

CITY OF ALAMO HEIGHTS
CITY COUNCIL
September 13, 2021

A regular meeting of the City Council of the City of Alamo Heights, Texas was held at the Council Chambers, located at 6116 Broadway, San Antonio, Texas, at 5:30 p.m. on Monday, September 13, 2021. A teleconference was held via Zoom; staff and meeting attendees were welcomed in the Council Chambers.

Composing a quorum were:

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

Also attending were:

City Manager Buddy Kuhn
Assistant City Manager Phil Laney
Community Development Services Director Lety Hernandez
City Attorney Frank J. Garza
City Attorney Richard Lindner
Assistant to City Manager Jennifer Reyna
City Secretary Elsa T. Robles – Via Zoom
Director of Finance Robert Galindo
Human Resources Manager Lori Harris – Via Zoom
Fire Chief Michael Gdovin – Via Zoom
Police Chief Rick Pruitt
Public Works Director Pat Sullivan – Via Zoom

Absent was:

Councilmember Blake M. Bonner

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

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Item # 1 Approval of Minutes

Mayor Bobby Rosenthal asked City Council for a motion to approve the August 18, 2021 Workshop Meeting minutes. Councilmember Wes Sharples moved to approve the minutes as presented. The motion was seconded by Mayor Pro Tem Lynda Billa Burke and passed by unanimous vote.

Mayor Rosenthal asked City Council for the approval of the August 23, 2021 City Council Meeting minutes. Councilmember Sharples moved to approve the minutes as presented. Councilmember John Savage seconded the motion and was passed by unanimous vote.

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Item # 2 Citizens to be heard

No comments made.

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Items for Individual Consideration

Item # 3 Mayor Rosenthal read the following caption.

Architectural Review Board Case No. 854F, request of Williams-Hirsch Custom Builders, applicant, representing Joel & Natalie Eary, owners, for the significance review of the existing main structure and compatibility review of the proposed design located at 231 Argo in order to demolish 100% of the existing residence and construct a new 1-1/2 story single-family residence under Demolition Review Ordinance

Community Development Services Department Director Lety Hernandez stated the SF-B zoned property is located at 231 Argo between Arbutus and Columbine. The applicant requests approval for 100% demolition of the existing home in order to construct a new 1-1/2 story single-family residence. Ms. Hernandez reviewed the existing and proposed site plans.

In terms of policy analysis, the existing total lot coverage is 28.5% and the proposed is 37.9% under the maximum allowed. The floor to area ratio is currently at 27.1% and the proposed is 46.5%, just under the allowed 50% for bonuses.

The Architectural Review Board (ARB) reviewed this case on August 17, 2021 where they found no significance and recommended approval of the demolition and compatibility request as submitted.

Public notifications were mailed to property owners within a 200-foot radius. Notices were posted on the City's website, mailed and posted on the property. Staff received four responses in support, and no other responses on this case. The applicant was present for questions.

Before voting, Mayor Rosenthal asked Ms. Hernandez to ensure the requestor does not go over the 50% Floor to Area ratio allowance during inspection/construction. Ms. Hernandez agreed.

Councilmember Lawson Jessee moved to approve ARB Case No. 854F as requested. The motion was seconded by Councilman Savage and passed by unanimous vote.

Item # 4 Mayor Rosenthal read the following caption.

Architectural Review Board Case No. 856F, request of Collin Stone of CR Stone Construction, LLC, applicant, representing Kuehler Investments, LLC, owner, for the significance review of the existing main structure located at 337 Ogden in order to demolish 100% of the existing residence under Demolition Review Ordinance

Ms. Hernandez stated the SF-B property is located at 337 Ogden at the corner of Arbutus. The significance request is for 100% demolition of the existing residence. She reviewed the existing site plan and pictures of the existing structure.

The ARB also reviewed this case on August 17, 2021 where they found no significance and recommended approval of the demolition.

Public notifications were mailed to property owners within a 200-foot radius. Notices were posted on the City's website, mailed and posted on the property. Staff received no responses on this case. The applicant was present for questions.

Councilmember Sharples moved to approve ARB Case No. 856F as requested. The motion was seconded by Councilmember Savage and passed by unanimous vote.

Item # 5 Mayor Rosenthal read the following caption.

