

CITY COUNCIL MEETING OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, OCTOBER 4, 2010

The City Council of the City of Leon Valley, Texas, met on the 4TH day of October, 2010 at 6:00 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:

SPECIAL CITY COUNCIL WORKSHOP – 6:00 P.M.

Call to Order

Mayor Riley called the Special City Council Workshop Meeting to order at 6:00 p.m. and asked that the minutes reflect that the following City Council members were present: Garcia, Reyna, Baldrige, Dean, and Nelson.

Staff in attendance: City Manager Lambert, City Secretary Willman, City Attorney McKamie, Community Development Director Flores, Fire Chief Irwin, and Librarian Trent.

Presentation on the Texas Open Meetings Act

City Attorney McKamie presented a synopsis of the Texas Open Meetings Act. He presented the brief history that led to the local government rules changing as part of a sweeping change to come out of the Sharpstown Scandal that occurred during the 1970s. He introduced key elements of the Act pertaining to quorums, agenda postings, social events, what constitutes a majority of the governing body and what to do at social events if someone approaches what constitutes a quorum of the governing body. He also discussed prophylactic language as it relates to Executive Sessions.

He explained the concept of public business. Mr. McKamie indicated that meetings of less than a quorum are not subject to the Act. He warned against a walking quorum which is information being shared in a gathering of less than a quorum with the intent to circumvent the Act which is a crime. He discussed the penalties for violating the Act.

Adjourn

There being no further business to discuss, the meeting adjourned at 6:59 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 7:12 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 Secretary Willman, City Attorney McKamie, Community Development Director Flores, Community Events Committee Staff Liaison Gomez, Economic Development Director Ryan, Fire Chief Irwin, Library Director Trent-Miller, and Public Works Director Vick. Also in attendance: Grant Writer Kathryn Word.

Mayor Pro Tem Cathy Nelson the assembly in the Pledge of Allegiance.

Proclamation for National Night Out. Mayor Riley presented a proclamation designating Tuesday, October 3 – 9 as Fire Prevention Week in Leon Valley to Fire Chief Stan Irwin. Chief

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Irwin urged the community to participate in fire prevention recommended practices. Chief Irwin reiterated the message of the working smoke alarm being key to saving lives; he asked those present to check on a monthly basis to ensure their smoke alarms are working.

Presentation – Report from the VIA Citizens Advisory Group. (Al Uvietta) Mayor Riley introduced Mr. Uvietta as being the City of Leon Valley's appointed representative to the VIA Citizens Advisory Committee. Mr. Uvietta briefed the City Council about the progress of various transportation-related initiatives. He indicated that Bandera Road does remain on the list of nine important corridors; being number five on the list. He spoke to some specifics of plans regarding the improvement of BRT, indicating that phased development of improved routes and service will have buses and future plans for light rail originating from downtown San Antonio terminating at Leon Valley. The BRT system enhancements feature 30 minutes or better to any place within the Metro System. The plan is comprehensive in nature, features mobility of less than 30 minutes and is comprehensive in nature and focuses on connectivity. The final meeting is scheduled for December 1 with the delivery of a final Plan Draft. There will be a series of public meetings and the final proposal will be available by about April 1, 2011.

Citizens to be heard and time for objections to the Consent Agenda

Mr. Al Uvietta, 6923 Sunlight Drive, thanked the City Council for bringing back the AIA-SDAT team indicating that a lot was learning from the Conference. It was an excellent conference. He indicated participants learned a lot and that the City is heading in the right direction. He commented on the branding session as being interesting.

Councilman Reyna asked that Consent Agenda Items 7 & 8 be removed from the Consent Agenda for separate consideration.

Motion by Councilman Reyna and second by Council Member Nelson for the approval of Consent Agenda Items 5 and 6. Voting in favor: Garcia, Reyna, Baldrige, Nelson, and Dean. Voting against: None. Mayor Riley announced the motion carried; Agenda Items 5 and 6 were approved.

