

CITY OF ALAMO HEIGHTS
CITY COUNCIL
January 11, 2016

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, January 11, 2016.

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 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 December 14, 2015, City Council meeting. A motion was made by Councilmember Fred Prassel to approve the minutes of December 14, 2015. The motion was seconded by Mayor Pro Tem Lynda Billa Burke and passed by unanimous vote.

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Item # 2 Citizens to be heard concerning items not on the agenda

There were no citizens that signed up to speak.

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Councilmember Bobby Rosenthal recognized the presence of Boy Scouts of America, Troop # 285 in the audience. He explained they were present to observe the Council meeting as a requirement for their Citizenship in the Community merit badge.

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Items for Individual Consideration

Item # 3 Mayor Cooper read the following caption.

Demolition Regulations Overview

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

Previously, Council expressed concern regarding the City's requirements for demolition and landowners' responsibilities related to mowing, grading and removal of construction debris.

Mr. Lutz reviewed Chapter 5 Section 5-138 *Responsibility of the Owner*. He highlighted the demolition regulations that included the 30 calendar days provided to complete the job, utilities, public sidewalks, debris, clean/filled/graded lot, silt fences, permanent or temporary soil stabilization.

Mayor Cooper suggested an informational handout be provided to contractors when a permit is issued and consider a refundable deposit if regulations are maintained. Mr. Lutz noted a non-refundable fee is referenced in the code but the fee is not defined.

Mr. Lutz concluded his presentation stating that current regulations are sufficient and would address Council's concerns. He stated there will be greater scrutiny over demolition projects to ensure that all city regulations are followed.

Item # 4 Mayor Cooper read the following caption.

Planning and Zoning Commission Case No. 382, public hearing, consideration, and action regarding a request to replat properties currently known as 202 La Jara Blvd, identified as CB 4024, BLK 153, LOTS 22 & 23 & S 37.5 of W 127.8 of 2 and 535 Alta Ave, identified as CB 4024, BLK 153, LOTS 21 & 20 EXC 25 FT X 25 FT of 20

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

Mr. Lutz identified the project and stated the applicant is seeking to combine multiple platted lots (535 Alta and 202 La Jara) into one lot. The property is zoned SF-A and an existing non-conforming accessory structure is located on the property and is in violation of the existing rear yard setback and would violate the proposed lot's side yard setback. A plat note citing the existing non-conformity has been added to the plat, as required by code. The Architectural Review Board (ARB) reviewed and approved the demolition request for the main structure at 535 Alta on December 15, 2015 which will be considered by Council next.

The proposed plat will establish Lot 24, Block 153, CB 4024. The proposed lot will consist of 1.007 acres with 180 ft. of frontage along La Jara Blvd. and 304.57 ft. of frontage along Alta Ave. SAWS and CPS Energy approved the proposed plat. The current and proposed plats were presented.

On January 4, 2016, the Planning and Zoning (P&Z) Commission conducted a public hearing and recommended approval of the replat as presented. Staff received four postcards in support and none in opposition of the request.

Mayor Cooper opened the public hearing at 5:38 p.m. No one signed up to speak. The public hearing closed at 5:39 p.m.

A motion for approval was made by Mayor Pro Tem Lynda Billa Burke. The motion was seconded by Councilmember Lawson Jessee. The vote was as follows: Ayes: Mayor Pro Tem Lynda Billa Burke, Councilmembers Lawson Jessee, Fred Prassel; Nays: None; Abstain: Councilmember Bobby Rosenthal. The motion passed. Councilmember Rosenthal abstained as he explained he represents the applicant.

Item # 5 Mayor Cooper read the following caption.

Architectural Review Board Case No. 606F, consider a request of Malcolm Chesney, Architect, representing Scott Petty, owner, for the significance review of the structure located at 535 Alta Ave. under Demolition Review Ordinance No. 1860 in order to demolish 100% of the existing main structure

Mr. Lutz made a PowerPoint presentation that included background information, map, existing survey, and photos.

