

**CITY COUNCIL MEETINGS OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,
TEXAS, MAY 6, 2008**

The City Council of the City of Leon Valley, Texas, met for a Special City Council Workshop on the 6th day of May 2008 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 CITY COUNCIL WORKSHOP - 5:30 P.M.

Call to Order.

Mayor Riley called the meeting to order at 5:30 p.m. and asked that the minutes reflect that the following members of Council were present: Manea, Reyna, Baldrige, and Dean.

City Manager Lambert, City Secretary Feutz, Public Works Director Vick, Assistant Public Works Director Stolz, Interim Development Director Flores, Fire Chief Irwin, Police Chief Wallace, Edward De La Garza and Ayda Gonzalez, City Engineers for Street Maintenance Projects and City Attorney McKamie were also present.

Discussion on street maintenance projects for 2008.

City Manager Lambert addressed Council presenting options for Council to consider in funding and addressing the City's street maintenance program for FY 2008. He presented the options to include: spending \$400,000 of the projected Street Maintenance Sales Tax, but if the taxes do not come in as expected, the City could loan itself from its reserve funds until the tax income is received; using all or part of the \$200,000 budgeted for street maintenance for FY 2008 in the general fund; or using all or part of the \$200,000 that was budgeted for FY 2007, but not spent and saved in the General Fund Reserve. He asked for Council to provide direction as to whether the City should use the funding for routine maintenance using slurry seal on streets to prevent street deterioration or reconstruction for Poss Road.

Councilmember Nelson arrived at the meeting at 5:34 p.m.

Public Works Assistant Director Stolz, reported on the overall street maintenance program and provided a map illustrating the streets addressed during the 1996-2002, the last full cycle of the street maintenance program which completed maintenance on twenty-five (25) miles streets in the City. He explained that the City budgeted \$200,000 annually with a goal of completing maintenance on three to five miles of streets. He noted that the program was put on hold in FY 2007 and had not begun yet for FY 2008. He also presented information on reconstruction of 800 feet of Poss Road, which would cost approximately \$194,800 and, after conferring with the City Engineers, a price of \$350,000 was quoted for reconstructing the entire block of Poss Road from Evers to Bandera Road. Mr. Stolz informed Council that in 2007 asphalt was \$27 per ton and a quote on this date was \$43 per ton. He stated that staff calculates approximately \$10 per linear foot for street maintenance and about \$205 per linear foot for reconstruction. Mr. Stolz provided a timeline of 30-45 days for street project design work, another 60 days for the bidding process, and approximately 90 days for the contractor to complete the work. Staff estimates for street maintenance were \$200,000 and \$400,000 for street reconstruction.

Council discussed their expectation that the streets to be addressed in the street maintenance program would be prioritized by staff. Councilmembers reminded staff that to reconstruct Poss Road during the summer would be a hardship for both the pool visitors at the Grass Valley

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facility and to the park.

Discussion continued using the funding options suggested by the City Manager and using a portion of the budgeted moneys for Economic Development. Council expressed their concerns for delaying the reconstruction of Poss Road, but expressed their support of tackling more of the maintenance of streets in FY 2008 and delaying the Poss Road reconstruction by a year, when traffic trying to avoid Bandera Road construction may be less.

Discussion was summarized with a motion by Councilmember Dean, seconded by Councilman Reyna, to use \$200,000 from the General Fund Reserve from street program moneys not used in FY 2007, \$100,000 from the FY 2008 budget, and \$165,000 from expected Street Maintenance Sales Tax revenue for this fiscal year towards the FY 2008 street maintenance program. Council expressed their intent to also use \$100,000 from the General Fund for Economic Development.

Mr. Stolz stated that staff would begin with city streets that were due for maintenance from the 1996 inventory and move forward until they run out of money this year. He stated that staff would return to Council with budget adjustments for the program budget.

Councilmember Baldrige reminded staff that Poss Road reconstruction should be included in the street program schedule for FY 2009.

Adjourn.

Hearing no further business, a motion to adjourn was made by Councilman Reyna, seconded by Councilmember Dean. Mayor Riley announced the meeting adjourned at 6:30 p.m.

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

Call to order and Pledge of Allegiance.

Mayor Riley called the meeting to order at 7:03 p.m. and asked that the minutes reflect that the all members of Council were present: Manea, Reyna, Baldrige Dean and Nelson.

City Manager Lambert, City Secretary Feutz, Interim Development Director Flores, Fire Chief Irwin, Police Chief Wallace, Animal Control Officer/CEO Webster, and City Attorney McKamie were also present.

Mayor Riley asked Christian and Jonathon Hansen, from Boy Scout Troop 281, to lead the assembled group in the Pledge of Allegiance.

