

**CITY COUNCIL MEETINGS OF THE CITY OF LEON VALLEY, TEXAS
APRIL 19, 2011**

The City Council of the City of Leon Valley, Texas, met on the 19th day of April, 2011 at 6 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 6:00 p.m. and asked that the minutes reflect the following City Council Members were present: Garcia, Baldrige, Dean and Nelson. Mayor Riley announced that Councilman Reyna has an excused absence due to a business commitment.

The following staff members were present: Interim City Manager Brummett, City Secretary Willman, Community Development Director Flores, Economic Development Director Ryan, Fire Chief Irwin, and Police Chief Wallace. EPA Remedial Manager Chris Villarreal was also present.

2. **Presentations by EPA Manager Chris Villarreal**
 - A. **Remedial Investigation (RI) Report for Bandera Road Ground Water Plume Superfund Site.**
 - B. **Feasibility Study (FS) Report for Bandera Road Ground Water Plume Superfund Site.**
 - C. **Other Information Related to the Bandera Road Ground Water Plume Superfund Site.**

Mr. Villarreal briefed the Council on the Bandera Road Ground Water Plume Site and answered the Council's questions regarding the various processes used in doing soil vapor extraction tests and passive soil gas sampling. He discussed the enhanced anaerobic bioremediation using Regensis 3-D Microemulsion (3DME®) in order to increase the number and activity of anerobic microbes that naturally degrades contaminants to ethane, ethene, and other innocuous end products. He detailed that the target compounds of Tetrachloroethene, Trichloroethene, and Dichloroethene are reduced based on the initial testing results. He discussed the initial results of other PCE degradation products. A draft Remedial Investigation Report (RI), draft Human Health Risk Assessment, and draft Ecological Risk Assessment have all been received from the contractor as recent as March 10, 2011. The Technical Assistance Support Contractor is reviewing the draft RI report and is preparing a report summary in a format that will be easily understood by the general public. He mentioned that he also met with a subcommittee of the Citizens Advisory Group to discuss the draft documents and process going forward through the coming months.

Mary Key, 7418 Canterfield, asked, as a former employee of one of the clothes cleaning businesses, if there is anything from a personal medical perspective that needs to be done.

Mr. Villarreal indicated that medical professionals will be part of the remediation process to bring information to the Community.

3. **Adjourn.** The meeting adjourned at 6:50 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 7:00 p.m. and asked that the minutes reflect the following City Council Members were present: Garcia, Baldrige, Dean and Nelson. Mayor Riley announced that Councilman Reyna has an excused absence due to a business commitment.

The following staff members were present: Interim City Manager Brummett, Assistant City Attorney Onion, City Secretary Willman, Community Development Director Flores, Economic Development Director Ryan, Finance Director Wallace, Fire Chief Irwin, Library Director Miller-Trent, and Police Chief Wallace.

Mayor Riley led the assembly in the Pledge of Allegiance.

2. 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.

Armando and Patsy Gonzales, 7529 Linkside, informed the City Council about an incident involving a CPS pole that damaged a privacy fence erected between their property and the abutting businesses. Mr. and Mrs. Gonzales were advised that the City Manager would meet with them to determine solutions, ownership and responsibility for the privacy fence.

Roger Salceda, 6607 Adair Drive, encouraged the Council to continue using Banis Towing for City and consensual tows.

Randy Blankenship, business owner, spoke to the Council on behalf of Banis Towing. He recommended the City continue to use Banis Towing based on the exceptional service they provide.

Jason Banis, Vice-President of Banis Towing, informed the Council that the business has been towing in the City of Leon Valley for 25 years. He cited the business' community involvement, assistance to stranded motorists including some at no cost, various awards, special equipment and close working relationship with the City's safety services departments.

