

**CITY COUNCIL MEETINGS OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,
TEXAS, NOVEMBER 17, 2009**

The City Council of the City of Leon Valley, Texas, met on the 17th day of November 2009 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 MEETING - 5:30 P.M.

Call to order.

Mayor Riley called the Special City Council Workshop Meeting to order at 5:34 p.m. and asked that the minutes reflect that the following members of Council were present: Garcia, Reyna, Baldrige, Dean and Nelson.

City Manager Lambert, City Secretary Feutz, Police Chief Wallace, Economic Development Director Ryan, Community Development Director Flores, and HR Officer/Assistant City Secretary Caldera were also present.

Presentation from Halff and Associates on progress toward a master redevelopment plan and Council to consider possible action as may be appropriate to the discussion.

Jim Carrillo, Director of Planning for Halff Associates, introduced Dennis Wilson, from Townscape, and Meghan McCarthy, also from Halff Associates, who accompanied him for this presentation. Mr. Carrillo presented details of how the existing and proposed development regulations compare. He provided details of existing and proposed development regulations for some residential, but primarily for commercial and industrial districts particularly the changes to landscaping, building setbacks, sign standards, architectural design, and parking standards. He proposed two separate overlay districts: a sustainability overlay district and a commercial/industrial overlay district.

Mr. Carrillo reviewed the proposed standards which would be presented during a public hearing before the Zoning Commission on November 23, 2009 and for the public hearing before the City Council on December 1, 2009. He reviewed the proposed addition of landscape requirements for parking areas and streetscaping which will increase the number of trees and also add landscape designs regulated by a point system to provide options for different landscape elements to encourage creativity, diversity and water conservation in landscaping.

Mr. Carrillo reviewed the proposed sign standards that will improve the look of Bandera Road and provided details on the proposed standards to regulate pole and freestanding signs, monument signs, wall signs, projecting or hanging signs, awning signs, directory signs, roof signs, menu display case signage, and window signs.

Slides were shown illustrating desired characteristics of the sustainability overlay which is currently primarily B-2 (Retail) and B-3 (Commercial) but will include some residential areas, but with new overall standards to address: on-street parking and pedestrian friendly street character, mixed use development, screened or rear parking, some changes in allowable uses, architectural feature materials with a point system, building articulation, cross access lanes and bicycle parking. Slides were also shown illustrating features of the proposed commercial and industrial overlay that would primarily include B-3 (Commercial) and I-1 (Industrial) zoned

**CITY COUNCIL MEETINGS OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,
TEXAS, NOVEMBER 17, 2009**

properties, with no residential uses allowed, but with enhancements to building characteristics in the overlay.

Council and Mr. Carrillo discussed how to incentivize changes and encourage improvements to existing developed properties with the challenges of TxDOT standards and the significant investment requirements needed. Financing options were discussed and the development moratorium's end was also discussed. Mr. Carrillo and Mr. Wilson encouraged the City to work with the City Attorney regarding color standards within an overlay, transitioning non-conforming uses, lots and signs, how to inform business areas of new standards, and enforcement of the new standards.

Mr. Lambert asked for Mr. Carrillo to present his overview of potential improvements along Bandera Road that is scheduled for discussion during the regular meeting, but that also would be part of the overlay district area.

Mr. Carrillo presented three options for possible TxDOT State Transportation Enhancement Program (STEP) grant applications that will improve the appearance of Bandera Road by adding gateway entrances, curbs and gutters to existing Bandera Road medians, and landscaping in those medians. Options discussed ranged in total project cost from \$1.84 million to \$2.57 million with the City's match being about 35% of the total project cost. Mr. Carrillo reported that TxDOT had specific standards that primarily are safety measures for their medians, but the three proposed projects all are designed to meet the TxDOT standards. He also explained that the grants should be announced in June 2010 and the project should be completed within a year from the date of construction start.

Councilmembers discussed possible additions of lighting, time for project completion, drainage inlets for medians, and that the grant is a reimbursement grant. No action was taken.

Adjourn

Hearing no further business, Mayor Riley announced the workshop meeting adjourned at 6:50 p.m.

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 7:04 p.m. and asked that the minutes reflect that the following members of Council were present: Garcia, Reyna, Baldrige, Dean and Nelson.

City Manager Lambert, City Secretary Feutz, Police Chief Wallace, Community Development Director Flores, Fire Chief Irwin, Public Works Assistant Director Stolz, HR Officer/Assistant City Secretary Caldera, Grant Writer Word, and Assistant City Attorney Onion were also present.