Proclamation to designate the week of May 18-24, 2008, as "Emergency Medical Services Week" (Irwin).

Mayor Riley proclaimed the week of May 18 - 24, 2008 as Emergency Medical Services Week with the theme, "EMS" Your Life is Our Mission" and encouraged everyone to support public safety activities at the Leon Valley Fourth Annual Health and Safety Day to be held on Saturday, May 17, 2008 from 10:00 a.m. - 3:00 p.m. at the Conference Center. Fire Chief Irwin

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thanked Mayor Riley and accepted the proclamation on behalf of his department. He reported on some of the events planned during the Health and Safety Day to include a visit by the San Antonio Airline helicopter.

Presentation of a Certificate of Appreciation to Venture Crew No. 20 member Benjamin Huffman for his work on the Raymond Rimkus Park's Butterfly Garden (Park Commission Chair Huffman).

Mayor Riley presented a certificate of appreciation to Benjamin Huffman, from Venture Crew No. 20, who provided leadership and development of a butterfly garden at the Raymond Rimkus Park. Mayor Riley thanked Mr. Huffman for choosing the butterfly garden in the park for his Eagle project. Photos were shown of the plants and teamwork involved in this park project. Mr. Huffman thanked the Mayor, his parents, the Park Commission, fellow scout crew members and others who helped with donations, time and work to make the project a success.

Proclamation for National Historic Preservation Month - May 2008 (Mayor Riley).

Mayor Riley proclaimed the month of May 2008 as National Historic Preservation Month in Leon Valley and invited the citizens to recognize and participate in special observances for the occasion. She presented the proclamation to Councilmember Irene Baldrige, a member of the Historical Society of Leon Valley. Councilmember Baldrige thanked Mayor Riley and invited everyone to attend an ice cream social to be held with the unveiling of the historic site marker at the Huebner-Onion Homestead and Stagecoach Stop on Sunday, May 18, 2008.

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 from that agenda for further discussion. Hearing no requests, Mayor Riley then asked if anyone in the audience wished to address the Council.

Park Commission Chairman Bert Thomas addressed Council reminding them of the many projects scouts have performed for the City in the Park such as pavers along Huebner Creek to prevent soil erosion, exercise stations along park trails, distance markers along park trails, park signs, painting and maintenance of park bleachers and tables, playground borders, and the butterfly garden. He commended the young people for their service to the community, especially when the public sometimes only hears about negative activities of some young persons. He thanked Mr. Huffman for his service.

Pavona Place resident Jeton Kellogg addressed Council expressing her concern for an increase in criminal activity in her subdivision over the past few years. She stated that she has heard from other neighbors in the neighborhood of several residents who have moved due to these incidents of vandalism and suspected drug use and she asked for an increase to police surveillance. She reported that not all of her neighbors were reporting incidents to the police, and she did commend the police for their response when called. City Manager Lambert encouraged her to form a Neighborhood Watch group in her neighborhood and stated that he and Chief Wallace would be happy to attend her neighborhood's first Neighborhood Watch meeting.

Sawyer Road resident Mary Frances Uptain addressed Council about the number of stray cats

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she is trapping each week and complained about the destruction of wildlife by the stray cats on her property. She expressed her strong opposition to any trap, neuter and release program for the City.

Forest Knoll resident, Fred Cooper, addressed Council stating his opposition to any programs that put stray cats back on the streets once trapped. He stated that penalties must be strong enough to have owners take notice and obey the laws which prohibit animals to run loose in the City.

Pavona Place resident Robert Trout addressed Council expressing his concern about increased graffiti and possible drug use near his neighborhood. He asked the City to provide more patrols and more plain clothes law enforcement officers in his neighborhood.

Pavona Place resident Mary MacCammon addressed Council and also complained of the increased graffiti in the neighborhood and thanked the Police Department for their quick response to calls for assistance.

President of the Animal Welfare Society, Sandee Bowman, addressed Council expressing her support for a trap, neuter and release program and stated that killing cats will not end the problem of strays in the area and stated that the City of Bandera was an example that after three years of a good trap, neuter and release program the stray cat population was not increasing.

Trade and Market Days Chairperson, Nita Lange, addressed Council to report on the next Trade and Market Day to be held on Saturday, May 10, 2008 and invited everyone to attend.

City Attorney McKamie reminded the audience that their City Council appreciates their comments, but that under the Open Meetings Act, the Council cannot make Council responses to the issues brought up during the "Citizens to be heard" portion of the meetings. Mr. McKamie stated that Council can direct staff to look into the situation, but because the issue was not on the agenda, the issue will not be acted upon by the Council at this meeting.