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3. **Earth Month Proclamation.** Mayor Riley read a proclamation about Earth Month in the City of Leon Valley, introduced members of the Earthwise Living Committee, and issued an invitation to Leon Valley residents to use earth friendly practices.
4. **Employee Retirement Recognition, Fire Engineer/Paramedic Doug Godfrey. (City Council)** Mayor Riley read a proclamation honoring Leon Valley Fire Engineer / Paramedic Doug Godfrey for his 27 years of dedicated service to the residents and businesses of the City of Leon Valley. Mr. Godfrey, his family, and work associates were recognized. Fire Chief Irwin acknowledged Mr. Godfrey's contributions to the Fire Department including many facets of his training and mentorship of others in the Department. It was noted that he earned the unofficial title of "Training Records Czar."
5. **Employee Recognition for the Employee of the Month for March 2011, Angela Trejo.** Council / Manager Administrative Assistant Angela Trejo was honored as the employee of the month for March. Ms. Trejo's special efforts in coordinating the 2011 Volunteer Appreciation Dinner earned her special recognition for her teamwork and efforts in coordinating and helping stage the event.
6. **Presentation by Russell Persyn, P.E., Ph.D., Manager of Watershed Management for the San Antonio River Authority Regarding the Submittal of a Letter of Map Revision (LOMR) to FEMA for Drain 1A Between the Homes on Seneca Drive and Edinborough Drive and along Pickering Drive. (Flores)**

Mr. Persyn informed the Council that the map revisions would be submitted to FEMA once notifications were sent to affected residents. Copies of the maps reflecting the current and revised floodplain were distributed to Council and left with staff for future consideration.

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.

Motion by Councilman Dean and second by Council Member Nelson to approve the Consent Agenda as presented. Voting Aye: Garcia, Baldrige, Nelson, and Dean. Voting Nay: None. Absent: Reyna. Mayor Riley announced the motion passed.

7. **Consider Approval of the April 5, 2011 Minutes of the Regular City Council Meeting. (Willman)**
8. **Consider Approval of Quarterly Investment Report. (V. Wallace)**
9. **Consider Action on M&C # 04-06-11 to Authorize the City Manager to Enter into a Contract With Linebarger Goggan Blair & Sampson (LGB&S) for the Collection of Delinquent Taxes for a Period of July 1, 2011 to June 30, 2016. (V. Wallace)**
10. **Consider Action on M&C # 04-07-11 to Authorize the City Manager to Enter into a Contract With Linebarger Goggan Blair & Sampson (LGB&S) for Fines and Fees Collection Services for a Contract Period of October 1, 2011 to September 30, 2016. (V. Wallace)**
11. **Consider Action on M&C # 04-08-11 Requesting Approval of Budget Adjustments for the Police Forfeiture Trust Fund for the Purchase of Mobile Data Terminal Software. (R. Wallace)**

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12. Consider Action on M&C # 04-09-11 with Attached Ordinance Establishing the Park Bucks Special Reserve Fund. (K. Word)

Regular Agenda

13. Conduct Public Hearing and Consider Action on Specific Use Permit Request #2011-268 - with attached M&C # 04-10-11 and Ordinance, a Request by Debra Sauer, Applicant, to Allow Operation of an "Auditorium, Convention Center, or Other Similar Meeting Facility," Specifically a "Banquet Hall," Being Lot 58, Block 3, CB 5784, Crossways-Floyd Subdivision, a B-3 (Commercial) Zoned Property Within the Sustainability Overlay, Located at 6737 Poss Road, Suite #300. On March 22, 2011, the Zoning Commission recommended approval of the request by a vote of 7-0. (Flores)

Community Development Director Flores introduced the case facts pertaining to the Specific Use Permit Request before the City Council. It was noted that Ms. Sauer needs six additional parking spaces. Ms. Flores noted that the Zoning Commission had concerns with the parking and storage on-site.

