

CITY OF ALAMO HEIGHTS
CITY COUNCIL
May 8, 2023

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, May 8, 2023. 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 Lawson Jessee
Councilmember Wes Sharples
Councilmember Blake M. Bonner
Councilmember Lynda Billa Burke
Councilmember John Savage

Also attending were:
City Manager Buddy Kuhn
City Attorney Richard Lindner
Assistant City Manager Phil Laney
Assistant to City Manager Jennifer Reyna
City Secretary Elsa T. Robles
Director of Finance Robert Galindo
Community Development Services Director Lety Hernandez
Police Chief Rick Pruitt
Fire Chief Michael Gdovin

Absent:
Human Resources Manager Brenda Jimenez
Public Works Director Pat Sullivan
Deputy Police Chief Cindy Pruitt

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

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Item # 1 Presentation of \$1.00 each to the Mayor and Council Members for Compensation as per City Charter, Article IV, Section 13

Finance Director Robert Galindo thanked the City Council for their dedication in serving the community and presented them a dollar for their service.

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Item # 2 Approval of Minutes

Mayor Bobby Rosenthal asked City Council for a motion on the April 24, 2023 City Council Meeting minutes. Councilmember John Savage 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 # 3 Announcements

Mayor Rosenthal read the following captions.

a. A Proclamation in recognition of Wes Sharples for his dedication of 6 years to the City of Alamo Heights as Councilmember Place 2

Mayor Rosenthal presented a proclamation on behalf of the City Council and the City of Alamo Heights in recognition of Wes Sharples for his dedication of 6 years to the city as Councilmember Place 2.

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Item # 4 Citizens to be Heard

Mr. John Hertz, resident, stated he was concerned with recent demolitions of “centennial” homes continuing in the city and the construction of larger “modern” homes in their place. He presented pictures of these examples and urged Council to develop a better process.

Mr. Lyndsay Thorn, resident and member of the Architectural Review Board (ARB), stated he understood the frustration over demolitions/redevelopment of older homes throughout the city. He recognized there are state laws that have taken away a lot of the city’s abilities to govern such projects. Mr. Thorn stated he would like variance cases to be heard by the ARB before they go to the Board of Adjustment (BOA) to help avoid architectural issues in the end.

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Items for Individual Consideration

Item # 5 Mayor Rosenthal read the following caption.

Public Hearing – Planning and Zoning Case No. 430. A request to replat the properties identified as CB 5600, BLK 3, LOT 34, also known as 153 Burr Rd, CB 5600, BLK 3, LOT 35, also known as 157 Burr Rd, and CB 5600, BLK 3, LOT 36 - 37, also known as 159 Burr Rd.

Community Development Services Department Director Lety Hernandez stated the property owner requests to replat three separate properties into one, currently zone P - Parking District. The properties are located on north side of Burr Rd at N. New Braunfels.

On February 07, 2022, the Planning and Zoning Commission considered the request to rezone 153 Burr Rd from MF-D (Multi-Family) to P (Parking) District and recommended approval as requested. On February 14, 2022, the City Council approved their recommendation.

Ms. Hernandez reviewed existing conditions and proposed replat into one lot. The San Antonio Country Club currently uses the property for parking. The purpose of the replat is to provide parking improvements. She stated CPS, SAWS, and Public Works have given approval of the proposed replat regarding potential impact on utilities. The replat meets technical requirements listed in Chapter 3 Zoning and Chapter 17 Subdivision codes. The parking improvements are currently in the plan review process.

Public notifications were mailed to property owners within the 200-foot radius. Notices were posted on the City's website and on the property. A legal notice was published in the *San Antonio Express-News*. Staff received eight responses in support and none in opposition.

Mayor Rosenthal opened the public hearing at 5:47 p.m. With no one to speak on the item, he closed the public hearing at 5:48 p.m.

Item # 6 Mayor Rosenthal read the following caption.

Discussion and possible action on Planning and Zoning Case No. 430, a request to replat the properties identified as CB 5600, BLK 3, LOT 34, also known as 153 Burr Rd, CB 5600, BLK 3, LOT 35, also known as 157 Burr Rd, and CB 5600, BLK 3, LOT 36 - 37, also known as 159 Burr Rd.

After discussion regarding landscaping requirements, Councilmember Blake M. Bonner moved to approve Planning and Zoning Case No. 430 as presented. The motion was seconded by Councilmember Sharples and passed by unanimous vote.

Item # 7 Mayor Rosenthal read the following caption.

