

CITY OF ALAMO HEIGHTS
CITY COUNCIL
September 14, 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, September 14, 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
Police Chief 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 August 18, 2015, CIED Work Session and August 24, 2015 City Council meeting. A motion was made by Councilmember Bobby Rosenthal to approve the minutes of August 18, 2015 and August 24, 2015. 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. SNIPSA 5K Rescue Run, September 26, 2015

Community Development Services Department Director Jason Lutz announced the 8th annual Race for the Rescues sponsored by SNIPSA on September 26, 2015. The event will begin at 8:00 a.m. ending at 10:00 a.m. The race route and event layout was presented.

b. National Night Out, October 6, 2015

Assistant to the City Manager Marian Mendoza invited the community to celebrate the 6th Annual National Night Out on Tuesday, October 6th at City Hall. The event will start at 6:00 p.m. and end at 7:30 p.m. Free hot dogs, chips, and sodas will be served. She informed Council that the event's information will be on the City's website, displayed on the banner across Broadway in front of City Hall, an email blast through Connect-Cty, and distribution of informational flyers to Cambridge Elementary students. Sponsorship included from HEB Lincoln Heights, Central Market, and IBC Bank, and Bird Bakery.

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

There were no citizens that signed up to speak.

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Public Hearings

Item # 4 Mayor Cooper read the following caption.

Second Public Hearing on FY 2016 Ad Valorem Taxes

At 5:33 p.m., Mayor Cooper opened the Public Hearing on the FY 2016 ad valorem taxes. There being no public comment, Mayor Cooper closed the public hearing at 5:34 p.m.

Item # 5 Mayor Cooper read the following caption.

Public Hearing on Proposed FY 2015-2016 Annual Operating Budget

At 5:34 p.m., Mayor Cooper opened the Public Hearing on the FY 2015-2016 annual operating budget. There being no public comment, Mayor Cooper closed the public hearing at 5:35 p.m.

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Items for Individual Consideration

Item # 6 Mayor Cooper read the following caption.

Public hearing, consideration, and action concerning proposed amendments to Chapter 5, Article X – Tree Preservation, of the City’s Code of Ordinances

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

Mr. Lutz reviewed the current Code of Ordinances regarding tree mitigation. He noted the following: 1) a heritage tree removed must be mitigated by planting additional trees on the property or off-site on a 1:1 ratio and pay a permit fee in the amount of \$125. Trees that are not classified as heritage tree are solely charged a fee of \$25 with no requirement of mitigation. He noted that current code does not allow the applicant to pay a fee in lieu of planting trees. He stated it had been a challenge to find locations and the requirement of the ordinance contributes to random selection instead of supporting an overall beautification plan within the community. Mr. Lutz shared that applicants had expressed to desire to pay a fee in order to complete their project.

Mr. Lutz presented proposed amendments to Article X, Chapter 5. Within Section 152, a new definition was presented under the term “significant tree” and highlighted the section the term was added to. Section 156 was also referenced to identify the proposed amendments. He noted proposed deletions within Section 156. Additions were also highlighted that contained proposed amendments related to mitigation of heritage/significant tree fees in residentially zoned properties. Staff received no responses in support or opposition.

Mayor Cooper expressed in his opinion that height of tree primarily to protect canopies was not included as a proposed amendment. He emphasized that tree canopies are important.

There was a brief discussion among Council regarding diameter of the tree base, height of a tree, caps in mitigation fees, and what surrounding cities are doing. Councilmember Fred Prassel commented that fees are higher and may seem harsh to the residents and may contribute to dying trees within the community. Councilmember Lawson Jessee inquired if the cap may be removed from consideration for Multi-Family Districts (MF-D) as he commented it is a business. Mayor Pro Tem Lynda Billa Burke stated there is no designated height for canopy and commented the height may be unpredictable.

Mr. Lutz responded that he may return with preliminary numbers on the purchase and installation of a tree, comparison notes, and insurance requirements for tree. He clarified that the proposed mitigation fee is per tree. Mr. Browne added that a cap is

proposed as currently there is not one. Mr. Lutz stated he did not inquire on the policy or ordinance for Olmos Park or Terrell Hills.

City Attorney Mike Brennan shared that the Cities of Hollywood Park and Castle Hills have existing tree ordinances banning Red Oak trees. He explained that oak wilt disease is common with Red Oak trees which begin to spread among other trees.

There were additional questions asked by Council regarding the fees the City of San Antonio has and how the ordinance had affected behavior.

Mr. Lutz responded there are formulas for lot size and zoning and additional fees for lot size and zoning districts. He stated the City of Alamo Heights did not decide an additional fee for lot sizes and tree numbers are the same as San Antonio. He commented the current ordinance and tree mitigation requirement create a challenge to plant six trees in consideration of sidewalks, foundation, and lot size.

Councilmember Prassel requested to table this item until further information is collected. He requested Mr. Lutz identify weak trees and provide listings of heritage/significant trees.

