

**REGULAR CITY COUNCIL MEETING OF THE CITY OF LEON VALLEY, TEXAS  
MARCH 1, 2011**

The City Council of the City of Leon Valley, Texas, met on the 1<sup>ST</sup> day of March, 2011 at 7 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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**REGULAR CITY COUNCIL MEETING – 7:00 P.M.**

1. **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: Interim City Manager Brummett, City Attorney McKamie, City Secretary Willman, Community Development Director Flores, Economic Development Director Ryan, Fire Chief Irwin, Human Resources Director Caldera, Librarian Miller-Trent, and Police Chief Wallace. Others in attendance: City Engineer Sia Sayyadi.

Freddy Cruz led the assembly in reciting the Pledge of Allegiance. Mayor Riley introduced Mr. Cruz as being a student at the School of Science & Technology Discovery.

2. **Presentation to Joyce Miller-Trent, Librarian, Recognition of City of Leon Valley's Award of 2010 Achievement of Excellence in Libraries from the Texas Municipal Library Directors Association.**

Mayor Riley presented a plaque from the Texas Municipal Library Directors Association to the City of Leon Valley Public Library in recognition of the Award of 2010 Achievement in Excellence in Libraries to Librarian Joyce Miller-Trent. The notebook that was originally submitted which received winning consideration was displayed. Ms. Miller-Trent thanked the staff, the Library Board, and volunteers for their support of the Library's program.

3. **Citizens to be Heard and Time for Objections to the Consent Agenda.**  
*"Citizens to be Heard" is for the City Council to receive information on issues that may be of concern to the public. The purpose of this provision of the Open Meetings Act is to ensure that the public is always given appropriate notice of the items that will be discussed by the Council. Should a member of the public bring an item to the Council for which the subject was not posted on the agenda of that meeting, the Council may receive the information, but cannot act upon it at that meeting. They may direct staff to contact the requestor or request that the issue be placed on a future agenda for discussion by the Council.*

Council Member Nelson asked to have Consent Agenda Item 6 removed for separate consideration.

Ellen Ott, of the Randolph Roadrunners, invited the Council and those assembled to participate in the Leon Valley Volksmarch on Saturday, March 12. It is a non-competitive family event.

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Eloisa Riojas, 2<sup>nd</sup> Vice-President, School of Science & Technology Discovery, invited the Council to attend Spirit Night at Chick-Fil-A at Ingram Park on Wednesday, March 23 from 5 p.m. to 8 p.m. The School will receive 20 percent of the sales. Ms. Riojas introduced Brenda Vela, 1<sup>st</sup> Vice-President, of the School of Science & Technology Discovery.

**Consent Agenda**

*All of the following items on the Consent Agenda are considered to be self-explanatory by the Council or have been previously discussed and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member so requests.*

Motion to adopt Agenda Items 4 and 5 by Councilman Reyna and seconded by Council Member Baldrige. Voting Aye: Garcia, Reyna, Baldrige, Dean, and Nelson. Voting Nay: None. Mayor Riley announced the motion carried.

4. **Consider Approval of the February 10, 2011 Minutes of the Special City Council Meeting. (Willman)**
5. **Consider Approval of the February 15, 2011 Minutes of the Regular City Council Meeting. (Caldera)**
6. **Consider Action on M&C # 03-01-11 - A Request to Consider Adopting a City Lion's Roar Newsletter Contribution and Content Policy. (Flores)**

Community Development Director Flores introduced this item as having been discussed at the Council's February 15, 2011 City Council Meeting. Suggestions made by the Council were incorporated into the Policy which is presented for consideration and adoption at tonight's meeting. She outlined the specifics of the proposed policy as providing written direction to staff regarding the newsletter, indicates who can contribute to the newsletter, specific word count to ensure there is opportunity for contributions and yet ensure space for City information. It also sets a deadline for submitting contributions to the newsletter. Council suggestions added: restrictions regarding contributions by elected officials prior to elections and limit for photography, by-line for contributors, and gives final discretion on contributions and content to the City Manager.

Following Council discussion about further improvements needed, the Council took action.

Motion by Councilman Reyna and second by Councilman Dean to adopt the resolution contained in the Council's agenda packet with the following modifications. Item 3: explain that references to elections, candidates, or propositions in an election means the notification of the general public of those events and does not allow for anyone to oppose or support an issue or a specific candidate. Item 11: Change to reflect the appropriate month in which the articles are due, which is every other month, and to be submitted to the director of community development. Also that the policy contain the date of adoption of this particular policy.