Consent Agenda

5. **Consider Approval of the Minutes of the Special City Council Workshop of August 17, 2010 and the Regular Council Meeting of August 17, 2010. (Willman)**
6. **Consider Approval of the Minutes of the Special City Council Workshop of September 21, 2010 and the Regular Council Meeting of September 21, 2010. (Willman)**
7. **Consider Approval of the Minutes of the Special City Council Workshop (AIA-SDAT Conference) of September 24-25, 2010. (Willman)**

Motion by Councilman Garcia and second by Council Member Baldrige for the approval of the minutes of the Special City Council Workshop of September 24-25, 2010. Voting in favor: Garcia, Baldrige, Dean, and Nelson. Voting against: None. Abstaining: Councilman Reyna due to his absence. Mayor Riley announced the motion carried.

8. **Consider Action on M&C # 10-01-10 Waiving the Use of the Leon Valley Conference Center Fees for the AIA-SDAT Conference. (Mayor Riley)**

There was brief discussion about the use of the Conference Center as being for a public purpose and no events scheduled before or after the AIA-SDAT Conference. Questions

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arose regarding waiver of the fees being sponsorship after the fact and about the City's policy on the use of fees being waived for different events. The Chamber of Commerce would be responsible for payment of the fees if not waived by the City Council.

The Council discussed that determination is made on a case-by-case basis but that the City does waive fees for other City-related gatherings. City Attorney McKamie indicated waiving the fee does not necessarily make the City a sponsor of the event on a formal basis. He noted the importance in defining a public purpose for an event for which the Council considers waiving fees for use of City facilities; indicating the public purpose is not necessarily related to a City departmental event or function. Mr. McKamie commented on the Council's previous discussion involving the fee waivers for the use of City facilities by non-profits as requiring a public purpose and that it would be better for the City to have a written policy.

Motion by Councilman Dean and second by Council Member Baldrige to waive the use of the Leon Valley Conference Center Fees for the AIA-SDAT Conference. Voting in favor: Garcia, Baldrige, Dean, and Nelson. Voting against: None. Abstaining: Councilman Reyna.

Regular Agenda

9. Consider Action on M&C # 10-02-10 – a Request Authorizing the City Manager to Sign a Letter of Intent with TD, Industries to Pursue Energy Efficiency Retro-Fits for Municipal Buildings. (Word)

Grant Writer Word introduced the agenda item as allowing the City of Leon Valley to fulfill its contractual requirements under the SECO loan and EECBG monies, which requires the selection and use of Energy Saving Company (ESCO) to create a Utility Assessment Report (UAR) for implementation of energy savings projects. The City staff selected an ESCO based upon qualifications and experience but must sign a Letter of Intent with the ESCO before a UAR can be created. The work will be done a performance-based contractual basis. All municipal buildings will be assessed.

There was a question raised about whether the professional service providers would be performing work in advance in exchange for getting later work for the ultimate project. City Attorney McKamie indicated he could review the documents prior to signature.

Motion by Councilman Reyna and second by Council Member Nelson to approve the request authorizing the City Manager to sign a Letter of Intent with TD Industries concerning the SECO Grant (contingent upon the City Attorney's review prior to signing the Letter of Intent). Voting in favor: Garcia, Reyna, Baldrige, Dean, and Nelson. Voting against: None. Mayor Riley announced the motion carried.

10. Consider Action on M&C # 10-03-10 with Attached Resolution – a Request to Approve Application for Edwards Aquifer Authority Conservation Grant Program. (Word)

Grant Writer Word introduced the item which had previously been brought before the City Council with a request to bring the item back with additional information. The item is a grant program from the Edwards Aquifer Authority for a conservation program. The City of Leon Valley submitted a \$28,400 rainwater harvesting project to the EAA

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Conservation Grant Program. The grant would require a 50 percent cash match from the City in the amount of \$14,200. The project would include a rainwater harvest cistern with educational component and senior citizen community garden.

Motion by Councilman Reyna and second by Councilman Dean to not approve the attached Resolution authorizing the EAA Grant Program due to the return on investment not being equitable. Voting in favor: Garcia, Reyna, Baldrige, Dean, and Nelson. Voting against: None. Mayor Riley announced the motion carried.

