NOTICE OF PUBLIC MEETING

AGENDA

LEON VALLEY CITY COUNCIL MEETING

APRIL 16, 2013, 7:00 P.M.

LEON VALLEY CITY HALL, CITY COUNCIL CHAMBERS

6400 EL VERDE ROAD, LEON VALLEY, TEXAS 78238

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

1. Call the City of Leon Valley Regular City Council Meeting to Order, Determine a Quorum is Present, and Pledge of Allegiance. (Mayor Riley)

2. Tree City USA Designation & Presentation. (Paul W. Johnson, Texas Urban Forester, Texas A & M University)

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.

Note: City Council may not debate any non-agenda issue, nor may any action be taken on any non-agenda issue at this time; however City Council may present any factual response to items brought up by citizens [Attorney General Opinion – JC 0169].

Consent Agenda

4. Consider Approval of the Regular City Council Meeting Minutes of April 2, 2013. (Willman)

5. Consider Action on City Board, Commission, and Committee Appointments, M&C # 04-03-13. (Willman)

6. Consider Action on an Ordinance Appointing a Committee Member to the 2012 Bond Program Oversight Committee, M&C # 04-04-13. (Willman)

8. Consider Action on M&C # 04-06-13 with Ordinance, Awarding the Bid Received for the 2013 Water and Sewer Improvement Projects to San Antonio Constructors and Authorizing the City Manager to Execute the Bid Award Documents. (Vick)

9. Consider Approval of an Ordinance Amending the FY2013 Budget for an Amendment for Grant Funds Received from the Southwest Texas Regional Advisory Council (STRAC) for Fire Department EMS Supplies and Equipment, M&C # 04-07-13. (Valdez)

Regular and Public Hearing Agenda

10. Consider Approval of an Ordinance Authorizing the City Manager to Enter into an Agreement with the Texas A&M Forest Service for the Construction of the Defensible Space Project at the Leon Valley Natural Area, M&C # 04-08-13. (Valdez)

11. Presentation of Annual Report by the Leon Valley Historical Society. (Darby Riley, President, of the Leon Valley Historical Society)
   A. Open Public Hearing.
   B. Close Public Hearing.

12. Discussion and Possible Action Regarding the Natural Area Triangle Property Controlled by the Leon Valley Historical Society Through a Lease Agreement with the City of Leon Valley (COLV); and Status of Allowing the COLV to Develop the Triangle Property into a Community Park. (Councilman Art Reyna and Councilman Jack Dean)

13. Discussion and Possible Action to Evaluate the Process That the City of Leon Valley (COLV) Can Use to Consider Possible Breaches of the Natural Area Lease Agreement Between the Leon Valley Historical Society and the COLV or Violations of Law Related to the Management of the Natural Area. (Councilman Art Reyna and Councilman Jack Dean)

14. Conduct a Public Hearing to Consider Zoning Case # 2013-389, the Rezoning of Approximately 6.38 Acres of Land Generally Located at 6111 Bandera Road and 5901 Wurzbach Road from R-4 (Townhouse) and B-2 (Retail) to B-3 (Commercial) and to Re-zone from the Sustainability Overlay District to the Commercial / Industrial Overlay District, M&C # 04-09-13. (Flores)
   A. Open Public Hearing.
   B. Close Public Hearing.
   C. City Council to Consider Action on proposed rezoning.

15. Conduct a Public Hearing to Consider Zoning Case # 2013-390, the Rezoning of Approximately 1.709 Acres of Land Generally Located at 7430 Huebner Road, from B-1 (Small Business) to B-2 (Retail), M&C # 04-10-13. (Flores)
   A. Open Public Hearing.
   B. Close Public Hearing.
   C. City Council to Consider Action on proposed rezoning.
16. Conduct a Public Hearing to Consider Specific Use Permit Case # 2013-271, to Allow Operation of a “Kennel,” Generally Located at 6737 Poss Road, in a B-3 (Commercial) Zoning District within the Sustainability Overlay District, M&C # 04-11-13. (Flores)
   A. Open Public Hearing.
   B. Close Public Hearing.
   C. City Council to Consider Action on requested Specific Use Permit.

Discussion Agenda

17. City Manager’s Report. (Longoria)
   B. Report by Public Works on Street Maintenance Program for 2013. (Vick)
   C. 2013 Swimming Pool Season and Report on City’s Pool Operation, with Possible Direction to Staff.
   D. Financial Statement for March 2013. (Vickie Wallace)
   E. Monthly Departmental Reports.
   F. Approved Minutes of City-Affiliated Boards, Committees, and Commissions.
   I. Future Agenda Items.
      (1) Candidates Forum, April 30, 7 p.m., Leon Valley Conference Center.
      (2) Canvass Results of the May 11, 2013 General Election, May 14-22.
      (3) Consider Action on an Ordinance Authorizing the City Manager to Execute a Contract with a Service Provider for Construction Manager at Risk for the Municipal Facilities Improvement Project, May.
      (4) Next Quarterly Update and Dialogue Between the City Council and the Leon Valley Economic Development Board of Directors, June.

18. Citizens to be Heard.

19. 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.

- Next Prescription Drug Collection, April 27, Leon Valley Police Department, 6400 El Verde Road, 10 a.m. – 2 p.m.
- Monday, April 29, Early Voting Begins at 8 a.m., Leon Valley Conference Center, 6421 Evers Road, and other Bexar County Locations
- Tuesday, April 30, League of Women Voters Candidates Forum, 7 p.m., Leon Valley Conference Center, 6421 Evers Road
Pet Parade, May 18, Leon Valley Conference Center, 6421 Evers Road, 10 a.m. – 12 Noon

Executive Session

20. 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).


Attendance by Other Elected or Appointed Officials:

It is anticipated that members of other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of other boards, commissions and/or committees of the City, whose members may be in attendance. The members of other city boards, commissions and/or committees may not participate in discussions on the items listed on the agenda, which occur at the meeting, and no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that city board, commission or committee subject to the Texas Open Meetings Act. [Attorney General Opinion – No. GA-0957 (2012)].

I hereby certify that the above NOTICE OF PUBLIC MEETING(S) AND AGENDA OF THE LEON VALLEY CITY COUNCIL were posted on the Bulletin Board at City Hall, 6400 El Verde Road, Leon Valley, Texas, on Friday, April 12, 2013, by 11:30 a.m. and remained posted until after the meeting(s) hereby posted concluded. This notice was likewise posted on the City website at www.leonvalleytexas.gov. This building is wheelchair accessible. Any request for sign interpreters or other services must be made 48 hours ahead of the meeting. To make arrangements call (210) 684-1391, Ext. 216.

[Signature]
Janie Willman, City Secretary
March 08, 2013

Mayor Chris Riley
6400 El Verde Road
Leon Valley, TX  78238

Dear Tree City USA Supporter,

On behalf of the Arbor Day Foundation, I write to congratulate Leon Valley on earning recognition as a 2012 Tree City USA. Residents of Leon Valley ought to be proud to live in a community that makes the planting and care of trees a priority.

Your community joins more than 3,400 Tree City USAs, with a combined population of 140 million. The Tree City USA program is sponsored by the Arbor Day Foundation in partnership with the U.S. Forest Service and the National Association of State Foresters.

