

**CITY COUNCIL MEETING OF THE CITY OF LEON VALLEY, TEXAS  
OCTOBER 3, 2011**

The City Council of the City of Leon Valley, Texas, met on the 3<sup>RD</sup> of October 2011 at 7:00 p.m. at the Leon Valley City Council Chambers, at 6400 El Verde Road, Leon Valley, Texas, for the purpose of the following business, to-wit:

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**REGULAR CITY COUNCIL MEETING – 7:00 P.M.**

1. **Call to Order, Determine a Quorum is Present, and Pledge of Allegiance.**  
Mayor Riley called the Regular City Council Meeting to order at 7:00 p.m. Mayor Riley asked that the minutes reflect that the following City Council Members were present: Hill, Reyna, Baldridge, Dean, and Bieber.  
  
City Staff in attendance: City Manager Longoria, City Attorney Mick McKamie, City Secretary Willman, Community Development Director Flores, Economic Development Director Ryan, Fire Chief Irwin, Human Resources Director Caldera, Librarian Trent-Miller, Police Chief Wallace, and Assistant Public Works Director Stolz.  
  
Guest Speakers in attendance: Marty Christafaro, Bexar County Flood Control, and Bob Tome, Stormwater Manager.  
  
Councilman Paul Bieber led the assembly in the Pledge of Allegiance.
2. **Proclamation Declaring October 9 – 15, 2011 Fire Prevention Week. (Chief Stan Irwin)** Mayor Riley presented Fire Chief Irwin with a proclamation for Fire Prevention Week. Chief Irwin encouraged the assembly to have working smoke detectors with fresh batteries in the household bedrooms, to practice safety in the kitchen, and to practice exit drills from the home.
3. **Presentation: Leon Creek (LC) – 17 Project Update. (Bob Tome, Stormwater Manager, Marty Christafaro, AECOM)**  
Mr. Christafaro presented an updated presentation to the City Council regarding proposed changes to the LC-17 Project. Mr. Christafaro introduced Dave Wegman as the Engineering Services Manager for Bexar County and with the restructuring of the Bexar County department with oversight for the project, Flood Control is under purview of Mr. Wegman. Mayor Riley confirmed that AECOM is the program manager that oversees the project on a contractual basis for Bexar County Flood Control. He announced a public meeting scheduled for Thursday, November 3, 2011 at 6:30 p.m. at the Leon Valley Conference Center to inform the community of the proposed changes, their impact, and the anticipated timeline for the completion of the project. The Council asked if fencing would be temporary versus permanent. Mr. Christafaro answered that the fencing would be temporary by its very nature as an interim safeguard during the construction work anticipated for the Spring of 2013. There was some discussion about the need for easement acquisition of 40 feet.
4. **Citizens to be Heard and Time for Objections to the Consent Agenda.**  
*“Citizens to be Heard” is for the City Council to receive information on issues that may be of concern to the public. The purpose of this provision of the Open Meetings Act is to ensure that the public is always given appropriate notice of the items that will be discussed by the Council. Should a member of the public bring an item to the Council*

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*for which the subject was not posted on the agenda of that meeting, the Council may receive the information, but cannot act upon it at that meeting. They may direct staff to contact the requestor or request that the issue be placed on a future agenda for discussion by the Council.*

The following persons spoke during the Citizens to be Heard expressing support for Economic Development Director Rose Ryan:

Walter Geraghty, 735 Ellerby Point, Leon Valley.  
Elena Guajardo, former City Council Person for the City of San Antonio.  
Rosa Rosales, LULAC Texas District 12.  
Mehmet Beyer, Principal, The School of Science and Technology, Discovery School.  
Al Baldrige, 6368 Parsley Hill, Leon Valley.  
Delicia Herrera former City Council Person for the City of San Antonio. ,  
Nancy Marin, 7222 Forest Meadow, Leon Valley.  
Nora Perez, Secretary for the Leon Valley Area Chamber of Commerce.  
Olen Yarnell, 7230 Sulky Lane, Leon Valley.  
Al Uvietta, 6923 Sunlight Drive, Leon Valley.  
Rose Ryan, Leon Valley Economic Development Corporation Staff Liaison, and Economic Development Director.

Nita Lange, 6018 Forest Bend, Leon Valley, questioned the lack of bookings at the Leon Valley Conference Center as reflected on the City's web calendar in relation to the former Trade and Market Days events.

