

**CITY COUNCIL MEETING OF THE CITY OF LEON VALLEY, TEXAS
DECEMBER 6, 2011**

The City Council of the City of Leon Valley, Texas, met on the 6th Day of December 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:

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 7:03 p.m. with all City Council Members in attendance: Hill, Reyna, Baldrige, Dean, and Bieber.

City Staff in attendance: City Manager Longoria, City Attorney McKamie, City Secretary Willman, Community / Economic Development Director Flores, Fire Chief Irwin, Human Resources Director Caldera, Police Chief Wallace, and Public Works Director Vick.

The Pledge of Allegiance was led by the Boy Scouts from the Church Jesus Christ of Latter Day Saints.

2. Presentation of Beautification Award to the Parks Commission. (Mayor Riley)

Mayor Riley presented a Good Neighbor Award to Bert Thomas, Parks Commission Chair, and Byron Vick, Public Works Director, expressing the City Council's gratitude and appreciation for the Parks Commission's continued commitment and effort to beautify Raymond Rimkus Park.

3. 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 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.

Rose Ryan, Vice-President of the Leon Valley Greater Chamber of Commerce, made a presentation to the City Council on the Economic Development progress made in the City of Leon Valley from 2006 to 2011.

Al Baldrige, 6368 Parsley Hill, presented the City Council with a petition with numerous signatures in support of reinstating Ms. Rose Ryan to her former position with the City of Leon Valley with the stipulation that the petition be made part of the official record.

Councilman Reyna asked that Consent Agenda Items 8, 9, and 10 be pulled for separate consideration.

Motion by Councilman Dean and second by Councilman Reyna to approve Consent Agenda Items 4, 5, 6, and 7. Voting Aye: Hill, Reyna, Baldrige, Dean, and Bieber. Voting Nay: None. Mayor Riley announced the motion carried.

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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.

4. **Consider Approval of the Meeting Minutes of the November 15, 2011 Regular City Council Meeting.** Approved the Meeting Minutes of the November 15, 2011 Regular City Council Meeting.
5. **Consider Action on M&C # 12-01-11, Appointing Members to the City's Boards, Committees, and Commissions.** Appointed Ms. Margie Bullock to the Community Events Committee.
6. **Consider Action on Attached Resolution Rescheduling City Council Meetings of January 3, 2012 to January 10, 2012, and January 17, 2012 to January 24, 2012, M&C # 12-02-11.** Re-scheduled the City Council Meetings in January to reflect the City staff's completion of the Christmas and New Year holiday break.

Adopted Resolution 11-014, "Resolution of the City Council of the City of Leon Valley to Reschedule the Regular City Council Meetings of January 3, 2012 to January 10, 2012, and from January 17, 2012 to January 24, 2012."

7. **Consider Action on Attached Resolution Rescheduling City Council Meetings of March 6, 2012 to March 5, 2012, November 6, 2012 to November 5, 2012, and Authorizing the Use of the City of Leon Valley City Facilities for Early Voting by Personal Appearance and Election Day Voting for Bexar County Elections Held in 2012 Including the Anticipated May 22, 2012 Primary Runoff Election, M&C # 12-03-11.** Re-scheduled the City Council Meetings that coincide with dates that Bexar County Elections will be holding elections in the City Hall related to the 2012 Presidential Primary Elections in March and the 2012 Presidential Elections in November, and officially notified the City Council of the anticipated May 22, 2012 Joint Primary Runoff Election. Also authorized the use of City facilities for Bexar County Elections held in 2012.

Adopted Resolution 11-015, "Resolution of the City Council of the City of Leon Valley to Reschedule the Regular Council Meetings of March 6, 2012 to March 5, 2012, from November 6, 2012 to November 5, 2012, and to Authorize the Use of the City Facilities for Bexar County Elections in 2012 Including the Joint Primary Runoff Election on May 22, 2012."

8. **Consider Authorizing the City Manager to Enter into an Agreement with Dr. Donald J. Gordon, M.D., for Medical Direction for the Fire Department Emergency Medical Services (EMS) Program, M&C # 12-04-11.** Authorized the City Manager to enter to an agreement for emergency medical directions services.

Fire Chief Irwin made a brief presentation to the City Council. Questions were raised about the procurement process used and the difference with the agenda

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documentation presented. A request was made that the City Council be provided with copies of materials used in the procurement process.

