

CITY OF ALAMO HEIGHTS  
CITY COUNCIL  
August 28, 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, August 28, 2017.

Present and composing a quorum were:

Mayor Bobby Rosenthal  
Mayor Pro Tempore Lawson Jessee  
Councilmember Wes Sharples  
Councilmember Lynda Billa Burke  
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 Resources Manager Lori Harris  
City Secretary Jennifer Reyna  
Police Chief Rick Pruitt  
Public Works Director Pat Sullivan

Absent was:

Councilmember Fred Prassel

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

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Mayor Bobby Rosenthal recognized the presence of Boy Scouts of America, Troop # 360 in the audience. He explained they were present to observe the Council meeting as a requirement for their Citizenship in the Community merit badge. Boy Scouts Jordan Hafernik and Donovan Smith introduced themselves and were welcomed.

Mayor Rosenthal thanked the City Manager Mark Browne, Fire Chief Buddy Kuhn, Police Chief Rick Pruitt and Public Works Director Pat Sullivan for all their efforts in maintaining the City in a safe and operational manner during this past weekend in anticipation of the landfall of Hurricane Harvey. He invited Fire Chief Buddy Kuhn to provide a brief update what occurred this past weekend.

Fire Chief Kuhn shared of the weekend preparations. He stated there were double shift personnel with the Emergency Operation Center (EOC) fully operational on Friday, August 25<sup>th</sup>. Emergency calls that were addressed included dropped power lines, burglary/fire alarms, and a fire on Edgewood that was not storm related. Strong winds were present; however, the fire was contained. Fire Chief Kuhn thanked Mr. John Sheesley, owner, Redi-Fuel, whom provided fuel to the City. He summarized public safety coordination as a good effort and thanked Council for their support and trust in departmental leaders to make decisions.

City Manager Mark Browne thanked the Fire, Police and Public Works departments in contribution to the emergency preparation and safety efforts. He commented that he is proud of everyone. He shared an appreciation note was posted on social media, Nextdoor, from the homeowner who experienced the fire and was complimentary of all efforts. He added City Manager Greg Whitlock of Terrell Hills expressed appreciation of the team efforts. Mr. Browne announced that Red Cross is an organization handling all donations to help those affected by Hurricane Harvey. Individuals may also donate blood to South Texas Blood Bank. He informed Council that sister cities are requesting help and personnel may be deployed to assist.

Fire Chief Kuhn reported two fire personnel will be deployed to assist and assigned where needed. He expressed appreciation to Assistant to the City Manager Marian Mendoza for providing technical accessibility within the EOC and the Dispatch department for providing all the informational updates.

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*Item # 1      Approval of Minutes*

Mayor Rosenthal asked City Council for any revisions to the minutes of the August 14, 2017, Council Meeting. A motion was made by Mayor Pro Tem Lawson Jesse to approve the minutes of August 14, 2017. The motion was seconded by Councilmember Wes Sharples and passed by unanimous vote.

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*Item # 2      Announcements*

**a. Certificate of Achievement for Excellence in Financial Reporting**

Finance Director Robert Galindo stated the City of Alamo Heights received the Certificate of Achievement for Excellence in financial reporting for FY2016. He stated this is the 20<sup>th</sup> year awarded by the Government Finance Officers Association. He thanked the department heads for their assistance on this accomplishment.

**b. Budget Hearing, September 11<sup>th</sup>**

Mr. Galindo announced the budget hearing is scheduled for Monday, September 11<sup>th</sup>, beginning at 5:30 p.m. in the Council Chambers.

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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.

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Staff Reports

*Item # 4      Mayor Rosenthal read the following caption.*

**Notice of Intent to develop relating to the Alamo Heights Independent School District Bond Improvements**

Community Development Services Department Director Jason Lutz made a PowerPoint presentation that included background information on the Notice of Intent project requested by the Alamo Heights Independent School District (AHISD).

As part of AHISD’s 2017 bond program, multiple construction projects at the Alamo Heights High school and Cambridge Elementary School are proposed. At the high school, the existing central plant is proposed to be demolished and replaced with a new central plant. A new kitchen/multi-purpose classroom, portables, and new classrooms are part of the proposed improvements. Renovations to the athletic field including replacement of the stadium, field, press box, athletic complex, removing and relocating portables, and demolition of the natatorium were highlighted to include renderings of the different phases for the renovations. Fifty parking spaces are to be added at the high school.

Cambridge Elementary School improvements included the demolition of the Fine Arts department and replaced with a new addition. A new playground area is being considered as the existing play area will be converted to a parking area to accommodate 100 parking spaces. A rendering was presented. Mr. Lutz stated a complete, thorough review had not been completed by the Community Development Department, and noted as part of the final design review process, approval from the Architectural Review Board (ARB) and Council is required.