11. Consider Action on M&C # 10-04-10 Economic Development Policy Statement. (Lambert)

The City Manager indicated that staff is bringing back the newly-revised Economic Development Policy Statement for the City Council's continued review and recommendations. The Council indicated the need to make the tone a positive one and delete a lot of history from the document. A question arose as to the target audience of the Policy Statement; whether or not it would be used internally or provided to prospective business owners and representatives. There were some suggestions made regarding the use of the Form.

Motion by Councilman Reyna and second by Council Member Baldrige to table the Economic Development Policy Statement to allow the staff to make the recommended changes and bring the document back for further consideration. Voting in favor: Garcia, Reyna, Baldrige, Dean, and Nelson. Voting against: None. Mayor Riley announced the motion to table carried.

12. Consider Action on M&C # 10-05-10 – a Request to Approve the Fall 2010 Slurry Seal Program. (Lambert)

City Manager Lambert briefed the City Council on the anticipated timeline for the Fall 2010 Slurry Seal Program. He indicated there are 44 streets on the list provided to the Council based on conditions. The amount of the project is estimated at \$445,656. The City wants to advertise on October 10; open bids on October 26 and Council would award the bid on the first meeting in November. This is the second part of a very aggressive street maintenance tax renewal program proposed for renewal for next Fall. The City Manager indicated the staff hopes to get the process done this Fall and complete the lower portion of Poss Road by December 2010 or January 2011. There will be some unique architectural elements included for the Council's consideration. Public Works Director Vick addressed the Council about street selection. Staff drives the streets periodically to re-assess street conditions and the street plan is adjusted accordingly.

Motion by Councilman Reyna and second by Councilman Dean to approve the Fall 2010 Slurry Seal Program proposal. Voting in favor: Garcia, Reyna, Baldrige, Dean, and Nelson. Voting against: None. Mayor Riley announced the motion carried.

13. Discuss and Consider Appropriate Action on M&C # 10-06-10 – a Request Regarding Funding Required and Funding Sources to Offset the City of Leon Valley Employees Healthcare Insurance Cost. (Lambert)

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City Manager Lanny Lambert introduced this item to find \$38,532 to pay for the increased unbudgeted amount of the City Employees Medical Insurance Coverage for Fiscal Year 2011. He covered potential funding sources.

As the longevity pay for the City's employees was included as a potential funding source, there was affirmation that the \$40,045 slated for longevity pay for police officers and firefighters would need to be paid when the City Council reaches a population of 10,000 persons based on the Decennial Census.

Council discussed the possible options presented. Motion by Council Member Baldrige and second by Councilman Reyna to fund the required funds from additional sales tax money from Fiscal Year 2010 and reduce the number of events for Trade and Market Days to four events per year.

Council Member Nelson asked that the Trade and Market Days members be allowed to come before the City Council to have a voice about the progress of the Committee. Council continued its discussion about changes to TMD.

Councilman Reyna withdrew his second to Council Member Baldrige's motion. She withdrew her motion.

City Attorney McKamie advised the Council that it could not take action on the Trade and Market Days because it is not on the posted agenda.

Motion by Council Member Baldrige and second by Councilman Reyna to use the \$49,000 additional Sales Tax budgeted to offset the required amount for the Employees Health Insurance cost. Voting in favor: Garcia, Reyna, Baldrige, Dean, and Nelson. Voting against: None. Mayor Riley announced that the motion carried.

14. Discuss and Consider Appropriate Action on M&C # 10-07-10 with a Resolution – a Request to Cancel the November 1, 2010 City Council Meeting Due to TML Conference and Travel. (Mayor Riley)

Mayor Riley introduced this item. With four of six City Council Members and the City Manager traveling to Corpus Christi for the 2010 Texas Municipal League Conference, the week of agenda packet preparation, October 26-29, this item was placed on the agenda to consider cancelling the first meeting in November which had previously been re-scheduled to November 1 to accommodate the use of the Council Chambers for the November 2 General Elections Day voting. Public Works Director Vick addressed the City Council indicating there would be problem meeting the bidding requirement award if there was no meeting. Subsequently, the Council reached a consensus to having a one-item agenda for Monday, November 1. No action was taken on this item.

