

CITY OF ALAMO HEIGHTS
CITY COUNCIL
June 10, 2024

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, June 10, 2024. 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 Blake M. Bonner
Councilmember John Savage

Also attending were:
City Manager Buddy Kuhn
Assistant City Manager Phil Laney
City Attorney Jessie Lopez
Director of Finance Robert Galindo
City Secretary Elsa T. Robles
Police Chief Rick Pruitt
Fire Chief Michael Gdovin
Deputy Police Chief Cindy Pruitt
Community Development Services Director Lety Hernandez
Public Works Director Frank Orta

Not attending:
Councilmember Karl P. Baker
Assistant to City Manager Jennifer Reyna

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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 Rosenthal asked the City Council for a motion on the May 28, 2024 Special City Council Meeting minutes. Mayor Pro Tem Lynda Billa Burke moved to approve the minutes as presented. The motion was seconded by Councilmember Blake M. Bonner and passed by unanimous vote.

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Item # 2 Announcements

Mayor Rosenthal read the following caption.

a. Strategic Action Plan Work Session, June 13, 2024

City Secretary Elsa T. Robles announced Council and staff will hold a Strategic Action Plan work session on Thursday, June 13th in the council chamber starting at 8:30 a.m. It is open to the public and will be accessible via Zoom and social media.

b. Cancellation of July 22, 2024 Council Meeting

Ms. Robles announced the cancellation of the July 22nd Council meeting due to the Budget work session being held on Thursday, July 18th at 8:30 a.m. She stated this work session is also open to the public and will be accessible via Zoom and social media.

c. Annual 4th of July Parade, Thursday, July 4, 2024

Assistant City Manager Phillip Laney announced the 54th annual 4th of July parade, will be on Thursday, July 4th. Assembly will begin at 9:45 a.m., with the parade starting at 10:00 a.m. People will gather at the intersection of Estes and Patterson and make their way down towards Cathedral Park. He invited the public to join in on patriotic songs and enjoy refreshments after the parade. He encouraged everyone to wear their red, white, and blue.

d. Stage 4 Water Restrictions

Mr. Laney stated he had an additional announcement regarding recent Stage 4 Water Restrictions implemented by the Edwards Aquifer Authority (EAA) late the previous week. He advised additional updates will be provided in the future, but staff wanted the public to be aware the City was now in Stage 4 Water Restrictions.

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Item # 3 Citizens to be Heard

No citizen comments made.

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Items for Individual Consideration

Item # 4 Mayor Rosenthal read the following caption.

Architectural Review Board Case No. 934F, request of Dave Isaacs of Dave Isaacs Homes, applicant, representing Adham Abdelfattah, owner, for the significance review of the existing main structure located at 434 College Blvd in order to demolish 100% of the existing single-family residence

Community Development Services Department Director Lety Hernandez stated the Single-Family A property is located on the south side between Woodway Ln and Imlay St. The applicant requests approval for a significance review of the existing main structure to demolish 100%.

Ms. Hernandez stated a significance review was required due to the removal/encapsulation of more than twenty-five (25) percent of the framed structure of exterior walls facing public streets, or a street-facing elevation if the tract of land is landlocked and due to the removal/encapsulation of more than fifty (50) percent of the framed structure of all exterior walls and/or roofs.

Ms. Hernandez presented the proposed demolition plan and existing conditions. She noted a replacement structure is not proposed at this time; however, future construction of a single-family residence would be subject to a Compatibility Review by the Architectural Review Board (ARB) and approval by City Council.

The ARB considered the request at their May 21, 2024 meeting and voted unanimously to declare the existing main structure as not significant and recommended approval of the demolition as requested.

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 one response in support and one in opposition. The opposing response was concerning the applicant keeping the replacement structure within the approved plans.

Councilmember Bonner moved to approve ARB Case No. 934F. The motion was seconded by Mayor Pro Tem Billa Burke and passed by unanimous vote.

Item # 5 Mayor Rosenthal read the following caption.

Architectural Review Board Case No. 936F, request of Dave Isaacs of Dave Isaacs Homes, applicant, representing Jorge Contreras, owner, for the significance review of the existing main structure located at 318 Tuxedo Ave in order to demolish 100% of the existing single-family residence

Ms. Hernandez stated the Single-Family A property is located on the north side between Woodway Ln and Nacogdoches Rd. The applicant requests approval for a significance review of the existing main structure to demolish 100%.

