

CITY OF ALAMO HEIGHTS
CITY COUNCIL
October 21, 2024

A special 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 8:30 a.m. on Tuesday, October 21, 2024. A teleconference was held via Zoom; staff and meeting attendees were welcomed in the Council Chamber.

Composing a quorum were:
Mayor Pro Tem Lynda Billa Burke
Councilmember Lawson Jessee
Councilmember Karl P. Baker
Councilmember Trey Jacobson

Also attending were:
City Manager Buddy Kuhn
Assistant City Manager Phillip Laney
City Attorney Richard Lindner
Assistant to City Manager Jennifer Reyna
Police Chief Rick Pruitt
Fire Chief Michael Gdovin
Public Works Director Frank Orta
Human Resources Manager Brenda Jimenez
Code Compliance Officer Rick Ayala

Not attending:
Mayor Bobby Rosenthal
Councilmember Blake M. Bonner
Director of Finance Robert Galindo
City Secretary Elsa T. Robles
Community Development Services Director Lety Hernandez

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Mayor Pro Tem Lynda Billa Burke opened the meeting at 8:32 a.m.

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Items for Individual Consideration

Item # 4 Mayor Pro Tem Billa Burke read the following caption.

ORDINANCE NO. 2230

AN ORDINANCE GRANTING A ONE-TIME VARIANCE WITH CONDITIONS FROM CITY CODE OF ORDINANCES FOR HAUNTED HOUSE TO BE LOCATED AT 308 ARGO; PROVIDING FOR SEVERABILITY; AND SETTING AN EFFECTIVE DATE.

Assistant City Manager Phillip Laney stated the item is to consider granting a one-time variance with conditions from the city code for a haunted house at a private residence, located 308 Argo. Under the variance conditions, the owner would assume all liability and risk for the safety of the event and the structure associated with it. In additions, there are safety requirements and conditions that would be included, a pre-event safety inspection and a fire watch during the actual event which would take place on Halloween night. He noted this one-time variance is specifically for the property at 308 Argo. Mr. Laney continued and shared staff will seek to amend the city's code of ordinances in FY 2025 to address future requests for temporary haunted houses in residential areas.

Mayor Pro Tem Billa Burke asked to hear the citizens' comments.

- Ms. Christina De La Cruz, resident, and property owner at 308 Argo, stated the haunted house is a temporary structure and will be a 1-day event with the proposed hours of 6:00 PM to 10:00 PM. She indicated they have kids arriving before 6:00 PM and would like Council to consider a start time of 5:00 PM without penalties or fines of \$2,000 as noted in the ordinance. Additionally, the ordinance indicates the structure must be taken down November 10, 2024 by 5:00 PM. She was concerned about not meeting that deadline and being fined \$2,000. Ms. De La Cruz asked the city to consider providing assistance for onsite fire safety and requested the structure be inspected a few days before the event takes place to ensure they are in compliance and are able to open on time. She commented staff intends to amend the code of ordinances pertaining to the haunted house in 2025, but currently there is nothing in the code to amend because it does not exist.
- Mr. Chris Sandoval, resident, stated he was in support of the variance, and would hate to see them not able to pursue this event.
- Ms. Susan Flores, resident, stated many families enjoy the annual event and would hate to see the haunted house go down this year.

City Attorney Richard Lindner addressed Ms. De La Cruz's concerns with the ordinance. He stated the operation hours are completely within City Council's discretion and can be amended by verbal motion if they decide. There is an enforcement option if they violate the terms of the variance, there are fines built in which would go through the municipal prosecution's office and would be up to the discretion of the prosecutor and municipal judge.

Mr. Lindner addressed the fire watch and fees associated and did not know if the city was willing to provide it for free. If an independent firefighter is hired, the goal is to make sure they have some licensure requirement and not a random person. He stated a communications plan is necessary so that the city can respond quickly in the event of a fire or emergency. He added the ordinance allows the haunted house to be demolished within 10 days of the event, by November 10, 2024. If the applicant does not meet the deadline, they would be issued fines per the ordinance.

Councilmember Lawson Jessee stated he had no problem with the event starting at 5:00 PM and asked the City Manager if the city could cover the cost of the firefighters this time.

City Manager Buddy Kuhn commented staff had contacted the applicant and explained the city would waive the special event permit fee. He added he had no issue with the earlier start time and providing fire watch free of charge if Council approves.

Mr. Kuhn addressed the issue of the haunted house not being in the city's code. He added it is in the code because it is a temporary structure. However, the structure would need to be 120 square feet or less to be exempt, but it is not, and staff does not have the authority to move forward without Council approval.

Councilmember Karl P. Baker stated Council is considering making a special allowance and addressed the proposed tear-down date of November 10th. He noted there should be a general interest in getting the structure removed quickly and asked if the applicant could get volunteers to come and help.

Mr. Richard De La Cruz, owner, addressed Council and stated weather permitting, he tried to get the structure down as quickly as possible during the weekend, but two weekends may not be enough and requested another week.

Councilmember Trey Jacobson stated from start to finish this temporary structure will remain on the property for eight weeks or more. He commented, thinking beyond this situation and the city's code, other types of temporary event situations may emerge in the future; however, other neighbors may not be as supportive in other parts of the city to have temporary structures up for such an extended period of time. He added it was not a matter of convenience, but more so bringing back the norm to the community.

Councilmember Jacobson noted he was okay extending the tear-down date until November 17th this one time but going forward he would not support such a lengthy period of time. He was concerned about granting variances like this is because it creates precedent. He requested Council and staff create an ordinance at the beginning of the year to address these types of requests. Councilmember Baker agreed.

After a brief discussion Mayor Pro Tem Billa Burke urged applicants to speak to city staff sooner rather than later when planning their events and asked for a motion.

Councilmember Jessee moved to approve Ordinance No. 2230 with modifications of:

- Operation date & time – October 31, 2024 from 5:00 PM to 10:00 PM
- The city will cover the cost of the fire watch
- Tear-down date deadline – November 17, 2024 by 5:00 PM
- No charge for the special event permit


The motion was seconded by Councilmember Jacobson and passed by unanimous vote.

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With no further business to consider, Councilmember Baker moved to adjourn the meeting at 9:00 a.m. The motion was seconded by Councilmember Jessee and passed by unanimous vote.

PASSED AND APPROVED THIS 28th DAY OF OCTOBER, 2024.


Elsa T. Robles, TRMC
City Secretary


Lynda Billa Burke
Mayor Pro Tem

