

**CITY COUNCIL MEETINGS OF THE CITY OF LEON VALLEY, TEXAS
JANUARY 24, 2012**

The City Council of the City of Leon Valley, Texas, met on the 24th day of January 2012 at 5:15 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 – 5:15 P.M.

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

Mayor Riley called the Special City Council Meeting to order at 5:14 p.m. with the following City Council Members in attendance: Reyna, Baldrige, and Dean. Council Members Hill and Biever have excused absences. Ms. Hill is with a family member who is very ill and Mr. Biever is out of town.

City Staff in attendance: City Manager Longoria and City Secretary Willman. Later staff arrivals: City Attorney McKamie, Finance Director Wallace, and Human Resources Director Caldera.

2. Executive Sessions in Accordance with the Texas Government Code.

A. The City Council of the City of Leon Valley convened in Executive Session, Pursuant to Section 551.074, Personnel Matters, to Deliberate the Duties and Responsibilities of Public Officers, the City of Leon Valley Economic Development Corporation Board Members, Related to the Upcoming Appointments to the Board of the City of Leon Valley Economic Development Corporation, M&C # 01-08-12.

B. The City Council of the City of Leon Valley reconvened into Open Session at 6:27 p.m. There were no actions taken resulting from the Executive Session.

3. Preview and Discuss New City Website. The City Council previewed and discussed details related to the City of Leon Valley's new website format, M&C # 01-09-12. The City Council made some recommendations for improvement. It was announced that the City's new website is anticipated to go live on or about March 1.

4. Adjourn. Motion to adjourn at 6:55 p.m. by Councilman Reyna and second by Councilman Dean. With no further business to come before the City Council, Mayor Riley adjourned the meeting.

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. with the following City Council Members in attendance: Reyna, Baldrige, and Dean. Council Members Hill and Biever have excused absences. Ms. Hill is with a family member who is very ill and Mr. Biever is out of town.

City Staff in attendance: City Manager Longoria, City Attorney McKamie, City Secretary Willman, Community Development and Interim Economic Development Director Flores, Finance Director Wallace, Fire Chief Irwin, Human Resources Director Caldera, Police

**CITY COUNCIL MEETINGS OF THE CITY OF LEON VALLEY, TEXAS
JANUARY 24, 2012**

Chief Wallace, and Public Works Director Vick. Also in attendance: Code Enforcement Officers Tijerina and Williams.

Guest Speaker: Patricia Wagner, CPA, of Holtman, Wagner, & Company, LLP, and City Auditor.

Council Member Baldrige led the assembly in the Pledge of Allegiance.

2. **Presentation of Service Awards to Employees of the City of Leon Valley, M&C # 01-10-12.** The City Council formally recognized two Leon Valley City employees who are receiving their twenty-five year service recognition awards.

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.

Mr. Al Baldrige, 6368 Parsley Hill, addressed the City Council regarding the Town Center Project. He asked the City Council to use its authority in matters related to the Town Center Project and matters related to staffing changes in the Economic Development Department.

Mr. Eldon Hunt, 7237 Grass Valley, informed the City Council that there is a problem with humps created on the street in front of his home following the grading of the street. Mr. Hunt was informed that staff would get with him regarding the matter.

Motion by Councilman Reyna and second by Councilman Dean to approve Consent Agenda Items 4 and 5. Voting Aye: Reyna, Baldrige, and Dean. Voting Nay: None. Absent: Hill and Bieber. 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 January 10, 2012 Special and Regular City Council Meetings.** The City Council approved the City Council meeting minutes of the special and regular City Council Meetings of January 10, 2012.
5. **Consider Action on M&C # 01-11-12 Approving Quarterly Investment Report for October 1, 2011 through December 31, 2011.** The City Council formally received and

**CITY COUNCIL MEETINGS OF THE CITY OF LEON VALLEY, TEXAS
JANUARY 24, 2012**

approved the Quarterly Investment Report for the Period of October 1 through December 31, 2011.

Regular Agenda

6. **Consider Action on M&C # 01-12-12 Approving the Comprehensive Annual Financial Report for Fiscal Year 2011.** The City Council formally received and approved the results of the Comprehensive Annual Financial Report (Audit) for Fiscal Year 2011.

Pat Wagner, CPA, of Holtman, Wagner, & Company, LLP, and City Auditor, briefed the City Council on key points of the Comprehensive Annual Financial Report for Fiscal Year 2011. She informed the City Council that the City received an unqualified opinion with no internal control issues and no exceptions. She noted that changes recommended for improvement from the prior year's audit were found to be in place and working well with the exception of the adoption of an anti-fraud policy in accordance with Statement of Auditing Standards No. 99. The City Council thanked Ms. Wagner for her work.

