

CITY OF ALAMO HEIGHTS
CITY COUNCIL
November 13, 2018

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 Tuesday, November 13, 2018.

Present and composing a quorum were:

Mayor Bobby Rosenthal
Mayor Pro Tempore Lynda Billa Burke
Councilmember Lawson Jessee
Councilmember Wes Sharples
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 Director Ken Roberts
Human Resources Manager Lori Harris
Finance Director Robert Galindo
City Secretary Jennifer Reyna
Lieutenant Cindy Pruitt
Public Works Director Pat Sullivan

Absent was:

Police Chief Rick Pruitt

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Mayor Bobby Rosenthal opened the meeting at 5:31 p.m.

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Mayor Rosenthal recognized the presence of the Boy Scouts of America, Troop # 809 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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Item # 1 Approval of Minutes

Mayor Rosenthal asked City Council for any revisions to the minutes of the October 22, 2018, Council Meeting. A motion was made by Councilmember Lawson

Jessee to approve the minutes of October 22, 2018. The motion was seconded by Councilmember Fred Prassel and passed by unanimous vote.

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Item # 2 Announcements

Mayor Rosenthal read the following caption.

- a. 41st Annual Alamo Heights Chamber of Commerce Holiday Parade on Broadway, November 17th**

Lieutenant (Lt.) Cindy Pruitt announced the 41st Annual Alamo Heights Chamber of Commerce Holiday Parade on Broadway is scheduled for Saturday, November 17th. It will begin at 5:00 p.m. until 6:30 p.m. She presented the parade route which is to begin at Ogden Lane.

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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.

Items for Individual Consideration

Item # 4 Mayor Rosenthal read the following caption.

Architectural Review Board Case # 726F, request of Marquis (Alex) and Emily Whittington, owners, for the significance review of the existing main structure located at 217 E. Oakview under Demolition Review Ordinance No. 1860 in order to demolish 100% of the existing main structure and accessory structure

Community Development Services Department Director Ken Roberts made a PowerPoint presentation that included background information, existing/proposed site plans, and a photo.

Mr. Ken Roberts identified the project and stated the applicant requested to demolish 100% of the existing main structure and accessory structure.

On October 16, 2018, the Architectural Review Board (ARB) reviewed and approved the demolition request. Mr. Roberts presented a photo of the main structure and the existing/proposed site plans. He shared the applicant expressed no desire to develop the property as he explained the property is a playing area for his children. Postcards were mailed to property owners within a 200 foot radius of the property. Staff received no postcards in support or in opposition of the demolition request.

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

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Items for Individual Consideration

Item # 5 Mayor Rosenthal read the following caption.

Planning and Zoning Case # 404, public hearing, consideration and action regarding a request to replat the property currently known as 235 Inslee, identified as CB 4024, BLK 164, comprised of a portion of Lot 13 (Tract 1 being 0.185 acres of land, more or less, out of Lot 13) and a portion of 14 (Tract 2 being 0.059 acres of land more or less, out of Lot 14)

Mr. Roberts made a PowerPoint presentation that included background information and existing/proposed site plans.

Mr. Roberts identified the project area and stated the applicant wishes to replat the property to include additional acreage. Existing and proposed site plans were presented. Mr. Roberts stated the owner does not want to develop the property.

On November 5, 2018, the Planning and Zoning (P&Z) Commission conducted a public hearing and approved the replat request. Postcards were mailed to property owners within a 200 foot radius of the property. Staff received two postcards in support and none in opposition of the applicant's request.

At 5:36 p.m., Mayor Rosenthal opened the public hearing. There being no public comments, Mayor Rosenthal closed the public hearing at 5:37 p.m.

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

Item # 6 Mayor Rosenthal read the following caption.