As a result of your commitment to effective urban forest management, you already know that trees are vital to the public infrastructure of cities and towns throughout the country, providing numerous environmental, social and economic benefits. In fact, trees are the one piece of community infrastructure that actually increases in value over time.

We hope you are excited to share this accomplishment. Enclosed in this packet is a press release for your convenience as you prepare to contact local media and the public. If you wish to receive an electronic version of the release, please email Sean Barry, Director of Media Relations at sbarry@arborday.org and we will reply with a copy within one business day.

State foresters are responsible for the presentation of the Tree City USA flag and other materials. We will forward information about your awards to Paul Johnson in your state forester’s office to coordinate presentation. It would be especially appropriate to make the Tree City USA award a part of your community’s Arbor Day ceremony.

Again, we celebrate your commitment to the people and trees of Leon Valley and thank you for helping to create a healthier planet for all of us.

Best Regards,

John Rosenow
Chief Executive

cc: Paul Johnson

enclosure
FOR IMMEDIATE RELEASE:

Arbor Day Foundation Names Leon Valley Tree City USA

Leon Valley, TX was named a 2012 Tree City USA by the Arbor Day Foundation in honor of its commitment to effective urban forest management. This is the 1st year Leon Valley has earned the national designation.

Leon Valley achieved Tree City USA recognition by meeting the program’s four requirements: a tree board or department, a tree-care ordinance, an annual community forestry budget of at least $2 per capita and an Arbor Day observance and proclamation.

The Tree City USA program is sponsored by the Arbor Day Foundation, in partnership with the U.S. Forest Service and the National Association of State Foresters.

“Everyone benefits when elected officials, volunteers and committed citizens in communities like Leon Valley make smart investments in urban forests,” said John Rosenow, founder and chief executive of the Arbor Day Foundation. “Trees bring shade to our homes and beauty to our neighborhoods, along with numerous economic, social and environmental benefits.”

Cleaner air, improved storm water management, energy savings and increased property values and commercial activity are among the benefits enjoyed by Tree City USA communities.

More information on the program is available at arborday.org/TreeCityUSA.

About the Arbor Day Foundation: The Arbor Day Foundation is a nonprofit conservation and education organization of one million members, with the mission to inspire people to plant, nurture and celebrate trees. More information on the Foundation and its programs can be found at arborday.org, or by visiting us on Facebook, Twitter or our blog.
CITY COUNCIL MEETING OF THE CITY OF LEON VALLEY, TEXAS
APRIL 2, 2013

The City Council of the City of Leon Valley, Texas, met on the 2nd day of April, 2013, at 7:00 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:

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

1. Call the City of Leon Valley Regular City Council Meeting to Order, Determine a Quorum is Present, and Pledge of Allegiance. Mayor Riley called the meeting to order at 7:00 p.m. with the following City Council Members in attendance: Hill, Reyna, Baldridge, Dean, and Biever.

City staff in attendance: City Manager Longoria, City Attorney Zech, City Secretary Willman, Interim Fire Chief Valdez, Human Resources Director Caldera, and Police Chief Wallace.

Councilwoman Kathy Hill led the assembly in the Pledge of Allegiance.

2. Citizens to be Heard and Time for Objections to the Consent Agenda. Mayor Riley noted that the City Secretary had emailed the City Council earlier asking for separate consideration of the March 19 Meeting Minutes.

Lyn Joseph, 6423 Trotter Lane, asked the City Council’s consideration of wildflowers and naturally growing plants that attract butterflies and bees in all areas of the City, including those that require maintenance by the City’s Public Works employees. She noted that in other cities like Denver, Seattle, and Phoenix wildflowers are planted along their main thoroughfares for display during the blooming season.

Consent Agenda

City Secretary Willman asked that the City Council consider approving the amended minutes as presented at the City Council dais this evening with the following change noted in red lettering on page 9 of 12 as located in the original City Council Agenda packet:

“Mayor Riley asked about the cost to the City or if the work is to be grant-funded. Interim Fire Chief Valdez answered that this project is not grant-funded. The cost will be manpower of Texas Forest Service employees at no cost to the City. The City will be involved and provide the Fire Chief’s time and some assistance from the Public Works Department, dependent on the scope of the work, as determined by the Texas Forest Service.”

Ms. Willman explained that the amended minutes were the final draft with changes added to provide clarification.

Motion by Councilman Reyna and second by Councilwoman Hill to approve the amended Meeting Minutes of March 19, 2013. Voting Aye:  Hill, Reyna, Baldridge, Dean, and Biever. Voting Nay:  None. Mayor Riley announced the motion carried.

**Regular Agenda**

4. **Consider Ordinance Authorizing the City Manager to Utilize an On-Call Engineer List, M&C # 04-01-13.**

City Manager Longoria briefed the City Council on this agenda item. Following the City Manager’s presentation, the City Council took action.

Motion by Councilman Reyna and second by Councilman Dean to approve the Ordinance authorizing the City Manager to utilize an on-call engineer list. Voting Aye:  Hill, Reyna, Baldridge, Dean, and Biever. Voting Nay:  None. Mayor Riley announced the motion carried.

**Adopted Ordinance Number 13-011 – Authorizing the City Manager to Utilize an On-Call Engineer List.**

**Discussion Agenda**

5. **Discussion on the Request for Proposal (RFP) Process for Selecting the City Of Leon Valley’s Insurance Agent of Record, M&C # 04-02-13.**

Human Resources Director Caldera briefed the City Council on this agenda item. Ms. Caldera noted that one of the items left off of the selection criteria was that during the panel oral interviews, the questions are going to be focused towards the Affordable Healthcare Act because there are some compliance issues with which the City is going to have comply in 2014. She noted this information was left off of the selection criteria.

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

A. **Legislative Update.** Mr. Longoria reported the progress on the City’s legislative initiative regarding indefinite suspension of the Street Maintenance Sales and Use Tax. Councilman Reyna and Councilman Dean added to the Update.

B. **Staff Report on the Neighborhood Sweep Program.** Mr. Longoria reported that Code Enforcement went street by street with Public Works as a part of the Spring Clean-up. Police Chief Wallace provided some detail about the Neighborhood Sweep Program. City Council asked if this was posted on the City’s website because some residents thought they were being targeted. It was noted that persons without code violations seemed pleased with the effort. The City Council asked for access to a list of reported violations to ensure that actual violations are being worked versus those that need to be reported or are in active status. Mr. Longoria noted that there are some changes that can be made to the Program before it is used again during the Fall Clean-up. The City Manager indicated a database of code issues can be posted to the City’s web. Councilman Dean noted there are some problems with abandoned homes with may not actually be a code violation. The City Council clarified that what is
needed is follow-up with residents reporting what is happening with code violations. The City Manager stated he would get with the Code Enforcement Officer and work on a solution to the City Council’s request for additional information on initial code violations reported as well as follow-up calls.

