

CITY OF ALAMO HEIGHTS
CITY COUNCIL
September 28, 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, September 28, 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
Finance Director Robert Galindo
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 Louis Cooper opened the meeting at 5:31 p.m.

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Item # 1 Approval of Minutes

Mayor Cooper asked City Council for any revisions to the minutes of the September 14, 2015, Council Meeting. A motion was made by Mayor Pro Tem Lynda Billa Burke to approve the minutes of September 14, 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. National Night Out, October 6, 2015

Assistant to the City Manager Marian V. 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, Jefferson Bank, IBC Bank, Frost Bank, Target, Bird Bakery, and Nothing Bundt Cakes.

b. Howdy Parade, October 14, 2015

Community Development Services Department Director Jason Lutz announced the upcoming annual Howdy parade. It will be held on Wednesday, October 14th beginning at 4:15 p.m. to 5:00 p.m. He displayed the parade route, queuing on Townsend to the Alamo Heights High School.

c. Cancellation of November 23, 2015 and December 28, 2015 Council Meetings due to holidays

City Secretary Jennifer Reyna announced the cancellation of the November 23, 2015 and December 28, 2015 Council meetings due to the upcoming holidays. She stated a meeting may be held if necessary to conduct business. Council agreed to cancel respective meetings.

d. Certificate of Achievement for Excellence in Financial Reporting

Finance Director Robert Galindo informed Council of the recognition by the Government Finance Officers Association for the FY2014 Comprehensive Annual Finance Report (CAFR). He stated it is the 18th consecutive year the City of Alamo Heights has received for excellence in financial reporting.

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

Beverly Galarza, resident, commented the Bark Park has no accessibility to individuals with disabilities. She stated this should be accomplished for the residents and not solely for herself. She informed Council of the new standards that are set by legislature and expressed appreciation if Council would address them. Ms. Galarza encouraged an inclusive community in the Bark Park.

Michael Lackey, Bexar County Director District 3, introduced himself and offered assistance to the City or answer any questions as their representative. He announced the

upcoming election in November 2015 and asked residents to vote for him to continue his service to the community.

Laurie Saunders, Bark Park, expressed concerns of the asphalt recommended in the Bark Park. She requested staff explore other pervious cover in consideration for the parking area. Ms. Saunders expressed in her opinion that asphalt is hot and was not aesthetically pleasing.

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Public Hearing

Item # 4 Mayor Cooper read the following caption.

Public Hearing on Proposed FY 2015-2016 Annual Operating Budget

At 5:43 p.m., Mayor Cooper opened the public hearing on the FY 2015-2016 annual operating budget.

The following citizen spoke on this matter:

Beverly Galarza, resident, reminded Council of the 25th anniversary of the passage of the Americans with Disabilities Act (ADA) and stated at some point everyone will need the benefit of ADA. She requested monies for all new construction to follow the ADA to have an inclusive community.

Mayor Cooper closed the public hearing at 5:45 p.m.

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Items for Individual Consideration

Item # 5 Mayor Cooper read the following caption.

Architectural Review Board Case No. 595F, request of PSW Homes, owner, for the final design review of the proposed replacement structures at the properties located at 123, 129, 131, and 133 Terrell Road under Chapter 2 Administration for Architectural Review

Community Development Services Department Director Jason Lutz made a PowerPoint presentation that included background information, architectural renderings, elevations, and updated site plan.

Mr. Lutz identified the project and stated this was the final design review of the existing structure located at 123, 129, 131, and 133 Terrell Road. He stated the multi-

family condo development project consists of 10 unit single-family detached structures at a height that will vary between 2 – 2.5 stories not exceeding 30’ from average grade. There are 25 parking spaces for 10 units which will be accessed via a private drive. Mr. Lutz stated the building materials consist of limestone, cedar siding, brick, stucco, and shingle roofs. All the trees on the property will be removed and will not require mitigation.

On September 10, 2015, the Architectural Review Board approved the final design of the proposed replacement structures with the following recommendations: 1) remove the parking area (grass pavers) located on the western portion of the property, 2) remove the grass pavers for the guest parking located adjacent to the private drive entrance and match the surface with the private drive, and 3) the parking area on the eastern side of the property shall reduce the curb cut from a double to a single cut and allow the parking area to accommodate two cars while providing additional landscape along the property frontage. Mr. Lutz presented photos, architectural renderings, and elevations. Staff received three responses in support and none in opposition.

Mayor Cooper complimented PSW Homes as he observed the construction site in Olmos Park and commented that it is one of the cleanest construction sites he had ever seen.

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

Item # 6 Mayor Cooper read the following caption.

