

REGULAR CITY COUNCIL MEETING OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, JULY 7, 2009.

The City Council of the City of Leon Valley, Texas, met on the 7th day of July 2009 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 - 7:00 P.M.

Call to order and Pledge of Allegiance.

Mayor Riley called the Regular City Council Meeting to order at 7:00 p.m. and asked that the minutes reflect that the following members of Council were present: Garcia, Baldrige, Dean, and Nelson. Mayor Riley announced that Councilman Reyna had business out of town and was given an excused absence from tonight's meeting.

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

Mayor Riley asked visiting Boy Scout Brandon Fulmer, from Troop 685, to lead the assembled group in the Pledge of Allegiance.

Presentation for Good Neighbor Award to Roger Christensen (Mayor Riley).

Mayor Riley read a letter she had received from a resident notifying her of a "Good Neighbor Deed" that was deserving of recognition. Mayor Riley presented a Good Neighbor Award to citizen Roger Christensen and thanking him for his generous donation of supplies and expertise to install a drip irrigation system for the Raymond Rimkus Park's butterfly garden.

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 requests, Mayor Riley then asked if anyone in the audience wished to address the Council, and provided a brief explanation of the purpose of the "Citizens to be heard" portion of the meeting.

City Attorney Onion stated that the Attorney General had opined that it was improper for City Council to respond to ad hoc comments made by citizens during a meeting under the rules of the Open Meetings Act. He stated that Council's lack of response to citizens' comments during this portion of the meeting did not reflect any disinterest by the Council.

Resident Al Baldrige addressed Council giving a tribute to the Mayor's personal qualities that have led to accomplishments under her leadership over the last five years. He highlighted accomplishments of the Mayor's terms of office thus far and pledged his continued support.

Resident Ricardo Ruiz addressed Council as a member of the Leon Valley business community and as a resident, recommending Council consider adding interesting lighting under the Loop 410 elevated access ramps, similar to colorful lighting by Commerce Street, that would provide

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an interesting and inviting entrance to the City for tourists and visitors. He also recommended digital marquees at the entrances to the City and especially at both sides of Loop 410 under the elevated Loop 410 ramp to announce special events in Leon Valley as the marquee in front of City Hall was difficult for drivers to read and did not always attract outside visitors to Leon Valley for events.

Carlos Gutierrez of Modern Woodmen of America addressed Council stating that his company provided insurance and financial services as a nonprofit fraternal organization that gives back to its community. He proposed that the City's goals of "El Verde by 2020" may benefit from their Plant a Tree Program as he has almost 300 members in the Leon Valley area and each member can get a free tree seedling annually. He explained that Bandera, Texas had a similar program with his company. The City Manager invited Mr. Gutierrez to attend the first meeting of the new Tree Advisory Board on July 14, 2009 at 6:30 p.m.

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

Consent Agenda

Consider approval of the minutes for the Special City Council Workshop Meeting and the Regular Council Meeting of June 16, 2009 and Special City Council Workshop of June 27, 2009 (Feutz).

Consider action on M&C # 07-01-09 - a request to approve continuation of the cooperative agreement between the City of Leon Valley and the Department of Justice's Drug Enforcement Administration (DEA) for participation in the State and Local Task Force (Chief Wallace).

Consider action on M&C # 07-02-09 with attached ordinance - a request to adopt the San Antonio Area Emergency Services Mutual Aid Agreement Version 2 - a revised reciprocal mutual aid agreement (Chief Irwin).

A motion was made by Councilmember Baldrige, seconded by Councilmember Nelson, to approve the full Consent Agenda, as listed above. Upon vote, Mayor Riley announced that the motion carried and that all Consent Agenda items were approved.

Action Agenda

Consider action on M&C # 06-08-09 with attached ordinance - a request by Ricardo Ruiz, property owner, for a variance to City Code of Ordinances Chapter 3 "Building Regulations", Section 3.05.003 (a) "Dimensions and Appearance - Residential Fences" to allow an eight foot (8') privacy fence at 5661 Poppy Seed Run. This agenda item was tabled to this meeting from the Regular City Council Meeting of June 16, 2009 to hear further information from the property owner. (Flores).

