

CITY OF ALAMO HEIGHTS  
CITY COUNCIL  
December 11, 2017

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, December 11, 2017.

Present and composing a quorum were:

Mayor Bobby Rosenthal  
Mayor Pro Tempore Lawson Jessee  
Councilmember Wes Sharples  
Councilmember Fred Prassel  
Councilmember Lynda Billa Burke

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 Resources Manager Lori Harris  
Chief Police Rick Pruitt  
Public Works Director Pat Sullivan

Absent was:

Councilmember John Savage

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Mayor Bobby Rosenthal opened the meeting at 5:32 p.m.

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*Item # 1      Approval of Minutes*

Mayor Rosenthal asked City Council for any revisions to the minutes of the November 13, 2017, Council Meeting. A motion was made by Councilmember Fred Prassel to approve the minutes of November 13, 2017. The motion was seconded by Councilmember Wes Sharples 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.

Consent Agenda

Item # 3 Mayor Rosenthal read the following caption.

**ORDINANCE NO. 2093**

**AN ORDINANCE DESIGNATING THE SAN ANTONIO EXPRESS-NEWS AS THE OFFICIAL NEWSPAPER FOR THE CITY OF ALAMO HEIGHTS**

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

Item # 4 Mayor Rosenthal read the following caption.

**Resolution No. 2017R - 095**

**A Resolution casting the votes of the City of the Election to the Bexar Appraisal District Board of Directors for Cheri Byrom**

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

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Mayor Rosenthal stated Item # 8 would be considered next.

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Items for Individual Consideration

Item # 8 Mayor Rosenthal read the following caption.

**ORDINANCE NO. 2094**

**AN ORDINANCE APPROVING THE MAYOR'S NOMINATION OF LYNDASAY A. THORN TO THE CITY'S ARCHITECTURAL REVIEW BOARD**

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

Mr. Lutz stated the proposed ordinance appoints Mr. Lyndsay A. Thorn to the Architectural Review Board (ARB) for a two-year term ending May 2019. ARB member Jill Souter resigned. Current ARB members are: Chair John Gaines, Vice-Chair Grant McFarland, Mary Bartlett, Diane Hays, Mike McGlone, and Phil Solomon.

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

Item # 9 was considered next.

*Item # 9* Mayor Rosenthal read the following caption.

**Consideration of funding the cleanup efforts for Olmos Basin Area**

Fire Chief Buddy Kuhn made a PowerPoint presentation that included background information on the cleanup efforts for the Olmos Basin area.

In November 2017, the City of San Antonio (COSA) and their clean-up contractor, Border Construction Services, met with staff. An interlocal agreement (ILA) is suggested to receive volume pricing. The cleaning would take six weeks beginning in late January 2018 for the large amounts of trash in the Olmos Basin area between Basse and Corona on Jones Maltsberger, consisting of 9.2 acres. Fire Chief Kuhn stated COSA cleaned the area between 15 - 20 years ago.

Border Construction Services specializes in this type of cleaning and has specialized equipment. He stated the brush will be mulched onsite and garbage will be hauled off. No heritage tree will be removed unless dying or diseased. Underbrush and invasive species will be trimmed to 6.5'. COSA's horticulturist will consult on the entire project at no additional cost. Fire Chief Kuhn stated prior to starting work, liability releases must be signed by private landowners to gain right of entry. Fire Chief Kuhn stated the ILA is proposed for a five-year rotation for maintenance; however, COSA may pay for a large amount in the future.

Fire Chief Kuhn presented information on cost. Border Construction Services submitted a proposal for \$40,612 for cleaning 6.248 acres at \$6,500 per acre. He presented the amount of property (acres), identified the landowners, and the amount for specifically cleaning the areas. Property owners included City of Alamo Heights, (COAH), COSA, Flannery, McCombs, and St. Luke's. Total cost of contract is \$59,800.

Fire Chief Kuhn stated City Manager Mark Browne shared the San Antonio River Authority (SARA) offered \$10,000 contribution for the cleanup project but not certain which entity the contribution will go into; however, it will go towards the cleanup efforts. He asked Council to consider earmarking additional funding for the entire cleanup project and noted \$25,000 was budgeted for this fiscal year.

Mayor Rosenthal asked if the City of Alamo Heights (COAH) had the funds for this project.

Fire Chief Kuhn responded to Mayor Rosenthal, yes. He provided a brief update on COSA's contribution efforts to the project. He shared COSA is exploring two additional sites to install catchment devices. He reported the site at Jones Maltsberger

may not be considered because of the rapid rate of water flow. He commented COSA is also exploring to provide a catchment device in the watershed located at San Pedro. He stated a net on Morse Street is being considered to catch additional debris. Factors to consider in cleanup efforts are water flow, removal of debris, and maintenance.

