

CITY COUNCIL MEETINGS OF THE CITY OF LEON VALLEY, TEXAS, AUGUST 2, 2011

The City Council of the City of Leon Valley, Texas, met on the 2ND day of August 2011 at 5:00 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 JOINT MEETING OF THE CITY OF LEON VALLEY CITY COUNCIL AND THE CITY OF LEON VALLEY ECONOMIC DEVELOPMENT CORPORATION BOARD (LVEDC)

1. **Call the City of Leon Valley City Council Special Joint Meeting to Order, and Determine a Quorum is Present (Mayor Riley)** Mayor Riley, having determined a quorum was present of the City Council, called the City Council meeting to order.

The following staff members were in attendance: City Manager Longoria, Attorney Adolfo Ruiz from the City Attorney's Office, City Secretary Willman, Economic Development Department Head and LVEDC Staff Liaison Ryan.

2. **Call the City of Leon Valley Economic Development Corporation Board of Directors Special Joint Meeting to Order, and Determine a Quorum is Present. (Mike Davis, LVEDC Board President)** Mr. Davis, having determined a quorum was present of the City of Leon Valley Economic Development Corporation Board, called the LVEDC meeting to order.

3. **Joint Executive Session in Accordance with the Texas Government Code Regarding the Performance Agreement, and the Developmental 380 Agreement, M&C # 08-01-11. (Mayor Riley, Mike Davis)**

The Leon Valley City Council and the City of Leon Valley Economic Development Corporation Board convened in Executive Session at 5:02 p.m.

A. Pursuant to Section 551.071, Consultation with Attorney, and

B. Pursuant to Section 551.087, Deliberation Regarding Economic Development Negotiations (1) to Discuss or Deliberate Regarding Commercial or Financial Information that the Governmental Body has Received from a Business Prospect that the Governmental Body Seeks to Have Locate, Stay, or Expand in or Near the Territory of the Governmental Body and with Which the Governmental Body is Conducting Economic Development Negotiations; or (2) to Deliberate the Offer of a Financial or Other Incentive to a Business Prospect Described by Subdivision (1).

4. The City of Leon Valley City Council reconvened into Open Session at 6:27 p.m. and took the following action resulting from the Executive Session:

Motion by Councilman Reyna and second by Councilman Dean that based on consultation with the City's special attorneys for the purpose of dealing with the Town Center Project that the City Council direct the City Manager to proceed with all due diligence to protect the taxpayer's money that the City has already received or has received permission to receive from the State so that this project, the Town Center Project, which is in the City's Master Plan and part of the SDAT Report, can proceed in as timely a manner as possible. Voting Aye: Hill, Reyna, Baldrige, Dean, and Bieber. Voting Nay: None. Mayor Riley announced the motion carried.

5. The City of Leon Valley Economic Development Corporation (LVEDC) Board of Directors reconvened into Open Session at 6:28 p.m. and took no actions resulting from the Executive Session.

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6. The City of Leon Valley Economic Development Corporation Board of Directors adjourned its meeting at 6:28 p.m.
 7. The City of Leon Valley City Council adjourned its meeting at 6:28 p.m.
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CITY COUNCIL BUDGET WORKSHOP MEETING – 6:00 P.M.

1. Call to Order, and Determine a Quorum is Present.

Mayor Riley called the Budget Workshop Meeting to order at 6:38 p.m. based on the Executive Session in the prior meeting taking longer than anticipated. Mayor Riley asked that the minutes reflect that the following City Council Members were present: Hill, Reyna, Baldrige, Dean, and Bieber.

Mayor Riley introduced Attorney Adolfo Ruiz from the City Attorney's office. She informed the Council that Mr. McKamie and Mr. Onion are on vacation.

The following staff members were in attendance: City Manager Longoria, Attorney Adolfo Ruiz, City Secretary Willman, Community Development Director Flores, Economic Development Director Ryan, Finance Department Director Wallace, Fire Chief Irwin, Human Resources Director Caldera, Library Director Trent, Police Chief Wallace, Public Works Director Vick, and Assistant Public Works Director Stolz.

Mayor Riley announced she would entertain a motion to reverse the order of the agenda items to allow Mike Davis, LVEDC President, to make his presentation first.