Architectural Review Board Case No. 893E, request of Brian Voges of Voges Design LLC, applicant, representing LADSA, LLC, owner, for the significance review of the existing main structure located at 280 Retama Place in order to demolish 100% of the existing single-family residence and accessory structure(s)

Ms. Hernandez stated the Single-Family A zoned property is located at 280 Retama Place, on the south side at the intersection of N. New Braunfels. The applicant requests approval of 100% demolition of existing single-family residence and accessory structure.

Ms. Hernandez stated due to the 100% demolition request, the request triggered the significance review under demolition. She reviewed the existing survey, property conditions, and streetscape.

In terms of policy analysis, staff found no historical or architectural significance to the existing main structure. A replacement structure is not proposed at this time. Future construction of a single-family residence would be subject to a Compatibility Review by the ARB and approval by Council.

The ARB considered the request at their April 18, 2023 meeting. The board declared the existing main structure as not significant and voted unanimously to recommend approval of the demolition as requested.

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 and one in opposition.

Mayor Rosenthal asked to hear comments from citizens who signed up to speak on this item.

- Ms. Deborah Brodigan, resident, stated she was the next door neighbor and did not agree with the terminology of “not significant” when demolitions are being consider. She disagreed with removing a structure without permanent plans to rebuild and removing heritage trees. She was concerned with the environmental impact by putting in less permeable ground cover in areas that are prone to flooding, etc.
- Ms. Sarah Reveley, resident, commented the Texas Historical Commission gave her approval to establish particular districts in the area as national historical districts. She added the Commission recognizes structures older than 50 years. She added the national record of historic places does not have to be approved by the City Council.

Councilmember Billa Burke questioned the city’s control over historical societies. City Attorney Richard Lindner advised there are processes where the city can work alongside historical societies to have some control of demolitions, etc.; however, it can be a long and expensive process where only some properties may qualify. Otherwise, if it is outside the city’s control, then it would be recognized under federal law.

Mayor Pro Tem Lawson Jessee advised staff is currently working on updating the city’s guidelines and how the ARB process works. He requested staff provide a report to Council regarding historic certification and referencing cases such as these.

Mayor Rosenthal reiterated for the past three legislative sessions, the state, continues to take control away from the cities. If a case does not violate city codes/setbacks, then Council cannot control what people build or materials they use. Councilmember Billa Burke agreed and advised citizens contact state representatives to have these rules changed. She requested staff hold a workshop for citizens regarding all the laws adopted by legislature taking control away from local governments.

A resident in the audience raised concerns regarding floodplain issues. Mr. Lindner advised Council they were getting off topic and redirected them to the case at hand.

Councilmember Sharples moved to approve ARB Case No. 893F as presented. The motion was seconded by Councilmember Lynda Billa Burke and passed by unanimous vote.

*****Councilmember Sharples left the meeting at 6:10 p.m.*****

Item # 8 Mayor Rosenthal read the following caption.

Architectural Review Board Case No. 894F, request of La Pila Ventures, owner, for the significance review of the existing main structure located at 859 Estes Ave in order to demolish 100% of the existing single-family residence

Ms. Hernandez stated the Single-Family A zoned property is located at 859 Estes between Acacia St and Morse St. The applicant requests approval of a significance review in order to demolish 100% of the existing single-family residence. Due to the 100% demolition request, the request triggered the significance review under demolition. She reviewed the existing survey, demolition plan, existing conditions, streetscape, and surrounding area.

In terms of policy analysis, staff found no historical or architectural significance to the existing main structure. A replacement structure is not proposed at this time. Future construction of a single-family residence would be subject to a Compatibility Review by the ARB and approval by Council.

Ms. Hernandez commented the ARB considered the request at their April 18, 2023 meeting. The motion to declare the existing main structure as significant and recommend approval of a delay did not receive the four (4) affirmative votes as required per Section 2-48(a) of the City's Code of Ordinances: AYE (2), NAY (2), ABSTAIN (1).

Public notifications were mailed to property owners within a 200-foot radius. Notices were posted on the City's website and on the property. From property owners within the 200-foot radius, staff received one response in support and one in opposition. From property owners outside of the 200-foot radius, staff received one response in support and two in opposition.

Mayor Rosenthal asked to hear comments from citizens who signed up to speak on this item. He requested they stay within 3 minutes for comments to allow everyone an opportunity to speak.