The Council raised questions regarding the parking capacity, parking location, and hours of operation for the remaining businesses in the area. Ms. Sauer approached business neighbors with parking cooperative agreements to obtain the right to use the additional six parking spaces needed to comply with the Code in the Sustainability Overlay. Ms. Flores noted that the majority of Ms. Sauer's events would happen during late evening and weekend hours with the probability that most of the needed parking would be available. Ms. Flores informed Council that Town Center Developer Larry Little indicated he would re-stripe the parking area by mid-May. It was noted that the storage in the parking areas will be removed to allow improved access for parking. Mr. Little indicated in writing that he was going to allow shared access in his new development.

Motion by Councilman Dean and second by Council Member Baldrige to postpone action on this request to May 3 in order to obtain clarification of the available parking and attorney review that the parking agreements are legal and binding.

Council discussion continued with questions about the intended uses and activities for the banquet hall.

Applicant and business owner Debra Sauer, 6747 Poss, informed the Council regarding her efforts to work with neighboring businesses to negotiate and obtain additional parking to meet the Code's requirements. Events will include wedding receptions, quinceaneras, veteran organization events, high school reunions, fundraisers, etc. She noted that most of the events are held on weekends and mostly in the evenings or after traditional work hours. The Council asked Ms. Sauer if the buildings to the east are owned by Mr. Little. Ms. Sauer indicated that the two buildings referenced by Council are owned by Mr. Little. There was also a question as to the earliest event booked. Ms. Sauer indicated there is an event scheduled in the second weekend in May.

Public Hearing. Mayor Riley announced the public hearing open at 7:54 p.m. There being no one to approach the podium, the public hearing was closed at 7:55 p.m.

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Council Action. Mayor Riley repeated the motion by Councilman Dean and second by Council Member Baldrige to postpone action on this request to May 3 in order to obtain clarification of the available parking and attorney review that the parking agreements are legal and binding. Voting Aye: Garcia, Baldrige, Dean, and Nelson. Voting Nay: None. Absent: Reyna. Mayor Riley announced the motion carried.

14. Consider Action on M&C # 04-11-11 Requesting Approval Of Depository Services Contract With Frost National Bank. (Brummett/V. Wallace)

Finance Director Wallace informed the Council that Chapter 105 of the Local Government Code prescribes the requirement that depository services agreements be obtained every five years. The City's current contract with Frost National Bank is due to expire on September 30, 2011. Accordingly, the City advertised in The San Antonio Express News in March soliciting Requests for Proposals (RFP) for depository agreements services. Only three banks responded. Of the three responding banks, only Frost National Bank met all the requirements of the RFP. Ms. Wallace focused on collateral requirements and substitutions and the effect that the respondent banks either meeting or not meeting those requirements impacted the recommendation for using Frost National Bank. The recommendation is for the Council to consider awarding the depository contract to Frost National Bank for a period of five years based on it meeting all the requirements of the RFP and offering the lowest cost services to the City of Leon Valley.

Motion by Council Member Baldrige and second by Council Member Nelson to award the depository contract to Frost National Bank for the term beginning October 1, 2011 through September 30, 2016. Voting Aye: Garcia, Baldrige, Dean, and Nelson. Voting Nay: None. Absent: Reyna. Mayor Riley announced the motion carried.

15. Consider Action on M&C # 04-12-11 Requesting Approval of Budget Adjustments for the Police Forfeiture Trust Fund for the Purchase of Multi-Purpose Immobilization Devices. (R. Wallace)

Police Chief Randall Wallace introduced this agenda item to the Council as one of considering replacement equipment for which the manufacturer of the equipment in the City's possession was found to have patent violations. The item requested approval of a budget adjustment in the amount of \$3,120 from the Police Forfeiture Trust Fund to purchase replacement multi-purpose immobilization devices. Chief Wallace noted that the proposed replacement equipment has an integrated camera system, is offered at a discounted price from the list pricing, and in the event of a lawsuit provides expert witnesses, testimony, documentation, assistance from medical experts, as well as other support relating to deposition review and case preparation.