Lowell Tacker, Architect, LPA San Antonio, briefly highlighted the proposed revisions at both school campuses and referenced both renderings as he further explained the proposed improvements. He noted that revisions had been made to the Cambridge Elementary school plans since the submittal of the notice of intent to include the parking area and will resubmit the current proposed plan to the Community Development Services Department. Mr. Tacker stated the portables at the high school will be removed as construction progresses for the addition of the central plant, new art classroom/culinary

arts building, new stadium, academic building, natatorium, and a full size soccer artificial turf field. He stated he will work closely with Mr. Lutz.

Mayor Pro Tem Lawson Jessee stated the linear parking was a good idea. He requested additional information about why artificial turf was chosen.

Mr. Tacker stated artificial turf was decided because it provides 24/7 accessibility in all weather conditions. The recreation court and playground area will still be accessible to the public as it had in the past. He answered additional questions asked by Council related to water run-off, location of the parking lot, basketball courts and football field, and stated the construction schedule is anticipated to begin in Summer 2018 to avoid interruption of the schools' activities. He added that improved landscapes will be provided adjacent to where vehicles park to pick up their children at Cambridge Elementary school. He stated that there will be public meetings to discuss renovations.

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Items for Individual Consideration

Item # 5 Mayor Rosenthal read the following caption.

**ORDINANCE NO. 2083**

**AN ORDINANCE APPROVING APPOINTMENTS TO THE  
CITY'S BOARDS AND COMMISSION**

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

Mr. Lutz stated the proposed ordinance appoints individuals to the various Boards and Commission for a two-year term. New appointees include: James Steindl and William Dawley for the Planning and Zoning (P&Z) Commission. David Rose and Sean Caporaletti (alternate) are new appointees for the Board of Adjustment (BOA). He reported that all Chairs and Vice-Chairs will be returning to their respective boards and commission - Architectural Review Board (ARB): Chair John Gaines, Vice-Chair Grant McFarland; Board of Adjustment: Chair Bill Orr, Vice-Chair Jimmy Satel; Planning & Zoning Commission: Chair Lori Becknell and Vice-Chair Ken Zuschlag.

Mayor Rosenthal shared he asked staff to identify ways to highlight people who want to serve on the boards and commission and provide a different process. He briefly spoke of the past interview process and stated he wanted to do something different.

A motion for approval was made by Councilmember Wes Sharples. The motion was seconded by Councilmember Lynda Billa Burke and passed by unanimous vote.

Item # 6 Mayor Rosenthal read the following caption.

**Architectural Review Board Case # 675F, request of Robert Price, owner, for the significance review of the existing main structure located at 417 Patterson under Demolition Review Ordinance No. 1860 in order to demolish 100% of the existing main structure and all accessory structures**

Mr. Lutz made a PowerPoint presentation that included background information, existing site plan, and photos.

Mr. Lutz identified the project and stated the applicant desires to demolish the existing home and all accessory structures. He presented the existing site plan and photos.

On August 15, 2017, ARB reviewed the proposed project for significance and approved the demolition request. Staff received 11 postcards in support not including an additional 36 postcards that were submitted from homeowners that lived outside the 200-foot radius. No postcards were received in opposition of the demolition request.

A motion for approval was made by Councilmember John Savage. The motion was seconded by Councilmember Lynda Billa Burke and passed by unanimous vote.

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

**Architectural Review Board Case # 677F, request of Bryan Smith, Vision Design and build, representing Vineet and Sarah Seth, owners, for the computability review of the proposed main structure located at 710 Ogden under Demolition Review Ordinance No. 1860 in order to construct a new single-family residence with attached accessory structure**

Mr. Lutz made a PowerPoint presentation that include background information, proposed site plan, and elevations.

Mr. Lutz identified the location and stated the applicant is seeking to construct a new two-story single family residence with an attached accessory structure. In May 2017, the property was subdivided into two new lots. A compatibility review was presented to ARB on July 18, 2017 and was tabled pending a redesign of the roof. He reviewed the existing and proposed Residential Design Standards (RDS). The exterior building materials included stucco, stone veneer, and a composition single roof. The proposed site plan and elevations were presented. Mr. Lutz noted the lot's shape is unique located at the corner of Ogden and Viesca and have a double frontage.

