

**CITY COUNCIL MEETING OF THE CITY OF LEON VALLEY, TEXAS  
DECEMBER 18, 2012**

The City Council of the City of Leon Valley, Texas, met on the 18<sup>th</sup> of December, 2012 at 7:00 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:

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**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 Meeting to order at 7:00 p.m. with all members of the City Council present: Hill, Reyna, Baldrige, Dean, and Biever.

Mayor Riley asked for a moment of silence out of respect to the victims of the Sandy Hook Elementary School tragedy and the loss of a grandson of the City of Leon Valley's first mayor, Mayor Kinman. Mayor Riley referenced a letter of condolence being sent to the Sam Kinman Family on the loss of their son, Brian.

Mayor Riley introduced Assistant City Attorney George Hyde. Mr. Longoria noted that when the City Council authorized the contract with Denton, Navarro, Rocha and Bernal, that City Attorney Charles Zech had another commitment scheduled. The City Manager noted Mr. Hyde's extensive municipal government experience in addition to being a partner in the firm of Denton, Navarro, Rocha, and Bernal.

City Staff present: City Manager Longoria, Assistant City Attorney George Hyde, City Secretary Willman, Community Development Director Flores, and Economic Development Director Mora.

Ms. Erica Marmar, a Canterfield resident, led the assembly in the Pledge of Allegiance.

- 2. Citizens to be Heard and Time for Objections to the Consent Agenda.** There were no citizens who came forward to address the City Council.

**Consent Agenda**

Motion by Councilwoman Hill and second by Councilwoman Baldrige to approve Consent Agenda Items 3, 4, and 5. Voting Aye: Hill, Reyna, Baldrige, Dean, and Biever. Voting Nay: None. Mayor Riley announced the motion carried.

- 3. Consider Approval of the Meeting Minutes of the Special and Regular City Council Meetings of December 4, 2012.** Approved the Minutes of the December 4, 2012 City Council Meetings.
- 4. Consider Approval of the Tax Roll for the City of Leon Valley, Texas, for the 2012 Tax Year and the Attached Ordinance, M&C # 12-09-12.** Approved the Summary Tax Roll provided by the Bexar County Tax Assessor for the 2012 Tax Year by Ordinance.

Adopted **Ordinance No. 12-038** – An Ordinance Approving the Tax Roll of the City of Leon Valley, Texas, for the 2012 Tax Year.

- 5. Consider Action on an Ordinance Approving a Budget from the CIED Fund for the Following Projects: Bandera Road Gateway-Grass Hill & IH-410 \$235,000, Bandera**

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**Road Gateway-Eckhert Road, \$285,000, Library Expansion \$200,000, Bandera Road Triangle Park \$10,000, 20 Percent Hike and Bike Trails Grant Cash Match \$186,000, M&C # 12-10-12.** Approved a budget for specific projects in the amount of \$916,000 from the City of Leon Valley CIED Fund by Ordinance.

Adopted **Ordinance No. 12-039** – An Ordinance of the City Council of the City of Leon Valley, Texas Authorizing Certain CIED Fund Expenditures for Projects; Bandera Road Gateway-Grass Hill & IH-410 \$235,000; Bandera Road Gateway-Eckhert Road \$285,000; Library Expansion \$200,000; Bandera Road Triangle Park \$10,000; 20 Percent Hike and Bike Trails Grant Cash Match \$186,000; Providing a Severability Clause; and Providing for an Effective Date.

**Regular Agenda**

- 6. Conduct the Second of Two Public Hearings and Readings, and Consider Action on a Resolution Approving a Leon Valley Economic Development Corporation (LVEDC) Project Funding of Up to \$10,000 in a Grant and Up to \$37,500 in a Loan to Mauricio Romero and El Sol Bakery, Inc., for the Relocation of El Sol Bakery to Leon Valley and Improvements to The Kinman House at 6417 Evers Road, Leon Valley, TX, M&C # 12-11-12.**

Following Economic Development Director Mora's briefing, the City Council asked if LVEDC Chair Abraham Diaz would like to address the City Council. Mr. Diaz reported that he received a telephone call from Mr. Mauricio Romero on Sunday night concerning the Performance Agreement. Indications were that the Performance Agreement might be too stringent. Mr. Diaz reported he had suggested that Mr. Romero's attorney make comments on the contract and return the document to the LVEDC Board attorney, who would in turn notify the Board. Mr. Diaz informed Mr. Romero the LVEDC Board would be supervising the expenditure of the funds for which the LVEDC Board is responsible.

