

CITY OF ALAMO HEIGHTS  
CITY COUNCIL  
December 12, 2022

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, December 12, 2022. 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 Lawson Jessee  
Councilmember Wes Sharples  
Councilmember Blake M. Bonner  
Councilmember Lynda Billa Burke  
Councilmember John Savage

Also attending were:  
City Manager Buddy Kuhn  
City Attorney Richard Lindner  
Assistant City Manager Phil Laney  
Assistant to City Manager Jennifer Reyna – Via Zoom  
City Secretary Elsa T. Robles  
Director of Finance Robert Galindo  
Community Development Services Director Lety Hernandez  
Police Chief Rick Pruitt  
Fire Chief Michael Gdovin  
Deputy Police Chief Cindy Pruitt  
Human Resources Manager Brenda Jimenez – Via Zoom  
Public Works Director Pat Sullivan

Absent:  
Director of Finance Robert Galindo

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Mayor Bobby Rosenthal opened the meeting at 5:32 p.m.

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*Item # 1      Approval of Minutes*

Mayor Rosenthal asked City Council for a motion on the November 14, 2022 City Council Meeting minutes. Mayor Pro Tem Lawson Jessee 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. Police Department Recognition**

Police Chief Rick Pruitt recognized Mayor Rosenthal, City Manager Buddy Kuhn, and Assistant to City Manager Jennifer Reyna for their dedication and leadership to make the Alamo Heights Centennial Celebration a memorable event. They each received a framed Alamo Heights Police Department Centennial Badge.

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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. 2022R - 159**

**RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN ADDITIONAL CONTRACT WITH OVERLAND PARTNERS INC. FOR STREETScape DESIGN, VISION AND DESIGN CONCEPTS FOR THE AUSTIN HIGHWAY/LOWER BROADWAY IMPROVEMENT PROJECT**

City Manager Buddy Kuhn presented a resolution to execute an additional contract with Overland Partners, Inc. to facilitate Phase II of the Austin Highway / Lower Broadway project.

Mr. Kuhn provided some background on the item. In Spring 2019, staff advertised a Request for Proposals (RFP) for Streetscape Design professional services and Overland Partners was selected. Overland Partners developed the initial vision and budget to support the proposed Bond Project, approved by voters in November 2020. In September 2021, TxDOT stopped original project with anticipated lane reductions. In September 2022, TxDOT re-started negotiations for new project of 6 lanes in lieu of 4. Staff is currently meeting every 2 weeks with TxDOT. TxDOT will remain the owner of Broadway upon project completion and assume roadway maintenance costs in the future.

In Phase I, Overland Partners articulated vision into logistical components, worked with WGI to determine feasibility to incorporate into the overall redevelopment. The scope of Phase I was: Discovery and analysis of existing environment and constraints; Creation of design framework based on original vision; Determination of probable costs; and Technical coordination with WGI and stakeholders.

Mr. Kuhn stated, if approved, the Phase II agreement runs from December 12, 2022 through September 30, 2023. Subsequent agreements for additional services may follow as project progresses. The streetscape/landscape budget will be developed during Phase II. He reviewed Phase II scope and deliverables:

1. Facilitate conversations with key stakeholders of the corridor to understand constraints and opportunities related to the design of the public realm.
2. Develop plan, section, and rendering views that communicate the design intent to the TxDOT/Jacobs Team including the following information:
  - a. Delineate the dimensions and materiality of the public space zones of the public right of way (ROW) from building face to building face across Broadway (i.e., sidewalk zone, planting zone, space for outdoor dining, etc.)
  - b. Identify preferred approach to parking (i.e. none, parallel, angled) and number of spaces
  - c. Incorporate low impact development (LID) features into the design of the streetscape in collaboration with SARA and a civil engineer (WGI) and identify associated land area
  - d. Incorporate AH branding/public art opportunities such as gateway elements, signage, banners, etc. (depicted in renderings)
3. Coordinate with the TxDOT/Jacobs Team to ensure the design of the landscape project aligns with the TxDOT project.