Community Development Director Flores addressed Council stating that the variance requested was to allow an eight-foot (8') high privacy fence on a residential property. She explained that the current code allows only a six-foot fence height maximum and noted that there were no similar variances in the area but that residents in the area were polled and four residents sent

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written notices that they had no objections to the eight-foot fence and there were no residents who presented any objections to the proposed fence. Ms. Flores noted that Mr. Ruiz's request stated that due to the elevation of his property and existing retaining walls, he does not enjoy the privacy that his neighbors enjoy with their six-foot fences. Photos of the yard and fence area were shown to Council and Mr. Ruiz was present at the meeting to answer any questions.

A motion was made by Councilmember Dean, seconded by Councilmember Baldrige, to approve the requested variance. Upon unanimous vote, Mayor Riley announced the request was approved.

Council to consider action on a request from the Historical Society of Leon Valley to authorize City funding of up to \$1,000 from the Tree and Land Reserve Fund to make trail safety and stabilization improvements on approximately 80 yards of trail in the Natural Area. This agenda item was postponed from the June 16, 2009 Regular City Council Meeting Agenda (Al Uvietta/Brandon Fulmer).

Leon Valley Historical Society member Al Uvietta provided an introduction to the project stating that serious erosion has had a negative impact on portions of the trail. He proposed a stabilization project for those affected trails that would make the trails safe again for hikers in the Natural Area. He stated that surface water control with trail thread grade reversals and modifications to the trail thread slope and natural drainage channels will be considered in the stabilization project. Mr. Uvietta described the process to be used to allow water to flow across the trail that will minimize future trail erosion. Mr. Uvietta stated that the project has the approval of the Historical Society President, and that the project did not appear to be in conflict with the Historical Society's lease with the City. He stated that Scout Brandon Fulmer would present additional information on the project work, but that funding support was needed from the City up to \$1,000 for the purchase of project materials. He also noted that as part of the Eagle Project, Scout Fulmer would provide approximately 22 Scouts to perform the stabilization construction and Mr. Uvietta and Park Commissioner Cooper would provide supervision and guidance during the project.

Resident and Scout Brandon Fulmer stated that trail erosion was destroying more than eighty yards of the trail and that with his project's proposed improvements, the trail would be made safer for Natural Area visitors and the stabilization project would help eliminate future erosion to the trail. He presented an overview of the work involved for the project and reiterated the need for financial support from the City. He stated that he proposed for the project to be completed within the month and work to begin on Saturday, July 18th.

City Manager Lambert explained that funding was available from the Tree and Land Reserve Fund, a fund established from the SAWS reimbursement money to the City for trees removed from the Natural Area in the past.

Following discussion, a motion was made by Councilman Garcia, seconded by Councilmember Nelson, to approve funding of up to \$1,000 from the Tree and Land Reserve Fund. Upon unanimous vote, Mayor Riley announced that the request was approved.

Councilmembers thanked Scout Fulmer for his project and wished him luck. Mr. Uvietta thanked Council for their support.

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Public Hearing to consider M&C # 07-03-09 with attached ordinances - a request to amend City Code of Ordinances 1). Chapter 8, "Offenses and Nuisances," to add new Article 8.010, "Residential Rental Registration and Inspection" and prescribing a penalty of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) and 2) to amend Appendix A " Fee Schedule", to add new Section A8.019 "Residential Rental Registration and Inspection Fees (Flores).

