

REGULAR CITY COUNCIL MEETING OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, OCTOBER 16, 2007 AT 7:00 P.M.

The City Council of the City of Leon Valley, Texas, met for a Regular City Council Meeting on the 16th day of October 2007 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 meeting to order at 7:00 p.m. and asked that the minutes reflect that the following members of Council were present: Manea, Reyna, Baldrige, Dean and Nelson.

City Manager Lambert, City Secretary Feutz, Fire Chief Irwin, Police Chief Wallace, City Accountant Wallace, Community Development Director Smith, Public Works Director Vick, Public Works Assistant Director Stolz, HR Officer/Assistant City Secretary Caldera, Administrative Assistant Gomez, Special Events Coordinator Dominguez and City Attorney McKammie were also present.

Mayor Riley welcomed Boy Scouts from Troops 911 and 536 who were present in the audience. She asked representatives the Boy Scouts to lead the Pledge of Allegiance.

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 one, she then asked if anyone in the audience wished to address the Council.

Boy Scout Leader Forest Campbell of Troop 911 presented a plaque to Mayor Riley and the City Council in appreciation for the support they have provided to Troop 911. He thanked the Council for answering troop members' questions and for hosting the troop at Council meetings. Mayor Riley thanked Troop 911 for the plaque.

Resident Laura Cardenas, of 5903 Seneca Drive, addressed Council stating that she was presenting a petition from residents in her subdivision. She stated that the residents were opposed to changing zoning in their subdivision from R-1 (Single Family Dwelling) zoning to a more dense dwelling zoning district and were also opposed to changes in lot size in their subdivision. She stated that more than 75 residents had signed the petition being presented and asked Council to say "No" to additional R-6 zoning by amending the Master Plan and removing all suggestions that recommend zoning other than R-1 in Seneca West. The petition was given to the Mayor who asked Community Development Director Smith to review the process in considering the petition being submitted to Council.

Seeing no one else, Mayor Riley asked for a motion on the Consent Agenda.

Consent Agenda

Consider approval of minutes of the Regular City Council Meeting of October 2, 2007 (Feutz).

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Consider M&C # 10-01-07 - a request to approve a Budget Adjustment for FY 2007 rollover for ambulance purchase (\$141,050)(Irwin).

Consider M&C # 10-02-07 - a request to approve a Budget Adjustment for FY 2007 rollover for completion of codification services (\$7165.00) (Feutz).

Consider approval of the "Annual Investment Report for the Period of October 1, 2006 - September 30, 2007" (V. Wallace).

Consider approval of the Quarterly Investment Report - July 1, 2007 - September 30, 2007 (Wallace).

Consider M&C # 10-03-07 with attached Resolution - annual review and revisions to the City Investment Policy (V Wallace).

Consider M&C # 10-04-07 - a request to authorize the City Manager to sign the inter-local agreement with Bexar County for the FY 2007 Community Development Block Grant Program for ADA curb and sidewalk improvements (Stolz).

Consider Resolution appointing members to the Bandera Road Site - Citizens Advisory Group (Mayor Riley).

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

REGULAR AGENDA

Public hearing to consider M&C # 10-05-07 - a request from Forest Oaks Community Association (FOCA) for a partnership agreement on tennis court operations (Lambert).

Mayor Riley gave a short synopsis of the request before Council stating that the original request was heard in September 2007 and was referred to the City Park Commission.

City Park Commission Chair Bert Thomas addressed Council stating that at its last meeting, the Park Commission recommended against the City assuming responsibility for repair and maintenance of the additional FOCA tennis court. He stated that the two tennis courts at the Raymond Rimkus Park were used by only about ten percent (10%) of the residents and were primarily used for a couple of hours in the morning and evening and the Park Commission did not feel that there was a need for additional tennis courts at this time. Mr. Thomas stated that the Commission felt that for a five to ten-year commitment by the City, the costs for proposed court repairs and the future maintenance and repairs were not in line with park needs identified in the Park Master Plan; therefore, the Park Commission voted against the City assuming additional tennis court responsibilities at this time.

