

**CITY COUNCIL MEETING OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,  
TEXAS, AUGUST 17, 2010**

The City Council of the City of Leon Valley, Texas, met on the 17<sup>th</sup> day of August, 2010 at 6:00 p.m. at the Leon Valley City Council Chambers, at 6400 El Verde Road, Leon Valley, Texas, for the purpose of the following business, to-wit:

**SPECIAL CITY COUNCIL WORKSHOP – 6:00 P.M.**

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**Call to Order**

Mayor Riley called the Special City Council Budget Workshop Meeting to order at 6:04 p.m. and asked that the minutes reflect that the all of the members of City Council were present: Garcia, Reyna, Baldrige, Dean, and Nelson.

City Manager Lambert, City Secretary Willman, Community Development Director Flores, Economic Development Director Ryan, Finance Director Wallace, Fire Chief Irwin, HR Director Caldera, Library Director Trent, and Public Works Director Vick were in attendance. City Insurance Broker Kent Schertzingler arrived at 6:07 p.m. Also present were insurance representatives from Humana Victoria Humada and Jena Gasper and from Blue Cross/Blue Shield, Ms. Karen Gill. Assistant City Attorney Onion arrived at 6:33 p.m.

**Discussion on the Proposed Fiscal Year 2011 Health Insurance**

City Manager Lambert introduced the factors involved in the increase in the proposed FY2011 Health Insurance. Mr. Schertzingler introduced the speakers from Humana and Blue Cross/Blue Shield. Humana representatives Victoria Humada and Jena Gasper outlined the options of the plan proposal. Blue Cross/Blue Shield representative Karen Gill outlined the options of the plan proposal. Following Council discussion, Mr. Schertzingler addressed the City Council. He committed to doing further study on the various plan options presented to the City Council and present his findings at the September 7 City Council Meeting.

**Adjourn**

Hearing no further business, Mayor Riley adjourned the meeting at 6:52 p.m.

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**REGULAR CITY COUNCIL MEETING - 7:00 P.M.**

**Call to Order and Pledge of Allegiance**

Mayor Riley called the Regular City Council Meeting to order at 7:10 p.m. and asked that the minutes reflect that all of the members of City Council were present: Garcia, Reyna, Baldrige, Dean, and Nelson.

City staff in attendance: City Manager Lambert, City Secretary Willman, Community Development Director Flores, Economic Development Director Ryan, Finance Director Wallace, Fire Chief Irwin, HR Director Caldera, Assistant Director of Public Works Stolz, Assistant City Attorney Onion, and City Engineer Sayyadi.

Mayor Riley invited the assembly to join her in the Pledge of Allegiance.

**Presentation of Good Neighbor Award to Victoria & Guillermo Campos in Recognition of their Donation of Living Trees to the City of Leon Valley. (Mayor Riley)**

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Mayor Riley read the Good Neighbor Award to Mr. and Mrs. Campos based on their donation of trees from their home as they move from the El Verde corridor.

Mayor Riley expressed thanks for the two stuffed lions on the Council dais donated by Mr. and Mrs. Martinez as they move away from the El Verde corridor.

**Presentation of Employee of the Month Award.** City Manager Lambert introduced Elvie Olivarri as the City's Employee of the Month. Mr. Lambert cited Ms. Olivarri's patience and customer service skills, positive upbeat attitude, and creative thinking. She is volunteer and advocate as some of the reasons for her selection as the August Employee of the Month. She was selected for honor based on her work with the Trade and Market Days Event, her contributions to the Economic Development Corporation, and public outreach efforts in the Economic Development.

Ms. Olivarri thanked the Council and staff for the honor. She acknowledged her family and the pride she feels with their involvement in the community.