**CITY COUNCIL MEETINGS OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,
TEXAS, NOVEMBER 17, 2009**

Mayor Riley welcomed everyone and asked visiting Scout Spencer Westrich, from Boy Scout Troop No. 351, to lead the assembled group in reciting the Pledge of Allegiance.

**Presentation of status report by the Stormwater Management Advisory Committee
(Tome/Stolz).**

Stormwater Management Program Manager Tome addressed Council reporting on the status of the Stormwater Management program for Leon Valley. He reported that the Texas Commission on Environmental Quality permit was approved on June 2, 2009 and the notice of intent was authorized on June 9, 2009. Mr. Tome provided a short overview of the history of the City's work on stormwater since 2001 and explained that the stormwater management program is an unfunded mandate by both Federal and State laws. He explained that stormwater refers to the pollution prevention efforts of the City on water runoff, not flood water control. He also explained that the stormwater fees will be added in January 2010 to the water bills of both Leon Valley water system customers and for all Leon Valley addresses that are on the San Antonio Water System (SAWS). Mr. Tome reported that the stormwater funds will be used for administration and implementation of the stormwater management program, pollution prevention of stormwater, monitoring, surveillance and inspection of stormwater devices, legal expenses, water quality programs, billing and other activities that are required for the operation of the stormwater program. Mr. Tome estimated revenue from the program of \$403,590 and estimated that expenses to be \$334,650.

Council discussion followed concerning how abandoned homes would be billed, the need for ordinances to bring some practices into stormwater program compliance, and that the City of San Antonio has been collecting the stormwater management program fees for fourteen years, raising those fees eleven times during that time period. Mr. Tome did report that the average residential home in Leon Valley will see a \$3.86 monthly fee added to their water bills for the stormwater program.

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. Councilmember Garcia asked that Agenda Item # 5 for M&C # 11-06-09 be removed from the Consent Agenda for further discussion. Hearing no further objections, she asked if anyone in the audience wished to speak for the "Citizens to the Heard" portion of the meeting.

Resident Al Uvietta addressed Council reporting on his concerns with issues within the Natural Area such as visitors using paint ball equipment, trail repair and maintenance, signage, and reports of damage to signage in the area. Mr. Uvietta explained that he had put up a replacement sign in the natural area with the name "Natural Area Park" to replace a missing sign. Mr. Uvietta challenged the criticism he had received from an agent of the property for putting up that sign with the word "Park" in the title, but he stated that the area was designated as a "natural area park" by Council ordinance in the past. He expressed his concern about the stewardship of the leased area.

Historical Society President, Darby Riley, addressed Council thanking them for their support of the 9th Annual Huebner-Onion property fund raiser. Mr. Riley stated that, as the lessees of the property, the Leon Valley Historical Society named the leased area the Leon Valley Huebner-

**CITY COUNCIL MEETINGS OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,
TEXAS, NOVEMBER 17, 2009**

Onion Natural Area keeping in mind that their lease required them to leave the area in a natural state. He expressed his objections to having the name “park” being included for the area’s name as he felt the term “park” could give an incorrect interpretation of the area rather than the wildlife refuge in an urban setting that it is.

Business representative Stacy Jonas, representing the Official Inspection Station on Bandera Road, asked Council to consider adding variances to the proposed redevelopment building standards that were being proposed with the overlay district, specifically their business’s patriotic red, white, and blue colors.

Another representative, Margo Uribe, also representing the Official Inspection Station, explained that the company was working toward a new look with bright patriotic flag colors and invited the Council to see their newest building designs at Nacogdoches and O’Connor Roads.

Resident Ray Mercado, 4912 Hodges Drive, addressed Council about “security issues” on Hodges Drive including speeding vehicles and an increase in auto and home break ins on the street in the last few months. He presented a petition from residents of Hodges Drive to have the access from traffic off Evers Road blocked for the safety of residents and to reduce the increased crime on their street. The petition contained ten signatures representing seven properties on the street.

Resident Charles Pena Jr., 4908 Hodges Drive, also addressed Council in support of closing access from Evers Road to Hodges Drive to reduce speeding traffic on his street. He also asked Council to consider funding additional Patrol Officers for the Leon Valley Police Department so that an increased police presence could be seen in the neighborhoods.

Resident Wendy Phelps, 4900 Hodges Drive, recounted a break in at her home and voiced her support for the request to close Hodges Drive to traffic driving through the street as a cut through.