The City Council was informed that the same Request for Proposal previously used in obtaining EMS Program services was employed in bringing this agenda item and recommendation forward for consideration. City Manager Longoria indicated he would bring to the City Council a complete procurement process and contract handling policy in the first quarter of 2012. Mr. Longoria informed the City Council that staff has been providing more detailed materials on procurement items of a high profile or substantial interest.

Motion by Councilman Biever and second by Council Member Hill to authorize the City Manager to enter into an Agreement with Dr. Donald J. Gordon, M.D., for Medical Direction for the Fire Department Emergency Medical Services (EMS) Program. Voting Aye: Hill, Reyna, Baldrige, Dean, and Biever. Voting Nay: None. Mayor Riley announced the motion carried.

9. **Consider Action on M&C # 12-05-11 with Attached Ordinance Amending the Fiscal Year 2012 Street Maintenance Sales Tax Budget to Allow for a Roll Over of Funds from Fiscal Year 2011 for the Poss Road Reconstruction Project in the Amount of \$106,751.** Adopted an ordinance approving budget adjustments to the Street Maintenance Sales Tax Fund to roll over funding to complete the Poss Road Reconstruction Project.

Public Works Director Vick made a presentation to the City Council. Councilman Reyna indicated that Mr. Vick answered the questions he had regarding the agenda item.

Motion by Councilman Reyna and second Council Member Baldrige to adopt the Ordinance amending the Fiscal Year 2012 Street Maintenance Sales Tax Budget to allow for the rollover of funds for the Poss Road Reconstruction Project in the amount of \$106,751. Voting Aye: Hill, Reyna, Baldrige, Dean, and Biever. Voting Nay: None. Mayor Riley announced the motion carried.

Adopted Ordinance 11-029, "Approving Amendments to the Original Budget of the City of Leon Valley, Texas, for the Fiscal Year of 2012."

10. **Consider a Request to Accept the Bid and Award the Contract for the 2011 (Fiscal Year 2012) Bituminous Slurry Seal Project to Viking Construction, Inc. in the Amount of \$313,100.02, and Authorize the City Manager to Sign the Contract and Change Orders Up to an Additional 25 Percent of the Bid Amount, M&C # 12-06-11.** Accepted the bid and awarded the contract for the Slurry Seal Fiscal Year 2012 Project and authorized change orders up to 25 percent of the bid amount by minute order.

Public Works Director Vick made a presentation to the City Council. Councilman Reyna indicated a concern with only having one bid. Mr. Vick informed the City Council that there normally only two bidders. In order to ensure that the City obtained the best bid during the bidding process, City staff called to inform the other vendor that normally bids on City projects for this kind of service.

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Motion by Councilman Dean and second by Councilman Reyna to accept the bid and award the contract for the Slurry Seal Fiscal Year 2012 Project to Viking Construction, Inc., in the amount of \$313,100.02 and authorize the City Manager to sign the contract and change orders up to an additional 25 percent of the bid amount. Voting Aye: Hill, Reyna, Baldrige, Dean, and Bieber. Voting Nay: None. Mayor Riley announced the motion carried.

Regular Agenda

- 11. Conduct a Public Hearing and Consider Specific Use Permit Case No. 2011-269 with Attached Ordinance - a Request by Mary Garza, Applicant, to Construct and Operate a "Shopping Center," Adjacent to an R-1 (Single-Family Dwelling) Zoned District, Being Lot 44, Block I, CB 4446A, of the Linkwood Addition Subdivision, at 7600 Eckhert Road, City of Leon Valley, Texas, M&C # 12-07-11. On November 17, 2011, the Zoning Commission recommended approval of Specific Use Permit Case # 211-269, by a vote of 6-0. Conducted a public hearing and granted a Specific Use Permit on Case No. 2011-269, to allow the applicant to construct and operate a shopping center adjacent to a single family dwelling zoned district in the Linkwood Addition.**

Community Development Director Flores introduced this item and made a presentation to the City Council. Ms. Flores noted that the applicant, Mary Garza, applied for a Specific Use Permit to construct and operate a "shopping center" adjacent to an existing R-1 (Single-Family Dwelling) district. Ms. Flores informed the City Council that Chapter 14, "Zoning," Section 14.02.662, "Exceptions," Part (a), "where the proposed new construction of freestanding buildings... abuts any residential zoning district requires a specific use permit to be obtained prior to the issuance of a building permit." Staff indicated the site plan meets the minimum requirements for streetscape/landscape, parking, lighting, trash receptacles, privacy fence and other overlay requirements. It was further noted that the property has a short lot depth. Consequently, Ms. Garza is also seeking a variance from the Board of Adjustment to locate the building closer to the rear property line within the required twenty-five (25) foot rear yard setback.

