

## **CITY COUNCIL MEETINGS OF THE CITY OF LEON VALLEY, TEXAS, DECEMBER 21, 2010**

The City Council of the City of Leon Valley, Texas, met on the 21<sup>ST</sup> day of December, 2010 at 6:45 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 MEETING - 6:45 P.M.**

#### **Call to Order, and Determine a Quorum is Present**

Mayor Riley called the Special City Council Meeting to order at 6:43 p.m. and asked that the minutes reflect that the following City Council Members were present: Garcia, Reyna, Baldrige, Dean, and Nelson.

City staff in attendance: City Manager Lambert, City Attorney McKamie, City Secretary Willman, Community Development Director Flores, Economic Development Director Ryan, Human Resource Director Caldera, Librarian Trent-Miller, Police Chief Wallace, and Public Works Director Vick. Others in attendance: John Hoyt.

The Leon Valley City Council convened in Executive Session Pursuant to Section 551.074, Personnel Matters, to consider the resignation of the City Manager, and to discuss contractual terms relating to the appointment of an Interim City Manager, and discuss the appointment of an Interim City Manager.

The Leon Valley City Council reconvened into Open Session at 7 p.m. to consider possible actions, as appropriate, from Executive Session, Personnel Matters, the resignation of the City Manager, the appointment of an Interim City Manager, and the approval of a contract for the Interim City Manager. Mayor Riley announced actions would be taken under the Regular Meeting Agenda.

**Adjournment.** The meeting adjourned at 7:00 p.m.

---

### **REGULAR CITY COUNCIL MEETING – 7:00 P.M.**

#### **Call to Order, Determine a Quorum is Present, 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 City Council Members were present: Garcia, Reyna, Baldrige, Dean, and Nelson.

City staff in attendance: City Manager Lambert, City Attorney McKamie, City Secretary Willman, Community Development Director Flores, Economic Development Director Ryan, Fire Chief Irwin, Human Resource Director Caldera, Librarian Trent-Miller, Police Chief Wallace, and Public Works Director Vick. Others in attendance: John Hoyt.

Eagle Scout Aaron Joseph Schulze led the assembly in reciting the Pledge of Allegiance.

#### **Presentations Agenda**

**A. Proclamation Honoring Aaron Joseph Schulze for Outstanding Achievement in Earning the Rank of Eagle Scout. (Mayor Riley)**

## CITY COUNCIL MEETINGS OF THE CITY OF LEON VALLEY, TEXAS, DECEMBER 21, 2010

Mayor Riley presented Aaron Joseph Schulze with a proclamation for his extraordinary efforts in earning the rank of Eagle Scout. Mr. Schulze's parents were recognized by the City Council.

**B. Good Neighbor Award to Raymond Diaz for Collaboration in Graffiti Clean-Up.** Mayor Riley announced that Mr. Raymond Diaz was not able to attend the meeting due to personal illness. His recognition will be moved to the first meeting in January.

**C. Employee of the Month of December Award Presentation to Angela Trejo. (Lambert)** Mr. Lambert indicated Ms. Trejo is the one employee who has meant more to him than any other employee in the organization. He cited her customer service and team work as being key to her selection. He emphasized Ms. Trejo's efforts to help keep him organized and on-schedule. Ms. Trejo lives with her family. City Secretary Willman presented Ms. Trejo with a floral tribute. Mayor Riley added her own compliments. Ms. Trejo thanked the City for her recognition.

**D. Presentation of Service Awards to Employees of the City of Leon Valley. (Mayor & Council)**

The following employees were recognized for their service to the City of Leon Valley:

Karen Jarrett, 5 Years in Community Development;

Pam Kroyler, 15 Years in the Leon Valley Public Library;

Ruben Saucedo, 20 Years in the Leon Valley Police Department; and

Oscar Valdez, 25 Years in the Leon Valley Fire Department.