Discussion Agenda

15. Receive Update on City of Leon Valley Grants Including Brownfield Project/Green Infrastructure (Environmental Protection Agency). (Word)

Grant Writer Word introduced this item. She shared that the EPA contacted the City

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regarding the former Fiesta Dodge site regarding their interest in providing contract support for focused charrette(s) to create a sustainable re-use model for Fiesta Dodge Site. The City must commit to promotion and providing refreshments. She discussed the possibility of helping Trade and Market Days with possible grant funding through the Main Street Grant activity along with re-organizing the event. She asked for permission to help with the Trade and Market Days Committee Members. She mentioned the November 8 Parks Commission Meeting featuring Marita Roos presenting about Green Infrastructure. Ms. Word was asked for the EPA to re-submit an updated report. Economic Development Director Ryan informed the Council of potential co-work with Ms. Word on the former Fiesta Dodge location. She was also asked about following-up on stormwater grants.

16. Discuss City Council Rules of Conduct. (Mayor Riley)

Mayor Riley asked that the Council consider the proposed change to the City Council Rules of Conduct as setting a deadline for agenda item documentation needed by noon on Wednesday with all documentation necessary to explain, describe, and identify action requested of the City Council is to be in the City Secretary's office by 12 noon, the Wednesday preceding the Tuesday Council meeting. The item will be brought back to the next City Council meeting for action.

17. City Manager's Report (Lambert)

A. CPS Windtricity Partnership Opportunity. CPS Economic Development Manager Jim McAden notified the City by e-mail of an opportunity to engage in a CPS Windtricity Partnership Opportunity. The item will be brought back for consideration by Council.

B. Report on Work and Progress of Sign Ordinance Team. The Team is trying to get an ordinance together for the Council's consideration in November with changes including: reducing the number, size, and frequency of signage. Looking at combining special events signs and temporary signs in one category. Looking at a special sign category for the businesses by Loop 410 affected by the Bandera flyover.

C. Seneca III Site Layout – Huntington Development. This company had a meeting at the Leon Valley Community Center for a meeting with members of the neighborhood not including City staff and only two Council Members. Mr. Lambert referenced a site plan from the web posting. There are different levels of population density in different plans under consideration. Councilman Reyna and Garcia shared information about what they learned at the meeting. City Manager Lambert indicated the developer wants to meet with the remaining Council Members.

D. Poss Road Repairs Update. Mr. Lambert indicated the City will file insurance for Poss Road repairs.

E. Tree Grant/2nd Annual Arbor Day Event. Grant Writer got a grant for the event. Mr. Lambert indicated there will be a big community event celebrating the 2nd Annual Arbor Day event.

18. Citizens to be heard. There were no citizens to come forward to speak.

19. Announcements by Council Members and Mayor.

- Councilman Reyna announced that Dr. Georgia Zannaras was announced the AACOG Solid Waste Planner of the Year by AACOG for outstanding service and dedication to fellow planners and councils of government for services improvement and maintenance of environmental quality in the State of Texas.

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- Council Member Baldrige announced the annual Leon Valley Historical Society Fall Fiesta Fundraiser to benefit the Huebner-Onion Homestead and shared information about the event. She invited everyone to come.
 - Council Member Nelson announced the upcoming National Night Out Council Meeting and Observance in the City on Tuesday, October 5. Mayor Riley indicated there would be additional information provided for the event which was posted as a meeting of the City Council.
 - CPS Energy has started its construction work on Evers Road between 9 a.m. and 3 p.m. this week to install the large utility poles.
 - Mayor Riley announced that Dr. Alberto Milmo resigned from the Economic Development Corporation Board. The process will be brought back.
 - Mayor Riley announced the birthday of City Secretary Willman, presented her with a cake, and the group sang the birthday song.
20. **Adjourn.** Motion by Councilman Reyna and second by Councilman Dean to adjourn at 9:35 p.m.

Chris Riley,
Mayor

ATTEST:

Janie Willman,
City Secretary