

CITY OF ALAMO HEIGHTS
CITY COUNCIL
January 22, 2024

A regular meeting of the City Council of the City of Alamo Heights, Texas was held at the Council Chamber, located at 6116 Broadway, San Antonio, Texas, at 5:30 p.m. on Monday, January 22, 2024. A teleconference was held via Zoom; staff and meeting attendees were welcomed in the Council Chamber.

Composing a quorum were:

Mayor Bobby Rosenthal
Mayor Pro Tem Blake M. Bonner
Councilmember Lawson Jessee
Councilmember Karl P. Baker
Councilmember Lynda Billa Burke

Also attending were:

City Manager Buddy Kuhn
Assistant City Manager Phil Laney
City Attorney Jessie Lopez
City Attorney Paul Gonzalez – Via Zoom
Assistant to City Manager Jennifer Reyna
City Secretary Elsa T. Robles
Director of Finance Robert Galindo
Police Chief Rick Pruitt
Deputy Police Chief Cindy Pruitt
Fire Chief Michael Gdovin
Public Works Director Pat Sullivan

Not attending:

Councilmember John Savage
Community Development Services Director Lety Hernandez

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Mayor Bobby Rosenthal opened the meeting at 5:31 p.m.

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Item # 1 Approval of Minutes

Mayor Rosenthal asked City Council for a motion on the January 8, 2024 City Council Meeting minutes. Mayor Pro Tem Blake M. Bonner moved to approve the minutes as presented. The motion was seconded by Councilmember Lynda Billa Burke and passed by unanimous vote.

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Item # 2 Announcements

Mayor Rosenthal read the following caption.

a. Candidate Filing Period

City Secretary Elsa T. Robles stated this was a reminder regarding the candidate filing period for the May 4, 2024 General Election which began on Wednesday, January 17, 2024 and will end on February 16, 2024. Interested candidates can apply to serve a two-year term for Councilmember Place 3, Councilmember Place 4, and Councilmember Place 5. To qualify, the candidate should be a resident of the City of Alamo Heights for at least one year and be a registered voter. She stated applications, along with a \$100.00 filing fee should be turned in by 5:00 p.m. on February 16, 2024. Additional information is available on the City’s website and kiosk. Candidate packets are available at City Hall and on the website.

b. Tree Trimming Update

Fire Chief Michael Gdovin announced Davey Tree Service will provided a proposal to complete the project for FY24 tree trimming for emergency vehicle clearance. This includes: elevating canopies 14' over street centers and 12-14 to curb faces; pruning on the inside of the City of Alamo Heights Right of Way - Curb face to Curb Face, paint Oak wounds and haul debris. It is scheduled to begin at the end of January and last approximately 10 days. A certified arborist will be at the location to coordinate with residents during trimming. Fire Chief Gdovin stated all trimming is in accordance with adopted City Ordinances. Residents can find a detailed list of exact locations on the City’s website.

c. Wildlife Mitigation Activities

Assistant City Manager Phil Laney announced there will be wildlife mitigation activities occurring in the Olmos Basin area around Torcido & Patterson, near the Episcopal Diocese and the condos at 200 Patterson. These efforts will include loud noises and sounds to scare away birds that may try to roost in the area. The hope is that these efforts will encourage the migrating birds to settle in a better location. The activities will last about 4 to 6 weeks and the noises will occur around dawn/dusk as needed. Mr. Laney added these private efforts are being coordinated with the San Antonio Zoo and the City of San Antonio’s Brackenridge Park.

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Item # 3 Citizens to be Heard

No comments made.

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Items for Individual Consideration

Item # 4 Mayor Rosenthal read the following caption.

RESOLUTION NO. 2024R - 175

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ALAMO HEIGHTS, TEXAS, AUTHORIZING APPROVAL FOR THE CITY MANAGER TO NEGOTIATE AND EXECUTE AGREEMENTS TO PROCURE ADDITIONAL WATER RIGHTS FOR 2023; AND SETTING AN EFFECTIVE DATE.

Assistant City Manager Phillip Laney presented a resolution to procure additional water rights and apply to the City's water system's use in 2023. He stated all potable groundwater pumped by the City is sourced exclusively from the Edwards Aquifer Authority (EAA). The EAA regulates usage of its resource and enacts restrictions when capacity is low due to drought or usage.

In 2023, the City water system exceeded the revised authorized amount of water. The authorized revised amount reflected significant reductions to the amount of water that could be withdrawn due to the persistent drought that began in 2022 and lasted the entirety of 2023. Due to more water being pumped in 2023 than was authorized, the City is proposing a resolution to negotiate sub-lease agreements to obtain 360 acre-feet of water to apply to 2023's use.

