

**CITY COUNCIL MEETINGS OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,
TEXAS, JANUARY 5, 2010**

The City Council of the City of Leon Valley, Texas, met on the 5th day of January 2010 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:

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

Call to order and Pledge of Allegiance.

Mayor Riley called the Regular City Council Meeting to order at 7:02 p.m. and asked that the minutes reflect that all the members of Council were present: Garcia, Reyna, Baldrige, Dean, and Nelson.

City Manager Lambert, City Secretary Feutz, Public Works Director Vick, Library Director Trent, Fire Chief Irwin, HR Officer/Assistant City Secretary Caldera, Economic Development Ryan, Assistant Public Works Director Stolz, and Assistant City Attorney Onion were also present.

Mayor Riley welcomed students present from O'Connor High School and all others at the meeting. She asked American Legion Post Commander Walter Geraghty to lead the assembled group in reciting the Pledge of Allegiance.

Presentation of status report by the Trade and Market Days Committee.

Economic Development Director Ryan addressed Council and one of the Trade and Market Vendors, Beaver's Barn's Steve Kelly, provided each member of Council with a carved pen to illustrate the type of crafts the Trade and Market Days brings to Leon Valley. She reviewed benefits of the program and the highlights of the past year's activities. She reported that the program generated booth rental revenue of \$31, 433, which was up 17% from FY 2008. Ms. Ryan also reported that the additional visitors to the City's facilities showcases our facilities as facilities to be leased for their events. She reported that rentals of the centers since Trade and Market Days was started has increased a cumulative 236% since 2005. The Director provided an analysis of the costs for advertising, rental fees for the facilities, and labor at the events by Public Works' staff.

Ms. Ryan informed the Council of the survey sent to 150 Trade and Market Day vendors from 2009 and reported that 31% of the surveys were returned. She reported that more than 80% of the vendors gave favorable comments to such factors as: convenience, facilities, parking, variety of booths, pricing, safety, entertainment, staff support, and home-town feel. She also reported that 73% like the dates and hours of the event now in effect. She thanked local businesses who provide sponsorships and the volunteers who work this program.

Ms. Ryan proposed that Council may consider waiving rental fees to use the centers for the events. Council proposed that a question be added to the lease agreement for the centers to find out how renters are hearing about leasing the center. They also discussed using the current rental expenses for advertising in the future. Councilmember Dean noted that the city funded \$25,000 two times for the initial start up of the Trade & Market Day events and questioned whether the Trade and Market Day events ever made sufficient profit to repay the City. Councilmembers all thanked Ms. Ryan and committee volunteers for their work on the market days.

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

Mayor Riley asked Councilmembers if they wished for anything on the Consent Agenda to be removed for further discussion. Hearing no objections, she asked if anyone in the audience wished to speak for the "Citizens to the Heard" portion of the meeting.

Daniel Bee, Manager of the William Rancher Estates Joint Venture, addressed Council stating that he represented 11 of 14 owners of undeveloped land in Seneca West. He asked Council not to accept proposed floodway maps from FEMA that he stated would be sent to Council before September 2010. He provided packets to Councilmembers illustrating flood plain areas for Huebner Creek. He told them that Drain-1 Huebner Creek at Aids Drive changes are not acceptable and requested that silt and blockages be removed from the old drainage culvert between the Alcocer's and Hendrick's properties.

Resident Dr. J. Thom addressed Council explaining that he owned 2.3 acres in the area described by Mr. Bee and voiced his support of Mr. Bee's request.

Resident Al Uvietta addressed Council expressing his support for additional staff duty hours in support of the Leon Valley Economic Development and he voiced his support of the continued Trade and Market Days.

Resident Walter Geraghty addressed Council praising the Trade and Market Days events and the staff members working with the project.

Resident Abraham Diaz addressed Council reading a letter on behalf of Mike Davis, Chairman of the Leon Valley Economic Development Corporation, asking that the Trade and Market Days be considered as other events as far as using the City facilities and for the Trade and Market Days to continue.

Resident Mike McCarley stated that as a member of the Business Alliance Committee, he supported continuing Trade and Market Days and encouraged Council to approve the request to come later in the meeting for converting a part time staff member to full time hours.

Resident Nita Lange addressed Council and introduced the vendors who were in attendance at the meeting in support of the Trade and Market Days.

The Tony De la Pena family addressed Council as vendors from the Trade and Market Days and also expressed their support of continuing the Trade and Market Day program and increasing staff hours to support the program.