The City Council will consider and hold a public hearing for Planning and Zoning (P&Z) Commission Case No. 403 and Architectural Review Board (ARB) Case No. 727F. Both cases present a request by Texas BioMedical Research Institute, dba the Argyle, to construct and operate a storage facility, off-street parking area and employee break area on property owned by Texas BioMedical Research Institute at 423 Argyle, legally described at Lot 260, Block 26, County Block 4024. The applicant is represented by Al Philip and Donald B. McDonald. P&Z Case No. 403 is an application for approval of a Specific Use Permit (SUP) to use and operate the property for the purposes stated

and ARB Case No. 727F is an application for the final design approval of the proposed storage facility and off-street parking area

City Attorney Mike Brenan stated the applicant's attorney informed him the storage facility will not be located at 423 Argyle rather at the existing property at 934 Patterson.

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

Mr. Roberts identified the project area and stated the applicant submitted an application for a Specific Use Permit (SUP) to expand parking with 27 conventional and two Americans with Disabilities Act (ADA) parking spaces.

On October 1, 2018, P&Z conducted a public hearing and approved the SUP request. On October 16, 2018, ARB conducted a public hearing and approved the request. Postcards were mailed to property owners within a 200 foot radius of the property. Staff received eleven postcards in support and one in opposition of the applicant's request.

Mayor Rosenthal thanked Mayor Pro Tem Billa Burke and staff for their hard work and assistance and P&Z member Al Honigblum for his support.

John Oberman, applicant, President of the Argyle and Board Member Emeritus, Texas BioMedical Research Institute, made a brief presentation providing additional information about the Argyle and was available to answer any questions. He distributed information to Council that was supporting information to the applicant's request.

Mr. Oberman began the presentation with a map that identified the project consisting of the proposed additional parking area. He briefly shared history of Argyle's SUPs granted in 1969 and 2008. He stated the parking area will be screened with an 8' 6" wall and dense landscaping to include planting 11 trees meanwhile working to save 2 trees along a retaining wall creating Argyle Avenue as a pedestrian-friendly avenue. Elevations were presented to display the parking lot will align evenly with the elevations of the neighboring home. He noted the additional footage space for the employee break area. He stated lighting will be dark sky compliant at waist level or below to avoid light pollution along the property lines. He explained Argyle's efforts on parking signage and camera monitoring. Mr. Oberman stated there are signage instructing not to block the parking area for all neighbors. He stated there will be a stucco storage structure that matches the Argyle building. Mr. Oberman stated utilities have been moved from Argyle Ave. to the south end. He concluded there is sufficient access to allow the City's fire truck to locate within the parking lot.

Donald McDonald, architect, briefly shared the history of his involvement with the Argyle and previous related projects impacting the Love and Seals residences. He stated the challenge was gaining additional distance between the Seals and the Argyle; he

shared additional 6' is proposed so both parties may benefit. He suggested to remove the retaining wall, landscape the area between the parking lot and Seals residence, and provide an 8' 6" gray cement wall. He noted light pollution, distance, and foliage had been addressed.

Mayor Rosenthal and Mayor Pro Tem Billa Burke disclosed they are both members of the Argyle. Mr. Brennan explained it was not necessary, however is an option if they wanted to recuse themselves from voting on the item.

Council expressed their comments on the proposed project. Mayor Pro Tem Billa Burke commented she is excited about the expanded parking area because it will alleviate parking issues and fire safety concerns are addressed. She shared she attended the P&Z and ARB meetings to ensure the project was compatible and accessible to first responders. Councilmember Jessee expressed in his opinion the Argyle always goes more than beyond to consider the neighbors. Councilmember Savage stated providing 27 parking spaces is significant that will make a difference.

At 5:40 p.m., Mayor Rosenthal opened the public hearing. There being no public comments, Mayor Rosenthal closed the public hearing at 5:41 p.m.

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

Item # 7 Mayor Rosenthal read the following caption.