C. **Report on the Edwards Aquifer Drought Management and Water Restrictions.** Mr. Longoria reported the City is at Stage II Restrictions. He noted that the San Antonio Water System (SAWS) expects the area to reach Stage III based on averaging. It was further noted that the City’s drought management ordinance needs updating to further align the City’s requirements with those promulgated by SAWS. SAWS restricts water usage for their customers. The Edwards Aquifer restricts water usage for municipal, industrial, and irrigation purveyors. The City Council indicated a need to inform the City’s water customer consumers. Mr. Longoria clarified that the City of Leon Valley, as a municipality, is under the restrictions of the Edwards Aquifer Authority. The City Manager noted that staff will bring an ordinance amendment for the City Council’s consideration. There were City Council questions regarding penalties that SAWS applies to the City’s usage. The City Council asked that changes reflect consistency and modifications to be in compliance with the current drought management and water restriction standards. There was a question raised about the City’s control versus the control that SAWS has in relation to those customers who purchase City water and those customers who purchase SAWS water. The City Manager indicated he would consult with the City Attorney on the matter.

D. **Approved Minutes of the City-Affiliated Boards, Committees, and Commissions.**
   (1) Leon Valley Economic Development Corporation, Approved Meeting Minutes of February 27, 2013 Meeting.
   (2) Zoning Commission Approved Meeting Minutes of January 29 and February 26, 2013 Meetings.

E. **Future Agenda Items.**
   (1) Presentation of Annual Report by the Leon Valley Historical Society, April 16.
   (2) Consider Accepting Bid Award and Award of Water and Sewer Project Contract, April 16.
   (3) Report by Public Works on Street Maintenance Program for 2013, April 16.
   (4) Consider Zoning Cases with Public Hearing, April 16.
   (6) Candidates Forum, April 30, 7 p.m., Leon Valley Conference Center.
   (8) Consider Action on an Ordinance Authorizing the City Manager to Execute a Contract with a Service Provider for Construction Manager at Risk for the Municipal Facilities Improvement Project, May, 2013.
   (9) Next Quarterly Update and Dialogue Between the City Council and the Leon Valley Economic Development Board of Directors, June.
7. Citizens to be Heard. There were no citizens to come forward to address the City Council.

8. Announcements by the Mayor and Council Members.
City Attorney Zech announced that Denton, Navarro, Rocha and Bernal is again hosting its annual Hogwild Event. He will bring details about the date at a future meeting. He stated he thought this year’s Event is the last Friday in June in New Braunfels.

Mayor Riley thanked the staff for their support in attending the Terrell Hills City Complex Grand Opening. She announced the next Walk with the Mayor as being on Saturday, April 6. Mayor Riley announced the City Manager will provide a report on traffic improvements near the DPS Center at the next City Council meeting. She asked that everyone keep longtime City volunteer Bob Tome in their prayers due to his health considerations. City Council Members were requested to donate a bottle of wine for the Volunteer Appreciation Dinner.

Executive Session

9. 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 conducted under this agenda item.

10. Adjourn. Motion by Councilman Dean and second by Councilman Reyna to adjourn the meeting at 7:54 p.m. Mayor Riley adjourned the meeting without objection at 7:54 p.m.

__________________________________
Mayor Chris Riley

ATTEST:

_______________________________
Janie Willman, City Secretary
TO: MAYOR AND CITY COUNCIL

SUBJECT: TO APPOINT MEMBERS TO THE CITY’S BOARDS, COMMITTEES, AND COMMISSIONS

PURPOSE
The attached application reflects a request to serve on the City of Leon Valley Boards, Committees, Sub-Committees, and Commissions. In addition to any appointments the City Council may make to its Branding, Communications, and Festivals Subcommittees, the following persons have completed applications. The applications are attached.

Branding/Identity:
Gail Tribble

S.E.E IMPACT
Social Equity – Residents, business owner/operators, and other stakeholders volunteer to actively participate in the decision-making processes affecting City services.

Economic Development – Not applicable.

Environmental Stewardship – Not applicable.

FISCAL IMPACT
Not applicable.

APPROVED: ____________________  DISAPPROVED: ____________________

APPROVED WITH THE FOLLOWING AMENDMENTS:

____________________________

ATTEST:

____________________________
Janie Willman, City Secretary
each month at 7:00 p.m. at City Hall. There are nine (9) members on this commission.

☐ Tree Advisory Board: This seven member (7) Board with three (3) alternate members will meet to oversee the Leon Valley Tree Challenge and work toward the City’s goal to plant 10,000 trees by the year 2020. Board members serve a term co-terminus with the Mayor. This Board began meeting in July 2009 and holds meetings monthly at 6:30 p.m. in Council Chambers on the 3rd Wednesday of the month.

☐ Zoning Commission: The Zoning Commission (ZC) acts as an advisory board to the City Council on land use and zoning matters. The Commission holds public meetings on all matters relating to:
- creation of zoning districts
- amendments to all zoning ordinances
- enforcement of zoning regulations
- any other matter within the scope of the zoning powers.
Meetings are held on the fourth Tuesday of each month at 6:30 p.m. at City Hall. There are seven (7) members and three (3) alternates.

City Council Sub-Committees Formed from January 2013 Town Hall Meeting

Please check the box to the left of the Committee to indicate your interest. Thank you.

| ✓ | City Branding/Identity - To help determine the City’s branding, logos, and identity for recommendation to the City Council |
|   | City Communications - To help determine the best uses of the City’s resources for enhanced communications for recommendation to the City Council |
|   | City Festival(s) - To help determine and define options for future City Festivals for recommendation to the City Council |

☑ I would like to serve on the Committee(s) I have checked above. Please contact me with further information regarding meetings and appointment.

☐ I’m not able to volunteer at this time, but perhaps in the future.

<table>
<thead>
<tr>
<th>Name</th>
<th>Gail Trujillo</th>
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</thead>
<tbody>
<tr>
<td>Address</td>
<td>6003 Forest Bend</td>
</tr>
<tr>
<td>Phone Number</td>
<td>256-2234</td>
</tr>
<tr>
<td>E-mail Address</td>
<td></td>
</tr>
<tr>
<td>Alternate Phone Number</td>
<td>484-3666</td>
</tr>
</tbody>
</table>

☐ I have felony convictions. ☐ I do not have felony convictions. This information will not disqualify you from consideration.

Return your application: Mail, email, or drop off your application in care of the Mayor's Office at Leon Valley City Hall, 6400 El Verde Road, Leon Valley, Texas 78238-2399, fax your application to (210) 684-4476, or email to Mayorriley@leonvalleytexas.gov.
TO: MAYOR AND CITY COUNCIL

SUBJECT: APPOINTING A MEMBER TO THE 2012 BOND PROGRAM OVERSIGHT COMMITTEE

PURPOSE
The 2012 Bond Program Oversight Committee is authorized a membership total of seven persons. A vacancy occurred with the death of Committee Member Robert “Bob” Tome.

An application for service has been received. Due to urgent business decisions to be made by the Committee this month, the City Council is requested to consider action on this appointment with the adoption of the attached ordinance.

The following person is hereby appointed as a member to the 2012 Bond Program Oversight Committee: Mr. Francisco “Frank” Zavala.

Mr. Zavala is a committee member of the Bandera Road – CAG. Mr. Zavala’s background is civil engineering. He taught construction management for 8 years for the Department of the Air Force. He holds a Bachelor of Science in Occupational Education, major in Civil Engineering.

