

CAUSE NO. 2025CI18377

NEIGHBORHOOD PRESERVATION	§	IN THE DISTRICT COURT
LEAGUE OF ALAMO HEIGHTS,	§	
	§	
<i>Plaintiff,</i>	§	
	§	
VS.	§	
	§	
AL HONIGBLUM, IN HIS OFFICIAL	§	
CAPACITY AS MAYOR OF THE CITY	§	OF BEXAR COUNTY, TEXAS
OF ALAMO HEIGHTS, AND BLAKE M.	§	
BONNER AND LYNDA BILLA BURKE,	§	
EACH IN THEIR OFFICIAL CAPACITY	§	
AS A MEMBER OF THE CITY COUNCIL	§	
OF THE CITY OF ALAMO HEIGHTS, ET	§	
AL.	§	
	§	
<i>Defendants.</i>	§	150TH JUDICIAL DISTRICT

**FIRST AMENDED PETITION
AND
APPLICATION FOR INJUNCTIVE RELIEF**

TO THE HONORABLE JUDGE OF SAID COURT:

The plaintiffs named below file this First Amended Petition and Application for Injunctive Relief seeking an injunction prohibiting the implementation of an Ordinance passed and approved through an invalid vote of the Alamo Heights City Council on August 11, 2025. Because the adoption of the Ordinance violated the City's Code of Ordinances and state law in multiple respects, its implementation is *ultra vires* and should be enjoined.

**I.
DISCOVERY CONTROL PLAN**

1. Plaintiffs intend for discovery in this matter to be conducted in accordance with a scheduling order entered pursuant to Rule 190.4 of the Texas Rules of Civil Procedure (Level 3).
2. This suit is not governed by the expedited-actions process established in Rule 169 of the Texas Rules of Civil Procedure, because Plaintiffs seek relief other than monetary damages.

II. PARTIES

3. Plaintiff Neighborhood Preservation League of Alamo Heights (the "League") is an unincorporated nonprofit association of residents of the City of Alamo Heights (the "City") and others who love the character and quality of the many neighborhoods of the City. The League's mission is to preserve and protect neighborhoods. It strives to maintain the exceptional quality of life, the natural beauty, and the eclectic architectural character that makes the City a special place. The specific purposes for which the League is organized include, but are not limited to, the promotion, protection, and preservation of the safety and welfare of residents and property values in residential neighborhoods located in the City. The League may be served with filings in this proceeding through its undersigned counsel.

4. Plaintiff Ann McGlone is the President of the League and a resident of the City. Ms. McGlone may be served with filings in this proceeding through her undersigned counsel.

5. Plaintiff Mike McGlone is a member of the League and a resident of the City. Mr. McGlone may be served with filings in this proceeding through his undersigned counsel.

6. Defendant Al Honigblum is the Mayor of the City and is joined as a defendant in this proceeding in his official capacity. He may be served with process at 6116 Broadway, Alamo Heights, Texas 78209, or wherever he may be found.

7. Defendant Buddy Kuhn is the City Manager of the City and is joined as a defendant in this proceeding in his official capacity. He may be served with process at 6116 Broadway, Alamo Heights, Texas 78209, or wherever he may be found.

8. Defendant Lety Hernandez is the Director of the City's Community Development Services Department and is joined as a defendant in this proceeding in her official capacity. She

may be served with process at 6116 Broadway, Alamo Heights, Texas 78209, or wherever she may be found.

9. Defendant Frank Orta is the City's Public Works Director and is joined as a defendant in this proceeding in his official capacity. He may be served with process at 6116 Broadway, Alamo Heights, Texas 78209, or wherever he may be found.

III. JURISDICTION AND VENUE

10. At the present time, Plaintiffs seek only injunctive relief. This Court has jurisdiction of the matters in controversy because it has "original jurisdiction of all actions, proceedings, and remedies" except where exclusive jurisdiction is vested in another court, tribunal, or administrative body. Tex. Const. art. V, sec. 8; Tex. Gov't Code § 24.007(a). The Court also is specifically vested with jurisdiction over Plaintiffs' claim for injunctive relief. Tex. Gov't Code § 24.011.

11. Venue is proper in Bexar County pursuant to Section 15.002(a)(1) of the Texas Civil Practice and Remedies Code, because all or a substantial part of the events or omissions giving rise to the claims asserted herein occurred in Bexar County.

IV. FACTUAL BACKGROUND

12. This action arises out of the Alamo Heights City Council's approval of Ordinance No. 2242 (the "Ordinance") granting a specific use permit to the Texas Biomedical Research Institute ("Texas Biomed"), a Texas non-profit corporation, and The Argyle, a private social club. See Att. 1. The Ordinance authorizes The Argyle to stage events with "contracted attendance" of up to 1,200 people.

13. Mayor Honigblum, Council Member Blake Bonner, and Council Member Lynda Billa Burke are all members of The Argyle.

The Argyle

14. On its website, The Argyle claims to be "one of San Antonio's top private clubs." It actually is located in the City, at 934 Patterson Avenue, in the heart of a residential neighborhood zoned for single-family residences,¹ where the individual plaintiffs and a number of the League's members reside. The Argyle leases the building and property on which it operates from Texas Biomed.

15. Plaintiffs understand that The Argyle has in excess of 1,500 members, more than 80 percent of which reside outside of the City.

16. The history of The Argyle dates to 1955, when Southwest Foundation for Research and Education, the predecessor to Texas Biomed, sought and was granted a variance to remodel and restore the Argyle Hotel building and use it primarily as a place where visiting scientists and other people connected with that Foundation might stay while in San Antonio, but also to use the property as a private club for social entertainment of persons who are connected with, or contribute to, the Foundation. *See* Att. 2.

17. Since that variance was granted, The Argyle has slowly but steadily expanded its membership and operations, such that the limited scope of activities contemplated in the original variance seems a quaint historical relic. Today, with over 1,500 members, The Argyle regularly holds private events, like weddings, that result in hundreds of visitors coming to the property. These events often last late into the night, involve loud outdoor music, and lead to the blocking of traffic and parking of cars on residential neighborhood streets.

¹ Specifically, The Argyle is located in the zoning district referred so as Single-Family Dwelling District A, or "SF-A".

18. Unsatisfied with the existing excesses, The Argyle sought formal authorization to establish itself as a full-blown event center.

The SUP Application

19. On November 17, 2021, The Argyle submitted to the City a Notice of Intent for a proposed addition to its existing building — formally referred to as the North Addition — but also sometimes referred to by The Argyle's leadership as the Argyle Hall. The Argyle also submitted an application for a specific use permit (the "SUP Application") seeking authority to construct the North Addition and hold large events in the middle of a residential neighborhood.

20. In a letter to members dated February 16, 2022, the then-President of The Argyle described the purposes of the "proposed Argyle Hall project." That letter explained, among other purposes, that "The Hall" would:

- "[P]rovide for our members the larger permanent, indoor, furnished spaces needed for their private occasions, without the necessity of incurring the significant expense of a temporary tent or interfering with à la carte dining. We will have the ability to have functions in a variety of spaces for private dining that can host a small gathering up to a large wedding. This is an amenity members have wanted since inception. Many of our members cannot afford the large expense to host their private occasions at The Argyle and are forced to go elsewhere"; and
- Address "a very serious financial concern which simply is existential to The Argyle. Here are some interesting facts. The Argyle has over 1100 resident members. Over 50% of our members never come to The Argyle for à la carte dining or only come once or twice a year. That is their right and privilege, of course. We do everything we can think of to make The Argyle food and dining an exquisite and memorable experience, and we constantly receive effusive thanks from members and their guests for those wonderful experiences. We also receive a few complaints and suggestions which we welcome and seek to promptly address and rectify. But the truth is that only 16% of our members provide well over half of The Argyle's à la carte revenues, and The Argyle cannot survive financially on its members' à la carte expenditures. This is especially true given the high cost to maintain and repair our beloved old building on an ongoing basis, a cost exceeding \$750,000 dollars most years. Since inception, it has always been a fact that The Argyle relies heavily on members' private events for its financial viability. Without them, there would have to be some combination of a variety of undesirable options, including member assessments, significant dues increases, minimum spending requirements, significant increased food and beverage prices, or even vastly increasing the size of our membership."

See Att. 3.

21. At times, The Argyle has attempted to justify the expansion of its operations by suggesting that doing so would further its mission of supporting Texas Biomed. However, in a letter to the City's Planning and Zoning Commission, a former President of The Argyle confirmed the Argyle Hall project would not do so. He explained:

Since the founding of the Argyle in 1956 one of its central purposes has been providing financial support to Texas Biomedical. From the beginning this has been accomplished through the requirement that each member of the Argyle [sic] make an annual donation of a fixed amount to Texas Biomedical. The failure of a member to do so results in the termination of his or her membership in the Argyle. The amount of the annual donation is set by the governing boards of the two organization [sic] and currently is \$1,200. Apart from the members' annual donations, the Argyle does not provide financial support to Texas Biomedical. One of the new members' initiation fees is transferred to Texas Biomedical and held in a fund to help defray maintenance and repairs of the Argyle. Consequently, any improvement in the operations and financial performance of the Argyle would not, directly or indirectly, benefit Texas Biomedical.

See Att. 4.

The City's Code of Ethics

22. Chapter 2, Article VI of the City's Code of Ordinances establishes a Code of Ethics and conduct intended to assure that the citizens and businesses of the city have a "fair, ethical and accountable local government which earns the public's full confidence for integrity." § 2-151. To that end, the city's officials and employees are required, among other things, to "[c]omply with both the letter and spirit of the laws and policies affecting the operations of government." § 2-151.

23. The Code of Ethics includes the following provisions:

§ 2-153 Act in the public interest.

Recognizing that stewardship of the public interest must be their primary concern, city officials and employees will work for the common good of the people of Alamo Heights and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the city council, boards, commissions, and committees.

§ 2-155 **Conduct of city officials and employees.**

The professional and personal conduct of city officials and employees must be above reproach and ***avoid even the appearance of impropriety.*** . . .

§ 2-160 **Conflicts of interest and disclosure.**

City officials and employees shall familiarize themselves and abide by the following conflicts of interest and disclosure statutes and principles:

(6) In order to assure their independence and impartiality on behalf of the public good, city officials and employees are ***prohibited from using their positions to influence government decisions in which they have a personal interest.***

§ 2-171 **Compliance and enforcement.**

The city's code of ethics and conduct expresses standards of ethical conduct expected for city officials and employees of the city council, boards, commissions, and committees. ***City officials and employees themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.*** The chairs of boards, commissions, and committees and the mayor have the additional responsibility to intervene when city officials' actions appear to be in violation of the code of ethics and conduct and are brought to their attention. The city council may impose sanctions, such as reprimand, formal censure, or loss of committee assignment, on city officials whose conduct does not comply with the city's ethical standards. The city council also may act to remove members of boards, commissions, and committees from office.

(Emphasis added.)

24. Defendant Al Honigblum is the Mayor of the City. Blake M. Bonner and Lynda Billa Burke are both members of the City Council of the City. As previously noted, each of these individuals is also a member of The Argyle.

25. As City officials, Mayor Honigblum and Council Members Bonner and Burke are subject to and bound by the requirements of the City's Code of Ethics. As noted above, Section 2-153 of the Code of Ethics mandates that City officials "will work for the common good of the people of Alamo Heights and not for any private or personal interest." Consistent with that

mandate, Section 2-160(6) of the Code prohibits City officials "from using their positions to influence government decisions in which they have a personal interest."

Defendants' Refusal to Recuse

26. By letter dated July 23, 2025, Plaintiffs' counsel sent a letter to Mayor Honigblum and Council Members Bonner and Burke reminding them of the requirements of the Code of Ethics and requesting that, consistent with its requirements, they recuse themselves from participation in any deliberations regarding and any vote on the SUP application and any other matter involving The Argyle that comes before City Council. See Att. 5. As of the filing of the Original Petition initiating this suit, Mayor Honigblum and Council Members Bonner and Burke had failed to confirm that they would do so. To the contrary, referencing Chapter 171 of the Texas Local Government Code, the City Attorney for the City advised that he did not believe recusal was required. See Att. 6. Specifically, he equated "substantial interest" as defined in Chapter 171 with "personal interest" in the City's Code of Ethics and asserted that, because Council Members Bonner and Burke do not own a "substantial interest" in The Argyle, they were not prohibited from voting on the SUP Application.

27. Section 171.007(b) of the Local Government Code makes clear that Chapter 171 "is cumulative of municipal charter provisions and municipal ordinances defining and prohibiting conflicts of interests." Thus, Chapter 171 is *not* intended to limit the scope of the City's Code of Ethics.

28. Further, the City's Code of Ethics does *not* incorporate the definitions from Chapter 171. And it does not limit the disqualification from participation in council action to matters in which a council member has a "substantial interest." The disqualification applies to matters in which a council member has a "personal interest," which on its face is a much lower threshold for disqualification.

29. When the Code of Ethics intended to reference the requirements of Chapter 171, it did so explicitly, as in Section 2-160(1). But the Code of Ethics did not reference that chapter in Section 2-160(6), though it would have been easy to adopt the standards from Chapter 171 by, for example, stating: "In order to assure their independence and impartiality on behalf of the public good, city officials and employees are prohibited from using their positions to influence government decisions in which they have a *substantial interest, as defined in Section 171.002 of the Texas Local Government Code*." Obviously, this is not what Section 2-160(6) says. It prohibits participation in matters with respect to which a city official has a "personal interest."

The City of Alamo Heights' Zoning Ordinances

30. Chapter 3 of the City of Alamo Heights Code of Ordinances addresses zoning.

31. Section 3-3 establishes nine zoning districts. The City's zoning map confirms that the neighborhood in which The Argyle is located is designated Single-Family Dwelling District A, or "SF-A".

32. Section 3-6 requires that improvements to property in the City conform to the zoning regulations applicable to the zoning district in which the property is located, stating:

All land, buildings, structures or appurtenances thereon, located within the city, which are hereafter occupied, used, erected, altered or converted, shall be used, placed and erected in conformance with the zoning regulations prescribed for the zoning district which such land or building is located, except as hereinafter provided.