Councilmembers expressed the need for additional information from the Forest Oaks Community Association Board regarding the level of their proposed participation in a partnership agreement with the City and questioned any history of drainage problems between

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the tennis court and the FOCA swimming pool. Council discussed clarification of anticipated annual costs to maintain the facility, any legally required time constraints for public/private partnerships, adequate funding for maintenance and upkeep of current City-owned facilities.

Mayor Riley opened the public hearing to the audience at 7:27 p.m.

Resident and Park Commission member Al Uvietta addressed Council stating grant funding guidelines from the Texas Parks and Wildlife Commission usually required a twenty-year commitment for use of land to be included in a grant funded project and he reminded Council that much of the City's park funding is supplied by grant funds.

Hearing no one else, Mayor Riley closed the public hearing at 7:30 p.m.

A motion was made by Councilman Reyna, seconded by Councilmember Baldrige, to table a decision on the request for an indefinite time and until after the City Attorney could give the Park Commission guidelines to use when meeting with the Forest Oaks Community Association on their request. Councilmember Dean stated that the Council needed clarification on what the Forest Oaks Community Association could do as part of the agreement. City Attorney McKamie stated that he would provide information to insure the public purposes are accomplished with any public/private agreement. Upon vote, Mayor Riley announced the motion carried and the issue was tabled.

Consider M&C # 10-06-07 - a request to approve the "Notice of Intent" to be submitted to the TCEQ under the TPDES General Permit TXR040000 for the Storm Water Management Program (Stolz).

City Manager Lambert stated that the "Notice of Intent" would be ready for the next Council meeting, and copies of the updated Storm Water Management Program (SWMP) were given to Council for their review. Mr. Lambert explained that the SWMP would be placed on the agenda for Council consideration at the November 5, 2007 City Council meeting.

A motion was made by Councilman Reyna, seconded by Councilmember Dean, to table the issue until the Chair reposts the item. Upon vote, Mayor Riley announced the motion carried and the issue was tabled until the November 5, 2007 City Council meeting.

Public Hearing to consider M&C # 10-07-07 with attached ordinance - a request to approve an ordinance to tax tangible personal property in transit which would otherwise be exempt pursuant to the Texas Tax Code, Section 11.253 (V. Wallace).

City Accountant Wallace addressed Council stating that the 80th Texas Legislature enacted House Bill 821, which will take effect on January 1, 2008, and which will exempt from taxation certain tangible personal property held temporarily for assembling, storing, manufacturing, processing or fabricating (goods-in-transit) and which are currently subject to taxation. She stated that the City has never exempted goods in transit or freeport goods, but with the Section 11.253 added to the Texas Tax Code, the City is required to conduct a public hearing and formally adopt an ordinance approving continued taxation of the tangible personal property in transit before January 1, 2008 if they wish to continue to current taxation. She informed Council that Bexar Appraisal has estimated that the dollar loss to the City of Leon Valley could be \$120,135 if the goods are exempted from taxation.

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Mayor Riley opened the public hearing at 7:38 p.m. and asked if anyone wished to address the Council on the issue. Hearing no one, Mayor Riley closed the public hearing at 7:39 p.m.

A motion was made by Councilmember Baldrige, seconded by Councilman Reyna, to approve an ordinance to tax tangible personal property in transit which would otherwise be exempt pursuant to Texas Tax Code, Section 11.253. Upon vote, Mayor Riley announced the motion carried.

Consider M&C # 10-08-07 with attached ordinance - a request to create a volunteer code enforcement program and a request to approve the associated budget adjustment to fund the new program (Smith).

