

**CITY COUNCIL MEETING OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,
TEXAS, SEPTEMBER 16, 2008**

The City Council of the City of Leon Valley, Texas, met on the 16th day of September 2008 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.

Presentation by the Leon Valley Historical Society and discussion concerning its relationship with the City with respect to the Huebner-Onion Homestead and the natural area (Mayor Riley).

Mayor Riley announced that all members of City Council were present and introduced visitors from the Historical Society of Leon Valley: President Darby Riley, Shirley Owen, Pam Weatherford, and their consultant Ed Conroy.

Also in attendance were City Manager Lambert, City Attorney McKamie, City Secretary Feutz, Fire Chief Irwin and members of the Park Commission.

Mayor Riley welcomed everyone and stated that a few months ago Council had heard from the Historical Society of Leon Valley and some issues were raised that were worth hearing more about from the Society.

The Historical Society of Leon Valley (HSLV) President, Darby Riley, addressed Council and provided a brief history of the natural area and the Huebner Onion Homestead to illustrate the citizens' response asking Council to preserve the house and the green space as a natural area. He provided an update on the current status of the restoration project for the Huebner Onion Homestead. He reviewed progress made with \$120,000 spent to mothball the house and he explained that the HSLV was having some difficulty funding the interior restoration of the home. He stated that in April 2007, the HSLV had developed a strategic plan and they had two well qualified historical architects working on the Master Plan for the restoration project. Mr. Riley added that \$67,000 was needed to fund a first class Master Plan for the property restoration.

Mr. Conroy, Development Director for the Southwest School of Crafts and Art and consultant to the Historical Society, explained his work with the HSLV. He provided an overview of best practices for meaningful historic preservation donations, stating that it required proper planning documents with a good master plan, before that capital donation program was begun. He stated that architects Carolyn Peterson and CM Pemberton were partnering to develop the architectural component of the master plan. Mr. Conroy stated that the job could be a \$750,000 job, but they would have to see what needed to be done.

Mr. Riley explained that the HSLV has \$44,000 in the bank and they continue to work on a matching grant from the Conservation Society for another \$10,000, but they need an additional \$10,000 - \$20,000. He proposed that the City's accumulated funds from the Hotel Motel Tax revenue account be used for the HSLV's project, as the completed Huebner-Onion Homestead project will promote tourism in Leon Valley. He stated that because the Hotel Motel Tax revenue can only be used for limited items, he recommended Council consider giving the HSLV part of that money to fund the master plan and architectural support needed before their capital

**CITY COUNCIL MEETING OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,
TEXAS, SEPTEMBER 16, 2008**

fund-raising campaign can begin.

Mr. Conroy estimated that it will take 12-18 months for a capital campaign to raise what may be \$500,000-\$750,000 for the restoration project.

The City Attorney was asked if the City could give the HSLV a grant. Mr. McKamie answered that the City can never give a grant with City funds, but could spend the money directly if it is an eligible expense for the public purpose, with a contract and all expense would be subject to a formal audit. He stated that there are some limitations on historic preservation tied to the total amount of money that can be spent in a fiscal year. He also stated that the guidelines that will allow use of funds for a tourist attraction are that it has to bring in visitors from outside of the county. He also stated that museum funding was also allowed for hotel motel tax revenue use. Mr. McKamie stated that he was optimistic that an agreement could be handled. He further explained that the HSLV would propose the specific uses of the funds needed year to year and Council would determine if the uses are eligible for use of Hotel Motel Tax. Then, he stated, that contract would have to be drawn up with the public purpose identified, and then Council would have to vote to approve the expenditure.

Council asked if the HSLV was asking for the full \$ 30,000 and Mr. Riley answered, "Yes." The HSLV estimated that the plan will take 4-5 months to be completed and it was unknown how long it would take to raise the money.

Councilman Reyna asked about the City becoming a certified City. Mr. Conroy answered that the Texas Historical Commission has a Certified Local Government Program which is a best practice whereby municipalities partner with the Historical Commission to spread the word of the importance of historical preservation. The City would adopt an ordinance stating that there will be a Historical Preservation Commission and the City will be required to take an inventory of existing historical buildings in the city. He also added that the government agrees to cooperate with the State in enforcing historical preservation requirements and makes the City eligible for grants, a maximum of \$10,000 per year, which can be used for any historical preservation. He stated that it formalizes the process for any disputes before any demolition is begun, a review would be required from the City's Historical Commission. He stated that there were fees that the City would be required to pay for this, but they were not large and he suggested an amount of \$50-\$100. Mr. Conroy also stated that the City would not be eligible for grants until the year following their ordinance

Mayor Riley asked if arts' festivals or Trade & Market Days could also use the Hotel Motel Tax funds. Mayor Riley, clarified with the City Manager, that a balance at the end of the fiscal year was in the Hotel Motel Tax Revenue fund was estimated to be \$265,000, an amount which has accumulated since the City stopped using the Hotel Motel Taxes to pay for the Conference Center debt.