**Citizens to be heard and time for objections to the Consent Agenda**

Ricardo Ruiz, Cha-Cha's, 5616 Bandera Road, came to extend an invitation to the City Council to the 25<sup>th</sup> year anniversary celebration on August 21 – 22 beginning on Saturday at 6 p.m. He cited that the business had prevailed despite fire, flooding, and the Bandera Road extension. The celebration will include an Enchilada Eating Contest between Leon Valley Fire Officers and San Antonio Fire Officers. There will be a reduced price menu offering and face painting.

Councilman Reyna asked that Consent Agenda Item 5 be removed for separate consideration.

**Consent Agenda**

- 6. Consider Action on Request by Mr. Walter Geraghty, Commander of American Legion Post No. 336, Regarding the Use of City Facilities for Patriots Day, Saturday, September 11 Celebration with all fees waived. (Mayor Riley)**

A motion was made by Councilman Reyna and seconded by Councilman Dean to approve the Consent Agenda Item 6. Voting in favor: Garcia, Reyna, Baldrige, Dean, and Nelson. Voting against: None. Mayor Riley announced the motion carried; Consent Agenda Item 6 is approved.

- 5. Consider Approval of the Minutes for the Special City Council Workshop of August 3, 2010 and the Regular Council Meeting of August 3, 2010. (Willman).**

A motion was made by Councilman Reyna for the adoption of the amended minutes as presented at the dais and seconded by Councilman Garcia. Minutes were amended to include corrections to City Engineer's name from Sia to Sia Sayyadi on pages 2, and 3, the removal of one space in the amount \$36,253 on page 3, and the expansion of information on the AIA-SDAT to present more accurately and fully the Council's perspectives. Voting in favor: Garcia, Reyna, Baldrige, Dean, and Nelson. Voting against: None. Mayor Riley announced the amended minutes were adopted.

A motion was made by Councilman Reyna to suspend the regular order of business and consider Agenda Item 16 at this time and seconded by Councilman Garcia for the convenience of the residents present to communicate to the Council. Voting in favor: Garcia, Reyna,

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Baldrige, Dean, and Nelson. Voting against: None. Mayor Riley announced the motion carried.

- 16. Public Hearing to consider Action on Specific Use Case #2010-266 - with Attached Ordinance - a Request by Deorald Finney, Applicant and Property Owner, to Allow Construction of a "Restaurant with a Drive-Thru," Adjacent to Residential Zoning in a B-2 (Retail) Zoning District, at 7137 Bandera Road, being Lot 7, 20, 30 and 35, Block A, CB 4446A, Linkwood Addition Subdivision. On August 10, 2010, the Zoning Commission recommended approval by a vote of five (5) in Favor to one (1) Opposed with conditions as detailed in the Case Documentation. (Flores)**

Community Development Director Flores stated the case details and remained available for questions. The Council was provided additional information including a letter from the City of Converse, and a packet and written response from Mr. Finney to the residents' concerns raised at the Zoning Commission meeting. Ms. Flores distributed a copy of the site plan to the residents in the audience. She showed an exhibit about zoning changes which had been made in earlier years in response to a question which had been raised by the community about whether the zoning is correct as it stands.

Wendy Phelps, Zoning Commission Co-Chair, addressed the City Council to give the vote by the Zoning Commission.

The applicant Deorald Finney addressed the Council with responses to the issues raised by the community members living in the adjoining area regarding: access to Linkcrest, traffic, smell, vermin, varmint, light pollution, noise, prevailing winds, gangs, graffiti, drugs, drug paraphernalia, loitering, parking capacity, hours of operation, trash dumpster collection time, type of business, property rights and values, etc.

Council Member Baldrige identified landscaping as being important to the noise and other acceptable factors.

- A. Open Public Hearing. The Public Hearing was opened at 7:52 p.m.  
Persons speaking against the proposed change included:

Loretta Lerma-Balladares, 7301 Linklea, Noah McCoy, 7309 Linklea, Ileana Umana, 7130 Linkcrest, Gloria Vallejo, 7300 Linkmeadow (signed up to speak but yielded her time to another speaker), Debra Carlin, 7144 Linkcrest, Javier Pompa, 7303 Linkmeadow, and Ken Hillje, 7412 Linkwood. The Council noted their concerns about noise, safety from gangs, graffiti, employee and customer parking, smell, placement of the trash dumpster, landscaping, and different types of fencing including effectiveness as barriers to noise.