Mr. Diaz informed the City Council the LVEDC Board is awaiting for a certified amount that Mr. Romero will be setting aside as collateral to be deposited. Mr. Diaz confirmed that without the collateral requirements being met, the LVEDC Board will not be issuing any funds according to the contract stipulations. He noted Ms. Mora's diligence in following-up to obtain the performance agreement.

Mayor Riley asked about the process continuing in light of the information shared with the City Council. Assistant City Attorney Hyde clarified that paragraph 4 of the Resolution under consideration by the City Council provides for the agreement to be approved by the LVEDC Board of Directors at a subsequent meeting. He clarified that after the hearing, the resolution does allow for the LVEDC Board to further negotiate the agreement before it is final. He noted the only action before the City Council is whether or not to authorize the project itself. Mayor Riley thanked Mr. Hyde for the clarification and thanked Mr. Diaz for his service.

- A. Open Public Hearing.** Mayor Riley opened the Public Hearing at 7:14 p.m. No one came forward to speak during the Public Hearing.
- B. Close Public Hearing.** Mayor Riley closed the Public Hearing at 7:15 p.m.
- C. City Council to Consider Action.**

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Motion by Councilman Bieber and second by Councilwoman Hill to adopt the Resolution approving an LVEDC Project Funding of up to \$10,000 in a grant and up to \$37,500 in a loan to Mauricio Romero and El Sol Bakery, Inc., for the relocation of El Sol Bakery to Leon Valley and improvements to the Kinman House at 6417 Evers Road, Leon Valley, TX. Voting Aye: Hill, Reyna, Baldrige, Dean, and Bieber. Voting Nay: None. Mayor Riley announced the motion carried.

Adopted **Resolution No. 12-018** – A Resolution of the City Council of the City of Leon Valley Approving the Leon Valley Economic Development Corporation (LVEDC) Project Funding of Up to \$10,000 in a Grant and Up to \$37,500 in a Loan to Mauricio Romero and El Sol Bakery, Inc. for the Relocation of El Sol Bakery to Leon Valley and Improvements to the Kinman House at 6417 Evers Road, Leon Valley, TX.

Mayor Riley asked if the City Council would receive an update at its January 8 City Council Meeting. Ms. Mora indicated an update will be provided to the City Council on January 8.

**7. Consider a Request to Allow an Electronic Message Center (EMC) Sign, Measuring 24 Square Feet at 6421 Bandera Road, M&C # 12-12-12.**

Community Development Director Flores made a brief presentation on the request by Masood Chugthai, applicant and property owner of the Bandera Center Shopping Center, for a variance to Chapter 14, "Zoning," Section 14.02.305, "Regulations for All Districts, Subsection (m), "Overlay Districts," Appendix C, Section G.2(j.), "Prohibited Signs," to Allow an Electronic Message Center (EMC) Sign, Measuring 24 square feet at 6421 Bandera Road.

Following the briefing by Community Development Director Flores, the City Council considered a sign variance request for an electronic message sign, amending Chapter 14, Zoning, Regulations for All Districts, Overlay Districts, Appendix C, Prohibited Signs.

Motion by Councilman Dean and second by Councilwoman Hill approve the sign variance request. Voting Aye: Hill, Reyna, Baldrige, Dean, and Bieber. Voting Nay: None. Mayor Riley announced the motion carried.

**8. Consider Action on a Variance Request, by Ordinance, to Allow a Building Addition, Measuring 156 Square Feet at 6509 Grissom Road, M&C # 12-13-12.**

Community Development Director Flores made a brief presentation to the City Council. The variance is being requested because the addition had been built without permitting by the City. The situation was discovered when Deputy Fire Marshal Luis Valdez did a routine fire inspection for the business to renew its licensing with the State of Texas to continue as a childcare center. Ms. Flores noted that the building addition did not create water flow impediment or adverse watershed to existing or surrounding properties. This was confirmed through an engineered survey paid for by the business and reviewed by City Engineer Sia Sayyadi to which he found no objection.

Ms. Flores noted that the Ordinance before the City Council for consideration has changes recommended by the City Attorney. She noted the City Attorney recommended

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a revocable license agreement.

Assistant City Attorney Hyde noted that over time water flows can change. If the water flows change and the building addition impedes water flows through the easement, then the public safety of property and lives would be paramount to the addition. The revocable license agreement allows the use of the easement so long as it does not interfere with the City's superior right to use the easement. He further noted the agreement is not in its final form today because it is lacking specific information related to lot, block information and other minor details.

