

**CITY COUNCIL MEETINGS OF THE CITY OF LEON VALLEY, TEXAS  
NOVEMBER 5, 2012**

The City Council of the City of Leon Valley, Texas, met on the 5<sup>th</sup> of November, 2012 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:

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**SPECIAL MEETING OF THE CITY OF LEON VALLEY CITY COUNCIL, 5:30 P.M.**

1. **Call the City of Leon Valley Special City Council Meeting to Order, and Determine a Quorum is Present.** Mayor Riley called the Special City Council Meeting to order at 5:28 p.m. with all the following City Council Members in attendance: Hill, Reyna, Baldrige, Dean, and Bieber.

The following staff members were in attendance: City Manager Longoria, City Attorney McKamie, City Secretary Willman, and Police Chief Wallace.

2. **Executive Session in Accordance with the Texas Government Code.**
  - A. The City Council of the City of Leon Valley convened in Executive Session at 5:29 p.m., Pursuant to Section 551.074, Personnel Matters, to Deliberate the Duties and Responsibilities of a City Attorney as Those Duties and Responsibilities Relate to the Upcoming Contract Negotiations for City Attorney Services, M&C # 11-01-12.
  - B. The City Council of the City of Leon Valley convened in Executive Session at 5:29 p.m. immediately following Agenda Item 2.A., Pursuant to Section 551.071, Regarding the Solid Waste Management Contract Negotiations with Waste Management of Texas, Inc., M&C # 11-02-12.
  - C. The City Council of the City of Leon Valley reconvened into Open Session at 7 p.m. and to consider any possible actions resulting from the Executive Session 2.A. or 2.B. including providing direction to the City Manager based on the City Council's findings in and arising out of Executive Session 2.A. or 2.B.

Executive Session conducted under 2.A.

Motion by Councilman Reyna and second by Councilman Bieber to instruct, authorize, and direct the City Manager to negotiate a City Attorney Services Contract according to the directions given to the City Manager in Executive Session. Voting Aye: Hill, Reyna, Baldrige, Dean, and Bieber. Voting Nay: None. Mayor Riley announced the motion carried.

Executive Session conducted under 2.B.

Motion by Councilman Reyna and second by Councilman Dean to instruct, authorize, and direct the City Manager to negotiate a Solid Waste Services Contract with the City's current provider, Waste Management of Texas, Inc., according to the directions given to the City Manager in Executive Session. Voting Aye: Hill, Reyna, Baldrige, Dean, and Bieber. Voting Nay: None. Mayor Riley announced the motion carried.

3. **Adjourn.** Motion by Councilman Reyna and second by Councilwoman Baldrige to adjourn the meeting at 7:02 p.m. Mayor Riley adjourned the meeting at 7:02 p.m. without objection.

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**REGULAR MEETING OF THE CITY OF LEON VALLEY CITY COUNCIL, 7 P.M.**

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- 1. Call the City of Leon Valley Special City Council Meeting to Order, Determine a Quorum is Present, and Pledge of Allegiance.** Mayor Riley called the Special City Council Meeting to order at 5:28 p.m. with all the following City Council Members in attendance: Hill, Reyna, Baldrige, Dean, and Bieber.

The following staff members were in attendance: City Manager Longoria, City Attorney McKamie, City Secretary Willman, Community Development Director Flores, Economic Development Director Mora, Fire Chief Irwin, and Police Chief Wallace.

Mayor Riley led the assembly in the Pledge of Allegiance.

- 2. Arbor Day Proclamation.** Mayor Riley presented an Arbor Day Proclamation to Tree Advisory Board Member Melinda Dawson and Community Development Director Flores. Ms. Flores invited the assembly to attend the 4<sup>th</sup> Annual Arbor Day Event on Saturday, November 10.
- 3. Citizens to be Heard and Time for Objections to the Consent Agenda.** There were no citizens to come forward to address the City Council.

Motion by Councilman Reyna and second by Councilwoman Hill to approve Consent Agenda Items 4, 5, 6, 7, and 8. Voting Aye: Hill, Reyna, Baldrige, Dean, and Bieber. Voting Nay: None. Mayor Riley announced the motion carried.