Persons speaking in favor of the proposed change:

Glenn Light, 7308 Linkmeadow, spoke in favor of the proposed change with stipulations. Rose Ryan, Director of Leon Valley Economic Development, and Tony Kain, Helotes, Texas, Franchise Owner.

- B. Close Public Hearing. The Public Hearing was closed at 8:22 p.m.

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City Engineer Sia Sayyadi addressed the Council's questions regarding fence materials and trash dumpster container placement along with providing other general information. Assistant Public Works Director Fred Stolz came forward to address the question about Waste Management problems collecting trash too early in the morning in a commercial area that abuts residential properties.

Ms. Carlin was called before Council at Council Member Nelson's request regarding her concerns about the fencing materials and fencing placement. Council Member Nelson suggested that Ms. Carlin's current fence be replaced with an 8 foot wooden fence because it can actually work as a visual and sound buffer.

**C. Council to Consider Action on Case.**

There was a motion by Councilman Reyna to approve the proposed SUP Case 266 with the condition that the applicant provides an 8 foot full masonry fence to barrier sound along the eastern edge of the property bordering Linkcrest Drive. The motion was seconded by Councilman Garcia.

There was extensive discussion regarding the type of fencing and additional fencing of a masonry material up to 8 foot tall along with placement and cost concerns. The Council called Mr. Finney forward to detail his fencing budget as required under the standards and the large additional expenditure for a masonry fence.

Council Member Baldrige asked that language be included: "the possibility to have a special meeting with the Economic Development Board to help the owner of Bush's Chicken with the fencing that the residents request" as she indicated it would be good for the City to assist this proposed business owner.

Councilman Dean advised it would be better to have an actual amount or cost of the masonry fencing before monies were lent or granted by the LVEDC.

ED Director Rose Ryan came forward to suggest that a special LVEDC meeting could be set to consider the request by Bush's Chicken for assistance with the masonry fencing cost.

There was a friendly amendment by Council Member Nelson to the motion by Councilman Reyna; "except for the 8 foot fence that would now abut the additional property" along Ms. Carlin's property that would be owned and maintained by Bush's Chicken." Councilman Reyna seconded the friendly amendment.

Council Member Nelson clarified her amendment: "with the addition of an 8 foot wooden fence along Ms. Carlin's property that would be built and maintained then by Bush's Chicken with the original 8 foot masonry fence that would be along Linkcrest Drive." Councilman Reyna seconded the motion.

Voting in favor of the amendment: Garcia, Reyna, Baldrige, Dean, and Nelson. Voting against: None. Mayor Riley announced the motion on the amendment (to the original motion for approval) carried.

Mayor Riley announced that following up on the original motion by Councilman Reyna

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and a second by Councilman Garcia, as amended, that the Council approve the SUP 2010-266, with the following stipulation: the 8 foot masonry fence on the backside of the property facing Linkcrest with the encouragement for the applicant Mr. Finney to work with the LVEDC on the cost. Voting in favor: Garcia, Reyna, Baldrige, Dean, and Nelson. Voting against: None. Mayor Riley announced the motion as amended carried.

Motion by Councilman Reyna and seconded by Councilman Garcia to suspend the regular order of business and consider Agenda Items 14 and 15 before returning to Agenda Item 7 based on the late hour and Dr. Milmo having another commitment. Voting in favor: Garcia, Reyna, Baldrige, Dean, and Nelson. Voting against: None. Mayor Riley announced the motion carried.