Vendor Jane Armstrong addressed Council stating that the support from the community and staff was to be commended and she supported the continuance of the Market Days program.

Assistant City Attorney Onion addressed Council and asked if they wished to suspend the order of agenda business so that the executive session could be heard before its scheduled time on the agenda. No motion was made and the regular agenda order continued.

Seeing no one to come forward for the "Citizens to be heard" portion of the meeting, Mayor Riley asked for a motion to approve the following Consent Agenda items:

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Consent Agenda

**Consider action to approve minutes of the Regular City Council Meeting of
December 15, 2009 (Feutz).**

**Consider action on M&C # 01-01-10 with attached ordinance - a request to
approve budget adjustments as follows:**

- A. Litigation legal fee expenses - \$380 - General Fund (Feutz)
- B. Property purchase authorized December 15, 2009 by City Council - \$33,494 - Park Fund (Vick)
- C. Purchase authorized by Council on December 1, 2009 of 55 acre feet of water rights - \$297,000 - Enterprise Fund (Stolz)
- D. For library material purchases from Loan Star Grant funds - \$6,946 - General Fund (Trent)

**Consider action on M&C # 01-02-10 - a request to approve City sponsorship of the
San Antonio Chapter of the American Backflow Prevention Association (ABPA) to
waive fees for use of Conference Center (Vick).**

**Consider action on M&C # 01-03-10 with attached ordinance - a request to amend
the City's Code of Ordinances, Chapter 3 "Building Regulations, Article 3.04
"Signs", Section 3.04, "Signs," Subsection 3.04.001, "Purpose," to add
subsection 3.04.001 (c) which will address sign requirements and conditions
contained in Article 14.02, Appendix "C" that will supersede the requirements of
Article 3.04, "Signs," where applicable (Flores).**

**Consider action on M&C # 01-04-10 - a request to allow Bexar County Flood
Control to hold public meetings at the Leon Valley Community Center on January
21, 2010 and on February 25, 2010 for the public purpose of providing information
on the Huebner Creek Enhanced Conveyance (LC-17) project and to waive all use
fees for those meetings (Lambert).**

**Consider action on M&C # 01-05-10 with attached Resolution - a request to amend
Resolution 09-032, approved on November 2, 2009, which granted approval to
proceed with filing an application with the Texas Department of Transportation
(TXDOT) for State Transportation Enhancement Program (STEP); authorizing the
City Manager to act on behalf of the City of Leon Valley in all matters related to
the application; and pledging that if a grant is received the City of Leon Valley will
comply with the grant requirements of the TXDOT and the State of Texas. The
amendment will state that the City is committed to a 36% local match for this
grant (Word).**

**Consider action on M&C # 01-06-10 - a request to award the contract for purchase
of a generator and associated equipment. The associated budget adjustment was
approved by Council on Oct. 5, 2009 rolling over funds budgeted in FY 2009
(Stolz).**

A motion was made by Councilman Reyna, seconded by Councilmember Baldrige, to approve the Consent Agenda items as listed above. Upon unanimous vote, Mayor Riley announced the

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motion carried.

Action Agenda

Consider action on M&C # 01-07-10 with attached ordinance - a request to approve a budget adjustment to convert an existing part time administrative position to a full time position effective January 2010 (Ryan).

Economic Development Director Ryan addressed Council asking for a budget adjustment to fund additional staff hours, which would allow for converting an existing part time staff member to full time duty status. She explained that the Leon Valley Economic Development Corporation (LVEDC)'s application outreach is in progress and she anticipates LVEDC work to increase significantly. Ms. Ryan asked that the previously approved funds from the LVEDC contract with the City for services be used to fund the conversion from a currently funded part time position to a full time position spending 650 hours for the Trade and Market Days events and the balance of the annual hours as a full time employee would be charged to the LVEDC contract funds for the rest of FY 2010. She noted that she would evaluate the program and would include the continued full time status in the FY 2011 budget preparation.

Councilmembers asked that the duties the employee works for Trade and Market Days versus time spend on LVEDC activities be tracked for the next several months.

A motion was made by Councilmember Baldrige, seconded by Councilman Reyna, to approve the request to convert the part time staff member to full time only until the end of the FY 2010. Upon unanimous vote, Mayor Riley announced the motion carried.

Consider action on M&C # 01-08-10 - a request to authorize the City Manager to enter into a new, two-year, renewable contract with the Northwest Senior Citizens' Club for use of the Community Center with reduced fees (Ryan).