Councilmembers discussed the possibility of CDBG grants could be used for the HSLV restoration projects. Mr. Conroy suggested the City may want to go for the grants from CDBG and act as an advocate for the HSLV to get a grant.

Councilman Reyna stated that the SDAT is coming in a few weeks and there are a lot of places where the City needs to spend economic development money and he felt that any decision

**CITY COUNCIL MEETING OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,
TEXAS, SEPTEMBER 16, 2008**

before the SDAT was finished was a disservice to all the groups working on the sustainability project. He stated that in the past, citizens have said they did not want the City to spend money on the Huebner-Onion house. He stated that he felt that all the HSLV needs were a good purpose, but that if the sustainability study identifies that as a worthwhile purpose, than perhaps a shift could be made to assist them.

Councilman Dean expressed his concerns about the wilderness area's management belongs within the City's park system rather than under the Historical Society. He also stated that he felt it would be in the best interest of the City to designate the wilderness area as park property so that it will always be kept as park property for the City.

Councilman Reyna asked if there could be a public-private partnership contract written so that a private group could virtually have permanent oversight of the property if the land is dedicated park property.

The City Attorney stated that if the property is dedicated as park property, then the City would do some improvements to make the property useful for park use and accessible for everyone. Mr. McKamie stated that you could just have trails, and keep it accessible for everyone, you can call it park or whatever, after it is dedicated as park land owned by the City. He stated that he did not know if it was required to be ADA accessible.

Councilman Manea expressed his support for allowing the Park Commission to oversee the management of the natural area.

Mr. Riley stated that the HSLV was told by the Conservation Society that the HSLV was in a better position for grants if they have control of the land and the homestead. He also asked if the City would consider putting in parking area and driveway on the land at El Verde and Bandera so that visitors can come from the school district to visit the homestead.

Shirley Owen asked if the City could seek grants to obtain a grave site marker, as the grave is on City-owned property.

In answer to the Mayor, the City Attorney stated he could draft an ordinance that designates the property as park land for public use.

Park Commission Chair Thomas stated that he could see the property being incorporated into the Master Park Plan. Park Commissioner Uvietta stated that he felt it was important to preserve the area as a natural area and for the City to designate the land as dedicated parkland and for the property to be recognized as an ecosystem. He also stated that the trails in the natural area were not currently ADA accessible.

Resident Lange addressed Council reminding them of the ordinance passed which required the land to remain pristine land with a trail only around the perimeter of the property and he stated that the felt that the property should be part of the City's park system.

Mayor Riley summarized the meeting results: the Council will wait to hear the SDAT report findings before proceeding with using city funds for the HSLV, the City will proceed with having an ordinance drafted to designate the natural area a dedicated park land, and it will proceed

**CITY COUNCIL MEETING OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,
TEXAS, SEPTEMBER 16, 2008**

with drawing up documents to have the City designated as part of the Texas Historical Commission's Certified Local Government Program.

Adjourn.

A motion was made by Councilman Reyna, seconded by Councilmember Dean, to adjourn the workshop. Hearing no further comments, Mayor Riley announced the workshop meeting adjourned at 6:40 p.m. No formal votes or actions were taken at this meeting.

REGULAR CITY COUNCIL MEETING - 7:00 P.M.

Call to order and Pledge of Allegiance.

Mayor Riley called the meeting to order at 7:02 p.m. and asked that the minutes reflect that the all 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, Public Works Assistant Director Fred Stolz, Community Development Director Flores, Economic Development Director Ryan, Library Director Trent, and City Attorney McKamie were also present.

Mayor Riley led the assembled group in the pledge of allegiance.

Presentation of a "Good Neighbor Award" for Craig Ferrell (Mayor Riley)

Mayor Riley announced that a special "Good Neighbor Award" was being presented to resident Craig Ferrell who remembered the Fire and Police Department staff in a special way on September 11, 2008 by cooking a special meal for them. Mr. Ferrell expressed his appreciation for the staff and both Chief Irwin and Chief Wallace extended their thanks on behalf of their departments for Mr. Ferrell's generosity.

Presentation by Lydia Kelly, Bicycle/Pedestrian Coordinator from the Metropolitan Planning Organization on the recommendations from the Leon Valley Walkability Study (Mayor Riley).