**14. Consider Action on M&C # 08-13-10 with Attached Resolution – a request to Approve and Authorize the Leon Valley Economic Development Corporation (LVEDC) Project Request for Use of 4b Economic Development Sales Taxes in Excess of \$10,000 for the Purchase of Two One-Acre Parcels of Land Located at 6734 Poss Road, Lots #67 & #68, to Control the Land for Future Economic Development for Sales-Tax Revenue-Generating Buildings and to Provide a Cross-Street from Poss to Grissom, Consistent with the City’s Master Redevelopment Plan. (Second Reading) (Ryan/Dr. Milmo)**

- A. Presentation by the Leon Valley Economic Development Corporation on the Proposed Project. Dr. Milmo briefly summarized the presentation and asked the Council to approve the Project Request.
- B. Open Public Hearing. The public hearing was opened at 9:35 p.m. Al Uvietta, 6923 Sunlight Drive, spoke in favor of approving the project. There were no other speakers.
- C. Close Public Hearing. The public hearing was closed at 9:36 p.m.
- D. Action by City Council. A motion was made by Councilman Dean and seconded by Council Member Nelson to approve the project as recommended by the LVEDC for the purchase of the two acres of land. Voting in favor: Garcia, Reyna, Baldrige, Dean, and Nelson. Voting against: None. Mayor Riley announced the motion carried.

**15. Public Hearing to consider Action Specific Use Case #2010-267 - with Attached Ordinance - a Request by Jerry Arredondo, agent for NIRBHAO Investments LTD, Property Owner, to Allow Construction and Operation of a “Automatic-Carwash,” in the Gateway Overlay of Leon Valley, in a B-2 (Retail) Zoning District, at 7210 Bandera Road, being Lot 2, Block 3, CB 4446E, Bandera Retail Subdivision. On August 10, 2010, the Zoning Commission recommended approval by a vote of five (5) in Favor with one (1) Vote Abstained. (Flores)**

Community Development Director Flores stated the case details and remained available for questions. Agent for the applicant Jerry Arredondo addressed the Council. He thanked the staff for their efforts to ensure that all Gateway requirements are being met. He indicated his excitement as being a part of the Leon Valley landscape. He requested the Council’s approval of his case.

There was brief discussion by the Council regarding: the height of the tower, circulation on the property, the use of the building as signage and housing vacuum motors inside. Mr. Arredondo answered questions about the paint colors as depicted on the architect’s drawing. He was asked about additional use on the property.

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Scott Thomas, Helotes, Texas, addressed the City Council's question about a 70 foot strip depicted adjacent to the property as not being part of the carwash.

The Council thanked Mr. Arredondo for working through the process.

- A. Open Public Hearing. The Public Hearing was opened at 9:50 p.m. There was no one to speak for or against the proposed case during the public hearing.
- B. Close Public Hearing. The Public Hearing was closed at 9:50 p.m.
- C. Council to Consider Action on Case.

A motion was made by Council Member Nelson and seconded by Councilman Garcia to approve SUP Case 267. Voting in favor: Garcia, Reyna, Baldrige, Dean, and Nelson. Voting against: None. Mayor Riley announced the motion carried.

**7. Consider Action on M&C # 08-06-10 – a request to Award the Bid for the Employee Health Insurance Program following a Presentation from City's Insurance Agent of Record. (Caldera)**

A motion was made by Councilman Reyna and seconded by Councilman Dean to postpone this item to the September 7 City Council Meeting. Voting in favor: Garcia, Reyna, Baldrige, Dean, and Nelson. Voting against: None. Mayor Riley announced the motion carried.

**Regular Agenda**

**8. Conduct Public Hearing and Consider Action on M&C # 08-07-10 with Attached Ordinance - a Request for Approval and Adoption on the Proposed Budgets for Fiscal Year 2011 (October 1, 2010 – September 30, 2011). (Lambert)**

The City Manager briefly covered the proposed budget options.

- A. Open Public Hearing. The Public Hearing opened at 10:08 p.m.  
Mr. Olen Yarnell, 7230 Sulky Lane, came forward to address the City Council regarding the payment of longevity pay to Police and Fire only. He asked the Council to consider funding the additional general employees' longevity.