As in the previous case, Ms. Hernandez explained a significance review was required due to the removal/encapsulation of more than twenty-five (25) percent of the framed structure of exterior walls facing public streets, or a street-facing elevation if the tract of land is landlocked and due to the removal/encapsulation of more than fifty (50) percent of the framed structure of all exterior walls and/or roofs.

Ms. Hernandez presented the proposed demolition plan and existing conditions. She stated a replacement structure is not proposed at this time. Any future construction of a single-family residence would be subject to a Compatibility Review by the ARB and approval by Council.

The Architectural Review Board considered the request at their May 21, 2024 meeting and voted unanimously to declare the existing main structure as not significant and recommended approval of the demolition as requested.

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 and none in opposition.

Councilmember Bonner moved to approve ARB Case No. 936F. The motion was seconded by Mayor Pro Tem Billa Burke and passed by unanimous vote.

Item # 6 Mayor Rosenthal read the following caption.

Architectural Review Board Case No. 935F, request of Dave Isaacs of Dave Isaacs Homes, applicant, representing Jorge Contreras, owner, for the significance review of the existing main structure located at 215 Canyon Dr in order to demolish 100% of the existing single-family residence

Mayor Rosenthal announced the item was withdrawn by the applicant on June 4, 2024 and no discussion or action would be taken by the City Council.

Item # 7 Mayor Rosenthal read the following caption.

Architectural Review Board Case No. 914F, request of Lisa Nichols of Nic Abbey Homes, owner, for the significance review of the existing main structure located at 231 Encino Ave in order to demolish 100% of the existing single-family residence

Ms. Hernandez stated the Single-Family A property is located on the east side of Encino between Mayflower St. and Mary D Ave. The applicant requests approval for a significance review of the existing main structure to demolish 100%.

Ms. Hernandez stated a significance review was required due to the removal/encapsulation of more than twenty-five (25) percent of the framed structure of exterior walls facing public streets, or a street-facing elevation if the tract of land is landlocked and due to the removal/encapsulation of more than fifty (50) percent of the framed structure of all exterior walls and/or roofs.

Ms. Hernandez provided background information regarding the case. On January 16, 2024, the ARB voted unanimously to declare the main structure as significant and recommended denial of the demolition as requested. On February 12, 2024, the City Council voted to enact the first 90-day delay which would expire on May 12, 2024. Before the expiration, on April 29, 2024, the City Council voted to enact a second 60-day delay, due to expire on June 28, 2024. Council is required to hear the request before the second delay expires.

Ms. Hernandez reviewed the existing survey and conditions. She noted the applicant has actively marketed the property since the initial delay was enacted. Staff has not received any additional updates since the Council meeting in April. Per Section 5-135(a) - The enactment of the second 60-day delay meets the maximum one (1) extension allowed and requires that the demolition review be approved.

Ms. Hernandez stated the initial public notifications were mailed to property owners within a 200-foot radius. Notices were posted on the City's website and on the property. No new responses have been received. Staff initially received one response in support and eight in opposition. Outside of the 200-foot radius, none were received in support and eleven were received in opposition, with one neutral response.

Mr. Frank Burney, attorney representing Ms. Lisa Nichols, stated they voluntarily accepted the additional 60-day demolition delay as enacted by Council in the best interest of the community. He stated they tried their best to try to market the property through Phyllis Browning and have received no bids. Mr. Burney assured Council they have tried to produce a solution, but unfortunately, were not able to find a solution. At this time, they want to move forward with the demolition and asked Council to approve the demotion as requested.

Mayor Rosenthal commented that he was surprised no one signed up to speak but understood the applicant had been collaborating with them for some time now. He noted City Council is aware of their position and can approve the demolition or deny and face the applicant in court.

Councilmember Jessee stated the applicant followed the city's processes and there was nothing the City Council could do other than look at the processes going forward. He added staff would be speaking later about historic districts and coupling demolitions along with future designs.

Mayor Rosenthal asked to hear comments from the audience.

- Ms. Sarah Reveley, resident, stated she didn't understand why the ARB was allowed to recommend preservation when it is not in the city code.

Ms. Hernandez clarified the ARB had recommended denial of the demolition and City Council enacted the 90-day and 60-day delays. City Manager Buddy Kuhn advised Council's option was a max two 90-day delays, with no more than 2 cumulative delays per State law.

Councilmember Bonner moved to approve ARB Case No. 914F. The motion was seconded by Mayor Pro Tem Billa Burke and passed by unanimous vote.

Item # 8 Mayor Rosenthal read the following caption.