Motion by Councilman Reyna and second by Council Member Baldrige to reverse the order of the agenda items 2 and 3 to allow Mike Davis LVEDC President, to make his presentation first. Voting Aye: Hill, Reyna, Baldrige, Dean, and Bieber. Voting Nay: None. Mayor Riley announced the motion carried.

3. Discussion of Proposed Fiscal Year 2012 Budget for the City of Leon Valley Economic Development Corporation, M&C # 08-03-11. (Mike Davis)

Mr. Davis informed the City Council of the increases included in the LVEDC's Proposed Budget for the Fiscal Year 2012 while covering the entire presentation with the City Council. The City Council asked for additional information when the Proposed LVEDC Budget is brought back on August 16 including the fund balance, the estimated fund balance for the next fiscal year, an update of the summary of projects, and a list of the events that the LVEDC sponsors. Mr. Davis affirmed the LVEDC will provide the information to the City Council as soon as possible.

- #### 2. Discussion of Proposed Fiscal Year 2012 Budget, M&C # 08-02-11. (Longoria)
- A. General Fund
 - B. Water and Sewer (Enterprise) Fund
 - C. Community Center Fund
 - D. Street Maintenance Tax Fund
 - E. Grant Fund
 - F. Building Security Fund
 - G. Child Safety Fund

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- H. **Municipal Court Technology Fund**
- I. **Debt Service Fund**
- J. **Police Forfeiture Fund**

City Manager Longoria presented a summary overview of the Proposed Fiscal Year 2012 Budget. He detailed the various tax funding rates and options. He covered the slide presentation which included answers to questions the Council had at the previous Budget Workshop. Mayor Riley asked the City Council for a consensus on the options offered. A majority of the Council favored the option presented without a cost of living increase; the adoption of the certified effective tax rate of \$.535510. Councilman Biever indicated he favored the option presented with a cost of living increase. The Council asked that the City Manager inform the City's employees about the overall benefits the Council has funded including merit increases, longevity pay, and other benefits.

- 4. Adjourn.** Motion by Councilman Reyna to adjourn the meeting at 7:05 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 7:05 p.m. Mayor Riley asked that the minutes reflect that the following City Council Members were present: Hill, Reyna, Baldrige, Dean, and Biever.

The following staff members were in attendance: City Manager Longoria, Attorney Adolfo Ruiz, City Secretary Willman, Community Development Director Flores, Economic Development Director Ryan, Fire Chief Irwin, Human Resources Director Caldera, Library Director Trent, Police Chief Wallace, and Public Works Director Vick.

Mayor Riley invited the Boy Scouts in the Council Chambers to come forward to lead the assembly in the Pledge of Allegiance. Boy Scouts Sean Smith, Bobby Garza, and John Cevallos, all with The Church of Jesus Christ of Latter Day Saints, Troop 685, 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.

Olen Yarnell, 7230 Sulky Lane, addressed the City Council about the discussion held during the Budget Workshop related to the proposed Fiscal Year 2012 Budget as presented by the City Manager. Mr. Yarnell, after asking about the different tax rates and its effect on the availability of funds for a cost of living adjustment (COLA), indicated he favored the City Council giving the City's employees a two percent COLA as he considers the amount to fund the COLA a nominal amount.

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Al Baldrige, 6368 Parsley Hill, asked the City Council if the presentation made during tonight's Budget Workshop would be available in the Leon Valley Public Library as well as the current budget document. City Manager Longoria indicated both documents would be accessible to the public through both the City's website and the Leon Valley Public Library.

Councilman Reyna asked for Consent Agenda Item 4 to be removed for separate consideration.

Motion by Councilman Reyna and second by Council Member Hill to approve Consent Agenda Items 3 and 5. Voting Aye: Hill, Reyna, Baldrige, Dean, and Bieber. 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.

