

**CITY COUNCIL MEETINGS OF THE CITY OF LEON VALLEY, TEXAS
APRIL 17, 2012**

The City Council of the City of Leon Valley, Texas, met on the 17th of April, 2012 at 5:30 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 MEETING OF THE CITY OF LEON VALLEY CITY COUNCIL, 5:30 P.M.

1. Call the City of Leon Valley Special City Council Meeting to Order and Determine a Quorum is Present. (Mayor Riley)

Mayor Riley called the Special City Council Meeting to order at 5:30 p.m. with all City Council Members in attendance: Hill, Reyna, Baldrige, Dean, and Bieber.

City Staff in attendance: City Manager Longoria, City Attorney McKamie, City Secretary Willman, Community Development Director Flores, Finance Director Wallace, and Police Chief Wallace.

Also in attendance were: Attorney Lowell Denton of Denton, Navarro, Rocha & Bernal, P.C., and City Engineer Sia Sayyadi.

2. Executive Sessions in Accordance with the Texas Government Code

- A.** The City Council of the City of Leon Valley convened in Executive Session at 5:32 p.m. pursuant to Section 551.071(1)(A)&(B), Consultation with Attorney, Regarding Pending or Contemplated Litigation, The Elijah Group v. the City of Leon Valley, Civil Action # SA-08-CV-0907 OG NN, M&C # **04-01-12**, and
- B.** The City Council of the City of Leon Valley convened in Executive Session at 5:32 p.m. immediately following the conclusion of Executive Session Item 2.A., pursuant to Section 551.071(2), Consultation with Attorney on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551, Regarding the Specific Use Permit Case # 2012-270, a Request by Barry Williamson, Applicant and Property Owner, for a Specific Use Permit to Construct and Operate an "Office" Specifically a Department of Public Safety Driver's License Mega-Center Adjacent to an R-1 (Single-Family Dwelling) Zoning District," on a B-2 (Retail) Zoned Property, in the 7400 Block of Huebner Road, Being 3.4 Acres of a 5.3 Acre Tract in the Sustainability Overlay, M&C # **04-02-12**.
- C.** The City Council of the City of Leon Valley reconvened into Open Session at 7:10 p.m.
- D.** The City Council considered the following actions resulting from the Executive Sessions:

Executive Session 2.A. Motion by Councilman Reyna and second by Council Member Hill to direct and authorize City Manager Longoria to execute the mediated settlement on behalf of the City of Leon Valley and negotiate any remaining terms that might need to be settled and to implement the mediated settlement in the matter of The Elijah Group v. the City of Leon Valley [Civil Action # SA-08-CV-0907 OG NN]. The motion carried on unanimous vote of the City Council. There were no votes against and no abstentions. Mayor Riley announced the motion carried.

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Executive Session 2.B. Motion by Councilman Reyna and second by Councilman Biever to direct and authorize the City Manager or his designee to negotiate an agreement to address any and all of the concerns of the City and citizens that might have been raised throughout the process of dealing with the project known as the DPS Mega Center, based on the fact that there remain some unanswered questions based on the City Council's consultation with its attorney, the matters of which are to be addressed and reduced to writing to shared publicly for the May 1 City Council Meeting, not including any matters subject to Attorney-Client privilege.

Voting Aye: Hill, Reyna, Baldrige, and Biever. Voting Nay: None. Abstention due to recusal: Dean. Mayor Riley announced the motion carried.

The assembly was reminded that the City Council will take up the matter of the Specific Use Permit for discussion and action at the Regular City Council Meeting on May 1.

Adjourn. Motion to adjourn without objection at 7:14 p.m. by Mayor Riley.

REGULAR MEETING OF THE CITY OF LEON VALLEY CITY COUNCIL, 7 P.M.

1. Call the City of Leon Valley Regular City Council Meeting to Order, Determine a Quorum is Present, and Pledge of Allegiance.

Mayor Riley called the Regular City Council Meeting to order at 7:14 p.m. with all City Council Members in attendance: Hill, Reyna, Baldrige, Dean, and Biever.

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

Councilman Dean led the assembly in the Pledge of Allegiance.

2. Motorcycle Safety and Awareness Month Proclamation. Mayor Riley presented a Motorcycle Safety and Awareness Month Proclamation to Mr. John Caillouette, Safety and Awareness Coordinator for the San Antonio Region of the Texas Confederation of Clubs & Independent Riders. Mr. Caillouette introduced a couple of representatives who attended the City Council Meeting with him.

3. Briefing by Alamo Area Council of Governments (AACOG) Executive Director Dean J. Danos Regarding Programs and Activities Administered by the AACOG.

