

**CITY COUNCIL MEETINGS OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,
TEXAS, JUNE 17, 2008**

The City Council of the City of Leon Valley, Texas, met on the 17th day of June 2008 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 MEETING - 6:15 P.M.

Call to Order.

Mayor Riley called the meeting to order at 6:15 p.m. and asked that the minutes reflect that the following members of Council were present: Reyna, Baldrige, Dean, and Nelson. She announced that Councilman Manea had an excused absence.

City Manager Lambert, City Secretary Feutz, and Alternate City Attorney Onion were also present.

Convene into executive session in accordance with the Texas Government Code, Section 551.074, "Personnel Matters" to discuss the Economic Development Director selection.

Mayor Riley announced that the Councilmembers would convene into executive session in accordance with the Texas Government Code, Section 551.074 "Personnel Matters" to discuss the Economic Development Director selection at 6:17 p.m.

Reconvene into open session and consider any action as may be appropriate from Executive Session discussion.

At 7:00 p.m., Mayor Riley reconvened Council into open session. She announced that no action was being taken by Council at this time.

Adjourn.

Hearing no further business to come before Council for this Special Meeting, a motion was made by Councilman Reyna, seconded by Councilmember Dean to adjourn. Seeing no objections, Mayor Riley adjourned the meeting at 7:01 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 7:01 p.m. and asked that the minutes reflect that the following members of Council were present: Reyna, Baldrige Dean and Nelson. Mayor Riley again announced that Councilman Manea had an excused absence due to a work meeting out of the city.

City Manager Lambert, City Secretary Feutz, Assistant Public Works Director Stolz, Fire Chief Irwin, Interim Development Director Flores, Human Resources Officer/Assistant City Secretary Caldera, and Alternate City Attorney Onion were also present.

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Mayor Riley welcomed members of the Northwest Vista College's Government Class in attendance at the meeting.

Mayor Riley invited everyone to stand and join her in making the Pledge of Allegiance.

Presentation by representatives from the Texas Municipal Retirement System on changes to the employee retirement system program (Caldera)

Human Resources Officer/Assistant City Secretary Caldera addressed Council and introduced visitors from the Texas Municipal Retirement System (TMRS), who were present to provide an update to the Council on changes being made at TMRS that will affect the City's contribution rate.

Anthony Mills, Regional Manager for City Services from TMRS provided an overview of TMRS, the City's retirement system for its employees. He explained that, this year, TMRS has changed its investment strategies to diversify investments, has changed its actuarial cost method from traditional unit credit to projected unit credits, and changed the amortization period for the unfunded actuarial accrued liability to a closed 30-year period. Mr. Mills also explained that the changes will increase the contribution rate by employers to make sure that the plan is adequately funded for the future. He explained how annually repeating plan features of annuity increases (COLAs) for the City's retirees and the Updated Service Credit (USC) will impact the projected rates for the City. He also explained the features of the City's TMRS plan and noted how the repeating COLAs will impact the City's contribution rate. Mr. Mills assured the Council that the TMRS program was in good shape and that the measures taken by TMRS were proactive steps for prudent returns on their investments. He provided a broad overview of options the City could consider in reviewing their employee's retirement benefit for the future to including a phase-in rate for the increased contribution rates.

Answering questions from Council, Mr. Mills reviewed TMRS plan options that could be changed and methods the City would use to make those changes. He affirmed that any changes approved by the City would become effective prospectively and would not be retroactive. Mr. Mills did however state that stopping COLAs and then a later Council action starting them again will actually bring the annuity increase retroactive to the date of retirement based on a percentage of the Consumer Price Index (CPI) and may thus be more costly than if the City had paid the higher rate now. Additionally, Mr. Price stated that there are no plans for any continuation of the phase-in provision later on.

City Manager Lambert informed Council that during the annual budget review, additional information on how the TMRS changes will affect the City's TMRS plan will be discussed. Mayor Riley thanked Mr. Mills and the TMRS representatives offered to return if Council has more questions in the future.

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. Seeing no one, Mayor Riley asked for a motion to approve the Consent Agenda.

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Consent Agenda

Consider approval of minutes of City Council Meetings of June 3, 2008 (Feutz).

Consider M&C # 06-02-08 - with attached Ordinance - a request to amend City Code Chapter 5, "Signs," Section 5.6, "Signs Not Allowed," and Section 5.14, "Definitions," to address light emitting diode (LED) and static electronic (digital) display signs and providing for signs and providing for penalties of not less than three hundred fifty dollars (\$350) nor more than two thousand dollars (\$2,000)(Flores).