Mayor Riley thanked everyone for their comments and seeing no one else for "Citizens to be heard" portion of the meeting, she asked for a motion to approve the following Consent Agenda:

Consent Agenda

Consider approval of minutes of the Special Council Workshop of April 9, 2008 and Regular City Council Meeting of April 15, 2008 (Feutz).

Consider M&C # 05-01-08 - request to approve appointments to the Steering Committee to work with the American Institute of Architects' Sustainable Design Assessment Team (SDAT) (Mayor Riley).

Consider ordinance to appoint members to the Business Alliance Committee (Mayor Riley).

Consider M&C # 05-02-08 with attached ordinance - a request to approve a budget adjustment for the Fire Department to allow for purchase of EMS

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supplies and equipment from a Texas EMS/Trauma Systems grant in the amount of \$6,396 (Irwin).

Consider M&C # 05-03-08 - a request to approve the donation of surplus equipment to the Texas Forest Service for redistribution to volunteer fire departments in Texas through the VFD "Helping Hands" program (Irwin).

A motion was made by Councilmember Dean, seconded by Councilman Reyna, to approve the Consent Agenda as presented. Upon vote, Mayor Riley announced that the motion and the Consent Agenda items were approved.

Regular Agenda

Public Hearing to consider Replat # 07-109 - a request by Lenny Mazzucca, property owner, to replat approximately 1.00 acres of land being a remaining portion of Lot 23, to new Lots 68 and 69, Block 3, CB 5784, Leon Valley Addition-Lenny's Place Subdivision, in the 6100 block of Sawyer Road (Flores).

Interim Development Director Flores addressed Council stating that Case # 07-109 was a request to replat the remaining portion of Lot 23 to new Lots 68 and 69, Block 3, CB 5784, Leon Valley Addition-Lenny's Place Subdivision, in the 6100 block of Sawyer Road. She stated that the site was an undeveloped, R-1 (Single Family Dwelling) zoned property and that the replat was in substantial conformance. Ms. Flores reported that eight letters were mailed to property owners within 200 feet of the property and no letters were received in favor of or in opposition to the case nor were any letters returned as undeliverable. She stated that there were no variance requests and no outstanding items for the case.

Mayor Riley opened the public hearing at 7:44 p.m. and invited anyone to speak on the case. Hearing no one, she announced the public hearing closed at 7:45 p.m.

A motion was made by Councilmember Dean, seconded by Councilmember Baldrige, to approve Replat # 07-109 as presented by staff. Upon vote, Mayor Riley announced the motion carried and the case was approved.

Public Hearing to consider Replat #08-111 - a request by Raul and Emma Bribiescas, applicant and property owners, to replat approximately 5.733 acres of land from Lots 3 through 10, to new Lots 1 through 20, Block 3, CB 9903, Brisas Estates Subdivision, in the 5300 block of Blackberry Drive (Flores).

Interim Development Director Flores addressed Council stating that the request for Replat Case # 08-111, was a request to replat 5.733 acres being Lots 3-10, Block 3 to new Lots 1-20, Block 3, CB 9903, and establishing the Brisas Estates Subdivision, located in the 5300 block of Blackberry Drive. Ms. Flores reported that this undeveloped site will have new R-7 (Single-Family Medium Density Dwelling) zoning and she reported that the replat was in substantial conformance. She informed Council that there were no requested variances or outstanding items with this case and that 20 letters were mailed to property owners within 200 feet with no letters returned in favor of nor in opposition to the case and none were undeliverable.

Mayor Riley opened the public hearing at 7:48 p.m. and invited anyone to speak on the case.

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Hearing no one, Mayor closed the public hearing at 7:49 p.m..

A motion was made by Councilman Reyna, seconded by Councilmember Dean, to approve Replat # 08-111 as presented by staff. Upon vote, Mayor Riley announced the motion carried and the case was approved.

**Consider M&C #05-04-08 with attached ordinance - to amend City Code, Chapter 4,
"Animals," to establish a Trap/Neuter/Release (TNR) Program for feral cats in Leon Valley
and to authorize the City Manager to enter into an agreement with the City Veterinarian to
manage and organize the TNR Program (Flores).**

Interim Development Director Flores addressed Council stating that the request before Council was a follow-up to the discussion Council heard on April 15, 2008 following a request by the City Veterinarian, Dr. Meier, for consideration of a Trap/Neuter/Release (TNR) program for Leon Valley in collaboration with the Animal Welfare Society (AWS) to decrease the number of cat euthanizations. Ms. Flores stated that under the City's current ordinances, animals are not allowed to run-at-large; however, a section could be added to the Code making an exception for feral cats and specifying requirements for the TNR program. Ms. Flores also reported that the City's Animal Control Officer (ACO) has indicated that the City does not have any feral colonies, but that the City does have a stray cat problem which is nurtured in some areas of the City and not tolerated in others. She added that in the latter areas, the strays are trapped and either euthanized or adopted. Ms. Flores reported that in the month of April 2008, the ACO picked up 28 stray cats. Ms. Flores defined feral cats as cats that roam freely, are unowned, and that are not socialized. She also stated that the AWS was awarded a \$10,000 grant and has \$7,500 available until the end of May 2008 to help Leon Valley establish a TNR programs.