A. Presentation and Public Hearing.

Community Development Director Flores addressed Council explaining that the proposed amendments to the City's Code of Ordinances will help the City respond to the needs of an aging housing stock with the goal of preserving and improving rental properties and neighborhoods in the City with regulations that will ensure that property owners and managers maintain rental properties to proper standards. Ms. Flores explained that the new "Residential Rental Registration and Inspection" regulations would require absentee and local landlords to correct violations and to maintain rental properties by requiring a registration of all rental properties. She stated that the property inspections would require the properties to meet city and state safety, health, fire and zoning codes prior to allowing any tenants moving in. She explained that the water connection will be tied to the inspection of rental units and Code Enforcement will use the National Property Code standards for those inspections. Ms. Flores explained that fees charged for the registration would cover the initial inspection, but that reinspections that don't meet inspection requirements will result in higher reinspection fees. Ms. Flores reported that the Zoning Commission supported the new registration requirements as it will hold people accountable and maintain property values and ensure safety and presentable appearance of rental housing stock.

Discussion from Council expressed concerns about the detail of the inspections, the frequency of inspections, any interference between the landlord and tenant relationship, and how the new regulations will affect new construction multi-family units.

City Manager Lambert noted that the proposed rules were from existing programs in another local city, but he noted that landlords were not happy with the new regulations. He noted that the proposed Code to be used as the basis for our inspections was the same code used by HUD as minimum housing standards in the United States for life and safety standards. Mr. Lambert stated that this effort supports the city's work to improve its aesthetics and only addresses rental units; later the City will be asked to consider regulations that will address non-rental units that are deteriorating in our neighborhoods.

Mayor Riley opened the public hearing at 8:10 a.m. and asked if anyone in the audience wishes to address Council on this subject.

Resident Darby Riley asked for an explanation of the escalating fee schedule for reinspections. Ms. Flores indicated that after the initial inspection's first reinspection, the escalating fees penalize property owners who do not correct deficiencies noted in the original inspection.

Resident Ricardo Ruiz asked about consideration of a tier system for monthly renters.

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Resident Hubert Lange complimented the Council for taking this step that will address accountability of rental properties in the City.

Hearing no one else, Mayor Riley announced the close of the public hearing at 8:17 p.m.

B. Council to consider action on request

A motion was made by Councilmember Baldrige, seconded by Councilmember Dean, to adopt Ordinance No. 09-031, amending Chapter 8 "Offenses and Nuisances," by adding new Article 8.010, "Residential Rental Registration and Inspection." Upon unanimous vote, Mayor Riley announced the motion carried.

A motion was made by Councilmember Dean, seconded by Councilmember Nelson, to approved Ordinance 09-032 which amends Appendix A "Fee Schedule" to add Section A8.019 "Residential Rental Registration and Inspection Fees." Upon unanimous vote, Mayor Riley announced the motion carried.

Consider action on M&C # 07-04-09 - a request to by KENS 5 Television for a waiver of the fees prescribed in the City Code of Ordinances, Appendix A "Fee Schedule", Article A8.000, "Building and Construction Related Fees," for a Mi Casa Make Over at 7235 Grass Valley Drive (Flores).

Community Development Director Flores addressed Council stating that the waiver requested by KENS 5 Television was for all building and construction related fees for a MiCasa Make Over at 7235 Grass Valley Drive. Ms. Flores stated that the contractors who perform the work for a make over project do so without compensation and in exchange for waiving the fees, the City would receive public acknowledgments on Great Day SA as a sponsor. She estimated that the estimated revenue loss to be \$240.

KENS 5 representative Karen Swartzendruber reiterated the request for support from the City and praised the deserving recipient who will benefit from the project.

A motion was made by Councilmember Dean, seconded by Councilmember Baldrige, to approve the request. Upon unanimous vote, Mayor Riley announced the request approved.

Consider action on M&C # 07-05-09 with attached ordinance - a request to repeal and replace City Code of Ordinances, Chapter 13 "Utilities", Article 13.11 "Water Conservation and Drought Management", Section 13.11074 "Demand Reduction Measures", Section 13.11.075 "Emergency Water Use Reduction", Section 13.11.076 "Penalty", Section 13.11.077 "Variances", and Appendix A "Demand Reduction Measures Table" and creating new Section 13.11.074 "Demand Reduction Measures", new Section 13.11.075 "Variances", and new Section 13.11.076 "Penalty" which provides for a penalty of not less than twenty -five dollars (\$25.00) and not more than two thousand dollars (\$2,000.00) for violations (Stolz).