FISCAL IMPACT
N/A

S.E.E. IMPACT
Social – To ensure good stewardship of taxpayers monies by having a Committee, which reports directly to the Mayor and Council, oversee the 2012 Bond Program
Economic – N/A
Environmental – N/A

APPROVED: ___________________________ DISAPPROVED: ___________________________

APPROVED WITH THE FOLLOWING COMMENTS: ___________________________

ATTEST:

Janie Willman, City Secretary
each month at 7:00 p.m. at City Hall. There are nine (9) members on this commission.

☐ Tree Advisory Board: This seven member (7) Board with three (3) alternate members will meet to oversee the Leon Valley Tree Challenge and work toward the City’s goal to plant 10,000 trees by the year 2020. Board members serve a term co-terminus with the Mayor. This Board began meeting in July 2009 and holds meetings monthly at 6:30 p.m. in Council Chambers on the 3rd Wednesday of the month.

☐ Zoning Commission: The Zoning Commission (ZC) acts as an advisory board to the City Council on land use and zoning matters. The Commission holds public meetings on all matters relating to:
  • creation of zoning districts
  • enforcement of zoning regulations
  • amendments to all zoning ordinances
  • any other matter within the scope of the zoning power

Meetings are held on the fourth Tuesday of each month at 6:30 p.m. at City Hall. There are seven (7) members and three (3) alternates.

City Council Sub-Committees Formed from January 2013 Town Hall Meeting

Please check the box to the left of the Committee to indicate your interest. Thank you.

| City Branding/Identity - To help determine the City’s branding, logos, and identity for recommendation to the City Council |
| City Communications - To help determine the best uses of the City’s resources for enhanced communications for recommendation to the City Council |
| City Festival(s) - To help determine and define options for future City Festivals for recommendation to the City Council |

☐ I would like to serve on the Committee(s) I have checked above. Please contact me with further information regarding meetings and appointment.

☐ I’m not able to volunteer at this time, but perhaps in the future.

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>Francisco “Frank” Zavala</td>
<td>6005 Trone Trail, Leon Valley, 78238</td>
</tr>
<tr>
<td>Phone Number</td>
<td>E-mail Address – None</td>
</tr>
<tr>
<td>210-523-6981</td>
<td></td>
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</tbody>
</table>

☐ I have felony convictions. ☑️ I do not have felony convictions.

*This information will not disqualify you from consideration.*

Return your application: Mail, email, or drop off your application in care of the Mayor’s Office at Leon Valley City Hall, 6400 El Verde Road, Leon Valley, Texas 78238-2399, fax your application to (210) 684-4476, or email to Mayorriley@leonvalleytexas.gov.
AN ORDINANCE

APPOINTING A MEMBER TO THE 2012 BOND PROGRAM OVERSIGHT COMMITTEE

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, THAT:

1. The following individual is hereby appointed to the 2012 Bond Program Oversight Committee

    Francisco “Frank” Zavala

This ordinance shall take effect immediately upon its approval, passage, and the meeting of all publication requirements under law.

PASSED and APPROVED this the 16th day of April, 2013.

_______________________________
Mayor Chris Riley

ATTEST:

_______________________________
Janie Willman, City Secretary

APPROVED AS TO FORM:

_______________________________
City Attorney’s Office
Denton, Navarro, Rocha and Bernal, P.C.
Agenda Item 7

MAYOR AND COUNCIL COMMUNICATION

DATE:   April 16, 2013
M&C # 04-05-13

TO:       MAYOR AND COUNCIL

SUBJECT:   APPROVAL OF QUARTERLY INVESTMENT REPORT FOR THE
           QUARTER ENDED MARCH 31, 2013.

PURPOSE

Approval of the Quarterly Investment Report for the quarter ended March 31, 2013

FISCAL IMPACT

None.

RECOMMENDATION

Approve Quarterly Investment Report for the quarter ended March 31, 2013.

S.E.E IMPACT

Social Equity - To ensure compliance with the Public Funds Investment Act of 1987. The Public Funds Investment Act of 1987 (PFIA) established rules and regulations for governmental entities to follow for the proper investment of public monies. The City's investment program is conducted to accomplish the following objectives, listed in priority order.

A.   Safety
The primary objective of the City's investment program is the preservation and safety of principal in the overall portfolio. Each investment transaction shall seek first to ensure that capital losses are avoided, whether they are from security defaults or erosion of market value.

B.   Liquidity
The City's investment portfolio will remain sufficiently liquid to enable the City to meet operating requirements that might be reasonably anticipated. Liquidity shall be achieved by matching investment maturities with forecasted cash flow requirements; thereby avoiding the need to liquidate investments under adverse market condition. It is the intent of the City
to invest its funds to maturity.

C. Diversification
The investment portfolio will be designed to limit risk by avoiding the concentration of assets with a specific maturity, with a specific issuer, or in a specific class of securities.

D. Yield
A fundamental rule of investing is that risk equals return. The City has deliberately established a low risk threshold to protect its financial resources and ensure that cash is available when needed. The City will invest idle cash at the highest possible rate of return, consistent with the objectives and provisions of this policy, and in compliance with state and federal laws governing the investment of public funds.

Economic Development - N/A

Environmental Stewardship - N/A

APPROVED:______________________ DISAPPROVED:______________________

APPROVED WITH THE FOLLOWING COMMENTS:________________________

__________________________

ATTEST:

Janie Willman, City Secretary
City of Leon Valley, Texas
Quarterly Investment Report
January 1, 2013 - March 31, 2013

April 16, 2013

Honorable Mayor Riley and City Council Members:

The Quarterly Investment Report for the City of Leon Valley, Texas for the quarter ended March 31, 2013 is hereby submitted.

The current depository bank for the City is Frost National Bank. Only enough funds to meet current obligations are being maintained at this bank. All excess funds are invested as allowed by the City’s Investment Policy.

For the quarter, TexPool’s yield ranged between .0935% and .1047%, compared to the quarter ended December 31, 2013 yield of between .1657% and .1506%. In comparison, interest rates for 13-week U.S. Treasury Bills ranged between .127% and .066% for the quarter.

A cash flow analysis is made to determine the cash liquidity needs of the City. The City must have ready access to liquid cash to provide for day-to-day business needs, accounts payable, payroll, and capital projects. Short-term dollars are maintained in checking accounts, investment pools, or certificate of deposits. As of March 31, 2013 the City had $16,390,184.84 in its investment portfolio.

Bank accounts are insured by a combination of FDIC insurance and pledged securities maintained at the Federal Reserve Bank. U.S. Treasuries and Agencies are guaranteed as to principal and interest by the full faith and credit of the United States of America. TexPool's Liquid Asset Portfolio seeks to maintain a net asset value of $1.00 per unit invested to preserve the principal of all pool participants.

This report is in full compliance with the investment strategies as established by the City of Leon Valley Investment Policy and the Public Funds Investment Act.