**Consent Agenda**

*All of the following items on the Consent Agenda are considered to be self-explanatory by the Council or have been previously discussed in Open Session and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member so requests.*

Motion by Councilman Dean and second by Council Member Baldrige to approve Consent Agenda Items 5 and 6. Voting Aye: Hill, Reyna, Baldrige, Dean, and Biever. Voting Nay: None. Mayor Riley announced the motion carried.

5. **Consider Approval of the Meeting Minutes of the September 20, 2011 Special and Regular City Council Meeting Workshop. (Willman)**
6. **Consider Action on M&C # 10-11-01 Authorizing the Continuation of an Agreement with the San Antonio Police Department for Participation in the High Intensity Drug Trafficking Area (HIDTA) Program for One Year and Authorizing the Chief of Police to Execute the Agreement. (Chief Randall Wallace)** This agenda item concerns a cooperative agreement with the San Antonio Police Department and the placement of Leon Valley Police Officer in the HIDTA Program to assist in responding to complaint of and with combating illegal narcotic operations and sales in the community.

**Regular Agenda**

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7. **Conduct a Public Hearing and Consider and Act Upon M&C # 10-02-11 with Attached Ordinance Re-adopting and Continuing Provisions of Article 8.02, "Minors," Division 2. "Curfew" of Chapter 8, "Offenses and Nuisances", Establishing a Fine Not to Exceed \$500 for Violations of the Juvenile Curfew Ordinance. (Chief Randall Wallace)**

Police Chief Randall Wallace introduced this agenda item as being predicated by the Local Government Code Section 370.002 mandating a three year review of the Juvenile Curfew Ordinance along with a public hearing. Under review is Ordinance No. 99-034, originally passed and approved on August 24, 1999 and is applicable for minors under 17 years of age with the curfew hours being between 12 midnight and 6 a.m. It contains provisions for juveniles that need to be out with parents, or are out with their parents' approval, are on school, religious, or government sponsored activities, and includes lawful employment provisions. Chief Wallace informed the Council that since 2008, 46 juveniles have been issued Municipal Court Summons for violations of the curfew ordinance.

- A. **Open Public Hearing.** Mayor Riley opened the public hearing at 8:11 p.m. Al Uvietta, 6923 Sunlight Drive, Leon Valley, encouraged the re-authorization of the Juvenile Curfew Ordinance.
- B. **Close Public Hearing.** Mayor Riley closed the public hearing at 8:14 p.m.
- C. **Action by City Council.** Motion by Councilman Reyna and second by Councilman Dean for the re-authorization / continuance of the Juvenile Curfew Ordinance (with no modifications). Voting Aye: Hill, Reyna, Baldrige, and Bieber. Voting Nay: None. Absent from the Council Chambers during the vote: Councilman Dean from 8:14 p.m. to 8:15 p.m. Mayor Riley announced the motion carried.

8. **Consider Action on M&C # 10-03-11, with Attached Ordinance, Conduct Public Hearing and Consider Zoning Case # 2011-387, a Request by Benito Gomez, Applicant and Property Owner, to Rezone Approximately 3.578 acres of land, from R-3 (Multiple Family Dwelling) to B-3 (Commercial), Being Lot 103, Block 101, CB 4433, Vaughn-Watson Subdivision, in the 5500 Block of Grissom Road. Voting of the Zoning Commission of 7 to 0, in favor. (Flores)**

Community Development Director Flores introduced this agenda item by presenting the Zoning Case details noting that Benito Gomez is the applicant and property owner. Ms. Flores explained that the request is to rezone approximately 3.578 acres of land from R-3 (Multiple Family Dwelling) to B-3 (Commercial), being Lot 103, Block 101, CB4433, Vaughn-Watson Subdivision, located in the 5500 block of Grissom Road. Ms. Flores presented the surrounding zoning and the history of the area noting that the property was rezoned from R-1 (Single-Family) to B-3 (Commercial) in 1975, was platted in 1984, and was rezoned again in 2007 from B-3 (Commercial) to R-3 (Multiple-Family Dwelling). She noted that the 2009 Master Plan, Section 4CC Grissom Road Corridor, addressed the area in general stating that Land Use in the area encouraged B-3 (Commercial) zoning and consolidation of properties in the area. Staff noted that the applicant's request is consistent and compatible with the Master Plan and surrounding zoning. Staff also noted that the applicant had submitted a preliminary site layout which indicated the use of the property would be a business park, but urged the Commission to look at the request in terms of zoning, and not use, as prescribed by Code. The applicant submitted a Traffic Impact Analysis Worksheet which indicated that the proposed activity would generate less than 100 peak hour trips. Flores informed

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the Council that five letters had been mailed to property owners within 200-feet and as of October 3 no letters had been received in favor, only one letter was received in opposition, and none were returned as undeliverable.

