

CITY OF ALAMO HEIGHTS
CITY COUNCIL
April 8, 2019

A regular meetings 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, April 8, 2019.

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 Buddy Kuhn
Assistant to the City Manager Marian V. Mendoza
City Attorney Mike Brenan
Finance Director Robert Galindo
Community Development Services Department Director Nina Shealey
Human Resources Manager Lori Harris
City Secretary Jennifer Reyna
Chief Police Rick Pruitt
Public Works Director Pat Sullivan
Fire Chief Michael Gdovin

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Mayor Bobby Rosenthal opened the meeting at 5:30 p.m.

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Item # 1 Approval of Minutes

Mayor Rosenthal asked City Council for any revisions to the minutes of the March 25, 2019, Council Meeting. A motion was made by Councilmember Fred Prassel to approve the minutes of March 25, 2019. The motion was seconded by Mayor Pro Tem Lynda Billa Burke and passed by unanimous vote.

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Item # 2 Announcements

- a. **3rd Annual AH'09 5K Fun Run, April 13th**

Assistant to the City Manager Marian V. Mendoza announced the City of Alamo Heights will host their 3rd annual AH '09 5K Fun Run on Saturday, April 13, 2019. Registration has started. She stated additional information is available at www.alamoheightstx.gov.

b. National Public Safety Telecommunicators Week, April 14th – 20th

Police Chief Pruitt provided a brief history of the telecommunicators week that is celebrated on a national level. He introduced Mr. Robert Adelman, Special Projects Officer with the City of Olmos Park, who assisted in the transition of radios and housing Alamo Heights dispatchers at Bexar County offices during the construction of City Hall.

Mr. Adelman provided a background of his professional experience and expressed appreciation to telecommunicators because of what their job entails. He thanked Lt. Cindy Pruitt for her assistance. He highlighted the average of an emergency call's average is answered within 6 seconds for the City of Alamo Heights community. On behalf of the City of Olmos Park responders, he commended Alamo Heights for their professionalism and caring.

Mayor Rosenthal presented a proclamation to Police Chief Rick Pruitt and Dispatcher Supervisor Colleen Ferruzzi in celebration of National Public Safety Telecommunicators Week. National Public Safety Telecommunicators Week is April 14th through April 20th dedicated to Public Safety Dispatchers. Mayor Rosenthal thanked Mr. Adelman for his comments and partnership. Mayor Rosenthal congratulated and thanked Police Chief Rick Pruitt and first responders for their dedication.

c. National Prescription Drug Take Back Day, April 27th

Police Chief Rick Pruitt announced that any expired, unused, and unwanted prescription drugs will be taken on Saturday, April 27, 2019 at City Hall beginning at 10:00 am. – 2:00 p.m. Police Officers will be present to take unwanted prescription drugs. Police Chief Pruitt stated syringes, intravenous solutions, or injectables will not be accepted due to blood borne pathogen threats. Police Chief Pruitt stated he will send information via email blast to remind the community of this opportunity.

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

Casey Whittington, representative from Blue Duck, expressed concern regarding Ordinance No. 2122 related to insurance aggregate for dockless transportation devices. He encouraged Council to reconsider the insurance aggregate and decrease the required insurance amount for \$2M instead of \$5M. He stated he is a local resident and commented he is able to respond quicker than other companies. Mr. Whittington thanked Council for their time.

Elizabeth Houston, representative from Blue Duck, shared her personal connection with Alamo Heights. She expressed interest to operate a business in Alamo Heights. She requested Council reconsider in amending the insurance aggregate to reflect a decrease. Ms. Houston highlighted Blue Duck have a personal knowledge of the City.

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Items for Individual Consideration

Item # 4 Mayor Rosenthal read the following caption.

Architectural Review Board Case No. 739F, request of Kris Feldmann, CREO Architects, applicant, representing Clint & Elizabeth Shackelford, owners, for the significance review of the existing main structure and compatibility review of the proposed main structure located at 308 Cloverleaf 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 building

Community Development Services Department Director Nina Shealey made a PowerPoint presentation that included background information, survey, and existing/proposed site plans.

Ms. Shealey identified the project and stated the applicants, Clint and Elizabeth Shackelford, request to demolish 100% of the existing main structure, pool and garage to construct a new partial two-story residence with detached accessory building (carport and office). The existing survey was presented and Ms. Shealey reviewed the Residential Design Standards (RDS). The existing/proposed site plans and street view rendering were presented. She noted a concrete parking pad/driveway/patio, wooden deck and the partial two-story.