Zoning Commission Chair Guerra addressed the City Council. Mr. Guerra shared the Commission's questions and concerns regarding the intended property use and maintenance regarding lighting, alcohol, fencing, property and fencing maintenance, and garbage collection noise very early in the morning. Mr. Guerra stated that the Zoning Commission recommended approval of Specific Use Permit Case No. 2011-269 by a vote of 6 to 0 at their November 17 meeting.

Thirteen letters were mailed to property owners within 200 feet of the subject property. As of this evening's City Council Meeting, no letters were received in favor of the request, one letter was received in opposition, and no letters were returned as undeliverable. Staff presented the site plan.

- A. Open Public Hearing.** Mayor Riley opened the Public Hearing at 7:46 p.m. Mrs. Mary Garza's husband addressed the City Council in her absence to ask the City Council's favorable consideration of the Specific Use Permit request. Mr. Garza indicated Mrs. Garza noted the neighbor's concerns and that those

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concerns will be addressed, if the permit is granted.

There were no other speakers to address the City Council.

- B. Close Public Hearing.** Mayor Riley closed the Public Hearing at 7:47 p.m.
- C. Action by City Council.** Councilman Bieber asked if the order of consideration of this request being made before the City Council is proper as the applicant will be requesting a variance before the Board of Adjustment. City Attorney McKamie indicated the matter is being considered in the proper order; that zoning considerations come first.

Motion by Councilman Bieber and second by Council Member Hill to approve the Ordinance granting Specific Use Permit Case No. 2011-269. Voting Aye: Hill, Reyna, Baldrige, Dean, and Bieber. Voting Nay: None. Mayor Riley announced the motion carried.

Approved Ordinance 11-030, "Granting a Specific Use Permit to Allow New Construction and Operation of a Retail Shopping Center, To Be Located at 7600 Eckhert Road, Being Lot 44, Block I, CB 4446A, Linkwood Addition Subdivision, a B-2 (Retail) Zoned Property, Adjacent to an Existing R-1 (Single-Family Dwelling) Zoning District in the City of Leon Valley.

- 12. Consider Revision to Chapter 3, "Building Regulations," Article 3.04, "Signs," Sections 3.04.013, "Temporary Signs" with Attached Ordinance, M&C # 12-08-11. On January 25, 2011, the Ad-Hoc Sign Committee recommended forwarding the proposed temporary sign revisions to the City Council for consideration and action.** Adopted revisions to the Chapter 3 Article dealing with temporary signs as recommended by an ad-hoc committee of the City Council during its review initiated in 2010.

Community Development Director Flores made a brief presentation before the City Council regarding the history and review made by the ad-hoc Sign Committee.

- A. Consideration.** The City Council noted a correction that needed to be made to the rubric presented. Questions were raised regarding election signage and signage in the Bandera Road flyover area. Staff responded that the City's Code is much more restrictive regarding election signs than statutes and noted the City Attorney's recommendation that the City of Leon Valley adopt what is consistent with state statutes. It was further noted that businesses along the Bandera corridor and lying on either side of the flyover were addressed with consideration in the new regulations.
- B. Action by City Council.** Motion by Council Member Baldrige and second by Councilman Bieber to approve the ordinance for revisions to Chapter 3, "Building Regulations," Article 3.04, "Signs," Sections 3.04.013, "Temporary Signs." Voting Aye: Hill, Reyna, Baldrige, Dean, and Bieber. Voting Nay: None. Mayor Riley announced the motion carried.

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Approved Ordinance 11-031, "Amending Chapter 3, "Building Regulations," Article 3.04, "Signs," Section 3.01.013, "Temporary Signs."