ORDINANCE NO. 2029

Planning and Zoning Commission Case No. 375, public hearing and consideration of proposed amendments to Chapter 3, Article III – Single-Family Dwelling District A (SF-A) and Single-Family Dwelling District B (SF-B), of the City’s Code of Ordinances

Mr. Lutz made a PowerPoint presentation that included background information and proposed amendments.

Mr. Lutz stated staff was directed by City Council to review the Residential Design Standards (RDS) for the SF-A and SF-B districts and to evaluate the code for regulations that have caused issues during the compatibility review of new residential structures. He stated the proposed modifications to the bonuses will allow additional square feet and building height for the property, as well as the location of “Substantial Porches” as they relate to the front yard setback.

Mr. Lutz presented and explained the proposed amendments. The first amendment was deleting the exception in Section 3-14 titled *Front yard setbacks and*

front articulation. He explained that many compatibility review cases allowed a new home to set closer to the street than other homes that are existing in the neighborhood. On September 8, 2015, the Planning and Zoning (P&Z) Commission recommended keeping the exception but only allowing a four foot encroachment into the front yard setback.

The second amendment was the deletion of # 2 – a substantial front porch as defined in Section 3-2 (+.02) within Section 3-18 titled *Floor Area Ratio (FAR) - Bonuses*. Mr. Lutz explained removal of this bonus eliminates the issue of individuals adding porches that may not architecturally fit the style of home. On September 8, 2015, P&Z recommended keeping the bonus for substantial front porches due to the importance of incentivizing this type of home feature.

The third amendment was the deletion of # 4 - front access pervious material or ribbon driveway as defined in Section 3-2 (+.02) within Section 3-18 titled *Floor Area Ratio (FAR) - Bonuses*. Mr. Lutz stated this bonus' goal was to encourage other more desirable design standards (one story garages and side/rear alley access) to be utilized to gain home size; however, noted that it was hardly used. On September 8, 2015, P&Z agreed to delete this section as it creates lawn maintenance and code enforcement issues.

The fourth amendment was the elimination of # 6 - additional pervious parking area beyond required two covered (+.02) within Section 3-18 titled *Floor Area Ratio (FAR) – Bonuses*. He stated the bonus intent was to encourage other more desirable design standards (one story garages and side/rear alley access) to gain home size; however, noted that it was rarely used as well. On September 8, 2015, P&Z recommended approval to delete this section as it creates code enforcement issues and problems of individuals coming in at a later date and paving these areas.

The fifth amendment was the deletion of # 4 – Two foot bonus for providing a substantial front porch (per Section 3-2) within Section 3-19 (1)(c) titled *Bonuses*. Mr. Lutz stated the goal was to limit height bonuses for common/standard design elements. He stated this bonus is rarely used. On September 8, 2015, P&Z recommended to keep as it provides the opportunity for increased variety in roof pitches/styles.

The final amendment was the deletion of the proposed amendments within Section 3-22 titled Summary table for SF-A and SF-B Residential Design Standards to maintain consistency with proposed amendments. Mr. Lutz reminded Council that P&Z requested modification for four foot encroachment into the front yard setback. Staff received no responses in support or opposition of the project.

Councilmember Fred Prassel stated these bonuses had another intention and resulted differently.

Mayor Cooper thanked staff & P&Z for reviewing and providing their recommendations.

Mayor Cooper opened the public hearing at 6:02 p.m. No one signed up to speak. Mayor Cooper closed the public hearing at 6:03 p.m.

A motion for approval was made by Councilmember Bobby Rosenthal to include P&Z recommendations. The motion was seconded by Mayor Pro Tem Lynda Billa Burke and passed by unanimous vote.

Item # 7 Mayor Cooper read the following caption.

ORDINANCE NO. 2030

Planning and Zoning Commission Case No. 376 - Public hearing and consideration of proposed amendments to Chapter 3, Article X – Special Regulations, of the City’s Code of Ordinances concerning fence heights for side-yards and rear-yards

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

Mr. Lutz stated the proposed amendments shall increase the allowable height for fences located in the side and rear yards, from six feet to eight feet. He explained that staff had processed a number of variance requests for additional height and feedback was received from Council and citizen concerns regarding privacy. He referenced Section 3-82 *Special side yard regulations* and Section 3-83 *Special rear yard regulations* in consideration for the fence height not to exceed eight feet.

On September 8, 2015, P&Z recommended approval of the proposed amendments. Staff received no responses in support or opposition; however, he stated the City Secretary received one response on September 28, 2015 in opposition to the proposed amendments.

Mayor Cooper opened the public hearing at 6:07 p.m.