Zoning Chair Claude Guerra was present to answer the City Council's questions. Mr. Guerra indicated no issues were raised during the zoning meeting. The only question raised involved a blind spot at the only entrance to the property. Ms. Flores informed the City Council that the issue would be addressed during the site plan review, if the Council approves the Ordinance and change.

- A. **Open Public Hearing.** Mayor Riley opened the Public Hearing at 8:20 p.m. There were no speakers to come forward.
- B. **Close Public Hearing.** Mayor Riley closed the Public Hearing at 8:21 p.m.
- C. **Action by City Council.** Motion by Councilman Dean and second by Councilman Biever to approve the Ordinance authorizing the requested changes. Voting Aye: Hill, Reyna, Baldrige, Dean, and Biever. Voting Nay: None. Mayor Riley announced the motion carried.

9. **Consider Action on M&C # 10-04-11, with Attached Contract Authorizing a Professional Services Contract with the City of Leon Valley's Public Library Architect of Record, Richard Mogas & Associates, Architect A.I.A. Inc., for the Design of the Children's Library Wing at the City of Leon Valley Public Library (Library Architecture Design Service Contract), and Authorizing the City Manager to Execute the Contract Document in the Amount Not to Exceed \$46,980. (Trent)**

Director of Library Services Trent introduced this agenda item as being key to continuing the process of obtaining grant funds. By entering into a design agreement with the Leon Valley Public Library's Architect of Record, Richard Mogas, architectural plans can be developed in order to allow the project to proceed. Ms. Trent informed the City Council that fundraising and grant writing continues on an ongoing basis in an effort to raise the additional funding to complete the work involved in constructing a 4,000 square foot Children's Wing expansion.

The Council asked questions regarding if any other architects were sought. City Manager Longoria explained the process in obtaining professional services contracts. With the amount of the professional services contract being less than the \$50,000 threshold for professional services contracts and dealing with the Public Library's Architect of Record, Mr. Longoria explained that the City staff had complied with purchasing requirements. As staff noted that Firm had previously worked with the Public Library, a question was raised as to whether or not the Architect had done work for free with the City for services in an earlier phase of the Library Project.

City Attorney McKamie indicated that there is a presumption that the applicant did not give free service in exchange for the job. Councilman Reyna said the City should not cross the line in the law. Mr. McKamie said he is willing to look and there has to be proof that occurred in order to disqualify the applicant. Mr. McKamie continued that there is no requirement that other professional providers be sought on a contract like the one before the City Council. Staff provided clarification with Ms. Trent noting that Mr. Mogas had been paid for the work previously done on the conceptual design of the

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Children's Wing. Mr. McKamie said that until he reviews the records that the presumption is the Firm did not cross the illegal threshold. Mr. McKamie indicated that typically these facts arise when a firm is involved in developing an RFQ.

Motion by Councilman Reyna and second by Council Member Baldrige to authorize the professional services contract with City of Leon Valley's Public Library Architect of Record, Richard Mogas & Associates, Architect, A.I.A. Inc., for the design of the Children's Wing and authorize the City Manager to execute the contract document in an amount not to exceed \$46,980 on the condition that the City Attorney advises that the City has not crossed the legal threshold during the process. Voting Aye: Hill, Reyna, Baldrige, Dean, and Biever. Voting Nay: None. Mayor Riley announced the motion carried.

**Discussion Agenda**

- 10. Update on Progress of Town Center Project, M&C # 09-14-11. (Longoria)** City Manager Longoria reported the continuation on the progress on the Town Center Project. The business points have been completed on the Development Agreement and are under review and evaluated. The business points have been provided to both the City Council and the Leon Valley EDC and the Developer's Attorney. There is an executive session scheduled to review legal issues related to the Town Center Project.

**11. City Manager's Report. (Longoria)**

- A.** (1) Informational Issues.  
Poss Road Street Construction Update. Mr. Longoria indicated that the Public Works staff expects to the street construction to be completed by the end of the month.

The City Manager and some of the City Council are attending the TML Conference in Houston. This is an opportunity to attend a premiere function of this kind and visit with other Councils and professionals regarding governance and business practices regarding very complex issues.

The City Manager announced a job offer had been extended to a former long-time City employee to fill the Community Development open position starting on October 17.

