity between the neighbor and house fire. He stated the wooden privacy fence assisted in spreading the fire. He shared that a fire at 101 Arcadia started with a simple cigarette that was discarded and caused destruction on the wooden shingles. He highlighted the long-term effects of wooden shakes and shingles. Alternative materials were presented with various photos highlighting the design and quality.

Coordination and review of this item was with Safer Building Solutions who had conducted fire safety ratings of wooden shingles. Fire Chief Kuhn noted the same contact for Safer Building Solutions also served as a representative for the product; which presented a concern with a representative serving from a perspective of sales and safety. The Governance Committee reviewed the item on May 2, 2014.

Fire Chief Kuhn reviewed the fiscal impact and informed Council of the change in points to ISO. He shared that ISO recommended keeping the ordinance and commented that changing the ordinance may affect future scores. Review of ISO grades are every 10 years with a review conducted prior 3 years of data.

Fire Chief Kuhn asked Council for guidance and consideration of a) to leave the current ordinance as is, b) revise the ordinance to prohibit wooden shakes/shingles in all construction including new and remodels but still allow existing residences to repair/replace, c) or repeal the ordinance.

Mayor Cooper complimented Fire Chief Kuhn for observing that the information obtained was from a representative that also served as a contact for safety and as sales.

Fire Chief Kuhn stated he doesn't have enough information for further evaluation; however, requested guidance from Council.

Mayor Pro Tem Rosenthal recommended the Fire Department prepare for option B and go forward. Council agreed.

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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 Mayor Pro Tem Rosenthal and passed by unanimous vote. Mayor Cooper adjourned the meeting at 7:14 p.m.


Jennifer Reyna
City Secretary


Louis Cooper
Mayor