Mayor Rosenthal thanked Public Works Director Pat Sullivan and the crew for all the work the department does to maintain the area.

The following citizen spoke on this matter:

Sarah Reveley, resident, thanked Council in consideration of this item. She shared she had encouraged volunteers to help maintain the area clean and commented it is challenging. She suggested if landowners do not want to volunteer their time perhaps other individuals such as property owners landscaping personnel would participate in the cleanup. Ms. Reveley stated she would donate \$1,000 because the cleanup effort means a lot to her.

Mayor Rosenthal stated the contractor would be the ideal individual because of liability concerns.

Mayor Pro Tem Jessee asked if private property owners would be approached to pay for the cleanup efforts.

City Manager Mark Browne responded to Mayor Pro Tem Jessee that staff needs direction from Council and if Council wants him to ask COSA to pay, he will ask and may be a back and forth approach.

Council commented on the item. Councilmember Billa Burke suggested the City have a plan in addressing the extra animals that move onto the adjacent properties because of the cleanup efforts. Councilmember Prassel recalled at one time, there was no issue with the trash pileup and commented the trash pileup is coming from COSA and it is not fair. Mayor Rosenthal commented he didn't disagree with Councilmember Prassel; however, noted the area serves as an entryway to the City. He stated that since a catchment device will be located near the COAH, the odds are better to maintain.

Councilmember Prassel asked if the cleanup efforts will be tied into the lease agreement with COSA regarding facilities.

Mr. Browne responded no as it is a different issue.

Mayor Rosenthal stated COAH needs to be prepared. He acknowledged SARA's contribution. He recommended to authorize \$25,000 and consider an additional \$15,000.

Fire Chief Kuhn noted the objective is to obtain funding and work with the COSA and property owners. He stated staff will ask property owners for monetary support.

Councilmember Prassel stated additional funding would be one time and for this year only.

A motion for approval was made by Councilmember Billa Burke to authorize \$41,000 for the cleanup efforts for Olmos Basin for this year only. The motion was seconded by Mayor Pro Tem Jessee and passed by unanimous vote.

*Item # 5* Mayor Rosenthal read the following caption.

**Planning and Zoning Commission Case # 399, public hearing, consideration, and action of a request to replat the property currently known 211 Patterson Ave., identified as CB 4024, BLK 4, LOT 4 (LOOP SUBD)**

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

Mr. Lutz identified the project and stated the applicant is seeking to subdivide an existing lot in order to create two new lots. The plat will establish Lots 6 and 7, Block 4, CB 4024 out of the Loop Subdivision. Lot 6 is a 0.7093 acre lot and will have 188.37' of frontage along Patterson. Lot 7 is a 0.1956 acre lot and will have 79.68' of frontage along Patterson and 99.94' of frontage along Encino. The existing and proposed plats were presented.

Mr. Lutz stated the following conditions must be satisfied prior to the recording of the plat: 1) add that new construction shall adhere to the regulations found in the City's adopted zoning code at the time of permitting; 2) remove notes 1 and 2, which call out the building setbacks as well as the building setback lines from the plat; and 3) remove all topographic/contour lines. He stated the replat meets all requirements from Chapter 17 of the subdivision code.

On December 4, 2017, the Planning & Zoning (P&Z) Commission reviewed and approved the replat request. Mr. Lutz stated no one from the public spoke against or in favor of the replat request. Staff did receive postcards from property owners within the 200-foot radius of the property, six in support and one in opposition of the replat request.

Mayor Rosenthal opened the public hearing at 5:56 p.m. Since no one spoke, the public hearing closed at 5:57 p.m.

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

*Item # 6* Mayor Rosenthal read the following caption.

**Notice of Intent to develop – Expansion & Accessory Structure for the Argyle, located at 934 Patterson**

Mr. Lutz made a PowerPoint presentation that included background information on a proposed development project located at 934 Patterson.

Mr. Lutz briefly highlighted the proposed future development at 934 Patterson. He stated the applicant is seeking to expand the existing facility by constructing an outdoor sitting area and accessory structure. He stated a complete thorough review by City staff had not been completed, including the addressing of any and all life safety concerns regarding access and site planning. Mr. Lutz stated a final review is required by the Architectural Review Board (ARB) and Council.

Mayor Rosenthal disclosed Councilmember Prassel and himself are members of the Argyle and shared he inquired with City Attorney Mike Brenan and is fine to consider business related matters in this perspective.