**E. Presentation of Status Report by the Bandera Road Site – Community Advisory Group. (Hoyt/Vick)**

Public Works Director Vick introduced Mr. John Hoyt who is with the Edwards Aquifer Authority, served on the Committee prior to being elected chairman. John Hoyt, Chair, Community Advisory Group, addressed the City Council. Mr. Hoyt summarized the report in a few key statements. Groundwater contamination was found in 2004 near the intersection of Poss and Bandera roads. Primary contaminants are volatile organic compounds (VOC) in groundwater and in vapor form with Tetrachloroethene (PCE) is a primary VOC present. The Texas Quality on Environmental Quality performed risk abatement and hazard ranking for the National Priorities List (NPL) of known releases or threatened releases of hazardous substances, pollutants, or contaminants acceptance between 2004-2007. In March 2007, the location now known as the Bandera Road Superfund Site made the Federal Superfund list (NPL). The EPA has been investigating the site since 2007 with Chris Villarreal as the EPA Project Remedial Manager. He detailed the EPA activities in 2010 focusing on the installation of seven new monitoring wells, air monitoring and vapor extraction tests, dye tracing, evaluating potential for bioremediation, and the drafting of investigation reports. He concluded with the EPA planned activities for 2011 as continuing data collection, releasing a draft report on the Record of Decision, and potentially initiating remedial actions. He thanked the City Council and staff for its support of the Community Advisory Group.

**F. City Attorney Presents Results of AIA-SDAT Internal Investigation. (McKamie)**

City Attorney McKamie read from the cover memorandum dated December 3, 2010, detailing the outcome of the 2010 Sustainable Design Assessment Team ("SDAT") Investigation. *[City Secretary annotation: for purposes of brevity and focus, only the City Manager's charge or task to the City Attorneys and Conclusion are presented here. Upon the approval of the minutes, a complete copy will accompany these minutes for reference.]*

*"This firm has been charged by the Leon Valley City Manager to investigate whether any City funds were allocated and spent on expenses or funds deposited into City accounts for the September 24-25, 2010 SDAT Final Report and "Next Steps" Program ("SDAT Final Report")."*

## CITY COUNCIL MEETINGS OF THE CITY OF LEON VALLEY, TEXAS, DECEMBER 21, 2010

### CONCLUSION

*The investigation was comprised of obtaining and reviewing documents and e-mail communications as well as interviewing individuals connected with the preparation and presentation of the SDAT Final Report. As of the date of this report, we conclude no City funds were allocated and expensed for the SDAT Final Report and "Next Steps" Program with the exception of the waiver of the rental fees for the Leon Valley Conference Center. These fees were paid prior to their subsequent waiver by vote of the City Council on October 4, 2010. The rental fee from the Leon Valley Area Chamber of Commerce was the only deposit into a City account, and it was subsequently refunded on October 7, 2010."*

### **Citizens to be heard and time for objections to the Consent Agenda.**

Olen Yarnell, 7230 Sulky Lane, asked about the situation regarding the use of personal City employees' credit cards use for functions of the City. He indicated he found as problematic that City employees would advance payment for expenses. He indicated these situations where City employees use their credit cards put a lot of pressure on them personally for these kinds of situations to be taken in a normal fashion.

Al Uvietta, 6923 Sunlight Drive, thanked the Council for the AIA-SDAT Internal Investigation Report. He read a letter drafted by a group of citizens. The letter referenced differences of opinion with the article authored by Councilman Reyna, in October/November issue of The Lion's Roar, which made troublesome assertions that alleged official misconduct by City officials. He referenced investigations under way which he indicated would be released in January 2011.

Steven Price, 6300 Rue Marielyne, thanked the City Attorney for the Investigation, thanked Ms. Ryan for her untiring service to the City to help the City grow through Economic Development work, and indicated a policy for reimbursement would be helpful for credit card expenditures. He indicated he would like to see a copy of the report and decide for himself whether or not the money spent (for the Investigation) is a waste of taxpayer's money.

Walter Geraghty, 7315 Ellerby Point, cited as important that the new city manager lives and sleeps in Leon Valley. If the new City Manager lives, sleeps, works in Leon Valley, and spends his money in Leon Valley, he can live by his decisions, good or bad. He shared his opinion that the Council should ask or require the new city manager to live in Leon Valley.

Al Baldrige, 6368 Parsley Hill, indicated he is glad that the Internal Investigation cleared City staff of allegations of money laundering. He asked that everyone focus on what will help Leon Valley in the new year. He asked about the cost of the Internal Investigation. The Council referenced the amount as being \$4,400.

Pedro Esquivel, 7207 Forest Meadow, indicated he had a different view of some of what has been discussed. He indicated that any time there is an expenditure of funds for an investigation of any sort; he found it very appropriate noting that democracy is very costly and any time the City needs to spend money to prove its right, he didn't mind spending money. He indicated anyone should bring up whatever they feel should be brought up. If it costs money, then the taxpayers at least are going to come out knowing the investigation is going to be done with integrity. He noted he is a government employee; citing as unconscionable and uncalled for that City employees advance their own funds in the performance of their duty benefiting the

## **CITY COUNCIL MEETINGS OF THE CITY OF LEON VALLEY, TEXAS, DECEMBER 21, 2010**

City, whether reimbursed or not. He emphasized that to do so is circumventing and raises an integrity question and does create some pressure on the employee.