**Consent Agenda**

- 4. Consider Approval of the Meeting Minutes of the Special and Regular City Council Meetings of October 16, 2012.** Approved the Meeting Minutes of the October 16, 2012 City Council Meetings.
- 5. Consider Action on M&C # 11-03-12 Appointing Members to the City's Boards, Committees, and Commissions.** Appointed Lehua Wood and Michael A. Morales to the Community Events Committee and Jason Meza to the Earthwise Living Committee.
- 6. Consider Action on a Resolution Rescheduling City Council Meetings of January 1, 2013 to January 8, 2013, and from January 15, 2013 to January 22, 2013, M&C # 11-04-12.**

**Adopted Resolution No. 12-016** – A Resolution of the City Council of the City of Leon Valley to Reschedule the Regular City Council Meetings of January 1, 2013 to January 8, 2013, and from January 15, 2013 to January 22, 2013

- 7. Consider Action on a Resolution Authorizing the Mayor to Sign an Interlocal Agreement Appointing and Designating Dr. Thomas Schlenker, M.D., Director of the San Antonio Metropolitan Health District, as the Local Health Authority for the City Of Leon Valley, M&C # 11-05-12.**

**Adopted Resolution No. 12-017** – A Resolution of the City Council of the City of Leon Valley Authorizing the Mayor to Sign an Interlocal Agreement Appointing and Designating Dr. Thomas Schlenker, M.D., Director of the San Antonio Metropolitan Health District, as the Local Health Authority for the City of Leon Valley

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8. **Consider Action Rejecting All Bids Submitted for the Leon Valley Public Library Children's Wing Capital Improvement Project, M&C # 11-06-12.** Rejected all bids submitted for the Leon Valley Public Library Children's Wing expansion based on the lowest bid exceeding the anticipated cost of the Project. The project will be re-bid as soon as possible.

**Regular Agenda**

9. **Conduct the First of Two Public Hearings and Readings, and Consider Action on a Resolution Approving a Leon Valley Economic Development Corporation (LVEDC) Project Funding of Up to \$10,000 in a Grant and Up to \$37,500 in a Loan to Mauricio Romero and El Sol Bakery, Inc., for the Relocation of El Sol Bakery to Leon Valley and Improvements to the Kinman House at 6417 Evers Road, Leon Valley, TX, M&C # 11-07-12.**

Economic Development Director Mora briefed the City Council and introduced Mauricio and Tere Romero. Mr. and Mrs. Romero addressed the City Council requesting favorable consideration of their project. Mauricio Romero noted that his sweet bread is a healthy, gluten-free product with a target market of senior citizens. When asked about the anticipated completion date of the work to be done on the Kinman House, Mr. Romero noted if the work is started in the January to February timeframe, it could take between 3 to 5 months. Mr. Romero was also asked about the anticipated operating hours. He responded that he hopes to operate 6 days a week from 7 a.m. to 7 p.m.

Following the presentation, the City Council undertook the public hearing.

- A. Open Public Hearing.** Mayor Riley opened the Public Hearing at 7:30 p.m. Benny Martinez, 6319 Rue Sophie, asked if there was anyone from the LVEDC present to provide the Board's input.

Abraham Diaz, LVEDC Board President, addressed the City Council confirming that the LVEDC Board voted unanimously in favor of funding the Project.

- B. Close Public Hearing.** Mayor Riley closed the Public Hearing at 7:32 p.m., there being no other speakers.

**C. City Council to Consider Action.**

During the deliberation of the agenda item, questions were raised regarding the confluence of the major-named agreements; the Development Agreement between the LVEDC and Mr. Mauricio Romero DBA El Sol Bakery, and the Lease Agreement between the City of Leon Valley and Mr. Mauricio Romero DBA El Sol Bakery. A question was raised seeking clarity regarding whether the City of Leon Valley as property owner of the Kinman House, a public property to which modifications, structural improvements, etc., are to be made using tax dollars in the various forms of a loan and grant, should be named in the Development Agreement as well as in the Lease Agreement. City Attorney McKamie indicated a preference to keep the documentation (the Development Agreement and the Lease) separate and heavily cross-referenced to

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include breach terms in the event that circumstances would require default on some basis.