There were representatives from the Argyle. President John Oberman, Architect Don McDonald and his assistant Lauren Diliberto, Counsel James Barrow, Board Member Al Philip and General Manager Michael Vlad were present.

Mr. Oberman stated The Argyle would like to purchase land that consists of a utility line that runs into the center of the property abutting Argyle's property. He acknowledged a few encroachments. He stated he would like to expand an existing patio area by moving the fence line to the south. The extended area is intended to be heated and air conditioned.

Mr. McDonald explained the proposed abandonment area was selected based on project needs and to keep the Argyle's proposed property lines in alignment with the existing property lines. He noted they have been working with the neighbors. Landscaping and enlarging the service area are items that would be provided with the notice of intent to develop. He stated the entire project adds two entrances that are 20' wide and reported they are currently working with the Fire Marshal. A new masonry wall would be created to hide the trash cans.

Mr. Oberman continued his presentation sharing additional information that includes renderings and elevations. He stated the street is an unattractive service alley and it is not safe for service trucks to park there. He explained no 18-wheelers are welcomed and demonstrated how ideally the parking process should be. He stated dumpsters would be screened and an electronic gate would be provided. The Argyle desires to create a pedestrian environment that consists of safe streets and improved circulation. He identified the red lines are existing walls within the garden and the proposed extended area will add 800 square feet of what The Argyle has today.

Councilmember Billa Burke acknowledged the fire access for The Argyle and surrounding residents.

Mr. Oberman stated this plan had been modified for fire safety and the intent is park, unload, and get off the street. He stated the radius is smoothed out. He noted a

structure will be moved back as he explained the goal is to frame the street. He noted Patterson Street is 27' wide and agreed with Fire Chief Buddy Kuhn to maintain the street width at 26' wide (minimal requirement).

Mayor Pro Tem Jessee asked if parking spots will be added.

Mr. Oberman stated the structure will be moved which will provide a range of additional 3 - 16 parking spaces nearby. He commented it is a separate project.

Item # 7 was considered next.

*Item # 7* Mayor Rosenthal read the following caption.

**Planning and Zoning Commission Case # 400, public hearing, consideration, and action of a request by John A. Oberman, President, representing Texas Biomedical Institute (The Argyle) as authorized by Section 16-105 of the Code of Ordinances to close, vacate, abandon, and sell the following parcel for the purpose of improvements being approximate 0.055 acre of public right-of-way out of Argyle Ave., or 2,417 square feet, in the City of Alamo Heights, Bexar County, Texas, according to plat thereof recorded in Volume 106, Page 180, Deed and Plat Records of Bexar County, Texas**

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

Mr. Lutz identified the project and stated the applicant is seeking to close, vacate, and abandon a portion of Argyle Avenue right-of-way. The applicant's request coincides with the intent to develop. He stated 2,417 square feet of area is being requested for abandonment and the public utilities are located in the area. An easement will need to be established during the platting process.

The project had been coordinated with the Fire Department. Mr. Lutz stated Fire Chief Kuhn determined that while there is an existing reduction in the street width (from 26' to 21' around an existing tree, they recommend that no improvements or right-of-way abandonment result in the reduction of the street width (curb to curb) to less than 26' in width.

Based on average land values, from the Bexar Appraisal District, the average price per square feet for unimproved land is \$19.67. The total value based on the average price is \$47,534.33. An appraisal consultation was conducted and findings were: 1) property would have a very limited market of potential buyers to only include the neighboring property owner, 2) property is encumbered by utility lines and poles running the entire length of the strip from East to West, 3) property is considered typical right-of-way strip and should be valued as such, with a 90% reduction in the value of the land, 4)

Mr. Brennan stated he didn't see a problem with the applicant not paying and accepting the deed when a building permit is issued. He referenced the City's zoning code and stated a replat should be considered so that everything is included; however, the Council may waive the replat process. He stated if a replat is conducted, utilities will be established along the frontage of the properties. He stated the City has no control with power lines and the applicant needs to work with CPS Energy. He commented a precedence may be set and Council should be mindful.

Council commented the request is a street improvement and that the organization is a non-profit that provides funding for research.

Mayor Rosenthal asked about the discounted price.

Mr. Brennan stated it doesn't matter as there is an evaluation formula in the Code. He acknowledged Blair Stouffer and Associates conducted an evaluation.

Mr. Oberman summarized that The Argyle is a good neighbor. He commented that out of 2,400 feet, the property will encroach less than 400 feet and identified the small corners within the garden. He stated The Argyle gives \$2M to Texas biomedical research. He noted the building had not been expanded since 1992. He thanked Council and staff for working on this and making the Argyle vibrant.