Community Development Director Smith addressed Council asking them to consider creating a volunteer code enforcement program and approve an associated budget adjustment to fund the program. Ms. Smith stated that the program would supplement the current code enforcement program and provided a short overview of the code enforcement program in Leon Valley which was primarily a complaint-based program. She explained that the trained volunteer code enforcement officers would survey the City and report on code violations to the Animal Control Officer/Code Enforcement Officer (ACO/CEO) and that the employee would issue letters/citations as necessary. She estimated that for a 5-person team, it would cost approximately \$1305. She suggested the name of LV NOW - Leon Valley Neighbors on Watch for this new program. She explained that each volunteer would be required to pass a background check, fingerprinting and drug screening, would receive training on the City's codes and would be required to patrol a minimum of 12 hours per month in an area of the City in which they do not live.

Council discussion raised questions about the expense to the volunteers to add the City of Leon Valley as an "additional insured" on their personal vehicle insurance and requiring the volunteers, who use their personal vehicles for their patrols, to hold the City harmless. The City Attorney stated that his office had reviewed the waiver forms and may suggest some additional wording for the program forms to insure the City is protected.

A motion was made by Councilman Reyna, seconded by Councilmember Dean, to approve up to ten volunteers for the Leon Valley Neighbors on Watch (LV NOW), a volunteer code enforcement program, and its associated budget adjustment ordinance. Upon vote, Mayor Riley announced that the motion carried.

Discussion Agenda

Presentation and discussion on Trade and Market Day FY 2007 report (Smith).

Community Development Director Smith addressed Council providing a summary of the expenses and revenue generated by the Trade and Market Days program since 2005, when the Trade and Market Days program was created. She noted that for FY 2007 a total revenue of \$26,553 was generated and expenses totaled \$23,865, for a net profit of \$2,688.

Trade and Market Day's Committee Chair Nita Lange addressed Council and she distributed copies of shoppers' surveys from the Trade and Market Days to Council. She provided an update on the number of booths from the last Trade and Market Day and she explained how the

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Committee planned to meet the cut of \$5,000 in the FY 2008 budget by reducing the number of Trade and Market Days each year, reducing the amount of advertising for the events, and cutting the number of hours worked by the Public Works Department. She reported an increase in the number of Conference Center rentals since the start of the Trade & Market Days and suggested that the exposure provided for the Center may have contributed to those increased leases. Ms. Lange expressed her concerns that the reduced hours on event days from Public Works staff and reduced advertising may be a problem later in the year, but if so, she would report back Council and she also thanked Council for their support.

Council asked Ms. Lange to provide information at a later date on any budget adjustment that may be needed. Ms. Smith reported that some cities who have market days, collect the taxes at the end of each market day based upon each vendor's reported sales. It was suggested that the vendor agreement could include new language to address having the sales tax collected at the close of each Leon Valley Trade and Market day; the City would then send the sales tax to the State Comptroller.

Council thanked Ms. Lange and complimented the committee for their hard work.

Presentation and discussion on an amendment to City Code Chapter 6 "Buildings and Building Codes" to add Section 6. 200 "Green Building Standards" (Smith).

Community Development Director Smith addressed Council presenting information for Council consideration to revise the City's Building Code to adopt the U.S. Green Building Council's (USGBC) Leadership in Energy and Environment Design (LEED) certification program. Ms. Smith stated that the new code would require all new government, public school, residential and commercial construction, and all additions or alterations of same over \$50,000 in value, to register and obtain LEED certification. She proposed Government and school construction obtain platinum level certification and commercial and residential construction obtain the silver level of certification. She described proposed categories for credits for each design category to include: site location and position, water efficiency, energy and atmosphere, materials and resources, and indoor environmental quality. She stated that the LEED certification program will further the Council's goal of natural resource conservation and would support efforts to reduce dependency on energy and water by using recycled and non-toxic materials. Ms. Smith described how applicants will pay separate fees to USGBC and third parties for certification and reviews, but that increased building costs may be offset by future savings in energy costs.

