

CITY OF ALAMO HEIGHTS
CITY COUNCIL
March 28, 2022

A regular meeting of the City Council of the City of Alamo Heights, Texas was held at the Council Chamber, located at 6116 Broadway, San Antonio, Texas, at 5:30 p.m. on Monday, March 28, 2022. A teleconference was held via Zoom; staff and meeting attendees were welcomed in the Council Chamber.

Composing a quorum were:
Mayor Bobby Rosenthal
Mayor Pro Tem Lynda Billa Burke
Councilmember Lawson Jessee
Councilmember Wes Sharples
Councilmember Blake M. Bonner
Councilmember John Savage

Also attending were:
City Manager Buddy Kuhn
Assistant City Manager Phil Laney
City Attorney Frank Garza
City Attorney Richard Lindner
Assistant to City Manager Jennifer Reyna – Via Zoom
City Secretary Elsa T. Robles
Director of Finance Robert Galindo – Via Zoom
Police Chief Rick Pruitt
Fire Chief Michael Gdovin – Via Zoom
Deputy Police Chief Cindy Pruitt
Community Development Services Director Lety Hernandez
Human Resources Manager Brenda Jimenez – Via Zoom
Fire Deputy Chief Allen Ottmers
Public Works Director Pat Sullivan – Via Zoom

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

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Mayor Rosenthal welcomed King Antonio 2022, Barton T. Simpson who shared their organization's efforts to help support several charities for children. He stated he lives in Alamo Heights and enjoyed attending the AH09 5K Fun Run this year. He introduced his Aides, Jim Satel, Stuart Carter, and Andrew Price.

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Item # 1 Approval of Minutes

Mayor Bobby Rosenthal asked City Council for a motion to approve the March 14, 2022 City Council Meeting minutes. Councilmember Lawson Jessee moved to approve the minutes as presented. The motion was seconded by Councilmember Wes Sharples and passed by unanimous vote.

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Item # 2 Announcements

Mayor Rosenthal read the following caption.

a. 23rd Annual Pooch Parade, Saturday, April 9th

Chief of Police Rick Pruitt announced the 23rd Annual Pooch Parade will take place on April 9th being sponsored by Therapy Animals of San Antonio. It will begin at 8:00 a.m. at the Alamo Heights Pool and end at 12:00 p.m. The walk is 2.7 miles and there will be a costume contest.

b. National Telecommunicator’s Week

Police Chief Pruitt announced National Telecommunicator’s Week is April 10th through April 16th. This is celebrated nationally since 1994 to honor public safety dispatchers for their excellent work. He stated he is very proud of the work they do and added they also offer “on the phone” CPR for those who are in need.

c. 4th Annual AH09 5K Fun Run Update

City Manager Buddy Kuhn stated there were 103 registered runners for the annual 5K Fun Run. He thanked all the sponsors and volunteers for a successful event.

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Item # 3 Citizens to be heard

No comments made.

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Items for Individual Consideration

Item # 4 Mayor Rosenthal read the following caption.

Architectural Review Board Case No. 873F, request of Ronald Eckels of Don B. McDonald Architect, AIA, Ltd., applicant, representing Jyl and Randy Cain, owners, for the compatibility review of the proposed design located at 820 Cambridge Oval in order to construct a new single-family residence with detached garage

Community Development Services Department Director Lety Hernandez stated the Single-Family A zoned property is located at 820 Cambridge Oval, a corner lot at the intersection of Morton. The applicant requests approval of a compatibility review in order to construct a new single-family residence with detached garage.

Ms. Hernandez provided some background on the case. City Council approved full demolition in January 2021. Construction plans were reviewed and approved at that time; however, the applicant decided not to proceed.

Ms. Hernandez presented new proposed site plans, elevations, and floor/roof plans. The main structure roof plan includes a combination of Thermoplastic Polyolefin (TPO) roof membrane and standing seam metal. The detached garage will have a standing seam metal roof. The proposed elevation is 26ft high with limestone rubble and cedar shingle siding. The proposed detached garage height is 13ft 10-inches with cedar shingle siding.

In terms of policy analysis, Ms. Hernandez noted the proposed lot coverage is 32.22% under the maximum allowed of 40% in a SF-A zone. The proposed floor area ratio is 34.43%. The applicant can use the maximum of 49% since they are using two bonuses: one for the side or rear street/alley access and one for the one-story garage.

