

City of Leon Valley 2012 Bond Program Oversight Committee Meeting December 19, 2013

Chairman Pedro Esquivel called the 2012 Bond Program Oversight Committee Meeting to order at 5:34 pm. Committee members Al Uvietta, Frank Zavala, John Cervantes, and Mike Davis Jr were present. Kathy Hill and Olen Yarnell were absent.

Councilman Jack Dean, City Manager Manuel Longoria Jr., Fire Chief Luiz Valdez, Police Chief Wallace, and Special Projects Manager/Public Works Director Melinda Smith were also present. Councilman Abraham Diaz was absent.

A quorum was present.

Approval of Minutes

Chairman Esquivel asked for approval of the minutes from the October 30, 2013 meeting. Committee Member Frank Zavala had a question about a typo and this was addressed. Committee Member Zavala made a motion to approve the minutes and Committee Member Uvietta seconded the motion.

Chairman Esquivel asked for a vote and this motion passed unanimously.

Project Update

Chairman Esquivel introduced the City Manager who gave status reports on the following items.

Status of Lots from Bexar County

The City Manager advised that the City was advised that the Bexar County Commissioners Court was going to address the sale of the five lots to Leon Valley. This did not happen and the City was advised the item was going to be placed on the agenda during one of the December meetings. The item has not appeared on the agenda and upon checking, both by staff and by our Attorney's, it was determined that the project is stuck in the District Attorney's office. Upon further checking the City Manager was advised that there appeared to be no issues, they just cannot get it through the system.

The City Manager told the Committee that in the past few weeks' staff has not been able to ascertain what was going on due to Bexar County personnel who were involved in the process being out sick. The City Manager stated that he has since instructed our City Attorney to start the process to condemn the property.

The process has outlined by the Manager starts with our Attorney sending Bexar County the final offer for the properties. This letter will be mailed on December 20, 2013. The City must wait 14 days for any action by Bexar County and if there has been none, the City will file a lawsuit on the 15th day. This item must be addressed by a District Court within one month and because there is a public need, the Court will award the property to Leon Valley. With this judgment the City of Leon Valley will then be able to get a deed to the property.

Chairman Esquivel questioned if the process to condemn should not have been done earlier due to the County not willing to work with the City of Leon Valley. The City Manager advised that during the negotiations phase of this deal, everything has been friendly. The only issue seems to be getting the documents from the District Attorney's office and placed on the agenda for Commissioners Court. The City Manager advised that all the key personnel with Bexar County

City of Leon Valley 2012 Bond Program Oversight Committee Meeting December 19, 2013

have agreed to the process and have advised they are just waiting for the item to be placed on the Commissioner's Court agenda.

The Chairman asked if this process would give the City a definite time frame for the process and the City Manager advised that the condemnation process does have specific time frames.

The Chairman then questioned if the letter would actually be sent on December 20th or would the person from our Attorney's office be sick. The City Manager assured the Chairman and the Committee that the letter would be mailed on December 20, 2013 and this would then start the clock ticking.

Committee Member Uvietta asked if talking with a County Commissioner would help with the process and the City Manager advised that everything is ready, the contract has been signed by him, and that the check for the earnest money is already available. The City Manager advised the Commissioners would not be able to assist.

Committee Member Zavala asked if this delay was going to cause the price to increase. The City Manager advised the price has been identified and agreed to with County employees and the City is ready to pay this amount. The City Manager further stated that once condemnation is started, the County cannot back out.

Committee Member Davis Jr. said that one government agency suing another government agency is no good and that how can we be certain the process will go the way our Attorney say's. Committee Member Davis Jr. asked if the County could call their use of the land as being for public use just like the City of Leon Valley can. The City Manager advised that the law was very specific. The City Manager also advised that this was not like a traditional lawsuit but a condemnation suit.

Committee Member Zavala asked if the County originally condemned the land how could the City of Leon Valley condemn the same land a second time. The City Manager stated the County did not condemn the lots in question but in fact these lots were voluntarily sold to Bexar County by the property owners.

The City Manager stated that in order to make our deadlines, the City of Leon Valley needed to move forward on the condemnation and that was cannot afford to take a chance on waiting for the item to be placed on the agenda for Commissioners Court.