Council questioned staff regarding the timing of the payment of longevity pay, which employee groups would be paid, the amount to be paid and accounts affected by payment. Additionally, a question was raised regarding when the City's obligation begins for paying longevity for Police and Fire based on reaching a population level of 10,000 persons per the 2010 Census.

- B. Close Public Hearing. The Public Hearing closed at 10:22 p.m.
- C. Action by City Council. A motion was made by Councilman Reyna and seconded by Council Member Nelson to postpone adoption of the proposed budget to the September 7 City Council Meeting. Voting in favor: Garcia, Reyna, Baldrige, Dean, and Nelson. Voting against: None. Mayor Riley announced the motion carried.

**13. Consider Action on M&C # 08-12-10 with Attached Resolution – a request to Approve the Leon Valley Economic Development Corporation's Proposed Budget for 2010-**

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**2011 (Fiscal Year 2011). (Ryan)**

Mr. Mike McCarley, LVEDC Treasurer, spoke in favor of passing the proposed budget.

A motion was made by Councilman Reyna and seconded by Councilman Dean to approve the Proposed Budget for 2010-2011. Voting in favor: Garcia, Reyna, Baldrige, Dean, and Nelson. Voting against: None. Mayor Riley announced the motion carried.

**17. Consider Action on M&C # 08-14-10 with Attached Ordinance – a request to Approve Amendments to the Original Budget of the City of Leon Valley, Texas, for the Fiscal Year of 2010 and to Authorize the Purchase of Cellular Phones for the City Council. (Lambert)**

City Secretary Willman made a presentation on the options of cellular phones and phone plans. The Council discussed the pros and cons of cell phone use and asked questions about texting. Assistant City Attorney Onion explained how texting might create records. Following extensive discussion, the Council considered taking action based on the combined cost for the phones and phone plans and the uncertainty of what actions the Texas Legislature might impose regarding record keeping and access to that information for personal communications devices including cell phones.

A motion was made by Councilman Reyna and seconded by Councilman Dean to postpone action on this item. Voting in favor: Garcia, Reyna, Baldrige, Dean, and Nelson. Voting against: None. Mayor Riley announced the motion carried.

**Discussion Agenda**

**18. City Manager's Report (Lambert)**

- A. Sign Regular Team Update. The Sign Team met last week and is working on decreasing sign size and numbers. They're working on increasing spacing and decreasing time for temporary banner signs and on increased weekend enforcement. They're going to bring the Council a proposed amended ordinance in the next month.
- B. Tax Abatement Team Update. The Tax Abatement Team is going to try to meet this Friday and bring it for Council approval at the next Council Meeting. Assistant City Attorney Frank Onion has been working on the tax abatement policy. We're hoping to review it and bring it to the Council for approval at the next Council meeting.
- C. CPS Follow-up. CPS is trying to find poles that look like trees to run along Evers and through the wilderness area; with an 18 month construction time period for replacement. Mr. Lambert was asked to bring a picture of the tree-like poles.
- D. Health Inspector/Registered Sanitarian Selection. We interviewed and hired a registered sanitarian, Mr. Steve Barsecwski, who was recommended to us by our sanitarian. Council Member Baldrige asked if it is possible for the sanitarian to look at the entrances to the City's restaurants because some look as if they have garbage spilled and walked on. Councilman Garcia asked if we can look at the frequency of inspections. Mr. Lambert indicated each restaurant is done once a year and based on complaints.

**9. Consider Action on M&C # 08-08-10 with Attached Ordinance – a request to Ratify the FY2011 Budget that will Raise More Total Property Taxes than Last Year's Budget by \$7,931 or .2655% and of that Amount \$57,703 is Tax Revenue to be Raised from New**

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**Property Added to the Roll This Year. (Lambert)**

A motion was made by Councilman Reyna and seconded by Councilman Dean to postpone this item to the September 7 City Council Meeting. Voting in favor: Garcia, Reyna, Baldrige, Dean, and Nelson. Voting against: None. Mayor Riley announced the motion carried.