Motion by Councilman Reyna and a second by Council Member Baldrige to approve the Comprehensive Annual Financial Report for Fiscal Year 2011. Voting Aye: Reyna, Baldrige, and Dean. Voting Nay: None. Absent: Hill and Bieber. Mayor Riley announced the motion carried.

7. **Consider Action on M&C # 01-13-12 with attached Ordinance Appointing Members to the City of Leon Valley Economic Development Corporation Board in Places 1, 3, 5, and 7 with Terms to Expire on September 30, 2013.** This agenda item was set to allow the City Council to consider action on an ordinance appointing members to the City of Leon Valley's Economic Development Corporation Board in Places 1, 3, 5, and 7 with terms to expire September 30, 2013. As Council Members Hill and Bieber are absent from this evening's meeting, the City Council chose to await action on this ordinance until the next City Council Meeting.

Motion by Councilman Dean and second by Council Member Baldrige to table this item until the February 7 City Council Meeting. Voting Aye: Reyna, Baldrige, and Dean. Voting Nay: None. Absent: Hill and Bieber. Mayor Riley announced the motion carried.

Public Hearing Agenda

8. **Conduct A Public Hearing to Receive Citizen Input on the Proposed Property Maintenance Code Ordinance, 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 # 01-14-12.** This agenda item will allow the City Council to conduct the first of two public hearings on a proposed Property Maintenance Code. The second public hearing is scheduled for February 7, 2012. The City Council discussed the original draft ordinance language proposed to amend and strengthen the City of Leon Valley's Code of Ordinances related to property maintenance on December 20, 2011.

**CITY COUNCIL MEETINGS OF THE CITY OF LEON VALLEY, TEXAS
JANUARY 24, 2012**

Community Development Director Flores briefed the City Council. She noted the differences between the current standards, those under study and those proposed to be considered for adoption following input by the public and the City Council. She further noted that the current property maintenance code is limited to lots, yards and fences, specifically high grass and weeds. Ms. Flores indicated this is the first of two public hearings to receive input from the public regarding the proposed Property Maintenance Code. The research and proposed ordinance development resulted from both the Leon Valley community asking the City to address concerns regarding homes in their respective neighborhoods in addition to the City Council's desire to address aging housing stock conditions and unkempt homes.

On December 20, 2011 the City Council discussed the proposed Property Maintenance Code and recommended additional regulations such as garbage receptacle placement, replacement and the times for such activities. City Council changes included editing the section regarding window screens and suggesting that receptacles or cans be set curbside for collection be no later than 7 p.m. the night before and removal no later than 10 p.m. on the day of collection. A severability clause and a variance process and provision were added as directed by the City Attorney.

If the proposed Code is adopted, a budget adjustment will be required to ensure that funds are available to abate nuisances if owners do not do so within the prescribed time. It was reported that there is \$5,000 in the current fiscal year budget for lot abatements and clean-up. Ms. Flores reported that the Code calls for violations for penalty ranging from \$25 to \$2,000.

Ms. Flores informed the City Council that on a fairly regular basis, Code Enforcement receives complaints about damaged roofs, overgrown palms with rodents coming from them, light intrusion, dilapidated fences, insufficient groundcover which when it rains, mud flows over onto the street and sidewalks, overgrown grass, brush, and alleys, pool water draining into the public street or onto other people's properties. Other issues include trash receptacles being left out sometimes up to a period between collection days. Ms. Flores ended her briefing by stating the City's practice regarding enforcement of the City's Code of Ordinances, that compliance is foremost rather than enforcement. Staff members speak with residents, then official notices are sent out in the case of where extensive repairs are required, residents are allowed ten to forty-five days in the case where extensive or major repairs are required to bring the structure into compliance. She covered the comparison grid which indicates what other cities in Bexar County are doing with property maintenance. She indicated that the City Council requested that the Community Development Department do an educational campaign for between 30 and 60 days before starting actual enforcement.

Mayor Riley thanked the public for its suggestions for improvement and voicing their concerns on the proposed property maintenance code.

Mayor Riley opened the public hearing at 7:46 p.m.

The following persons addressed the City Council:

Mr. Eldon Hunt, 7237 Grass Valley Drive, Leon Valley.