Resident Maria Gamboa, 6815 Forest Meadow, asked for the City’s help with controlling renters on her street, who have a history of law enforcement raids at their property. She also complained about trash piling up at some homes in the neighborhood and asked for Code Enforcement assistance.

Consent Agenda

Consider action to approve minutes of the Regular City Council Meeting of November 2, 2009 (Feutz).

Consider action on M&C # 11-07-09 with attached ordinance - a request for approval of a budget adjustment for legal services for the Elijah Case (Lambert).

Consider action on M&C # 11-08-09 - with attached ordinance - a request to approve a budget adjustment for the Police Forfeiture Fund for the purchase of replacement laptop computers for patrol vehicles (\$23,783) (Chief Wallace).

CITY COUNCIL MEETINGS OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, NOVEMBER 17, 2009

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

Action Agenda

Consider action on M&C # 11-06-09 with attached ordinance - a request to approve budget adjustment for a rollover of FY 2009 funding for the Conference Center flooring project. Funds were budgeted for FY2009, but not spent (Community Center Fund \$20,000)(Lambert).

City Manager Lambert explained that the City was unsuccessful in obtaining grant funding for replacement flooring in the Conference Center. He noted that the Economic Development Director was still pursuing an appeal of the grant funding, but to move forward, he was asking that the budgeted FY 2009 funds for the floor project be rolled forward to the FY 2010 budget to complete the project. Mr. Lambert stated that the last two weeks in January 2010 were being reserved for installation of flooring and bids would be out in December 2009 for the project to consider a durable flooring alternative to the current flooring. He suggested such solutions as: tile, stamped concrete, stained concrete, and commercial laminate flooring options.

A motion was made by Councilman Reyna, seconded by Councilman Garcia, to approve the budget adjustment request. Upon unanimous vote, Mayor Riley announced the motion carried.

Consider action on M&C #11-05-09 - with attached ordinance - a request by Mary Light, applicant and property owner, to the City Code of Ordinances, Chapter 3, "Building Regulations," Section 3.05.003(a), "Dimensions and Appearance - Residential Fences," to allow construction of an eight foot (8") privacy fence at 7308 Linkmeadow Drive, being Lot 51, Block G, CB 4446A, Linkwood Addition Subdivision. This case was originally heard on Nov. 2, 2009 and action was postponed by Council for additional information (Flores).

Community Development Director Flores informed Council that the applicant requested a postponement to December 1, 2009.

No motions were made and no action was taken on this agenda item.

Consider action on M&C # 11-09-09 - with attached ordinance - a request to approve the budget for the FY 2010 Stormwater Management Program (Tome/Stolz).

Assistant Public Works Director Stolz addressed Council asking for their approval of the FY 2010 Stormwater Management Program budget to meet the program needs as were previously explained by the Stormwater Manager Tome earlier in the meeting.

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

Consider action on M&C # 11-10-09 with attached ordinance - a request to amend City Code of Ordinances, Chapter 14 "Zoning Ordinance", Section 14.02.501 "Landscaping," Subsection 14.02.501 (j) "Tree Preservation" to add provisions for Oak Wilt Disease

**CITY COUNCIL MEETINGS OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,
TEXAS, NOVEMBER 17, 2009**

prevention and providing for a penalty of not less than five dollars (\$5.00), nor more than two thousand dollars (\$2,000.00) with each day any violation occurs or continues to occur shall be considered a separate offense (Flores).

A. Public Hearing

Community Development Director Flores addressed Council stating that the Tree Advisory Board (TAB) recommended that oak wilt be addressed by the City as it is affecting some areas of the City and as part of their mandate for tree preservation. Ms. Flores reported that the TAB held an event in early September with the Texas Forest Service to provide guidance to the public on how to prevent oak wilt. She explained that the Zoning Commission looked at the proposed amendments on September 22, 2009 and agreed with the TAB recommending unanimously to include three provisions (pruning and sealing the oak, reporting oak wilt, and dealing with red oak trees which are reported to have oak wilt) language addressing oak wilt prevention by a vote of 7 to 0.

Councilmembers' discussion questioned the severity of the maximum fine that could be imposed for violations of the proposed new code provisions, how the public should be educated rather than threatened with fines, how the pruning and sealing measures would be enforced and monitored, and who would be trained to decide if trees looking poorly had oak wilt disease or were suffering lingering effects of the drought. They also expressed their concerns for the cost to individuals who would be required to cut down their diseased trees and the time lines that will require quick action on the part of property owners following storm damage to trees. Councilmembers recommended that the fine levels not exceed \$250 and be no less than \$50.