Architectural Review Board Case No. 857F, request of Lyndsay Thorn, Architect, of Thorn Architects, PLLC, applicant, to modify the exterior facades of the existing commercial structure at the property located at 6011 Broadway under Chapter 2 Administration for Architectural Review

Ms. Hernandez stated the B-1 zoned commercial property is located at 6011 Broadway, South of Albany at Montclair. The applicant requests to modify the exterior façades of the existing structure. Ms. Hernandez noted the applicant previously received permitting for interior modifications. She reviewed the existing building exteriors and proposed modifications. Ms. Hernandez added signage is not being considered at this time.

The ARB reviewed this case on August 17, 2021 and unanimously recommended approval of the exterior modifications as request.

Public notifications were mailed to property owners within a 200-foot radius. Notices were posted on the City's website, mailed and posted on the property. Staff received four responses in support, and no other responses on this case. The applicant's representative was present for questions.

Mayor Pro Tem Billa Burke moved to approve ARB Case No. 857F as requested. The motion was seconded by Councilmember Sharples and passed by unanimous vote.

Item # 6 Mayor Rosenthal read the following caption.

Ms. Hernandez stated staff did not re-notice property owners within the 200-foot radius; however, no additional notices were received. Staff had previously received 14 responses in opposition. The owner was present for questions.

City Manager Buddy Kuhn confirmed he and staff had a productive meeting with property owner Chris Gillespie, and project architect Felix Ziga. They discussed the concerns of staff and neighbors'. Mr. Kuhn stated the neighbors just want the project finished. During discussion, missteps were identified and the group agreed on a path to move forward. Mr. Kuhn added the property owner requested to meet with one of the neighbors, but was declined.

Mr. David Denton, attorney representing owner Chris Gillespie, briefed Council regarding the property located at 173 E. Oakview. He stated the property is currently owned by the lender and is tied up in litigation. He added the case will go to trial in the winter or early spring.

Mayor Rosenthal gave citizens the opportunity to speak on the item.

Resident Matt Bishop expressed opposition because the builder continues construction on a second house. The first and second homes have not been completed and are an eye sore and a nuisance in the neighborhood. Mr. Bishop stated he has lost confidence the builder will finish either of these projects and asked Council to protect the neighborhoods in the City of Alamo Heights and deny this request.

The City Attorney advised Council, per the Code of Ordinances, past performance or incomplete projects are not elements that should be considered in approving or denying Mr. Gillespie's request. These are the same elements the ARB reviewed in making their decision to recommend approval.

Councilmember Jessee understood the neighbors' concerns and asked Mr. Gillespie why this project would be different from the previous unfinished projects.

Mr. Gillespie explained he was not the owner of the first project at 164 E. Oakview. He was partners with the owner who ran out of money during the pandemic. The house went into foreclosure, but he has since purchased it. Mr. Gillespie stated he has funds to complete the project and satisfy the neighbors' concerns. He noted the construction at 173 E. Oakview was consistent until he encountered issues with the lender and had to stop. Mr. Gillespie stated he should not be held accountable for the initial project at 164 E. Oakview since he was not the responsible owner at the time. He added the goal is to complete the project; however, if Council denies his request, the property will continue to be an eye sore in the neighborhood.

Ms. Hernandez explained the permitting process and stated Mr. Gillespie could start the project within a month if all paperwork was approved. Mr. Kuhn agreed and reiterated staff had discussed project concerns with Mr. Gillespie and he had agreed to address them.

Mayor Rosenthal stated this was a difficult case because of past history and the applicant's involvement, but asked Council to decide.

Councilmember Sharples moved to approve ARB Case No. 853F as requested. The motion was seconded by Councilmember Savage and passed by unanimous vote.

Item # 8 Mayor Rosenthal read the following caption.

Public Hearing – Planning and Zoning Case No. 415, a request to rezone a portion of the property identified as CB5600, BLK 2, LOTS 46.66ft of 24, all of 25-27, and W 25ft of 28, also known as 111, 119, & 131 Katherine Ct, from B-1 (Business District) to MF-D (Multi-Family)

Ms. Hernandez stated the applicant is seeking to rezone a portion of property currently known as 111, 119, & 131 Katherine Court from B-1 (Business District) to MF-D (Multi-family District) in order for the entire property to have the same zoning designation. The property is located on the north side of Katherine Court between Broadway and N New Braunfels. It consists of several lots and currently has two (2) different zoning designations. Ms. Hernandez reviewed a map of the property location.