Mayor Riley welcomed Lydia Kelly from the Metropolitan Planning Organization (MPO) and informed the audience and Council that in June, Ms. Kelly and members of her organization met with residents to investigate ways to make Leon Valley a more walkable community.

Ms. Kelly presented a brief overview of the goals of the local Walkable Community Program: to help the community better understand walking and bicycling environment, help identify infrastructure improvements that can be made to improve walking and cycling, serve as an educational process for local infrastructure and operational programs that are available through public agencies, and to serve as a two-way communication between the community and transportation agency staffs. Ms. Kelly reviewed how the process worked in Leon Valley and noted the ongoing process with the Sustainable Design Assessment Team (SDAT) visit planned

**CITY COUNCIL MEETING OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,
TEXAS, SEPTEMBER 16, 2008**

for early October 2008. Ms. Kelly reviewed identified objectives of infrastructure improvements identified in the workshops: 1) Hike and Bike opportunities - connections needed between park areas, flood control west of Bandera Road, long range plan for Huebner Creek area and desired bike corridors; 2) Bandera Road - transform Bandera Road, from Loop 410 to Eckert, into a pedestrian-friendly corridor that benefits economic development and which supports an identifiable downtown and engage TxDOT in planning for a more walkable Bandera Road; 3) Evers Road - include bicycle facilities from Callaghan to Huebner Road, sidewalk and intersection improvements, and traffic calming and speed reduction from Loop 410 to Huebner (consider raise crosswalk rear/or at Poss Road); 4) Huebner Road - need to expand sidewalks in front of elementary school and senior's facilities and include bike facilities by the schools to encourage cycling; 5) Old Mill Subdivision - connectivity to parks and other neighborhoods; 6) Rue Francois - traffic calming between Bandera and Huebner Road; and 7) Linkwood Subdivision - possible connectivity to park system through utility easements.

Ms. Kelly also informed Council that if Leon Valley adopts a cycling master plan, the MPO would like to include it in their regional MPO plan .

City Manager Lambert informed Council that intern John Hargis was working on an off-system application to the MPO that was due by early December. Mr. Lambert stated that staff would bring the application for the grant to them for approval in October.

Resident Julie Malouff addressed Council stating that the streets were very dark for evening walking and expressed her concerns for pedestrian safety. Ms. Kelly encouraged Council to consider asking CPS Energy to change their lighting policy in Leon Valley to a "light for pedestrians" instead of the current lighting for vehicles policy.

Mayor Riley thanked Ms. Kelly for her work helping the community to investigate and consider options for a more walkable community.

Proclamation declaring September 17, 2008 as "Constitution Day and Citizenship Day" in the City of Leon Valley.

Mayor Riley informed Council and the audience that resident Louise Malouff had written to the Mayor about Constitution Day, also called Citizenship Day, which is celebrated to mark the anniversary of the ratification of the U.S. Constitution. Mayor Riley proclaimed September 17, 2008 as Constitution Day and Citizenship Day in Leon Valley and encouraged everyone to be proud citizens and to consider the rights and responsibilities of their citizenship. She presented the proclamation to Louis Malouff and thanked her for bringing this important day to the City's attention.

Proclamation declaring the week of October 5-11, 2008 as "Fire Prevention Week" (Chief Irwin).

Mayor Riley proclaimed the week of October 5 - 11, 2008 as "Fire Prevention Week" in Leon Valley with the them of "It's Fire Prevention Week - Prevent Home Fires!" She encouraged everyone to protect their families and homes by heeding safety messages from the Fire Department. She presented the proclamation to Fire Chief Stan Irwin. Chief Irwin thanked the Mayor and reminded everyone that the Fire Department would be visiting the schools during

**CITY COUNCIL MEETING OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,
TEXAS, SEPTEMBER 16, 2008**

Fire Prevention week to begin the education of fire safety with the children.

Proclamation declaring October 7, 2008 to be “National Night Out” in Leon Valley.

Mayor Riley proclaimed Tuesday, October 7, 2008 as National Night Out in Leon Valley and urged everyone to support Neighborhood Crime Watch programs and to turn on their front porch lights and join their neighbors in promoting safety in the community. She presented the proclamation to Police Chief Randall Wallace. Chief Wallace reminded everyone that the Mayor, Council, Fire and Police Department staff members would be out visiting neighborhood parties for this year’s cooler October National Night Out. He encouraged everyone to contact the Police Department if they would like members of Council to visit their National Night Out celebration.

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 requests, Mayor Riley then asked if anyone in the audience wished to address the Council.