Manuel Longoria, Jr.
City Manager

Vickie Wallace
Finance Director
# CITY OF LEON VALLEY, TEXAS

## INVESTMENT PORTFOLIO SUMMARY

FOR THE QUARTER ENDED MARCH 31, 2013

<table>
<thead>
<tr>
<th>FUND</th>
<th>VALUE BY TYPE OF INVESTMENT</th>
<th>INTEREST EARNED FOR QUARTER</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>INVESTMENT POOL</td>
<td>CERTIFICATE OF DEPOSITS</td>
<td></td>
</tr>
<tr>
<td>GENERAL FUND</td>
<td>$ 5,041,704.13</td>
<td>$</td>
<td>$ 1,070.47</td>
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<tr>
<td>ENTERPRISE FUND</td>
<td>$ 2,754,464.60</td>
<td>$</td>
<td>$ 673.00</td>
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<tr>
<td>COMMUNITY CENTER</td>
<td>$ 71.28</td>
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<td>$</td>
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<td>POLICE FORFEITURE TRUST</td>
<td>$ 436,172.10</td>
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<td>$ 106.57</td>
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<td>STREET SALES TAX</td>
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<td>$ 95.83</td>
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<td>CAPITAL PROJECT FUND</td>
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<td>$ 1,711.87</td>
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<tr>
<td>CIED FUND</td>
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<td>$</td>
<td>$ 185.45</td>
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**TOTAL INVESTMENT PORTFOLIO AS OF 03/31/13**

<table>
<thead>
<tr>
<th></th>
<th>TOTAL</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>$ 3,843.19</td>
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# GENERAL FUND

## INVESTMENT PORTFOLIO

### BY TYPE OF INVESTMENT

FOR THE QUARTER ENDED MARCH 31, 2013

### INVESTMENT POOL - TEXPOOL

<table>
<thead>
<tr>
<th>DATE</th>
<th>ACCOUNT NUMBER</th>
<th>SHARES PURCHASED</th>
<th>SHARES REDEEMED</th>
<th>PRICE PER SHARE</th>
<th>SHARES OWNED</th>
<th>MARKET VALUE</th>
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<tbody>
<tr>
<td>AS OF 12/31/12</td>
<td>1514000005</td>
<td></td>
<td></td>
<td>1.000</td>
<td>$3,640,633.66</td>
<td>$3,640,633.66</td>
</tr>
<tr>
<td>01/31/2013</td>
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<td>$500,321.76</td>
<td></td>
<td>1.000</td>
<td>$4,140,955.42</td>
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<tr>
<td>02/28/2013</td>
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<td>$600,310.62</td>
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<td>1.000</td>
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<td>03/31/2013</td>
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TOTAL TEXPOOL AS OF 03/31/13 $5,041,704.13

### CERTIFICATES OF DEPOSIT

<table>
<thead>
<tr>
<th>PURCHASE DATE</th>
<th>INVESTMENT</th>
<th>TERM</th>
<th>MATURITY DATE</th>
<th>YIELD AT PURCHASE</th>
<th>FACE VALUE</th>
<th>MARKET VALUE</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
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<td></td>
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TOTAL CERTIFICATES OF DEPOSIT AS OF 03/31/13 $

TOTAL GENERAL FUND INVESTMENT PORTFOLIO AS OF 03/31/13 $5,041,704.13
# Enterprise Fund
## Investment Portfolio
### By Type of Investment
#### For the Quarter Ended March 31, 2013

### Investment Pool - Texpool

<table>
<thead>
<tr>
<th>Date</th>
<th>Account Number</th>
<th>Shares Purchased</th>
<th>Shares Redeemed</th>
<th>Price Per Share</th>
<th>Shares Owned</th>
<th>Market Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>AS OF 12/31/12</td>
<td>151400003</td>
<td>$230.66</td>
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<td>$2,753,791.60</td>
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**Total Texpool as of 03/31/13**

### Certificates of Deposit

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<th>Purchase Date</th>
<th>Investment</th>
<th>Term</th>
<th>Maturity Date</th>
<th>Value at Purchase</th>
<th>Face Value</th>
<th>Market Value</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Total Certificates of Deposit as of 03/31/13**

**Total Enterprise Fund Investment Portfolio as of 03/31/13**

$2,754,464.60
## Investment Pool - Texpool

<table>
<thead>
<tr>
<th>Date</th>
<th>Account Number</th>
<th>Shares Purchased</th>
<th>Shares Redeemed</th>
<th>Price Per Share</th>
<th>Shares Owned</th>
<th>Market Value</th>
</tr>
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<tbody>
<tr>
<td>AS OF 12/31/12</td>
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<td>$</td>
<td>$</td>
<td>$</td>
<td>71.28</td>
<td>$</td>
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<tr>
<td>01/31/2013</td>
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<td>$</td>
<td>$</td>
<td>$</td>
<td>71.28</td>
<td>$</td>
</tr>
<tr>
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<td>151400001</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td>71.28</td>
<td>$</td>
</tr>
<tr>
<td>03/31/2013</td>
<td>151400001</td>
<td>$</td>
<td>$</td>
<td>$</td>
<td>71.28</td>
<td>$</td>
</tr>
<tr>
<td>TOTAL TEXPOOL AS OF 03/31/13</td>
<td>$</td>
<td></td>
<td></td>
<td>$</td>
<td>71.28</td>
<td>$</td>
</tr>
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</table>

**Total Community Center Investment Portfolio as of 03/31/13**

$ 71.28
### POLICE FORFEITURE TRUST ACCOUNT
### INVESTMENT PORTFOLIO
### BY TYPE OF INVESTMENT
### FOR THE QUARTER ENDED MARCH 31, 2013

#### INVESTMENT POOL - TEXPOOL

<table>
<thead>
<tr>
<th>DATE</th>
<th>ACCOUNT NUMBER</th>
<th>SHARES PURCHASED</th>
<th>SHARES REDEEMED</th>
<th>PRICE PER SHARE</th>
<th>SHARES OWNED</th>
<th>MARKET VALUE</th>
</tr>
</thead>
<tbody>
<tr>
<td>AS OF 12/31/12</td>
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<td></td>
<td>1.000</td>
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<td>1.000</td>
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<td>$ 436,133.33</td>
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<td>$ 436,172.10</td>
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</table>

**TOTAL TEXPOOL AS OF 03/31/13**

$ 436,172.10

**TOTAL POLICE FORFEITURE INVESTMENT PORTFOLIO AS OF 03/31/13**

$ 436,172.10
# STREET TAX
INVESTMENT PORTFOLIO
BY TYPE OF INVESTMENT
FOR THE QUARTER ENDED MARCH 31, 2013

<table>
<thead>
<tr>
<th>DATE</th>
<th>ACCOUNT NUMBER ACCOUNT</th>
<th>SHARES PURCHASED SHARES</th>
<th>SHARES REDEEMED SHARES</th>
<th>PRICE PER SHARE PRICE PER</th>
<th>SHARES OWNED SHARES</th>
<th>MARKET VALUE MARKET</th>
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</thead>
<tbody>
<tr>
<td>AS OF 12/31/12</td>
<td>151400005</td>
<td>$</td>
<td>$</td>
<td>1.000</td>
<td>$ 392,004.72</td>
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<td>$ 392,037.57</td>
<td>$ 392,037.57</td>
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<td>$</td>
<td>1.000</td>
<td>$ 392,100.55</td>
<td>$ 392,100.55</td>
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TOTAL TEXPOOL AS OF 03/31/13 $ 392,100.55

