

CITY OF ALAMO HEIGHTS
CITY COUNCIL
December 9, 2019

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 9, 2019.

Present and composing a quorum were:

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

Also attending were:

City Manager Buddy Kuhn
Assistant to the City Manager Marian V. Mendoza
City Attorney Richard Lindner
Community Development Services Department Director Nina Shealey
Human Resources Manager Lori Harris
Police Chief Rick Pruitt
Fire Chief Michael Gdovin
City Secretary Jennifer Reyna

Absent was:

Public Works Director Pat Sullivan

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Mayor Bobby Rosenthal opened the meeting at 5:31 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 25, 2019 Council Meeting. A motion was made by Councilmember Fred Prassel to approve the minutes of November 25, 2019. The motion was seconded by Councilmember Lynda Billa Burke and passed by unanimous vote.

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Item # 2 Announcements

Mayor Rosenthal read the following caption.

a. GFOA Certificate of Achievement for Excellence in Financial Reporting

Finance Director Robert Galindo announced the City has been recognized by the Government Finance Officer Association (GFOA) for the 22nd consecutive year for excellence in financial reporting that ended in September 2018. He thanked City Manager Buddy Kuhn and Councilmember John Savage for their assistance in receiving this recognition.

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Mayor Rosenthal recognized the presence of a member of the Boy Scouts of America, Patrol # 809 in the audience. He was present to observe the Council meeting as a requirement for their Citizenship in the Community merit badge. Mayor Rosenthal thanked him for being present.

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Item # 3 Citizens to be heard

Sarah Reveley, resident, expressed in her opinion, the unfairness for applicants and residents the privilege to attend an Architectural Review Board (ARB) meeting when there is lack of quorum reflecting a disinterest in current ARB members. She suggested ARB members have a historical review position or background to serve. She wanted to share national guidelines of historical districts and referenced former Community Development Services Director Mr. Brian Chandler had conducted an inventory of historical houses the City should utilize. Ms. Reveley distributed her resume and letter of recommendations to Council as she expressed serving on ARB.

John Joseph, resident, stated he has been a resident since 1948. He recalled when the Alamo Heights Neighborhood Association was a few months old when Council was considering building a new City Hall and referenced how the residents knew what is best for the City. He asked Council to reconsider the fabric changes developers are requesting.

A resident from Retama, observed her garbage bags remained in the alley. She shared she called the City and was informed that the garbage bags were limited to 3 trash bags per household. She expressed concern on why there was a limit to the number of bags picked up and the possibility of the City's ambiance changing due to garbage bags not being picked up.

City Manager Buddy Kuhn requested her to email him her information as he will explore why her bags full of leaves were not picked up. He stated there is an abundance in bags for landscaping and will address her concern.

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Items for Individual Consideration

Item # 4 Mayor Rosenthal read the following caption.

Architectural Review Board Case No. 773F, significance review of the existing main structure located at 305 Abiso in order to demolish 100% of the existing main structure and accessory structures

Community Development Services Department Director Nina Shealey made a PowerPoint presentation that included background information, existing site plan and photos.

Ms. Shealey identified the project and stated it was a demolition request as she explained the structure is in disrepair.

On December 3, 2019, the Architectural Review Board (ARB) reviewed and approved the demolition request. She stated the compatibility request will be considered at the December 17th ARB meeting and at the January 13th Council meeting. Property owners within a 200-foot radius were notified. Staff received four postcards in support and one in opposition.

Councilmember Lynda Billa Burke asked if staff examines the project and requested to have a presentation made to Council regarding education of allowable structural material changes.

Ms. Shealey responded to Councilmember Billa Burke a site visit by staff is not required and had not been practiced. City Attorney Richard Lindner suggested an executive session for the City's rights and/or presentation may be made to Council. Mr. Kuhn commented state laws have changed and noted everything had been reviewed accordingly.

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

Item # 5 Mayor Rosenthal read the following caption.