Assistant Director of Public Works Stolz addressed Council stating that water conservation and drought management code changes were needed so that the City's water restrictions would be comparable with those of San Antonio Water System (SAWS), as it has been in the past fifteen years. He stated that it makes sense for Leon Valley to be consistent with SAWS to help Leon Valley benefit with SAWS's publicity on water stages, help the one-third of our citizens remain

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in conformance with Leon Valley and SAWS rules, and helps Leon Valley meet Edwards Aquifer Authority rules to meet pumping restrictions. Mr. Stolz explained that he is required to submit monthly pumping reports and if Leon Valley fails to meet the pumping restrictions, the City will be fined by the State.

Following discussion, Council agreed that the City of Leon Valley should synchronize the start of implementation of demand reduction measures with SAWS start times. It was recommended that signs be installed to indicate that the City is using recycled water in the park and that measures be taken to notify the public of the water restriction limitations.

A motion was made by Councilmember Dean, seconded by Councilmember Nelson, to approve the repeal and replacement of code sections that address "Water Conservation and Drought Management" as requested. Upon vote, Mayor Riley announced the motion carried.

Consider action on a request from Joel Katz for recognition of vested rights under Chapter 245 of the Local Government Code for a project to be developed at 6900 Bandera Road (City Attorney).

City Attorney Onion explained that a request was made of Council to recognize "vested rights" as of December 18, 1973, for a commercial land use on a 6.24 acre tract of land based upon the approval of the plat entitled the "H.E.B. Leon Valley Shopping Center Plat, and its amending plat "H.E.B. Leon Valley Shopping Center Replat". He reminded Council that this request was submitted because the property owner objected to landscape requirements during new construction on his property at 6900 Bandera Road. Mr. Onion explained what "vested rights" means and what was entailed in Mr. Katz's request. He explained that Council must either vote to recognize or to deny the request from Mr. Katz. Mr. Onion stated that as legal counsel, they recommend the request be denied.

Ms. Flores confirmed that Mr. Katz had submitted landscape plans that now meet city requirements, since the time Mr. Katz first submitted his request for "vested rights" recognition.

A motion was made by Councilmember Dean, seconded by Councilmember Baldrige, to deny the vested rights request as presented. Upon unanimous vote, Mayor Riley announced the motion carried.

Consider action on M&C # 07-06-09 - a request to authorize the City Manager to negotiate a contract for a fair and reasonable fee with a selected firm/team to provide planning and development services for a Redevelopment Master Plan (Lambert).

Mayor Riley announced that the evening before, City Council heard presentations from six teams for professional services for a Redevelopment Master Plan and Council voted to have the City Manager negotiate with the top team, the Halff and Associates Team, for a contract to develop a plan for the first step, an overlay district of commercial properties before the end of the moratorium. Therefore, she stated that no action would be taken on this agenda item.

Discussion Agenda

Discussion on REVISED Poss Road construction plans with City Engineers (Engineers Gonzalez/De la Garza).

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Engineer De la Garza presented information on the Poss Road proposed construction project by reporting on the results of geotechnical information testing provided by Arias & Associates. Mr. De la Garza presented options for Council to consider to address reconstruction and improvements for Poss Road from Evers Road to Bandera Road. He stated that the preliminary costs quoted in March 2009 for Option #1 would cost \$1,999,234 and included design enhancements, tree preservation, engineering fees and actual street and drainage construction costs. Mr. De la Garza stated that in new cost estimates after the geotechnical information are as follows:

Option # 1 - for reconstruction of 2,600 feet of Poss Road:	\$ 1,497,272
Option #2 - reconstruction 1,020 feet of Poss Road:	\$ 617,834
Option #3 - reconstruct 15 ft X 450 ft, and overlay	\$ 491,907
Option #4 -2600 feet overlay on Poss Road	\$ 415,059

Mr. De la Garza stated that mill and overlay estimates in Options #3 and #4 were considerably lower but would not last as long as full reconstruction and may not meet the City's sustainability goals. He discussed pavement reclamation with the use of the City's Zipper machine, and using public works personnel dedicated to exclusively working for this project on Bandera Road and the price would be \$270,000 for the project, but he explained that cost was just reconstructing the twelve inches of pavement and not addressing any curbs, landscaping or drainage issues.