ORDINANCE NO. 2115

AN ORDINANCE APPROVING AND ACCEPTING THE RENEWAL OF CONTRACTS FOR BLUECROSS BLUESHIELD HELD FOR EMPLOYEE HEALTH INSURANCE AND METLIFE FOR EMPLOYEE DENTAL INSURANCE AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL NECESSARY AGREEMENTS FOR THE PROVISION OF SUCH INSURANCE

Human Resources Manager Lori Harris made a PowerPoint presentation that included background information on the health and dental insurance renewals.

Catto & Catto obtained renewals for medical and dental insurance. They received bids for the employee medical insurance. MetLife, Blue Cross Blue Shield, Guardian, and Principal Financial submitted bids for dental insurance.

Ms. Harris stated the health insurance was subject to renewal and Blue Cross Blue Shield provided renewal insurance rates at a 4.9% increase for the Health Savings Account (HSA) and the PPO medical buy-up Plans for a deductible of \$5,000. MetLife

PPO proposed a 3.54% increase which was the lowest proposed rate for dental insurance and a \$1,039 annual increase.

Ms. Harris reported there were no premium rate changes for the vision, life, and long-term disability insurance plans as she explained the insurance premium rates are still guaranteed to stay the same rate for this fiscal year. She stated with the medical increase in premiums, there is \$46,757.75 annual savings in the budget. She reminded Council of the Health Reimbursement Account (HRA) that reimburses employees for out-of-pocket medical expenses once subscribers reach \$3,000 in deductibles up to the maximum out-of-pocket of \$5,000. City Manager Mark Browne stated the budget savings in the health insurance rates will fund the HRA. Ms. Harris stated the City will realize savings in the amount of \$45,715 with the revised renewal insurance plans and falls within the budget.

Mayor Rosenthal asked the cause of the minimal increase in insurance premium renewals.

President Jim Blakey, President, Catto & Catto, stated there is an unusual event Blue Cross Blue Shield is experiencing which presents favorable renewals for policy holders due to an excess amount in reserves.

Councilmember Jessee inquired about a wellness program.

Mr. Blakey explained Blue Cross Blue Shield does not participate in a robust vitality program such as other competitors provide.

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

Item # 8 Mayor Rosenthal read the following caption.

ORDINANCE NO. 2116

AN ORDINANCE APPROVING AN INTERLOCAL AGREEMENT WITH BEXAR COUNTY TO FACILITATE THE PROCUREMENT OF GOODS AND SERVICES NEEDED BY THE CITY AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR SUCH SERVICES

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

Mr. Galindo stated the current interlocal agreement expired on September 30, 2018 and Bexar County proposed a new non-exclusive interlocal agreement expiring on September 30, 2021. He explained the interlocal agreement allows the City to continue

to take advantage of pricing and agreement the County may have with vendors. He stated there is an administrative fee of 1% for each invoiced used.

Councilmember Prassel asked what kind of goods are purchased.

Mr. Galindo provided examples such as equipment and materials. He reported he also checks with the City of San Antonio and Bexar County and goes with the vendor best for the City. Mr. Browne added vehicles or anything Bexar County purchases is considered and commented the interlocal agreement is another tool the City may use. He reported this is an initiative that surfaced from Bexar County.

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

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Staff Report

Item # 9 Mayor Rosenthal read the following caption.

A report on the presence of dockless e-scooters staged in public right-of-ways by shared active transportation activities

Lt. Cindy Pruitt made a PowerPoint presentation that included background information and photos.

Lt. Pruitt informed Council dockless e-scooters just recently appeared without any coordination with the City of Alamo Heights. She reported at one time, Bird e-scooters was the only company providing e-scooters that were randomly located on Broadway between Burr Road and Austin Highway. Currently, there are a total of 88 e-scooters from various companies: Bird, Lime and Lyft; noting 78 were from Lime. Lt. Pruitt identified the locations where e-scooters are consistently found to include private properties and business parking lots.