Architectural Review Board Case No. 774F, significance review of the existing main structure in order to demolish 100% of the existing residence located at 100 Cardinal and compatibility review of the proposed design in order to construct a new single family residence

Ms. Nina Shealey made a Powerpoint presentation that included background information, existing/proposed site plans, roof plans, elevations, and existing streetscape.

Ms. Shealey identified the project as a significance and compatibility request of the applicant. She presented the existing/proposed site plans, roof plan, and elevations.

She stated the materials consist of stucco and composition shingle roof. An existing streetscape was presented. Ms. Shealey reviewed the residential design standards (RDS).

On December 3, 2019, ARB reviewed and approved the applicant's request. Property owners within a 200-foot radius were notified. Staff received one postcard in support and none in opposition of the project.

Sarah Jo, resident, expressed concern of the large oak trees on the property. She stated she personally measured the trees that are more than five inches in circumference. She learned of two trees that were removed from the property to accommodate the swimming pool and a porch. She asked the effect on the six oak tree cluster in the front yard.

Ms. Shealey stated plans for residential properties do not adhere to the same landscaping plan on trees as for commercial property plans. She stated tree mitigation or a fee in lieu of are required for tree removal.

Jack Dabney, applicant, stated he is leaving the existing foundation and will remove walls and the roof. He stated he obtained tree removal permits for the trees and explained the trees were removed because they were later arching towards the ground. He stated no additional trees will be removed.

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

Item # 6 Mayor Rosenthal read the following caption.

Architectural Review Board Case No. 776F, significance review of the existing main structure in order to demolish 100% of the existing street-facing façade located at 315 Alta and compatibility review of the proposed design in order to encapsulate the front of the main structure with front additions

Ms. Shealey made a PowerPoint presentation that included background information, existing/proposed site plans, elevations, roof plans, and existing streetscape.

Ms. Shealey identified the project that includes a front addition and attached garage. The existing/proposed site plans, and elevations were presented. Building materials include hardie plank siding and composition shingle roof. A roof plan and existing street scape were presented. Ms. Shealey explained to Mayor Pro Tem Sharples of the granted variances due to the lot size (5,200 square feet) is smaller than a typical lot measured at a minimum of 7,500 square feet. The garage is located in the rear and noted there is no alley.

On October 2, 2019, the Board of Adjustment (BOA) reviewed and approved two variances. Ms. Shealey reviewed RDS. On December 3, 2019, ARB reviewed and

approved the significance and compatibility request. Property owners within a 200-foot radius were notified. Staff did not receive any responses in support or opposition.

Councilmember Jessee expressed concern with parking for the applicant and inquired about the off-street parking variance.

Ms. Shealey responded to Councilmember Jessee there is one parking spot and noted the driveway width is not sufficient for a parking space as the dimensions do not fall within a typical parking space; however, the resident may park two vehicles.

Ms. Theresa McFaul, applicant, stated two cars can fit on the property and explained there is ample parking.

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

Item # 7 Mayor Rosenthal read the following caption.

Architectural Review Board Case No. 778F, significance review of the existing main structure of the existing residence located at 223 Allen in order to demolish 100% of the existing main structure and accessory structures

Ms. Shealey made a PowerPoint presentation that included background information and an existing site plan.

Ms. Shealey identified the project and stated significance will only be considered tonight for a new structure in the future. She stated the pink border outlined the boundary in which the existing structure will be removed.

On October 2, 2019, five variances were approved by the BOA. Significance and compatibility review were considered at the December 3, 2019 ARB special meeting. The demolition was approved with no significance and the compatibility was tabled until the December 17th ARB meeting. City Council will consider the compatibility of the project at the January 13th Council meeting. She presented a graph of the variances that were approved at the October 2nd BOA meeting. She commented the property is an irregular shape and explained a portion of the property was sold which caused different sizes and shapes. Property owners within a 200-foot radius were notified. Staff did not receive any responses in support or in opposition.