Mr. Lutz agreed to prepare a list of problematic trees, general listing of trees, and costs of what an arborist charges in comparison with current code. He recommended Council not change the classified listing of trees. He stated that he would ask assistance from Boards and Commission members who specialize on landscaping.

Mayor Cooper opened the public hearing at 6:01 p.m. No one signed up to speak. The public hearing closed at 6:02 p.m.

Item # 7 Mayor Cooper read the following caption.

Consider a water lease to the Edwards Aquifer Authority for 200 feet

City Manager Mark Browne made a PowerPoint presentation that included background information. Rick Illgner, Governmental Affairs, and Earl Parker, Regulatory Affairs, with the Edwards Aquifer Authority (EAA) were present.

Mr. Browne informed Council that a new program had been initiated by the EAA to lease water rights from permit holders to provide water in the Aquifer Storage and Recovery site. He stated EAA estimated a 19% reduction in pumping available to the City for 2015. Mr. Browne stated the City has 2,803 permitted acre feet; however, reminded Council that under the annual use contract with EAA, the City may pump no more than 2,000 acre feet. He summarized that the City has capacity to lease 200 acre feet to EAA.

Mr. Browne presented three options Council regarding leasing a different amount of acre feet at a 25% pumping reduction and presented the amount the EAA would pay

the City for the amount of leased water. He cautioned Council regarding overpumping in 2015 and 2016 due to current agreement with EAA and unpredictable weather.

Councilmember Lawson Jessee asked how much water had been pumped as to date. He asked what occurs if there is no rain throughout the contract and expressed concern on pumping reductions.

Mr. Browne reported as of the end of August there had been 1121 acre feet pumped and noted being under what had been pumped in previous years.

Mr. Earl Parker commented that if there is no rain, he would need to redo calculations if the City fell within the 25% pumping within a critical period. He stated he is aware of El Nino and anticipated a 20% reduction in authorized pumping. He stated drought management issues are working in favor and shared that 25% pumping reduction is fair that provides flexibility. He shared that additional transfers/changes can be made in December 2015. Mr. Parker stated he is committed working with staff to avoid overpumping in 2015 and 2016.

Mayor Pro Tem Billa Burke asked why the program was initiated.

Mr. Rick Illgner stated the program was created as part of EAA's mitigation for habitat conservation program focused on endangered species. He explained the water released from the City to EAA and then provided to the San Antonio Water System (SAWS) and placed in the Aquifer Storage and Recovery site (ASR), noting it is not a direct withdrawal from the aquifer.

A motion for approval for Option 1 was made by Councilmember Bobby Rosenthal. The motion was seconded by Councilmember Lawson Jessee and passed by unanimous vote.

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Closed Session

At 6:18 p.m., Mayor Cooper adjourned the regular City Council meeting to conduct a closed meeting as authorized by Section 551.071(2) of the Texas Government Code to consult with its attorney on a matter involving Americans with Disabilities Act in which the duty of the attorney to the City Council under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act.

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Mayor Cooper reconvened the regular meeting at 6:52 p.m. There was no action taken during the closed session.

Open Session

Item # 9 Mayor Cooper read the following caption.

Discussion and possible action regarding a matter involving the Americans with Disabilities Act

Councilmember Rosenthal shared there are ADA issues that need to be addressed. He suggested paving asphalt in the front drive and work a solution to the water fountain.

Laurie Saunders, President, Bark Park, distributed photos of Hardberger Park, McAllister Park, and Bark Park highlighting heights of dog water fountains and surface of the dog parks. She suggested turning the dog fountain 90 degrees and provide a leveled plane. She expressed no opposition in paving the front entrance; however, commented no asphalt inside the gate. She shared the cost to replace the water fountain is \$4,000 each and asked if a plain water fountain may be installed instead.

Mayor Cooper asked clarification on the necessity of different levels of water fountains.

Ed Beasley, Americans with Disabilities Act (ADA) Consultant, stated there are two types of levels for water fountains and explained the necessity. He stated there is a new section that highlights the two different level requirements; however, found within the same original section of the Texas Accessibility Standards. He responded 50% of the water fountains are required to meet standards.

Ms. Saunders requested communication and coordination from the City during this process. She shared that the manufacturer claimed their product is in ADA compliance. Ms. Saunders expressed in her opinion that the fountain at Cambridge Elementary is not in compliance with the ADA.

Councilmember Rosenthal summarized ADA compliance is required and the City will do their best to work with Bark Park. He requested Ms. Saunders share the manufacturer's information of the water fountain product claiming ADA compliance. Ms. Saunders agreed.

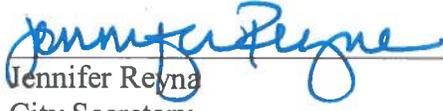
Mayor Cooper expressed appreciation to Ms. Saunders on her efforts on the Bark Park and requested time to allow staff to further explore and provide a report.

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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 7:06 p.m.



Jennifer Reyna
City Secretary



Louis Cooper
Mayor