Economic Development Director Ryan asked Council to approved a new two-year, renewable contract with the Northwest Senior Citizens' Club for use of the Community Center at reduced fees. She noted that the contract would end December 31, 2011 and kept the cleaning fees as they were for FY 2009, but that they could be increased at subsequent renewals by the City.

A motion was made by Councilmember Dean, seconded by Councilmember Nelson, to approve the contract as proposed. Upon unanimous vote, Mayor Riley announced the motion carried and the request was approved.

Consider action on M&C # 01-09-10 - a request to authorize the City Manager to renew and enter into a two-year, renewable contract with the Texas Certified Market Corporation, DBA San Antonio Farmer's Market Association (SAFMA) (Ryan).

Economic Development Director Ryan addressed Council asking them to authorize a new two year contract that includes the Farmers' Market to be on site for 12 months/year rather than the current 9-months per year, with the San Antonio Farmers' Market Association. She noted that the two-year contract was renewable, required a health food permit from the City and the Association was required to keep valid liability insurance in force throughout the contract period.

A motion was made by Councilman Garcia, seconded by Councilman Reyna, to approve the

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request as presented. Upon unanimous vote, Mayor Riley announced the motion carried.

Consider action on M&C # 01-10-10 with attached ordinance - a request to repeal and replace Section A2.003 "Municipal Park Administrative Fees" of Article A2.000 "Administrative Fees," of APPENDIX A "Fee Schedule" of the Leon Valley Code of Ordinances", with a new Section A2.003 "Municipal Park Administrative Fees". Rental fee changes for park facilities and the addition of cleaning fee charges for events with large crowds are included in the ordinance (Vick/Park Commission).

Public Works Director Vick addressed Council explaining that the proposed increases will bring the Leon Valley park reservation fees to a comparable level as about seven other area parks. He explained that non-refundable fees for large group cleanup were added to address groups over 50 persons that require additional time to clean up the area following the events. He reported that the Park Commission did not want to discourage renters, but the use by large groups in the park does pose a problems in the park and complaints have been received in the past.

Council questioned if there was a way to collect a deposit in a sufficient amount to cover damages and large trash and that could be refunded if the place is left in good order. They also questioned how the city would monitor if renters actually plan for large crowds but do not pay the large crowd fees. Staff answered that they would rely on code compliance and the Leon Valley Police Department to see large groups, but also if it was found that someone had not paid their fees knowing that they were planning for more than 50 persons, the City would not rent to that renter again.

Following discussion, a motion was made by Councilmember Nelson, seconded by Councilmember Baldrige, to approve the ordinance containing the new park fees as proposed. Upon unanimous vote, Mayor Riley announced the ordinance was approved.

Consider action on M&C # 01-11-10 - a request to authorize the use of the Council Chambers for the March 2, 2010 Primary Election, for the April 13, 2010 Primary Runoff Election, if needed, and for on May 8, 2010 for the Joint General and Other Elections to be administered by the Bexar County Elections Department and to approve moving the Regular City Council Meeting of March 2, 2010 to another date or place. The Primary Election date will conflict with the March 2, 2010 City Council meeting (Feutz).

City Secretary Feutz addressed Council stating that a request from the Bexar County Elections Administrator was received asking for use of the Council Chambers for Election Days for the Primary Election on March 2, 2010, the Primary Runoff Election on April 14, 2010, and for the General and other Elections to be held on May 8, 2010. She explained that continuity of polling locations for our voters was the goal of the Elections' Administrator.

Ms. Feutz also asked Council to consider either moving the date of the March 2, 2010 Regular City Council meeting or the location of the meeting so as not to conflict with the Primary Election Date.

Following a brief discussion, a motion was made by Councilmember Dean, seconded by Councilmember Baldrige, to approve the request to use the Council Chambers for the requested election dates and to more the Regular City Council meeting scheduled for March 2,

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2010 to Monday, March 1, 2010. Upon vote, Mayor Riley announced the motion carried.

Discussion Agenda

Discussion on best use of CIED Funds (Lambert).