Council discussed their questions on how costs incurred during the building process are offset by future energy savings, how the certification process affects total building project costs, if the City wants to require the school systems to reach the same level of LEED certification as City facilities, the need for input from local builders on the LEED certification program, and any pay-back period options with LEED certification. Council agreed that they would like to hear more answers before future consideration of the Green Building Standards.

Discussion on adoption of the Action Plan for the 2007 Strategic Plan (Lambert).

City Manager Lambert addressed Council presenting the staff-recommended action plan for meeting the seven goals of the Strategic Plan and its associated thirty-one objectives. He proposed reviewing one goal, its objectives and the action items, each council meeting until the end of the calendar year. He explained that the goals came from department annual goals,

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goals recommended at the July 2007 Council and citizen workshop, the Strategic Plan adopted by City Council in 2006, and the goals submitted by the Citizens Neighborhood Progress Committee. He reviewed the seven strategic goals and their objectives at follows:

Strategic Goal #1: Economic Development: attract and retain quality businesses that will generate sales tax revenue within the City of Leon Valley.

- Objectives:
- A. Establish an economic development sales tax
 - B. Establish a street maintenance tax program
 - C. Promote business -friendly practices
 - D. Create, review, and enforce codes that impact economic development
 - E. Increase educational and training resources - economic development
 - F. Promote Leon Valley

Strategic Goal #2: Safety and Security - Maintain a high level of safety and security for the residential and business community.

- Objectives:
- A. Index fire and police staffing and services and equipment to current needs
 - B. Review, create and/or modify ordinances and rules that promote a safe environment
 - C. Establish programs for a safe Leon Valley

Strategic Goal #3: Transportation - Develop strategies to mitigate traffic congestion and improve travel safety through Leon Valley.

- Objectives:
- A. Develop a plan to minimize the impact of road construction for residents and businesses
 - B. Develop and implement a neighborhood transportation safety policy
 - C. Develop a long-term traffic management plan

Strategic Goal #4: Infrastructure: Capital Plan - Effectively manage and improve the City's infrastructure and capital needs.

- Objectives:
- A. Develop a capital acquisition plan that establishes needs and provides framework for implementation
 - B. Develop a strategic long-range plan for each department with internal promotions for capital improvement projects and goals
 - C. Develop an infrastructure plan that establishes needs and provides a framework for implementation
 - D. Develop and encourage city-wide infrastructure

Strategic Goal #5: Environmental Sustainability - Become an environmentally, sustainable city through conservation, recycling and education.

- Objectives:
- A. Develop a water management plan that addresses conservation quality and resources
 - B. Develop an energy conservation program
 - C. Investigate mass transportation opportunities
 - D. Implement and communicate a full recycling program for citizens, the City and

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businesses.

- E. Encourage and communicate LEEDS construction standards
- F. Create a citizen and business health and wellness plan and program

Mr. Lambert explained that these were long-range goals and suggested that the plan be fully adopted by the City Council in January 2008. Mr. Lambert presented a draft of the recommendations made for the action plan and asked Council for their input so that the action items can be brought back to Council for formal approval at a later date.

Council discussion was received for the action plan for Strategic Goal #1 - Economic Development:

Objective A - Establish an Economic Development Sales Tax

1. Establish Citizens Neighborhood Progress Committee to study issues and make recommendations to City Council - appointed in February 2007 and which reported to City Council in August 2007. Council recommended that this Committee return after January 2008 to continue working on this project.
2. City Council calls election to consider adoption of the sales tax - election to be called August 2007 and election set for November 2008.
3. Sales Tax Adoption Campaign - September - November 2008 - local (private and public support) not City.
4. Section 4B Sales Tax - seven-member appointed 4B Board and business plan to be prepared for 4B Corporation - City Council appoints Board in December 2008 or may appoint the Board prior to the November 2008 election. Business Plan to be prepared by City Manager. Board adopts Business Plan, and tax begins in April 2009.
5. Hire an Economic Development Director with experience and knowledge of 4B Sales Tax. Councilmembers commented on the need to expedite this matter.
6. Public meetings to review possible ballot language with workshop to be scheduled after January 2008. Members of Council expressed the need to have public input as to projects and language of the sales tax ballot language before ordering the election.