33. Section 3-8 includes a table setting forth the permitted uses in each district. For the SF-A district, the authorized primary and special uses are: one-family dwellings, churches and rectories, public parks and playgrounds, and public and parochial schools. Certain utility and service uses and certain accessory buildings and uses incidental to the authorized primary and special uses also are permitted.

34. The buildings and associated activities contemplated in the SUP Application did not conform to the primary and special uses permitted in the SF-A zoning district.

35. The table in Section 3-8 also identifies certain additional uses that may be authorized in the SF-A zoning district pursuant to specific use permits. These potential uses are: colleges, universities, and accredited private schools; electrical substations; local transit stations or off-street turnarounds; radio, television, or micro-wave towers; municipal water reservoirs, wells, and pumping stations; and municipal offices and/or city hall.

36. The buildings and associated activities contemplated in the SUP Application did not conform to the uses that may be authorized in the SF-A zoning district through a specific use permit.

37. Section 3-87 addresses the circumstances in which City Council may grant a specific use permit. It explicitly limits such permits to the zoning districts in which the proposed specific use is authorized by the zoning regulations, stating:

The city council, after public hearing with proper notice to all parties affected, and after recommendation from the city planning and zoning commission, may authorize for specific areas the issuance of specific use permits for the following types of uses *in only those districts specified for such use . . .*

(Emphasis added.) Nothing in the list that follows authorized the establishment of an event center in the SF-A zoning district. Indeed, the uses for which Section 3-87 authorized the granting of a specific use permit in the SF-A zoning district are: colleges, universities, and accredited private schools; electrical substations; local transit stations or off-street turnarounds; radio, television, or micro-wave towers; water reservoirs, wells, and pumping stations; and municipal offices and/or city hall. In addition to these authorized uses, which conform to the uses referenced in Section 3-8, Section 3-87 permits the granting of a specific use permit for off-street parking for property owned by institutions of a religious or philanthropic nature. *See* § 3-87(11).

The City's Approval of the SUP Application

38. The City's Charter provides that "no ordinance, resolution, or other action of the city council shall be effective unless it receives at least three affirmative votes." Charter, Art. VI, § 6.

39. Section 211.0061 of the Texas Local Government Code further provides that in certain circumstances in which "20 percent of the area of the lots or land immediately adjoining the area covered by [a] proposed change and extending 200 feet from that area" have protested a proposed zoning change, the change must be approved by three-fourths of all members of the governing body. Tex. Loc. Gov't Code § 211.0061(b), (d). A sufficient number of residents adjacent to and within 200 feet of The Argyle protested the granting of the SUP Application, triggering this provision and requiring approval of at least four members of City Council.

40. The SUP Application was presented for consideration by City Council at its meeting on Monday, August 11, 2025. By a 4-1 vote, City Council approved the Ordinance, granting the SUP Application and issuing The Argyle a specific use permit. Notwithstanding their status as members of The Argyle, Council Members Bonner and Burke participated in the vote and voted to grant the permit. Had they recused themselves, as required by the City's Code of Ethics, the Ordinance would have received only two affirmative votes and thus would not have passed.

V. CAUSE OF ACTION: INVALID VOTE

41. Plaintiffs incorporate and reallege the allegations in paragraphs 12 through 40 above.

42. The City's Code of Ethics establishes that City officials must "work for the common good of the people of Alamo Heights and not for any private or personal interest." § 2-153. They

thus are "prohibited from using their positions to influence government decisions in which they have a personal interest." § 2-160(6). These provisions are intended to assure that the interests of the City's residents — including the interests of the individual plaintiffs and the League's resident members — are not subverted by the personal interests of the Mayor and Council Members.

43. As members of The Argyle, Council Members Bonner and Burke certainly had a personal interest in the disposition of the SUP Application, but they failed and refused to recuse themselves from deliberations regarding and the vote on the Ordinance to approve it.

44. But for the participation of Council Members Bonner and Burke in the vote on the Ordinance, it would not have passed. City Council's approval of the Ordinance thus was unauthorized and invalid.

**VI.
CAUSE OF ACTION:
VIOLATION OF ZONING REGULATIONS**

45. Plaintiffs incorporate and reallege the allegations in paragraphs 12 through 40 above.

46. Private clubs and event venues are not permitted uses of property in the SF-A zoning district.

47. Further, although Section 3-87 of the City's Code of Ordinances allows the issuance of specific use permits in certain circumstances, private clubs and event venues are not uses for which specific use permits are authorized in the SF-A zoning district.

48. Because the Ordinance was not authorized by the City's zoning ordinances, City Council's approval of it was unauthorized and invalid.

VII.
CAUSE OF ACTION:
INVALID SPOT ZONING

49. Plaintiffs incorporate and reallege the allegations in paragraphs 12 through 40 above.

50. Spot zoning is not authorized in Texas. An ordinance that purports to amend an existing zoning plan for the benefit of a single property owner and authorizes a use inconsistent with the uses permitted on other tracts in the zoning district is invalid spot zoning.

51. The City has previously adopted a comprehensive zoning plan that establishes permitted uses in the SF-A zoning district. Neither that plan nor the provisions in the City's Code of Ordinances implementing it permits the operation of private clubs or event venues either as a standard use or pursuant to a specific use permit.

52. The proposed use will significantly impact the residents of the neighborhood in which The Argyle is located, in that it authorizes The Argyle to hold events with "contracted attendance" of up to 1,200 people. Such events will subject those who live in the surrounding neighborhood to, among other things, increased noise, traffic congestion, and dangers associated with more frequent and larger events at which alcohol is served. The streets in the neighborhood in which The Argyle operates were not designed to accommodate such events, which are inconsistent with the residential character of the surrounding properties.

53. The Ordinance fails to identify any relationship between the facilities and events it authorizes and the public health, safety, morals, or general welfare of the residents of the SF-A zoning district or the City at large. Indeed, the Ordinance benefits only The Argyle — by addressing its "very serious financial concern which simply is existential to The Argyle" — and its members — who without the Argyle Hall "cannot afford the large expense to host their private occasions at The Argyle" — to the detriment of the residents of the surrounding neighborhood.

54. Because the Ordinance constitutes improper spot zoning, City Council's approval of it was unauthorized and invalid.

**VIII.
APPLICATION FOR INJUNCTIVE RELIEF**

55. Plaintiffs incorporate and reallege the allegations in paragraphs 12 through 54 above.

56. City Council's approval of the Ordinance was unauthorized and invalid because (i) two members of City Council voted on the Ordinance when the City's Code of Ethics prohibited them from doing so, (ii) the City's zoning ordinance did not authorize the issuance of a specific use permit in this circumstance, and (iii) the Ordinance was improper spot zoning. Implementation of the provisions of the Ordinance thus is *ultra vires*.

57. The individual plaintiffs live in the neighborhood in which The Argyle is located, with their residence being located just 600 feet away. The League is a representative of residents of the City, including a number of citizens who reside even closer to The Argyle. The City's Code of Ethics and zoning ordinance are intended to assure that, with respect to matters coming before the City Council, the interests of the City's residents are not subverted by the personal interests of the Mayor and Council Members. Both the Code of Ethics and the zoning ordinance are intended to protect the interests of the individual plaintiffs and the League's resident members.

58. Plaintiffs' application for temporary and permanent injunctive relief is authorized by Section 65.011(1) of the Texas Civil Practice and Remedies Code and necessary to preserve the status quo.

59. Plaintiffs' application for temporary and permanent injunctive relief also is authorized by Section 65.011(3) of the Texas Civil Practice and Remedies Code, as Plaintiffs are

entitled to a writ of injunction under the principles of equity and the statutes of this state relating to injunctions.

60. It is probable that Plaintiffs will prevail after a trial on the merits, because City Council's approval of the Ordinance violated the City's Code of Ethics, violated the City's zoning ordinance, and was invalid spot zoning.

61. If Plaintiffs' application for a temporary injunction is not granted, harm is imminent, because The Argyle will proceed with the construction of the facilities and holding of events authorized in the Ordinance. Plaintiffs, along with a number of the League's members, will suffer particular injury, because the implementation of the Ordinance will directly affect their rights under the City's zoning ordinance, their neighborhood, and their residences.

62. Plaintiffs have no adequate remedy at law. If The Argyle is permitted to proceed with the construction of the facilities and holding of events authorized in the Ordinance, the individual plaintiffs and the League's members will have no recourse for the impacts to the use, utility, and value of their properties, as the facilities and events contemplated in the Ordinance will have been given an illegal "stamp of approval" by the City Council.

IX. PRAYER

Wherefore, Plaintiffs respectfully pray that (i) Defendants be cited to appear and answer and (ii) the Court enter a temporary injunction restraining and enjoining Defendants from proceeding with implementation of the Ordinance, including, without limitation:

- Prohibiting the issuance of any building, utility, or other permits for the facilities contemplated in the Ordinance;
- Suspending any building, utility, or other permits for the facilities contemplated in the Ordinance;

- Prohibiting the issuance of any Special Argyle Event Permits required by Section VIII.B. of the Specific Use Permit Conditions attached as Exhibit "A" to the Ordinance; and
- Prohibiting Defendants, acting individually or in concert, from taking any action to effectuate the implementation of the Ordinance.

Plaintiffs further pray that, upon final hearing, they be awarded:

- i. A permanent injunction enjoining Defendants from proceeding with implementation of the Ordinance;
- ii. Plaintiffs' attorneys' fees and costs of court as may be authorized by law; and
- iii. Such other and further relief, general or special, at law or in equity, to which they may be justly entitled.

Respectfully submitted,

By: /s/ Frederick D. Junkin

Frederick D. Junkin

State Bar No. 11058030

fred.junkin@phelps.com

Kristina W. Silcocks

Texas Bar No. 00795930

kristina.silcocks@phelps.com

Matthew Gamboa-Lutz

State Bar No. 24136835

matt.gamboa-lutz@phelps.com

Phelps Dunbar LLP

3600 N Capital of Texas Hwy, Suite B300

Austin, Texas 78746

(737) 220-8735

(737) 220-8753 (Fax)

C. Matthew Terrell

State Bar No. 00785092

matt.terrell@phelps.com

Richard DeBerry

State Bar No. 00783948

richard.deberry@phelps.com

Phelps Dunbar LLP

2102 E. State Highway 114, Suite 207

Southlake, Texas 76092

Telephone: (817) 488-3134

Facsimile: (817) 488-3214

ATTORNEYS FOR PLAINTIFFS

VERIFICATION

I, Ann McGlone, do hereby declare and state as follows:

I have read the foregoing First Amended Petition and Application for Injunctive Relief. I have personal knowledge, based in part on documents provided to me by others, of the facts set forth in paragraphs 12-40 and 56-62, and those facts are true and correct.

My name is Ann McGlone, my date of birth is [REDACTED], and my address is [REDACTED] Alamo Heights, Texas 78209. I declare under penalty of perjury that the foregoing is true and correct.

Executed in Alamo Heights, Texas on the 16th day of September, 2025.



Ann McGlone

VERIFICATION

I, Frederick D. Junkin, do hereby declare and state as follows:

I attest that this pleading and the declaration were not prepared using generative A.I. However, I understand and acknowledge that all drafted language, quotations, sources, citations, arguments, and legal analyses produced by generative A.I. will — before submission — be verified by an attorney licensed in Texas as accurate through traditional (non-A.I.) legal sources, and I acknowledge, that as the attorney of record, I am responsible for my and co-counsel's failure to comply with this requirement.

My name is Frederick D. Junkin, my date of birth is [REDACTED], and my address is Phelps Dunbar LLP, 3600 N Capital of Texas Hwy, Suite B300, Austin, Texas 78746. I declare under penalty of perjury that the foregoing is true and correct.

Executed in Houston, Texas on the 16th day of September, 2025.

/s/ Frederick D. Junkin

Frederick D. Junkin

Attachment 1

ORDINANCE NO. 2242

AN ORDINANCE GRANTING A SPECIFIC USE PERMIT FOR THE OPERATION OF A PRIVATE PHILANTHROPIC CLUB, INCLUDING OFF-STREET PARKING AND ACCESSORY STRUCTURES, AT 934 PATTERSON AVENUE AND ON 2,417 SQUARE FEET OF LAND ADJACENT THERETO, 815 PATTERSON AVENUE, 820 PATTERSON AVENUE, 423 ARGYLE STREET, AND PORTION OF 401 TORCIDO DRIVE, AS AUTHORIZED BY SECTION 3-87(22) OF THE CODE OF ORDINANCES; REPEALING ORDINANCES 1756, 1757, AND 2114; ESTABLISHING PENALTIES FOR VIOLATION.

WHEREAS, the property addressed as 934 Patterson Avenue, consisting of approximately 2.0929 acres and legally described as City Block 4024, block 26, lots 24A, 26A, 26B, 26C, 26E and .055 acre remainder portion of a lot (hereinafter, "Tract 1"), conditional upon replat, has been continuously operated as a private dining club, with overnight sleeping accommodations for its out-of-town members and guests since 1956, and prior to 1956 served first as a private residence and later as a restaurant and overnight inn since 1859.