TOTAL STREET TAX INVESTMENT PORTFOLIO AS OF 03/31/13 $ 392,100.55
## CAPITAL PROJECT FUND
### INVESTMENT PORTFOLIO
#### BY TYPE OF INVESTMENT
##### FOR THE QUARTER ENDED MARCH 31, 2013

<table>
<thead>
<tr>
<th>DATE</th>
<th>ACCOUNT NUMBER</th>
<th>SHARES PURCHASED</th>
<th>SHARES REDEEMED</th>
<th>PRICE PER SHARE</th>
<th>SHARES OWNED</th>
<th>MARKET VALUE</th>
</tr>
</thead>
<tbody>
<tr>
<td>AS OF 12/31/12</td>
<td>151400013</td>
<td></td>
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<td>$</td>
<td></td>
<td>7,005,698.66</td>
<td>7,005,698.66</td>
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<tr>
<td>03/31/2013</td>
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<td>$622.74</td>
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<td></td>
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<td>7,006,321.40</td>
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</table>

**TOTAL TEXPPOOL AS OF 03/31/13**

**TOTAL 2009 PPFCO INVESTMENT PORTFOLIO AS OF 03/31/13**

$7,006,321.40
## CIED FUND
### INVESTMENT PORTFOLIO
#### BY TYPE OF INVESTMENT
##### FOR THE QUARTER ENDED MARCH 31, 2013

**INVESTMENT POOL - TEXPOOL**

<table>
<thead>
<tr>
<th>DATE</th>
<th>ACCOUNT NUMBER</th>
<th>SHARES PURCHASED</th>
<th>SHARES REDEEMED</th>
<th>PRICE PER SHARE</th>
<th>SHARES OWNED</th>
<th>MARKET VALUE</th>
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<tbody>
<tr>
<td>AS OF 12/31/12</td>
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<td>$63.58</td>
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**TOTAL TEXPOOL AS OF 03/31/13**

$759,350.78
MAYOR AND COUNCIL COMMUNICATION

DATE: April 16, 2013
M&C: # 04-05-13

TO: MAYOR AND CITY COUNCIL

SUBJECT: CONSIDER ACTION ON ORDINANCE AWARDING THE BID RECEIVED FOR THE 2013 WATER AND SEWER IMPROVEMENT PROJECTS TO SAN ANTONIO CONSTRUCTORS AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE BID AWARD DOCUMENTS IN THE AMOUNT OF $235,459.00 AND AUTHORIZING UP TO 25 PERCENT INCREASE, AS PERMITTED BY LAW, AND FOUND TO BE NECESSARY.

PURPOSE

The City has received bids for the 2013 Water and Sanitary Sewer Improvement Project. The bid opening was held on March 26, 2013 and seven bids were received.

This project involves the following work: replacing a concrete water main on William Rancher Rd, the installation of an 8” water line on Evers Rd. to loop the line between Seneca and Forest Meadow, the installation of an 8” water main to loop the line between Shadow Mist and El Verde Road, the addition of a water valve at Shadow Mist and Grissom, a sanitary sewer point repair at 6310 Stirrup Lane, and the replacement of an 8” clay pipe sanitary sewer line on Stirrup Lane between Whithers and Crownpiece.

FISCAL IMPACT

Funding for this project is included in the current 2013 budget in the amount of $286,683 under the enterprise program. The bid of $235,459.00 is below the budget and staff recommends approval.

S.E.E Statement

Social- this effort does not impact social equity

Economic – This activity extends the life of the existing infrastructure.

Environmental- By replacing concrete pipe the life of the sewer is extended and the installation of water main loops helps to equalize water pressure in the system and removes dead ends that cause increased maintenance.

APPROVED: ________________ DISAPPROVED: ________________

APPROVED WITH THE FOLLOWING AMENDMENTS: ____________________________

______________________________

ATTEST:
## Agenda Item 8

**BID #2011-02 - SANITARY SEWER & WATER PROJECTS**  
**MAY 24, 2011**  
**SUMMARY**

<table>
<thead>
<tr>
<th>Contractor</th>
<th>Water Total</th>
<th>Sewer Total</th>
<th>Combined Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>M&amp;C Fonseca Construction*</td>
<td>$51,679.81</td>
<td>$129,084.31</td>
<td>(Non-responsive Bidder – Bid rejected)</td>
</tr>
<tr>
<td>HL Zumwalt Construction</td>
<td>$42,891.35</td>
<td>$138,670.00</td>
<td>$181,561.35</td>
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<tr>
<td>Wiking Corporation</td>
<td>$32,618.30</td>
<td>$165,070.90</td>
<td>$197,689.20</td>
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<tr>
<td>Du-Mor</td>
<td>$42,666.50</td>
<td>$168,136.00</td>
<td>$210,802.50</td>
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<tr>
<td>Briones Utility Company*</td>
<td>$58,380.10</td>
<td>$162,802.47</td>
<td>$221,182.57</td>
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<tr>
<td>Pronto Sandblasting</td>
<td>$58,450.00</td>
<td>$165,477.00</td>
<td>$223,927.00</td>
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<tr>
<td>San Antonio Constructors</td>
<td>$49,439.50</td>
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<tr>
<td>Jacobs Plumbing &amp; Utility*</td>
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<td>$204,430.36</td>
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<tr>
<td>Slack &amp; Co Contracting</td>
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<td>Rockin Q Construction*</td>
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<td>$207,406.00</td>
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<td>Wauters Engineering</td>
<td>$46,708.88</td>
<td>$217,239.13</td>
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<td>Pipelayers</td>
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<td>Bartek</td>
<td>$56,927.00</td>
<td>$268,425.00</td>
<td>$325,352.00</td>
</tr>
</tbody>
</table>

*These totals have been adjusted and now reflect the correct price (based on extended calculations - please see the itemized bid tabulation for further information).*
AN ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY
AUTHORIZING THE CITY MANAGER TO EXECUTE THE BID AWARD DOCUMENTS
FOR THE 2013 WATER AND SANITARY SEWER IMPROVEMENT PROJECT
AWARDED TO SAN ANTONIO CONSTRUCTORS IN THE AMOUNT OF $235,459.00,
AND AUTHORIZING UP TO 25% PERCENT INCREASE, AS PERMITTED BY LAW, AND
FOUND TO BE NECESSARY.

WHEREAS, The City Council has awarded San Antonio Constructors, the bid for the 2013
Water and Sanitary Sewer Improvement Project in the amount of $235,459.00 for project
work to include replacing a concrete water main on William Rancher Rd, the installation of an
8" water line on Evers Rd. to loop the line between Seneca and Forest Meadow, the
installation of an 8" water main to loop the line between Shadow Mist and El Verde Rd, the
addition of a water valve at Shadow Mist and Grissom, a sanitary sewer point repair at 6310
Stirrup Lane, and the replacement of an 8" clay pipe sanitary sewer line on Stirrup Lane
between Whithers and Crownpiece, and any other work needed to complete the project,
including the authorization of up to 25% increase of the bid amount, as permitted by law and
found to be necessary.

WHEREAS, the City Council desires to authorize the City Manager execute the bid award
documents with San Antonio Constructors.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON
VALLEY, TEXAS:

1. To hereby authorize the City Manager to execute the bid award documents for the
2013 Water and Sanitary Sewer Improvement Project awarded to San Antonio
Constructors in the amount of $235,459.00, and authorizing up to 25% percent
increase, as permitted by law, and found to be necessary.