In response to questions from Council, Sandee Bowman from the Animal Welfare Society answered questions on the TNR program.

Animal Control Officer Webster reported that she had spoken with apartment complex managers and they had told her that they do not want stray cats on their premises and Ms. Webster reported that she could not locate the three colonies of feral cats reported to be in Leon Valley by the Animal Welfare Society.

City Attorney McKamie stated that the source of the grant money that is proposed to be used for the TNR program is from a foundation, but that the City has not received a copy of the actual grant. He asked if the grant defined "feral" and stated that the proposed policy would not return the cats to colonies in residential areas. Ms. Bowman, from the Animal Welfare Society, stated that relocation of a colony was not how the TNR program is supposed to operate. Mr. McKamie stated that the City could not accept grant moneys without seeing the grant document and until it could determine the source of the grant funding.

Following Council discussion, a motion was made by Councilman Reyna, seconded by Councilmember Baldrige, to table the issue until the next regular City Council meeting. Upon vote, Mayor Riley announced that the issue was tabled to May 20, 2008.

Discussion Agenda

City Manager's report (Lambert).

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City Manager Lambert reported that interviews had taken place for the new Code Enforcement Officer, and that the new hire should be on board in the next 2-3 weeks. He also reported that there no date had been set for the preliminary visit by the AIA representative for the SDAT project. Mr. Lambert stated that Council would be asked for assistance with the MPO's Walkable Community project in the next few months. He stated that consideration had been given to holding the trail grant and walkable community program meetings at the same time, but that he would provide additional information at a later date.

Citizens to be heard.

Resident Fred Cooper addressed Council stating that his neighbor, Gilbert Sandoval of 5903 Forest Knoll, had asked Mr. Cooper to register his opposition to the trap, neuter, and release program, because Mr. Sandoval was not able to attend tonight's meeting.

Announcements by Councilmembers and Mayor.

Mayor Riley presented a birthday cake to Councilman Manea and everyone sang, "Happy Birthday." Councilman Manea thanked everyone.

Councilmember Baldrige reported on the public meeting held on May 5, 2008 with TxDOT for an update on progress with the Loop 410/State Highway (SH) 16 construction. She reported that TxDOT told everyone that the project is 71% complete and is expected to be completed by June 2009.

Councilmember Nelson reported on the City of Leon Valley's participation in the Helotes Cornyval Parade and complimented the Fire Pup and the Leon Valley Fire Department for their support.

Mayor Riley reported on the Volunteer Appreciation Reception held on Tuesday, April 29, 2008 and thanked Ricardo Ruiz, Jr. and Cha Cha's Restaurant for their sponsorship. She also reported that visitors from the Sister-City of Agropoli, Italy were honored at that reception.

Mayor Riley reported that on May 3, 2008, CPS Energy, the Bexar County Chief Appraiser, and residents of Forest Meadow, Forest Mont, and Forest Ridge met at City Hall to discuss resident concerns about the new CPS Energy monopoles that were put up in their neighborhood which are now 122' tall rather than the previous poles which were only 57' tall.

She reminded everyone of the EPA community meeting to be held on Wednesday, May 7, 2008 at 7:00 p.m. at the Leon Valley Conference Center for an update on the Bandera Road Ground Water Plume Superfund Site.

She also reminded everyone that the Forest Oaks Community Association had scheduled a Crime Prevention meeting at 10:00 a.m. on Saturday, May 10, 2008. Chief Wallace reported that crime reports have increased across the state and he encouraged attendance.

Mayor Riley also reported on the close out of the Beautification Award program and that the recruitment for a new Economic Development Director was continuing. She announced that Council would hold a Special City Council meeting on Thursday, May 15, 2008 at 9:00 a.m. to

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discuss the Director selection.

Mayor Riley announced that the election would be canvassed at a Special Council Meeting to be held at 6:00 p.m. on May 20, 2008 and that a public hearing on the trail grant would be scheduled in the near future.

Adjourn.

Hearing no further business, a motion was made by Councilman Reyna, seconded by Councilmember Dean, to adjourn the meeting. Hearing no objections, Mayor Riley announced the meeting adjourned at 8:43 p.m.

ATTEST:

Chris Riley
Mayor

Marie Feutz
City Secretary

Approved by City Council majority vote at the Regular City Council Meeting of May 20, 2008.