On August 15, 2017, ARB approved compatibility with the following recommendations: 1) number of roof elements on the front elevation be reduced and 2) angles of the main/central roof structure be simplified. ARB recommended updated elevations be provided prior to Council consideration so they may provide additional

feedback. Mr. Lutz stated three ARB members of the five board members submitted comments to Council and they were in agreement with the proposed main structure. Staff received one response in support of the project request and none in opposition.

Michael Cortez, architect, Vision Design Build, and Dr. Vineet Seth were present to answer questions. Mr. Cortez stated the roof was simplified into two planes overlooking the garage and presented a small model of the proposed main structure.

Mayor Rosenthal asked if garage will be accessible on Viesca.

Mr. Cortez confirmed the garage will be closer to Viesca. Mr. Lutz stated Ogden is the front and Viesca is treated as a front lot as well, so they cannot put detached garage at a 3' setback. He commented the garage is closer to Viesca but accessed through Ogden.

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

*Item # 8* Mayor Rosenthal read the following caption.

**Architectural Review Board Case # 679F, request of Williams-Hirsch Custom builders, applicant, representing Alex & Deborah Loukas, owners, for the compatibility review of the proposed main structure located at 372 Blue Bonnet under Demolition Review Ordinance No. 1860 in order to construct a new single-family residence with detached accessory structure**

Mr. Lutz made a PowerPoint presentation that included background information, existing/proposed site plans, elevations, and existing/proposed streetscapes.

Mr. Lutz identified the project and stated the applicant is seeking to construct a new two-story single family residence with a detached accessory structure. He reviewed the RDS. Building materials are hardie siding, standing seam metal roof, brick veneer and fireplace. The existing/proposed site plans, elevations, and existing/proposed streetscapes were presented.

On August 15, 2017, ARB reviewed and approved the compatibility design. Staff received four posts cards in support and none in opposition of the project.

Mayor Rosenthal asked if any comments were submitted related to privacy issues.

Mr. Lutz replied that submitted comments did not express any concern related to privacy issues.

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 # 9* Mayor Rosenthal read the following caption.

**Planning & Zoning Case # 394, PUBLIC HEARING, consideration, and action regarding a request to replat the property currently known as 128 Elizabeth, identified as CB 4050, BLK 12, LOT 7 E ½ of 6**

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

Mr. Lutz identified the property and stated the applicant is seeking to subdivide the existing property in order to create two lots to construct a single family attached townhome consisting of two units. The plat will establish Lots 40 and 41, Block 12, CB 4050. Both lots are 0.13 acre tracts and will have 37.5' of frontage along Elizabeth. A 14' Public Utility Easement (PUE) had been provided along the rear property line. The current and proposed plats were presented.

On August 7, 2017, P&Z reviewed and approved the plat with following condition, language and technical changes are addressed and incorporated into the proposed plat. Mr. Lutz stated adjacent landowners had no issues with the replat request; however, they requested staff to monitor runoff issues. Mr. Lutz stated runoff is always monitored with new construction. Staff received three postcards in support and none in opposition.

Council asked the zoning for the area and parking requirements.

Mr. Lutz replied Elizabeth is predominantly a street that has multi-family development; however, the area allows single family. He stated parking for multi-family is available at the side or rear of the property. He referenced the preliminary renderings and stated a driveway will be on either side and a garage is proposed at an angle. He commented that a variance would not be granted due to structure. Mr. Browne added multi-family development is occurring more frequently within the City.

Mayor Rosenthal opened the public hearing at 6:20 p.m. No one signed up to speak. The public hearing closed at 6:21 p.m.

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

*Item # 10* Mayor Rosenthal stated this item is postponed until further notice at applicant's request.

**Planning & Zoning Commission Case # 393, consideration and action regarding a request to replat the property currently known as 133 Kennedy, identified as CB 4024, BLK 33, LOT W IRR 58.7 FT of 9**