Objective B - Establish a Street Maintenance Sale Tax Program

1. Establish a Citizens Neighborhood Progress Committee to study issues and make recommendations to City Council - appointed in February 2007 - report was made to City Council in August 2007.
2. City Council calls for election to consider adoption of the sales tax - election ordered in August 2007; Special Election to be held November 6, 2007.
3. Street Maintenance Sales Tax adoption campaign - August 2007 to November 2007. Local (private - COED) support, not City.

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4. Street Maintenance Sales Tax adopted - 4-year street maintenance plan prepared by Public Works - adopted by City Council November 2007, sales tax begins April 2008.
5. After tax is adopted, workshop to be held to evaluate and prioritize street maintenance projects in a timely manner and Council suggested that projects may begin in summer 2008.

Objective C. Promote Business-Friendly Practices

1. Continue and increase crime prevention activities to promote safety and crime prevention in the **business** community - On-going in the Police Department with Lt. Reyes. Council requested statistics on success of this program.
2. Create Developers' Guide for publication - Community Development Department - November 2007. City Manager Lambert stated that the Guide would be published after Council has acted upon the LEED standards program
3. Leon Valley Library reference area for development - including City Codes and business laws, City budget and general City information - November 2007 for Leon Valley Public Library.
4. Continue and expand on-going business relationship through the Business Alliance Committee and the Leon Valley Area Chamber of Commerce - monthly meetings with Economic Development Department - on-going.
5. Advertise vacant spaces in the community - Economic Development - begin January 2008. It was suggested that this date may be adjusted depending on the hire date of the new Economic Development Director. Council discussed legality of spending public funds for advertising private properties, and the City Attorney advised that a declaration by Council to spend public funds for economic development is a legitimate public purpose to spend funds.

Objective D. Create, review and enforce codes that impact economic development.

1. Clean up the City, increase code enforcement - weed and junk violations. Review codes - on-going with the Community Development Department.
2. Create "LV NOW" Code Enforcement Program - Community Development Department - Training in November, December, and January; enforcement activities to begin by early 2008.
3. Landscape five streets - Bandera, Evers, Grissom, Huebner, and Wurzbach - study the potential for a beautification plan - January 2008.
4. Tree Preservation Ordinance - adopted August 2007, begin enforcement in September 2007.

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Objective E. Increase Educational and Training Resources - Economic Development.

1. On-going with Neighborhood Watch and Nation Night Out and presentations to local schools and Chamber of Commerce meetings, etc. - by the Economic Development Department.

Objective F. Promote Leon Valley.

1. Unique street signs to differentiate the City of Leon Valley from the City of San Antonio - begin study in January 2008. City Manager stated that the possibility of using Street Maintenance Sales Tax could be used for new signs and Mayor Riley suggested that perhaps grant funding could be found for new signs.

2. Replace unsightly fences - begin study in January 2008 to identify funding sources.

3. Expand Xeriscape Beautification Awards - Community Events Committee - Spring 2008.

4. Encourage additional Hotel/Motels to increase Hotel/Motel Tax revenue - on-going Economic Development Department.

5. Publish city map - study in January 2008.

6. Develop welcome packet - redevelop in February 2008 - Community Development Department.

7. Publish City and Business Directory - begin study in January 2008/Economic Development Department.

8. Establish store front renewal program - begin study in January 2008 - Economic Development Department.

9. Continue to pursue use for Albertson's store site - on-going and market site - Economic Development Department.

10. Financial incentives for Leon Valley businesses - study to begin in January 2008

11. Encourage health food (grocery) store location to Leon Valley - on-going and market in Leon Valley.

12. Update the Master Plan - on-going/ new update in Community Development - January 2008.

13. Consider General Law to Home Rule - begin study in January 2008 / City Manager and City Attorney. City Manager Lambert explained that this will require study group, committee to be appointed, a public vote on the subject and will require a lot of work. Mayor Riley asked that a summary of advantages in becoming a Home Rule City be provided to Council.