Mayor Riley opened the public hearing at 8:34 p.m. and invited anyone to speak to Council on the proposed ordinance.

Zoning Commission Chairman Guerra addressed Council reporting that the Commission felt that measures to protect the City's trees were good, but that the Commission had concerns about the degree of punitive response to the problem of oak wilt and the costs that citizens would incur with this program.

Resident Nancy Marin, 7220 Forest Meadow, also expressed her concerns about the high level of fines and of the repetitive fines for successive days of violations of the proposed ordinance.

Hearing no one else, Mayor Riley closed the public hearing at 8:41 p.m.

B. Council to consider action on ordinance

Councilmembers discussed the need for the ordinance but expressed their concerns that the penalties and time limits imposed by the proposed ordinance be reconsidered, particularly in regards to time limits imposed for property owners to address storm-related damage to trees. They also recommended that practical solutions be considered with exceptions to the standard to be added. Councilmembers repeated the need for publicizing the measures needed for the prevention of oak wilt and asked that the ordinance be returned for revisions.

**CITY COUNCIL MEETINGS OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,
TEXAS, NOVEMBER 17, 2009**

After conferring with the City Attorney, no action was taken.

Discussion Agenda

Discussion to provide an update on the costs associated with the State Transportation Enhancement Program (STEP) grant project. A resolution to submit the application was approved by City Council at the November 2, 2009 City Council meeting (Word).

Grant Writer Word addressed Council stating that she understood that Mr. Carrillo, from Half Associates, had addressed some of the STEP project during his workshop presentation. She explained that 15% cash was due to TxDOT for administration fees upon grant award and there was also a 20% local match, for a total of 35% from the City. Ms. Word reported that CIED funding may be used, if approved by CPS Energy. She also reported that a portion of the City's 20% local match could possibly be city-provided labor, but Mr. Carrillo explained that if the grant was awarded by TxDOT, the construction contract will be let by the State and he noted that the state may require their contractors perform the work, not city labor.

In response to questions from Council, City Manager Lambert recommended that since Council had already approved a resolution to submit an application for the STEP grant, he would send the option that would create the gateway entrance zones at Eckhert and Grass Hill, curb and gutter the central median corridor from Huebner to Seneca with landscaping, and improvements to all intersection medians with curbs and gutters and other amenities as in Option #3 presented by Half Associates.

Discussion on identifying projects, before the January 2010 deadline, that will benefit from CPS Energy's Community Infrastructure and Economic Development (CIED) funds (Word).

Grant Writer Word introduced eleven possible projects that were presented to CPS Energy's economic development representatives, but she reported that CPS Energy indicated that some projects on the list were not acceptable, such as LED lighting and solar lighting projects.

Ms. Word said that projects which involve moving power lines either to the rear of properties or underground may be considered and CPS Energy Economic Development Representative Jim McAden is working on cost estimates for those projects.

City Manager Lambert reminded Council that the deadline of January 2010 for allocation of some CIED funds to allowable projects is quickly approaching and the City does not want to lose money due to deadlines for use of those CIED funds.

Council questioned the definition of "obligated" under the CIED fund program and was also concerned about losing the available \$92,000 that must be obligated by January 2010.

Discussion on implementation of the Property Assessed Clean Energy (PACE) Program which uses municipal bonds or other capital sources to finance the cost of installing energy efficiency or renewable energy improvements on private residential and business properties (Word).

**CITY COUNCIL MEETINGS OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,
TEXAS, NOVEMBER 17, 2009**

Grant Writer Word provided an update on the status of the PACE program based on HB 1937. She provided a short overview of the program which provides funding for installing energy efficiency and renewable energy improvement on private property and how a bond sought by the City would fund the program and be secured by a property lien and which would be paid back to the City as property assessment from the County tax collector. Ms. Word updated Council on progress of the PACE program by stating that the Bexar County Tax Assessor Collector is willing to collect the special assessment, but all municipalities must be consistent in implementation. She also noted that there were still several questions to be worked out with this program.

Councilmembers expressed their concerns about this program which would fund private homeowners with public funds, their concerns if the homeowner defaulted or filed bankruptcy in the future, and concerns about any implementation when the full program details were not completed.

No action was taken.

Discussion on results from structural investigation of the Fire Department building foundation and options to be pursued (Lambert).

City Manager Lambert reported that the Fire Chief had reported some cracks in Fire Department walls. He reported that the Fire Chief contracted with a firm to evaluate the foundation and structure and to hear their recommendations. He reported that the evaluation showed more than a 2" drop in the foundation.