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

**ORDINANCE NO. 2084**

**A PUBLIC RIGHT-OF-WAY MANAGEMENT ORDINANCE BY THE CITY OF ALAMO HEIGHTS, TEXAS; REGULATING THE PHYSICAL USE, OCCUPANCY AND MAINTENANCE OF CITY RIGHTS-OF-WAY BY WIRELESS NETWORK PROVIDERS; DESCRIBING THE PURPOSE; PROVIDING DEFINITIONS, REQUIRING COMPLIANCE WITH THE CITY DESIGN MANUAL AND APPLICABLE CODES FOR THE INSTALLATION OF NETWORK NODES AND NODE SUPPORT POLES PURSUANT TO CHAPTER 284 OF THE TEXAS LOCAL GOVERNMENT CODE; PROVIDING CITY PROCEDURES FOR APPLICATIONS FOR PERMITS; ESTABLISHING TIME PERIODS FOR APPROVAL OF PERMIT APPLICATIONS; PROVIDING APPLICATION FEES AND ANNUAL PUBLIC RIGHT-OF-WAY RETNAL RATES; PROVIDING RESTRICTIONS ON PLACEMENT OF NETWORK NODES AND NODE SUPPORT POLES IN MUNICIPAL PARKS AND RESIDENTIAL AREAS; PROVIDING INDEMNITY FOR THE CITY; ADOPTING A DESIGN MANUAL FOR THE INSTALLATION OF NETWORK NODES AND NODE SUPPORT POLES; APPROVING A POLE ATTACHMENT AGREEMENT; APPROVING A SERVICE POLE COLLATION ATTACHMENT LICENSE AGREEMENT; PROVIDING REPEALING AND SAVINGS CLAUSES; AND PROVIDING AN EFFECTIVE DATE OF SEPTEMBER 1, 2017**

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

Mr. Lutz stated the State introduced Chapter 284 of the Local Government Code and will need to be adopted as a new chapter to regulate network providers. He stated the ordinance will not prohibit providers from operating and installing equipment within the City but will establish certain standards for permitting, design, construction, review, oversight, and fees. He stated the fees are established by the State and cannot be changed by the local governments. He stated the design manual provides guidelines to construction and placement of such devices which needs to be reviewed by the City's contracted engineer. He stated the chapter does prohibit placement in residential zones with street widths of less than 50' (curb to curb). The maximum height (lesser of) of 10" above tallest pole or 55' from ground level.

Mr. Lutz highlighted a few sections within Chapter 284. Definitions are included in Section 16-202. Section 16-210 contains applicable fees and rental rates to the City. Photos of the network nodes were presented. He noted there are guidelines for installment.

Mayor Rosenthal asked about the fiscal impact.



Mr. Browne stated the fees mandated by the state are minimal. Mr. Lutz commented that most likely the fees will not cover the permit review fees.

Mayor Pro Tem Jessee asked about installing a network support pole if there are no poles available.

Mr. Lutz stated the network provider is allowed to erect a pole and install a network node.

City Attorney Mike Brenan stated the Cities of Castle Hills and Windcrest have already been approached about placing node networks. Mr. Brenan added that if regulations are not adopted then network providers may come and work under no regulations.

There was a brief discussion among Council regarding poles, antennas, water towers and new technology.

A motion for approval was made by Councilmember Savage. The motion was seconded by Mayor Pro Tem Jessee and passed by unanimous vote. Did you check with Lynda on the vote? I never heard her vote.

*Item # 12* Mayor Rosenthal read the following caption.

**Resolution No. 2017R - 093**

**A Resolution granting a one year contract extension of the canine and feline sheltering agreement between the City and the Alamo Heights Kennel Club**

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

Police Chief Pruitt provided background information and presented a one-year contract extension. He noted a three-year contract was sought but the owner was reluctant due to his recent 501c3 designation. He commented the Alamo Heights Kennel Club has been a great partner in providing exceptional service.

The Alamo Heights Kennel Club proposed a moderate increase in the fee schedule for boarding domestic animals after 40 days. He briefly reviewed the fee schedule. Board costs are projected into the animal care services line item of the police department budget. The City will remain responsible for veterinary services for animals that are boarded.

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

*Item # 13* Mayor Rosenthal read the following caption.

**Resolution No. 2017R - 094**

**A Resolution authorizing the filing for an application with the Office of the Governor, Criminal Justice Division, for a procurement grant to purchase rifle resistant body armor and designating the Chief of Police as the grantee's authorized official**

Police Chief Rick Pruitt made a PowerPoint presentation that included background information on the grant application.

Police Chief Pruitt reported an application has been prepared to file for a procurement grant to purchase rifle resistant body armor. He reviewed the cost of the resistant body armor with no matching funds requirement. He stated the resolution would designate the Police Chief as the authorized official to apply for, accept, reject, alter or terminate a grant. He stated if the grant request is not fully funded the remaining balance of the project may be funded from the police department seizure funds.

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

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Staff Reports (cont'd)

*Item # 14* Mayor Rosenthal read the following caption.

**Staff report for renovation options to the Alamo Heights swimming pool and surrounding structures**

Fire Chief Buddy Kuhn made a PowerPoint presentation that included background information.

Fire Chief Kuhn informed Council that the swimming pool is in need of significant repairs due to age. He stated repairs such as pool drain, plaster, tile and related pool equipment include filter and motors are estimated at \$600,000 provided by a consultant. . He stated other considerations are current Americans with Disabilities Act (ADA) regulations. He noted that bathrooms, office, and concession area have aged significantly and are in need of repair also. He commented the extension of the lease with the City of San Antonio (COSA) will expire in 2027.