Consider Resolution - Authorizing the filing of a grant application with the Alamo Area Council of Governments (AACOG) for a Regional Solid Waste Grants program grant; authorizing Chris Riley 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 Alamo Area Council of Governments, the Texas Natural Resource Conservation Commission and the State of Texas. The grant request is for \$38,250 for source reduction and recycling (Stolz).

Consider Resolution - Authorizing the filing of a grant application with the Alamo Area Council of Governments (AACOG) for a Regional Solid Waste Grants program grant; authorizing Lanny Lambert, 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 Alamo Area Council of Governments, the Texas Natural Resource Conservation Commission and the State of Texas. The grant request is for \$52,000 for educational and training projects (Stolz).

Consider an Ordinance to appoint members to the Zoning Commission and the Board of Adjustment (Mayor Riley).

Consider M&C # 06-03-08 - a request to approve additional appointments to the Steering Committee for the American Institute of Architects' Sustainable Design Assessment Team (SDAT).

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

Regular Agenda

Consider M&C # 06-04-08 - with attached Ordinance - a request to approve a Budget Adjustment to fund the FY 2008 Special Events Budget for Trade and Market Days (\$3,000) from the General Fund Revenue (Flores).

Interim Development Director Flores addressed Council with a request to approve a budget adjustment from the General Fund Revenue to provide additional advertising moneys for the Trade and Market Days. She explained that the Trade and Market Days Committee had

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already exceeded their FY 2008 budgeted revenues and they expect an additional \$3,000 in revenues before the end of the year. She stated that as June 16, 2008, they had revenue totaling \$23,403, which is almost \$3,000 above the revenues anticipated for FY 2008. She stated that with another Trade and Market Day scheduled before the end of this fiscal year, she anticipated revenue to be even higher.

Trade and Market Day Chair Nita Lange addressed Council and stated that additional funding of \$3,000 is needed for advertising the events through the end of September 2008.

Council questioned how much of the revenue reported was for events that will take place within this fiscal year, but the information was not available. Councilmembers complimented the vendors at the Market Day, particularly the plant vendor and complimented the Committee for meeting and exceeding goals set for this year.

A motion was made by Councilman Reyna, seconded by Councilmember Nelson to approve the requested budget adjustment for \$3,000. Upon unanimous vote, Mayor Riley announced the motion carried to approved the \$3,000 budget adjustments. Mayor Riley thanked Chairman Lange and the entire committee for their efforts.

Discuss and consider M&C # 06-05-08 - a request to authorize skateboarding in the paved drainage ditch along Poss Road, away from pedestrian crossings, during park operating hours (Mayor Riley).

Mayor Riley reported that on June 3, 2008, two residents asked Council for clarification on where children can skateboard in the City. She explained that clarification was needed for both staff and those wishing to use skateboards on where the skateboarding is allowed in the City. Mayor Riley stated that the paved drainage ditch along Poss Road in the Raymond Rimkus Park is a natural attraction for skateboarders and asked Council for their comments on the issue.

Council discussed signage options for the area to insure the safety of pedestrians using the creek area pedestrian crossings. Mayor Riley praised the signage used in Balcones Heights which asked skaters to be respectful of others.

Mayor Riley asked skateboarders in the audience to give Council some information on what they need to skate safely in the city. Cody Carroll, 7134 Tealeaf, addressed Council stating that he and others have been told by police officers and others that they are not allowed to skate in the drainage ditch or in the park because of liability issues. Mayor Riley and City Attorney Onion clarified issues of the recreational youth statute that usually protects the City from liability on park property. Discussion followed between Mr. Carroll and Councilmembers about not skating on park benches, the tennis courts and pavilions and Mr. Carroll stated that permission to skate in the paved drainage ditch and knowing that other areas are prohibited in the park should be acceptable. City Attorney Onion clarified that although an activity is not specifically prohibited in an area, the proposed Council authorization will provide the Police Department with guidance for the future.

Julia Carroll, mother of skater Cody Carroll, addressed Council and stated that she supports Council finding a safe place for the skaters to skate, but also agreed that skaters should stay away from crosswalk.

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City Attorney Onion encouraged Council to consider delineating the areas that skating is permitted. Councilmembers expressed their concerns about people walking along the pedestrian crossings. Mayor Riley encouraged the audience to participate in the planning process of the new San Antonio/Leon Valley joint park at Shadow Mist. She invited everyone to participate in the park planning meetings scheduled in the next few weeks and stated that she would recommend a skateboard park at that location.