Mr. Laney noted the EAA covers more than 8,000 square miles and included 8 counties; Uvalde, Medina, and Bexar counties, as well as parts of Atascosa, Caldwell, Guadalupe, Comal and Hays counties.

For several years, the City has purchased water capacity from EAA of 2,822 AF (An AF is almost 360K gallons, or what would be required to fill 16 average-size residential pools.) After factoring in the reductions from spending most of 2023 in Stage 3 & 4, the revised authorized amount dropped to 1,811 AF, a 36% reduction. In 2023, the City's water system pumped almost, 2,050 AF, or 232 more than was authorized. When factoring in the additional capacity needed to account for the 36% reduction, our total sub-lease needs are a little more than 360 AF.

Mr. Laney stated, in order to obtain rights to 360 AF needed to offset the water system's over-consumption in 2023, staff worked with two permit holders and developed three sub-lease agreements. Two agreements are being proposed with Redbird Hondo, LP, for a total of 190 AF and one agreement with L. Carper Capt for 170.3 AF. The total cost for all sub-leases is just over \$45K. He noted, if these are approved by Council, the sub-lease agreements would only apply to our consumption amounts in 2023 and would not increase the water system's capacity in 2024.

Mr. Laney explained the proposed resolution is consistent with City's agreement with EAA to abide by pumping restrictions during drought periods. Additionally, sub-lease agreements are more cost effective than paying for fines/penalties imposed by EAA. He stated the proposed sub-lease agreements have been coordinated and reviewed by the City Attorney and City Manager.

In terms of the fiscal impact of the 3 sub-lease agreements for Edwards Aquifer water for 2023 municipal use, is over \$45,039.38. There are two agreements with Redbird Hondo, LP for a total of 190AF and cost of \$23,750 and a third agreement with L. Carper Capt for 170.315AF costing \$21,289.38. These expenses would be paid from the FY 2024 Utility Fund Budget.

Mayor Rosenthal asked if staff had explored leasing water rights for 2024. City Manager Buddy Kuhn stated it depended on how much water these entities have and if they lease to others, but at this time, there was nothing arranged going forward.

Councilmember Jessee suggested staff take the opportunity to secure water rights for this fiscal year should the city find itself in the same situation as last year, even if a fee had to be paid upfront.

Mr. Kuhn stated both parties were very agreeable and easy to work with; however, it would depend on how much water they have left at the end of the year, since they lease water to other entities, but staff would inquire.

Mayor Pro Tem Bonner inquired if staff had determined what the fine would be from the EAA for over-pumping water in 2023. Mr. Laney answered the total would be about \$63,000.

Councilmember Billa Burke moved to approve a Resolution authorizing approval for the City Manager to negotiate and execute agreements to procure additional water rights for 2023. The motion was seconded by Councilmember Jessee and passed by unanimous vote.

Item # 5 Mayor Rosenthal read the following caption.

RESOLUTION NO. 2024R - 176

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ALAMO HEIGHTS, TEXAS, AUTHORIZING APPROVAL FOR THE CITY MANAGER TO NEGOTIATE AND EXECUTE A SERVICES CONTRACT WITH PUP PUP & AWAY, LLC FOR CANINE SHELTERING SERVICES; AND SETTING AN EFFECTIVE DATE.

Police Chief Rick Pruitt stated staff was seeking approval of a Resolution authorizing a one year extension to the current canine sheltering agreement with Pup Pup & Away LLC (PP&A) and authorizing the City Manager to execute the agreement. The City has a great relationship with them and has had great success with their services.

Chief Pruitt explained the City first entered into an agreement with Pup Pup & Away (PP&A) on April 13, 2020. PP&A agreed to another one-year extension for the boarding of COAH K-9 rescues. He noted the agreement does include a 60-day termination clause for either party.

There are a lot of benefits to the COAH rescue effort. PP&A provide excellent care and socializing efforts for the canines. The canines have frequent/extended open space recreation and are well mannered, adaptable, and adoptable. The PP&A staff are well trained to handle and care for canines arriving in different conditions.

Chief Pruitt stated the proposed action is consistent with the City's efforts to safely hold stray or abandoned canines in a safe and humane environment. Fiscally, the City will pay \$30.00 per night/per canine sheltering fee, an increase of \$10.00. He broke down additional fees.