Fire Chief Kuhn presented several financial options to cover the swimming pool repair costs. The City may initiate a Request for Qualifications (RFQ) or Request for Proposal (RFP). He stated renewal of the long-term lease with COSA is a priority.

Mr. Browne added there are two contracts to consider as they will terminate soon: a lease with Rick Shaw and an extension of the lease with COSA. He stated communication had been initiated with COSA but are not yet responsive.

Mayor Rosenthal commented the swimming pool is a great amenity and there are lots of issues to be considered.

Mr. Rick Shaw, manager, Alamo Heights Swimming Pool, provided additional background on the swimming pool's condition and programs as he had been the pool manager for over 28 years. He shared that in 1989, City Engineer Paul Sontag with the City of Alamo Heights informed Mr. Shaw the pool was going to close and a lease was soon approved with Mr. Shaw as operator. Next year, the 70<sup>th</sup> anniversary of the pool will be celebrated. Over the years, personnel are hired as lifeguards, grill operators, and front desk workers. Mr. Shaw estimated for the past 15 years, 450 kids per year are involved at the swimming pool. The swimming pool is home to the swim league team, Alamo Heights Pool Sharks, which consists between 175 – 220 kids on an annual basis. Streamline and Incarnate Word are other swimming teams that also practice in the mornings. Mr. Shaw highlighted the activities that are held at the swimming pool such as the Pooch Parade, Soler Sports Dam '09 Triathlon, and Alamo Heights Optimist Club "An Evening in '09". He summarized that previous lifeguards come and bring their families to enjoy the pool.

Mr. Shaw informed Council of the current status of the swimming pool and the professional services available. He stated Mr. John Hans, Commercial Pool Solutions, has assisted Mr. Shaw sharing his extensive knowledge. Mr. Shaw shared that Mr. Hans recommended to contact Mr. James Reyna, Reyna Pool Designs, and a preliminary cost estimate report in February/March 2017 was prepared. He stated Mr. Hans and Mr. Reyna both suggested to explore the sanitation system such as filters, returns, flow lines, gutters and decking. Mr. Shaw suggested that the main drain be fixed as a start. The pool is repainted every year and needs to be changed into a plaster pool for a better quality and be cost effective. He shared that Mr. Reyna has not provided details but an estimate between \$450,000 - \$600,000 in need of repair and perhaps up to \$1M in costs for overall repairs, and improvements not including Mr. Reyna's fees of \$20,000 for detailed report. Mr. Shaw briefly highlighted the concerns to include gutters with anticipation that it will hold out for each summer season. He noted the bathrooms are old and locker rooms are nostalgic. He stated the swimming pool has significant leaks and had increased from what is necessary to be operational. Chlorine gas is being utilized to sanitize the water. He encouraged the City to repair the pool as it is a valuable asset that the community enjoys.

Mayor Rosenthal acknowledged it is a great asset and evaluating the issues is a start to figure out what is needed and consider if a RFP may be essential. The lease must be extended with COSA and consider financing cost to be operational.

Mayor Pro Tem Jessee suggested increasing membership fees to absorb the cost of repairs.

Councilmember Savage stated he didn't realize all the programs that pool hosts and commented it is impressive. He suggested a bond issue may be considered that the community will support.

Mr. Browne briefly explained the process if a bond issue is considered. He stated costs and estimates need to be established. He informed Council that bond money is not needed to start estimating cost for repairs; however, an RFP process could take up to two months. He shared the engineer needs to review the information and validate the repair costs. Cost and preliminary design should be completed before the bond is issued. He added that the preliminary cost of \$600,000 does not include compliance with ADA regulations.

Mr. Shaw responded to Councilmember Billa Burke's question regarding ADA compliance. He stated the bathrooms comply with ADA regulations. Currently, there is no ramp or mechanism/hoist available to place a customer in or out of the swimming pool.


Council agreed a timeline will need to be established and what steps to take. He encouraged staff to push forward with a plan and work with Mr. Shaw.

Mr. Browne stated a timeline may be established and a follow up with financial options may be presented in the future.

Mr. Shaw thanked Council for their time.

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There being no further business, a motion was made by Mayor Pro Tem Jessee to adjourn the meeting. The motion was seconded by Councilmember Savage and passed by unanimous vote. Mayor Rosenthal adjourned the meeting at 7:09 p.m.

  
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Jennifer Reyna  
City Secretary

  
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Bobby Rosenthal  
Mayor