- Mr. John Hertz, resident, stated he urged Council to delay the demolition. He suggested Council consider the differences between deconstruction and demolition. His concern was the release of asbestos in the air when older homes are demolished and suggested the city develop a program to incentivize developers to instead deconstruct these houses and make materials reusable. Mr. Hertz also suggested staff review current code of ordinances for updates.
- Ms. Lynden Kosub, shared she was a second generation resident and stated her father had built their Alamo Heights home which was later purchased and remodeled by Miles Caudill. She stated she and her family were happy Mr. Caudill kept the integrity of the home.
- Mr. David Brigham, resident, stated he was against the demolition and suggested the owner renovate the current home as it appeared to be quite preservable.
- Mr. Larry Gottsman, resident and member of the ARB, stated his home was built in 1888. It is one of the twelve original homes build in Alamo Heights and he couldn't imagine the demolition of these older homes. He suggested the owner consider renovating this home instead.
- Mr. Vincent Sullivan, stated he has worked on renovating several homes in the city and noted he would not demolish a home unless it was necessary. He advised the home in question was originally built in 1922; however, in the 60's or 70's, it was permanently modified and does not reflect the original style. He shared an engineering firm advised the existing residence is not structurally sound for reconstruction or renovation. He stated the heritage trees on the property could be preserved by relocating the driveway.

- Mr. Ray Romano, resident, stated he attended the ARB meeting and noted board members seemed to have their minds made up on the case before they heard it. He observed a disconnect between what the ARB is hearing and what the neighbors want. He shared he had renovated his home and encouraged the renovation of this home.

Mayor Rosenthal stated he had worked many hours with Ms. Sarah Reveley to identify centennial homes in the city, but did not know if there was anything in our code of ordinances that deemed these homes as historic and suggested Council go into executive session if they had any legal concerns with this case.

Mr. Lindner stated Council could request to go into executive session if they had any legal concerns; however, any deliberation should take place in open session. He explained the city's ordinance lists the criteria that should be considered and referenced a couple of standards that may apply, such as: *is the structure a significant part of the fabric of the community due to its age, unique architecture, historical significance, or physical placement; or has the structure been listed as having historic significance by any local, regional, state, or historical agency or society.* Mr. Lindner advised the ordinance does not list a standard that automatically qualifies "centennial" homes as exempt, Council must deliberate and decide to accept the ARB's recommendation or not.

*****Councilmember Bonner left the meeting at 6:40 p.m.*****

Mayor Rosenthal allowed additional comments from the audience.

- Mr. Larry Gottsman, spoke on behalf of the ARB. He stated there is no requirement for bringing conceptual drawings before the ARB/Council before a demolition is approved, but there's also nothing that states they can't bring a conceptual drawing to ARB/Council. He shared he was under the misconception that Mr. Caudill was going to show a conceptual drawing prior to posting the demolition sign on his property.
- Mr. Miles Caudill, project engineer, stated they would do their absolute best on this project and noted it was unfortunate that the property was not redeemable. He assured Council they would respect the neighborhood and Estes Street with their new design.

Mayor Pro Tem Jessee stated he understood the residents and agreed the current process is not perfect. He reiterated staff is working on updating the architectural review codes and ordinances to make a clearer process. He understands everything can be renovated; however, the process now, allows property owners to demolish and rebuild if they wish.

Councilmember Billa Burke suggested the developer work to keep the design of the new house compatible with the neighborhood. Councilmember Savage agreed and stated a residential design standards review is overdue.

After some discussion, Mayor Pro Tem Jessee moved to approve ARB Case No. 894F as presented. The motion was seconded by Councilmember Billa Burke and passed by 3-0 vote.

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Closed Session

Item # 9 Mayor Rosenthal read the following caption.

Executive Session as authorized by the Texas Government Code Section 551.071 (consultation with attorney) to discuss pending or contemplated litigation: Cause No. 2020-CI-04375; Gillespie Real Estate, Inc, et al v. Lead Funding, LLC.

The City Council of the City of Alamo Heights convened into Closed Executive Session at 6:55 p.m. and reconvened in Open Session at 7:02 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 # 10 Mayor Rosenthal read the following caption.

Discussion and possible action resulting from Executive Session

No action taken.

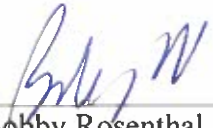
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With no further business to consider, Councilmember Billa Burke moved to adjourn the meeting at 7:03 p.m. The motion was seconded by Councilmember Savage and passed by a 3-0 vote.

PASSED AND APPROVED THIS 22nd DAY OF MAY, 2023.



Elsa T. Robles, TRMC
City Secretary



Bobby Rosenthal
Mayor