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14. Oppose ARMA-proposed Bandera Road toll road - on-going.
15. Economic Development vision plan - begin in February 2008/ Economic Development Department.
16. The AIA Sustainable Design Assessment Team (SDAT) Grant Application - to be submitted by November 16, 2007.

Following discussion, Councilman Reyna recommended that the objectives and action plans for Strategic Goal #1 - Economic Development be brought back for Council action at the next Council meeting and Council discussion begin on Strategic Goal #2 - Safety and Security and Council agreed by consensus. Mayor Riley announced that Strategic Goal #2 - Safety and Security will be discussed at the next Council meeting and Council will consider action on objectives and the updated action plan for Strategic Goal #1 - Economic Development on November 5, 2007.

City Manager's report.

City Manager commended the City Accountant for her success with investment income for the City for FY 2007 and thanked her for her work.

Financial Report for September 2007.

City Accountant Vickie Wallace reported on the financial status of the City as the end of Fiscal Year 2007 revenue and expenses were finishing up. She reported that 98% of the budget work was completed. Ms. Wallace clarified for Council what types of income were represented by "Miscellaneous Income" in the report and report that the amount of sales tax for FY 2007 should be as budgeted.

City Manager Lambert reported that he, the Mayor, and the Public Works Directors walked Huebner Creek where it meets the City of San Antonio at the south end of Huebner Creek. He reported that there was considerable overgrowth in the creek bed below the City of Leon Valley's city limits. He reported that Mayor Riley had been in contact with City of San Antonio Councilman Rodriguez and a followup meeting is planned to continue discussion on the Huebner Creek conditions.

Citizens to be heard.

No one appeared.

Announcements.

Councilmember Baldrige reminded everyone about the Huebner-Onion Homestead Fundraiser, the "Bloomin' Onion", to be held on Friday, October 26, 2007 at the Leon Valley Community Center and she described the event's activities for the audience.

Councilman Reyna welcomed City Attorney McKamie and reported that he had attended a meeting of the Bexar County Council of Cities with Police Chief Wallace and the City Manager on October 12th. He reported that the group discussed the proposed fee increases to be

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charged by Bexar County to magistrate cases from the smaller suburban cities. He stated that those new fees are estimated to cost the City of Leon Valley \$30,000. Councilman Reyna asked the City Attorney to investigate who has legal obligation to magistrate as the Mayor will need to know before the next meeting of the Bexar County Council of Cities, which meets again in December 2007.

Councilman Reyna also announced a new column in the "Lion's Roar" to be called "Ask the Mayor" which will feature questions from citizens with answers provided by the Mayor.

Mayor Riley announced that the Annual Los Leones Student Art Festival would be held on October 20th from 8:30 a.m. - 2:00 p.m. at the Community and Conference Centers. She also announced the next meeting of the Bandera Road Site - Community Advisory Group for October 23, 2007 at 5:30 p.m. at the Conference Center to hear an update by the Environmental Protection Agency. She reported on her visit to Eugene, Oregon and their use of Bus Rapid Transit as "Like Rail", a less costly mass transit program.

Adjourn.

Hearing no other business or comments, a motion was made by Councilman Reyna, seconded by Councilmember Dean, to adjourn the meeting. Upon vote, Mayor Riley announced the meeting was adjourned at 9:52 p.m. Mayor Riley reminded everyone of the next meeting to be held at 7:00 p.m. on Monday, November 5, 2007.

ATTEST:

Chris Riley

Mayor

Marie Feutz

City Secretary

*Minutes approved by majority vote of the Leon Valley City Council at the
November 5, 2007 City Council Meeting.*