Council asked about certification and return of equipment. Chief Wallace indicated that the equipment from Stinger would be returned with all required certifications. Training on the new proposed equipment will be done. It was clarified that the new equipment has both sound and visual recording capability.

Motion by Councilman Dean and second by Council Member Nelson to approve the purchase of five of the Karbon Arms multi-purpose immobilization devices. Voting Aye: Garcia, Baldrige,

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Dean, and Nelson. Voting Nay: None. Absent: Reyna. Mayor Riley announced the motion carried.

16. Consider Action on M&C # 04-13-11 Requesting Acceptance of Proposal and Recognition of a Towing Company to Provide Incident Management and Consent Tows, Along With Towing for the City of Leon Valley Vehicle Fleet. (R. Wallace)

Police Chief Randall Wallace introduced this agenda item as one of soliciting proposals for the City of Leon Valley fleet vehicle towing, incident management towing and consensual tows which came from a businessman through a city councilman. The City received proposals from five companies. The recommendation was to accept a proposal from Armada Towing based on lowest fees charged for light duty tows which comprise the predominant number of tows requested to be performed.

Richard Murray of Richard's Towing, City of Leon Valley resident and business owner, addressed the City Council. He informed the Council that his business has been in operation from 1972. He has been involved in the family business since 1993 and has served the Helotes Police Department for about 1 ½ years.

A representative from Armada Towing answered the Council's question about its experience in Texas. The speaker indicated the company has 16 years of experience in Fontana, California. Armada has been working in Williamson County with different law enforcement agencies including the City of Austin for about one year. He noted that Armada has been servicing San Antonio since June 2009 including 3,500 AAA auto members every month. He clarified that Armada services Williamson County and Round Rock Police Department, as well as the City of Austin.

Mr. Banis indicated Banis Towing ordered an 18 wheeler tow truck to be available for service towing. Council asked for pricing for that charge as well. He indicated the rates are based on charges needed to cover service calls if a particular service is demanded including the time required. He indicated the range is between \$65 to \$120 for flat tows.

Council discussed the various proposals in the agenda packet. They discussed a need for additional information including clarification of some of the pricing and paperwork which one of the service providers indicated was provided but not in the Council packets. Council Member Nelson indicated she would like to have the item returned for Council consideration at its May 3 meeting if possible. There was some discussion about training and statutory requirements from the different companies. Chief Wallace clarified that only information that came out of the RFP process was included in the Council agenda packets. It was also emphasized that this request for proposals is not based on statutory requirements. Assistant City Attorney Onion answered that whether the City has to have an agreement with a single service provider for towing services is not clear. Mr. Onion offered to research the matter and get the information back to the Council. A question was raised as to why more than one company cannot be used in the event more than one company's services are required simultaneously. Chief Wallace indicated that logistically there are challenges in using different companies based on a rotational basis. It was suggested that the initial period for the proposal be for three years. There was some discussion regarding pricing for the public as being the determinant.

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Motion by Councilman Dean and second by Council Member Baldrige to postpone action on this item for up to 30 days or less to allow the staff to bring back additional information pertaining to their experience and reputation with other law enforcement agencies, reference checks, special training, safety records, number of vehicles towed, other information, Fire Department assistance from all service providers, servicing company locations, and a list of special available equipment. Voting Aye: Garcia, Baldrige, Dean, and Nelson. Voting Nay: None. Absent: Reyna. Mayor Riley announced the motion carried.

Discussion Agenda

17. City Manager's Report. (Brummett)

A. Informational Issues.

- Sales tax comparison fluctuates based on competing expenditures, from April to April, is down 15.55 percent from last year. Year-to-date sales tax revenue is still slightly above what the Council budgeted at 4.78 percent.
- The State Comptroller's Office inquired as to whether the City will be having another street maintenance sales tax election. City staff has confirmed that is the intent of the City Council.
- Staff should be ready soon to present a retrofit program for the City's water wells. There will be some opportunity to demonstrate energy savings. Council will be briefed offering options to be considered.
- We will be applying for a TERP (Texas Emissions Reduction Plan) grant to get bad engines off of the highways.
- New City Manager Longoria will be starting regular visits to start the transitioning phase into the City's operation and management. This effort will continue through the next few weeks until he can report on a full time basis.