Postcards were mailed to property owners within 200-foot radius of the property. Staff received one postcard in support and none in opposition of the project request.

A motion for approval was made by Councilmember John Savage. The motion was seconded by Councilmember Wes Sharples. The following Councilmembers voted in favor: Mayor Pro Tem Lynda Billa Burke, Councilmembers Wes Sharples, Fred Prassel, and John Savage. Councilmember Lawson Jessee abstained. The motion carried and passed.

Item # 5 Mayor Rosenthal read the following caption.

Planning and Zoning Commission Case No. 407, public hearing, consideration, and action regarding a request of Brita Pearson, LPA, Inc., applicant, representing Alamo Heights Independent School District (AHISD), owner, for a Specific Use Permit to authorize a height limit of 60 feet for the Press Box of its Athletic Complex in the SF-A Zoning District as authorized in Section 3-87(15) Of the Code of Ordinances and to waive certain zoning code requirements for future facilities located within the boundaries of the school district property at 6900 Broadway

Ms. Shealey made a PowerPoint presentation that included background information.

Ms. Shealey identified the project and stated the applicant, AHISD, request a Specific-Use Permit (SUP) for the height limit for the athletic complex press box. The SUP is to waive SF-A code requirements for facilities in regards to setbacks, articulation, lot coverage, looming and floor to area ratios.

Ms. Shealey summarized the 2017 bond program for AHISD and reported the completed and anticipated phases of construction. On April 1, 2019, the Planning & Zoning (P&Z) Commission approved the SUP request. The final design of the athletic complex was reviewed and approved by the Architectural Review Board (ARB) on March 19, 2019 and on March 25, 2019 by City Council. Signage will be considered in May.

Section 3-87 (20) Specific Use Permits is a new section proposed to address public school facilities without complying SF-A zoning district requirements applicable to building setbacks, articulation, lot coverage, looming and floor to area ratios, except that height and street setback requirements shall require SUP approval.

Ms. Shealey identified AHISD's requirements to include cost and installation of infrastructure (water, sewer, etc.), adequate parking, and comply with building codes.

Postcards were mailed to property owners within 200-foot radius of the property. Staff received two postcards in opposition and one in support of the project request. She explained the opposition was related to noise and the height of the press box.

Councilmember Lawson Jessee asked if rezoning the school properties would be efficient and provide the City better control.

Ms. Shealey stated the proposed new section will eliminate the need to return for boards and commission/Council consideration.

City Attorney Mike Brenan summarized the recommendation is to authorize a SUP for internal development without requesting variances.

Councilmember Jessee recommended to consider rezoning school districts respectively. He asked the height of the athletic complex' speakers.

Ms. Sara Flowers, Associate Principal, LPA, Inc., stated the speakers will be erected on scoreboard.

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

Item # 6 Mayor Rosenthal read the following caption.

Discussion and possible action on a professional services agreement for repairs to the Alamo Heights swimming pool with Rosin Group, Inc., for project management and engineering services

City Manager Buddy Kuhn made a PowerPoint presentation that included background information and photos.

Mr. Kuhn stated the Alamo Heights swimming pool is in need of substantial repair to include the swimming pool surface and sub-surface plumbing. He reported the following improvements had been made: installation of the Americans with Disabilities Act (ADA) lifts/staircase and removal of chlorine gas. There is a leak in the swimming pool that needs to be addressed and reported to the Texas Center for Environmental Quality (TCEQ) for the excess water use. Staff reports were presented to Council in August and December 2017. Photos of the swimming pool were presented.

City Engineer, Freese and Nichols, were contacted and their engineering costs were costly and broad. Other cities were contacted that had similar problems with swimming pools. The Cities of Boerne and New Braunfels recommended Rosin Group for engineering services. He shared the City had met with Rosin Group committing 10-15 hours of work to identify the services needed.

Photos were presented. Mr. Kuhn noted this year, the pool's floor condition was catastrophic. He identified the priorities for the swimming pool repairs and phasing a financial plan over two to three budget years. He further explained the longevity of the proposed repairs and reminded Council there may be unexpected repairs not visible.