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

Item # 8 Mayor Rosenthal read the following caption.

Architectural Review Board Case No. 771F, final design review of the proposed commercial improvements to the existing structure located at 615 Austin Hwy.

Ms. Shealey made a PowerPoint presentation that included background information, elevations, and photos.

Ms. Shealey identified the project and stated the applicant requests to add a new carport at Ken's Texaco located at 615 Austin Highway. Ms. Shealey noted a 12-foot easement is owned by the City of Alamo Heights as she referenced on the rendering.

On September 17, 2019, ARB conducted a preliminary review of the request. On November 6, 2019, BOA reviewed the request and approved four variances due to the irregular shape of business and previously the case was tabled at the October 2nd BOA meeting. ARB approved the compatibility request at the December 3rd special ARB meeting. Property owners within a 200-foot radius were notified. Staff did not receive any responses in support or in opposition.

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

Item # 9 Mayor Rosenthal read the following caption.

Architectural Review Board Case No. 787F, significance review of the existing main structure in order to demolish 100% of the existing main structure and accessory structures located at 507 Normandy

Ms. Shealey made a Powerpoint presentation that included background information, existing site plan and photo.

Ms. Shealey identified the project and stated the project is for significance only; applicant requesting a demolition of the structure. She presented an existing site plan and photo of the structure stating the structure is no longer stable.

On December 3, 2019, ARB reviewed and approved the demolition request. On December 17th, ARB will consider the compatibility review. City Council will consider compatibility at the January 12, 2020 Council meeting. Property owners within a 200-foot radius were notified. Staff received one postcard in support and four in opposition. Ms. Shealey explained responses received in opposition was the concern was the demolition in the Cottage District and what type of structure will be presented.

Councilmember Billa Burke requested the item return to ARB as she expressed concern on the possible construction of a two-story structure within the Cottage District.

There was a brief discussion among Council regarding process, caption, options, and historical significance. City Attorney Lindner briefly read the definition of

significance that ARB considers. Mr. Kuhn stated ordinances are up-to-date. City Manager Buddy Kuhn stated ARB approved the significance review and, in the future, compatibility review will be presented to ARB. Ms. Shealey commented captions have been simplified for Council; however, all information is provided during significance/compatibility at ARB meetings. Mayor Rosenthal suggested different wording to provide demolition within caption when considered. Councilmember Prassel expressed concern of what may be built in the future. Ms. Shealey informed Council of the process so the applicant will comply with building and zoning process and the inspection. Mr. Lindner stated a policy change may be made regarding compatibility. Mr. Kuhn reminded Council of the recent legislation that prohibits certain materials to be used for future development.

Property owners within a 200-foot radius were notified. Staff received one postcard in support and four in opposition.

The following citizen spoke on this matter:

John Joseph, resident, expressed concern on the possible structure as he commented it is may be large. He requested the names of the applicants be included in the PowerPoint presentation to include identification of type of structure/zoning.

Ms. Shealey referenced the City's website and informed Mr. Joseph all applicants' information are part of the captions in the ARB agenda. She agreed to provide applicants' name within the powerpoint presentations.

A motion was made by Councilmember Jessee. The motion was seconded by Councilmember Sharples and passed by unanimous vote.

Mayor Rosenthal read the following captions.

Item # 10 **Architectural Review Board Case No. 779F, significance review of the existing main structure in order to demolish 100% of the existing main structure and accessory structures located at 141 Burr**

Item # 11 **Architectural Review Board Case No. 780F, significance review of the existing main structure in order to demolish 100% of the existing main structure and accessory structures located at 149 Burr**

Item # 12 **Architectural Review Board Case No. 781F, significance review of the existing main structure in order to demolish 100% of the existing main structure and accessory structures located at 153 Burr**

Ms. Shealey made a Powerpoint presentation that included background information, existing site plans, and photos.