Assistant City Attorney Hyde continued that if the City Council is interested in approving the Ordinance, the City Attorney's Office asks that the revocable license be approved in a form approved by the City Attorney so those minor details can be completed without having to bring it back to the City Council and allow the business to move forward with its permits. Councilman Biever asked for clarification. Mr. Hyde explained that under the law the City's easement is not considered a property right but a use right. He continued noting that the use right is superior to the property owner's interests. Councilman Dean indicated that he thought a penalty should be invoked because the building addition was done without the required permitting. Councilman Reyna indicated he agreed with Mr. Dean's assessment.

Motion by Councilman Dean and second by Councilwoman Baldrige to approve the variance with a double permit fee (including the granting of the revocable license agreement in a form approved by the City Attorney). Voting Aye: Hill, Reyna, Baldrige, Dean, and Biever. Voting Nay: None. Mayor Riley announced the motion carried.

Adopted **Ordinance No. 12-040** – An Ordinance Granting a Special Permission to Allow a Building Addition to Remain on a Public Drainage Easement at 6509 Grissom Road.

Following the motion, the City Council moved on to Agenda Item 9. Councilman Reyna raised a parliamentary inquiry on the motion on Agenda Item 8. He asked if the City Council needs to vote on a new motion. Assistant City Attorney Hyde reiterated the motion, second, the double permit fee as a penalty, and the revocable license agreement changes. Once the clarification was made, the City Council returned to the City Manager's presentation on Agenda Item 9.

**9. Consider Approval of the Architectural Services Contract with OCO Architects for Professional Services Related to the Municipal Facilities Improvement Project as Authorized in the 2012 Municipal Bond Election, M&C # 12-14-12.**

Following a detailed briefing by the City Manager, the City Council considered action.

Motion by Councilman Reyna and second by Councilman Dean to authorize the City Manager to sign the Architectural Services Contract presented to the City Council this evening with OCO Architects subject to final minor revisions that may be approved by the City Attorney. Voting Aye: Hill, Reyna, Baldrige, Dean, and Biever. Voting Nay: None. Mayor Riley announced the motion carried.

**10. Consider Authorizing the City Manager, by Ordinance, to Execute a Solid Waste**

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**Contract with Waste Management of Texas, Inc., M&C # 12-15-12.** This agenda item will allow the City Council to consider approving and adopting an ordinance authorizing the City Manager to execute a solid waste management contract with the City's current provider, Waste Management of Texas, Inc., pursuant to the City Council's directions in Executive Session conducted on November 5, 2012. (Longoria)

Following a detailed briefing by the City Manager, the City Council considered action.

Councilman Dean noted his opposition to going to a one time per week collection as presented in a pilot recycling program to be considered by the residents of The Ridge Subdivision on a six-month trial basis for a 60 cent difference. The Council considered the positive opportunity to recycle more and reduce refuse collection truck traffic on the City's streets versus a potential for changing to 96 gallon containers for both garbage and recycling and one time per week collection following a six-month trial basis. The City Manager reiterated that the pilot recycling program came up during National Night Out and would be conducted as a pilot program on a six-month trial basis only with the approval by the residents of The Ridge Subdivision. It was noted that over time, experience bears out that more refuse is recycled and less is thrown into the regular refuse stream.

Albert Perez, Chief Marketing Officer for Waste Management of Texas, Inc. addressed the City Council. Mr. Perez confirmed that Waste Management is willing to consider making changes to the pilot program after six months with the contingency that whatever changes are made will apply to the City as a whole. He discussed the newest technologies under study on a trial basis in the City of San Antonio. Mr. Perez invited the City Council to come out and visit the newest technologies in use at Waste Management.

Motion by Councilman Reyna and second by Councilwoman Baldrige to adopt the Ordinance authorizing the City Manager to execute a solid waste contract with Waste Management of Texas, Inc. Voting Aye: Hill, Reyna, Baldrige, Dean, and Bieber. Voting Nay: None. Mayor Riley announced the motion carried.

Adopted **Ordinance No. 12-041** – Authorizing the City Manager to Execute a Solid Waste Contract with Waste Management of Texas, Inc.