Subchapter B, Section 2254 of the Local Government Code allows retention of an engineer or consultant for emergency repairs. Other sections of the project would require a Request for Qualification (RFQ) process for the remaining work.

Mr. Kuhn stated cost repairs and engineering costs total \$863,231 to include a 10% contingency. He noted the amount did not include restroom upgrades to meet ADA requirements. He noted for FY2019, \$200,000 is budgeted for repairs with \$11,500 had been spent. Two scenarios were presented to consider as options to repair the swimming pool. He stated work could start in Fall 2019, as soon as swimming pool closes.

Mayor Pro Tem Billa Burke expressed concern with lack of ADA compliance with the restrooms.

Mr. Kuhn responded to Mayor Pro Tem Billa Burke priorities were identified and stated at the time ADA lifts were a priority and currently the leak needs to be addressed.

Councilmember Jessee asked if the design of the pool includes improvements to the electrical system and any notations on construction costs.

Mr. Kuhn stated the scope is specifically for Phase 1 (engineering project management) and there will be new separate designs for all respective phases. He further explained the costs for the swimming pool repairs and phases. He summarized the lack of plans had increased the costs of engineering and noted additional items may surface during discovery phase. He shared Freese and Nichols' engineering fee was \$135,000. He summarized today's proposed action is to hire an engineer, Rosin Group.

Councilmember Jessee recommended consideration of the swimming pool to be a separate item on the budget or conduct a special meeting as he expressed concern on unexpected expenditures that may contribute as additional costs.

Councilmember Prassel asked the necessity to fund the swimming pool repairs because it is a private enterprise.

Mayor Rosenthal stated it is an amenity for the City and citizens. He commented perhaps an increased cost participation may be considered. Councilmember Savage stated it is a value to the community with the various programs the swimming pool offers and expressed concern with financial obligations.

Councilmember Wes Sharples commented the leak is now an issue with TCEQ. Councilmember Jessee asked how much water is lost due to the leak at the swimming pool.

Mr. Rick Shaw, Alamo Heights swimming pool manager, estimated 200,000 gallons of water within a two week period.

Mayor Pro Tem Billa Burke suggested the City move forward to obtain definite information to address the concerns and issues.

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

Item # 7 Mayor Rosenthal read the following caption.

Discussion and possible action for a parking license agreement for 10 parking spaces between the City of Alamo Heights and Damien Watel, owner of Broadway Eats 6106 LLC

City Manager Buddy Kuhn made a PowerPoint presentation that included background information and a photo.

Mr. Kuhn announced the recent opening of BISTR09 restaurant located at 6106 Broadway. He stated the owner, Mr. Damien Watel, inquired about leasing parking spaces from the City to be utilized after 5 p.m. Due to surrounding parking restrictions, the restaurant operates after 5 p.m. A photo of City Hall's parking lot was presented to identify parking spaces for BISTR09 employees.

The proposed license agreement includes indemnification, insurance, and prohibition of employees to utilize for breaks, loitering or trash pick-up. The agreement is valid for one year with a 10-day cancellation notice by either party with renewal options. Mr. Kuhn stated the agreement is solely with BISTR09 and non-transferrable for a quarterly fee of \$150.00.

Councilmember Sharples asked where current employees are parking.

Mr. Kuhn stated BISTR09 are parking at the restaurant's parking lot and within the neighborhood. He noted Mr. Watel may also consider the parking spaces for valet.

A motion was made by Councilmember Jessee. 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. 2124

**AN ORDINANCE APPOINTING MICHAEL S. BRENNAN AS
CITY ATTORNEY AND AUTHORIZING THE CITY
MANAGER TO RENEW AN AGREEMENT FOR LEGAL
SERVICES ON BEHALF OF THE CITY**

City Manager Buddy Kuhn made a PowerPoint presentation that included background information.


Mike Brenan has served as the City Attorney for the City of Alamo Heights since August 1973. The proposed agreement renews the agreement with Mike Brenan to serve as the City Attorney for legal services. The agreement is effective May 1, 2019 and ends on April 30, 2022. The agreement may be terminated by either party within 60 days provided written notice.

A motion was made by Councilmember Jessee. The motion was seconded by Councilmember Savage 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 Rosenthal adjourned the meeting at 6:30 p.m.


Jennifer Reyna
City Secretary


Bobby Rosenthal
Mayor