Motion by Councilman Reyna and second by Council Member Baldrige to approve Consent Agenda Items 4, 5, 6, and 7. Voting in favor: Garcia, Reyna, Baldrige, Nelson, and Dean. Voting against: None. Mayor Riley announced the motion carried.

### **Consent Agenda**

4. **Consider Approval of the Minutes of the Special Workshop and Regular City Council Meetings of December 7, 2010. (Willman)**
5. **Consider Appointment to City Boards, Committees, and Commissions by Minute Order. (Mayor Riley)**
6. **Consider Action on M&C # 12-09-10 with Attached Ordinance to Amend City Manager Lanny Lambert's Contract In Compliance with Current Departing Employee Policy to Authorize Payment of Accrued Personal Leave and Related Budget Adjustments. (McKamie)**
7. **Consider Action on M&C # 12-10-10 Renewing the Economic Development Corporation Contract with the City of Leon Valley for Services. (Ryan/LVEDC)**

### **Regular Agenda**

8. **Consider Action on M&C # 12-11-10 a Request to Consider Personnel Matters Related to City Manager Lanny Lambert's Resignation, Authorize the Mayor to Execute a Contract with Henry Brummett aka Hank Brummett for Interim City Manager Services, Appoint Henry Brummett aka Hank Brummett Interim City Manager, and Officially Introduce and Welcome Mr. Brummett to the City of Leon Valley.**

Mayor Riley introduced this item, noting that Henry "Hank" Brummett is absent the meeting due to being under the weather. She cited as numerous the applications received by her office to date for the position of City Manager. Mr. Lambert noted as problematic the economy and the budgetary pressures on city managers' employment. Mayor Riley thanked Mr. Lambert for his assistance in working through City of Leon Valley budgetary constraints in the development of annual budgets.

Motion by Council Member Baldrige and second by Councilman Garcia to approve the Interim City Manager's Contract. Voting in favor: Garcia, Reyna, Baldrige, Nelson, and Dean. Voting against: None. Mayor Riley announced the motion carried.

9. **Consider Action on M&C # 12-12-10 with Attached Resolution Ordering a General Election in the City of Leon Valley, Texas, to be Held Jointly with Bexar County for the Joint, General and Other Elections on the 14th Day of May, 2011, for the Purpose of Electing Three Members of the City Council in Places 1, 3, and 5, by the Qualified Voters of the City of Leon Valley; Authorizing the City Manager to Sign a Joint Election Agreement with the Bexar County Elections Administrator for the Conduct of Said Election, and Providing Details Relating to the Conduct of Holding the Election, Authorizing the Use of the Leon Valley City Council Chambers on the 14th Day of May, 2011, For Election Day Voting, and the Use of the Leon Valley Conference Center, Located at 6421 Evers Road, Leon Valley, Texas, 78238, for Early Voting (May 2-7, and May 9 & 10, 2011). (Willman)**

## CITY COUNCIL MEETINGS OF THE CITY OF LEON VALLEY, TEXAS, DECEMBER 21, 2010

*Tomar una decision sobre una Resolucion que ordena que se lleven acabo Elecciones Generales en la Ciudad de Leon Valley, Texas, junto con las del Condado de Bexar, el dia 14 de mayo del 2011, con el fin de que los electores calificados de la Ciudad de Leon Valley elijan tres miembros del Ayuntamiento encluyendo un Miembro de Ayuntamiento en el Lugar Numero Uno (No. 1), un Miembro del Ayuntamiento en el Lugar Numero Tres (No. 3), y un Miembro del Ayuntamiento en el Lugar Numero Cinco (No. 5) y la Autorización del Gerente de la Ciudad para Firmar un Acuerdo de Elección Conjunto con el Administrador de Elecciones de Condado Bexar para la Conducta de Elección Dicha, y Proporcionando Detalles Acerca de la Conducta de Sostener la Elección, Autorizando el Uso de las Cámaras de Ayuntamiento de Leon Valley durante el Día 14 de mayo de 2011, Día de las Elecciones, y el Uso del Centro de Conferencia de Leon Valley, Localizado en 6421 Camino Evers, Leon Valley, Texas, 78238, para Votación Adelantada (en los días 2-7 de mayo, y días 9 y 10 de mayo de 2011).*

City Secretary Willman introduced the item as allowing the City Council to meet three purposes, if the agenda item is approved, to consider ordering the May 14, 2011 General Election of Officers, to consider authorizing the City Manager to sign a Joint Election Agreement, and consider authorizing the use of the City Council Chambers on Election Day and to move Early Voting from the Kinman House to the Leon Valley Conference Center during the Early Voting Period. Ms. Willman cited that the reason for the early consideration of this matter is to allow Bexar County to submit its request for preclearance to the United States Department of Justice when all final location changes are known.