Mr. Lutz stated the applicant is seeking to demolish 100% of the existing main structure located at 535 Alta Ave. The property is zoned SF-A and is located on the north side of Alta Ave., between Woodway Ln. and La Jara Blvd. An existing survey and photos were presented.

On December 15, 2015, ARB reviewed and approved the demolition request. Staff received three postcards in support and one in opposition of the request.

A motion for approval was made by Mayor Pro Tem Lynda Billa Burke. The motion was seconded by Councilmember Lawson Jessee. The vote was as follows: Ayes: Mayor Pro Tem Lynda Billa Burke, Councilmembers Lawson Jessee, Fred Prassel; Nays: None; Abstain: Councilmember Bobby Rosenthal. The motion passed. Councilmember Rosenthal abstained as he explained he represents the applicant.

Item # 6 Mayor Cooper read the following caption.

Architectural Review Board Case No. 610F, consider a request of David Fazio, Architect, representing 100 Chichester, LLC, owner, for the final design review of the proposed replacement structure at the property located at 110 Chichester

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

Mr. Lutz identified the project and stated the applicant is seeking to develop a two-story 13,800 square foot professional office building on the vacant property at 110 Chichester Place. Mr. Lutz briefly provided background on the project and reminded Council that parking variances were granted as part of the replat process to allow parking spaces to be located in the 15' landscape buffers along the south and east property lines. The applicant is required to add bamboo in the areas to help screen the parking from adjacent residential properties. An additional variance was granted for parking stall sizes of 9X18 along with a fire lane width of 24' because the building will be equipped with a sprinkler system. Mr. Lutz stated the San Antonio River Authority (SARA) suggested that half of the site is within the floodway defined by DFIRM. He stated the proposed structure meets all requirements for parking, setbacks, height, and landscaping. Elevations and a landscape plan of the project were presented.

On December 15, 2015, ARB approved the request with recommendations: 1) required bamboo screening on the SE corner of the property be planted with a bamboo species with clumping roots in order to help prevent the spreading of the plant onto adjacent properties, which was requested by the adjacent neighbor, 2) any new bamboo planted by the applicant, not existing, shall have a twelve inch barrier of FRP or substantially similar material in an effort to prevent the spread of bamboo. Staff received three postcards in support and none in opposition of the request.

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

Item # 7 Mayor Cooper read the following caption.

Architectural Review Board Case No. 607F, consider a request of Andres A. Cuellar and Jennifer Ashley Cuellar, owners, for the significance and compatibility review of the proposed replacement structure located at 321 Normandy 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 detached accessory structure

Mr. Lutz made a PowerPoint presentation which included background information, map, existing and proposed site plan, elevations, and photos.

Mr. Lutz identified the project and stated the applicant is seeking to demolish all existing main and accessory structures in order to construct a 2,746 square feet main structure and a 420 square feet accessory structure. He reviewed the Residential Design Standards (RDS) highlighting that bonuses will be utilized to obtain the greatest amount on the Floor-to-Area (FAR) ratio. He stated this application was processed prior to recently adopted RDS amendments. The proposed structure will have an exterior comprised of brick and wood siding (ship lap and shingle) and the proposed roof will be comprised of a standing seam metal roof. The existing/proposed site plans, elevations and photos were presented.

On December 15, 2015, ARB reviewed and approved the demolition request. Staff received two postcards in support and one in opposition of the request.

Councilmembers Prassel and Rosenthal inquired about the windows regarding privacy to the adjacent neighbors.

Mr. Lutz stated ARB's concern was the size of the house and there were no concerns expressed by the adjacent neighbors that were specifically related to windows.

Councilmember Rosenthal requested staff to monitor the progress as he noted the applicant is up to the maximum RDS percentages. Mr. Lutz agreed that periodic inspections will be conducted by staff.

A motion for approval was made by Councilmember Fred Prassel. The motion was seconded by Councilmember Bobby Rosenthal and passed by unanimous vote. Votes cast were by Mayor Pro Tem Billa Burke, Councilmembers Jessee, Rosenthal, Prassel, and Savage.