Councilman Reyna asked for clarification if the policy referenced in Item 5 as an attachment needed to be included in the motion. City Attorney McKamie indicated that

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would not be necessary. Voting Aye: Garcia, Reyna, Baldrige, Dean, and Nelson. Voting Nay: None. Mayor Riley announced the motion carried.

**Regular Agenda**

7. **Conduct Public Hearing and Consider Action on M&C # 03-02-11 with Attached Ordinance, Zoning Case #2010-385 - a Request by Kenny Erwin, Agent for Huntington Communities, Applicant, to Rezone Approximately 61.09 Acres of Land in the 6500 Block of Samaritan Drive and along Aids Drive and Grass Hill Drive from R-1 (Single-Family Dwelling) to R-6 (Garden Home), being Lot 1, Block 1, CB 4430C, Good Samaritan Lodge Subdivision and Parcel 1, ABS 399, CB 4429, and Parcels 10H, 10I, 10K, 11, 11A, 13, 15, 16, 16A, 18, 19, 21, 22A, 23. On December 28, 2010, the Zoning Commission recommended denial of the request by a vote of 6-1. (Flores)**

Mayor Riley summarized and Community Development Director Flores introduced this item to the assembly. Mayor Riley indicated the Council wanted to be able to allow the residents, the Tax Abatement Team, and the developer to participate in a meeting before tonight's Council Meeting but due to time constraints that additional meeting was not possible. She expressed hope that this evening's meeting will suffice.

The Mayor noted that the developer sent the residents a card on how to go online to be able to review the four possible options. The City Council at the last meeting decided to increase the notification area to get maximum participation at tonight's meeting.

Mayor Riley covered the specifics of the three agenda items before the Council for consideration as well as the process for tonight's public hearing. She indicated that the Council will hear from the developer three other proposals besides the request to rezone from R-1 to R-6. She noted that depending on the outcome of the discussion there is a developer's agreement that could be ratified tonight if the R-1 to R-6 is approved. If it is not approved then the Council will not consider action on Agenda Item 8 and will then move onto consideration of Agenda Item 9, which waives the six month waiting period.

Councilman Reyna sought parliamentary clarification as to whether the Council could consider Agenda Items 7, 8, and 9 simultaneously as at the first meeting he indicated he would not consider R-6 zoning without the development agreement. He noted that the development agreement is on the agenda under a separate agenda item. City Attorney McKamie affirmed that the Council can discuss all three items together if it is the wish of the Council. He emphasized that each agenda item must be posted separately and voted on separately. He noted that the Council must open and close the public hearing on Agenda item 7 as it would with any other public hearing.

Motion by Councilman Reyna and second by Council Member Nelson to consider Agenda Items 7, 8, and 9 at the same time subject to the rules that prevail for a public hearing. Voting Aye: Garcia, Reyna, Baldrige, Dean, and Nelson. Voting Nay: None. Mayor Riley announced the motion carried.

Community Development Flores indicated that this agenda item is a continuation of the above-referenced Zoning Case.

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The following actions have occurred regarding this matter to-date:

- On December 28, 2010, the Zoning Commission recommended denial of Zoning Case #2010-385 by a vote of 6-1. The Zoning Commission also sent a recommendation encouraging the Council to work with the developer to incentivize an R-1 project, by a vote of 7-0.
- On January 4, 2011, the City Council held a public hearing but postponed action on Zoning Case #2010-385, to February 1, 2011.
- On February 2, 2011, the applicant requested further postponement to March 1, 2011, of the consideration of Zoning Case #2010-385, to explore additional development alternatives.

The developer prepared the information requested by the City Council at the January 4, 2011 meeting for R-1 (Single-Family Dwelling), with land for parks and green amenities. The developer also indicated that this particular development scenario would require \$2.28 million in assistance. Accordingly, they prepared an additional development layout as a comparison and as a potential alternative development. Although the developers' stated preference is to develop without Leon Valley financial assistance, they indicated they will develop regardless of the outcome.

The Case Facts were summarized:

- The Request is consistent and compatible with surrounding zoning.
- Seneca and Grass Hill Drives are adequate to carry the anticipated traffic.
- Prior to construction, the applicant is required to replat (including parkland dedication) and obtain necessary permits.

Notification included the following mailings:

- 146 Letters mailed to property owners within 200 feet as required by state law;
- 93 additional letters were mailed to property owners within 400 feet
- 16 in favor responses were received, plus 4 in favor from outside the 200 feet, for a total of 20 responses;
- 19 in opposition, plus 2 duplicates, plus 11 outside the 200 feet, for a total of 30 responses;
- 4 Letters were returned as undeliverable; and
- A petition with 81 signatures was also received from residents of Seneca West requesting that the zoning remain R-1.