Ms. Shealey identified ARB case numbers 779F, 780F, and 781F for properties located at 141, 149, and 153 Burr. She stated the applicant desires to demolish all three structures on all three different locations. She presented existing site plans and photos of each respective structure. Ms. Shealey stated all homes are vacant and in poor condition. She noted the San Antonio Country Club owns parking lot adjacent 141 and 153 Burr and as of now, there are no current development plans.

On December 3, 2019, ARB reviewed the significance of all three cases and demolition requests were approved due to no significance. Property owners within a 200-foot radius were notified. Staff received a total of 19 responses in support and 1 in opposition for all three cases. Ms. Shealey commented majority of the support received was from the San Antonio Country Club.

The following citizen spoke on this matter:

Jack Joyce, resident, thanked Ms. Shealey for her assistance. He expressed disappointment in the lack of historical review and expressed his opinion that houses are of significance, in particular, with a total of three houses subject to demolition. He requested to hold off the demolition until structural plans are submitted.

Councilmember Jessee recused himself as he explained he is a member of the San Antonio Country Club.

Ms. Shealey shared the San Antonio Country Club attempted to donate the structures to Habitat for Humanity or other organizations and there were no takers of their offers.

Councilmember Billa Burke expressed concern with no development plan.

Ms. Shealey stated the design would need to be presented to the Planning and Zoning (P&Z) Commission. She stated no permanent plans are in mind; however, the applicant stated they may consider properties to be used as temporary parking spaces for their capital project. Ms. Shealey informed the applicant a zoning change is requested for that specific use.

Mayor Rosenthal asked if the structures are dangerous.

Mr. Kuhn stated the structures are in poor repair. Ms. Shealey confirmed no specific plans to replace demolition or maintenance plans. She noted there are no significance with the existing structure and shared ARB went through the same similar conversations.

Mayor Rosenthal inquired about a license to use the property for temporary parking. There was a brief discussion among Council regarding tabling the items. Ms. Shealey commented the properties are in disrepair and provides a liability on the

applicant. She summarized anything other than single family, duplex or multi-family structure will initiative a process.

A motion was made by Councilmember Billa Burke to table item nos. 10, 11 and 12 to the January 13, 2020 Council meeting. The motion was seconded by Councilmember Savage. The vote was as follows: Ayes: Mayor Pro Tem Sharples, Councilmembers Prassel, Billa Burke, and Savage; Nays: 0, and Councilmember Jessee abstained. The motion carried to table all items to be considered at the January 13, 2020 Council meeting.

Item # 13 Mayor Rosenthal read the following caption.

Architectural Review Board Case No. 786F, significance review of the existing main structure in order to demolish 85% of the existing street-facing façade, demolish 63% of the existing roof, and for the compatibility review of the proposed design located at 309 Alta in order to add to the front and the rear of the existing residence

Ms. Shealey made a Powerpoint presentation that included background information, proposed site plan, elevations, and existing/proposed streetscape.

Ms. Shealey identified the project and stated the applicant requests to demolish 85% of the existing street-facing façade, demolish 63% of the existing roof to construct front and rear additions to the existing residence located at 309 Alta. A proposed site plan was presented.

On November 6, 2019, BOA reviewed and approved two variances. Variances included a rear yard setback and no off-street parking spaces. She explained the lot is significantly small. Technically, there is no off-street parking; however, a small space/driveway measured 8'6" by 10'10" is sufficient for parking that does not meet classifications as an official parking space. Building materials of the proposed additions are concrete fiber board siding and standing seam metal roof. An existing/proposed streetscape were presented and RDS were reviewed. On December 3, 2019, ARB reviewed and approved the applicant's request due to no significance with the stipulation of the front center dormer be removed from the design and the applicant agreed to remove. On December 4, 2019, BOA approved the variance request on lot coverage due to the small size of the lot at 5,300 square feet and a traditional lot is 7500 square feet. Property owners within a 200-foot radius were notified. Staff received one postcard in support and two in opposition. Ms. Shealey commented opposition was in regard to demolition of structures within the Cottage District.