Dean J. Danos, Executive Director since October 27, 2011, introduced Michael Quinn, Deputy Executive Director, and Timothy J. Treviño, Senior Director of Strategic Planning and Agency Communications. Mr. Danos presented the City Council with notebooks containing presentations of the many services offered by the Alamo Area Council of Governments. Mr. Danos drew the City Council's attention to a slide that contained the City of Leon Valley's Return on Investment for its annual dues of \$710.57 including funding through various programs focused on services to the aging population of Bexar County area, criminal justice, the Alamo Local Authority for assistance to individuals with intellectual and developmental disabilities, weatherization assistance, government

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resource training, and resources recovery programs. Mr. Danos thanked the City Council for its continuing participation and support. The City Council asked for clarification of the Return on Investment for its annual dues. Mr. Danos indicated that it was more than \$20 million in just the services he highlighted for the City Council.

4. **Commemoration of the Sesquicentennial (150th) Anniversary of the Historic Huebner Homestead and the 60th Anniversary of the City of Leon Valley Proclamation.** Mayor Riley invited the entire City Council, including Council Members Hill and Baldrige, who serve as respective members on the Commemoration Committee, and the Members of the Leon Valley Historical Society to come forward and receive the proclamation of Leon Valley, "History in the Making." Mayor Baldrige introduced Darby Riley, LVHS President, Irene Baldrige, LVHS Vice President, Carol Poss, LVHS Memorial Trust Officer, Shirley Owen, Archivist, and Ed Conroy, Consultant.
5. **Employee Presentation Award for 25 Years of Service to Greg Linsten.** Mayor Riley presented a gold watch to Detective Greg Linsten and thanked him for 25 years of service to the City of Leon Valley. Mr. Linsten introduced his son, Levi, who attended the City Council Meeting.
6. **Presentation of the Annual Report by the Historical Society of Leon Valley, Darby Riley, President.** The City Council received an annual report from the Leon Valley Historical Society (LVHS) by Darby Riley, LVHS President.

Darby Riley, LVHS, President delivered an Annual Report for the Year 2011-2012 to the City Council for the Leon Valley Historical Society on the Leon Valley Huebner-Onion Natural Area. Mr. Riley detailed a number of accomplishments, including: frontage beautification, clean-up, and improvements, a Library tour of the Natural Area and homestead, and the work with other community groups and stakeholders to clean-up and promote the area.

Mr. Riley discussed the LVHS' request for consideration of these matters as presented in the transmittal letter for the City Council to consider extending the ten year lease on the property to the Leon Valley Historical Society for another ten years to 2025, which if approved would form an integral part of the Society's restoration plan by demonstrating a stable and long-term commitment by the City of Leon Valley to the Leon Valley Huebner-Onion Natural Area and Historic Huebner-Onion Homestead. Mr. Riley further indicated that the deed granting an additional 1/2 acre would allow the LVHS to have the farmstead property as a complete unit for beautification purposes and allow for the installation of new more attractive fencing to encompass the enlarged boundary. Mr. Riley concluded the LVHS' request for help with architectural fees with a \$2,400 one-time amount as part of a matching grant by the LVHS through the San Antonio Conservation Society to complete the clean-up, stabilization, and beautification of the Natural Area and the Homestead along Bandera Road. Mr. Riley also asked for the City's partnership in the Founders Day celebrations scheduled on Friday, October 19 and Saturday, October 20, as part of the commemoration events for the sesquicentennial anniversary of the Homestead and the 60th anniversary of the City's incorporation.

Sue Ann Pemberton of Mainstreet Architects and Allison Chambers of Ford, Powell & Carson, addressed the City Council confirming the need to keep the property as a whole

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which included expanding the lease and expanding the land around the homestead as a means of protecting the property and keeping the buildings together.

Ed Conroy addressed the City Council indicating that the LVHS needs to be able to create a gathering place for the public; so that the property can become economically self-sustaining. There was discussion of providing a gazebo and a catering place that could support weddings, storytelling, and a manner of keeping the flora and fauna together.

Council Member Baldrige asked if Mr. Riley could clarify that the LVHS has the \$67,000 on-hand to pursue the Master Plan.

Mr. Riley confirmed that the LVHS has \$67,000 on-hand dedicated for the development of the Master Plan and that the Society is working with the architects to accomplish that objective. He noted raising the funds took a long time and the Society is grateful to the City for its assistance. He concluded his remarks noting the Society has moved on to the next phase of fixing up the place.