Interim City Manager Hank Brummett did a presentation on Tax Increment Financing (TIF). The Huntington Communities presentation was done by applicant / developers Kenny Erwin and Fred Ballard.

Council Member Nelson asked about whether there is a map which shows all the parcels together as it seemed to her that there were some parcels which again should have been excluded. She asked the developers what they might have found out about the market conditions in the San Antonio area for R-1 versus R-6 properties. Community Director Flores confirmed the differences in the parcel numbers noted previously versus the parcels included in the zoning case before Council this evening. She noted that all of the parcels were checked against the exhibits and also against Bexar County tax

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records. Council Member Baldrige asked the developers questions about the home exteriors and materials used. The developers indicated that there are a variety of different materials used that reflect the Hill Country culture and building materials.

**A. Open Public Hearing.** Mayor Riley opened the public hearing at 8:12 p.m.

The following persons spoke in favor of the proposed rezoning request from R-1 to R-6:

Mr. Laubach, 5550 Prue Road, indicated that he does not live in Leon Valley but that he is a property owner. He noted that he understands that the developer has to make a profit. He favors the zoning change request to R-6.

Mike McCarley, 6118 Forest Timber, supported the R-6 proposal as it appears to be the way to collect the most in property taxes. This subdivision might add a few more dollars in sales to Leon Valley, and it certainly meets our position on green and environmental issues.

Tony Flores, Leon Valley Area Chamber of Commerce President, indicated the Chamber is interested in the development of this area and the 237 homes would give the better customer base. He indicated the R-6 is more in alignment with sustainability features. He noted that the Chamber members would appreciate as much sustainability as possible for their businesses.

The following persons spoke against the proposed rezoning request from R-1 to R-6:

Al Alcocer, 5985 Aids Drive, addressed the City Council regarding the actual amount of park land to be dedicated versus what was on the developer's presentation.

Sharon Hendricks, 5915 Aids Drive, indicated she is opposed to changing the zoning from R-1 to R-6. She cited the neighborhood's efforts over the years to keeping R-1 zoning and maintaining the quality of the neighborhood at its current level.

Pamposh Thusu, 5919 Seneca Drive, indicated that the residents of this area want development but they want R-1 quality homes. She referenced the positives of the neighborhood including proximity to many desired services. She voiced concern about the confusion stemming from addressing too many agenda items simultaneously.

Marion Larkin, 6403 Royalty Point, indicated her support of smart growth of R-1 and quality versus quantity, she spoke against the cost of including the green amenities. She indicated that the property needs to be developed and will be developed. She would like to see a minimum of 70 foot lots, and had concern for the possibility of fire hazards arising out of homes in the proposed R-6 configurations as being too close to one another.

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Mary Alice Luna, 6322 Mary Jamison, indicated she didn't want her photograph taken. She indicated she favored R-1 zoning.

Bessie Fernandez, 5823 Grass Hill, spoke in favor of R-1 zoning. She indicated discomfort with her picture being taken.

Councilman Dean indicated he does not like Mr. Bee taking photos of persons opposed to the zoning change being requested. Councilman Reyna asked if it will be possible to use the procedure that is used in the Texas Legislature which allows persons to stand in place, be recognized and record their vote. Mr. McKamie indicated that if it be the desire of the Council that would be acceptable.

Motion by Councilman Reyna and second by Councilman Dean to follow the procedures used in the Texas Legislature. Voting Aye: Garcia, Reyna, Baldrige, Dean, and Nelson. Voting Nay: None. Mayor Riley announced the motion carried. She announced that this procedure would be used tonight.

Michael Calloway, 5911 Seneca Drive, favored R-1 zoning. He cited the history of the property in becoming and maintaining its R-1 status, he suggested that the Council not rush to take action. He noted that R-6 and R-1 were discussed in depth during the master planning process.

Patty Manea, 6103 Britania Court, favored R-1 zoning. She cited the petitions for keeping the R-1. She indicated the new drainage shown is a little confusing. She recommended that the Council take its time and not make rush decisions.

Marcus Semmelman, 5919 Rimkus, asked a question of City Attorney McKamie about why the Council is trying to do more than just consider the zoning change. He noted that it seemed to him that it is inappropriate to be discussing amenities. Mr. McKamie confirmed that the Council is conducting a public hearing and will consider action on the requested re-zoning change. Mr. Semmelman emphasized that the City of Leon Valley was built on the hard work of many in the community. He referenced the work on the Master Plan Update. He asked that the Council support its citizens in keeping to the Master Plan and R-1.