WHEREAS, the Texas Biomedical Research Institute (originally part of the Foundation of Applied Research, subsequently renamed the Southwest Foundation for Research and Education, subsequently separated to form the Southwest Foundation for Biomedical Research, and subsequently renamed the Texas Biomedical Research Institute) is a Texas non-profit corporation conducting applied and fundamental research since 1941. (This entity and its successors or assigns shall be referred to as "Texas Biomed");

WHEREAS, Texas Biomed acquired Tract 1 in 1955 for the purpose of leasing it to a newly formed Texas non-profit corporation ("The Argyle") with its charitable purpose to provide financial support to Texas Biomed;

WHEREAS, Texas Biomed was granted a variance and special exception for Tract 1 in Case No. 134 from the Board of Adjustment of the City of Alamo Heights on July 6, 1955 (attached hereto as Exhibit "C-1");

WHEREAS, The Argyle leased Tract 1 from Texas Biomed, at which time it renovated and restored the historic mansion on the property and opened to its members for fine dining and social events in 1956, continuing its prior use;

WHEREAS, The Argyle, in addition to providing financial support for Texas Biomed, also hosts numerous meetings and educational presentations of Texas BioMed, its scientists, and other research support organizations and other educational meetings and presentations approved in advance by The Argyle board of directors (together, the "Educational Events");

WHEREAS, the City of Alamo Heights (the “City”) has issued all requisite building permits, certificates of occupancy, and other necessary approvals for prior renovations of the Tract 1 property improvements;

WHEREAS, Texas Biomed subsequently acquired and improved additional properties in Alamo Heights for the purpose of supporting the operations of The Argyle and its philanthropic mission, including other tracts described in this Ordinance that, together with Tract 1, are collectively referred to herein as the “Argyle Properties” and depicted in Exhibit “B,” attached hereto:

WHEREAS, several special permits, exceptions, and/or variances from the City have been granted to the Argyle Properties, including, but not limited to the following (collectively, being defined as the “Prior Actions”):

- Board of Adjustment Resolution No. 134 (dated July 6, 1955) pertaining to Tract 1 (934 Patterson) attached hereto as Exhibit “C-1;”
- Ordinance 1756, dated February 25, 2008 (attached hereto as Exhibit “C-2”) granting a specific use permit authorizing use of property in the SF-A district for off-street parking for The Argyle, located at 815 Patterson and legally described as Lots 8, 9, 10, 11, 12 & 12 & East Five Feet of 13, Block 27, County Block 4024 (such property hereinafter referred to as “815 Patterson”).
- Ordinance 1757, dated February 25, 2008 (attached hereto as Exhibit “C-3”) granting a specific use permit authorizing use of property in the SF-A district for off-street parking for The Argyle, located at 820 Patterson and legally described as Lots 26A & 24A, Block 26, County Block 4024 (such property hereinafter referred to as “820 Patterson”).
- Ordinance 2095, dated December 11, 2017 (attached hereto as Exhibit “C-4”), abandoning 2417 square feet tract of public right-of-way at the petition from Texas Biomed, adjacent to Tract 1 (such abandoned right-of-way hereinafter referred to as “Released ROW”);
- Ordinance 2114, dated November 13, 2018 (attached hereto as Exhibit “C-5”) granting a specific use permit authorizing use of property in the SF-A district for off-street parking and employee break area for The Argyle, located at 423 Argyle Street and legally described as Lot 260, Block 26, County Block 4024 (such property hereinafter referred to as “423 Patterson”);

WHEREAS, The Argyle submitted a Notice of Intent to the City on November 17, 2021, for a proposed addition (the “North Addition”) to the existing building on Tract 1 (934 Patterson) and on land at 820 Patterson;

WHEREAS, on October 12, 2021, The Argyle received the approval of the Texas Historical Commission for all prior renovations, as well as the proposed North Addition;

WHEREAS, The Argyle submitted an Architectural Review Board Project Review Application to the City on December 23, 2021, and again in 2024;

WHEREAS, The Argyle submitted its Building Permit application for the North Addition on February 15, 2022, which was assigned Project Number 49213;

WHEREAS, The Argyle submitted a revised Building Permit Application for the North Addition on August 3, 2022, containing modifications to the scale of the North Addition, among other revisions, and submitted a revised permit application on November 6, 2023;

WHEREAS, Texas Biomed has requested that the City consolidate to recognize all prior Special Actions relating to The Argyle into this omnibus Specific Use Permit (a "SUP") in keeping with the historic and current operations of The Argyle;

WHEREAS, The Argyle, Texas Biomed, and the City seek to minimize the effects and disturbance on the nearby residential districts by regulating improvements to property, as well as activities and events at The Argyle, including event-specific permitting thereof to enforce the provisions of this SUP;

WHEREAS, Texas Biomed submitted a draft SUP ordinance as its application for an omnibus SUP on February 23, 2022, and then submitted a revised application on August 1, 2023;

WHEREAS, the City's Planning and Zoning Commission held a public hearing on November 4, 2024, to consider the prior SUP application, and action was taken to table to allow further clarification of certain matters;

WHEREAS, Texas Biomed withdrew its SUP application in February 2025 in order to submit this revised application;

WHEREAS, the Planning and Zoning Commission, having considered this SUP application following due notice and a public hearing, and having considered all required factors and made all required findings set forth in the Texas Local Government Code and Code of Ordinances, approved by majority vote to recommend to City Council that the SUP be approved;

WHEREAS, two public hearings were held to discuss the SUP application described herein; with the first public hearing being conducted by the Planning & Zoning Commission on April 15, 2025, and the second public hearing being conducted by City Council on April 28, 2025; each being conducted for the purpose of providing all interested persons the opportunity to be heard concerning the proposed SUP described herein;

WHEREAS, legal notice notifying the public of both public hearings on the requested SUP was posted on the COAH's official website and published in the *San Antonio Express-News*, a newspaper of general circulation in the City of Alamo Heights, on March 26, 2025; and

WHEREAS, the City Council, having determined that the revised ordinance submitted by Texas Biomed needed be re-organized and clarified, now considers, and approves this amended ordinance;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALAMO HEIGHTS, TEXAS:

SECTION 1. SPECIFIC USE PERMIT APPROVED. a Specific Use Permit is approved for the operation of a private philanthropic club, pursuant to Section 3-87 (22) of the City Code, subject to conditions and requirements described in Exhibit "A" to this Ordinance, on the following Argyle Properties:

- A. Tract 1 (as described in the Recitals above), addressed as 934 Patterson Avenue;
- B. 815 Patterson Avenue (as described in the Recitals above);
- C. 820 Patterson Avenue (as described in the Recitals above);
- D. A 2417 square feet tract of land adjacent to Tract 1 (being the property described in Ordinance 2095 dated December 11, 2017);
- E. 423 Argyle (as described in the Recitals above); and
- F. The northernmost one hundred fifty feet (150') of 401 Torcido (the "Tennis Court Property").

SECTION 2. PUBLIC PURPOSE. The City Council finds that the SUP herein approved complies with all applicable rules and regulations set forth in the City's Code of Ordinances and other law.

SECTION 3. INCORPORATING RECITALS. The City Council approves the recitals hereto and incorporates them herein as findings of fact.

SECTION 4. REPEALING ORDINANCES IN CONFLICT. Ordinance 1756 (dated February 25, 2008), Ordinance 1757 (dated February 25, 2008), and Ordinance 2114 (dated November 13, 2018) are hereby repealed.

SECTION 5. SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared void.

SECTION 6. REVOCATION OF SPECIFIC USE PERMIT. If the City determines, based on inspection or investigation, that there are reasonable grounds for revocation of this SUP, a public hearing shall be set before the City Planning and Zoning commission and, subsequently, the City Council, which may render a decision to revoke this SUP. Circumstances that warrant revocation of this special use permit include but are not limited to:

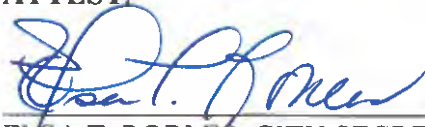
- A. Conviction of multiple violations of any of the provisions of the conditions set forth in the approval of the special use permit;
- B. The building, premises, or land uses under the special use permit are enlarged, materially modified, or otherwise significantly changed without the approval of the City through the issuance of a standard permit or a separate special use permit or amendment for such changes;
- C. The SUP was obtained by fraud or deception.

SECTION 7. EFFECTIVE DATE. The Ordinance shall be effective immediately following approval by City Council.

ORDERED this 11th day of August, 2025.


ALBERT HONIGBLUM, MAYOR

ATTEST:


ELSA T. ROBLES, CITY SECRETARY



ATTEST:

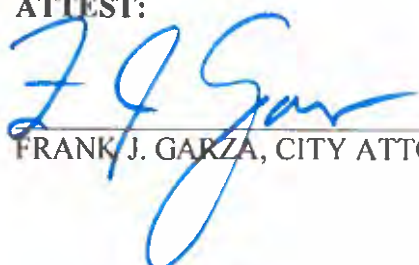

FRANK J. GARZA, CITY ATTORNEY

EXHIBIT "A"

Specific Use Permit Conditions

- I. **DEFINITIONS.** In addition to defined terms in the Ordinance and its Recitals, the following words or phrases used in this exhibit shall have the following meanings:
 - A. **Maximum Occupancy.** Maximum Occupancy for all permanent structures on the Argyle Properties upon completion of the North Addition will be 1100 persons. If an event is partially hosted in an outdoor area, Maximum Occupancy will be no more than 1200 persons. For any specific Permitted Function, the final maximum occupancy of the event shall be solely determined by City fire department officials, based on code and safety requirements.
 - B. **North Addition.** The North Addition is the improvement to the existing building on Tract 1 and on land at 820 Patterson built substantially in accordance with plans titled 'The Argyle Permit Set' dated February 09, 2023, for which a building permit application was submitted to the City on August 3, 2023, as Project No. 2023-887.
 - C. **Outdoor(s).** Outside of a permanent structure on the Property.
 - D. **Permitted Function.** A Permitted Function is a contracted special or social event held at the Argyle Properties (other than normal dining and bar services) for Argyle members, guests of Argyle members, or third-party organizations sponsored by The Argyle or by one or more Argyle members. Further, Permitted Functions shall be limited to private matters by invitation only, approved by the governing body of The Argyle, not open to the general public (other than Educational Events), and must comply with all requirements of this ordinance.
 - E. **Temporary Structure:** Any Outdoor structure not on a permanent foundation, including, but not limited to, event tents, food trucks, and sheds.
- II. **PERMITTED LAND USES.** Subject to the conditions herein, the Argyle Properties may only be used for a private philanthropic and non-profit club, which includes these limited activities:
 - A. dining and bar services for members and guests;
 - B. catering and hosting of indoor and/or Outdoor Permitted Functions;
 - C. off-street parking of vehicles, administrative offices, meeting rooms, and food preparation supporting and associated with such use; and
 - D. five (5) guest units at 934 Patterson for temporary overnight lodging for members and their guests.

III. **PROHIBITED USES.** The Argyle Properties may not be used for the following uses or activities:

- A. As a public event center or for trade shows, spectator sporting events, conventions, or other functions open to the general public; provided however, that Educational Events open to the public are permitted;
- B. For on-premises retail sales other than The Argyle's regular dining and bar service.
- C. To raise funds for any non-member or entity other than the non-profit entity holding title to the Argyle Properties (excluding political events hosted by a member and approved by The Argyle Board) or commercially advertised goods or services of any non-member or entity other than the non-profit entity holding title to the Argyle Properties.

IV. **NORTH ADDITION.** The North Addition may be constructed in substantial compliance with plans submitted to the City, subject to all applicable development and building codes, zoning codes, and the requirements of this SUP.

V. **DEVELOPMENT STANDARDS.** Unless expressly permitted in this specific use permit, development of the Argyle Properties shall comply with the requirements of the base zoning district. The following development standards shall apply:

- A. **North Addition Buffer Yard.** A rear buffer yard with a minimum depth of ten feet (10') shall be provided from the 934 Patterson and 820 Patterson property lines that abut Olmos Dam Drive, wherein no permanent or temporary structures, equipment, or signs (save and except for otherwise allowable walls or fences) may be erected, subject to City approval.
- B. **Off-Street Vehicular Drive.** If The Argyle constructs the North Addition, The Argyle shall also construct or otherwise provide for off-street drop-off and pickup pull-through lanes within the bounds of Tract 1 and the 820 Patterson property for valet and rideshare services suitable for at least eight (8) queuing passenger vehicles, substantially as depicted in Exhibit "A-1." All lanes shall be clearly marked and striped and on an all-weather surface;
- C. **Tennis Court Parking Lot.** If The Argyle constructs the North Addition, The Argyle shall also construct a new parking lot on (a) the Tennis Court Property (401 Torcido) for off-street parking consisting of no less than 56 parking spaces. The Tennis Court Property parking lot shall be designed and constructed in accordance with Section 3-59 of the City code as it applies to the Parking District, and shall further be visually shielded to any property outside of Tract 1 by a ten foot (10') wide landscape buffer adjacent to public ROW, and solid-screen fencing no less than six feet (6') tall to minimize sound and light impacts to any adjacent lots which have a residential use;
- D. **281 Parking Area.** If The Argyle constructs the North Addition, it shall also construct a new parking lot on an area located to the west of The Argyle under the elevated portion US Highway 281 that crosses East Olmos Drive, that shall consist of no less than 108 parking spaces

exclusively for use by The Argyle (the "281 Parking Area"). The 281 Parking Area shall be constructed in accordance with the requirements of the Texas Department of Transportation;

VI. **IMMEDIATE OPERATIONAL REQUIREMENTS.** The following operating requirements shall apply to permitted activities at the Argyle Properties immediately upon adoption of this ordinance approving this specific use permit. It shall be the responsibility of The Argyle to ensure compliance by its employees, hosts, vendors, suppliers, subcontractors, licensees, and/or invitees.

A. **Valet Services.** The Argyle shall provide complimentary valet parking services during all Permitted Functions. Valet attendants shall park vehicles off-street within areas designated on the parking diagram (attached hereto as Exhibit "A-1"). Upon the completion of the North Addition and drop-off drive, valet drop-off and pick-up must occur off-street but within the borders of the Argyle Properties. The Argyle shall ensure that valet attendants (a) do not park on residential streets, and (b) shall travel to and from the designated drop-off or pick-up location via Patterson Avenue, except as may be directed by signage or public safety officials due to unusual circumstances. Valet parking services shall occur in accordance with the following:

- 1) 1-100 event attendees: at least four (4) valet attendants shall be provided by The Argyle.
- 2) Over 100 event attendees: at least four (4) valet attendants plus one (1) additional valet attendant for each additional 50 attendees in excess of 100 attendees that are not expected to arrive by chartered bus.

B. **Rideshare Location.** Upon the completion of the North Addition and drop-off drive, rideshare drop-off and pick-up must occur off-street or within areas designated on the parking diagram (attached hereto as Exhibit "A-1"). Prior to that occurrence, rideshare shall be curbside at 934 Patterson. The Argyle shall use signage or traffic control persons to direct departing rideshare drivers to travel on Patterson Avenue, except as may be otherwise be directed by signage or public safety officials due to unusual circumstances.