**CITY COUNCIL MEETINGS OF THE CITY OF LEON VALLEY, TEXAS
JANUARY 24, 2012**

Mr. Al Uvietta, 6923 Sunlight Drive, Leon Valley.
Ms. Katy Gwaltney, 7029 Forest Mont Street, Leon Valley.
Ms. Liza Flores and Ms. Robyn Locke, the San Antonio Board of Realtors,
9110 West IH 10, Suite 1, San Antonio.
Ms. Wendy Phelps, 4900 Hodges Drive, Leon Valley.
Ms. Sharon Brimhall, 7410 High Stepper Lane, Leon Valley.
Ms. Betty Palacios, 7509 Linkside Drive, Leon Valley.
Mr. Keith Miller, 7300 Blanco Road, San Antonio.
Ms. Amy Watson, 7359 Canterfield, Leon Valley.
Ms. Cheryl Cook, 6007 Kinman, Leon Valley.
Ms. Vivian Pankey, 6136 Stirrup Lane, Leon Valley.
Ms. Elizabeth Loftin, 6910 Forest Crest North, Leon Valley.
Mr. John Crone, San Antonio Board of Realtors, 9110 West IH 10, Suite 1, San Antonio.
Mr. Matthew Troy, Matthew Troy ERA, 105 Galleria Fair, Hollywood Park.
Mr. Ruben Robledo, 7823 Stebbins, Leon Valley.
Mr. Roland Perez, 6534 Hoofs Lane, Leon Valley.
Ms. Silvia Castaneda, 7318 Chenal Point, Leon Valley.
Mr. Marty Hutchinson, 1045 Shook, Unit # 165, Olmos Park.
Ms. Vicki Jamvold, 7203 Poss Road, Leon Valley.
Ms. Velia Chavez, 6130 Stirrup Lane, Leon Valley.
Ms. Janice Lozano, San Antonio Board of Realtors, 9110 West IH 10, Suite 1, San Antonio.
Ms. Angie Navarette, 7309 Linkmeadow, Leon Valley.
Ms. Karen Dixon, 8333 Culebra Road, San Antonio.
Mr. Bill Toscano, 6016 Rue Liliane, Leon Valley.
Ms. Elsie Buchanan, 6232 Rue Marie Lyne, Leon Valley.
Ms. Karen Fredick, 6711 Forest Bend North, Leon Valley.
Mr. Marshall Owens, 6000 Rue Sophie, Leon Valley.
Mr. Mickey Smith, 6400 Grissom Road, Leon Valley.
Mr. Eddie Martinez, 6319 Rue Sophie, Leon Valley.
Ms. Ellen Miller, 7435 Horse Tail Drive, Leon Valley.

Speakers both favored and opposed the proposed property maintenance code. Those in favor cited the need for control on the number of items in front yards, auto parts and storage in front yards, construction materials in front yards, the need for accountability even by renters, sections addressing structural issues such as chimneys falling down and roof problems, landscaping issues, and trash left by residential garages, the need to focus on big problems. Those in opposition to some or all of the property maintenance code cited a problem with water runoff, overreaching authority to come onto private property and into people's homes, the need to further clarify the language with specifics relating to seasonable variance in vegetation, cleaner front yards to prevent the accumulation of junk in the front of properties, that city employees would be required to carry legal paperwork and city identification, that the code is too restrictive in its standards, that the language is too broad and needs an attorney's review, that the Code does not allow for the progression of different owners without a time limit being set, the number of items in the front yard as being too restrictive, a problem with the requirement that trash containers be in by 10 p.m., the section requiring properties be free of insects, fire ants, unfair to property and real estate managers, that lawsuits may arise out of the proposed code due to overreaching restrictions and authority, the great increase required in code enforcement with the current staffing levels, the need for clean-up along Bandera Road, that the new proposed

**CITY COUNCIL MEETINGS OF THE CITY OF LEON VALLEY, TEXAS
JANUARY 24, 2012**

property maintenance code is not resident or business friendly and not representative of the spirit of Leon Valley. A concern was also voiced that the new property maintenance code may be used as a tool for neighbor on neighbor harassment.

There was a question raised about the authority to come onto a private property and into a private structure. The City Attorney was asked to address the concern. Mr. McKamie indicated that no one can enter your house without your permission unless they get a warrant. He further noted that the ordinance gives the City officials the authority to go in on behalf of the City if there is a health or safety violation. Without a property owner or resident's consent, the City already has the authority to go onto your property under state law. If there is a health or safety problem in your structure, you would want City officials to take action.