The following citizens spoke on this matter:

Sylvia Wong, resident, expressed opposition of the proposed allowable increased fence height. She stated this option may be useful for residents abutting commercial properties; however, discouraged the overall height.

David Eng, resident, shared he submitted a variance request several months ago and commented that an eight foot fence provides a sense of safety and security. He expressed content in this consideration and encouraged Council to approve.

Mayor Cooper closed the public hearing at 6:10 p.m.

Mayor Cooper commented that an increased fence height is good when the lots are on the same levels; however, when lots are sloped it is a different circumstance. He shared that Cities of Highland Park and University Park have a mandatory ordinance in which eight feet fences are required within their alleys which have resulted in decreased backyard and garage thefts tremendously. He expressed support for the ordinance and provide homeowners the choice to consider an eight foot fence.

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

Item # 8 Mayor Cooper read the following caption.

Planning and Zoning Commission Case No. 377, public hearing and consideration of replat of properties currently known as 205 Circle Street and 215 Circle Street, identified as CB 4050, BLK 64, LOTS 4 & 5

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

Mr. Lutz identified the project and stated the applicant is seeking to adjust the location of the interior lot line in order to provide 5' separation between the existing garage and the property line, which would bring the property in conformance with the zoning code (required 5' setback). He stated the properties are composed of a 0.448 acre tract of land out of the Alamo Heights subdivision, consisting of Lots 4 and 5, Block 64, CB 4050 located at 205 and 215 Circle Street.

The proposed plat will establish lots 13 and 14, Block 64, CB 4050 of the Alamo Height subdivision. The proposed lot 13 will consist of 0.215 acres with 100.32 foot of frontage along Circle Street. Proposed lot 14 will consist of 0.233 acre with 112.01 foot of frontage along Circle Street. Both lot widths are over 50 feet as measured between the side lot lines midway between the front and rear lot lines. Both lots provide a 14' public utility easement along the front and rear property lines.

The proposed lot 13 has an existing non-conforming structure that crosses the property line into the public right-of-way and in violation of rear yard setbacks. A plat note will be added referencing the violation of the rear yard setback. Mr. Lutz stated the applicant agreed to the note on the plat. A rendering of the non-conforming issues was presented as well as the current and proposed plat.

On September 8, 2015, P&Z recommended approval of the requested replat. Staff received one response in support and none in opposition.

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

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

Item # 9 Mayor Cooper read the following captions.

Budget and Tax Ordinances to be considered in the following order:

ORDINANCE NO. 2031

a. FY 2015-2016 Operating Budget

ORDINANCE NO. 2032

b. 2015 Ad Valorem Tax Rate

ORDINANCE NO. 2033

c. Ratifying the increase in Property Tax Revenue reflected in the FY 2015-2016 Budget

Finance Director Robert Galindo made a PowerPoint presentation that included background information.

Mr. Galindo reviewed the proposed FY 2015 tax rate information. He informed Council the proposed 2015 rate is \$0.390262 per \$100 valuation, which is the same rate as last year. The proposed Maintenance and Operation (M&O) rate is \$0.330762 to pay for operations. The proposed Interest and Sinking (I&S) rate is \$0.059500 to pay for debt service.

Mr. Galindo summarized the financial health of the City. He reviewed the General Fund budget that included revenues, allocations, working capital, transfers, and an operating reserve. He briefly reviewed other governmental funds such as the Comprehensive Plan, Street Maintenance, Capital Projects and Capital Replacement. Mr. Galindo highlighted the expenses earmarked in the Capital Project fund for a beautification project, additions to the City Hall parking lot and signage identified in the CIED work session. He reviewed the Utility Fund budget to include balance, expenses, revenues, working capital, and respective transfers to the General Fund. Mr. Galindo reviewed the Capital Projects fund revenues/allocations to include demolishing the house on Henderson for additional parking for the City Hall complex, repaving the parking lot and other beautification efforts including monument markers, signage for City Hall building and striping within the City. He noted that a vote is required for increase in property tax revenue as he explained the tax rate remained the same; however, the property value changes brings additional revenues due to residential improvements being made.

The following citizens spoke on this matter:

Sylvia Wong, resident, expressed concern on the increased revenue if the tax rate is not changing. She commented the property value of a home changes on a monthly basis and would not be fair to set a standard annual tax rate. She expressed concern of the circumstances going on with the Bexar Appraisal District.

Mr. Galindo stated the tax rate will stay the same; however, since property values increased, the revenues will increase as well. He explained that certified tax values are received from the Bexar Appraisal District on July 25th. He stated valuations change; however, the certified tax roll is what the budget is based on. City Attorney Mike Brenan added that there is a designated time period when homes are evaluated and the tax rolls then become certified to allow entities to charge the property tax rate. He shared there is a contest period when taxpayers may go in to contest home values.