13. **Consider Action on a Resolution of the City of Leon Valley Authorizing the Filing of an Application with the San Antonio – Bexar County Metropolitan Planning Organization (MPO) FY 2013-2016 Transportation Improvement Program (TIP) Funded Through the Surface Transportation Program-Metro Mobility (STP-MM); Authorizing the City Manager to Act on Behalf of the City of Leon Valley in All Matters Related to the Application; and Pledging that if a Grant is Received the City of Leon Valley Will Comply with the Grant Requirements, M&C # 12-09-11.** Authorized the City Manager to file an application with the San Antonio – Bexar County Metropolitan Planning Organization on behalf of the City of Leon Valley for consideration for grant funding.

City Manager Longoria made a presentation to the City Council regarding this agenda item. The City Council raised a number of questions regarding timing, financing, and considered the conceptual plan. Mr. Longoria noted that applicants will be notified in the Spring of 2012. He emphasized that only three projects were submitted involving hike and bike trails. The City can start putting money aside in a reserve fund in addition to providing in-kind support and leveraging other grants. A question was raised about whether the City's in-kind support could be counted as part of the required 20 percent match. Staff responded that in-kind support would not be counted towards the required 20 percent match.

Al Uvietta, 6923 Sunlight Drive, addressed the City Council noting that it is important to convey to the Leon Creek (LC)-17 builders that the City of Leon Valley is very interested in connectivity of this kind.

Motion by Council Member Hill and second by Council Member Baldrige to approve the resolution authorizing the application and the City Manager to act on the City's behalf in all matters related to the application. Voting Aye: Hill, Reyna, Baldrige, Dean, and Bieber. Voting Nay: None. Mayor Riley announced the motion carried.

Approved Resolution 11-016, "A Resolution of the City of Leon Valley Authorizing the Filing of an Application with the San Antonio-Bexar County Metropolitan Planning Organization (MPO) FY 2013-2016 Transportation Improvement Program (TIP) Funded Through the Surface Transportation Program-Metro Mobility (STP-MM); Authorizing the City Manager to Act on Behalf of the City of Leon Valley in All Matters Related to the Application; and Pledging that if a Grant is Received the City of Leon Valley will Comply with the Grant Requirements.

Discussion Agenda

14. **Update on the Process to Obtain a Provider for Towing Services for the City of Leon Valley, M&C # 12-10-11.** The City Council received an update on the progress of process to obtain a provider for towing services in the City of Leon Valley. This matter was previously reported on at the City Council's Regular Meetings of October 18 and November 1, 2011.

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Chief Wallace updated the City Council on administrative fees assessed by other cities. He cited the City of Leon Valley's staff recommendation of an administrative fee of \$15 per vehicle. The administrative fee can be evaluated on an annual basis with increases tied to the Consumer Price Index (CPI). He noted that the administrative fees will not decrease. Staff is recommending an initial contract period of five years with an option to renew for up to five additional years. Chief Wallace detailed the next steps as being to compile the RFP, conduct a 30 day solicitation process from January 9 through February 9 with a pre-proposal conference on January 17.

Cathy Nelson, 6702 Yellow Rose, stepped forward to explain what happens in one of the other cities surveyed.

Don Banis, owner of Banis Towing, stepped forward to explain what happens in Balcones Heights regarding the \$285 impound fees.

- 15. Discuss Town Hall Meeting of January 28, 2012, M&C # 12-11-11.** The City Council discussed and considered details related to the upcoming Town Hall Meeting proposed for Saturday, January 28, 2012.

Mayor Riley introduced this agenda item. She noted the topics selected so far for the draft agenda and asked the City Council to provide any other topics to be placed on an agenda for that meeting date. Mayor Riley noted that another topic to be added to the draft agenda would be the consideration of an additional 1/8 cent sales tax for Economic Development. It was also noted that an agenda item be added to update the citizens on the Commemoration activities for the City of Leon Valley's 60th Birthday and the Sesquicentennial of the Historic Huebner-Onion Homestead.

- 16. Update on Progress of Town Center Project, M&C # 12-12-11.** The City Manager updated the City Council on the status of the work on the Town Center Project.

City Manager Longoria reported the City of Leon Valley and the Leon Valley Economic Development Corporation have partnered to complete the property appraisals of the parcels located within the Town Center boundaries. The firm doing the appraisals is Dugger, Canaday, Grafe, Inc., a San Antonio-based professional counseling and real estate appraisal firm. The \$4,000 cost of the appraisals is to be split by the City and the LVEDC. Preliminary numbers are expected by the week's end.