Committee Member Cervantes asked if the County could sell the lots to someone else. The City Manager reminded the Committee that the City has worked with Bexar County on the purchase of the lots and also reminded that while in the process, one of the lots to be purchased was identified by Bexar County as being necessary for their project and asked if the City of Leon Valley could exchange that lot for another lot. The City Manager advised that while this project is a priority for the City of Leon Valley, it is not a priority for Bexar County and anywhere during the process one person can delay the project.

The Chairman asked if the filing of the documents by our Attorney started a timeline and the City Manager advised yes. The Chairman then asked if after the condemnation process was started could the County and the City settle upon the sell. The City Manager advised they could, but that he needed to protect the interest of the City.

Committee Member Zavala asked if there was any of the County Commissioners they could turn to

City of Leon Valley 2012 Bond Program Oversight Committee Meeting December 19, 2013

for assistance. The City Manager stated that the project is being stalled at the staff level. The only thing the Commissioners can do is vote on the item once it is placed on the agenda. The Chairman stated that the condemnation process takes the item out of their hands.

Committee Member Davis Jr. advised that with his limited knowledge in real estate he knows that all things must be in writing. The City Manager responded by saying that everything we have done has been in writing, that the City of Leon Valley already has the sales contract, which was approved by Bexar County, drawn up and that he has signed this document. The only thing lacking is the signature of the County Judge and that cannot happen until the Commissioners Court has the item placed on the agenda and they vote on the item.

Committee Member Cervantes then stated that he would like to see how this will pan out. Councilman Dean advised that the Court will have to rule the property is needed for our public interest. The City Manager stated that our Attorney's say we can condemn the property and be successful. The Chairman stated the County can stop the condemnation by signing the documents authorizing the sale of the lots to Leon Valley, but that we needed to approach the County with something more than our hat in our hands.

Final Design and Project Bidding

The City Manager advised that they City has been working with Elert and Associates in regards to the technology portion of the project, but a question came up about allowing Bartlett Cocke to put this in the original bid packet. It was decided that the wiring for devices would be in the bid packet, but the devices themselves would be bid out later in the process.

The City Manager told the Committee that the bid packets went out on December 16th and has been advertised on several sites, including the Cities website. The Committee was informed of a pre-proposal conference that will take place on Jan 6th at 1:30 p.m. along with the bid opening that will occur on Jan 16th at 2 p.m.. The City Manager further stated that the information was passed along at the Leon Valley Chamber of Commerce meeting and advised the Committee Members that if they knew anyone who may be interested those persons needed to contact Bartlett Cocke.

The City Manager informed the Committee Members that the maximum price guarantee should be received near the end of January 2014.

The Chairman asked if the dates have been set for the regular meetings with the Project Manager. The City Manager advised that the schedule prepared by Bartlett Cocke had all necessary dates highlighted, including these meetings.

The City Manager advised that once the City receives the maximum price guarantee, the City Council must approve this, even if it means calling a special meeting. Once this is approved by the City, Bartlett Cocke then has 10 days to mobilize.

Committee Member Uvietta asked if any of the special funding sources identified by the City Manager in previous meetings has been changed by anyone. The City Manager advised that no one has changed this, but the City is looking at utilizing our capital plan to fund the outfitting of the facilities, and that this would take place over the next two to three budget years.

The Chairman asked when the project would be completed and the City Manager advised December of 2015.

City of Leon Valley 2012 Bond Program Oversight Committee Meeting December 19, 2013

Committee Member Zavala asked if there was any equipment that would be needed by the Fire Department that would not be available to which the Fire Chief responded no.

Committee Member Zavala asked if the contractor will put in the wiring for security or would someone else. The City Manager advised that all wiring would be installed by the contractor, but the final device, be it a television, card reader, or whatever else would be installed by a company hired by the City of Leon Valley.

Committee Member Uvietta applauded the City Manager for that thought process due to the fact that if you order the equipment now, it will be out of date before it is installed.

The Chairman asked why not allow Bartlett Cocke to do the bid process and why is there a difference to which the City Manager replied that everything Bartlett Cocke is involved in affects the budget because they received compensation based on the cost of the project.

The Chairman asked when the next scheduled meeting was going to be held and it was decided to have a meeting on Thursday, January 23, 2014 at 5:30 p.m.

The Chairman thanked the Committee Members for allowing him the opportunity to serve and also thanked them for their service on the Committee.

Adjourn

Hearing no further business a motion was made by Committee Member Zavala and seconded by Committee Member Cervantes to adjourn the meeting at 6:26 p.m.


Pedro Esquivel, Committee Chairman