Public Hearing. Concerning an ordinance amending Chapter 5, Building and Building Regulations, Article IX. - Demolition of the City's Code of Ordinances

Assistant City Manager Phillip Laney stated the following item amends the City Demolition Review procedures. The presentation is a follow-up on staff reports provided on the same topic back in April of this year.

Mr. Laney stated the proposed amendment to the City's demolition review procedures is intended to provide more information to the ARB, City Council, and the general public during

deliberations for proposed demolition of structures. The current procedure allows for the review of demolitions for significance without reviewing the proposed new and/or renovated replacement structure. He explained the demolition review process and procedures are outlined in Chapter 5 of the City's code. There are two processes, one is for significance review where structures proposed for demolition are reviewed by the ARB and City Council to determine if the structure proposed for demolition has a significance as defined by certain criteria within the code. The second review process is for compatibility, and that is for the proposed structure, new structure, or renovations. The ARB and Council also review it to determine if the new replacement structure demonstrates compatibility with surrounding structures/neighborhood.

Mr. Laney commented the code is clear, the demolition review process is intended to have both reviews concurrent within the same process, one for compatibility and for significance. However, it goes on to say it allows the processes to be split if requested by the applicant. This creates a situation where there are proposals for demolition that do not offer design ideas for the replacement structure which lacks information for the decision makers who are reviewing these cases. Mr. Laney added staff presented a report on proposed changes to the code in April of this year and also provided a similar staff report to the ARB in May who were supportive of the proposal.

Mr. Laney reviewed the proposed changes which would amend the city code to ensure that during the demolition review process significance and compatibility would be done at the same time instead of separately. An applicant submitting their application for a demolition would also have to submit the application for compatibility. Additionally, staff proposes some language changes in the code to reaffirm the reasons Council could choose to issue a demolition delay when reviewing a demolition case.

In closing, Mr. Laney stated the demolition review procedures are defined in Chapter 5, Building and Building Regulations, Article IX – Demolition and it is in the City's interest to ensure relevant information is made available when considering demolition proposals. He noted the proposed amendments were coordinated with the City Attorney and City Manager. The proposal has no fiscal impact on the City.

Mayor Rosenthal opened the public hearing at 5:53 p.m.

- Mr. Mike McGlone, resident, stated he was a former ARB Chair and strongly encouraged City Council to consider the proposed changes in language to the Code of Ordinances as pertaining to demolitions.
- Mr. John Joseph, resident, asked City Council who would decide what structures are significant or not. He asked if clarification could be incorporated into the proposed changes.

Mayor Rosenthal commented Council would consider the ARB's determination and recommendation as to what was architecturally significant; however, this is why the Texas Historical Commission was invited to speak later tonight.

To discourage demolitions, Mr. Joseph suggested staff look at the City of San Antonio's ordinance where they require an applicant seeking demolition to list the property for sale for one year before they approve demolition.

Ms. Hernandez added the significance of a structure is determined by the ARB based on information provided by the applicant. She stated, unfortunately, in the majority of cases, staff does not receive that information, but it is something that should be required as part of the application process going forward.

- Ms. Sarah Reveley, resident, stated she researched the San Antonio registry for historic or centennial homes in Alamo Heights. She added there was a list of things to look for when determining a significant structure.
- Ms. Ashley Armes, resident and ARB member, stated was very encouraged by the conversation but did not think the applicant is the best person to submit significance information for a project.

Mayor Rosenthal closed the public hearing at 6:12 p.m.

Item # 9 Mayor Rosenthal read the following caption.

ORDINANCE NO. 2222

AN ORDINANCE AMENDING CHAPTER 5, BUILDING AND BUILDING REGULATIONS, ARTICLE IX – DEMOLITION, OF THE CODE OF ORDINANCES, TO AMEND DEMOLITION REVIEW PROCESS TO REQUIRE CONCURRENT REVIEW OF PROPOSED REPLACEMENT STRUCTURE; REPEALING ALL PARTS OF ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AN OPEN MEETINGS CLAUSE; AND AN EFFECTIVE DATE.

Councilmember Jessee summarized the goals of the proposed ordinance. He stated it would give the ARB another tool when reviewing a proposed demolition. It should not increase the schedule for a typical homeowner but should protect the neighborhood down the road.

Councilmember Bonner stated in some cases, there are homes that are too dilapidated and should be demolished. He added he did not want see things needlessly torn down but did not want to see structures needlessly left up, either.