7. **Citizens to be Heard and Time for Objections to the Consent Agenda.** Walter Geraghty, 7315 Ellerby Point, addressed the City Council regarding assistance in mowing the high weeds and sunflowers that he indicated are four feet high in front and around the Seneca Plaza sidewalks at the corner of Bandera and Seneca. He also invited the City Council to a fundraiser sponsored by the Audie L. Murphy American Legion Post No. 336 of traveling to a gambling casino at Eagle Pass. A portion of the funds will be used to send two boys to Boys State this year.

City Manager Longoria informed the City Council that the City is in negotiations with the Texas Department of Transportation (TXDoT). He indicated that the City is working on the details about cost of maintaining the Bandera Road medians. Mr. Longoria further noted that part of the negotiations include finalizing an agreement with TXDoT detailing responsibilities, applicable plantings, etc., as this effort will work in concert with the beautification along Bandera Road and the installation of monuments at both the north and south boundaries of the City on Bandera Road. A more in-depth report will be brought to the Council when the negotiations are completed.

Consent Agenda

8. **Consider Approval of the Meeting Minutes of the April 3, 2012 Leon Valley Regular City Council Meeting.** The City Council approved the draft minutes of the Leon Valley Regular City Council Meeting of April 3, 2012.
9. **Consider Approval of Final Acceptance of Public Improvements, a Request by Diamond Shine, LLC, Property Owner, for an 8" Sanitary Sewer Main Extension, Being Along the Frontage of Lot 6, Block 2, North Valley Ryan Subdivision and of the Bandera Retail Subdivision, Being Lot 2, CB4446, at 7212 Bandera Road, M&C # 04-03-12.** The City Council made final approval of the public improvements described as an 8 inch sanitary sewer main extension across easements along frontage of Lot 6, Block 2, North Valley Ryan Subdivision & Lot 2, Bandera Retail Subdivision, being Lot 2, CB4446, at the Diamond Shine Car Wash located at 7212 Bandera Road, by Diamond Shine, LLC, Applicant.

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10. **Consider Action on M&C # 04-04-12, Approving Quarterly Investment Report for January 1, 2012 through March 31, 2012.** The City Council received and approved the Quarterly Investment Report for the Period of January 1 through March 31, 2012.
11. **Consider Action on M&C # 04-05-12, Appointing a Member to the City's Boards, Committees, and Commissions: the Zoning Commission.** The City Council appointed Ms. Nicole Monsibais as third alternate on the City's Zoning Commission by minute order.

Motion by Council Member Baldrige and second by Council Member Hill to adopt Consent Agenda Items 8, 9,10, and 11. The motion carried on unanimous vote of the City Council. There were no votes against and no abstentions. Mayor Riley announced the motion carried.

Regular Agenda

12. **Consider Action on M&C # 04-06-12, Authorizing the City Manager to Negotiate and Enter into an Agreement with CPS Energy to Terminate the Community Infrastructure & Economic Development (CIED) Fund Program and Transfer Funds in the Amount of \$1,519,671.61 to the City of Leon Valley.** The City Council authorized the City Manager to negotiate and enter into an agreement with CPS Energy to terminate the Community Infrastructure & Economic Development (CIED) Fund Program and transfer funds in the amount of \$1,519,671.61 to the City of Leon Valley.

City Manager Longoria briefed the City Council on this agenda item. Mr. Longoria reported that on January 30, 2012, the CPS Energy Board of Trustees voted to terminate the CIED Fund Program effective February 1, 2012 and to allow CPS Energy staff to work with the City of Leon Valley on a method to transfer the outstanding CIED Fund program balance in the amount of \$1,519,671.61 to the City. Mr. Longoria noted that transfer of the funds is the result of several years of negotiations with CPS Energy by Mayor Riley, City Council Member Baldrige and City Manager Longoria. The primary issue pertained to the City's inability to use the CIED fund for City of Leon Valley economic development projects. Mr. Longoria reported a separate fund will be created to account for the CIED funds received. Approval for expenditures from the fund will be done during the annual budget process. It was also reported that discussions continue with CPS and the Suburban Cities to renegotiate a better rate for the renewal of the Franchise Fee Agreement.

Motion by Councilman Biever and second by Councilman Dean to authorize the City Manager to negotiate and enter into an agreement between CPS Energy and the City of Leon Valley to terminate the CIED Program and transfer CIED funds to the City of Leon Valley in the amount of \$1,519,671.61. The motion carried on unanimous vote of the City Council. There were no votes against and no abstentions. Mayor Riley announced the motion carried.