Safety concerns included scooter/pedestrian conflict on some sidewalk areas and the level of experience of the scooter operator. Staff is also concerned for the safety of e-scooter operators on Broadway and Austin Highway where there are no designated bike lanes. She referenced the Texas Transportation Code that allows the operation of e-scooters on sidewalks and roadways having a speed limit of 35 mph or less and a municipality can prohibit the operation of an e-scooter on a roadway or sidewalk if necessary in the interest of safety.

The City of San Antonio (COSA) considered a six-month pilot program to include a \$500 application fee plus a \$10 fee per e-scooter, and the company carries a set amount of insurance. There is also a provision for impound fees if e-scooters are found parked in prohibited areas or left in an obvious state of disrepair. The company is allowed two

hours for them to move or relocate e-scooters. She reported the City of Olmos Park is considering a similar ordinance and the City of Terrell Hills is not considering any action.

Photos were presented to display the violations that are against COSA's ordinance, hazards it presents and how properly it can be staged. Examples of violations were the proximity near a bus stop, blocking handicap access/parking spaces or passage through the sidewalk. Lt. Pruitt highlighted a photo of an ideal location where e-scooters may be accessible. She stated there is no negative financial impact or need to hire additional personnel for this matter. Lt. Pruitt asked Council for guidance to regulate e-scooters and may be similar to COSA so operators would not be confused with restrictions. She reported COSA has restrictions where the e-scooters are not operable such as parks and trails.

Mayor Rosenthal thanked Lt. Pruitt for her presentation and asked what COSA's process was.

Lt. Pruitt responded COSA identified the regulations, met with each company regarding the ordinance notifying them of the six-month pilot program and restrictions. She briefly identified the transportation companies that operate in Alamo Heights (Bird, Lyft and Lime). She noted a significant reduction of Lyft e-scooters for a total of 44 e-scooters. She shared a potential list of estimated eight companies and encouraged a limitation of e-scooters a company may have within the City of Alamo Heights.

There was a brief discussion among Council regarding AHISD students utilizing e-scooters to get to school, e-scooters left on private property and regarding accidents. Mayor Rosenthal stated he and City Manager Mark Browne met with AHISD and they confirmed students are taking e-scooters to school. Mayor Pro Tem Billa Burke stated there has to be parameters in operating a vehicle because liability and access to sidewalks are concerns. Councilmember Jessee commented this is an amazing technology and is a wonderful thing that may create a cohesive retail space. Councilmember Jessee added COSA is exerting concerns through the e-scooter company and commented on the age requirement to operate an e-scooter requires a driver's license and may present a concern for younger students using e-scooters to school. Councilmember Sharples asked about the number of accidents related to e-scooters. Mr. Browne shared his observation when he was on a street in Alamo Heights and the operators of the e-scooters were swerving within the street.

Lt. Pruitt reported no collision or accidents; however, noted EMS had reported several people had been injured from e-scooter driver error. She confirmed COSA's e-scooter requirements are drivers 16 years of age or older and may impact the City of Alamo Heights since AHISD shared their students utilizes e-scooters.

Mayor Rosenthal suggested at the next meeting in December, staff obtain a detailed analysis of San Antonio's policy to be consistent and take a slow approach to address e-scooters.

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Closed Session

At 6:35p.m., Mayor Rosenthal adjourned the regular City Council meeting to conduct a closed meeting as authorized by Section 551.074 of the Texas Government Code to discuss the Community Development Services Director position.

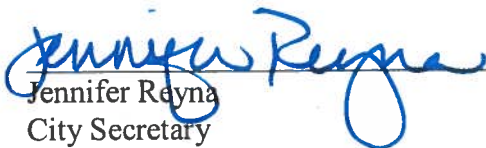
Mayor Rosenthal reconvened the regular meeting at 6:57 p.m. There was no action taken during the closed session.

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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 Jessee and passed by unanimous vote. Mayor Rosenthal adjourned the meeting at 6:58 p.m.



Bobby Rosenthal
Mayor



Jennifer Reyna
City Secretary