

CITY COUNCIL MEETING OF THE CITY OF LEON VALLEY, TEXAS, FEBRUARY 1, 2011

The City Council of the City of Leon Valley, Texas, met on the 1st day of February, 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:

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

Call to Order and Determine a Quorum is Present.

Executive Session in Accordance with the Texas Government Code

The City Council of the City of Leon Valley will convene in Executive Session as Authorized by Texas Government Code, Section 551.071, Consultation with Attorney, Regarding the Elijah Group, Inc. v. the City of Leon Valley, Civil Action # SA-08-CV-0907 OG NN.

Re-convene into Open Session and take any action necessary resulting from Executive Session.

Adjournment.

[City Secretary Note: This Special City Council meeting was cancelled due to the illness of the presenting counsel. This meeting will be re-posted and scheduled for a future agenda.]

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

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. and asked that the minutes reflect that the following City Council Members were present: Garcia, Reyna, Baldrige, and Dean. Council Member Nelson was excused from the meeting due to a family commitment.

City staff in attendance: Interim City Manager Brummett, City Attorney McKamie, City Secretary Willman, Community Development Director Flores, Economic Development Director Ryan, Finance Director Wallace, Fire Chief Irwin, Human Resources Director Caldera, Public Works Director Vick, and Assistant Public Works Director Stolz.

Don Burgess, Jr., led the assembly in reciting the Pledge of Allegiance.

Employee Recognition, Donald Burgess, 25 Years of Service. (City Council)

Don Burgess was congratulated for 25 years of service and received a gold watch commemorating his years of service to the City of Leon Valley. Don is the Construction Foreman for the Public Works Department. He began his career with the City of Leon Valley in October 1985 as a laborer on the maintenance crew. He was promoted in 2003 to construction crew leader and, in 2006, to the position of Construction Foreman. The City Council expressed its appreciation of Mr. Burgess' years of faithful service. Mr. Burgess acknowledged the Council and staff's support and appreciation during his years of service.

Citizens to be Heard and Time for Objections to the Consent Agenda.

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"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.

Al Baldrige, 6368 Parsley Hill, thanked the City Council for hosting the Town Hall Meeting on January 29, 2011. He indicated that the meeting was most informative and important for the range of topics discussed. He asked that the City Council continue the program on at least an annual basis.

Motion by Councilman Reyna and second by Councilman Garcia to approve Consent Agenda Items 4, 5, 6, 7, and 8, as presented. Voting in favor: Garcia, Reyna, Baldrige, and Dean. Voting against: None. Absent: Nelson. 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 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 Minutes of the Regular City Council Meeting of January 4, 2011. (Willman)**
5. **Consider Approval of the Minutes of the Special City Council Meeting of January 13, 2011. (Caldera)**
6. **Consider Approval of the Minutes of the Regular City Council Meeting of January 18, 2011. (Willman)**
7. **Consider Approval of the Minutes of the Special City Council Meeting of January 24, 2011. (Willman)**
8. **Consider Action on M&C # 01-07-11 with Attached Ordinance Approving a Budget Adjustment for the Street Maintenance Sales Tax Program for a Rollover From Fiscal Year 2010 for Slurry Seal. (Vick/Stolz)**

Regular Agenda

9. **Consider Postponement on Zoning Case # 2010-385 – a Request by Kenny Erwin, Agent for Huntington Communities, Applicant, to Rezone Approximately 65.704 Acres of Land in the 6500 Block of Samaritan Drive and along William Rancher, Aids and Grass Hill Drives from R-1 (Single-Family) to R-6 (Garden Home), Being Lot 1, Block 1, CB 4430 C, Good Samaritan Lodge Subdivision and Parcel 1, ABS 399, CB 4429, and Parcels 10H, 11, 13, 15, 16, 16A, and 23, ABS 432, CB 4430. On December 28, 2010, the Zoning Commission recommended denial of the request by a vote of 6-1. (Flores)**

Community Development Director Flores introduced this agenda item, detailing the specifics of the zoning case involved. She informed the City Council that applicant Kenny Erwin is requesting further postponement from the February 1, 2011 meeting as

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authorized by the City Council at its January 18, 2011 meeting to March 1, 2011, in order to continue to evaluate other residential development scenarios.

Motion by Councilman Reyna and second by Council Member Baldrige to allow the postponement on Zoning Case # 2010-385 to March 1, 2011 City Council Meeting. Voting in favor: Garcia, Reyna, Baldrige, and Dean. Voting against: None. Absent: Nelson. Mayor Riley announced the motion carried.