Park Commission Uvietta was invited to comment on the subject from the audience. Mr. Uvietta stated that the proposed Park Code being worked on will be returned to Council and will have language addressing skateboarding to include no skateboarding on park benches, pavilions, tennis courts or in conflict with other park uses. Mr. Lambert stated that changes should be ready for discussion at the next Council meeting.

Following continued discussion, a motion was made by Councilmember Baldrige, seconded by Councilmember Nelson, to authorize skateboarding in the paved drainage ditch along Poss Road, away from the pedestrian crossing, during park operating hours until a new Park Code ordinance is brought to Council for their review and consideration. Councilmember Nelson asked that the City Manager provide a list of costs for the last six months for repairs made in the park from damage by skateboarders and to discourage any advertising about a skateboard park. Upon unanimous vote, Mayor Riley announced that motion carried.

Consider M&C # 06-06-08 - with attached Ordinance - a request to amend City Code Chapter 32 "Schedule of Fees", with the addition of a new section, Section 32.1700 "Tree Removal Permit Fee - New Construction" (Flores).

Interim Development Director Flores addressed Council stating that the City's tree ordinance requires a Tree Removal Permit for new residential and for commercial developments, but no tree removal permit fee was approved. She explained that the fee would cover the costs for consultation with applicants, site inspection and photographs, site plan review and permit issuance. Ms. Flores proposed the residential permit fee to be \$60 and the proposed commercial property permit fee to be \$120.

Ms. Flores provided proposed fee and permit comparisons with those of other cities and stated that the City of Leon Valley's proposed fees will be less San Antonio's fees. Councilmember Baldrige recommended that tree trimming permits may be a good idea to consider as a tool to control oak wilt.

A motion was made by Councilman Reyna, seconded by Councilmember Dean to approve the ordinance as requested. Upon unanimous vote, Mayor Riley announced the motion carried.

Consider Ordinance - a request to appoint members and alternates to the Business Alliance Committee, and members to the Leon Valley Stormwater Management Committee, Community Events Committee, Library Board of Trustees, Trade and Market Days Committee, Leon Valley Earthwise Living Committee and the City Park Commission (Mayor Riley).

Mayor Riley presented a listing of volunteers who have agreed to be considered for reappointment and those who do not wish to be reappointed. She encouraged councilmembers to assist with recruitment of additional members for the Trade and Market Days Committee.

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Mayor Riley announced that the CNPC appointments were not listed on the ordinance, as the committee was a new, ad hoc committee. She announced that appointments are considered conterminous with the Mayor and asked for any recommendations from the Council.

Following brief discussion, a motion was made by Councilman Reyna, seconded by Councilmember Dean, to approve the ordinance appointing members as presented. Upon unanimous vote, Mayor Riley announced that the motion carried. Mayor Riley thanked all the volunteer committee members and thanked them for being the bedrock of the community.

Discuss and consider nominations to fill vacancies as voting members on the South Central Texas Regional Water Planning Group (RWPG)(Lambert).

Mayor Riley reminded everyone that this issue was on the agenda for discussion at the last meeting. The City Manager stated that he had not been able to contact Mr. Tome as recommended by the City Council at the last Council Meeting.

A motion was made by Councilmember Baldrige, seconded by Councilmember Nelson, to submit the name of resident Robert Tome to be a nominee for the South Central Texas Regional Water Planning Group, contingent upon Mr. Tome's acceptance. A motion was made by Councilmember Baldrige, seconded by Councilmember Nelson, to amend the motion without the contingent clause.

Mayor Riley called for a vote on the amendment. Upon vote, Mayor Riley announced the motion carried for the amendment. Mayor Riley then called for a vote on the amended motion. Upon unanimous vote, Mayor Riley announced the amended motion carried.

Discussion Agenda

Report from the Citizens Neighborhood Progress Committee (CNPC) on the recommendations from the joint meeting between the Business Alliance Committee (BAC) and CNPC for a 1/4 of one cent Sales and Use Tax to promote Economic Development (Nancy Marin, CNPC Chair).

CNPC Chair Marin addressed Council reporting that the BAC and the CNPC held a joint meeting on June 5, 2008 to discuss economic development. She stated that the two committees reviewed the City's strategic plan goals, action plans, declining sales tax records, and mission for economic development set for the City. She informed Council that the CNPC and the BAC recommend that City Council consider and vote for an election to be called for November 2008 for funding of eligible 4B economic development projects with an 1/4-cent Economic Development sales tax, under Section 4B. She reviewed recommendations for broad ballot language and reviewed the time line the committees are working under to have the proposition on the November 4, 2008 election ballot. Ms. Marin outlined the amount of sales tax lost based on using the amount of sales tax received in 2002 (\$2.04 million) versus a reduction each of the following six years of between \$1.57 million - \$1.74 million.