Pruyn Hildebrand, resident, asked why the City chose not to rollback the tax rate in maintaining the same amount of revenue. She expressed concern since additional personnel will be hired soon.

Mr. Galindo referenced the truth-in-taxation guidelines and accordingly anything above 8% is considered a rollback and he noted currently the City is at 6.7%. He stated a recommendation to Council is to maintain the same tax rate to continue to provide city operations.

City Manager Mark Browne stated staff conducts thorough research to present a budget which is a serious responsibility to the community.

A motion for approval of the FY 2015-2016 operating budget was made by Councilmember John Savage. The motion was seconded by Councilmember Bobby Rosenthal. A roll call was conducted: Ayes: Mayor Pro Tem Lynda Billa Burke, and Councilmembers Lawson Jessee, Bobby Rosenthal, Fred Prassel, and John Savage; Nays: none and the motion passed by unanimous vote.

A motion for approval of the 2015 property tax rate be increased by the adoption of a tax rate of \$0.390262, which is effectively a 6.7354 percent increase in the tax rate was made by Councilmember Bobby Rosenthal. The motion was seconded by Councilmember John Savage. A roll call was conducted: Ayes: Mayor Pro Tem Lynda Billa Burke, and Councilmembers Lawson Jessee, Bobby Rosenthal, Fred Prassel, and John Savage; Nays: none and the motion passed by unanimous vote.

A motion for approval to ratify the increase of the property tax revenue reflected in the FY 2015-2016 was made by Councilmember Bobby Rosenthal. The motion was seconded by Mayor Pro Tem Lynda Billa Burke and passed by unanimous vote.

Item # 10 Mayor Cooper read the following caption.

Request for Approval to Participate in the Bexar County HALT (High Water Alert Lifesaving Technology) High Water Detection System

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

Police Chief Pruitt stated the City of Alamo Heights has an opportunity to provide advanced warning to motorists of flooding conditions in the Olmos Basin in collaboration with Bexar County. Police Chief Pruitt explained the Bexar County HALT (Highwater Alert Lifesaving Technology) flood warning system is designed to recognize the potential for flooding at low water crossings and provide a visual warning system for motorists.

Police Chief Pruitt explained the current plan utilized during potential flooding conditions. Officers from the Alamo Heights and Olmos Park Police Departments close a series of gates to roadways and bridges in the Olmos Basin to prevent motorists from driving into flooded portion of the Olmos Basin.

Police Chief Pruitt identified the legend map which displayed location of flood gates and beacons and explained their purpose.

The placement of the master station at the low water crossing between Alamo Heights Blvd and Dick Friedrich would activate seven flashing beacons stations erected on roadways adjacent to the Olmos Basin. Police Chief Pruitt explained the flashing beacon stations would remain active until flood waters have receded below the flood sensor.

Staff worked with Roy Alaquez, Civil Engineering Assistant, who studied the Olmos Basin and proposed the locations for the seven flashing beacon stations. The proposed flashing beacon locations are two in Alamo Heights, three in San Antonio, and two in Olmos Park. Police Chief Pruitt displayed a map of the specific locations and further explained regarding flashing beacons and the ability to recharge.

Fiscal information was reviewed highlighting costs and maintenance of the system. Police Chief Pruitt stated the master monitoring station and seven flashing beacons are provided to the City at no cost, thereafter, it will be the City's responsibility after one year of warranty has expired. He shared that the COSA will be upkeeping the maintenance of the beacons located within their city limits. He shared the City of Olmos Park is interested in participating in the program and is awaiting presentation made to Council. Background information was provided on High Sierra Electronics, the local service provider, for the system components and they have five technicians assigned to Bexar County.

Mayor Cooper stated Bexar County is participating and leading this effort to address flooding.

The following citizen spoke on this matter:

Margaret Houston, resident, expressed concern on the flooding on Broadway. She stated the City is not requiring developers to provide studies on water runoff. She

recalled the change of topography when McDonald's was built. Ms. Houston distributed photos of the flooding that occurs on Broadway.

Mayor Pro Tem Billa Burke asked if there is a backup system if the solar panel does not charge due to lack of sun or cloudy weather.

Police Chief Pruitt responded that the battery has enough capacity to charge. He commented the beacon light does provide sufficient light after days of cloudy weather.

Councilmember Rosenthal suggested Police Chief Pruitt ask COSA to consider adopting the master station since they have many within the City.

Police Chief Pruitt responded he can discuss with COSA for consideration.

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

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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 6:58 p.m.


Jennifer Reyna
City Secretary



Louis Cooper
Mayor