Ms. Hernandez advised the proposed zoning change from MF-D (Multi-family District) would be more restrictive use than the current B-1 (Business District) zoning designation and would align with zoning of surrounding properties.

The Planning & Zoning Commission (P&Z) considered the request at the September 07, 2021 meeting and voted to recommend approval of the rezoning as requested.

Public notifications were mailed to property owners within a 200-foot radius. Notices were posted on the City's website, mailed and posted on the property. A legal notice was published in official newspaper of the City, the *San Antonio Express News*. Staff received eight responses in support, and one in opposition from property owners within the 200-foot radius. Staff also received one response in support, and two in opposition from property owners outside the 200-foot radius. The applicant was present for questions.

Mayor Rosenthal opened the public hearing at 6:07 p.m. With no one to speak on the item, Mayor Rosenthal closed the public hearing at 6:08 p.m.

Item # 9 Mayor Rosenthal read the following caption.

Discussion and possible action on Planning and Zoning Case No. 415, a request to rezone a portion of the property identified as CB5600, BLK 2, LOTS 46.66ft of 24, all of 25-27, and W 25ft of 28, also known as 111, 119, & 131 Katherine Ct, from B-1 (Business District) to MF-D (Multi-Family)

Mayor Pro Tem Billa Burke moved to approve Planning and Zoning Case No. 415 as requested. The motion was seconded by Councilmember Sharples and passed by unanimous vote.

Item # 10 Mayor Rosenthal read the following caption.

Public Hearing – Planning and Zoning Case No. 416, a request to replat the properties currently known as 111, 119, 131 & 135 Katherine Ct, identified as CB 5600, BLK 2, LOTS 46.66ft of 24, all of 25-27, and W 25ft of 28, and 135 Katherine Ct, identified as CB 5600, BLK 2, LOT 29 and E 25th of 28

Ms. Hernandez stated the applicant is seeking to replat the existing lots into one (1) new lot for future development. She reviewed the property's current location, existing plat, and proposed replat.

Ms. Hernandez noted the proposed replat meets all technical requirements listed in Chapter 3 Zoning and Chapter 17 Subdivision Code of the City's Code of Ordinances. CPS, SAWS, and Public Works approved the proposed replat regarding utilities and easements.

In reference to policy analysis, the demolition of the existing structures will be considered at ARB meeting on September 21, 2021. The P&Z Commission considered the request on September 07, 2021 and recommended approval of the replat with the following conditions: all requisite variances are granted by the Board of Adjustment (BOA) and the ARB approves the compatibility and character.

Public notifications were mailed to property owners within a 200-foot radius. Notices were posted on the City's website, mailed and posted on the property. A legal notice was published in official newspaper of the City, the *San Antonio Express News*. Staff received three responses in support, and eight in opposition from property owners within the 200-foot radius. Staff also received four in opposition from property owners outside the 200-foot radius. The applicant was present for questions.

City Attorney Frank Garza stated he was present at the P&Z Commission meeting on September 7, 2021. During that meeting he advised the Commission regarding the 2019 legislation and how it had removed a lot of the governing bodies discretion. He realized he hadn't been clear enough about their abilities on this case. Mr. Garza advised Council the proposed project should not be taken into consideration when deciding to approve or deny an application. When a plat or replat is being considered, the governing body should identify if the plat meets all the technical requirements of the City's ordinances. Mr. Garza noted Ms. Hernandez reported the plat did meet all the requirements. In his legal opinion, Council cannot not accept the conditions placed by the P&Z Commission in making their decision. Council's options are to deny or approve the request; however, if Council denies the request, they must specifically state why the applicant did not meet the requirements of the ordinance. Any conditions place by Council would apply only if the applicant failed to meet the technical requirements.

Mayor Rosenthal thank Mr. Garza for clarifying. He stated he would allow the public to speak on the item for 3 minutes and reminded Council they need to make their decision based on the replat and not the proposed project.