10. **Consider Action on M&C # 01-08-11 – a Request by Bay Willingham of Verizon Wireless, Allowing Variances to Chapter 3, “Building Regulations,” Article 3.04, “Signs,” Section 3.04.013, “On-Premise Signs,” to: 1) allow wall signs which exceed the maximum 200 square feet per occupancy and 2) to allow more than one (1) sign per store front at 6810-3 Bandera Road. (Flores)**

Community Development Director Flores introduced this agenda item. The Council engaged in discussion regarding the size of the proposed changes and noted that what is in place is effective in that it attracts attention.

Bay Willingham, applicant, stepped forward to ask the Council's consideration on the request as indicated on a proposal delivered to the Council with the start of this agenda item. He noted the option being requested is Option 2, on Page 9 of the final request.

Monica Donahue, 5985 Aids Drive, addressed the City Council. She informed the Council that as a committee member of an ad-hoc sign committee, a year was spent in the development of the current sign standards. She noted the City should stick with the current standards.

Motion by Councilman Dean and second by Councilman Reyna to allow the request for the variance with the checkmark and the name “Verizon” allowed on the Bandera Road side of the building. Voting in favor: Garcia, Reyna, Baldrige, and Dean. Voting against: None. Absent: Nelson. Mayor Riley announced the motion carried.

11. **Consider Action on M&C # 01-09-11 - a Request Authorizing the City Manager to Enter into a Trial Agreement with the American Textile Recycling Service to Allow One (1) Recycling Donation Box in Order to Evaluate the Program on a Temporary Basis. (Flores)**

Community Development Director Flores introduced this item. She noted that City Attorney McKamie noted that there is not a permitted use for the bins and the use would require zoning consideration and that modification would be made to accommodate the use. She further noted that the process will involve defining and classifying the use of unattended donation boxes. This would necessitate the initiation of a Non-Specified Use application to the Zoning Commission in which consideration would be given with a recommendation brought forth to Council. She informed the Council that the Zoning Commission will consider “unattended donation stations/boxes” on February 22, 2011, and the City Council will consider the recommendation and its findings on the Council's March 1, 2011 agenda for action. Ms. Flores further indicated the City can evaluate the program on a temporary or trial basis, if desired. Accordingly, there is a request before the City Council to consider a trial agreement.

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City Attorney McKamie was asked about what might be considered a maximum length of time for a temporary or trial basis. He informed the Council that about six months would be a maximum amount of time he would recommend.

The Council asked for a temporary trial to include a monitoring process using a spreadsheet evaluating the collections of the bin as well as noting any problems. It was further requested that the Council be provided a review of the process at the half-way or three month point.

Motion by Councilman Reyna and second by Councilman Dean to authorize the City Manager to negotiate a six month temporary pilot program including the stipulations of the monitoring process as requested by the Council. Voting in favor: Garcia, Reyna, Baldrige, and Dean. Voting against: None. Absent: Nelson. Mayor Riley announced the motion carried.

Discussion Agenda

12. **City Manager's Report. (Brummett)**

A. Informational Issues.

Mr. Brummett informed the Council that CPS Energy staff called earlier in the day to inform him that the walk-through to ascertain if any historical artifacts are found will start tomorrow as CPS Energy works its way through the City of Leon Valley.

Mr. Brummett noted that a policy is being developed for the Council's discussion at its next regular meeting to set some guidelines for staff for the Lion's Roar.

Mayor Riley asked Mr. Brummett about the progress of a project to obtain grant funding through the San Antonio-Bexar County Metropolitan Planning Organization. Mr. Brummett indicated that grant writer Kathryn Word is working on a grant.

13. **Citizens to be Heard.** There were no citizens to step forward to be heard.

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

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.

15. **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:

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A. 22nd Annual Earthwise Living Day, February 26, 2011, Leon Valley Community Center at 6427 Evers Road (Mayor Riley)

Council Members complimented the City Staff for their work and collaboration on the Town Hall Meeting held on January 29, 2011. It was noted that the City Manager will provide the Council with a summary of citizen remarks and contributions.

Mayor Riley announced the Volksmarch on Saturday, March 12.

City Manager Brummett announced that the Texas Department of Transportation has asked to return to apprise the City Council of its work towards an operational improvement designed to improve traffic flow along the Bandera Road corridor in Leon Valley. The meeting will be scheduled as a special city council meeting on February 15.

16. **Adjourn.** Motion for adjournment at 8:07 p.m. by Council Member Baldrige and second by Councilman Garcia.



Mayor Chris Riley

ATTEST:



Janie Willman, City Secretary