- 17. City Manager's Report. (Longoria)**

A. Informational Issues. Mr. Longoria noted that an individual has been hired to help Community Development Director Kristie Flores; Ms. Christy Carter, who is working on obtaining a Masters in Public Administration degree.

The City Council is invited to the Employees Christmas Luncheon on Wednesday, December 14, from 11:30 a.m. to 1:30 p.m. Lunch will consist of a potluck with the entre being tamales.

He thanked Public Works Director Vick and his staff for installing the colored lights on the Water Tower near the flyover in observance of the Holiday Season.

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- B.** Approved Minutes of City-Affiliated Boards, Committees, and Commissions. *This agenda item is to allow the City Council to review the work of its boards, committees, commissions, and affiliated City boards through the publication of approved meeting minutes on an ongoing basis.*
- (1) Community Events Committee Meeting, Approved Minutes of the October 19, 2011 Meeting.
 - (2) Earthwise Living Committee Meeting, Approved Minutes of the October 11, 2011 Meeting.
 - (3) Leon Valley Public Library Board of Trustees Meeting, Approved Minutes of the October 10, 2011 Meeting.
 - (4) Leon Valley Zoning Commission Meeting, Approved Minutes of the October 25, 2011 Meeting.
- C. Future Agenda Items.**
- (1) Report Activities to Strengthen the City of Leon Valley's Code of Ordinances, December 2011.
 - (2) Report on Activities to Commemorate the 60th Anniversary of the City of Leon Valley and to Commemorate the Sesquicentennial (150th) Anniversary of the Huebner-Onion House, December 2011.
 - (3) Consider Appointments to the LVEDC Board, January 2012.
 - (4) Discuss City New Website, January 2012.
 - (5) Consider Ordering the May 12, 2012 General Officers Election, January-March 2012.
 - (6) Presentation of Service Awards to Employees of the City of Leon Valley, January 2012.
 - (7) Consider Ordinance Establishing Library Bucks Program, January, 2012.

18. Citizens to be Heard. There were no speakers during this agenda item.

19. 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:

- 12-11-11** Holiday Concert, Sunday, 2:30 p.m. – 4 p.m., Leon Valley Community Center, 6427 Evers Road, Leon Valley.
- 12-14-11** Special City Council Agenda Posting for City Employees Holiday Gathering / Luncheon at City Council Chambers, 11:30 a.m.
- 01-07-12** Quarterly Walk with the Mayor, Meet at City Hall at 8:30 a.m., for a walk through Seneca III.
- 01-28-12** Town Hall Meeting, the exact meeting time is still to be determined.
- 02-25-12** 23rd Anniversary Earthwise Living Day, 10 a.m. – 2 p.m., Leon Valley Community Center

Council Member Hill asked the assembly to support the School of Science and Discovery Technology with Chick-Fil-A Night on December 8. She invited those in attendance to attend the next meeting of the Leon Valley Historical Society on

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December 13 at the Northside Learning Center at 7 p.m. to start the work of the Commemoration Committee. Council Member Hill will represent the City Council and Council Member Baldrige will represent the Leon Valley Historical Society as Co-Chairs on the City Council's ad-hoc Commemoration Committee.

Councilman Reyna announced a \$3,000 gift from the Texas Municipal League he won in a drawing of business cards from the TML Conference in Houston for employee training.

Council Member Baldrige noted the wonderful job that the Community Events Committee and the City's Department of Public Works did in decorating the Community Center for the Annual Tree Lighting Event. She indicated it was really outstanding.

Councilman Biever indicated that he enjoyed meeting some of the City's employees at the Employees Thanksgiving Luncheon. He noted it was a positive experience.

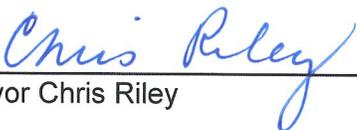
The City Council sang the Birthday Song to City Attorney McKamie and presented him with a birthday cake and card. Mayor Riley expressed her thanks to the City Council for having presented her with a birthday cake and card during the Special City Council Meeting earlier in the day.

Executive Session

20. 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.

21. **Adjourn.** Motion by Councilman Reyna to adjourn the meeting. There being no other business to come before the City Council, Mayor Riley adjourned the meeting at 8:43 p.m.



Mayor Chris Riley

ATTEST:


Janie Willman, City Secretary