**Discussion Agenda**

11. **Update Regarding January 26, 2013 Town Hall Meeting Agenda Topics, M&C # 12-16-12.** The City Manager presented the proposed Town Hall Meeting Agenda which consisted of an Update on Capital Projects and Construction Activity Communication Strategies for Leon Valley, and Community Identity, Annual City Festival & Branding for the City of the City of Leon Valley. It was noted that Mayor Riley and Councilwoman Hill are working on an invitation card to be mailed out to the City's residents and businesses inviting them to attend the Town Hall Meeting.
12. **Receive a Report on Policy Decisions to be Determined Related to the May 11, 2013 Joint, General and Special Elections and Provide Direction to Staff, M&C # 12-17-12.** The City Secretary reported that Bexar County Elections noted a drop off in voters after the 5 p.m. to 6 p.m. hour during the Early Voting Periods of the various elections held in 2012. As this may present an opportunity for salary savings which is passed on

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and paid for through the Memorandum of Understanding for contracting with the County for elections, the Bexar County Elections Administrator asked that each jurisdictional governing body be asked about their preferences as to eliminate the later early voting hours. Another recommendation for improving voter awareness and participation during the Early Voting period was to change the beginning and ending hours of the two 12-hour days, from the current 8 a.m. – 8 p.m. to 7 a.m. – 7 p.m.

The consensus of the City Council was that as long as there are sufficient early voting days and extended early voting hours and the public is not denied opportunities to vote, they interposed no objection to the recommendations.

**13. City Manager's Report. (Longoria)**

**A. Informational updates, as may be required.** City Manager Longoria invited the City Council to attend the Employees Christmas Luncheon scheduled on Wednesday, December 19 from 11:30 a.m. to 1 p.m.

Mr. Longoria reported that he signed the contract with the Texas Department of Transportation as authorized at the December 4 City Council Meeting. He noted that a local contractor based in Leon Valley was hired to do the maintenance work.

**B. Monthly Departmental Reports for Month of November 2012.** There were no questions raised or comments on the information presented.

**C. Approved Minutes of City-Affiliated Boards, Committees, and Commissions.** *This agenda item will allow 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) Leon Valley 2012 Bond Oversight Committee Meeting Minutes, September 27, 2012.

(2) Leon Valley Zoning Commission Meeting Minutes of November 27, 2012.

**D. Future Agenda Items**

(1) Consider Renewal of Support Services Contract with Leon Valley Economic Development Corporation (LVEDC).

(2) Consider Action on a Resolution Authorizing the City Manager to Execute a Lease with Mauricio Romero for the Kinman House at 6417 Evers Road, Leon Valley, TX, December - January

(3) LVCC & LVEDC Quarterly Joint Meeting, January 2013.

(4) Consideration of a Service Provider for Construction Manager at Risk for the Municipal Facilities Improvement Project, January, 2013.

(5) Conduct Annual Town Hall Meeting, Saturday, January 26, 2013.

(6) Texas Department of Transportation Presentation on Super Street Model.

(7) Staff Update / Presentation on the Progress of the Sun Setting Process for the City of Leon Valley's Boards, Committees, and Commissions.

**14. Citizens to be Heard.**

Al Uvietta, 6923 Sunlight Drive, indicated that assessing a pilot program in new additions

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of Leon Valley might not translate well into other areas of the City which have aging infrastructure as the impact might not be the same due to street conditions

Pedro Esquivel, 7207 Forest Meadow, informed the City Council that he is happy with the bi-weekly recycling and trash, and is against only 1 garbage collection per week.

Olen Yarnell, 7230 Sulky Lane, reported that as the Zoning Commission completes its review of the Master Plan Revisions, to the Seneca, Sun Valley, and Castle Estates, some of the comments received by resident participants; lights, sidewalks, drainage problems. Mr. Yarnell also asked if the City will be ready when the Bus Rapid Transit System is ready to operate in Leon Valley.

**15. Announcements by the Mayor and Council Members.**

*Holiday Closings:*

*Monday, December 24, 2012 for Christmas*

*Tuesday, December 25, 2012 for Christmas*

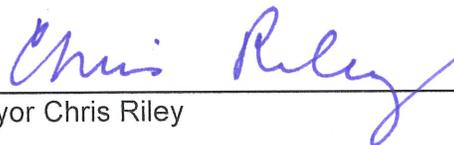
*Tuesday, January 1, 2013 for New Year's*

**Executive Session**

- 16.** 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.

- 17. Adjourn.** Mayor Riley adjourned the meeting without objection at 8:55 p.m.

  
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Mayor Chris Riley

ATTEST:

  
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City Secretary Janie Willman