Willman noted that movement of Early Voting from the Kinman House will free up Economic Development staff and space during its busiest business season for City facility rentals while allowing early voters the use of space which can comfortably accommodate the large number of voters anticipated for the May 14, 2011 Joint, General, and other Elections. There was some question about the charges allowed by the Texas Election Code. Ms. Willman indicated that only those charges allowed by law and found acceptable to Bexar County would be passed along including charges applicable to meeting additional utility and communications needs.

There was Council discussion about ensuring wheelchair access on the foyer side and ensuring security of voting equipment if other users are allowed to rent the remaining space during the Early Voting Period. In response to the question about security, Economic Development Director Ryan indicated that if City staff is working they are considered to be roving. If City Staff is not working, then a security guard is required. It was clarified that the Public Works Department had recently installed an additional wheelchair ramp on the foyer side. Council also asked that additional signage directing voters be provided.

Motion by Councilman Reyna and second by Councilman Dean to approve the Resolution as presented. Voting in favor: Garcia, Reyna, Baldrige, Nelson, and Dean. Voting against: None. Mayor Riley announced the motion carried. Mayor Riley asked that the City Secretary report to the Council the final determination of whether the Early Voting will be done in the Leon Valley Conference Center foyer dependent on Bexar County Jacque Callanen's acceptance.

10. **Consider Action on M&C # 12-13-10 with Attached Resolution by Bexar County Flood Control to Consider a Waiver of the Building Permit Fees Associated with the Demolition and the Floodplain Development Permits of Homes Purchased and Vacated on El Verde Road and Jeff Loop Road. (Flores)**

## CITY COUNCIL MEETINGS OF THE CITY OF LEON VALLEY, TEXAS, DECEMBER 21, 2010

Community Development Director Flores informed the Council that Bexar County Flood Control is seeking the waiver of floodplain permit fees for a total of \$32,544 consisting of waivers in the respective amounts of \$26,244 in demolition permits and \$6,300 in floodplain permit fees. She read from an e-mail citing some of the reasons the fee waivers are being sought; 1. The proposed improvements will cost \$10 million with the removal of approximately 30 existing structures on the north side of El Verde Road creating a higher taxable value; 2. Demolition of the standing structures will prevent and minimize possible gang and illegal drug activity from occurring within the structures; 3. The demolition of the structures will also include area "clean-up" creating an open space that could be used as a gathering location; 4. The project would alleviate the flooding on El Verde originating from Grissom Road; and 5. The project would redirect some flooding along Bandera road which would benefit the Leon Valley City Hall.

Art Villarreal, P.E., Manager of the Flood Control Division for Bexar County, addressed the City Council answering questions about the progress of the work. He indicated there would be some follow-up with the City Manager in the first part of the year about scheduling meetings to coordinate project development. The Council asked if Bexar County had requested other smaller cities to consider fee waivers. The response provided is that no smaller cities other than Leon Valley had been requested to consider fee waivers as of this time.

Motion by Councilman Dean and second by Councilman Reyna to approve the Resolution waiving the Building Permit Fees. Voting in favor: Garcia, Reyna, Baldrige, Nelson, and Dean. Voting against: None. Mayor Riley announced the motion carried.

### 11. **Consider Action on M&C # 12-14-10 with Attached Ordinance – a Request to Consider Amending the Fiscal Year 2011 Budget Authorizing Payment to the City Attorney for the AIA-SDAT Internal Investigation. (Lambert)**

Mr. Lambert indicated there may be enough money in the budget to pay for the Internal Investigation but that determination will be made long after he has left the City's employ. For that reason, Mr. Lambert is requesting for the Council's consideration for the budget adjustment, if needed.

Motion by Councilman Dean and second by Council Member Baldrige to approve the Resolution amending the FY2011 Budget authorizing payment to the City Attorney for the AIA-SDAT internal investigation. Voting in favor: Garcia, Reyna, Baldrige, Nelson, and Dean. Voting against: None. Mayor Riley announced the motion carried.