**B. Future Agenda Items.**

- (1) Appointments to the LVEDC Board. There are four positions that need to be appointed and this will be coming back at a future meeting.
- (2) Report Activities to Strengthen the City of Leon Valley's Code of Ordinances, October, 2011. The Report needs to be re-scheduled to November.
- (3) Elections Legislation-Mandated Update, October 18, 2011. The City Secretary will bring an update to the Council following legislative changes and Bexar County Elections Administrator Jacque Callanen's presentation from earlier this year.
- (4) Towing Contract, November, 2011. Chief Wallace will be bringing a report on the selection and scoring criteria and process related to bringing back a towing contract on October 18. This will inform the Council of staff's direction in completing this work effort.

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(5) Smoking Ordinance Report, October 3, 2011. Community Development Director Flores is working on the report to be presented in November.

(6) Report on Activities to Commemorate the 60<sup>th</sup> Anniversary of the City of Leon Valley and to Commemorate the Sesquicentennial (150<sup>th</sup>) Anniversary of the Huebner-Onion House, November, 2011.

12. **Citizens to be Heard.** Olen Yarnell, 7230 Sulky Lane, suggested that funding for the Parks be added to the water bill per the Council's authorization for that policy as well as an opportunity to contribute the fund for the Children's Wing Expansion at the Public Library. He indicated the information is not on his water bill to contribute to the Parks (Bucks Program.) The City Manager indicated he will check with staff and report back to the City Council.

Al Baldrige, 6368 Parsley Hill, returned with specific suggestions regarding a compromise position which would allow the Leon Valley Economic Development Corporation Board to hire Rose Ryan as an employee.

Al Uvietta, 6923 Sunlight Drive, stepped forward to inform the Council and assembly about the Parks Bucks Program and where to find the information on the City's website.

13. **Announcements by the Mayor and Council Members.**

*At this time, reports about items of community interest regarding which no action will be taken may be given to the public as per Chapter 551.0415 of the Government Code, such as: expressions of thanks, congratulations or condolence, information regarding holiday schedules, reminders of social, ceremonial, or community events organized or sponsored by the governing body or that was or will be attended by a member of the Leon Valley Council or a City official.*

**Community Events:**

**National Night Out, Tuesday, October 4, 2011, City Council Members Meet at City Hall at 6:45 p.m.**

**Next Quarterly Walk with the Mayor, Saturday, October 8, 2011, Shadow Mist Addition. Gathering at 8:30 a.m. at Shadow Mist and Avedisian.** Mayor Riley announced that she is hopeful to walk the Seneca III neighborhood on her next quarterly walk after October 8.

Council Member Baldrige announced the Leon Valley Historical Society's 11<sup>th</sup> Annual Fund Raising Event, the Huebner-Onion Italian Dinner & Silent Auction, benefiting the Historic Huebner-Onion Homestead, on Friday, October 28<sup>th</sup> at the Leon Valley Community Center. Mrs. Baldrige indicated tickets are available at \$35 per person.

It was announced that Councilman Biever will be absent the October 18, 2011 City Council Meeting.

**Executive Session**

14. **Executive Session in Accordance with the Texas Government Code.**

A. The City Council of the City of Leon Valley convened in Executive Session at 8:55 p.m. Pursuant to Section 551.072, Deliberations about Real

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Property Regarding the Leon Valley Town Center Project, To Receive, Review, Discuss Information Regarding the Leon Valley Town Center Project Agreement Negotiations, M&C # 10-06-11.

- B.** The City Council of the City of Leon Valley will Convene in Executive Session Pursuant to Section 551.071, Consultation with Attorney, McKamie Krueger, L.L.P., Regarding Litigation – Demand Letter from Larry Little Counsel, M&C # 10-07-11.
  - C.** The City Council of the City of Leon Valley reconvened into Open Session at 9:48 p.m. with no action taken resulting from the Executive Sessions.
- 15.** The City Council of the City of Leon Valley reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on the posted agenda, above, as authorized by the Texas Government Code Sections 551.071 (consultation with attorney), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations, 551.074 (personnel matters), 551.076 (deliberations about security devices), and 551.087 (economic development).

There was no Executive Session held under this agenda item.

- 16. Adjourn.** Motion for approval at 9:48 p.m. by Councilman Dean and second by Councilman Bieber. There being no other business to come before the City Council, Mayor Riley adjourned the meeting.

  
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Mayor Chris Riley

ATTEST:

  
Janie Willman, City Secretary