Fee Comparison Table:	Current Cost	Proposed Cost	Increase
Boarding per day up to 4 months	\$20	\$30	\$10
4 – 8 month stay	\$20	\$32	\$12
8 – 12 month stay	\$20	\$34	\$14
12+ months	\$20	\$36	\$16
Trainer meet & greet w/ adopters	\$0	\$30	\$30
Cleaning/disinfecting kennels: untrained K-9s		\$3 per day	***
Repair or replacement of property owned by PP&A		cost	***

The City also provides food, training items, and blankets. All costs are paid for from the Police Department budget, grants, donations, and fundraisers. Chief Pruitt added the proposed agreement was reviewed by the City Attorney and City Manager.

Councilmember Billa Burke asked if services were provided for felines. Chief Pruitt stated the department did not have a place to keep felines, but if domesticated felines were caught, they would try to find them homes. Otherwise, other rescues would take them.

Councilmember Karl P. Baker stated he was concerned with the language in the agreement stating the City is responsible for any damage to the PP&A property and/or facilities. He requested the City Attorney review and limit the City’s responsibility before executing the agreement.

Councilmember Billa Burke moved to approve a Resolution extending the existing agreement for one-year between the City and Pup Pup & Away LLC for canine sheltering and authorizing the City Manager to execute the agreement. The motion was seconded by Mayor Pro Tem Bonner and passed by unanimous vote.

Item # 6 Mayor Rosenthal read the following caption.

RESOLUTION NO. 2024R-177

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ALAMO HEIGHTS, TEXAS, AUTHORIZING APPROVAL FOR THE CITY MANAGER TO NEGOTIATE AND EXECUTE A MUNICIPAL SOLID WASTE AGREEMENT WITH BFI WASTE SYSTEMS OF NORTH AMERICA LLC DBA REPUBLIC SERVICES; AND SETTING AN EFFECTIVE DATE.

Mr. Kuhn presented a resolution for authorization of an agreement for solid waste disposal between the City and BFI Waste Systems, a Republic Services Company. He stated the City has maintained an “auto-renew” agreement with Republic Services for many years. Recently; however, without warning, the service fees increased about 3 times the original cost.

After reaching out to the company, they assumed responsibility for their lack of communication. Staff now requests approval of a new three-year agreement with two-year automatic renewals for solid waste disposal fees.

Mr. Kuhn provided additional information and reiterated the current contract with BFI North America/Republic Services has been auto-renewing for several years, but they are now requiring a new agreement. The proposed new rate is significantly higher than in years past. Current fees for solid waste is \$30.41 per ton and the new rate will increase to \$43 per ton – 41% increase. The City recently received a bill pricing a ton at \$66 without a contract. Staff recognized this required urgency to get this item reviewed and discussed by Council. Mr. Kuhn stated he asked Republic if they would work with the City and get the fee back down to \$43. They agreed since they failed to communicate about the increasing fees. Other neighboring cities were received the same increase and are trying to negotiate as well. He noted the service fees had not been increased in several years.

The current FY 24 budget for waste management is \$115,000. Staff will need to look at options to cover costs, but at this time this is the most cost effective route for the City. Additional budget amendments may be forthcoming.

Mr. Kuhn noted residents are currently paying \$10 a month for all services, including recycles. Council may consider discussing an increase in service fees during the budget work session to offset the increased cost with Republic Services.

Mr. Kuhn and the City Attorney reviewed the proposed agreement. The City Attorney prepared the Resolution and the contract language is being worked out between the attorneys.

After some discussion, Mayor Pro Tem Bonner suggested asking Republic to increase the 30 days written notice to 60 days to allow the City enough time to review any additional increases or provide a termination notice.

Councilmember Jessee moved to approve a Resolution authorizing the City Manager to execute an agreement for solid waste disposal fees between the City of Alamo Heights and BFI Waste Systems of North America LLC, A Republic Services Company. The motion was seconded by Councilmember Billa Burke and passed by unanimous vote.

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Closed Session

Item # 7 Mayor Rosenthal read the following caption.

Executive Session as authorized by the Texas Government Code Section 551.071 (consultation with attorney) to discuss terms of TXDOT Agreement for Broadway.

The City Council of the City of Alamo Heights convened into Closed Executive Session at 6:05 p.m. and reconvened in Open Session at 7:40 p.m. in accordance with the Texas Open Meetings Act, Texas Government Code, *Section §551.071 (Consultation with Attorney)*.

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Open Session

Item # 8 Mayor Rosenthal read the following caption.

Discussion and possible action resulting from Executive Session

No action taken.

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With no further business to consider, Mayor Pro Tem Bonner moved to adjourn the meeting at 7:41 p.m. The motion was seconded by Councilmember Jessee and passed by unanimous vote.

PASSED AND APPROVED THIS 12th DAY OF FEBRUARY, 2024.



Elsa T. Robles, TRMC
City Secretary



Bobby Rosenthal
Mayor