B. Departmental Reports. It was noted that the departmental reports are in the Council's packet.

C. Taste of Leon Valley Budget Revision. Economic Development Director Ryan briefed the Council on the progress of the Taste of Leon Valley. The project is coming along well. One of the restaurants will be featured on the Food Network television show. The LVEDC has approved up to \$7,300 towards the event. The event is about 1/3 of the way with anticipated booth sponsorships. Twenty booth sponsors are secured as of today with more expected.

D. Monthly Financial Statement for March 2011. City Manager Brummett provided a brief overview of the March 2011 Monthly Financial Statement. Mr. Brummett pointed out that more ad valorem tax money is expected. Sales tax is not fully represented as the City is not quite one-half through the year. Expenditures are on track for the year except for the Fire Department based on the fire truck purchase. Water revenues are up based on drought conditions. Revenues in the Community Events fund are down based on not having Trade and Market Days. Stormwater Revenue is building up at a good rate. Hotel/motel tax revenues are more in line with what should be based on receiving revenues that are owed the City.

E. Briefing on Presentation Made at EPA Brownfields Conference. Community Development Kristie Flores briefed the Council on her presentation at the EPA Brownfields Conference in the City of Philadelphia.

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18. **Citizens to be Heard.** Dr. Michael Kusiak, 6727 Cherryleaf, stepped forward to compliment Ms. Flores on her accomplishment in speaking in and about Philadelphia. Mayor Riley announced that the EPA will partner with the City of Leon Valley about the Fiesta Dodge site on June 9, 2011, using another grant.

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:

Council Member Baldrige mentioned the Leon Valley Historical Society Walk/Run on Saturday.

Mayor Riley announced the letter the Council received from the Business Owners' and Managers' Association (BOMA) Committee. She asked that the following persons be appointed to address the request in the letter asking that 1/8 of one cent be added by election to the EDC sales tax currently being collected by the Leon Valley Economic Development Corporation for Type B Economic Development Corporation purposes. An ad-hoc committee would consist of Mr. Al Baldrige, Rose Ryan Economic Development Director, someone from LVEDC, any other volunteer from the Council to bring to Council a proposal for consideration. Mayor Riley thanked Mr. Baldrige for the BOMA letter.

- A. **Earth Month Celebration, April 30, 2011, 10 – 10:30 a.m., (Solar Panel Installation at the) Leon Valley Community Center, 6427 Evers Road, Leon Valley. (Mayor Riley)**
- B. **Pet Parade, May 14, 2011, 10 a.m. – 12 Noon, at the Leon Valley Community Center, 6427 Evers Road, Leon Valley. (Mayor Riley)**
- C. **A Taste of Leon Valley, Sunday, May 15, 2011, 2 p.m. – 6 p.m., Leon Valley Community and Conference Center, 6427 Evers Road, Leon Valley, 78238. (Mayor Riley)**
- D. **As of Tuesday, April 12, Stage I of the City's Water Conservation Program is in effect. The Edwards Aquifer has dropped below 660 feet above sea level. Any use of water should be prudent and conservation oriented. All Leon Valley residents are required to comply with conservation measures.**

The Council presented Councilman Garcia with a birthday card and cake. The assembly sang the birthday song to Councilman Garcia.

Executive Session

20. **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),

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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 conducted under this agenda item.

21. **Adjourn.** Motion to adjourn by Councilman Dean and second by Councilman Garcia at 9 p.m.

Chris Riley

Mayor Chris Riley

ATTEST:

Janie Willman

Janie Willman, City Secretary