13. **Discuss and Consider Action on M&C # 04-07-12, Authorizing the City Manager to Renew Gallagher Benefit Services' Contract for Insurance Agent of Record for the City's Employee Group Insurance Plans.** This agenda item allowed the City Council to consider authorizing the City Manager to renew the contract with the City's current Insurance Agent of Record, Gallagher Benefit Services, for the City's Employee Group Insurance Plans.

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Human Resources Director Caldera briefed the City Council on this agenda item. Ms. Caldera introduced Matt Stedman as being present in the Council Chambers to speak to the City's new fiscal year projected rates. Mr. Stedman indicated that based on current utilization that it is plausible to end up with a single digit renewal or possibly with a zero increase. Ms. Caldera indicated that she surveyed City staff regarding their satisfaction with Gallagher Benefit Services as an Insurance Agent of Record. Employees seem unhappy with a \$3,000 deductible in order to keep the rates steady. Ms. Caldera explained how the deductible level is factored and determined. Council asked that the City survey staff on an annual basis to determine if employees are satisfied with the service provider.

Motion by Councilman Bieber and second by Councilman Dean to authorize the City Manager to renew Gallagher Benefit Services' Contract for Insurance Agent of Record for the City's Employee Group Insurance Plans for one year for the insurance for FY 2013. The motion carried on unanimous vote of the City Council. There were no votes against and no abstentions. Mayor Riley announced the motion carried.

- 14. Consider Action on M&C # 04-08-12, Authorizing the City Manager to Negotiate and Execute an Engagement Contract with Thompson, Williams, Biediger, Kastor & Young, an External Independent Certified Public Accounting Firm to Provide Audit Services to the City of Leon Valley on an Annual Basis for Five Years Starting with the Fiscal Year that Ends on September 30, 2012.** This agenda item allowed the City Council to authorize the City Manager to negotiate and execute an Engagement Contract with Thompson, Williams, Biediger, Kastor & Young, an External Independent Certified Public Accounting Firm to Provide Audit Services to the City of Leon Valley on an annual basis for a five year period starting with the audit for the Fiscal Year ending on September 30, 2012.

Finance Director Vickie Wallace briefed the City Council on this agenda item. She also introduced two members of the firm as being present for questions; Janet Pittman and Michael Del Toro. Ms. Wallace thanked the ad-hoc Committee Members which included Councilman Reyna and Councilman Bieber for their suggestions for improvement in the next round of the RFP process.

Motion by Councilman Dean and second by Council Member Hill to authorize the City Manager to negotiate and execute an engagement contract with Thompson, Williams, Biediger, Kastor & Young, an external independent Certified Public Accounting Firm to provide Audit Services to the City of Leon Valley on an Annual Basis for a five year period starting with the audit for the Fiscal Year ending on September 30, 2012. The motion carried on unanimous vote of the City Council. There were no votes against and no abstentions. Mayor Riley announced the motion carried.

It was clarified that the contract is a one year contract with four renewals to allow staff the opportunity to assess satisfaction with the new audit regarding meeting its contractual obligations.

Discussion Agenda

- 15. Discuss the Plan for the Operation of the City Swimming Pool for the 2012**

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Summer Season, M&C # 04-09-12. This agenda allowed the City Council to receive an updated report and discuss the plan for the operation of the City Swimming Pool, located on Grass Valley, for the 2012 Summer Season.

Public Works Director Vick briefed the City Council on the progress of acquiring a certified pool owner to operate the City Swimming Pool for the 2012 Summer Season. He detailed efforts to meet with two different interested parties; one, an individual, and the other, a group interested in operating the City's pool. If a certified pool operator cannot be found, an option left to the City is to hire a pool manager and front the hiring cost. Staff indicated efforts will continue to be made to obtain a certified pool owner. It was noted there need to be some changes in a future contract for improve and clarify contractual terms. The City Council asked about the opportunity to get the leftover funds reported for the start-up of the 2012 Summer Season. Staff indicated that although dialogue continues that indications are that leftover funds belong to the Leon Valley Community Association and will not be returned.

Mr. Vick reported that City Engineer Sia Sayyadi contributed a brand new hydraulic wheelchair lift to the City of Leon Valley cost free. It was further noted that the contribution includes two new outdoor showers. The City Council asked that if both showers are not needed by the City if one outdoor shower could be donated to the Forest Oaks Community Association for its community pool. It was reported that Public Works will install the new equipment to bring the City's pool into compliance with the newly mandated ADA requirements. It was also suggested that signs be installed on the Pool fencing to alert the community that membership is open.