Seeing no one come forward for the “Citizens to be heard” portion of the meeting, Mayor Riley asked for a motion to approve the following Consent Agenda items:

Consent Agenda

Consider approval of minutes of the September 2, 2008 Regular City Council Meeting and the September 9, 2008 Special City Council Meeting (Feutz).

Consider action on M&C # 09-06-08 - a request to approve continuation of the cooperative agreement between the Police Departments of the City of Leon Valley and the City of San Antonio for the High Intensity Drug Trafficking Area (HIDTA) initiative (Chief Wallace).

Consider action on M&C # 09-07-08 - a request to approve continuation of the cooperative agreement between the City of Leon Valley and the Department of Justice’s Drug Enforcement Administration (DEA) for participation in the State and Local Task Force (Chief Wallace).

Consider action on M&C # 09-08-08 - a request for approval of the bid for the FY 2008 Sanitary Sewer Rehabilitation Project and award to lowest bidder - Valemas, Inc. for \$99,900 (Vick).

A motion was made by Councilman Reyna, seconded by Councilmember Baldrige, to approve the Consent Agenda Items as listed above. Upon vote, Mayor Riley announced that the motion carried and all Consent Agenda items were approved.

**CITY COUNCIL MEETING OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,
TEXAS, SEPTEMBER 16, 2008**

Regular Agenda

Consider action on M&C # 09-09-08 with attached ordinances setting the 2008 tax rate for the Maintenance and Operation Fund at \$.461560 and Interest and Sinking Fund at \$.065840 for a total tax rate of \$.527400 (Wallace).

Mayor Riley announced that the Council would consider two ordinances setting the 2008 tax rate, one for the Maintenance and Operations Fun at \$0.461560 and one ordinance for the Interest and Sinking Fund at a tax rate of \$0.065840, for a total tax rate of \$0.527400.

A motion was made by Councilmember Dean, seconded by Councilmember Baldrige, for the property taxes to be increased by the adoption of a tax rate of \$0.527400, the Maintenance and Operation (M&C) portion of which is \$0.461560. A roll call vote was as follows: Councilmembers Manea, Reyna, Baldrige, Dean and Nelson for the motion and no one against the motion. Mayor Riley announced the motion carried by a unanimous vote of 5 to 0.

A motion was made by Councilman Reyna, seconded by Councilmember Nelson, that the property taxes be increased by the adoption of a tax rate of \$0.527400, the Interest and Sinking (I&S) portion of which is \$0.065840. roll call votes was as follows: Councilmembers Manea, Reyna, Baldrige, Dean and Nelson for the motion and no one against the motion. Mayor Riley announced the motion carried by a unanimous vote of 5 to 0.

Consider action on M&C # 09-10-08 - a request by Iman Berinji of Texican's Cocina and Cantina for a variance to City Code Chapter 5, "Signs," Section 5.3.3, "Free-standing Signs," to allow the use of an existing 18-foot sign pole with a new sign face at 6430 Bandera Road (Flores).

Community Development Director Flores addressed Council stating that request from Iman Berinji of Texican's Cocina and Cantina for Council to approve a variance which would allow the tenant to put in a new sign face on an existing 18-foot sign pole at 6430 Bander Road, a B-2 (Retail) zoned property. Ms Flores explained that the sign code only allows one free standing sign or multi-tenant sign per 250 feet of frontage at that site. She stated that options for the tenant involved using the existing multi-tenant sign, moving the existing sign, which is only 42'-48' from the already in use multi-tenant sign, or coming to Council to request a variance to the strict enforcement of the current sign code. She stated that the existing sign pole is too close to the Ms. Flores reviewed Sign Code provisions for evaluating a variance and showed photos of the signs on the property. She also explained that when the former tenant left, the landlord should have removed the sign, as the sign is an illegal sign at this time.

Applicant Iman Berinji stated that traffic cannot see their building sign and moving the pole sign was very expensive, considering the sign does not belong to him and he asked Council to give favorable consideration to his request for a variance.

Council discussion continued regarding the landlord being forced to get rid of the Fara's Sign and to move the Bandera Crossing Sign to a more visible location for his tenants. Council also expressed their concerns for discouraging economic development and the negative effects to not allowing a business to use an existing sign and how the Sign Code's intent was to reduce sign clutter along Bandera Road and throughout the City.

**CITY COUNCIL MEETING OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,
TEXAS, SEPTEMBER 16, 2008**

Audience member Julie Malouff addressed Council stating that she was in favor of the sign remaining as it was easy to identify the restaurant's location with the large sign. Resident Rudy Garcia also spoke up in favor of the variance, as the sign was already in place, the tenant was going to change the sign face only.