Fire Chief Irwin indicated that to repair the problem and to prevent further settling, the contracted firm recommended installing concrete piers to support the structure and re-level the slab at an estimated cost of \$55,000.

City Manager Lambert recommended that before any work is done on the foundation, that the City should consider having that firm inspect the entire City Hall complex and make recommendations for the entire structure. He also stated that the project would be bid out if the evaluation indicates that work needs to be done.

City Manager's report.

City Manager Lambert announced the November "Employee of the Month" as City Secretary Marie Feutz and thanked her for her work and dedication to the City.

A. Monthly Reports for October 2009

City Manager Lambert informed Council that the monthly reports for the departments were included in their packet on a disk.

B. Financial Report for October 2009

City Manager Lambert announced that the October report was not included for this meeting, as the fiscal year close out was not completed.

C. Arrival of new fire truck.

**CITY COUNCIL MEETINGS OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,
TEXAS, NOVEMBER 17, 2009**

Mr. Lambert reported that the new fire truck had arrived and was one of four in the State of Texas with an articulating arm like Leon Valley's new truck. He stated that the Fire Department was receiving training on the new vehicle and hoped to have an open house in December to invite the public to see the new truck. Council asked that the new truck be brought to the Annual Holiday Lighting and to the Breakfast with Santa events in December.

D. Update on CPS Energy Franchise Agreement negotiations and priorities

Mr. Lambert reported that only 4-5 cities would be working together on a proposed new agreement with CPS Energy. He reported that their next meeting would be held on November 20, 2009 in Leon Valley. He asked Council to rank the importance of factors to be included in negotiations with CPS Energy.

E. Reminder of additional employee holiday December 23rd or 28th

Mr. Lambert announced that the employees would be given an additional day off in lieu of a holiday party again this year, but that City offices would remain open on both December 23rd and December 28th with reduced staff levels. He thanked Council for allowing this option for the employees.

Citizens to be heard.

Resident Gail Nelson addressed Council asking that when they finalize any regulations to prevent oak wilt that they include any precautions or guidelines for firewood or cut trees and oak wilt prevention.

Resident Nancy Marin reported that some communities voluntarily enhance their contribution share to improve their competitive edge for the TxDOT State Transportation Enhancement Grant program. She suggested that Leon Valley may wish to consider that as an option to improve their chances for a grant award. Mayor Riley asked if Universal City had supplemented their grant contribution when they applied for the grant funding for Pat Booker Road improvements.

Announcements.

A. Status report on overlay district workshops

Mayor Riley reported that, as discussed earlier in the meeting, work was proceeding with the overlay district regulations and she thanked members of Council and the public for their work on this project.

B. Arbor Day Event - November 21, 2009

Mayor Riley invited everyone to participate in the 1st Annual Arbor Day event to be held on Saturday, November 21, 2009 at the Conference Center. She thanked the Tree Advisory Board for their work with this project.

C. Recycle Day event update - November 19, 2009 at 7:00 p.m. - Library

Mayor Riley announced that the Leon Valley Recycle Day celebration would be held on Thursday, November 19th with the Earthwise Living Committee distributing additional recycling bins, and a special showing of the movie "The Synthetic Sea Story" which documents pollution of the world's oceans. She invited everyone to attend this free event.

**CITY COUNCIL MEETINGS OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,
TEXAS, NOVEMBER 17, 2009**

- D. Tree lighting event - December 7, 2009 at 6:00 p.m.**
Mayor Riley reminded everyone of the Annual Holiday Lighting Event at the Community Center to be held on Monday, December 7th.

- E. Evaluation of City Manager performance during executive session on December 1, 2009**
Mayor Riley asked members of Council to assist with the annual evaluation process for the City Manager to be held during executive session before Council's regular meeting on December 1, 2009.

- F. SmartWays SA - VIA Long Range Comprehensive Transportation Plan Meeting - January 27, 2010**
Mayor Riley announced that VIA would hold a meeting at the Community Center in January to bring information on the SmartWaysSA program to our area and to receive public input on mass transportation planning.

Adjourn.

Hearing no further business or discussion, a motion was made by Councilman Reyna, seconded by Councilmember Nelson to adjourn the meeting. Mayor Riley announced the meeting adjourned at 9:47 p.m.

Chris Riley

Mayor

Marie Feutz

City Secretary

Minutes approved by unanimous vote of City Council at the Regular City Council Meeting of Dec. 2, 2009.