Master Plan Deliverables:

1. Illustrative plan views of the corridor (up to 4): assumes a focus on the corridor from Terrell/Patterson to Arcadia on a block-by-block basis with four major block study areas (what we're calling "the heart of Alamo Heights on Broadway")
2. Street sections (up to 4): assumes one at each block study area
3. Renderings (2): assumes similar renderings to the views produced in 2019 (one at Terrell/Patterson and the other at Barilla)

Mr. Kuhn noted the contract is consistent with city practices to negotiate fees for professional services. He and the City Attorney reviewed and approved the documents. Funding for the project is allotted in the FY 23 budget for streetscape / landscape design services for this project. Phase II is projected to be an amount not to exceed \$120,000 through September 30, 2023. Any additional agreements will be forthcoming for other phases of the project and will be considered by City Council during the Strategic Action Plan (SAP) and Budget planning session for FY 24.

Councilmember Billa Burke asked if all the previous planning and efforts were a "wash" or loss and if so, how this could be prevented from happening again. Mr. Kuhn advised 90% of it was a loss because the entire scope of the project changed. Additionally, TxDOT referred to Broadway Street as a freight corridor, meaning there will be a loss of 6 feet of space. He noted there was discussion to seek public private partnerships, move sidewalks back, and work with business owners to try to regain space elsewhere. This will take additional work with the stakeholders.

Councilmember Bonner inquired if Council needed to approve the item tonight or if it could wait until the next meeting. Mr. Kuhn suggested Council consider the item because Overland has been a participating partner in weekly TxDOT meetings without compensation.

Council had additional concerns with the project. Mayor Rosenthal suggested a discussion in closed session during the next Council meeting on January 9, 2023.

After some discussion, Mayor Pro Tem Lawson Jessee moved to approve Resolution No. 2022R-159, authorizing the City Manager to execute a professional services agreement for the Austin Highway/Lower Broadway improvement project with Overland Partners for Phase 2 not to exceed \$120,000. The motion was seconded by Councilmember Lynda Billa Burke and passed by unanimous vote.

*Item # 5* Mayor Rosenthal read the following caption.

**Discussion and possible action to authorize an amendment to the contract with Vortex Services in the amount of \$57,215.00 for change orders related to the sewer rehabilitation project for Ogden to near Olmos Basin Dam**

Assistant City Manager Phil Laney stated the item was to authorize an amendment to the contract with Vortex Services for sewer replacement on Ogden to the Olmos Basin. The amendment would incorporate change orders to complete the sewer rehabilitation project.

In FY 2021-22 Budget, Council budgeted \$535,000 for rehabilitation of the existing sewer main in the Jack Judson Nature Trails leading into the Olmos Basin. Earlier this year, Council approved to accept a bid by BuyBoard contractor Vortex Services for \$391,825, including contingency.

Mr. Laney stated the project scope was completed via pipe bursting to replace the existing sewer; however, this resulted in deficiencies in several areas within the 0.4 miles from Ogden to Olmos Basin. Staff is requesting approval of the proposed change order to amend the contract with Vortex in the amount of \$57,215, a total increase of \$448,950.

Mr. Laney provided some background on the project. He stated the purposed project was to upgrade the sanitary sewer main from Ogden west to the Olmos Basin. The existing clay pipe had deteriorated through root intrusion. The replacement sewer pipe would increase in size from 8" & 10" to 12".

In April and May, 2022, Vortex replaced the sewer main using a pipe bursting method. In June and July 2022, post-construction video & analysis showed signs of flow stagnation within the pipe because the proper slope was not achieved. The proposed change order would authorize Vortex to make post-construction repairs in deficient areas. The repairs would be via excavation at the surface (no additional pipe bursting), repairs must meet TCEQ requirements and confirmed via video footage & inclinometer, and the surface must be returned to original condition.

Mr. Laney noted additional engineering services are required from Freese & Nichols to complete this project. Their contract would be increased by \$10,000. He reiterated the project would be an open-cut excavation as opposed to pipe bursting. Construction would be done by February 28, 2023 with final completion by March 31, 2023.