C. **Chartered Buses and other Commercial Vehicles.** Chartered bus pickup and drop-off may only occur at either: (i) the 934 Patterson (Tract 1) curb, or (ii) within off-street areas designated on the parking diagram (attached hereto as Exhibit "A-1"). Chartered buses are prohibited from on-street idling on the residential streets proximate to the Argyle (excluding direct loading and unloading) for more than five (5) minutes. The Argyle shall take steps to further ensure that chartered buses and other commercial vehicles (a) do not park on residential streets, and (b) shall travel to and from the designated drop-off or pick-up location via Patterson Avenue, except as may be directed by signage or public safety officials due to unusual circumstances.

D. **Security.** Security shall be provided by The Argyle for and during Permitted Functions with the required strengths according to contracted attendees, as follows:

- 1) Between 101-249 event attendees: one (1) certified peace officer.

- 2) Between 250-399 event attendees: two (2) certified peace officers.
 - 3) Between 400-499 event attendees: no less than three (3) certified peace officers, with at least one officer dedicated to ensuring compliance with parking, traffic control, and other conditions of this SUP.
 - 4) Over 500 event attendees: no less than four (4) certified peace officers, with at least one officer dedicated to ensuring compliance with parking, traffic control, and other conditions of this SUP.
- E. Lights. All exterior lighting fixtures and temporary exterior lighting used for Permitted Functions shall comply with City codes.
- F. Hours of Outdoor Event Activities. Permitted Functions occurring Outdoors shall not be allowed after 4:00 pm on Sundays, after 10:00 pm Monday – Thursday, or after 12:00 (midnight) on Friday and Saturday nights.
- G. Required Departure Time for Guests. All attendees of Permitted Functions (excluding overnight guests in a guest room) must depart the Argyle Properties before 11:00 pm on Sunday – Thursday, and before 1:00 am on Saturday or Sunday mornings.
- H. Maximum Annual Number of Permitted Functions. In aggregate, The Argyle is authorized under this SUP to hold no more than 52 Permitted Functions (the “Maximum Number of Functions”) per calendar year with contracted attendance between 250 and 1200 persons, subject to the further limitations and provisions below and herein.
- 1) The Argyle shall not host more than a single Permitted Function with over 250 person-attendance on any calendar day, except as otherwise provided in this subsection;
 - 2) If The Argyle hosts two or more concurrent or overlapping Permitted Functions that each have contracted attendance less than 250 persons, but together, have a cumulative contracted attendance of more than 250 persons, such “Concurrent Event” shall be considered a single, large Permitted Function subject to the Maximum Number of Functions under this subsection in accordance with the cumulative number of persons contracted to be in attendance, as well as provisions of Article VIII, including requirements to obtain a Special Argyle Event Permit from the City demonstrating compliance with this SUP. If The Argyle hosts a Concurrent Event, it may seek an exception from the City to host a scheduled large Permitted Event (i.e., over 250 persons) on the same calendar day, but only if the following conditions are met: (a) such exceptions shall not be allowed more than three times per calendar year; (b) such exceptions shall not be allowed more than once in any calendar month; (c) the cumulative anticipated attendance of the respective Concurrent Event may not exceed 350 persons; and (d) on the specific event day, there must be at least three hours between the Permitted Functions in which no event attendance shall occur. If an exception occurs pursuant to the conditions above, whereby a Concurrent Event and large Permitted Function are allowed to occur on the same day, each such

occurrence will reduce the number of Permitted Functions available for the respective event year by two (2), (one for each event).

- 3) As a further restriction to the provisions in this subsection, there shall be no more than ten (10) Permitted Functions per calendar year with contracted attendance between 400 and 600 persons;
 - 4) As a further restriction to the provisions in this subsection, there shall be no more than six (6) Permitted Functions per calendar year with contracted attendance between 601 and 750 persons;
 - 5) As a further restriction to the provisions in this subsection, there shall be no more than two (2) Permitted Functions per calendar year with contracted attendance between 751 and 1200 persons;
 - 6) For all Permitted Functions over 600 persons, The Argyle shall post a notice of date, time, and number of attendees expected and availability of parking on their publicly accessible website; and
 - 7) The preceding limitations on Permitted Functions in this subsection do not include or restrict four historic holiday events (i.e., Easter, Mother's Day, Thanksgiving, and Christmas), or any celebration of life or funeral-related events.
- I. Parking Requirements. The Argyle shall provide adequate off-street parking for its typical member dining, employees, and Permitted Functions. Further, The Argyle shall discourage its members, guests, contractors, employees, and event attendees from parking personal vehicles on public streets proximate to Argyle Properties.
- 1) For purposes of this specific use permit, for each Permitted Function, one (1) off-street parking space shall be provided by The Argyle for guest parking or valet services, per every two and one-half (2.5) event attendees, contracted or reasonably expected (the "Required Parking Ratio") subject to the following additional considerations.
 - 2) The Required Parking Ratio may be increased for a particular Permitted Function if The Argyle satisfactorily demonstrates to the City that parking demand shall be met by: (a) contracted shuttle bus operators transporting a significant number of event attendees in lieu of arrival by personal vehicle, (b) the event is reasonably or historically expected to include a significant fraction of attendees transported by rideshare in lieu of arrival by personal vehicle, and/or (c) the event is reasonably or historically expected to have a larger average number of attendees arrive per personal vehicle.
 - 3) In order to achieve the Required Parking Ratio, The Argyle shall utilize off-street parking areas depicted on the parking diagram (attached hereto as Exhibit "A-1"), including requirements for off-site employee and vendor parking, and rideshare and traffic flow patterns. The Argyle shall ensure that its employees and contractors (a) do not park on

nearby residential streets, and (b) shall travel to and from the designated drop-off or pick-up location via Patterson Avenue, except as may be directed by signage or public safety officials due to unusual circumstances.

4) If any off-street parking indicated on the parking diagram attached as Exhibit "A-1" becomes unavailable or is removed from The Argyle's exclusive parking inventory, for any reason, there will be a reduction in Maximum Occupancy in a ratio of 2-to-1 for each space removed, until such time that additional exclusive replacement off-street parking can be provided, in locations acceptable to the local municipality governing where such replacement parking is located.

5) No additional properties within the City of Alamo Heights, other than the property located at 401 Torcido, shall be conveyed to or used for the benefit of The Argyle. The portion of the 401 Torcido property not included in the Tennis Court Property parking lot must remain for single-family residential use only.

J. Leaf Blowers. The Argyle and its subcontractors shall not use gasoline leaf blowers at the Argyle Properties. Electric or battery-operated blowers shall be permitted for use only at the following times:

Monday through Friday: 8:00 a.m. – 5:00 p.m.; and

Saturday and Sunday: 9:00 a.m. – 5:00 p.m.

K. Bi-Annual Meetings. The City will convene bi-annual meetings regarding this SUP and enforcement thereof with representatives of The Argyle and the owners of property adjacent to The Argyle property lines. For purposes of this requirement, any public right-of-way shall be assumed to be zero width for the purpose of identifying adjacent properties. One of the required bi-annual meetings shall, in addition to The Argyle's representatives, also include the owners of real property located within 200 feet of the Argyle Properties. The topics of such meetings shall be limited to the subject of the requirements of this SUP, as well as traffic management for Permitted Functions.

VII. CONDITIONAL OPERATIONAL REQUIREMENTS. The following conditional operating requirements shall apply to permitted activities at the Argyle Properties, once a Certificate of Occupancy (temporary or permanent) has been issued by the City for the North Addition:

A. Temporary Event Structures. Temporary event structures (i.e., tents or entrance canopies) for Permitted Events may only be erected subject to City code requirements, permitting requirements set forth in this specific use permit, and the additional following restrictions:

1) Temporary event structures may only be situated within the property bounds of Tract 1 (934 Patterson), and limited to the North side or East side of the main structure; and

2) Temporary event structures shall be no larger than 44 feet by 103 feet, which is a standard tent/canopy designed for the anchor infrastructure on The Argyle front lawn (Tract 1). This particular 44 foot by 103-foot tent/canopy or any other structural tent/canopy that utilizes an anchor infrastructure may only be installed by The Argyle if the weather forecast issued by the National Weather Service during the preceding week indicates a ten percent or greater probability of rain for the day of the Permitted Function.

3) For purposes of this SUP, the above conditions and limitations do not pertain to nor limit the reasonable use of (a) umbrellas or (b) small, portable, pop-up tents with dimensions no greater than 12 feet by 12 feet which shall be intended for providing shade or protection against inclement weather for facility staff, equipment, and guests requiring special accommodations.

B. No Amplified Music. Amplified music may not emanate from any Outdoor area of the Argyle Properties. Non-amplified live music is permitted outside within the allowed Hours of Outdoor Event Activities, except that no percussion instruments, including without limitation drums, may be played in any Outdoor area. The foregoing does not authorize music or noise that a City official may reasonably deem a public nuisance, considering time of day and the typical permitted activities associated with The Argyle's operations as addressed by this SUP.

VIII. ENFORCEMENT AND PENALTIES.

A. Enforcement. The Argyle, as the historical operator of the Argyle Properties, on behalf of its owner, shall be solely responsible for compliance with all requirements of this specific use permit, the conditions herein, and other City codes. For purposes of enforcement of this SUP, The Argyle shall be responsible for actions of its members, employees, guests, contractors, and all parties contractually organizing and hosting Permitted Functions on the Argyle Properties.

B. Special Argyle Event Permits Required. For any single or concurrent Permitted Function(s) to be held at The Argyle with an expected, contracted, or cumulative attendance of 250 persons or more, The Argyle shall be required to apply for and obtain a Special Argyle Event Permit from the City prior to the Permitted Function(s), in accordance with City policies, fees, and ordinances in effect at the time of event permit application. Each application submitted for a Special Argyle Event Permit shall include required permit information that documents The Argyle's plan to comply with the requirements of this SUP as determined by the City. Upon the City's review of a timely filed and complete Special Argyle Event Permit, the City shall grant Permit. Failure to obtain a Special Argyle Event Permit for an event that takes place, any misrepresentation of facts in a specific event permit application, or failure to comply with any requirements of a Special Argyle Event Permit shall constitute a violation thereof.

C. Registration for Smaller Events. For any Permitted Function with an expected or contracted attendance between 101 and 250 persons, The Argyle shall be required, in a manner specified by the City, to electronically register such Permitted Event with the City for the purpose of

verifying compliance with provisions of this SUP. Registration shall occur at least forty-eight (48) hours prior to such Permitted Function; however, celebration of life events may provide registration within 24 hours of the event.

D. Penalties for Violation.

- 1.) Violation of Special Argyle Event Permit. Each violation of a Special Argyle Event Permit or this SUP shall be subject to fine per §3-93 or injunctive action per §3-94 of the City Code, and any continuing violation shall constitute a separate violation, each day. Following due process of alleged violation, should it be determined by the City's municipal court that a violation of a Special Argyle Event Permit did occur, The Argyle shall be fined up to the maximum amount permitted by Texas law for each violation. Further, an adjudicated court decision finding violation shall cause a one-event reduction in the Maximum Number of Functions for the subsequent calendar year, for a duration of one year.
- 2.) Failure to Pay Fines. If The Argyle fails to remit payment for any fine levied in adjudicated cases within thirty (30) days following a decision by the municipal court, the City shall suspend issuance of Special Argyle Event Permits for The Argyle until unpaid balances are fully remitted.
- 3.) Reserved Remedies. The City may exercise all other criminal and civil remedies to which it is entitled under authority of statutes or other ordinances against a person, firm, or corporation that remains in violation of this chapter.
- 4.) Revocation of SUP. The City Council may revoke this SUP due to violations of its requirements as provided in Section 6 of this Ordinance.

Exhibit "A-1" Parking Diagram for The Argyle

Guest & Valet Parking Areas	Address	Owner	Spaces	Legal Status
The Argyle Club	934 Patterson	Texas Biomed	36*	Own property
Argyle Club Parking Lot	815 Patterson	Texas Biomed	45	Own property
Tennis Court South	401 Torcido Dr	Timothy Dean Word Family Trust	56	Leased
US 281 Overpass (Planned Lot)	1454 E. Olmos Dr	TxDOT	108	Lease contingent on SUP approval**
TOTAL			245	

* Current capacity is 58 spaces. However, with the proposed north building addition, 22 spaces would be lost.

** TxDOT has committed to 108 spaces for The Argyle, but continuing negotiations for an *additional* 100+ spaces.



Source: Google Earth and Walker Consultants, 2024

Employee & Vendor Overflow Only Parking Areas	Address	Owner	Spaces	Legal Status
Episcopal Diocese	111 Torcido Dr	Episcopal Diocese of West Texas	60	Leased
TOTAL			60	

Employee & Vendor overflow only parking to be used only during large events with minimal shuttle activity.



Exhibit "B"
Argyle Properties



Exhibit "C-1"
1955 Board of Adjustment Variance for The Argyle

CITY OF ALAMO HEIGHTS
BOARD OF ADJUSTMENT
July 6, 1955

A regular meeting of the Board of Adjustment of the City of Alamo Heights was held in the City Hall at 6116 Broadway, July 6, 1955, at 7:00 P.M.

There were present:

C. T. Weidner - Vice Chairman
J. E. McGowen
Dée Forgy
Michael Peché

Composing a quorum of the Board of Adjustment. Also present:

City Engineer R. W. Stiles

There was absent:

John P. Giles - Chairman

Case No. 134

This meeting was called to continue discussion on the application of the Southwest Foundation for Research and Education to restore the Argyle Hotel and operate a social club there on the property. There were present: Mr. Edward Gesick, Mrs. George Grant, Mrs. Edgar Tobin and Mr. Jesse Oppenheimer in favor of the application; and Mr. Archie Brown, Mr. W. G. Conway and Mr. W. P. Kemper in opposition of the application.

Mr. Weidner read a draft of a proposed resolution granting a variance and special exception to Southwest Foundation for Research and Education. After he had finished reading this resolution, he presented a copy of it to Mr. Jesse Oppenheimer, attorney, and Mr. Archie Brown, attorney, for their consideration and information. Mr. Weidner then gave everyone present 15 minutes recess to look over the resolution and discuss it privately. After that time they were called back into the council room and the hearing continued.