Following discussion, a motion was made by Councilman Manea, seconded by Councilmember Dean, to approve the variance as presented. Upon vote, Mayor Riley announced that the motion carried.

Discussion Agenda

City Manager's report (Lambert).

A. Financial Report for August 2008.

City Manager Lambert presented an overview of the expenses and revenues for the month of August 2008 as compared to August 2007 and to the overall FY2008 budget. He expressed his continued disappointment with the sales tax revenue and reported that staff had cut back on its spending so that they would not be coming back for a budget amendment to cover the high costs of fuel. He reported that the Conference Center rental income was again higher this month than a year ago and that Hotel Motel Tax income was depressed. City Accountant Wallace indicated that three more months would bring in the final sales tax for FY 2008. She noted that the sales tax revenue from the State for the quarter ending September 30, 2008 would be sent to the City in November 2008. Ms. Wallace also updated the Council on Street Maintenance Sales Tax revenue.

Councilman Reyna asked if the Street Maintenance Sales Tax could be leveraged for debt service, and the City Attorney stated that he would have to research that question.

Mr. Lambert reported that the slurry seal project could not be started until after October 1st. He also showed a new slide reporting public works and work of other staff along with advertising, miscellaneous expenses. He stated that the project did not include time spent by the Department Director on the Trade and Market Day events, but Ms. Flores estimated 3-5 hours per month were spent supporting the events' activities.

Councilman Dean asked about the debt service costs to the City each year and what are the debt service for the Conference Center. Ms. Wallace estimated that interest was over \$14,000 per year and debt was about \$65,000 per year and the note is a 15-year note with almost 12 years remaining on the note. Councilman Dean stated that the City may wish to consider using some or all of the accumulated Hotel Motel Tax revenue to pay off the debt service and discussion continued on whether there was a call option on the debt. Ms. Wallace provided

Councilmember Nelson asked that the rental applications for the Conference and Community Centers and for the Park Application should include a question for applicants to determine how they learned about renting the facilities.

B. Conflict with October 7, 2008 Regular City Council Meeting date and National

**CITY COUNCIL MEETING OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,
TEXAS, SEPTEMBER 16, 2008**

Night Out.

City Manager Lambert asked Council to consider canceling the first meeting of October as it conflicts with National Night Out and was in the middle of the SDAT meeting week. The City Attorney asked that future planned cancellation of regular City Council meetings be brought to Council ahead of time for Council action, but he felt that in this case, announcing the meeting date change and since no development cases were scheduled, there should not be a problem.

Mr. Lambert also handed out a draft calendar of the SDAT meeting schedules for October 6 - 8, 2008. He also handed out a copy of an article explaining the uses for Hotel Motel Tax.

He also announced that a trip to visit our Sister-City, Agropoli, Italy is scheduled for May 23-29, 2009 and he confirmed that the City will not be paying for anyone's trip to Italy.

Citizens to be heard.

Mayor Riley asked if anyone in the audience wished to address Council. Hearing no one, Mayor Riley asked for announcements from Councilmembers.

Announcements by Councilmembers and Mayor.

City Secretary Feutz reminded everyone of the deadline of October 6, 2008 for everyone to be registered to vote in the November 4, 2008 election.

Mayor Riley congratulated the Community Development Department for the good comments from customers who returned postcards to her on the customer service they received in that department. She also reported that Waste Management was spotlighting the San Antonio area for their Annual Report and will showcase Leon Valley for their recycling efforts.

Convene into executive session in accordance with the Texas Government Code, Section 551.071 "Consultations with Attorney" to discuss the contemplated litigation with the City Attorney (Councilman Reyna).

Mayor Riley announced that Council would convene into executive session in accordance with the Texas Government Code, Section 551.071 "Consultations with Attorney" to discuss contemplated litigation with the City Attorney at 8:31 p.m.

Reconvene into open session and consider discussion and any action as appropriate from executive session

Mayor Riley announced that the Council was reconvened into open session at 9:14 p.m. and that no action was being taken.

**CITY COUNCIL MEETING OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,
TEXAS, SEPTEMBER 16, 2008**

Adjourn.

Hearing no further business, a motion was made by Councilman Reyna, seconded by Councilmember Dean, to adjourn the meeting. Hearing no objections, Mayor Riley announced the meeting adjourned at 9:15 p.m.

ATTEST:

Chris Riley
Mayor

Marie Feutz
City Secretary

Approved by City Council's unanimous vote at the Regular City Council meeting of October 21, 2008