After coordination with the City Engineer, City Attorney, City Manager, Public Works Director, and Vortex Services, staff is requesting Council's consideration to amend the contract with Vortex. The change order will correct deficiencies present that are currently hindering the pipe's flow performance.

City Engineer Freese & Nichols concluded the proposed point repairs would address deficiencies, meet TCEQ requirements, reduce more intensive & frequent preventative maintenance needs, as well as reduce the risks of odors being released in project area.

If approved by Council, the contract amendment with Vortex Services is in amount of \$57,125. The City Manager will amend the contract with Freese & Nichols for engineering services in amount of \$10,000. The total amendment amount is \$67,125. The original and amended contract will be funded by project budget of \$535,000 in FY 2021-22 Utility Fund Budget. Any unspent funds will be carried forward for use in FY 2022-23.

Vortex Representative Brent Keller addressed Council via Zoom. He stated they would start the repairs the second week of January and complete the project within 2-3 weeks.

Councilmember Lynda Billa Burke moved to authorize an amendment to the contract with Vortex Services in the amount of \$57,215.00 for change orders related to the sewer rehabilitation project for Ogden to near Olmos Basin Dam. The motion was seconded by Councilmember Wes Sharples and passed by unanimous vote.

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Items for Individual Consideration

Item # 6 Mayor Rosenthal read the following caption.

**Staff report on Animal Care Service response to lost and abandoned canines**

Police Chief Pruitt stated he would be discussing the Animal Care Services (ACS) role in managing lost and abandoned canines. He would also address the current inventory of canines, efforts to place canines into homes and the fiscal impact created by an unprecedented number of canines coming under our control.

Police Chief Pruitt started by sharing an article from the *Insider* related to the subject stating "Animal shelters say they're 'beyond capacity' as more people give up their pets due to soaring inflation". He recognized the immediate concern is the big increase in lost and abandoned canines. Since June, ACS has received seventy-three (73) new canines. There has been some success in finding new homes, foster homes/returning to owner; however, transferring to other rescue organizations is not available at this time. The number of in-coming canines is exceeding the number of out-going canines.

Currently ACS has sixteen (16) canines under their control. Ten (10) that are housed in commercial kennels, six (6) in foster care. Depending on demand, there is limited kennel space

available at Pup Pup & Away and Acres North Animal Hospital. Daily rates are: Pup Pup & Away (\$20), Acres North (\$25), private veterinary clinics (\$28 - \$35).

Police Chief Pruitt stated canine kennel fees and medical treatment costs during Fiscal Year 21-22 had a negative budget impact. Funds were used from the canine donation line item to avoid exceeding the budgeted amount. He added FY22-23 budget was enhanced by ACS donation programs like the Go Fund Me donation initiative set up by Pup Pup & Away owner Stephanie Garza. This effort contributed \$3,000 for future kennel fees.

Police Chief Pruitt reviewed ACS budget and expenditures.

FY21-22		FY22-23	
Budget	\$ 42,620	Budget	\$ 42,620
Donations	\$ 21,253	Donations	\$ 3,544
Other	0	Go Fund Me	\$2,929
<b>Total Funds</b>	<b>\$63,873</b>	<b>Total Funds</b>	<b>\$ 49,093</b>
Kennel Fees	\$ 46,998	Kennel Fees	\$ 6,943
Misc. Expenses	\$ 15,778	Misc. Expenses	\$1,300
<b>Total Expended</b>	<b>\$ 62,776</b>	<b>Total Expended</b>	<b>\$8,243</b>
<b>Balance:</b>	<b>\$1,097</b>	<b>Balance:</b>	<b>\$ 40,850</b>

A proposed solution is to move adoptable canines into homes by adoption or foster care. Historically, kittens and puppies are most sought after this time of year. Some people are actively seeking companion dogs or comfort dogs.

Police Chief Pruitt noted the human factor is needed to address this issue. In the interim, ACS staff will seek out public gatherings areas to showcase the canines. They will enhance social media promotions, maintain contact with other rescue groups/canine transport services, recruit volunteers and fosters.