Mr. Archie Brown spoke in behalf of his clients in opposition of this application. He brought out the fact that the application covered only Lot C of Block 24-26 and that when Lots CA, CB, CC and CD had been sub-divided and sold as single family dwelling lots they had lost all claim to the non-conforming use enjoyed by the remaining property, that is Lot C. It was further pointed out that the property development plan submitted included Lot CB, but that the Foundation only had an option to buy this lot and that they proposed to exercise this option for their own protection as well as the protection of Lot CC, and that they did not propose to use any portion of Lot CB as a part of their Club activity. Mr. Brown then stated the need for adequate parking facilities off the street but also as far away as possible from the adjoining property. Mrs. George Grant and Mr. Edward Gesick answered that question by showing Mr. Brown and his clients the proposed drawing of the parking lot, which showed that the parking was to be right around the building with fences around the lot and the lights on the ground.

The next question was the expressed use of the Club. Mr. Brown's clients had heard that the Club could be leased out to non-members for a social gathering. Mrs. Grant answered that question by stating that the Club was to be used by

members, staff and scientists only and that they would have a set of by-laws which are required by all Clubs.

Mr. W. G. Conway appeared before the Board to state that he purchased his lot and built his house to remain there for some time. He stated that any changes in the Staff of the Foundation would change the conditions of the operating of the Club. He also stated that he was not worried about what the present staff would do, but just the future staff.

The next question was in regards to outside entertaining. Mr. Jesse Oppenheimer, attorney, stated that there would be no entertainment outside. He wanted to leave that condition in the resolution because of the fact that if the resolution stated that there was to be no outside entertainment whatsoever, the members would feel very confined to the inside of the building. Mr. Brown requested that a clause be added to Section D, Page 5, in regards to outside entertainment, to the effect that there would be no entertainment whatsoever on Sundays.

The next question was in regards to the continuing of the operating of a private club when and if the property was ever sold. Mr. Weidner stated that it was his understanding that the Board had the authority to void any special exception that they had granted. He also stated that in order to void this special exception, there would have to be a violation of the restrictions that the Board had set out.

The next question was in regards to dances with music. Mrs. Grant stated that they would not have room inside for an orchestra at all but that they might have an occasion to have some music to dance to. Mr. Conway stated that it should be included in the resolution that there would be no loud music. This was agreed to by all parties.

There being no further discussion, everyone present came forward to thank the Board for their consideration and their work on this application.

Mr. McGowen moved that the resolution be adopted with the agreed modifications, and further that a condition be added requiring that the site development and restoration and remodeling of the building be carried out substantially in accordance with plans prepared by Architect John R. Walker and submitted by the Foundation with their application. This motion was seconded by Mr. Forgy and unanimously approved. A copy of this resolution is attached hereto and made a part of these minutes.

Upon motion by Mr. Peche, seconded by Mr. McGowen, the minutes of the May 18th meeting were unanimously approved.

Upon motion by Mr. McGowen, seconded by Mr. Peche, the minutes of the June 17th special meeting were unanimously approved.

Upon motion by Mr. Forgy, seconded by Mr. McGowen, the minutes of the June 20th special meeting were unanimously approved.

There being no further business, upon motion by Mr. Peche, seconded by Mr. Forgy, the meeting was adjourned.

Dorothy J. Wilson
Acting Secretary

W. G. Conway
Vice Chairman

APPEAL NO. 134

BOARD OF ADJUSTMENT	:	A RESOLUTION GRANTING A
	:	VARIANCE AND SPECIAL EX-
CITY OF ALAMO HEIGHTS, TEXAS.	:	CEPTION TO SOUTHWEST
	:	FOUNDATION FOR RESEARCH
	:	AND EDUCATION.

WHEREAS, on the 9th day of May, 1955, the Southwest Foundation for Research and Education filed an appeal to the Board of Adjustment of the City of Alamo Heights, Texas, from a ruling of the City Engineer pertaining to the use of the property known as The Argyle Hotel, which is known as all of Lot "C", Blocks 24 and 26, in Alamo Heights, Bexar County, Texas, the same being^{also} known as 934 Patterson Avenue. The request for a variance or special exception filed by the Southwest Foundation for Research and Education reads as follows:

"To the Honorable Board of Adjustment.

Lot No. C

"Gentlemen:

Block No. 24/26

"Now comes SOUTHWEST FOUNDATION FOR RESEARCH AND EDUCATION, a Trust of Bexar County, and affirms that on the 9th day of May, A. D. 1955, it applied for a special exception to permit them to restore the Argyle Hotel property and occupy it as a guest house for visiting and staff scientists and sponsors and trustees of the Foundation with suitable living quarters and dining facilities at 934 Patterson Avenue on a lot in a Residential "C" District as shown upon the attached plot plan and the Zoning Map of the City of Alamo Heights and to use same as a Guest House.

"The Applicant now applies, in accordance with the provisions of the Zoning Ordinance, to the Honorable Board of Adjustment to grant the heretofore special exception and to permit it to occupy, the completed premises as a Guest House for the following reasons:

"The Ordinance fails to define the contemplated use. The property is wholly unsuitable for occupancy as a residence. The proposed use is not prohibited and will not be in any way detrimental to the neighborhood. The restoration of the historic Argyle Hotel and the proper maintenance of the building and grounds will be a definite asset to the immediate area and to the community as a whole.

"Respectfully submitted,

"SOUTHWEST FOUNDATION FOR RESEARCH
AND EDUCATION

Appellant

"BY /s/ Edward J. Gesick, Sec'y Treas.

"Address 8500 Culebra Rd., San Antonio,
Texas.

"Telephone No. PE 4-4221.

WHEREAS, the Board of Adjustment caused to be given by publication in the official newspapers of the City of Alamo Heights, Texas, a notice stating the time and place for hearing to be had on such application for variance or special exception, which was at least five days before the date set for such hearing, and in addition thereto, the Board of Adjustment caused to have mailed notices of such hearing to the owners of property situated within 200 feet of any portion of the lot or property for which the variance or special exception was sought, and after such notices were duly and legally given, a public hearing was had on said application for variance and special exception, on the 18th day of May, 1955, at 7:00 P.M.; and

WHEREAS, the Board of Adjustment at such hearing heard evidence from a number of persons who were in favor of the granting of the variance and special exception, and also from people who were opposed to the granting of such variance and special exception; and the application for such

variance and special exception was presented to the Board by an attorney for the property owners, and the people who were opposed to such application were also represented by an attorney; and

WHEREAS, the Foundation has submitted plans prepared by Architect John R. Wilker showing the proposed property development and the remodeling and restoration of the Argyle Hotel building; and

WHEREAS, the Board of Adjustment inquired into the uses to which the property had been put in the past; and it was determined that the Zoning Ordinance was passed on the 14th day of September, 1928; and that prior to such date the property in question had been used as a hotel, which was operated by Mr. Robert O'Grady and Miss Alice O'Grady. When the property was used as a hotel there was a dining room open to the public where meals were served. Rooms were rented by the day or week or month. In general, services customarily furnished by a hotel were furnished by the Argyle Hotel. In December, 1943, Mrs. Lucy W. White purchased the Argyle Hotel property and continued to operate it up until the date it was sold to the Southwest Foundation for Research and Education. During the time Mrs. White operated the hotel she derived her revenue primarily from renting the rooms as apartments. Some rooms were rented on an individual basis. The restaurant was not regularly operated. However, by special request, dinner parties were held at the hotel. The property has further been used for dancing classes, a Christian Science Reading Room, and as a business office; and

WHEREAS, the property in question is in "C" Residential District 10, which is for single family dwellings; and the property has not been used for single family dwellings since prior to the passage of the Zoning Ordinance in 1928; and its use has been a nonconforming one; and

WHEREAS, the officers of the Southwest Foundation for Research

and Education testified that the object of the Foundation was that of conducting fundamental research in the fields of medicine, biology and agriculture, and in doing so, to advance the knowledge in these related fields. It was the plan to restore the Argyle Hotel property and use it primarily as a place where visiting scientists and other people connected with the Foundation might stay while in San Antonio, and to use the property as a private club for social entertainment of persons who are connected with, or contribute to, the Foundation. The property was to be owned by the Foundation to be leased out to a separate corporation organized to operate the property; and

WHEREAS, the Board of Adjustment, after hearing all of the evidence and considering the nature and location of the property and the uses to which it had been put in the past, finds that it would be a hardship for the property owners to be required to use it as a single family dwelling.

NOW, THEREFORE, BE IT RESOLVED: That an extension of the non-conforming uses to which the property has been put in the past should be granted, subject to the conditions herein set forth, so as to permit the property to be used for renting of rooms or apartments for daily, weekly, or for longer periods of time, and for the serving of meals to the people residing in such rooms and their guests, and for private dinner parties, and to authorize the property to be used as a place of entertainment and a private social club.

BE IT FURTHER RESOLVED: That the special exception and variance hereby granted shall remain in effect only so long as the owners and operators of such property comply with the following conditions:

(A) The service entrance and delivery dock should be located as far as possible from adjoining property. Adequate and proper recep-

tacles are to be provided for garbage and trash and they are also to be located as far as possible from adjoining property.

(B) Convenient off street parking. Parking facilities shall be adequate for normal operation of the Club and shall permit orderly parking for no less than 70 automobiles. All driveways and entrances should be conveniently laid out so as to prevent congestion. In the event that it would later be determined that provisions should be made for more than 70 automobiles to be parked on the premises of the hotel, the City Council should have the authority to require additional off street parking space.

(C) No activities shall be engaged in which would result in loud or objectionable noises coming from this property, such as shouting, cheering, honking of automobile horns, racing of motors, backfiring, or loud music or Public Address systems, and there shall be no facilities for outside entertainment on the grounds other than the existing terrace, balcony and porch.

(D) Outside entertainment must terminate by sundown, and shall not be engaged in on Sundays.

(E) Closing time for the restaurant shall be 12:00 Midnight, with no mass club activity such as dancing, continuing after that hour.

(F) Proper shielding facilities shall be provided to prevent automobile lights from disturbing adjoining property owners and still not prevent free passage of the prevailing summer breeze.

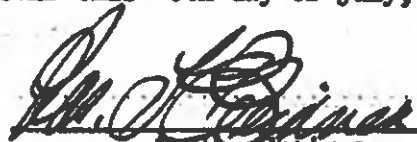
(G) Exterior light on premises shall be at very minimum, and all lights shall be so placed as to not project direct beam lighting on any adjacent property.

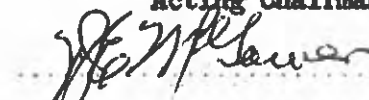
(H) The property shall be developed and the building restored

and remodeled essentially in accordance with the plans submitted by the Foundation.

BE IT FURTHER RESOLVED: That the special exception herein granted and the variance herein authorized are granted to the applicant for as long a period of time as the property is owned by the applicant, or some other philanthropic organization, and only so long as the property is used as a private club, the entire profits of which, if any, to be used for charitable or philanthropic undertakings; and that the property shall never be used for a public club and shall never be operated so as to constitute a nuisance, and shall at all times comply with all City, State and Federal Laws.

UNANIMOUSLY PASSED AND APPROVED this 6th day of July, 1955.


Acting Chairman


Member


Member

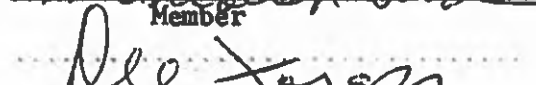

Member

Exhibit "C-2"
Ordinance 1756

ORDINANCE NO. 1756

AN ORDINANCE GRANTING A SPECIFIC USE PERMIT FOR THE OPERATION OF OFF-STREET PARKING FOR PROPERTY OWNED BY THE SOUTHWEST FOUNDATION FOR RESEARCH AND EDUCATION AT 815 PATTERSON AVENUE, ZONED SINGLE FAMILY - A DISTRICT, AS AUTHORIZED IN SECTION 3-87(12) OF THE ZONING CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALAMO HEIGHTS, TEXAS:

That Southwest Foundation for Research and Education, owner, is granted a Specific Use Permit, as authorized in Section 3-87(12) of the Zoning Code, for use of the property known as the LOTS 8, 9, 10, 11, 12 & 12 & East Five Feet of 13, BLOCK 27, COUNTY BLOCK 4024, in the City of Alamo Heights, Bexar County, Texas in order to operate off-street parking for the Argyle. Use of the property shall be as provided in the site plan approved by the City Council.

The Specific Use Permit granted herein shall not be transferable and shall expire automatically when the Southwest Foundation for Research and Education ceases to own the property or ceases to use it as off-street parking for the Argyle. This Specific Use Permit sets no precedent for other Specific Use Permits.

PASSED AND APPROVED this 25th day of February, 2008



MAYOR

ATTEST:



CITY SECRETARY

APPROVED AS TO FORM:



CITY ATTORNEY

Exhibit "C-3"
Ordinance 1757

ORDINANCE NO. 1757

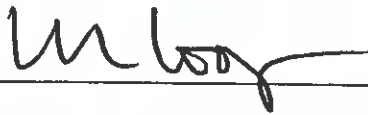
AN ORDINANCE GRANTING A SPECIFIC USE PERMIT FOR THE OPERATION OF OFF-STREET PARKING FOR PROPERTY OWNED BY SOUTHWEST FOUNDATION FOR RESEARCH AND EDUCATION AT 820 PATTERSON AVENUE, ZONED SINGLE FAMILY - A DISTRICT, AS AUTHORIZED IN SECTION 3-87(12) OF THE ZONING CODE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALAMO HEIGHTS, TEXAS:

That Southwest Foundation for Research and Education, owner, is granted a Specific Use Permit, as authorized in Section 3-87(12) of the Zoning Code, for use of the property known as the LOTS 26A & 24A, BLOCK 26, COUNTY BLOCK 4024, in the City of Alamo Heights, Bexar County, Texas in order to operate off-street parking for the Argyle. Use of the property shall be as provided in the site plan approved by the City Council.

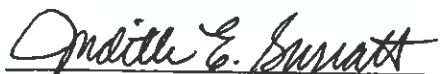
The Specific Use Permit granted herein shall not be transferable and shall expire automatically when the Southwest Foundation for Research and Education ceases to own the property or ceases to use it as off-street parking for the Argyle. This Specific Use Permit sets no precedent for other Specific Use Permits.