Mayor Rosenthal opened the public hearing at 6:18 p.m. and asked to hear comments from citizens who signed up to speak.

- Mr. James Loyd, resident, wanted to offer his apologies to the applicant for unprofessional comments that were made. He is opposed to the project. In his opinion is too large and will loom over the neighborhood.
- Mr. Michael McGuire, resident, stated he was opposed to the project and agreed it was too large for Katherine Ct. He specifically opposed the number of dwellings being proposed for the project.
- Sister Jane Farek, resident, she stated the proposed 3-story structure would be incompatible next to their 100-year-old single family home. Sister Jane expressed concern with their driveway being used by the residents in the new building. She was also concerned with the noise level the new development would bring. She added there should be a compromise between the developer and the neighbors.
- Ms. Joan Cunningham, resident, noted concerns regarding the replat not being compatible to the rest of the properties on Katherine Ct. She stated the project should mimic the surrounding properties. The proposed development is not representative of the City of Alamo Heights' small-town feel or spirit of the ordinance.
- Mr. John Feitshans, resident, expressed his concern with the size of the proposed building. He noted college students may reside in the new complex and add to noise nuisance and over-crowding of the street.
- Ms. Elizabeth Yost, resident, opposed the project and stated the development would cause congestion and crime on the street. She expressed the project looked more like a college dorm and didn't want to live across something like this. She stated she and other residents are interested in coming to the table with the developer and come to an agreement on this project.
- Ms. Deb Prost, resident, stated the proposed building looks like a private dorm for college students and may set a precedence for other developments in the City. Ms. Prost reiterated the project will bring potential congestion on the street and hoped the City considers other issues this development will cause. She and other residents are interested in meeting with the developer and other stakeholders to compromise on this project.
- Mr. Javier Altamirano, resident, stated he and his wife chose their home on Katherine Ct as their final residence. He asked Council to take the neighbors' concerns into consideration before deciding on this project.
- Mr. Freddie Longoria, resident, is in opposition of the new development. He also apologized to the applicant for any negative comments shared. Mr. Longoria stated Council should consider if the replat truly meets all ordinance measures related to the development.
- Ms. Marie Longoria, resident, is opposed to the replat. She asked the architect to slow down, study the neighborhood, and propose something more compatible to the area.

- Ms. Joan Cunningham, resident, expressed she wasn't clear with what technicalities needed to be met to approve the plat and requested them to be shared.

Ms. Hernandez summarized the plat needs to meet size and frontage requirements, property easements must be recorded, the plat must be approved by CPS who may establish additional easements, utilities such as water, sewer, etc. must be approved, as well as other plat requirements set by the engineer.

Mayor Rosenthal requested to hear citizens waiting on Zoom to speak on this item.

- Ms. Margaret Engle, resident, stated no other lots on Katherine Ct were the size of the proposed plat. The massive replat is to develop a massive building that will not be compatible with the City's vision. She asked Council to consider the size of the proposed structure and discuss options to deny the replat with the City Attorney.
- Ms. Patience McGuire, resident, stated she understands the governing bodies do not have the legal standing to deny the project, but agreed residents and the developer should compromise.
- Ms. Dora Leal, resident, suggests Council hold off on approving the replat before hearing all the neighbors being affected by this project. Like other citizens, she agreed neighbors should compromise with the developers.

With no further comments, Mayor Rosenthal closed the public hearing at 7:04 p.m.

Item # 11 Mayor Rosenthal read the following caption.

Discussion and possible action on Planning and Zoning Case No. 416, a request to replat the properties currently known as 111, 119, 131 & 135 Katherine Ct, identified as CB 5600, BLK 2, LOTS 46.66ft of 24, all of 25-27, and W 25ft of 28, and 135 Katherine Ct, identified as CB 5600, BLK 2, LOT 29 and E 25th of 28

Councilmember Sharples asked for clarification regarding the technical requirements of the replat. Mr. Lindner stated the requirements are about access and utilities, not about the project itself. Ms. Hernandez advised there is no difference in processing plats or replats per the City's ordinance.

Mr. Lindner advised per State law, the P&Z Commission had 30 days to accept or deny the request after it was heard. If no action is taken within that time, the plat is automatically approved. It is the same process with the City Council.