Mr. McKamie continued that those kinds of issues require a health or safety warrant which can be issued by the municipal court judge. This (property maintenance code) empowers the City employees to enforce this ordinance in that way.

Mayor Riley closed the public hearing at 9:20 p.m., there being no other speakers to address the City Council. Mayor Riley reiterated that there will be another public hearing on February 7. She thanked those present for their input.

The City Council took a ten minute break until 9:30 p.m.

The City Council took action on Agenda Item 7.

9. City Manager's Report. (Longoria)

- A.** Informational Issues. Mr. Longoria reported on the 12 inch line water line main break at El Verde and Bandera Road. There was a loss of 1 million gallons of water. The break caused damage to the base material underneath El Verde Road. City Engineer Sia Sayyadi came in to check the street. It is estimated that it will take from three weeks to one month to make the repair because it will make the repair. The neighbors to the south of the City Hall will allow us to make a detour using their driveway. We have a plan to get our fire trucks out. He confirmed that funds for the emergency repairs are available from the Street Maintenance Sales Tax Fund. Staff will bring back an item to ratify the repair expenditure at a future meeting.
- B.** Monthly Departmental Reports. There were no questions raised about the Monthly Department Reports.
- C.** Financial Statement Report for December 2011. There was a brief report on the Financial Statement Report.
- E. Future Agenda Items.**
 - (1) Consider Ordering the May 12, 2012 General Officers Election, January – March 5, 2012.
 - (2) Second Public Hearing to Consider Ordinance 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). February 7, 2012.
 - (3) Consider Action on Ordinance 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). February 21, 2012.

**CITY COUNCIL MEETINGS OF THE CITY OF LEON VALLEY, TEXAS
JANUARY 24, 2012**

- (4) Public Workshop to Receive Citizen Input on Capital Facilities Needs Assessment Report and Proposed Public Safety & Administration Support Facility. Time Certain – 7:30 p.m. February 07, 2012.
- (5) Second Public Workshop to Receive Citizen Input on Capital Facilities Needs Assessment Report and Proposed Public Safety & Administration Support Facility. Time Certain – 7:30 p.m. February 21, 2012.

10. **Citizens to be Heard.** There were no citizens to come forward to be heard.

11. **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:

- 01-28-12 Town Hall Meeting, 9 a.m. – 12:30 p.m., Leon Valley Conference Center, 6421 Evers Road, Leon Valley, 78238.
- 02-25-12 23rd Anniversary Earthwise Living Day, 10 a.m. – 2 p.m., Leon Valley Community Center, 6427 Evers Road, Leon Valley, 78238.
- 03-24-12 Pet Rabies Vaccination Clinic, 10 a.m. – 12 Noon, at the Leon Valley Conference Center at 6421 Evers Road, Leon Valley, 78238.

Councilman Reyna asked that Council Member Hill's grandmother be kept in everyone's prayers. Council Member Baldrige indicated she concurred Councilman Reyna's comment.

Mr. McKamie indicated he would bring the new attorney to a meeting in February to introduce him, Brian Smith, who has city management and economic development experience.

Mayor Riley noted that the MPO will conduct a community event in Leon Valley on February 13 at the Leon Valley Conference Center to obtain public input. She invited persons to come to the MPO meeting on February 13 in Leon Valley.

Mayor Riley invited those interested in attending the Town Hall Meeting to come at 8:30 a.m. to meet and greet and get their coffee in time for the meeting to start at 9 a.m.

Executive Session

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

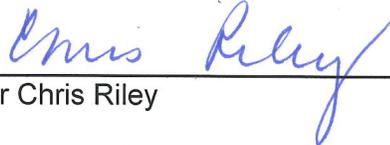
- A. The City Council of the City of Leon Valley convened in Executive Session at 9:42 p.m., Pursuant to Section 551.071, Consultation with Attorney, M&C # 01-15-12, Negotiations Concerning an Interlocal Agreement with CPS Energy with Reference to the Community & Economic Investment Development Fund (CEID).
- B. The City Council of the City of Leon Valley reconvened into Open Session at 10:07 p.m. No actions were taken resulting from the Executive Session.

**CITY COUNCIL MEETINGS OF THE CITY OF LEON VALLEY, TEXAS
JANUARY 24, 2012**

13. 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 conducted under this agenda item.

14. **Adjourn.** Motion to adjourn by Councilman Dean and second by Council Member Baldrige at 10:07 p.m. With no other business to come before the City Council, the Mayor adjourned the meeting.



Mayor Chris Riley

ATTEST:



Janie Willman, City Secretary