Item # 8 Mayor Cooper read the following caption.

Architectural Review Board Case No. 608F, consider a request of Myles A. Caudill, applicant, representing La Pilla Ventures, LLC, owner, for the significance and compatibility review of the proposed replacement structure located at 209 Albany St. under Demolition Review Ordinance No. 1860 in order to demolish 73% of the main structure's street facing façade on the west side and add to the existing main structure

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

Mr. Lutz identified the project and stated the applicant is seeking to demolish 73% of the main structure's street facing façade on the west side and add to the existing main structure. He reviewed the existing and proposed RDS. The proposed structure addition will have an exterior comprised of siding to match the existing material. The proposed roof will be comprised of a composition shingle roof. The existing site plan, proposed demolition plan, elevations, and photos were presented.

On December 15, 2015, ARB reviewed and approved the request. Staff received three postcards in support and two in opposition of the project.

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

Item # 9 Mayor Cooper read the following caption.

AN ORDINANCE AUTHORIZING AN OPERATING CONTRACT BETWEEN THE CITY OF ALAMO HEIGHTS AND A TRANSPORTATION NETWORK COMPANY TO PROVIDE RIDE-SHARING SERVICES INITIATING IN THE CITY OF ALAMO HEIGHTS

Police Chief Rick Pruitt made a PowerPoint presentation that included background information.

Police Chief Pruitt reminded Council that on April 13, 2015, Resolution 2015R-072 was approved for an operating contract with Rasier LLC (Uber). He commented that since then the City of San Antonio (COSA) had entered into operating contracts with Rasier LLC and Lyft, Inc. He noted that COSA's contract is a combination of ride-share industry standards and other regulations comparative to those applied to the taxi industry. He shared that related to TNCs, during the 84th regulation session of the Texas Legislature House Bill 1733 passed to amend the Texas Insurance Code establishing insurance requirements for TNCs and their drivers.

Police Chief Pruitt stated the City Attorney prepared a proposed operating contract for the City of Alamo Heights specifically addressing TNC operations, driver background qualifications and immediate disqualifiers of TNC. He added that the proposed operating contract included an annual operating fee, a termination clause, and noted the contract does not provide an exclusive right of any TNC to provide ride-sharing services to the City. He summarized that the TNC is regulated by insurance code only and recommend consideration of an operating contract. Police Chief Pruitt briefly highlighted the fiscal impact portion related to the contract. He stated the Police Department will maintain records and the City may determine an appropriate operating

fee to off-set the costs of record maintenance, inspections, investigations, and communications with the TNC.

Council asked questions regarding if the City mandates taxi companies, what other communities are doing, approach to TNC drivers, business registrations and liability. Mayor Cooper expressed concern that an operating contract may discourage TNCs from operating within the City and take their business elsewhere.

Police Chief Pruitt responded to Council's questions informing them that the City of Alamo Heights does not regulate taxi companies because of state law and the COSA's mandates and regulations had been satisfied that doesn't require action from the City of Alamo Heights.

City Attorney Mike Brenan stated the proposed operating contract is similar to Uber and Lyft's existing contract. He stated this proposed operating contract is an advantage to TNCs and he explained the contract meets their regulations. He noted a fee had not been included in the contract; however, welcomed discussion. He stated he was unaware of what surrounding communities were doing or considering.

City Manager Mark Browne stated he wanted Council to be comfortable with the agreement. He shared an individual requested to begin a TNC operation within the City of Alamo Heights. Police Chief Pruitt shared additional information of the individual's request and lack of regulations.

Councilmember Rosenthal asked Mayor Cooper to inquire with his municipal organization of Mayors to discuss what other neighborhoods are doing.

Mayor Cooper stated that may be a consideration to obtain information from surrounding city leaders.

Councilmember Jessee suggested staff obtain additional information and the City not regulate TNCs. 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 Councilmember Savage and passed by unanimous vote. Mayor Cooper adjourned the meeting at 6:23 p.m.


Jennifer Reyna
City Secretary



Louis Cooper
Mayor