After some discussion, Councilmember Jessee moved to approve Ordinance No. 2222 as presented. The motion was seconded by Mayor Pro Tem Billa Burke and passed by unanimous vote.

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Staff Reports

Item # 10 Mayor Rosenthal read the following caption.

A presentation from Kelly Little of the Texas Historic Commission concerning Historical Preservation Districts

Mr. Kuhn stated he and other staff met with Ms. Kelly Little of the Texas Historic Commission a few months ago and learned of some of the local options available. He introduced Ms. Little who presented the information to City Council.

Ms. Little introduced herself and said she was the certified local government coordinator at the Texas Historical Commission, and wanted to speak about the tools that local governments such as Alamo Heights could use to identify, preserve and protect historic buildings and neighborhoods. She added the Texas Historical Commission is the State Agency for historic preservation, and has a mission is to protect and preserve the State's historic and prehistoric resources for the use, education, enjoyment, and economic benefit of present and future generations. The organization administers a number of programs around the State, such as the National Register of Historic Places program, State and Federal tax incentives for rehabilitations of historic properties.

Ms. Little explained, the National Register of Historic Places was a list of the nation's historic properties that are worthy of historic preservation. However, listing a home in the National Register did not place any restrictions on private property owners. It can make a property eligible for certain types of grant programs or for tax incentives and gives them a special planning process that federal agencies have to go through on their projects. She added, if an individual private owner owns a building that is listed in the National Register and wants to tear it down, they can without any restrictions.

At the State level, they have the recorded Texas Historic Landmark Program and the State Antiquities Landmark Program which do have a measure of protection for the recorded Texas historic landmarks. The places are identified with larger markers outside of the historic homes/locations. Property owners must notify the Commission before altering the exterior of the buildings.

Mr. Little continued and stated the State Antiquities Landmark designation are properties that are primarily publicly owned resources such as county courthouses, and the Texas Governor's Mansion. These locations have to get a permit from the agency before they can do any work on the property. She noted the strongest type of protection available is the local historic districts and local landmarks.

State law enables local governments to create local historic districts and local landmarks for the purpose of protecting and preserving places in areas of historical, cultural, or architectural importance and significance. This is typically accomplished through a zoning change, creating provisions that govern alterations to and potential demolition of landmark properties, and it also governs new construction within historic districts. A city adopts a preservation ordinance that outlines the legal organization and structure of a community's preservation program. It provides a mechanism to designate historic resources, local landmarks or districts and protects them from demolition and sensitive changes. Adopting an ordinance demonstrates the community's willingness to recognize, invest in and protect its historic character.

Ms. Little stated criteria can be added to the ordinance based on local preference, such as including important landscapes or resources that have cultural significance to a community. Most ordinances say that a property needs to be at least 50 years of age and meet one or two of the criteria and retain integrity, it has not been physically altered. The ordinance should also lay out

a process for designating historic landmarks and districts. She stated she works with historic reviews at the local level by the local Landmarks Commission, then reviews of the Planning and Zoning Commission level to ensure that there is no conflict with underlining, zoning, and then final approval by City Council.

Ms. Little commented the ordinance would establish procedures for reviewing alterations to designated properties, including demolition. Procedures for reviewing work to historic properties, are typically based on those developed at the Federal level through the National Park Service. In closing, she offered to share ordinances other cities had adopted to establish historic districts.

Council and staff discussed options for moving forward. They agreed the Broadway corridor should be preserved as much as possible. Councilmember Bonner suggested putting a team together to review ordinances from other cities who had established historic districts and start working on this.


Mr. Kuhn stated the city did not have to become a certified local government in order to pass zoning changes or create an ordinance. He wanted to make sure Council understood the distinction between creating an ordinance and becoming a certified local government. He commented there would be another enabling board to consider if Council decides to move forward. Councilmember Jessee added he preferred to combine the new board with ARB by adding historic certified/qualified members.

Mayor Rosenthal stated the discussion tonight was for Council and staff to learn more about the subject and explore historical options for the city. He noted this would not happen overnight, but this was a start to get people on board. He thanked Ms. Little for her presentation and stated the city may contact her again. Ms. Little thanked Council and said she would be available to help and work with the city.

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With no further business to consider, Councilmember Bonner moved to adjourn the meeting at 7:17 p.m. The motion was seconded by Mayor Pro Tem Billa Burke and passed by unanimous vote.

PASSED AND APPROVED THIS 8th DAY OF JULY, 2024.


Elsa T. Robles, JRM
City Secretary




Bobby Rosenthal
Mayor