Councilmembers expressed their concerns of a sales tax rate that would increase Leon Valley's sales tax rate to more than that of the City of San Antonio and their concerns about raising sales tax when food and gas costs were also increasing. Mayor Riley expressed her concerns

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about a new business tax just now in effect and that she would like to see more specific projects for the tax use listed and proposed having the SDAT project help with the economic development issue. Discussion continued about any sunset option for the 4B sales and use tax and whether broad language on the ballot allowed the City better use of the tax versus itemizing specific projects, and the need to hear from the public about ideas for projects to consider for this sales tax. Councilman Reyna reminded everyone that the majority of people who are paying sales are not Leon Valley residents and stated that 87% of the funds collected in sales tax in Leon Valley are paid by shoppers who do not live in Leon Valley.

Council discussion followed and Ms. Marin agreed to bring back possible ballot language for consideration at the next City Council meeting with a public hearing. Ms. Marin also asked for City Council to provide their input on ideas for ballot language for the sales tax issue. Councilman Reyna recommended that Joe Newman from Bastrop be asked to make an educational presentation on economic development sales tax use to provide more information on the use of the economic development sales tax.

Business Alliance Committee Chair Mike Davis addressed Council expressing the support of the Business Alliance Committee for the 4B sales tax initiative as a way to address economic development in Leon Valley. Mr. Davis also stated that a sunset provision is built into the actual tax law based on what projects the City decides will be funded by this sales tax.

Citizens Organized for Economic Development (COED) member Rudy Garcia addressed Council asking for their support in calling for the 4B sales tax election. He stated that surveys done by the CNPC committee in 2007 listed many good projects that the City could address with the additional funding from this sales tax.

Mayor Riley thanked everyone for the discussion.

City Manager's report (Lambert).

A. Financial Report for May 2008

Mr. Lambert reported that sales tax has decreased 3.6% and he informed Council that budget adjustments will be presented to Council in the next month. He predicted that an increase in water sales for the upcoming dry summer and noted that Conference Center rentals were significantly increased from 2007.

Mr. Lambert also advised Council that the Stormwater Management implementation ordinance will be coming to Council in July with new fees to be added on water bills. He told Council that the fees are now predicted to be lower than originally anticipated but suggested that Council may consider phasing in the new fees. He did state that no official notice has been received of acceptance of the City's proposal for stormwater management, but that notice is expected to arrive soon.

He also informed Council that Mr. Stolz had presented the request for grant funding for the Poss Road pedestrian bridge to the County Commissioner's Court and the application was approved to be forwarded for further consideration.

B. Update on AIA preliminary visit for the SDAT program

Mr. Lambert reminded Council of the agendas posted for the meetings with the visitors

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from the American Institute of Architects who will be preparing for the Sustainable Design Assessment Team to come later this year. Meetings will begin at 1:30 p.m. on Wednesday, June 18, 2008 and end late in the morning of June 20, 2008. He reminded everyone of the public meeting to be held on Thursday, June 19, 2008 at the Conference Center. He also reminded Council that they would be meeting the full Steering Committee at their dinner/meeting on Wednesday, June 18, 2008.

C. Street Maintenance Sales Tax proceeds update

No update was provided.

Citizens to be heard.

Resident Mike Davis publically thanked the CNPC for their work on the sales tax election issues and asked that the CNPC be made a regular city committee.

Announcements by Councilmembers and Mayor.

Councilmember Nelson reminded everyone that on June 20th and 21st, Leon Valley will be featured on the KLRN Annual Blazing Gavels Fundraiser and welcomed everyone to watch, bid and help.

The City Secretary announced information about the November 4, 2008 election date. She stated that Bexar County is asking for ballot heading language by July 9, 2008 and final ballot language, with Spanish translation, by August 26, 2008. She also reported that early voting may not be at the Kinman House this time, but it looked like there will be voting on Election Day for some precincts at City Hall, as in the May 2008 election.

Mayor Riley reported on articles she has given Council on sustainability for the future of our community. Mayor Riley also announced that Mary Green has contacted her stating that the Agropoli community is hoping that members from the Leon Valley community will be interested in being part of a trip to our sister-city in Agropoli, Italy between May 20, 2008 - June 1, 2008.

Mayor Riley led the audience and Council in Happy Birthday wishes for Councilmembers Nelson and Dean and presented birthday cakes to both members of Council.

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 10:10 p.m.

ATTEST:

Chris Riley
Mayor

Marie Feutz
City Secretary

Approved by unanimous vote of City Council at the Regular City Council Meeting of July 1, 2008.