2. That this authorization granted to the City Manager is hereby effective as of the date
of adoption of this Ordinance and the compliance by the contractor of all conditions
required by state law and the City of Leon Valley City Council.

PASSED and APPROVED this the 16th day of April, 2013.

__________________________
Chris Riley, Mayor

ATTEST:

__________________________
Janie Willman, City Secretary

APPROVED AS TO FORM:
City Attorney’s Office
Denton, Navarro, Rocha and Bernal, P.C.
2013 Water and Sanitary Sewer Bid Award

Byron Vick, Director of Public Works

April 16, 2013
2013 Water and Sanitary Sewer

PURPOSE

The City has received bids for the 2013 Water and Sanitary Sewer Improvement project. The bid opening was held on March 26, 2013 and seven bids were received.

This project includes one concrete water main replacement, one concrete sewer main replacement, installation of two water main loops, one water valve addition, and a sanitary sewer point repair.
## BID #2013-01 - 2013 WATER & SANITARY SEWER PROJECTS
MARCH 26, 2013

<table>
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<th>VENDOR</th>
<th>WATER</th>
<th>SEWER</th>
<th>TOTALS</th>
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<td>$26,764.00</td>
<td>$247,943.00</td>
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<tr>
<td>AUSTIN CONSTRUCTORS</td>
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<td>$34,689.00</td>
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<tr>
<td>BARTEK CONSTRUCTION *</td>
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<td>$296,686.00</td>
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<tr>
<td>DC CIVIL CONSTRUCTION **</td>
<td>$258,911.53</td>
<td>$37,799.84</td>
<td>$296,711.37</td>
</tr>
<tr>
<td>PRONTO SANDBLASTING</td>
<td>$282,656.00</td>
<td>$54,145.00</td>
<td>$336,801.00</td>
</tr>
</tbody>
</table>

TOTALS REFLECT CORRECTED PRICES

* Calculation error on Sanitary Sewer
** Calculation error on Water Projects
2013 Water and Sanitary Sewer

RECOMMENDATION

Staff and Engineer, Steve Cady, P.E. have reviewed the bids and references and recommend the award of the bid to San Antonio Constructors in the amount of $235,459.00.
2013 Water and Sanitary Sewer Bid Award
Byron Vick, Director of Public Works
April 16, 2013
MAYOR AND COUNCIL COMMUNICATION

DATE: April 16, 2013
M&C #: 04-07-13

TO: MAYOR AND CITY COUNCIL

SUBJECT: CONSIDER APPROVAL OF AN ORDINANCE AMENDING THE FY2013 FOR A BUDGET ADJUSTMENT FOR GRANT FUNDS RECEIVED IN THE AMOUNT OF $4,523.13 FROM THE SOUTHWEST TEXAS REGIONAL ADVISORY COUNCIL (STRAC) FOR FIRE DEPARTMENT EMS SUPPLIES AND EQUIPMENT

PURPOSE:

To amend the current fiscal year budget to allow for the purchase of data communication services, and training classes for the Leon Valley Firefighter/Paramedics.

Leon Valley Fire/EMS received a $4,524 grant allotment from the STRAC for fiscal year 2013. In order to expend these funds, a budget adjustment is needed.

The funds will be used to fund the monthly data charges for the three mobile gateways that allow for the transmission of 12-lead electrocardiograms (EKGs) in the field to the emergency room. Obtaining and transmitting the EKGs in the field saves time and duplication of effort, reducing the door-to-catheter lab time for the emergency cardiac patient.

The funds will also be used to bring in specialized advanced certification training courses to the Leon Valley Paramedics such as; Pre-Hospital Trauma Life Support, and Advanced Cardiac Life Support.

The following adjustment is needed:

General Fund/Fire Department/EMS: + 4,524

FISCAL IMPACT

None. Funding is coming from a grant the Leon Valley Fire Department received from the STRAC.

SEE VISION IMPACT

Social Equity – The equipment and training will enhance the medical care and life safety of the public.
Economic Development – Use of grant funding conserves City funds for other uses.
Environmental Stewardship – No impact.

APPROVED: ____________________________
DISAPPROVED: ____________________________

APPROVED WITH THE FOLLOWING AMENDMENTS:

__________________________________________
Agenda Item 9

ATTEST:

_____________________________________
Janie Willman, City Secretary
AN ORDINANCE

APPROVING AMENDMENTS TO THE ORIGINAL BUDGET OF THE CITY OF LEON VALLEY, TEXAS, FOR THE FISCAL YEAR OF 2013

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, THAT:

1. The attached and incorporated Mayor and Council Communication # 04-07-13, as approved on April 16, 2013 contains an amendment to the original Budget for the City of Leon Valley, Texas, for the Fiscal Year 2013 as approved by the Leon Valley City Council on September 18, 2012 under Ordinance 12-024. A true copy of said documents are on file in the office of the Secretary and made a part hereof by reference, are hereby amended and approved and are ordered filed in the office of the City Secretary.

GENERAL FUND / FIRE DEPARTMENT / EMS

PASSED and APPROVED this 16th day of April 2013.

_______________________________
Mayor Chris Riley

ATTEST:

_______________________________
Janie Willman, City Secretary

APPROVED AS TO FORM:

_______________________________
City Attorney’s Office
Denton, Navarro, Rocha and Bernal, P.C.
Trauma Funds Grant Budget Adjustment

City Council Meeting

April 16, 2013
Purpose

• Acceptance of grant communications equipment and services, and acceptance of grant funds in the amount of $4,523.13 from Southwest Texas Regional Advisory Council and associated budget adjustments for the Fire Department general fund.
Background

• Leon Valley Fire/EMS received a grant allotment of $4,523.13 from the Texas EMS/Trauma Systems funding for fiscal year 2013
If approved, trauma funds will be used to purchase:

- Data services for air cards ($1,031.76)
- One medi-vault safe for controlled substances ($800)
- Pre-hospital Trauma Life Support, and Advanced Trauma Life Support courses ($2,700)
Fiscal Impact

• None.

• The ongoing expense of data transmission will be funded by trauma grants.
S.E.E. Impact

- Social Equity
  - This equipment will enhance the medical care and life safety of the public

- Economic Development
  - Use of grant funding conserves City funds for other uses

- Environmental Stewardship
  - None
Trauma Funds Grant Budget Adjustment

City Council Meeting
April 16, 2013
MAYOR AND COUNCIL COMMUNICATION

DATE: April 16, 2013
M&C #: 04-08-13

TO: MAYOR AND CITY COUNCIL

SUBJECT: CONSIDER APPROVAL OF AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE TEXAS A&M FOREST SERVICE FOR THE CONSTRUCTION OF THE DEFENSIBLE SPACE PROJECT AT THE LEON VALLEY NATURAL AREA

PURPOSE:

This agenda item will allow the City Council to consider approving an ordinance authorizing the City Manager to enter into an agreement with the Texas A&M Forest Service for the construction of the Defensible Space Project at the Leon Valley Natural Area. Ordinance 08-058 dedicated the City’s real property as a natural area park, known as Huebner-Onion Natural Area Park and locally known as the Leon Valley Natural Area.