Mr. De la Garza stated that the first options with engineered reconstruction should last for 20 years and that slurry seal only covers like a bandaid and does not improve the pavement structure. He presented pros and cons of the options presented.

Council discussion the City's funding limitations, FEMA issues that will need to be addressed, construction timing, use of CIED funds for decorative lighting on Poss Road, and the length of time overlay will last on Poss Road.

Discussion reached a consensus by Council asking for a professional survey to be done to address drainage easements, right-of-way limits, and then the City may consider patch and slurry seal improvements until Poss Road discussion with the master redevelopment can be finalized. Mr. De la Garza estimated that it would take 45 days to get the survey done and report back to Council with those results.

Discussion on City Contracts with 2009 and 2010 contract end dates (Lambert).

City Manager asked for Council input for direction on the three contracts listed below that will expire in the next six months.

A. City Attorney Contract

Mr. Lambert stated that the current contract ends September 30, 2009 for legal services with the McKamie Law Firm.

Councilmembers discussed their satisfaction with the McKamie Law Firm's services and discussed considering negotiating to continue services with the McKamie Law Firm or to appoint a negotiating team for the project. Councilmembers Nelson and Garcia asked that, since the City Attorney contract was not expired, any further discussion on this contract for the City Attorney be delayed until the next City Council meeting when

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Councilman Reyna could be present. Council agreed that since only the Website Management contract is expired, they would delay further direction on this subject until the next Regular City Council meeting.

B. Website Management Contract

Councilmembers discussed with staff the status of any existing contract, the costs for the website services, and when Mr. Manea took over managing the website. Staff explained that the previous website manager was paid \$189 per month and that he had exercised his 60-day out clause in his contract to end the contract effective mid-late May 2009. The City Manager stated that the City received a proposal from Mr. Manea for website maintenance of \$1500/month.

Mr. Manea stated that the old website was not working and that he had brought up the new website on May 5, 2009 after totally redesigning the main website and it accompany secure website for employee benefits. He stated that maintaining the website takes considerable work and the City, under its previous contract, was not paying enough for the amount of work that needed to be done for a website as large as their current site.

Council discussed their appreciation for all the work volunteered by Mr. Manea but expressed their wish to proceed with requesting proposals. City Manager asked Council to consider opening negotiations with Mr. Manea for a better proposal for services so that the site work already done could continue. Council also discussed a possible conflict of interest issue that the City Attorney will clarify regarding a complimentary retreat provided by Mr. Manea's business for Council in June. They commented on the fact that they were not aware that Mr. Manea would be submitting a proposal for them to consider when they accepted the retreat benefit.

C. Municipal Solid Waste Collection and Transportation Agreement

City Manager Lambert explained that the contract with Waste Management is a two-year contract due to expire the end of December 2009. Mr. Lambert reminded Council that with the bid process last time, Waste Management increased their rates. Waste Management representative Albert Perez has stated that the company has agreed to offer a two-year contract continuation option, and include no increase in current rates through the first year of that contract extension. Mr. Perez stated that the Waste Management is paying \$35/ton to drop off refuse at the recycling center to be recycled; therefore, the company is working to see if an agreement can be reached to partner with the City of San Antonio for recycling. Mayor Riley asked if there would be options for smaller bins for Seniors, and Mr. Perez stated that Waste Management could tailor the program to meet the City's needs, such as a 65-gallon waste receptacle. It was agreed to also wait for further discussion on this contract until the July 21, 2009 City Council meeting.

City Manager's report (Lambert).

