

**CITY COUNCIL MEETINGS OF THE CITY OF LEON VALLEY, TEXAS
DECEMBER 20, 2011**

The City Council of the City of Leon Valley, Texas, met on the 20th Day of December 2011 at 6:00 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:

SPECIAL CITY COUNCIL MEETING – 6:00 P.M.

1. **Call to Order, and Determine a Quorum is Present.**
Mayor Riley called the Special City Council Meeting to order at 5:59 p.m. with all City Council Members in attendance: Hill, Reyna, Baldrige, Dean, and Bieber.

City Staff in attendance: City Manager Longoria, Assistant City Attorney Onion, and City Secretary Willman.
 2. **Executive Session in Accordance with the Texas Government Code.**
 - A. The City Council of the City of Leon Valley convened in Executive Session at 6 p.m. Pursuant to Section 551.071, Consultation with Attorney on Pending Litigation, The Elijah Group, Inc., v. the City of Leon Valley, Civil Action # SA-08-CV0907 OG NN, Lowell Denton of Denton, Navarro, Rocha & Bernal, P.C., and McKamie Krueger, L.L.P., M&C # 12-13-11.
 - B. The City Council of the City of Leon Valley reconvened into Open Session at 7 p.m. No actions were taken resulting from the Executive Session.
 3. **Adjourn.** There being no other business to come before the City Council, Mayor Riley adjourned the meeting at 7 p.m.
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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 7:02 p.m. with all the City Council Members in attendance: Hill, Reyna, Baldrige, Dean, and Bieber.

City Staff in attendance: City Manager Longoria, City Attorney Onion, City Secretary Willman, Community and Interim Economic Development Director Flores, Finance Director Wallace, Fire Chief Irwin, Library Director Trent, and Police Chief Wallace. Also in attendance were Code Enforcement Officer Tijerina and Community Development Project Coordinator Carter.

The Pledge of Allegiance was led by Pablo Harline, Boy Scout Troop 700, Church of Jesus Christ of Latter Day Saints in Leon Valley. Mayor Riley introduced Pablo Harline, a seventh grade Boy Scout, working on his Citizenship in the Community badge.

Mayor Riley shared that she received a 'green' Christmas card from Library Director Trent. The Christmas card includes seeds for wildflowers which bloom when planted. She donned a green Santa hat gifted to her by Library Director Trent in honor of the City's sustainability initiatives.

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2. Presentation of the Status Report by the Bandera Road Site – Community Advisory Group. (John R. Hoyt, P.G., Edwards Aquifer Authority)

John R. Hoyt, P.G., Edwards Aquifer Authority and Chair of the Bandera Road Site – Community Advisory Group (CAG), presented a status report on the activities of the CAG and activities related to the Bandera Road Superfund Site since the CAG's last annual report in December 2011.

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.

Council Member Hill asked that Agenda Item 5 be pulled from the Consent Agenda for separate consideration.

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

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 December 6, 2011 Special and Regular City Council Meetings.** Approved the Meeting Minutes of the December 6, 2011 Special and Regular City Council Meetings.
- 6. Consider Action on M&C # 12-15-11, Appointing Members to the City's Boards, Committees, and Commissions: the Parks Commission.** Appointed Mr. Ruben Robledo to the City Park Commission.
- 5. Consider Action on M&C # 12-14-11 with Attached Ordinance, a Request to Amend the Leon Valley Code of Ordinances Chapter 2 "General Provisions," Section 2.401 "Official Newspaper" by Designating the Daily Commercial Recorder and the San Antonio Express News as the Official Newspapers to Publish Required Legal Notices for the City of Leon Valley for Fiscal Year 2012 Pursuant to Local Government Code §52.04.** The City Council renewed its designation of the San Antonio Express News and the Daily Commercial Recorder for the City of Leon Valley's required legal notices for the Fiscal Year 2012.

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City Secretary Willman briefed the City Council on this agenda item. Council Member Hill asked if publications would continue to be made in the Northwest Weekly. She voiced a concern because some persons don't subscribe to a full weekly newspaper. Some persons only get a weekend paper and some persons pick up a copy of the Northwest Weekly for free at the City Hall newsstand. Council Member Hill wanted to make sure that the City publishes information in as many places for the public to be able to find it as possible.