3. **Consider Approval of the July 19, 2011 Workshop and Regular City Council Meeting Minutes. (Willman)**
5. **Consider Action on M&C # 08-05-11, Continuation of Agreement with the United States Department of Justice, Drug Enforcement Administration. (Chief Wallace)**
4. **Consider Action on M&C # 08-04-11, a Request by American Legion Post No. 336 for the City of Leon Valley to Co-Sponsor a Patriot Day Remembrance Ceremony on September 11, 2011 at the Leon Valley Conference Center and Waive Any Applicable City Facility Use Fees. (Walter Geraghty, American Legion Post No. 336 Commander)**

Councilman Reyna asked if this request was in keeping with the City's policy of allowing only two complimentary events in the City's facilities. City Manager Longoria informed the City Council that the request had been checked and was found to be consistent with the City's policies. American Legion Post No.336 Commander Walter Geraghty, 7315 Ellerby Point, reiterated the request was the first one eligible for charge or waiver in the current fiscal year. He introduced members of Post No. 336 who were in the Council Chambers.

Motion by Councilman Reyna and second by Council Member Baldrige to approve the co-sponsorship of the Patriot Day Remembrance Ceremony on September 11, 2011 at the Leon Valley Conference Center with all applicable City facility use fees waived. Voting Aye: Hill, Reyna, Baldrige, Dean, and Bieber. Voting Nay: None. Mayor Riley announced the motion carried.

Regular Agenda

6. **Consider Action on M&C # 08-06-11 with Attached Ordinance Repealing And Replacing Leon Valley City Code, Chapter 12 "Traffic And Vehicles", Article 12.02, "Operation Of Vehicles", Division 7, "Speed Limits", Section 12.02.203 (A) "Speed Limits On Specific Streets" To Create A New Section 12.02.203 (A) (Chief Wallace)**

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Police Chief Wallace introduced this item to the City Council as being a request from the Texas Department of Transportation (TxDOT) to increase the speed limit on the section of IH-410 Frontage Roads from MP13.290, at the western City limit of Leon Valley to MP 13.584, at the eastern City limit of Leon Valley to forty-five (45) miles per hour, a five mile per hour increase above the current speed limit of forty miles per hour. Chief Wallace informed the City Council that TxDOT completed an engineering and traffic investigation, as required by the Transportation Code, on the afore-mentioned section of roadway.

Chief Wallace concluded his presentation by informing the City Council that along with changing the speed limits on the access road, TxDOT is proposing to the Texas Transportation Commission, a change in the speed limit on Loop 410, through the corporate limits of Leon Valley, from sixty miles per hour to sixty-five miles per hour. This latter change is being done at the State level and does not require any action of the Leon Valley City Council.

Motion by Councilman Dean and second by Councilman Bieber to adopt the Ordinance repealing and replacing the Leon Valley City Code, Chapter 12 "Traffic and Vehicles", Article 12.02, "Operation of Vehicles", Division 7, "Speed Limits", Section 12.02.203 (A) "Speed Limits on Specific Streets" to create a new Section 12.02.203 (A). Voting Aye: Hill, Reyna, Baldrige, Dean, and Bieber. Voting Nay: None. Mayor Riley announced that the motion carried.

Discussion Agenda

7. City Manager's Report. (Longoria)

A. Informational Issues

- (1) Fiesta Dodge Dealership Land Use Planning Workshop, August 31, 2011. The workshop is designed to have some technical experts. The EPA consultants developed five specific land use scenarios. The workshop will convene about 9 a.m. with ten local technical experts including transportation people, land use planners, and developers. They will consider the five land use scenarios. The public component would be open about 11:30 a.m. until 1 p.m. with the scenarios presented to the public to get input. Then the technical consultants will come back and refine the scenarios based on the public input. The second part of this process occurs in September with the date yet to be determined. The City will control the September event including a public hearing workshop to present the land use plan to the public.
- (2) Letter from the Edwards Aquifer Authority about Anticipated Edwards Aquifer Management Fee Increases in Fiscal Year 2012. The City received a letter from the Edwards Aquifer Authority which involves a mandated situation regarding management fee changes that may result in increases of almost \$4 beginning in the new fiscal year. Mr. Longoria informed the City Council that staff is checking on the methodology used to determine the rates of the proposed increases from the Edwards Aquifer Authority.
- (3) Other Informational Issues. Mr. Longoria informed the City Council that a letter over Mayor Riley's signature had been sent to the U.S. Department of Transportation Secretary Ray LaHood in support of VIA's Bus Rapid Transit Plan. The Plan would include the Leon Valley BRT line.

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The City Council will have its official portrait taken on August 16 in advance of the City Council Meeting.