- 10. Consider Action on M&C # 08-09-10 with Attached Ordinance, Setting the 2010 Tax Rate for the Maintenance and Operation Portion of the Tax Rate at \$.464029 for a Total Tax Rate of \$.527400. (Lambert)**

A motion was made by Councilman Reyna and seconded by Council Member Baldrige to postpone this item to the September 7 City Council Meeting. Voting in favor: Garcia, Reyna, Baldrige, Dean, and Nelson. Voting against: None. Mayor Riley announced the motion carried.

- 11. Consider Action on M&C # 08-10-10 with Attached Ordinance, Setting the 2010 Tax Rate for the Interest and Sinking Portion of the Tax Rate at \$.063371 for a Total Tax Rate for the Fiscal Year 2011 Budget for the Interest and Sinking Fund. (Lambert)**

A motion was made by Councilman Reyna and seconded by Councilman Garcia to postpone this item to the September 7 City Council Meeting. Voting in favor: Garcia, Reyna, Baldrige, Dean, and Nelson. Voting against: None. Mayor Riley announced the motion carried.

- 12. Consider Action on M&C # 08-11-10 with Attached Ordinance – a request to Approve Water and Sanitary Sewer Rate Increase for Fiscal Year 2011 by 3% Effective with the November 2010 Billing. (Stolz)**

Mr. Stolz was available for questions. Mr. Lambert indicated these rates are to build up the reserve fund to pay cash for substantial capital items related to the City's water system.

A motion was made by Councilman Reyna and seconded by Council Member Nelson to approve the Water and Sanitary Sewer Rate Increase for Fiscal Year 2011 by 3% Effective with the November 2010 Billing. Voting in favor: Garcia, Reyna, Baldrige, Dean, and Nelson. Voting against: None. Mayor Riley announced the motion carried.

- 19. Citizens to be heard.** There were no citizens to come forward to be heard.

- 20. Announcements by Council Members and Mayor.**

- A. Announce Proposed Meeting on Monday, August 30 beginning at 8:30 a.m. with Mario Medina, P.E., District Engineer for the San Antonio District of the Texas Department of Transportation. (Mayor Riley) Mayor Riley indicated the meeting would be posted for the entire City Council to attend and any citizens who care to come.
- B. Report of Meeting with TxDOT on August 5, 2010. (Councilman Reyna). He indicated that the MPO has a traffic number for Bandera Road with the question to be answered if we can meet the traffic horizon in 25 years. Can we meet that and what is the cost to do that? The cost for from 410 to 1604 is \$475 million to accommodate the anticipated traffic. The City's expenses that relate to that are the costs of right-of-way and utility relocation; those are our share of the expenses. If we pass a resolution and, we must

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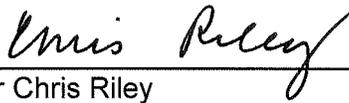
be unanimous on the resolution, according to Chairman Pickett that we have to emphasize and they will help us with the language and do this properly that we have to acknowledge that these are not funds to be used for the long term; these are funds only for interim use for operational improvements for traffic flow to make us a more economically viable community. He discussed financing tools of different types. Those are the mechanisms I really went to discuss with him.

Council Member Nelson indicated that by August 31 she and her family will be back in the house.

Mayor Riley announced that the Leon Valley Historical Society would like to meet with the City Council about their Master Plan before the next City Council, if the Council thinks that is appropriate.

Mayor Riley announced that the Council had not forgotten Councilman Reyna's birthday which was the previous week. Councilman Reyna was presented with a small cake and the assembly sang the birthday song.

21. **Adjourn.** The meeting adjourned at 11 p.m.

  
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Mayor Chris Riley

ATTEST:

  
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Janie Willman, City Secretary