PASSED AND APPROVED this 25th day of February, 2008



MAYOR

ATTEST:



CITY SECRETARY

APPROVED AS TO FORM:



CITY ATTORNEY

Exhibit "C-4"
Ordinance 2095

ORDINANCE NO. 2095

AN ORDINANCE

ABANDONING APPROXIMATELY 2417 SQUARE FEET OF THE ARGYLE AVENUE CITY RIGHT-OF-WAY WEST OF PATTERSON AVENUE

WHEREAS, TEXAS BIOMEDICAL RESEARCH INSTITUTE (hereinafter referred to as "The Argyle") petitioned the City to abandon a portion of Argyle Avenue adjacent to The Argyle property at 934 Patterson Ave. in order to construct a new accessory structure and other improvements; and

WHEREAS, the Planning and Zoning Commission, after public hearing was held by it on December 4, 2017, recommended that the abandonment petition be approved and

WHEREAS, the City Council at a public hearing held on December 11, 2017 received said recommendation from the Planning and Zoning Commission and after considering such recommendation is of the opinion that the public would not be inconvenienced by approving such abandonment and that the abandonment would be in the public interest; and

WHEREAS, The Argyle is a charitable non-profit institution which provides substantial funding for biomedical research beneficial to the local community and to the nation and world; and

WHEREAS, The Argyle is a historic landmark with a rich history of prominence in the City of Alamo Heights; and

WHEREAS, after consideration of the use of Argyle Avenue, the City Council finds that the requested abandonment will not materially and substantially impair access of other property owners on Argyle Avenue; and

WHEREAS, after consideration of the narrow configuration of the abandoned land, the City Council finds that it would burdensome and unnecessary to require a replat of the property.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALAMO HEIGHTS, TEXAS that the petition of The Argyle to abandon a portion of Argyle Avenue described in the attached Exhibit "A" is approved. The abandoned right-of-way shall revert to The Argyle, which purports to be the owner of the fee simple title of the abandoned property. The fair market value of the right-of-way to be abandoned is determined to be \$1.97 per square foot because the land is not an individual economic unit and is encumbered by utility lines and poles traversing the entire length of the land. Upon receipt of payment for the abandoned right-of-way, the Mayor shall execute a deed without warranty to The Argyle. In accordance with Section 253.001 of the Local Government Code, the proceeds of the abandonment shall be used as required in said section of the Local Government Code. This ordinance shall be recorded with the deed without warranty.

The Argyle may relocate the utility poles and lines on and over the abandoned property provided CPS Energy and the City of Alamo Heights approves of such relocation. The Argyle may submit building plans and designs for improvement of the abandoned property and delay consummation of the purchase authorized herein until such plans are approved by the City. In no event shall new improvements to Argyle Avenue cause the curb-to-curb width to be reduced by The Argyle to less than 26 feet of paved right-of-way to assure adequate fire protection access. The abandonment approved herein shall set no precedent for future abandonment requests.

PASSED AND APPROVED this 11th day of December, 2017.



MAYOR

ATTEST:



CITY SECRETARY

APPROVED AS TO FORM:



CITY ATTORNEY

Northstar Land Surveying, Inc.

9033 Aero Street, Suite 105

San Antonio, Texas 78217

(210) 826-6228

TBPLS FIRM REGISTRATION NUMBER 10193967

FIELD NOTES FOR

0.055 ACRES (2,417 SQUARE FEET) OF LAND OUT OF ARGYLE AVENUE, IN THE CITY OF ALAMO HEIGHTS, BEXAR COUNTY, TEXAS, ACCORDING TO PLAT THEREOF RECORDED IN VOLUME 105, PAGE 180, DEED AND PLAT RECORDS OF BEXAR COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING: At a found ½ inch iron rod at the intersection of the north right-of-way of Argyle Avenue and the west right-of-way line of Patterson, the southeast corner of a part of Block 26 as recorded in Volume 3813, Page 213, Deed Records of Bexar County, Texas, the beginning of a non-tangent curve to the left, the northeast corner of the herein described tract;

THENCE: 6.37 feet coincident with the curve to the left, concave to the east, having a central angle of 00 degrees 37 minutes 44 seconds, a radius of 580.00 feet and a chord bearing and distance of South 03 degrees 26 minutes 33 seconds West (Bearings are based on the Texas State Plane Coordinate System Grid for the South Central Zone, NAD 83), 6.37 feet to a set ½ inch iron rod, the southeast corner of the herein described tract;

THENCE: South 85 degrees 58 minutes 32 seconds West, 90.50 feet a set mag nail an angle point of the herein described tract;

THENCE: North 84 degrees 21 minutes 56 seconds West, 89.29 feet a set ½ inch iron rod, an angle point of the herein described tract;

THENCE: North 87 degrees 45 minutes 55 seconds West, 45.42 feet a set ½ inch iron rod, an angle point of the herein described tract;

THENCE: North 85 degrees 15 minutes 33 seconds West, 51.82 feet a found ½ inch iron rod on the north right-of-way line of Argyle Avenue, the southwest corner of a 0.259 acre tract as recorded in Volume 14059, Page 1071, Official Public Records of Bexar County, Texas, the west corner of the herein described tract;

Continued

THENCE: With the north right-of-way line of Argyle Avenue the following:

North 87 degrees 47 minutes 23 seconds East, 49.81 feet coincident with the south line of the above referenced 0.259 acre tract, to a found $\frac{1}{2}$ iron rod, the southeast corner of the 0.259 acre tract, the southwest corner of a 0.341 acre tract as recorded in Volume 6997, Page 287, Deed Records of Bexar County, Texas, an anglepoint of the herein described tract;

South 89 degrees 48 minutes 15 seconds East, 40.00 feet coincident with the south line of the above referenced 0.341 acre tract, to a found $\frac{1}{2}$ iron rod, the southeast corner of the 0.341 acre tract, the southwest corner of the above referenced part of Block 26, an angle point of the herein described tract;

South 88 degrees 48 minutes 15 seconds East, 186.81 feet coincident with the south line of the part of Block 26 to the **POINT OF BEGINNING**, containing 0.055 acres.

These Field Notes are based on a survey made on the ground and a survey map prepared by employees of Northstar Land Surveying, Inc. who were working under my supervision.



Thomas C. Haberer
Registered Professional Land Surveyor #4350
October 27, 2017
Job No. 7-06-0066(ROW Purchase)



Exhibit "C-5"
Ordinance 2114

ORDINANCE NO. 2114

A ZONING ORDINANCE GRANTING A SPECIFIC USE PERMIT FOR THE CONSTRUCTION AND OPERATION OF AN OFF-STREET PARKING AREA AND EMPLOYEE BREAK AREA ON PROPERTY OWNED BY THE TEXAS BIOMEDICAL RESEARCH INSTITUTE AT 423 ARGYLE AVENUE, ZONED SINGLE FAMILY-A DISTRICT, AS AUTHORIZED IN SECTION 3-87 (12) OF THE ZONING CODE.

WHEREAS, TEXAS BIOMEDICAL RESEARCH INSTITUTE requested a Specific Use Permit (hereinafter referred to as "SUP"), to construct and operate an off-street parking area and employee break area at 423 Argyle Avenue, legally described as Lot 260, Block 26, County Block 4024 in the City of Alamo Heights, Bexar County, Texas; and

WHEREAS, the SUP application was duly considered by the Planning and Zoning Commission at a public hearing on October 1, 2018, and after consideration, the Planning and Zoning Commission recommended that the Specific Use Permit requested by **TEXAS BIOMEDICAL RESEARCH INSTITUTE** be approved; and

WHEREAS, the City Council considered the recommendation of the Planning and Zoning Commission at a public hearing held on November 13, 2018, and after consideration of the application for the SUP, and after hearing comments from the public concerning the application, finds that approval of the application is in the public interest and is of the opinion that a SUP should be issued to **TEXAS BIOMEDICAL RESEARCH INSTITUTE**.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ALAMO HEIGHTS, TEXAS that **TEXAS BIOMEDICAL RESEARCH INSTITUTE** is granted a Specific Use Permit, pursuant to Section 3-87 (12) of the Zoning Code, to construct and operate an off-street parking area and employee break area at 423 Argyle Avenue, Alamo Heights, Texas.

This SUP is issued to **TEXAS BIOMEDICAL RESEARCH INSTITUTE** only. This SUP shall automatically expire if the applicant moves from, transfers, sells or otherwise disposes of applicant's property at 934 Patterson Avenue.

This ordinance shall not be severable, so that if any part of it is declared to be invalid, that will invalidate the entire ordinance.

PASSED AND APPROVED this 13th day of November, 2018.


MAYOR

ATTEST:


CITY SECRETARY

APPROVED AS TO FORM:


CITY ATTORNEY

Attachment 2

THE STATE OF TEXAS §
COUNTY OF BEXAR §

CERTIFIED COPY OF PUBLIC RECORD

I, Elsa T. Robles, City Secretary of the City of Alamo Heights, hereby certify that the above and foregoing is a true and correct copy of the **Approved Minutes of the City of Alamo Heights Board of Adjustment Meeting held on July 6, 1955**, duly adopted by the Board of Adjustment of the City of Alamo Heights, Texas at a meeting of said Board on the 3rd day of August A.D. 1955. I further certify that I am the City Secretary of the City of Alamo Heights, Texas, that I am a lawful possessor and keeper, and that I have legal custody of the records in said office.




Elsa T. Robles, TRMC
City Secretary
City of Alamo Heights, Texas

THE STATE OF TEXAS §
COUNTY OF BEXAR §

BEFORE ME, the undersigned authority, a Notary Public for the State of Texas, on this day personally appeared Elsa T. Robles, City Secretary of the City of Alamo Heights, Texas, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purpose and consideration therein expressed and in the capacity therein stated.

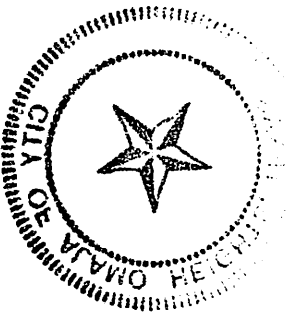
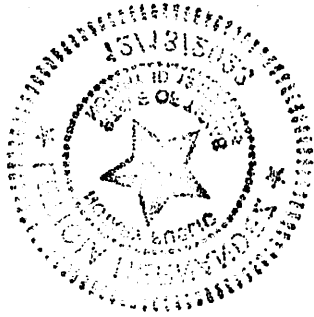
GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 27 day of June,
A.D., 2022.




Notary Public for the
State of Texas

My Commission Expires:

December 13, 2023



CITY OF ALAMO HEIGHTS
BOARD OF ADJUSTMENT
July 6, 1955

A regular meeting of the Board of Adjustment of the City of Alamo Heights was held in the City Hall at 6116 Broadway, July 6, 1955, at 7:00 P.M.

There were present:

C. T. Weidner - Vice Chairman
J. E. McGowen
Dée Forgy
Michael Peche

Composing a quorum of the Board of Adjustment. Also present:

City Engineer R. W. Stiles

There was absent:

John P. Giles - Chairman

Case No. 134

This meeting was called to continue discussion on the application of the Southwest Foundation for Research and Education to restore the Argyle Hotel and operate a social club there on the property. There were present: Mr. Edward Gesick, Mrs. George Grant, Mrs. Edgar Tobin and Mr. Jesse Oppenheimer in favor of the application; and Mr. Archie Brown, Mr. W. G. Conway and Mr. W. P. Kemper in opposition of the application.

Mr. Weidner read a draft of a proposed resolution granting a variance and special exception to Southwest Foundation for Research and Education. After he had finished reading this resolution, he presented a copy of it to Mr. Jesse Oppenheimer, attorney, and Mr. Archie Brown, attorney, for their consideration and information. Mr. Weidner then gave everyone present 15 minutes recess to look over the resolution and discuss it privately. After that time they were called back into the council room and the hearing continued.

Mr. Archie Brown spoke in behalf of his clients in opposition of this application. He brought out the fact that the application covered only Lot C of Block 24-26 and that when Lots CA, CB, CC and CD had been sub-divided and sold as single family dwelling lots they had lost all claim to the non-conforming use enjoyed by the remaining property, that is Lot C. It was further pointed out that the property development plan submitted included Lot CB, but that the Foundation only had an option to buy this lot and that they proposed to exercise this option for their own protection as well as the protection of Lot CC, and that they did not propose to use any portion of Lot CB as a part of their Club activity. Mr. Brown then stated the need for adequate parking facilities off the street but also as far away as possible from the adjoining property. Mrs. George Grant and Mr. Edward Gesick answered that question by showing Mr. Brown and his clients the proposed drawing of the parking lot, which showed that the parking was to be right around the building with fences around the lot and the lights on the ground.

The next question was the expressed use of the Club. Mr. Brown's clients had heard that the Club could be leased out to non-members for a social gathering. Mrs. Grant answered that question by stating that the Club was to be used by

members, staff and scientists only and that they would have a set of by-laws which are required by all Clubs.

Mr. W. G. Conway appeared before the Board to state that he purchased his lot and built his house to remain there for some time. He stated that any changes in the Staff of the Foundation would change the conditions of the operating of the Club. He also stated that he was not worried about what the present staff would do, but just the future staff.

The next question was in regards to outside entertaining. Mr. Jesse Oppenheimer, attorney, stated that there would be no entertainment outside. He wanted to leave that condition in the resolution because of the fact that if the resolution stated that there was to be no outside entertainment whatsoever, the members would feel very confined to the inside of the building. Mr. Brown requested that a clause be added to Section D, Page 5, in regards to outside entertainment, to the effect that there would be no entertainment whatsoever on Sundays.

The next question was in regards to the continuing of the operating of a private club when and if the property was ever sold. Mr. Weidner stated that it was his understanding that the Board had the authority to void any special exception that they had granted. He also stated that in order to void this special exception, there would have to be a violation of the restrictions that the Board had set out.

The next question was in regards to dances with music. Mrs. Grant stated that they would not have room inside for an orchestra at all but that they might have an occasion to have some music to dance to. Mr. Conway stated that it should be included in the resolution that there would be no loud music. This was agreed to by all parties.