16. City Manager's Report. (Longoria)

- A. Informational updates, as may be required**
- B. Monthly Departmental Reports.** Economic Development Director Claudia Mora made a detailed presentation entitled 'Leon Valley is Open for Business' on the status of Economic Development in Leon Valley.

The City Council thanked her for a very thorough report. It was suggested that every two weeks or monthly, Ms. Mora email the City Council with a list of new businesses so that Council Members may visit, patronize, and introduce themselves. The Council suggested that it be included in the ENews. Ms. Mora informed the City Council that the City Manager tasked her with preparing a welcome message for the website as well. The City Council also noted that there is a rule that the City cannot promote businesses in the Lion's Roar due to the sponsoring business using advertisements as a source of income. Staff was asked to clarify if at a minimum, a list of new businesses can be provided in the Lion's Roar.

- C. Financial Statement for the Month of March 2012.** Finance Director Wallace covered the highlights of the Monthly Financial Statement for March 2012.
- D. City Council/City Manager Retreat/Work Session, May 18, 2012 at 9 a.m. at the Kinman House, 6417 Evers Road, Leon Valley, 78238.** Mr. Longoria reported that efforts are underway to develop an agenda for the City Council/City Manager Work Session on May 18.
- E. Town Hall Meeting, April 28, 2012 at 9 a.m. at City Hall, 6400 El Verde Road, Leon Valley, 78238, with City Hall Tours immediately following.**

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- F. Approved Minutes of City-Affiliated Boards, Committees, and Commissions.** This agenda item allows the City Council to review the work of City-affiliated boards, committees, and commissions through the publication of approved meeting minutes on an ongoing basis.
- (1) BOMA, Leon Valley Business Owners' and Managers' Association Meeting Minutes of March 13, 2012 Meeting.
- G. Future Agenda Items.**
- (1) Update and Presentation on Architectural Design of the Children's Wing Expansion of the Leon Valley Public Library. (Richard Mogas, Architect), May 1. Mr. Longoria reported that the Architect is about 80 percent done and Mr. Mogas wants to show the design to City Council.
- (2) Canvass the Results of the May 12, 2012 General and Bond Elections, Friday, May 18, 2012, 9 a.m. Special City Council Meeting. Mr. Longoria informed the City Council that to save an extra meeting the week after May 18, a decision had been reached to canvass the May 12 Election Results during the first part of the Special City Council Meeting.
17. **Citizens to be Heard.** Olen Yarnell, 7230 Sulky Lane, addressed the City Council thanking two Departments; [Public Works] for the wonderful job that was done on the [Raymond Rimkus] Park in preparation for Easter; it was beautiful and cleaned up, and the Leon Valley Public Library for Librarian Joyce Trent's efforts in obtaining a book through the Interloan Library process from Erie, Pennsylvania, and then delivering it to Mr. Yarnell's home.
18. **Announcements by the Mayor and Council Members.**
Mayor Riley announced there was an Earthwise Living Day Event at the Leon Valley Villas, the Senior Citizen Complex on Huebner Road. She noted these observations and request for assistance with starting up or expanding a recycling program at the Villas and with getting someone to deliver the Lion's Roar to the Villas. She thanked the staff again for the wonderful Leon Valley Volunteer Appreciation Dinner. Mayor Riley invited the assembly to visit the City's website to view the Volunteer Appreciation Dinner photos. She reported that Police Chief Wallace confirmed savings achieved by having Police Reserves; \$8,500 per month. Mayor Riley read a note from Carol Poss expressing thanks for the Volunteer Appreciation Dinner including the opportunity to meet and greet the volunteers and one's neighbors in Leon Valley 'with a spirit of sharing and caring this wonderful City and its heritage.'
- Community Events:**
- May 19: Annual Pet Parade, 10 a.m. – 12 Noon, Leon Valley Conference Center, 6421 Evers Road, Leon Valley, Texas 78238.
- May 20: Taste of Leon Valley, 2 p.m. - 6 p.m., Leon Valley Community & Conference Centers, 6421 & 6427 Evers Road, Leon Valley, Texas 78238.

Executive Session

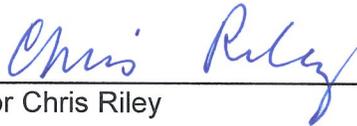
19. The City Council of the City of Leon Valley reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on the posted agenda, above, as authorized by the Texas Government Code Sections 551.071 (consultation with attorney),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

20. **Adjourn.** Motion to adjourn without objection at 9:15 p.m. by Mayor Riley.



Mayor Chris Riley

ATTEST:



Janie Willman, City Secretary