City Manager Lambert provided the Council with an overview of the purpose of CPS Energy's Community Infrastructure and Economic Development (CIED) Fund and stating that one of its goals was to expand the economy of the CPS Energy service territory and increase net electric revenues for the economic benefit of CPS Energy and its customers. He stated that we have \$92,338 to be earmarked for a project before the end of January 2010 or the money will be returned to CPS Energy. He explained that he had been meeting with CPS Energy's representative James McAden to look at projects that CPS Energy would consider funding with the CIED funds. Mr. Lambert presented three options that Mr. McAden indicated may be acceptable to CPS Energy for use of CIED funds: replacing wooden utility poles with steel poles at about \$9,000 - \$10,000 per pole with about 3 wooden poles on each corner within 50 feet of an intersection would equal about \$120,00; installing decorative street lights along Poss Road from Bandera Road to Evers Road, but Mr. Lambert stated that the City is about 12 months away from making a decision on where the lights will go on Poss Road at this time; and the final option would be to install decorative lighting along Bandera Road in front of the natural area and Huebner-Onion homestead at varying costs and monthly use rates. Mr. Lambert also presented three views of lamp types that CPS will fund, but he stated that he would check on the pricing and bring more definitive information back to Council at the next meeting for action. He also explained that putting overhead lines underground would cost about \$4,000 per foot and that would be cost prohibitive.

Councilmembers discussed options for delaying use of the CIED funds that are due to expire, obtaining an extension for those moneys, asking for designation of the expiring funds to be used for a project that will be ready next year, and other options that would not commit the City to too definitive of a project until the project specs were fully ready. Councilmembers suggested that the project showcase the City and suggested use of the funds for lighting outside of City Hall. They also asked the City Manager to find out what was the least that could be done to earmark the money to give the City more flexibility.

City Attorney Onion stated that a resolution was needed with the City 's decision on the use of the funds before the deadline. Visiting attorney Ryan Henry, explained that he has had previous experience with CIED funds and that he found that only minor deviations from the project submitted for use of the funds could be made but that the general scope of the project would include specifics such as the number of decorative lights, at what location, for a certain approximate cost must be submitted before the deadline. Mr. Lambert stated that he would bring back three options for Council to consider at their next meeting.

City Manager's report.

A. Update on Hodges Road closure petition

Mr. Lambert reported that he understands that the petitioners are still collecting signatures from property owners and once the City receives a complete petition with all the property owners' signatures, he will bring back the request for Council to consider any action on closing this street.

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B. Election Order for the May 8, 2010 General Election to be presented at next meeting

Mr. Lambert announced that the election order would be presented next meeting.

C. Rabies Clinic - Jan. 16, 2010 from 9 am - noon - Conference Center

Mr. Lambert reminded everyone that the City's Veterinarian would be at the Rabies Clinic on January 16th for vaccinations and residents could get city pet tags at the clinic also.

Citizens to be heard.

Resident Abraham Diaz addressed Council praising the service provided by the Leon Valley Police Department for the out of town program and thanked whoever had trimmed trees on William Rancher. City Manager Lambert announced that CPS Energy has been trimming trees in its right-of-way. Mr. Diaz also encouraged Council to consider a small mid-town Tax Increment Financing before development occurs as a tool to help bring businesses to Leon Valley.

Resident Pedro Esquivel also echoed compliments to the City's Fire and Police Departments. Mr. Esquivel asked for assistance in addressing street and sidewalk repairs in the 6900 block of Forest Meadow following work done by San Antonio Water System's contractors.

Announcements by Councilmembers and Mayor.

Mayor Riley reminded everyone of the following upcoming events:

A. SmartWaySA Meeting - Jan. 27, 2010 at 6:30 pm - Community Center

B. Council Retreat Workshop - Feb. 20, 2010

C. Earthwise Living Day Event - Feb. 27, 2010 from 10am - 2 pm - Community Center

Councilmember Nelson reminded everyone of the next Bandera Road Site Community Advisory Group (CAG) meeting scheduled for 5:30 p.m. at the Community Center on January 28, 2010.

Convene into executive session in accordance with the Texas Government Code, Section 551.071 "Consultations with Attorney" to discuss ongoing litigation from attorney involving The Elijah Group, Inc.

Mayor Riley announced that Council would convene into executive session in accordance with the Texas Government Code, Section 551.071 "Consultations with Attorney" to discuss ongoing litigation involving The Elijah Group, Inc. at 9:04 p.m.

Reconvene into open session and consider discussion and any action as appropriate from executive session.

Mayor Riley reconvened Council into open session at 9:45 p.m. No action nor votes were taken.

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Adjourn.

Hearing no further business or discussion, a motion was made by Councilman Reyna, to adjourn the meeting in memory of Councilman Jack Dean's brother, Jerry Dean. The motion was seconded by Councilmember Nelson. Mayor Riley announced the meeting adjourned at 9:46 p.m.

Mayor Chris Riley

Marie Feutz
City Secretary

Approved by majority vote by City Council at the Regular City Council meeting of Jan. 19, 2010.