Following the deliberation, the City Council requested the resolution be amended to include, if not already provided, claw back provisions, a performance agreement, an economic development agreement, a property lease, contractual indemnification insurance certificates, and a separate funding agreement which would include project approval. A question was raised if a renewal clause was included and the amount of time involved. Staff responded a renewal clause was included with an initial period of five years and at least one additional five year period.

Motion by Councilman Dean and second by Councilwoman Hill to (approve the terms of the LVEDC El Sol Bakery Project, and finding that Mauricio and Tere Romero and El Sol Bakery are suitable tenants) adopt a Resolution, as amended, of the City Council of the City of Leon Valley approving the Leon Valley Economic Development Corporation (LVEDC) Project Funding of up to \$10,000 in a grant and up to \$37,500 in a loan to Mauricio Romero and El Sol Bakery, Inc., for the relocation of El Sol Bakery to Leon Valley and improvements to the Kinman House at 6417 Evers Road, Leon Valley, TX.

Voting Aye: Hill, Reyna, Baldrige, Dean, and Bieber. Voting Nay: None. Mayor Riley announced the resolution passed on the first reading.

**Adopted Resolution No. 12-018** - A Resolution of the City Council of the City of Leon Valley Approving the Leon Valley Economic Development Corporation (LVEDC) Project Funding of Up to \$10,000 in a Grant and Up to \$37,500 in a Loan to Mauricio Romero and El Sol Bakery, Inc. for the Relocation of El Sol Bakery to Leon Valley and Improvements to the Kinman House at 6417 Evers Road, Leon Valley, TX

10. **Consider Action on a Resolution of the City of Leon Valley Authorizing the Filing of an Application with the San Antonio – Bexar County Metropolitan Planning Organization (MPO) FY2013-2016 Transportation Enhancement Program (TEP); Authorizing the City Manager to Act on Behalf of the City of Leon Valley in All Matters Related to the Application; and Pledging That if a Grant is Received the City Of Leon Valley Will Comply with the Grant Requirements, M&C # 11-08-12.**

Following a briefing by Economic Development Director Mora, the City Council took action.

Motion by Councilman Bieber and second by Councilwoman Baldrige to adopt a Resolution of the City of Leon Valley authorizing the filing of an application with the San Antonio-Bexar County Metropolitan Planning Organization (MPO) FY 2013-2016 Transportation Enhancement Program (TEP); authorizing the City Manager to act on behalf of the City of Leon Valley in all matters related to the application; and pledging that if a grant is received the City of Leon Valley will comply with the Grant requirements. Voting Aye: Hill, Reyna, Baldrige, Dean, and Bieber. Voting Nay: None. Mayor Riley announced the motion carried.

**Adopted Resolution No. 12-019** – A Resolution of the City Council of the City of Leon Valley Authorizing the Filing of an Application With the San Antonio-Bexar County Metropolitan Planning Organization (MPO) FY 2013-2016 Transportation Enhancement

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Program (TEP); Authorizing the City Manager to Act on Behalf of the City of Leon Valley In All Matters Related to the Application; and Pledging That if a Grant is Received the City of Leon Valley Will Comply With the Grant Requirements.

**11. Discuss and Consider Action on Delivery Methods for the Municipal Facilities Capital Improvement Project, M&C # 11-09-12.**

City Manager Longoria briefed the City Council on the various delivery methods that can be used for the Municipal Facilities Capital Improvement Project. The City Council was informed that the staff recommends the Construction Manager – At Risk based on the renovation and phase scope of the City’s Project requiring a “skilled” contractor with extensive previous experience with similar projects. It was noted that the Bond Oversight Committee concurs with the staff’s recommendation. Following the briefing, the City Council took action.

Motion by Councilman Bieber and second by Councilman Dean to support the Bond Oversight Committee’s and the City Manager’s recommendation to use the Construction Manager – At Risk delivery method for the Capital Facilities Project. Voting Aye: Hill, Reyna, Baldrige, Dean, and Bieber. Voting Nay: None. Mayor Riley announced the motion carried.