Monica Alcocer, 5985 Aids Drive, addressed the Council with questions about the actual R-1 homes which she understood the developers to say they would not be building. She noted that it was unfair to consider granting additional time to the developers in the event the zoning request is denied.

Abraham Diaz, 6014 Kinman, spoke to the need for performance monitoring for both hard and soft costs regarding the use of a TIF.

Laurie Bennett, 6019 Kinman, indicated she favors R-1 zoning. She indicated she agrees with Mr. Abraham Diaz regarding issues arising out of lack of maintenance.

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Kathy Hill, 6326 Mary Jamison, indicated the character of the neighborhood was large lots. She reminded the Council that the residents of the neighborhood have been before Council to ensure that R-1 is maintained along with the character of the neighborhood.

James Jones, 5918 Rimkus, indicated he favors R-1 zoning.

Deidra Foley, 5815 Grass Hill, favors R-1 zoning.

Nancy Chambers, 6323 Mary Jamison, indicated she is for R-1 zoning.

Sandra Aguirre, 5902 Seneca Drive, indicated she favors R-1 zoning.

Tomy Hlady, 5915 Seneca Drive, indicated he is new to the neighborhood and that he loves the area and the larger homes. He favors R-1 zoning.

Melissa Bennett, 6019 Kinman, is in favor of R-1. She is in agreement with Mr. Diaz's comments about concerns about infrastructure.

**B. Close Public Hearing.** Mayor Riley closed the public hearing at 8:58 p.m.

Council discussion centered around the developer's possible total investment and the effect on Economic Development. Economic Development Director Ryan was asked about the spillover effect of more homes on economic development. Ms. Ryan described the effect on sales taxes being increased with more occupants and the positive aspects of development. Mayor Riley asked Council Member Baldrige's opinion as a realtor who markets in Leon Valley. Council Member Baldrige indicated that market conditions favor sales of homes in Leon Valley. She noted that the trend is towards homebuyers favoring smaller sized home lots with less yard care. Council Member Nelson questioned the size of the parkland available with R-1 versus R-6 lots.

**C. Council to Consider Action on Attached Ordinance.** Motion by Council Member Baldrige and second by Council Member Nelson to deny the request to rezone to R-6 and to have the case go back to the Zoning Commission for further study. Clarification was sought from the City Attorney as to the status of the matter before the Council. After brief discussion, Mr. McKamie affirmed that if the motion is to deny the request to re-zone from R-1 to R-6, then it is properly made, meaning that the properties under consideration will remain R-1 without further Council or Zoning Commission action. Council Member Baldrige affirmed that her motion is to deny the request to rezone from R-1 to R-6 so that the zoning remains as R-1. Mayor Riley asked for a roll call vote with the following results.

Voting Aye: Reyna, Baldrige, Dean, and Nelson. Voting No: Garcia. Then, Councilman Garcia sought clarification as to the effect of a no vote. The Council affirmed that an aye vote is to deny the re-zoning request from R-1 to R-6. Councilman Garcia affirmed his desire to vote Aye to deny the re-zoning request from R-1 to R-6. Mayor Riley announced that the motion

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carried with a unanimous denial by the City Council. She thanked the developers for their efforts to work to find solutions and encouraged their efforts to continue to develop the property.

8. **Consider Action on M&C # 03-03-11 - a Request to Consider Authorizing the City Manager to Execute a Development Agreement for R-1 (Single Family Dwelling) and R-6 (Garden Home) Development. (Flores)**

Mayor Riley announced that due to the denial vote on Agenda Item 7, this agenda item would not be considered.

9. **Consider Action on M&C # 03-04-11 – a Request to Consider a Variance to Chapter 14, “Zoning,” Article 14.02, “Zoning Ordinance,” Division 3, “Administration,” Section 14.02.115, “Denial of Request-Time Period for Reapplication,” to Allow Huntington Communities to Reapply for Rezoning Prior to the Six (6) Month Waiting Period. (Flores)**

Ms. Flores introduced this item as allowing an option for a variance to the six (6) month waiting period for reapplication. This option was first discussed at the January 4, 2011 City Council Meeting regarding Zoning Case #2010-385. Since the January 4 meeting, the developer, Huntington Communities, developed several different layouts for the development of the Seneca West Area. If the original rezoning request is withdrawn or denied, the variance to the reapplication waiting period will allow the applicant the opportunity to submit a new request to the Zoning Commission and the City Council without delay.

Motion by Councilman Garcia and second by Councilman Reyna to allow Huntington Communities to reapply for rezoning prior to the six (6) month waiting period. Voting Aye: Garcia, Reyna, Baldrige, and Nelson. Voting Nay: Dean. Mayor Riley announced the motion carried.