Mayor Rosenthal thanked staff for presenting this information and stated he would be writing an article to highlight this issue. Councilmember Bonner suggested to put this information in the City Newsletter/utility bill. Mr. Kuhn commented donations to care for these canines is greatly appreciated; however, the biggest issue is limited space to house these animals.

*Item # 7* Mayor Rosenthal read the following caption.

**Presentation of Financial and Investment Report for the fourth quarter ending September 30, 2022**

Mr. Kuhn presented the fourth quarter financial and investment report ending September 30, 2022 on behalf of Finance Director Robert Galindo. The report focused on the General Fund Revenues & Expenditures, Utility Fund Revenues & Expenditures, Capital Projects Fund, Investment Portfolio Update, and Summary of City’s Financial Position. The General Fund total revenue ended the 4<sup>th</sup> quarter at \$11.6M, equal to 103% of the budget. Mr. Kuhn noted revenues are doing really well. Property tax collections are coming in as budgeted and ended the month of September at \$7.3M for the M&O and I&S Fund. Sales tax collections from the state are 2 months in arrears. The YTD total is \$2,518,490, prior year was \$2,125,150.

Mr. Kuhn stated the General Fund expenditures are currently at 95% for the year. All the departments continue to do an excellent job and stay within budget. He reviewed the Utility Fund total revenues of \$4.5M or 99% of the budget. Total expenditures were \$3.9M or 89% of the budget with revenue over expenses of \$637,056 through September. Councilmember Jessee questioned the difference between water and sewer funds balances. Mr. Kuhn stated he would consult with Mr. Galindo and provide an answer.

The Capital Projects Fund beginning balance for the fiscal year was \$14,296,550 which includes the proceeds from the 2021 Bond Issuance of \$13,250,000. There are expenditures of \$36,848 for the lower Broadway project, ending the fund balance at \$14,668,140.

Mr. Kuhn reviewed the investment portfolio which includes 2% of funds in CDs with Generations FCU and Jefferson Bank, a savings account with Jefferson Bank and several investment pools, a total 96% of the fund. He advised staff would seek to renew CDs at much higher rates or invested in other accounts. He noted ARPA funds are kept in separate funds. The overall investment portfolio balance is \$28,943,472. The average yield for the investment portfolio was 1.56% and is in line with the 90-Day U.S. Treasury benchmark of 2.66%. He stated the report complies with the investment strategies as established by the City of Alamo Heights Investment Policy and the Public Funds Investment Act (Chapter 2256).

In closing, Mr. Kuhn reviewed the 4th Quarter Performance Summary:

<b>PERFORMANCE THROUGH 100% OF BUDGET</b>			
	<b>% of Budget</b>	<b>Current Quarter</b>	<b>YTD Quarter</b>
<b>GENERAL FUND</b>			
Total Revenues	103%	Positive	Positive
Total Expenditures	95%	Positive	Positive
Total Property Tax Collections	99%	Positive	Positive
Sales Tax Revenues	106%	Positive	Positive
<b>ENTERPRISE FUND</b>			
Utility Fund Revenues	99%	Positive	Positive
Utility Fund Expenditures	89%	Positive	Positive

Councilmember Jessee suggested staff look into investing in Treasury Bills. Mr. Kuhn advised there may be some restrictions per the City's Investment Policy and stated staff would review the policy and propose any amendments to Council during the first meeting in January.

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Closed Session

Item # 8 No executive session held.

**Executive Session per Section 551.071 (consultation with attorney) to discuss the sewer rehabilitation project for Ogden to near Olmos Basin Dam**

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Open Session

Item # 9 No executive session held.

**Discussion and possible action resulting from Executive Session**

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With no further business to consider, Councilmember Bonner moved to adjourn the meeting at 6:35 p.m. The motion was seconded by Councilmember Sharples and passed by unanimous vote.

**PASSED AND APPROVED THIS 9<sup>th</sup> DAY OF JANUARY, 2023.**

  
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Elsa T. Robles, TRMC  
City Secretary



  
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Bobby Rosenthal  
Mayor