**Discussion Agenda**

**12. City Manager’s Report. (Longoria)**

**A. Informational updates, as may be required.**

City Manager Longoria reported that two new Code Officers have been hired and they are scheduled to begin work on November 13. Annette Rodriguez will work as the new Code Enforcement Officer, and Jonathan Diaz will work as the new Animal Control Officer.

Fire Chief Irwin reported on a weekend fire caused by lightning over the weekend. Chief Irwin noted that the fire centered in the attic following the lightning strike. Other departments responded providing assistance.

**B. Children’s Wing Project Update.**

City Manager Longoria reported the bids received for the Children’s Wing Expansion were over the project amount. He indicated the re-bid process would start as soon as possible.

**C. Monthly Departmental Reports for Month of October 2012.** There were no questions raised regarding the Monthly Departmental Report included in the packet.

**D. Approved Minutes of City-Affiliated Boards, Committees, and Commissions.**

- (1) Leon Valley Economic Development Corporation Board Meeting Minutes for the August 22, 2012 and September 18, 2012 Meetings.

**E. Future Agenda Items**

- (1) Consider Approval of Contract with OCO Architects Related to the Municipal Facilities Improvement Project, December 4, 2012.
- (2) Executive Session Interviews and Possible Appointment of LVEDC Board Member in Place 6, December 4, 2012.

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- (3) Consider Approval of Solid Waste Contract as Authorized by the City Council, December, 2012.
- (4) Consider Proposed CIED Fund Budget, December, 2012.
- (5) Consideration of a Service Provider for Construction Manager at Risk for the Municipal Facilities Improvement Project, January, 2013.
- (6) Conduct Annual Town Hall Meeting, Saturday, January 26, 2013.
- (7) Texas Department of Transportation Presentation on Super Street Model.
- (8) Staff Update / Presentation on the Progress of the Sun Setting Process for the City of Leon Valley's Boards, Committees, and Commissions.

**13. Citizens to be Heard.** Al Uvietta, 6923 Sunlight Drive, informed the City Council that there was a brief fire in the Natural Area on the trail extension from Raymond Rimkus Park trail head to the gravesite which burned intensely. The location should be looked at. Ran into an elderly lady who was very grateful also in the Evening Sun area. She had some brush that extended into the roadway and couldn't take care of it. She was helped by Police Lt. Reyes who went and got some clippers and cut the brush back.

**14. Announcements by the Mayor and Council Members.**

Councilman Biever indicated there have been some break-ins in vehicles along Handsome Lake and the Police have apprehended the person involved. Kudos to the Police Department for their assistance. A child ran into the street and was hit by a car. The Police Chief promised that he will watch the location.

Councilwoman Baldrige thanked the City Council for her surprise birthday cake presented at the Special City Council Workshop Meeting of November 2.

Councilman Reyna announced he has shared with the City Manager the Resolutions booklet so it may be shared with the City Council prior to the TML Conference. He asked that the City Council inform him once they are in attendance at TML what resolutions they have interest in supporting. He announced that on Wednesday afternoon he is moderating a panel on desalination. He announced that his father is improving.

Councilwoman Hill announced that the City's Commemoration Events celebrating the City of Leon Valley's 60<sup>th</sup> Anniversary and the Historic Huebner-Onion Homestead were a success due to the partnership with the Leon Valley Historical Society and the ad-hoc Commemoration Committee. She mentioned that the Well Ceremony went well.

Ms. Hill indicated that recognition for the volunteers and persons involved in the Commemoration Events will be done in December. Councilwoman Baldrige thanked the City Manager for the excellent work done by the City's employees who contributed their hard work and talent to this year's Commemoration Events. Mayor Riley read two letters of appreciation received in connection with the Commemoration Events.

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Executive Session

15. 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).

No Executive Session was conducted under this agenda item.

16. **Adjourn.** Motion to adjourn by Councilman Reyna and second by Councilwoman Hill at 8:33 p.m. Mayor Riley adjourned the meeting without objection.

  
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Mayor Chris Riley

ATTEST:

  
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Janie Willman, City Secretary