There being no further discussion, everyone present came forward to thank the Board for their consideration and their work on this application.

Mr. McGowen moved that the resolution be adopted with the agreed modifications, and further that a condition be added requiring that the site development and restoration and remodeling of the building be carried out substantially in accordance with plans prepared by Architect John R. Walker and submitted by the Foundation with their application. This motion was seconded by Mr. Forgy and unanimously approved. A copy of this resolution is attached hereto and made a part of these minutes.

Upon motion by Mr. Peche, seconded by Mr. McGowen, the minutes of the May 18th meeting were unanimously approved.

Upon motion by Mr. McGowen, seconded by Mr. Peche, the minutes of the June 17th special meeting were unanimously approved.

Upon motion by Mr. Forgy, seconded by Mr. McGowen, the minutes of the June 20th special meeting were unanimously approved.

There being no further business, upon motion by Mr. Peche, seconded by Mr. Forgy, the meeting was adjourned.

Dorothy J. Wilson
Acting Secretary

Charles E. Bienen
Vice Chairman

[Handwritten signature]

APPEAL NO. 134

BOARD OF ADJUSTMENT	:	A RESOLUTION GRANTING A
	:	VARIANCE AND SPECIAL EX-
CITY OF ALAMO HEIGHTS, TEXAS.	:	CEPTION TO SOUTHWEST
	:	FOUNDATION FOR RESEARCH
	:	AND EDUCATION.

WHEREAS, on the 9th day of May, 1955, the Southwest Foundation for Research and Education filed an appeal to the Board of Adjustment of the City of Alamo Heights, Texas, from a ruling of the City Engineer pertaining to the use of the property known as The Argyle Hotel, which is known as all of Lot "C", Blocks 24 and 26, in Alamo Heights, Bexar County, Texas, the same being ^{also} known as 934 Patterson Avenue. The request for a variance or special exception filed by the Southwest Foundation for Research and Education reads as follows:

"To the Honorable Board of Adjustment.

Lot No. C

"Gentlemen:

Block No. 24/26

"Now comes SOUTHWEST FOUNDATION FOR RESEARCH AND EDUCATION, a Trust of Bexar County, and affirms that on the 9th day of May, A. D. 1955, it applied for a special exception to permit them to restore the Argyle Hotel property and occupy it as a guest house for visiting and staff scientists and sponsors and trustees of the Foundation with suitable living quarters and dining facilities at 934 Patterson Avenue on a lot in a Residential "C" District as shown upon the attached plot plan and the Zoning Map of the City of Alamo Heights and to use same as a Guest House.

"The Applicant now applies, in accordance with the provisions of the Zoning Ordinance, to the Honorable Board of Adjustment to grant the heretofore special exception and to permit it to occupy, the completed premises as a Guest House for the following reasons:

"The Ordinance fails to define the contemplated use. The property is wholly unsuitable for occupancy as a residence. The proposed use is not prohibited and will not be in any way detrimental to the neighborhood. The restoration of the historic Argyle Hotel and the proper maintenance of the building and grounds will be a definite asset to the immediate area and to the community as a whole.

"Respectfully submitted,

"SOUTHWEST FOUNDATION FOR RESEARCH
AND EDUCATION

Appellant

"BY /s/ Edward J. Gesick, Sec'y Treas.

"Address 8500 Culebra Rd., San Antonio,
Texas.

"Telephone No. PE 4-4221.

WHEREAS, the Board of Adjustment caused to be given by publication in the official newspapers of the City of Alamo Heights, Texas, a notice stating the time and place for hearing to be had on such application for variance or special exception, which was at least five days before the date set for such hearing, and in addition thereto, the Board of Adjustment caused to have mailed notices of such hearing to the owners of property situated within 200 feet of any portion of the lot or property for which the variance or special exception was sought, and after such notices were duly and legally given, a public hearing was had on said application for variance and special exception, on the 18th day of May, 1955, at 7:00 P.M.; and

WHEREAS, the Board of Adjustment at such hearing heard evidence from a number of persons who were in favor of the granting of the variance and special exception, and also from people who were opposed to the granting of such variance and special exception; and the application for such

variance and special exception was presented to the Board by an attorney for the property owners, and the people who were opposed to such application were also represented by an attorney; and

WHEREAS, the Foundation has submitted plans prepared by Architect John R. Walker showing the proposed property development and the remodeling and restoration of the Argyle Hotel building; and

WHEREAS, the Board of Adjustment inquired into the uses to which the property had been put in the past; and it was determined that the Zoning Ordinance was passed on the 14th day of September, 1928; and that prior to such date the property in question had been used as a hotel, which was operated by Mr. Robert O'Grady and Miss Alice O'Grady. When the property was used as a hotel there was a dining room open to the public where meals were served. Rooms were rented by the day or week or month. In general, services customarily furnished by a hotel were furnished by the Argyle Hotel. In December, 1943, Mrs. Lucy W. White purchased the Argyle Hotel property and continued to operate it up until the date it was sold to the Southwest Foundation for Research and Education. During the time Mrs. White operated the hotel she derived her revenue primarily from renting the rooms as apartments. Some rooms were rented on an individual basis. The restaurant was not regularly operated. However, by special request, dinner parties were held at the hotel. The property has further been used for dancing classes, a Christian Science Reading Room, and as a business office; and

WHEREAS, the property in question is in "C" Residential District 10, which is for single family dwellings; and the property has not been used for single family dwellings since prior to the passage of the Zoning Ordinance in 1928; and its use has been a nonconforming one; and

WHEREAS, the officers of the Southwest Foundation for Research

and Education testified that the object of the Foundation was that of conducting fundamental research in the fields of medicine, biology and agriculture, and in doing so, to advance the knowledge in these related fields. It was the plan to restore the Argyle Hotel property and use it primarily as a place where visiting scientists and other people connected with the Foundation might stay while in San Antonio, and to use the property as a private club for social entertainment of persons who are connected with, or contribute to, the Foundation. The property was to be owned by the Foundation to be leased out to a separate corporation organized to operate the property; and

WHEREAS, the Board of Adjustment, after hearing all of the evidence and considering the nature and location of the property and the uses to which it had been put in the past, finds that it would be a hardship for the property owners to be required to use it as a single family dwelling.

NOW, THEREFORE, BE IT RESOLVED: That an extension of the non-conforming uses to which the property has been put in the past should be granted, subject to the conditions herein set forth, so as to permit the property to be used for renting of rooms or apartments for daily, weekly, or for longer periods of time, and for the serving of meals to the people residing in such rooms and their guests, and for private dinner parties, and to authorize the property to be used as a place of entertainment and a private social club.

BE IT FURTHER RESOLVED: That the special exception and variance hereby granted shall remain in effect only so long as the owners and operators of such property comply with the following conditions:

(A) The service entrance and delivery dock should be located as far as possible from adjoining property. Adequate and proper recep-

tacles are to be provided for garbage and trash and they are also to be located as far as possible from adjoining property.

(B) Convenient off street parking. Parking facilities shall be adequate for normal operation of the Club and shall permit orderly parking for no less than 70 automobiles. All driveways and entrances should be conveniently laid out so as to prevent congestion. In the event that it would later be determined that provisions should be made for more than 70 automobiles to be parked on the premises of the hotel, the City Council should have the authority to require additional off street parking space.

(C) No activities shall be engaged in which would result in loud or objectionable noises coming from this property, such as shouting, cheering, honking of automobile horns, racing of motors, backfiring, or loud music or Public Address systems, and there shall be no facilities for outside entertainment on the grounds other than the existing terrace, balcony and porch.

(D) Outside entertainment must terminate by sundown, and shall not be engaged in on Sundays.

(E) Closing time for the restaurant shall be 12:00 Midnight, with no mass club activity such as dancing, continuing after that hour.

(F) Proper shielding facilities shall be provided to prevent automobile lights from disturbing adjoining property owners and still not prevent free passage of the prevailing summer breeze.

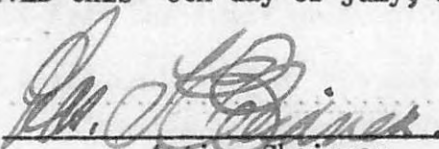
(G) Exterior light on premises shall be at very minimum, and all lights shall be so placed as to not project direct beam lighting on any adjacent property.

(H) The property shall be developed and the building restored

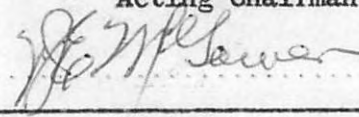
and remodeled essentially in accordance with the plans submitted by the Foundation.

BE IT FURTHER RESOLVED: That the special exception herein granted and the variance herein authorized are granted to the applicant for as long a period of time as the property is owned by the applicant, or some other philanthropic organization, and only so long as the property is used as a private club, the entire profits of which, if any, to be used for charitable or philanthropic undertakings; and that the property shall never be used for a public club and shall never be operated so as to constitute a nuisance, and shall at all times comply with all City, State and Federal Laws.

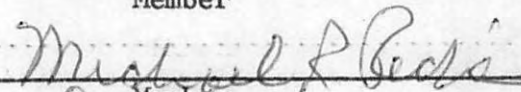
UNANIMOUSLY PASSED AND APPROVED this 6th day of July, 1955.



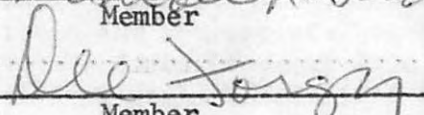
Acting Chairman



Member



Member



Member



Attachment 3



February 16, 2022

To:
The Members Of The Argyle

Dear Argyle member:

On behalf of your Board of Governors, I am writing to you today to again extend to you an invitation to attend the Argyle Annual Meeting to be held at The Argyle at 5:15 PM on Wednesday, March 2, 2022. Despite COVID restrictions, we had a wonderful turnout last year and we hope to have even more members attend this year.

In addition to the regular business we usually conduct, we will be updating our members about the proposed Argyle Hall project and seeking your input, questions, and concerns. In advance of the meeting, and especially for those of you unable to attend, this letter will provide you with further information and accurate details about this project, its origin, and purpose.

As you know, in addition to delighting in our distinctive and unique private dining, many of our Argyle members have historically enjoyed hosting their private gatherings and special occasions at The Argyle. We especially treasure having our family and other special events here, such as our children's wedding receptions, debuts, birthdays, and even our celebrations of life upon losing a loved one. And, as we've discussed with you in the past, these private members' occasions are a very important part of the financial success of The Argyle. Without them, no amount of increased prices or dues could financially support The Argyle's à la carte dining operations, much less even begin to pay for the considerable cost of annual maintenance and repair of our wonderful old mansion. The capacity of our largest indoor space, the Slick-Urschel Room, is only 125.

Early on, The Argyle began the practice of erecting temporary tents to accommodate our members' desire to have their gatherings which would not fit inside. Over the years, these tents have become more elaborate and much more expensive. In addition, significant problems have arisen with this tenting practice. Setting up these large tent structures for a Saturday night wedding, for instance, typically begins with very large trucks and construction equipment arriving onto our front area off of Patterson Ave. on Tuesday or Wednesday, the construction process continuing for 3-4 days until the night of the wedding, followed by the return of large equipment and trucks to begin the take-down process which typically extends into the following week. This causes significant disruption on our own grounds and to our members' use of the club during that time; it also disrupts our neighborhood every time this is required. Water inundation in rainy conditions is common, causing operational and safety issues, not to mention ruining carpeting, flooring, and decorations. The music and noise generated obviously cannot be contained in a tent, and this has been a matter of growing irritation to our neighbors. In addition, these temporary structures present significant security, management, and control issues.

Our first manager and successive Argyle managers and Boards considered various plans to create an expansion to accommodate these members' occasions in a permanent, indoor space which is code compliant, while also preserving the wonderful heritage, history, architecture, and feel of The Argyle.

Significant funding is required to create a space to bring these problematic and expensive tented occasions indoors. The Board rejected the alternatives of member assessments, taking on debt, or significantly increasing prices, dues, or membership. Instead, we decided to determine whether it would be possible to raise the money from private major gifts. We first consulted with TBRI, which recognized that this would greatly enhance The Argyle's ability to pay for repairs and maintenance on our main building, an unwanted burden which partially falls upon TBRI as the owner.

Through a member's generous seed money gift, we engaged highly-recommended architects and designers to generate concept drawings to show to potential donors. In a short time, we raised 100% of the needed funds from a small number of Argyle members which means no debt and no assessments.

The Argyle Hall is an extension of the existing Argyle, just as were the Slick and Urschel rooms. And, incidentally, as were the extensions south of the original structure to create the Betty Maddox Dining Room and the little patio which later was transformed into the immensely popular Coates-Kelso Garden.

There are several purposes for extending our indoor spaces into The Hall:

- One is to address the significant problems described above with the practice of continuously erecting and dismantling large tents for members' private occasions. The Argyle Hall will reduce that disruption, the noise, the safety and control problems, and the liability.
- Another purpose is to provide for our members the larger permanent, indoor, furnished spaces needed for their private occasions, without the necessity of incurring the significant expense of a temporary tent or interfering with à la carte dining. We will have the ability to have functions in a variety of spaces for private dining that can host a small gathering up to a large wedding. This is an amenity members have wanted since inception. Many of our members cannot afford the large expense to host their private occasions at The Argyle and are forced to go elsewhere.
- Another purpose for The Hall is a very serious financial concern which simply is existential to The Argyle. Here are some interesting facts. The Argyle has over 1100 resident members. Over 50% of our members never come to The Argyle for à la carte dining or only come once or twice a year. That is their right and privilege, of course. We do everything we can think of to make The Argyle food and dining an exquisite and memorable experience, and we constantly receive effusive thanks from members and their guests for those wonderful experiences. We also receive a few complaints and suggestions which we welcome and seek to promptly address and rectify. But the truth is that only 16% of our members provide well over half of The Argyle's à la carte revenues, and The Argyle cannot survive financially on its members' à la carte expenditures. This is especially true given the high cost to maintain and repair our beloved old building on an ongoing basis, a cost exceeding \$750,000 dollars most years. Since inception, it has always been a fact that The Argyle relies heavily on members' private events for its financial viability. Without them, there would have to be some combination of a variety of undesirable options, including member assessments, significant dues increases, minimum spending requirements, significant increased food and beverage prices, or even vastly increasing the size of our membership.