Motion by Council Member Baldrige and second by Councilman Garcia to approve moving Agenda Item 10 to the end of the meeting. Voting Aye: Garcia, Baldrige, Nelson. Voting Nay: None. Council Members Reyna and Dean were absent from the Council Chambers during the vote. Council Members Reyna and Dean returned at 9:27 p.m.

**Discussion Agenda**

11. **City Manager’s Report. (Brummett)**

**A. Informational Issues.** Mr. Brummett informed the Council of a Request for Proposals for a Towing Contract in the City of Leon Valley developed by Police Chief Wallace. No revenue is involved. The staff wants the various towing companies to have an opportunity to be called based on the best response time at the lowest cost. The Council will be apprised when the process is completed.

**B. Discussion of Possible Committees from Town Hall Meeting**

Mr. Brummett indicated there were three committees recommended as a result of the discussion at the Town Hall Meeting with specifics as indicated below.

- 1) **Street Maintenance Tax [Street Maintenance Tax Renewal Election needs to be called by no later than August 16, 2011 (the date of the last regularly scheduled City Council Meeting in August.)]** There is no need to form a

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Council Committee to decide if the tax renewal is needed. Citizens understand the tax is needed and the funds have been well used. He indicated a hope that citizens will step forward to campaign for this issue. It is needed for any city to be able to take care of its infrastructure needs.

**2) Explore Options for Capital Projects, e.g., Police and Fire Stations, Library Expansion, City Hall Renovation.** There appeared to be a lot of interest in exploring these capital projects. Mr. Brummett recommended that a committee be appointed to explore options for capital projects. Mayor Riley asked that each council member bring at least two names of persons interested in serving on a capital projects committee. She indicated this opportunity will also be included in the City's newsletter.

**3) Type B Economic Development Sales Tax.** The more revenue the City has for economic development the better the chance a city has to have companies locate in the City. Mayor Riley asked that the Type B Economic Development Sales Tax expenditures be produced for Council's use.

12. **Citizens to be Heard.** Mr. Al Baldrige, 6368 Parsley Hill, thanked the City Manager for his efforts in developing a very good policy for the Lion's Roar.

13. **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 under Agenda Item 13.

14. **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:**

**A. Bush's Chicken Grand Opening & Ribbon Cutting Ceremony, Saturday, March 5 at 9 a.m. (Mayor Riley)**

**B. 3<sup>rd</sup> Annual Volksmarch, March 12, 2011, 8 a.m. – 3 p.m. (Mayor Riley)**

**C. Crime Awareness Breakfast Meeting and Open House, March 19, 2011, 8:30 a.m. – 12:30 p.m. Persons interested in participating are asked to email Police Chief Randall Wallace at [r.wallace@leonvalleytexas.gov](mailto:r.wallace@leonvalleytexas.gov) prior to March 11. (Mayor Riley)**

**D. A Taste of Leon Valley, Sunday, May 15, 2011, 2 p.m. – 6 p.m., Leon Valley Community and Conference Center, 6427 Evers Road, Leon Valley, 78238. (Mayor Riley)**

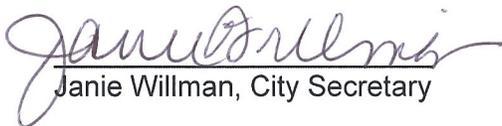
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Council Member Baldrige announced the Leon Valley Historical Society's Inaugural Huebner/Onion Memorial Trail Run/Walk on Saturday, April 23. She indicated she would bring more information to the next meeting.

10. **Consider Action on M&C # 03-05-11 with Attached Ordinance Authorizing the City Council to Enter into Contract Negotiations, and to Execute a Contract for the Employment of a City Manager. (Mayor Riley)**
- A. **Executive Session in Accordance with the Texas Government Code:** The Leon Valley City Council convened into Executive Session at 9:34 p.m. pursuant to Section 551.074, Personnel Matters, to deliberate the selection and employment of a City Manager.
- B. **The City Council re-convened into Open Session at 10:18 p.m. to consider any possible actions as appropriate from Executive Session regarding Personnel Matters, regarding the selection and employment of a City Manager.**  
Motion by Councilman Reyna and second by Councilman Dean to authorize the Mayor to Negotiate with Rafael Castillo within the parameters described. Voting Aye: Garcia, Reyna, Baldrige, Dean, and Nelson. Voting Nay: None. Mayor Riley announced the motion carried.
15. **Adjourn.** Motion for adjournment at 10:18 p.m. by Councilman Reyna and second by Councilman Dean.

  
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Mayor Chris Riley

ATTEST:

  
Janie Willman, City Secretary