Staff responded that the City tries to publish everything possible in the Northwest Weekly to ensure that the City reaches its target audience and to conserve resources. The question about the Northwest Weekly arose as it was noted in the presentation that it is not a standalone newspaper but qualifies as a supplement to the *San Antonio Express News* and is delivered with the *San Antonio Express News*.

Motion by Councilman Bieber and second by Councilman Reyna to approve the Ordinance Amending the Code of Ordinances to designate the Daily Commercial Recorder and the San Antonio Express News as the official newspapers of the City of Leon Valley for the Fiscal Year 2012. Voting Aye: Hill, Reyna, Baldrige, Dean, and Bieber. Voting Nay: None. Mayor Riley announced the motion carried.

Adopted Ordinance 11-032, "Amend Section 2.401 "Official Newspaper" of the Leon Valley Code of Ordinances Chapter 2, "General Provisions", to Designate *The San Antonio Express News* and the *Daily Commercial Recorder* as "Official Newspapers."

Regular Agenda

- 7. Consider Action on M&C # 12-16-11 with attached Ordinance Amending the Fiscal Year 2012 Budget to Authorize a Match of Funds by the City of Leon Valley in the Amount of \$750 Towards the Historical Preservation and Clean-up of a Farm Shed (Racing Pigeon Coop) Abutting the Historic Huebner-Onion Homestead in the Natural Area as Part of a Matching Contribution by the Leon Valley Historical Society.** The City Council authorized a budget amendment in the amount of \$750 in a direct match of \$750 from the Leon Valley Historical Society for the removal and storage of building materials from a farm shed located onsite at the Natural Area abutting the Historic Huebner-Onion Homestead on Bandera Road.

City Manager Longoria briefed the City Council on this agenda item. Mr. Longoria noted that the City has been working with the Leon Valley Historical Society to affect clean-up of the Natural Area. He addressed the progress of the work to clean-up the site by removing the structure and preserve it as it has some historic value. There was Council discussion regarding clarification of the language used to describe this agenda item.

Motion by Councilman Dean and second by Councilman Bieber to remove the descriptive wording "racing pigeon coop" and leave the wording "farm shed" and to approve the \$750 match from the non-taxpayer funds.

Discussion continued regarding the need to clarify the language being used to characterize the structure. Councilman Reyna asked a question about the need to consider the motion as two

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separate motions. Mr. Onion indicated the City Council should vote to on the amended ordinance language first and then vote on the amended ordinance language.

Voting Aye: Hill, Baldrige, Dean, and Bieber. Voting Nay: Reyna. Mayor Riley announced the motion carried 4 to 1.

Motion by Councilman Dean and second by Councilman Bieber to approve the \$750 direct match to the Leon Valley Historical Society from the special non-taxpayer funds from SAWS for the removal of the farm shed. Voting Aye: Hill, Reyna, Baldrige, Dean, and Bieber. Voting Nay: None. Mayor Riley announced the motion carried.

Adopted Ordinance 11-033, "Approving Amendments to the Original Budget of the City of Leon Valley, Texas, for the Fiscal Year of 2012."

- 8. Consider Action on M&C # 12-17-11 with Attached Ordinance Authorizing the City Manager to Enter into a Continued Service Agreement with the City of Leon Valley Economic Development Corporation (LVEDC) for Facilities and Support Services. On November 30, 2011, the LVEDC approved continuation of the service agreement by a vote of 5 - 0.** The City Council renewed its service agreement with the City of Leon Valley Economic Development Corporation for facility and support services and authorized the City Manager to execute the documentation.

Community Development and Interim Economic Development Director Flores briefed the City Council on this agenda item. The City Council asked about what is included in staff support services. Ms. Flores shared that staff support includes compiling data, handling phone calls and inquiries, compiling meeting packets, and typing minutes. Clarification was further requested regarding other services included. It was noted that facility use is included. Ms. Flores emphasized that the cost pays for support services rather than a staff person or personnel services to provide support.