Some concerns have been raised about parking, traffic, and disruption. Here are the facts:

Enclosing members' event spaces rather than continuously tenting will not increase overall parking needs, or traffic, for that matter. Over the years, your Board has addressed The Argyle's parking needs, and we have provided ample private off-street parking, much more than required by ordinance. And, as a side note, times are changing, and we are seeing much lower parking requirements, as the use of Uber and other ride-sharing alternatives increases. Traffic and disruption presently caused by the setting up and taking down of tents will be significantly reduced, not increased.

It's true that ensuring The Argyle's financial viability is paramount. And it's important to be able to meet the needs of the members for a private function space larger than 125. But just as vital to all of us is to maintain and preserve the magic of The Argyle. It has the certain feel of an eccentric but elegant and historic old house, which, incidentally, is the first and oldest remaining structure in Alamo Heights. The exposed pipes in the bar, the creaky wood floors, the old mismatched chandeliers and sconces, the antique furniture and old rugs; these are the essence of The Argyle, the magic, that we have loved all of our lives and never want to lose. And whenever we've made changes, we've worked hard to protect that magic.

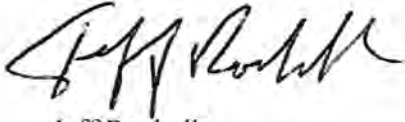
This expanded members' space is consistent with that. It is being carefully and professionally designed to seamlessly and beautifully conform to the historic aspects of the original building, a design incidentally approved by the Texas Historic Commission. Its understated scale and setback location behind a canopy of old oaks is in concert with The Argyle and its grand staircase, generous lawn, and grounds. In fact, as you can see from the accurate photographic renditions enclosed with this letter, it will be only partially visible from Patterson and certainly not on the scale of those enormous tents.

Inside, the Hall has a space for members' gatherings which increases our present capacity of 125 in the Slick and Urschel Rooms by 175. Next to that space is a beautiful Garden Room with a brick floor, opening onto a lovely garden, having the feel of a porch in the old house which was enclosed into a sunlight-filled garden room. At the rear is an open-air sunset terrace with a view to the west over Olmos Basin to the hills beyond, the reaches and domain of the horse farm of which the original Argyle structure was the headquarters. Tucked below is a quaint wine cellar and wine room where members can gather for dining. The interiors are meticulously appointed to replicate and capture the essence of this old house, under the careful direction and guidance of the members of our House Committee, which includes a prominent local architect and a prominent local designer, both of whom are also Argyle members.

In closing, we want you to know that we have worked hard to engage our members in this process. We announced at last year's annual meeting that we were able to raise 100% of the funds needed for this expansion plan through the generosity of a small number of Argyle members, without asking the general membership for any contribution. The members attending our annual meeting last year applauded the plan and this accomplishment. For those members who did not attend our meeting, we emailed every member to announce and describe The Hall project, and we posted the details on our website. We included preliminary renderings and updates in our regular newsletter which is emailed and snail-mailed to every member. We held a reception for our neighbors to come to The Argyle and see the plans and discuss any concerns, and we will hold more receptions. Most of our immediate neighbors have had a positive response, with written letters of support by a super majority of our nearest neighbors. A few have expressed concerns and we have listened and responded. We have reached out personally to a number of our members who have had questions or concerns, and we have listened and responded to each.

On behalf of the entire Board, as well as your fellow members who've worked tirelessly on this project for over a year, I thank you for taking the time to familiarize yourself with the proposed Argyle Hall. We hope to see you at the annual meeting.

Sincerely,



Jeff Rochelle
President of The Argyle

Argyle Board of Governors

Mr. Jeff Rochelle - President
Mrs. Beth Smith - 1st Vice President
Mrs. Ashley Hixon - 2nd Vice President
Mr. Tibaut Bowman, Sr. - Treasurer
Mr. Donald "Bruce" Edwards - Secretary
Mrs. Anita Allison
Mr. Richard Azar, II
Mrs. Allison Balthrope
Mrs. Barbara Dreeben
Mr. Albert "Boo" Hausser
Mr. Herbert Hill
Mr. Michael Kiolbassa
Mrs. Kate Park
Mr. Alistair Philip
Mrs. Elizabeth Roberts
Mr. Bruce Smith

Argyle Building Committee

Albert "Boo" Hausser – Chairperson
Tibaut Bowman, Sr.
Kathryn Johnson
Alistair Philip
Jeff Rochelle
Beth Smith

Argyle House Committee

Barbara Dreeben – Chairperson
Nancy Moorman
Elizabeth Roberts
Todd Romano
Lisa Sechler
Courtney Walker

Attachment 4

JOHN C. KERR
214 Chester Street
San Antonio, Texas 78209

November 2, 2024

City of Alamo Heights Planning & Zoning Commission
6116 Broadway
San Antonio, Texas 78209

Dear Commissioners:

As the former Chairman of the Board of Trustees of the Texas Biomedical Research Institute ("Texas Biomedical") and former President of the Argyle, I am writing to clarify the financial relationship between the two entities.

Since the founding of the Argyle in 1956 one of its central purposes has been providing financial support to Texas Biomedical. From the beginning this has been accomplished through the requirement that each member of the Argyle make an annual donation of a fixed amount to Texas Biomedical. The failure of a member to do so results in the termination of his or her membership in the Argyle. The amount of the annual donation is set by the governing boards of the two organization and currently is \$1,200. Apart from the members' annual donations, the Argyle does not provide financial support to Texas Biomedical. One of the new members' initiation fees is transferred to Texas Biomedical and held in a fund to help defray maintenance and repairs of the Argyle. Consequently, any improvement in the operations and financial performance of the Argyle would not, directly or indirectly, benefit Texas Biomedical.

Very truly yours,


John C. Kerr

Attachment 5



Phelps Dunbar LLP
3600 N. Capital of Texas Highway
Suite B300
Austin, TX 78746
737 220 8735

Frederick D. Junkin
Partner
fred.junkin@phelps.com
Direct 713 877 5508

July 23, 2025

By E-Mail and Certified Mail

Honorable Al Honigblum
Mayor
City of Alamo Heights
6116 Broadway
San Antonio, TX 78209

Honorable Blake M. Bonner
Council Member Place 3
City of Alamo Heights
6116 Broadway
San Antonio, TX 78209

Honorable Lawson Jessee
Council Member Place 1
City of Alamo Heights
6116 Broadway
San Antonio, TX 78209

Honorable Lynda Billa Burke
Council Member Place 4
City of Alamo Heights
6116 Broadway
San Antonio, TX 78209

Re: The Argyle Specific Use Permit Application

Dear Mayor Honigblum and Council Members Jessee, Bonner, and Burke:

As you are aware, The Argyle – a private club operating at 934 Patterson Avenue in Alamo Heights – has applied for a Specific Use Permit that would authorize its operation as a venue for events with "contracted attendance" exceeding 1,000 guests (the "SUP Application"). It is our understanding that the SUP Application is currently scheduled to be taken up for consideration by the City Council on Monday, August 11, 2025.

My client understands that each of you is a member of The Argyle.

Chapter 2, Article VI of the City of Alamo Heights Code of Ordinances establishes a code of ethics and conduct intended to assure that the citizens and businesses of the city have a "fair, ethical and accountable local government which earns the public's full confidence for integrity." § 2-151. To that end, the city's officials and employees are required, among other things, to "[c]omply with both the letter and spirit of the laws and policies affecting the operations of government." § 2-151.

The code of ethics includes the following provisions:

§ 2-153 **Act in the public interest.**

Recognizing that stewardship of the public interest must be their primary concern, city officials and employees will work for the common good of the people of Alamo Heights and not for any private or personal interest, and they will assure fair and equal treatment of all persons, claims and transactions coming before the city council, boards, commissions, and committees.

§ 2-155 **Conduct of city officials and employees.**

The professional and personal conduct of city officials and employees must be above reproach and *avoid even the appearance of impropriety*. . . .

§ 2-160 **Conflicts of interest and disclosure.**

City officials and employees shall familiarize themselves and abide by the following conflicts of interest and disclosure statutes and principles:

- (6) In order to assure their independence and impartiality on behalf of the public good, *city officials and employees are prohibited from using their positions to influence government decisions in which they have a personal interest.*

§ 2-171 **Compliance and enforcement.**

The city's code of ethics and conduct expresses standards of ethical conduct expected for city officials and employees of the city council, boards, commissions, and committees. *City officials and employees themselves have the primary responsibility to assure that ethical standards are understood and met, and that the public can continue to have full confidence in the integrity of government.* The chairs of boards, commissions, and committees and the mayor have the additional responsibility to intervene when city officials' actions appear to be in violation of the code of ethics and conduct and are brought to their attention. The city council may impose sanctions, such as reprimand, formal censure, or loss of committee assignment, on city officials whose conduct does not comply with the city's ethical standards. The city council also may act to remove members of boards, commissions, and committees from office.

(Emphasis added.)

It is apparent that, as members of The Argyle, each of you has a personal interest in the disposition of the SUP Application. Accordingly, the city's code of ethics requires that you recuse yourselves from participation in any deliberation and vote on the SUP Application and any other matter involving The Argyle that comes before City Council.

Honorable Al Honigblum, et al.
July 23, 2025
Page 3

To avoid the necessity for litigation to enforce the requirements imposed by the city's code of ethics, please submit an appropriate statement of recusal to the City Manager no later than Wednesday, July 30, 2025.

Thank you for your attention and consideration.

Sincerely,



Frederick D. Junkin
Counsel for the Neighborhood
Preservation League of Alamo Heights

cc: Buddy Kuhn, City Manager
Frank J. Garza, City Attorney
Karl P. Baker, Council Member Place 2
Trey Jacobson, Council Member Place 5
By E-Mail

Attachment 6



DAVIDSON
TROILO
REAM &
GARZA PC
ATTORNEYS AT LAW

JOHN W. DAVIDSON (1929-2024) ARTHUR TROILO (1931-2020) CHEREE TULL KINZIE PATRICK W. LINDNER
LEA A. REAM FRANK J. GARZA JAMES C. WOO DAVID R. RANGEL BETSY J. JOHNSON R. JO RESER
STEVEN M. PEÑA JESSIE LOPEZ NICONDRA CHARGOIS-ALLEN JUSTIN J. NAIL MOLLY G. SOLIS
SCOTT J. SMYTH AUSTIN R. BECK MICHAEL S. MCCANN JR. E. SPENCER NEALY
CHELSEA N. AMEN LAUREN T. PAYNE MALLORIE P. FALCON ALYSSA SANTIAGO
OF COUNSEL TERRY TOPHAM R. GAINES GRIFFIN RICHARD E. HETTINGER

July 25, 2025

***Via Email: fred.junkin@phelps.com
& US Mail***

Frederick D. Junkin
Phelps Dunbar LLP
3600 N. Capital of Texas Highway
Austin, TX 78746

Re: Argyle Specific Use Permit Application

Dear Mr. Junkin:

This letter is in response to your letter of July 23, 2025, addressed to Mayor Al Honigblum, Councilmembers Lawson Jessee, Blake Bonner, and Lynda Billa Burke. You state that your client understands that the elected officials you addressed your letter to are members of The Argyle. Your client is mistaken regarding Councilman Lawson Jessee in that he is not a member nor has he ever been a member of The Argyle.

With regards to the elected officials that are members of The Argyle, your letter states it is "apparent that, as a member of The Argyle, each of you has a personal interest in the disposition of the SUP Application." You further demand that to avoid litigation, they submit an appropriate statement of recusal no later than July 30, 2025. This letter is to advise you and your client that I have made a legal determination that there is no conflict under Chapter 171 of the Local Government Code nor the City's Code of Ethics that would prevent the Mayor and identified Councilmembers from voting on the SUP application.

Your letter seems to focus on a potential violation of Section 2-160 (6) in that "city officials...are prohibited from using their positions to influence government decisions in which they have a **personal interest**." What you failed to point out in your letter is that there is no definition of personal interest in the City Ethics Code. If I were to accept your interpretation, no elected city official who has a Frost bank account would be able to vote on the City's Depository bank contract since the City contracts with Frost to provide the City's banking needs.

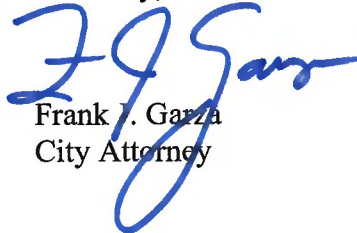
Since the City's Ethics Code nor Texas law define "personal interest," I used the state ethics provision that applies to local officials of "**substantial interest**" as defined by Chapter 171 to make my determination that the elected officials that are members are not prohibited from voting on The Argyle SUP. Chapter 171 defines substantial interest as follows:

Sec. 171.002. SUBSTANTIAL INTEREST IN BUSINESS ENTITY.

- (a) For purposes of this chapter, a person has a substantial interest in a business entity if:
 - (1) the person owns 10 percent or more of the voting stock or shares of the business entity or owns either 10 percent or more or \$15,000 or more of the fair market value of the business entity; or
 - (2) funds received by the person from the business entity exceed 10 percent of the person's gross income for the previous year.
- (b) A person has a substantial interest in real property if the interest is an equitable or legal ownership with a fair market value of \$2,500 or more.
- (c) A local public official is considered to have a substantial interest under this section if a person related to the official in the first degree by consanguinity or affinity, as determined under Chapter 573, Government Code, has a substantial interest under this section.

Again, based on my legal review and the definition of "substantial interest," the Mayor and Councilmember that are members of The Argyle are not prohibited from voting on The Argyle SUP. Furthermore, since your letter has clearly threatened litigation to enforce your interpretation of the City's Ethics Code, please refrain from communicating with the City or any of its officials. All further communications should be addressed to me. If you wish to discuss this matter, please contact me at your convenience.

Sincerely,



Frank J. Garza
City Attorney

CC:

Mayor Al Honigblum
Councilmember Lawson Jessee
Councilmember Blake Bonner
Councilmember Lynda Billa Burke
Councilmember Karl Baker
Councilmember Trey Jacobson
Buddy Kuhn, City Manager