### Discussion Agenda

#### 12. **City Manager's Report. (Lambert)**

- A. **Contract Renewals / Expirations Within 2011.** Some of the contract renewals up for reconsideration in 2011 were discussed.
- B. **Update of Meeting with CPS Energy regarding CIED Funds and Increase in Franchise Fees.** Mr. Lambert informed the Council that he, Mayor Riley, and Council Member Baldrige had been meeting with CPS Energy about the use of CIED Funds. He indicated the City of Leon Valley is in a coalition of four cities; Helotes, Shavano Park, and Balcones Heights, trying to renegotiate new franchise fees. The City of Leon Valley is asking for an increase in franchise fees to six percent from three percent.
- C. **Status Report of City Projects to be Transitioned from City Manager to Interim City Manager.** City Manager Lambert briefed the Council on a list of projects he will

## CITY COUNCIL MEETINGS OF THE CITY OF LEON VALLEY, TEXAS, DECEMBER 21, 2010

be transitioning to Interim City Manager Hank Brummett including: Poss Road, Street Maintenance Tax, Lawsuits, City Center Project, Water and Sewer Projects, Bandera Beautification, Community & Conference Center Improvements, Capital Projects, Budget, and Other Projects.

- D. **Monthly Departmental Reports.** There were no questions raised about the Departmental Reports.
- E. **Financial Statement for November 2010.** Mr. Lambert briefed the Council on the Financial Statement for November 2010/

### 13. **Citizens to be Heard.**

**Steven Price, 6300 Rue Marielyne,** thanked City Manager Lanny Lambert for his support of the City of Leon Valley. As a member of BOMA, he indicated interest in helping with the Beautification Project. He asked about the zoning for the location of the Church on the Rock. He indicated the location would be a great educational / training site. He indicated BOMA would like to be part of the El Verde Park.

**Al Uvietta, 6923 Sunlight Drive,** thanked Public Works about the work on bleachers in the Park as well as the Trail Stabilization Project.

**Dr. Tom Kusiak, 6727 Cherryleaf,** asked that the Council consider with the improvements on Poss and Bandera that maybe the City needs to be thinking of ways to facilitate the movement of traffic through town with the use of dedicated turning lanes. He spoke of his support for SDAT-AIA initiatives. He shared that CNBC has been broadcasting that many states are going bankrupt and we need to be mindful about how we spend our money.

### 14. **Executive Session in Accordance with the Texas Government Code.**

The City Council of the City of Leon Valley reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on the posted agenda, above, as authorized by the Texas Government Code Sections 551.071 (consultation with attorney), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations), 551.074 (personnel matters), 551.076 (deliberations about security devices), and 551.087 (economic development). There was no Executive Session held.

### 15. **Announcements by the Mayor and Council Members.**

*At this time, reports about items of community interest regarding which no action will be taken may be given to the public as per Chapter 551.0415 of the Government Code, such as: expressions of thanks, congratulations or condolence, information regarding holiday schedules, reminders of social, ceremonial, or community events organized or sponsored by the governing body or that was or will be attended by a member of the Leon Valley Council or a City official.*

#### **Community Events:**

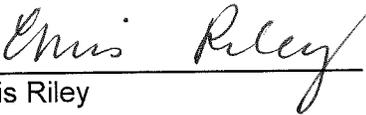
Councilman Reyna brought an article about the City of Galveston having a goal to plant 25,000 trees in five years with the help of the Texas Forest Service. Mayor Riley announced the Volksmarch on March 12, 2011, with the Community Events Committee to sponsor the event.

- A. **Town Hall Meeting at Leon Valley Conference Center on Saturday, January 29, 2011 from 8:30 a.m. to 12:30 p.m. to Discuss Upcoming Initiatives Related to the City's Strategic Plan (Mayor Riley)**
- B. **22<sup>nd</sup> Annual Earthwise Living Day, February 26, 2011, Leon Valley Community Center at 6427 Evers Road (Mayor Riley)**

**CITY COUNCIL MEETINGS OF THE CITY OF LEON VALLEY, TEXAS, DECEMBER 21, 2010**

- C. Christmas Greetings from the City Council.** Council Members in turn wished everyone a Merry Christmas and Happy New Year.
- D. City Hall Offices & Facilities closed December 23-24 & December 31.**

16. **Adjourn.** Motion for adjournment at 9:18 p.m. by Councilman Dean.

  
\_\_\_\_\_  
Mayor Chris Riley

ATTEST:

  
\_\_\_\_\_  
Janie Willman, City Secretary