Ms. Hernandez stated due to the total destruction of the previous structure, the Architectural Review Board (ARB) considered the request at their March 15, 2022 meeting and voted to recommend approval of the design as compatible.

Public notifications were mailed to property owners within a 200-foot radius. Notices were posted on the City's website and on the property. Staff received three responses in support and none in opposition.

Councilmember Blake Bonner moved to approve ARB Case No. 873F as presented. The motion was seconded by Councilmember Wes Sharples and passed by unanimous vote.

Item # 5 Mayor Rosenthal read the following caption.

Architectural Review Board Case No. 874F, request of Gerardo Noriega of GNA Architecture, applicant, representing Jose Gonzalez II, owner, for the significance review of the existing main structure and compatibility review of the proposed design located at 301 Encino in order to demolish 63.1% of the existing street-facing façade, demolish 64.5% of all exterior walls, and 100% of the existing roof in order to remodel and add to the existing single-family residence with attached accessory structure

Ms. Hernandez stated the Single-Family A zoned property is located at 301 Encino, at the intersection of Argyle. The applicant requests approval of a significance review of the main structure compatibility review in order to remodel and add to the single-family residence with attached accessory structure.

Ms. Hernandez presented the proposed site plans, elevations, and floor/roof plans. She stated the existing site plan is currently non-conforming in the front-yard setback; however, they

are not proposing an increase. The proposed roof plan includes a combination TPO and clay tile. The proposed main structure elevation is 31ft 1-¾ inches with stucco siding.

In terms of policy analysis, Ms. Hernandez noted the proposed lot coverage is 30.75% under the maximum allowed of 40% in a SF-A zone. The proposed floor area ratio is 36.88%. The applicant is allowed the maximum of 50% due to the bonuses they will use in preserving fifty (50) percent of the main structure and having a side or rear street/alley access.

Ms. Hernandez stated the request triggered a significance review because of the proposed removal or encapsulation of more than twenty-five (25) percent of the framed structure of exterior walls facing public streets and the street-facing elevation tract of land is landlocked. A compatibility review was triggered due to the amount of total or substantial destruction of the structure or portion thereof.

On March 15, 2022, the ARB declared the existing main structure as not significant and recommended approval of the proposed design as compatible.

Ms. Hernandez reviewed the current/proposed streetscapes and renderings. She stated public notifications were mailed to property owners within a 200-foot radius. Notices were posted on the City's website and on the property. Staff received three responses in support and none in opposition.

Councilmember Lawson Jessee moved to approve ARB Case No. 874F as presented. The motion was seconded by Mayor Pro Tem Lynda Billa Burke and passed by unanimous vote.

Item # 6 Mayor Rosenthal read the following caption.

Architectural Review Board Case No. 876E, request of Lyndsay Thorn of Thorn Architects, PLLC, applicant, representing Stacy and Jeff Foerster, owners, for the compatibility review of the proposed design located at 237 Argo in order to construct a 2-story detached garage

Ms. Hernandez stated the Single-Family B zoned property is located at 237 Argo, at the northside intersection of Arbutus. The applicant requests approval of a compatibility review of the proposed design in order to construct a 3-story detached garage.

Ms. Hernandez reviewed pictures of the existing accessory structure and proposed site plans, elevations, and floor/roof plans. The proposed roof plan includes a standing seam metal roof and hardie siding with wood trim. The proposed accessory structure height is 19ft 11-¾ inches.

In terms of policy analysis, Ms. Hernandez noted the current lot coverage is not in compliance of 40% maximum; however, the demolition of the existing structure will bring it back into compliance at the proposed lot coverage of 39.98%. The proposed floor area ratio is 42.04%. The applicant is allowed the maximum of 50% due to the bonuses they will utilize of preserving fifty (50) percent of the main structure and maintaining a side or rear street/alley access.

Ms. Hernandez stated on March 15, 2022, the ARB recommended approval of the proposed design as compatible and reviewed the current and proposed streetscapes. She stated public notifications were mailed to property owners within a 200-foot radius. Notices were posted on the City's website and on the property. Staff received no responses in support or in opposition.

Mayor Rosenthal questioned if staff would ensure the proposed lot coverage would not exceed the maximum. Ms. Hernandez stated staff will run the numbers to make sure they comply.

After some discussion Councilmember Jessee moved to approve ARB Case No. 876F as presented. 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. 875F, request of Kris Feldmann of Creo Architects, applicant, representing Trebes Sasser Jr. of Ridgemont Properties, owner, for the final design review of the proposed multi-family structure's design located at 111, 119, 131, 133 & 135 Katherine Ct

Ms. Hernandez stated the proposed multi-family structure is located on Katherine Court, east of Broadway. They developer is proposing a new 3-story construction consisting of 27 units and 51 onsite covered parking.