Councilmember Billa Burke asked for explanation for partial encapsulation.

Theresa McFaul, applicant, stated the architect desired dimension and did not want to encapsulate at 100%.

A motion was made by Councilmember Jessee for approval with ARB's recommendations, removal of the front center dormer. The motion was seconded by Councilmember Prassel and passed by unanimous vote.

Item # 14 Mayor Rosenthal read the following caption.

Architectural Review Board Case No. 783F, compatibility review of the proposed main structure located at 602 Alamo Heights Blvd. in order to construct a new single family residence with attached garage

Ms. Shealey made a Powerpoint presentation that included background information, proposed site plan, elevations, and existing/proposed streetscapes.

Ms. Shealey identified the project and stated the applicant requests to construct a new single family residence with attached garage at 602 Alamo Heights Blvd. She presented a proposed site plan, street elevations, and existing/proposed streetscapes. Building materials include stucco and composition shingle roof.

On October 2, 2019, BOA approved two variances related to a front and rear yards setback due to the oddly shaped lot. Ms. Shealey reviewed the RDS. Related to significance review, ARB reviewed and approved on August 20, 2019. City Council approved on September 9, 2019. On December 3, 2019, ARB reviewed the compatibility of the structure and approved. Property owners within a 200-foot radius were notified. Staff received two postcards in support and one in opposition.

Mayor Pro Tem Sharples referenced the variances granted on the setbacks and inquired reason.

Ms. Shealey explained a hardship was presented due to an irregular shape of the lot.

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

Item # 15 Mayor Rosenthal read the following caption.

Architectural Review Board Case No. 785F, the compatibility review of the proposed design located at 164 E. Oakview in order to construct a new single family residence with accessory structure

Ms. Shealey made a Powerpoint presentation that included background information, existing/ARB approved/proposed site plans, elevations, and existing/proposed streetscape.

Ms. Shealey identified the project and stated compatibility review is for the new construction on the existing foundation. A partial demolition and addition were approved in April by ARB and Council approved in May 2019. She reported a stop work order was issued in September 2019 due to a discovery of a complete demolition that was not originally approved. At that time, the owner was informed to restart the plan review process. A front yard setback variance was granted by BOA on November 6, 2019.

Building materials include hardie plank siding and composition shingle roof. Existing/ARB approved/proposed site plans and elevations, and existing/proposed streetscape were presented and the RDS were reviewed. On December 3, 2019, ARB approved the compatibility review. Property owners within a 200-foot radius were notified. Staff did not receive any postcards in support or in opposition.

Ms. Shealey further explained termite damage was discovered as the applicant was conducting work, the structure came down and a stop work order was issued. She stated the applicant was allowed to continue to clean the site because there was debris.

Mayor Rosenthal asked about the next steps/notification process when a demolition is conducted to include if the applicant informs staff when they are done.

Ms. Shealey stated an inspection process is part of a full demolition process as it is required to cap the sewer main and briefly outlined the process.

Councilmember Sharples asked what can the City do to prevent a similar situation occurring.

Mayor Rosenthal suggested to inform applicants of violations and consequences when pulling a permit.

The following citizen spoke on this matter:

John Joseph, resident, asked if there was any penalty for what the applicant did as he recalled an applicant conducted the same action without City approval and suggested the City impose a fine.

Ms. Shealey stated no penalty was charged.

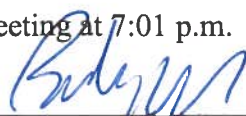
Councilmember Jessee suggested impose a fine and consider pulling the contractor's license in Alamo Heights.

Mr. Lindner stated the City may consider a fine for the applicant for not following the demolition process.


A motion was made by Councilmember Prassel. 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 7:01 p.m.



Bobby Rosenthal
Mayor



Jennifer Reyna
City Secretary