Motion by Council Member Baldrige and second by Council Member Hill to approve the ordinance authorizing the City Manager to Enter into a Continued Service Agreement with the City of Leon Valley Economic Development Corporation for Facilities and Support Services. Voting Aye: Hill, Reyna, Baldrige, Dean, and Bieber. Voting Nay: None. Mayor Riley announced the motion carried.

Adopted Ordinance 11-034, "Approving the Proposed Service Agreement Between the City of Leon Valley and the Leon Valley Economic Development Corporation (LVEDC) for Support Services from the City and Subsequent Reimbursement to the City by the LVEDC."

Discussion Agenda

- 9. Discussion of Ordinance for Future Consideration Amending Chapter 6, Health and Sanitation, to Adopt New Article 6.06, "Property Maintenance Code," and Providing a Penalty of Up to Two Thousand Dollars (\$2,000), M&C # 12-18-11.** The City Council discussed a draft ordinance proposed to amend and strengthen the City of Leon Valley's Code of Ordinances related to property maintenance.

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Community Development Director Flores briefed the City Council on this agenda item. Ms. Flores introduced her staff members present who collaborated on the ordinance which originated in Farmers Branch, Texas. Ms. Flores indicated not all of the regulations / standards from Farmers Branch were used to formulate the standards presented to the City Council this evening for study. She further attributed interest in stronger ordinance standards from the community due to run-down and unkempt properties as reported by callers who indicated property value loss to Code Enforcement. Interest was further noted in improving property maintenance standards as City Council Members saw this presentation at the Texas Municipal League Conference in Houston. Flores noted that three subdivisions in the City have additional coverage as part of the applicable homeowner association regulations. Ms. Flores presented a chart indicating other Bexar County cities' standards. Ms. Flores asked for guidance on the language. It was mentioned that this represents an opportunity re-institute Leon Valley NOW (Neighbors on Watch) as well as making an effort to get out more public information materials regarding property maintenance and code enforcement standards.

Council Members asked about numbers of plants in front yards. Ms. Flores indicated that percentage of foliage being alive or dead is the standard. A question was raised whether two code enforcement officers will be sufficient to enforce heightened standards via a property maintenance code. It was noted from the TML presentation that Farmers Branch started out with one code enforcement officer and grew in capacity with the focus determined by need on a ranking basis. A question was raised as to how much more work would be required by the increased standards. Staff responded that more letters would have to be generated and there would have to be additional lien work. It was noted that while the Code Enforcement standards are being enforced, the City's Code does not have all of the basic requirements needed to enforce some property maintenance issues. A request was made to add a standard to remove trash containers or bins back to the side of the house after collection. A suggestion was made that the time to put out bins could be not before 7 p.m. the night before and to allow persons to have the bins collected to the house by 10 p.m. It was decided to bring back language for both setting out bins/containers and re-collecting them following trash removal approximating the standards used by the City of San Antonio.

There was a question about insect screens. If windows can be opened, insect screens will be required. A question was raised about broken windows. It was noted that broken items are addressed in the Code already. There was a question about whether the City can enforce this upon everyone without having a constitutional challenge. Assistant City Attorney Frank Onion indicated that notices need to be given to the Community as well as including this information as part of a public education process and having the information on the City's website. Consideration may need to be given to a variance and review process for cases of hardship in order to allow people due process. Mr. Onion also indicated that a severability clause needs to be added to the language. There was also needed clarification needed regarding permanent structures erected for front yard parties. Permanent versus temporary structures would have to be defined. It was recommended that a public hearing be held on this kind of a code change. There was a question raised about on street parking which impedes the access of public safety vehicles. A question was raised if there were areas in Farmers Branch where there

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have been problems with public understanding and enforcement in order to try to avoid similar situations.

Staff noted that the additional proposed standards do not deal with abandoned structures but would address the conditions associated with property abandonment.

Staff indicated that the City of Leon Valley could allow 60 days to allow the community to acclimate to the new standards such as was done in the City of San Antonio. Mention was made of persons living on fixed incomes having difficulty in bringing their homes or structures up to Code standards. There was some discussion regarding different options to help persons living on limited incomes. Community service projects assigned by the Municipal Court, scout projects, church projects, and other entities may be interested in helping to defray the cost of required code upgrades.