Mayor Rosenthal opened the public hearing at 6:27 p.m. Since no one spoke, the public hearing closed at 6:28 p.m.

A motion for approval was made by Councilmember Billa Burke to sell the property to The Argyle with conditions. Conditions are that all parties meet requirements, The Argyle knows what they have to do to acquire the property, progress forward upon issuance of building permit, City approves the abandonment within right-of-way, allow to relocate CPS Energy lines within right-of-way with prior coordination and approval from the City of Alamo Heights, a minimum of 26' street width for Patterson for public safety access, and the replat is waived for this case only and this case only is approved without setting a precedent. The motion was seconded by Mayor Pro Tem Jesse and passed by unanimous vote.

*Item # 10* Mayor Rosenthal read the following caption.

**Authorization to purchase a replacement of the Fire Department Self-Contained Breathing Apparatus (SCBA) Air Compressor**

Fire Chief Buddy Kuhn made a Powerpoint presentation that included background information on the purchase of the Fire Department SCBA air compressor.

Fire Chief Kuhn informed Council the SCBA compressor was purchased by the tri-cities in 1996. He stated an anticipated purchase of a SCBA compressor had been presented at previous Strategic Action Plan (SAP) work sessions; however, not funded.



He explained the use of the compressor and reported the current unit is broken and is not cost effective to repair. He informed Council of the total cost, \$21,889.01 through Municipal Emergency Services (MES). He stated there are additional fees required for the electrical and ventilation upgrades to the fire station compressor room at a cost of \$3,260.00. He recommended the City of Alamo Heights pay for the building upgrades to accommodate the larger compressor. He stated \$10,556.33 from the Capital Replacement Fund may be charged for this capital replacement item. The Cities of Terrell Hills and Olmos Park have committed to a 1/3 cost share in the amount of \$7,296.33 each. He shared the compressor is built when ordered so may take up to six weeks for delivery.

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

*Item # 11* Mayor Rosenthal read the following caption.

**Update on renovation options for the Alamo Heights swimming pool and surrounding structures**

Fire Chief Buddy Kuhn made a PowerPoint presentation that included an update for the renovation options for the Alamo Heights swimming pool and surrounding structures.

Fire Chief Kuhn reported two contractors were consulted to obtain interest and estimates. One contractor was from San Antonio and the other from Austin. One contractor did not return Fire Chief Kuhn's calls and the other does not have the skill level for schematics. He stated Freese & Nichols provided a proposal for a cost estimate and commented it was not cost efficient. Fire Chief Kuhn highlighted the scope of work essential to repair the swimming pool.

Renewing the lease agreement with the City of San Antonio (COSA) is a priority. Next steps would include to complete a Request for Proposal (RFP) for contractors and possibly work through a single contractor through the RFP to oversee the project. Fire Chief Kuhn asked for Council's direction.

Mayor Rosenthal stated the swimming pool is unique. He shared he had been in touch with COSA. He noted that Manager Rick Shaw has a good working relationship with a contractor who is familiar with pool. He asked to engage with him as our consultant so he may determine what is required, what is a luxury and what is a wish list so we can see Americans with Disabilities Act (ADA) requirements, electrical and determine the essential scope of work. Once established then the City may evaluate.

Fire Chief Kuhn added that ADA requirements and pump repairs need to be considered as they were not included in the estimate. He commented the priority is to grasp the scope of work. Fire Chief Kuhn reported outreach had been to other entities to reach out for municipality specialized contractors. Mr. Browne shared that a contractor advised them not to consider replastering the swimming pool.

There was a brief discussion among Council regarding issuing a Request for Proposal for the design/build to obtain a scope of work. Fire Chief Kuhn stated the main issues have been identified; however, someone is still needed to evaluate the scope of work.

Rick Shaw, Manager, Alamo Heights swimming pool, suggested the City talk to Alamo Heights resident John Hans with Superior Pools as he is knowledgeable about pools in particular with the Alamo Heights swimming pool.

Council provided comments and direction. Mayor Pro Tem Jessee recommended staff hire a consultant to do the program. Mayor Rosenthal suggested contacting Mr. Hans to meet and explore next steps with the repairs of the swimming pool.

Mr. Browne stated he would meet with Mr. Hans and in the future present information to Council.

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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 Jessee and passed by unanimous vote. Mayor Rosenthal adjourned the meeting at 6:52 p.m.

  
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Jennifer Reyna  
City Secretary

  
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Bobby Rosenthal  
Mayor