A. Proposed FY 2010 City Budget to be distributed to Council with calendar of budget meetings.

City Manager Lambert briefed the Council on the FY 2010 Budget Message to present a balanced budget and stated that no ad valorem tax increase is planned, but to do that there would be no employee pay increases for merit, COLA, or longevity. He reported an

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anticipated increase in property and liability insurance rates as well as increases in health insurance rates. He reminded Council that sales tax income continues to decline and he anticipates a decline in interest rates on investments and a decline in building permits and other city income. Mr. Lambert reviewed items not funded in the FY 2010 budget and stated that the Stormwater Program was not included in the proposed budget. He informed Council that all capital improvement requests have been suspended for FY 2009 and in FY2010 as a cost saving measure because the City was anticipating a \$300,000 revenue deficit over what was budgeted this year. Mr. Lambert reviewed the capital projects suspended in both FY 2009 and FY 2010. He reminded them that the FY 2010 budget would be fully discussed on Saturday, July 11, 2009 at 8:30 a.m. at the Budget Workshop, a meeting open to the public.

B. Update on Drought Management - Stage for Water Restrictions.

Mr. Lambert reminded everyone that the City remains under Stage II watering restrictions, but when the aquifer well level reaches 640, Stage III restrictions begin.

C. CPS Energy Franchise Agreement Meeting - June 30, 2009.

The City Manager reported on a meeting held June 30th with seven other cities to explore the benefits of negotiating as a group for higher franchise fee rates with CPS Energy. He stated that cities will ask for changes in their current agreement such as: alternative energy savings, street light costs, and restructuring the CIED fund program. He stated that AACOG will be asked to assist with negotiations.

D. Updates on ordinances involving weeds and junked vehicles.

The processes for resolving complaints of tall weeds and junked vehicles were reviewed for Council. The Community Development Director provided a calendar illustrating how a weed complaint proceeds through the City's inspection and resolution process including property owner notifications, inspections, and issuance of municipal court citations. Chief Wallace provided information on the legal requirements to abate a "junked vehicle," explaining the requirements that must be met before a vehicle can be declared "junked vehicle" and explaining how the "junked vehicle" is removed.

E. Update on reports of accidents at Poss and Evers Road intersection

City Manager Lambert reported that Chief Wallace has investigated the accidents reported to the Leon Valley Police Department for the intersection of Poss and Evers Roads; he reported a total four motor vehicle accidents on Poss Road since October 1, 2008 with only two of those at the Poss and Evers Road intersection.

F. Annual Report.

City Manager Lambert presented each member of Council with a copy of the Annual Report for FY 2008. He explained that weekly and monthly reports would be coming regularly to the Council so that Council could be informed of staff's work. He reported that after hearing that citizens have complained about not reaching anyone at City Hall when calling, he requested a daily count of calls coming into City Hall and that report would also be coming to Council.

G. Departmental Reports - May 2009 Monthly Reports

Monthly reports of department activities and accomplishments for May 2009 were provided by each Department Director from the Offices of the City Secretary, the Finance

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Department, the Community Development Department, the Economic Development Department, the Fire Department, and the Library.

Before reports were heard from the Public Works and Police Departments, Mayor Riley and Council agreed, even though the entire agenda was not heard, the meeting should be adjourned as the hour was so late.

The following agenda items were not considered or heard at this meeting:

16. H Grant writing status report (Word)
17. Citizens to be Heard
18. Announcements by Councilmembers and Mayor.
19. Convene into executive session in accordance with the Texas Government Code, Section 551.072 "Deliberations about Real Property" to discuss land acquisition options.
20. Reconvene into open session and consider discussion and any action as appropriate from executive session.

Adjourn.

A motion was made by Councilmember Dean, seconded by Councilman Garcia to adjourn. Mayor Riley announced the meeting adjourned at 11:45 p.m.

Chris Riley
Mayor Chris Riley

ATTEST:

Marie Feutz
City Secretary

Approved by unanimous vote of City Council at the Regular City Council Meeting of July 21, 2009.