Mr. Longoria indicated the staff will make the recommended changes and schedule a series of public hearings to gain citizen input.

10. **Update on Progress of Town Center Project, M&C # 12-19-11.** City Manager Longoria updated the City Council on the status of the Town Center Project. Mr. Longoria informed the City Council that the appraisals on the property have been completed. The property values are being evaluated by the LVEDC and City staff. The City Council asked if the City Manager would be sending the City Council the information as it becomes available. Mr. Longoria indicated that can be done.

11. **City Manager's Report. (Longoria)**
 - A. Informational Issues. City Manager Longoria distributed a briefing statement detailing some of the City staff's major accomplishments in 2011. Mr. Longoria noted that the City provides good basic services that the public wants.
 - B. Update City Council Regarding Library Bucks Program. The City Manager informed the City Council that staff is not prepared to present this item yet. Staff will bring back information when the complete staff work has been done.
 - C. Monthly Departmental Reports. No questions were asked about the reports.
 - D. 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) City of Leon Valley Economic Development Corporation (LVEDC) Board Meeting Minutes of October 26, 2011.
 - (2) City of Leon Valley Economic Development Corporation (LVEDC) Board Meeting Minutes of November 9, 2011.
 - (3) Leon Valley Tree Advisory Board Meeting Minutes of October 19, 2011.
 - E. **Future Agenda Items.**
 - (1) Consider Appointments to the LVEDC Board, January 2012.
 - (2) Discuss City New Website, January 2012.
 - (3) Consider Ordering the May 12, 2012 General Officers Election, January-March 2012.
 - (4) Presentation of Service Awards to Employees of the City of Leon Valley, January 2012.

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- (5) Discussion on Ordinance Establishing Library Bucks Program, January 24, 2012.
- (6) Purchasing Policy, Contract Renewal Management Policy, and Personal and Professional Services Policy.
- (7) Consider Approval of the Comprehensive Annual Financial Report for Fiscal Year 2011, January 24, 2012.

- 12. Citizens to be Heard.** Al Uvietta, 6923 Sunlight Drive, addressed the City Council regarding the Northwest Weekly distribution not being delivered on a regular basis throughout the City. Mr. Uvietta indicated the City Council may want to be aware if is relying on the Northwest Weekly to get the word out about City news.

Mayor Riley thanked Mr. Uvietta for the lovely Christmas card sent to her office. The Mayor indicated she shared the card with the City Council.

- 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:

- 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, 9 a.m. – 12:30 p.m., Leon Valley Conference Center**
- 02-25-12** **23rd Anniversary Earthwise Living Day, 10 a.m. – 2 p.m., Leon Valley Community Center**

The City Council went around the dais wishing everyone a Merry Christmas.

Mayor Riley thanked the staff for the employee Christmas luncheon. She noted the employee camaraderie. She reminded those present of the City Council Meeting changes in January to January 10 and 24. She asked for the City Council to consider at its January 10 meeting agenda that the City Council finalizes commitments on who would like to work which agenda item for the Town Hall Meeting. She wished everyone a Merry Christmas and Happy New Year. She thanked those present for the honor of serving the City.

Community Development Director Flores introduced Community Development Project Coordinator Christy Carter.

Executive Session

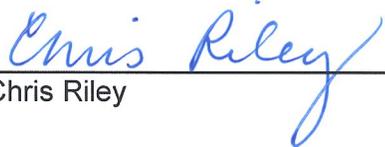
- 14.** The City Council of the City of Leon Valley reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on the posted agenda, above, as authorized by the Texas Government Code Sections 551.071 (consultation with attorney), 551.072 (deliberations about real property),

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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.

- 15. Adjourn.** Motion by Councilman Dean and second by Councilman Biever to adjourn the meeting at 9:07 p.m. There being no other business to come before the City Council, Mayor Riley adjourned the meeting.



Mayor Chris Riley

ATTEST:



Janie Willman, City Secretary