Mayor Pro Tem Billa Burke agreed residents and other stakeholders should meet with the developer and come to an agreement. She stated she had concerns with parking, but noted that apartments do regulate parking spaces.

After some discussion, Councilmember Jessee moved to approve Planning and Zoning Case No. 416 as requested with no conditions. The motion was seconded by Councilmember Savage and passed by unanimous vote.

Item # 12 Mayor Rosenthal read the following caption.

RESOLUTION NO. 2021R-137

A RESOLUTION APPROVING AN INTERLOCAL COOPERATION AGREEMENT WITH THE ALAMO AREA METRO SWAT TEAM AND AUTHORIZING THE CITY MANAGER TO EXECUTE SAID CONTRACT; INCORPORATING RECITALS; PROVIDING FOR SEVERABILITY AND SETTING AN EFFECTIVE DATE

Police Chief Rick Pruitt reported staff is seeking approval of a new Resolution to replace Resolution 2014R-067 passed in September 2014 creating an Interlocal Cooperation Agreement for participation in the Alamo Area Regional SWAT Team.

The City of Alamo Heights Police Department has been an active member of the former Randolph Area Metro Emergency Response Team since 1999. Resolution 2014R-067 created a formal Interlocal Cooperation Agreement under the name Alamo Area Metro SWAT Team. It included the City of Converse, Judson ISD, City of Live Oak, City of Selma, City of Universal City and the City of Windcrest. New members joined the team, including the Kirby Police Department in 2019 and Cibolo Police Department in 2021. The proposed resolution is updated to include all the members. Advantages to adding personnel and assets will improved response and capabilities.

Participating members pay \$6,500 annually. This will bring an additional \$13K per year. Police Chief Pruitt stated this has enable the team to purchase other assets and equipment, replenish expendable items used in deployments and training, and helped with specialized training needs.

In terms of policy analysis, the Interlocal Agreements are authorized by the Texas Government Code Section 791.001 and Texas Local Government Code Section 362. Participation in this program provides for a high level of emergency response services to all participating cities.

Police Chief Pruitt noted an oversight committee comprised of police chiefs from all participating cities coordinated the agreement. The City Attorney and City Manager reviewed the agreement and the resolution was prepared by the City Attorney. If approved, the Mr. Kuhn will execute the agreement.

Councilmember Jessee moved to approve Resolution No. 2021R-137 as requested. The motion was seconded by Councilmember Sharples and passed by unanimous vote.

Item # 13 Mayor Rosenthal read the following caption.

RESOLUTION NO. 2021R-138

A RESOLUTION APPROVING AND AUTHORIZING THE CITY MANAGER TO EXECUTE A THREE-YEAR CONTRACT WITH OLAMETER CORPORATION FOR WATER METER READING SERVICES; AND SETTING AN EFFECTIVE DATE

Finance Director Robert Galindo stated this is a resolution authorizing the City Manager to execute a three-year contract with Olameter Corporation for water meter reading services. The City of Alamo Heights entered into an agreement with Olameter Corporation to provide water meter reading services on August 1, 2016 for a three-year term with automatic renewals. The contract was amended to a five-year agreement in January 2018 and expired July 31, 2021. The City and Olameter Corporation would like to renew the agreement for water meter reading services.

Mr. Galindo advised the renewal would be for a three-year term and includes an 8% price increase for the first year with annual price adjustments approved by both the City and Olameter for years 2 and 3. The estimated monthly cost would be about \$1,660 per month or about \$20,000 for the first year.

Mr. Galindo noted the City Attorney had reviewed the resolution and asked Council to consider the resolution approving and authorizing the City Manager to execute a three-year contract with Olameter Corporation for Water Meter Reading Services.

Councilmember Savage moved to approve Resolution No. 2021R-138 as requested. The motion was seconded by Mayor Pro Tem Billa Burke and passed by unanimous vote.

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With no further business to consider, Councilmember Sharples moved to adjourn the meeting at 7:25 p.m. The motion was seconded by Councilmember Jessee and passed by unanimous vote.

PASSED AND APPROVED THIS 27th DAY OF SEPTEMBER, 2021.


Elsa T. Robles, TRMC
City Secretary


Bobby Rosenthal
Mayor