Ms. Hernandez provided historical background on the proposed project.

- City Council - Notice of Intent – *June 14, 2021*
- ARB - Preliminary Review – *August 17, 2021*
- P&Z - Rezone and Replat – *September 07, 2021*
- City Council Action – *September 13, 2021*
- ARB – Demolition Review, Significance – *September 21, 2021*
- City Council Action – *September 27, 2021*
- BOA – Request for five (5) variances – *January 05, 2022*
Tabled for *February 02, 2022* – Denied 2, Granted 3

Ms. Hernandez reviewed renderings of the proposed structure and site of the overall area. She presented proposed site plans, elevations, floor/roof plans, and impervious cover. She stated the proposed materials for the structure are wood rain-screen, brick, and metal panel accent. The overall structure height is 35ft.

The Architectural Review Board conducted the required Final Review, per Chapter 2 Administration, at their regular meeting of March 15, 2022. A motion was made to recommend approval of the proposed design; however, the recommendation did not receive the four (4) affirmative votes as required per Section 2-48(a) of the City's Code of Ordinances.

Ms. Hernandez stated public notifications were mailed to property owners within a 200-foot radius. Notices were posted on the City's website and on the property. Staff received two responses in support or and three in opposition.

For the record, Mayor Rosenthal clarified this case had gone before the Board of Adjustment (BOA) to request several variances. The BOA had granted some variances and denied others. The Katherine Court neighbors presented other variances they thought should have been applicable and are currently part of a lawsuit with the BOA through District Court. Because of this, Mayor Rosenthal stated the variances would not be discussed by City Council since this is no longer within their purview. City Attorney Frank Garza agreed and stated this case is in District Court and out of City Council's jurisdiction.

Mayor Rosenthal asked Mr. Garza for an explanation regarding the ARB's 3-1 vote as opposed to the 4-1 vote required to recommend approval. Mr. Garza explained, since the ARB is a recommending body, the vote did not matter. In this case, it comes before the City Council without a recommendation *for* or *against* it. Per City ordinance, the City Council still considers the case for approval. Moving forward, Mr. Garza recommended the ARB require a simple majority vote vs. supermajority to recommend approval to the City Council.

Mayor Rosenthal opened the floor for citizen's comments.

- Mr. James E. Lloyd, resident, stated all entities involved were caught off guard with the proposed development. He stated the neighbors had recently met with the developer to discuss concerns related to the variances in District Court and other common-sense tweaks. Mr. Lloyd added there were concerns with safety issues that need to be addressed. He shared other concerns with the zoning code/City procedures this project exposed and stated these need to be address or possibly changed.
- Mr. John Feitshans, resident, shared comments on how to improve the process going forward to ensure future projects are clear and avoid wasted time. He suggested implementing a flow chart, establish rules and powers of residents/developers, a licensed professional engineer to help with the project and have procedures ready for future development cases.

City Manager Buddy Kuhn stated staff had procedures in place, but they would be reviewed.

- Ms. Deb Prost, resident, stated she and other neighbors met with the developer to address safety issues with driveways from the development and current residents. Other issues were regarding a neighbor's fence and additional landscaping to mitigate noise and pollution. Off street parking for delivery trucks was also being discussed. Ms. Prost suggested Council table the item for now until these issues get resolved.
- Ms. Joan Cunningham, resident, shared her concerns with the project's proposed driveway posing a safety issue. In speaking with the developer, she suggested a buffer be considered to avoid cars backing out and running over pedestrians. Ms. Cunningham stated she, the residents, and developer were coming close to an amicable solution and suggested Council table the item until a solution is reached.
- Ms. Margaret Engel, resident, stated the development of this project was very slow and difficult for the residents. For the future, she suggested staff develop a productive process from the onset of a proposed development.

- Ms. Elizabeth Yust, resident, stated a huge apartment complex is not compatible with the neighborhood of Katherine Court and suggested Council reject or table the project. She shared the disappointment of board members being rude to residents at board meetings.
- Kris Feldman, Creo Architect, stated they have done their best to enhance the landscape by incorporating softscape that is critical for developments. He added there were a lot of changes made since the notice of intent a year ago. In an effort to be good neighbors, they have met with residents to address additional concerns.