B. Future Agenda Items.

- (1) Zoning Ordinance Amendment, August, 2011. There is more work that has to be done on the zoning ordinance amendments and so it has been moved to the first meeting in September.
- (2) Update on Dangerous or Vicious Dogs, August, 2011. A report is scheduled on August 16 from Community Development Director Kristie Flores.
- (3) Approval of Health Insurance, August 16, 2011. This agenda item is scheduled to be presented on August 16.
- (4) Adoption of City of Leon Valley Proposed Fiscal Year 2012 Budget, August 16, 2011.
- (5) Adoption of City of Leon Valley Economic Development Corporation Board Proposed Fiscal Year 2012 Budget, August 16, 2011.
- (6) Bid Award on Poss Road Reconstruction, August 16, 2011.
- (7) Bid Award on Web RFP, August 16, 2011. Received the RFPs today and staff is in the process of evaluating the RFPs received.
- (8) Adoption of the City of Leon Valley Fiscal Year 2012 Tax Rate, September 20.

8. Citizens to be Heard.

Walter Geraghty, 7315 Ellerby Point, recognized a member of American Legion Post No. 336 has having been a state recognized photographer in the American Legion. He shared that Post No. 336 won an award for its submission on its history book.

Al Baldrige, 6368 Parsley Hill, addressed the City Council, reminding them of the letter they received from the Business Owners' and Managers' Association (BOMA) Committee informing the City Council that the BOMA Committee believes that 1/8 of a cent for 4B Economic Development Sales Tax as authorized in November 2008 has been beneficial to the City of Leon Valley's Economic Development efforts. Mr. Baldrige reiterated that request from the letter that the City Council call an election for an additional 1/8 of a cent 4B Economic Development Sales Tax be added to the November ballot to bring the 4B Economic Development Sales Tax to 1/4 of a cent. He indicated that all it takes is for two City Council Members to place an agenda item on a future City Council Agenda to consider calling the election. He concluded by saying there is a need for Economic Development dollars for the growth of Leon Valley.

John Hall, 6439 Pacer Trail, Scout Troop Leader of Troop 685, of the Church of Jesus Christ of Latter Day Saints. Mr. Hall informed the City Council that some of the boy scouts are working towards the rank of Eagle Scout and are available to do service projects. He provided the City Secretary with his phone number in the event that contact needs to be made.

9. 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.

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Community Events: There were no community events announcements or any other announcements made by the City Council.

Executive Session

10. **Executive Session in Accordance with the Texas Government Code.**
- A. The City Council of the City of Leon Valley convened in Executive Session at 7:41 p.m. as authorized by the Texas Government Code, Section 551.071, Consultation with Attorney on Pending Litigation, *Elijah Group, Inc. v. the City of Leon Valley*, Civil Action # SA-08-CV0907 OG NN, M&C # 08-07-11.
 - B. The City Council of the City of Leon Valley convened in Executive Session at 7:41 p.m. (concurrent with Executive Session listed under Agenda Item 10A) Pursuant to Section 551.074, Personnel Matters, to Receive a Report from Oscar H. Villarreal, Attorney at Law, Concerning an Employee Grievance Against the City Manager, M&C # 08-08-11.
 - C. The City Council of the City of Leon Valley reconvened into Open Session at 9:17 p.m. and considered taking any necessary actions resulting from the Executive Sessions.

Mayor Riley announced that there were no actions to be considered by the City Council arising out of the Executive Session conducted under Section 551.071, Consultation with Attorney on Pending Litigation regarding the *Elijah Group, Inc. v. the City of Leon Valley*.

Regarding the Executive Session conducted under Section 551.074, Personnel Matters, to receive a report concerning an employee grievance against the City Manager, the Council took the following action.

Motion by Councilman Reyna and second by Councilman Bieber that the City find that the employee's allegations against the City Manager are not substantiated and that the City communicate these results in writing to the employee pursuant to the City's policies and state law for handling grievances. Voting Aye: Hill, Reyna, Baldrige, Dean, and Bieber. Voting Nay: None. Mayor Riley announced the motion carried.

11. 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.

12. **Adjourn.** There being no other business to come before the City Council, the meeting was adjourned at 9:19 p.m.



Mayor Chris Riley

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ATTEST:


Janie Willman, City Secretary