Mr. Feldman identified five key issues that were raised by the residents.

1. An area of refuge between the adjacent property's driveway and the two-lane access into the multi-family complex. They will work with the Fire Department to help identify a stopping point between the two driveways.
2. A fence separating the neighboring property and new development. Establish an 8ft fence measured from the neighbor's side/retaining wall. This may trigger another variance; however, it can be discussed with City staff to reach a good solution beneficial to both parties.
3. Establish an operational solution to address delivery trucks, etc. Designate parking spots and hours of operation.
4. Bring street trees back into the right-of-way along the sidewalk. This will be submitted on the final plans for approval.
5. Address drainage issues on the street. Neighbors have shown interest in joining efforts to establish a bioswale or other mechanism to address stormwater coming down Katherine Court. There may be an opportunity for the City as a whole to look into bioswales in the future through rebates from the San Antonio River Authority.

Mr. Feldman stated they did their best to prepare some exhibits, talk to neighbors, and discuss options to address their concerns. He added these solutions are not fully vetted; however, they are committed to resolve these issues with the support of the project developer, Mr. Trebes Sasser and find the best possible solution for all who are involved.

Mayor Rosenthal shared the City of Terrell Hills is exploring a project that could impact the drainage on Katherine Court in a positive way. If the City of Terrell Hills moves forward with the project, it would come before City Council for approval.

Mayor Rosenthal addressed the possible variance needed for the addition of an 8ft fence separating the neighbor's property and new development. Mr. Garza stated it would trigger a variance and would go before the BOA for approval.

Mr. Trebes Sasser, project developer, stated he wanted to affirm Ms. Cunningham's sentiments in saying they were close to an understanding. They've had their challenges, but in the past few days, both parties have made progress together.

Mr. Sasser noted he was willing to accommodate the five concerns that were raised by the neighbors as long as the Fire Department and the City would allow them to do these things. He added he was excited to move forward with the project.

Mr. Michael Wargovich, resident, stated the project process revealed some weaknesses within the City's processes. He shared the disappointment in the behavior of board members not being civil toward citizens.

Mayor Pro Tem Billa Burke stated the City has learned from past development cases and has developed a process for cases such as these to ensure they meet all the requirements to continue with their project. She suggested expanding the 200-foot resident notice to incorporate additional neighbors for larger projects. She stated Mr. Sasser has gone above and beyond to reach out to the neighborhood regarding the project. She did not agree on tabling the project due to potential additional costs incurred by the developer.

Councilmember Bonner noted, if Council votes this evening, the lawsuit is still pending should things not work out as the residents would like. Mr. Garza agreed.

Mr. Sasser addressed the Council and stated he stood by his request for Council to proceed forward with the vote. He was shock to learn the case may be tabled. He has incurred various unexpected costs throughout this process. Mr. Sasser noted he and his team have made several changes already and has given his word and commitment to the neighbors to address their concerns. He reiterated he was excited to move forward with his project.

Councilmember Sharples stated he was in favor of having a vote and not delaying it further. Councilmember Savage agreed and stated he like the idea of staff establishing a better process to address future projects.

Ms. Cunningham spoke and said she thought she had made it clear to Mr. Sasser that in the next few days they could put it all on paper, come to an agreement, and withdraw the lawsuit. She stated it was to everyone's benefit to have his commitment in writing and requested Council table the case.

After some discussion, Mayor Pro Tem Billa Burke moved to approve ARB Case No. 875F as presented. The motion was seconded by Councilmember Bonner and passed by a 4-0 vote. Councilmember Jessee abstained from voting on this item.

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Closed Session

Item # 8 Mayor Rosenthal read the following caption.

Executive Session per Section 551.071 (consultation with attorney) to discuss Broadway infrastructure construction.

The City Council of the City of Alamo Heights convened into Executive Session at 6:54 p.m. and reconvened in Open Session at 7:46 p.m. in accordance with the Texas Open Meetings Act, Texas Government Code, *Section §551.071 (Consultation with Attorney)*.

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Open Session

Item # 9 Mayor Rosenthal read the following caption.


Discussion and possible action resulting from Executive Session

No action taken.

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With no further business to consider, Councilmember Bonner moved to adjourn the meeting at 7:47 p.m. The motion was seconded by Councilmember Sharples and passed by unanimous vote.

PASSED AND APPROVED THIS 11th DAY OF APRIL, 2022.



Elga T. Robies, TRMC
City Secretary



Bobby Rosenthal
Mayor