In response to questions raised about the standards for maintaining the fire break (defensible space) in the Leon Valley Natural Area, Interim Fire Chief Luis Valdez conducted an evaluation with City officials and Leon Valley Historical Society Officers on several occasions.

In order to determine the standards, Interim Fire Chief Valdez reviewed City’s Fire Code, the International Fire Code, which referenced the specific codes setting the standards for fire breaks.

Following that determination, Interim Fire Chief Valdez contacted the Texas A&M Forest Service and spoke with a Wildland-Urban Interface Code Specialist. Following an on-site visit of the Natural Area with the Wildland-Urban Interface Code Specialist, the Chief asked for information to ensure that no adverse environmental impact occurred while completing such a fire break project. He was informed that the State has a program to assist cities with constructing these kinds of projects. It was at that point, Mr. Valdez started the application process for assistance.

The Project was approved in mid-March for assistance. Funding has been earmarked for the Leon Valley Project by the Texas A&M Forest Service, and the project is in the scheduling process. Staff is seeking authorization for the City Manager to sign the insurance and indemnification agreements, attached as Exhibits to the Ordinance. If this project meets with the City Council’s approval, the Defensible Space Project will be scheduled commencing between the date range beginning April 10 and terminating on June 10. Because of risk management issues, it is recommended that the City’s contribution be limited to those Public Works employees and equipment required to do the project along with overtime for City firefighters volunteering to learn from professional wildland firefighters. The City’s firefighters would be working under the supervision of Interim Fire Chief Valdez.

Approval is sought to ensure that the City’s Natural Area Parkland fire safety be stabilized thereby ensuring its continuation as a source of beauty for all to enjoy. An equally important consideration is the duty of the City of Leon Valley to ensure the public safety, health, and welfare of the adjoining property owners and residents throughout the City through the use of effective fire safety practices. Completing this project would allow the City of Leon Valley to provide fire safety for the homes that border along the natural area.
Agenda Item 10

**FISCAL IMPACT**

There is no fiscal impact in direct financial contribution. In-kind Staff support to the project is estimated at $9,886.

The Texas A&M Forest Service is absorbing other costs that include personnel and equipment at no expense to the City.

**SEE VISION IMPACT**

**Social Equity** – This project will help ensure the public safety, health, and welfare of the adjoining property owners and residents throughout the City through the use of effective fire safety practices

**Economic Development** – No impact.

**Environmental Stewardship** – This project helps to maintain the Natural Area by providing fire protection.

APPROVED:_______________________________

DISAPPROVED:_______________________________

APPROVED WITH THE FOLLOWING AMENDMENTS:

__________________________________________

ATTEST:

_____________________________________
Janie Willman, City Secretary
ORD. NO.___________

AN ORDINANCE

AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE TEXAS A&M FOREST SERVICE FOR THE CONSTRUCTION OF THE DEFENSIBLE SPACE PROJECT AT THE LEON VALLEY NATURAL AREA

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, THAT:

1. The attached and incorporated Mayor and Council Communication # 04-08-13, as approved on April 16, 2013 authorizes the City Manager to sign the indemnification and insurance agreements, attached as exhibits to this ordinance, as part of the defensible space project with the Texas A&M Forest Service at the Leon Valley Natural Area. A true copy of said documents are on file in the office of the Secretary and made a part hereof by reference, are hereby amended and approved and are ordered filed in the office of the City Secretary.

PASSED and APPROVED this 16th day of April 2013.

_________________________________
Mayor Chris Riley

ATTEST:

Janie Willman, City Secretary

APPROVED AS TO FORM:

_______________________________
City Attorney’s Office
Denton, Navarro, Rocha and Bernal, P.C.
THIS AGREEMENT is between the Texas A&M Forest Service, a member of The Texas A&M University System, an agency of the State of Texas (“TFS”), and the City of Leon Valley.

WHEREAS, the City of Leon Valley’s land, located at 6440 Evers Rd., is identified in a Community Wildfire Protection Plan as an area of interest for public protection; and

WHEREAS, the City of Leon Valley has requested that TFS assist by providing fire fuel mitigation through mulching.

NOW THEREFORE, TFS and Leon Valley hereby agree:

1. Purpose: In response to Leon Valley’s request for assistance, TFS will, as part of its Mitigation and Prevention Program, perform mulching on Subject Property.
   - The mulching will cover approximately 36 acres.
   - Work will be performed on a day and time mutually agreed upon by TFS and Leon Valley.
   - Work will be performed in accordance with typical industry practices and in with a mitigation plan developed by TFS and approved by the City of Leon Valley.

2. Term of Agreement: The term of this agreement shall commence on April 10, 2013 and terminate on June 10, 2013. The indemnification clauses in this agreement shall survive the termination of this agreement.

3. Consideration: Compensation for performance of the services described in this agreement will not be monetary. TFS will benefit by furthering its progress toward its mission of providing wildfire community protection.

4. Agreement Terms and Conditions:

   4.1 Leon Valley does by these presents for itself and its officers, employees, agents, and representatives hereby release and agree not to hold liable the State of Texas, TFS, The Texas A&M University System, its officers, agents and employees (“RELEASEES” OR “INDEMNITSEES”) for any and all actions, causes of actions, claims, demands, costs or damages arising from or resulting property damage, personal injury or death sustained by the City of Leon Valley or its property during the removal of brush and tree debris from the subject property, including injuries or property damage sustained as a result of the sole, joint, or concurrent negligence, negligence per se, statutory fault, or strict liability of RELEASEES. This waiver does not apply to injuries caused by intentional or grossly negligent conduct.

   There are inherent risks involved with this activity, including but not limited to bodily injury or death, and City of Leon Valley chooses to voluntarily have its employees be
present during the conduct of the activities described herein with the full knowledge that the activity may be hazardous to people and property. **Leon Valley further agrees by these presents for Leon Valley, its heirs, executors, administrators, and assigns, to indemnify, hold, and save harmless the INDEMNITEES** from any and all liabilities, claims, demands, injuries (including death), or damages including court costs and attorney’s fees and expenses, which may be incurred by Leon Valley, other participants, and third-persons as a result of the performance of the activity, **including injuries sustained as a result of the sole, joint, or concurrent negligence, negligence per se, statutory fault, or strict liability of INDEMNITEES**.

In addition, Leon Valley makes the following representations and acknowledgements upon which TFS shall rely: (1) During the removal of brush and tree debris a limb chipper, mulching machine, or other similar products or equipment will be operated by employees of TFS and that use of a limb chipper or mulching machine is inherently dangerous, and Leon Valley voluntarily assume all risks of its employees being present during the use of the limb chipper or other similar products or equipment utilized in the removal of brush and tree debris from the subject property; (2) Leon Valley will not be considered an agent, servant, or employee of the State of Texas, and, thus, Leon Valley will not be covered by the State for any workers’ compensation, death, or disability benefits; (3) Leon Valley agrees that Leon Valley’s employees will not consume or be under the influence of alcohol or illegal drugs or abuse prescription drugs or other substance that may impair mental and physical faculties prior to being present for the removal of brush and tree debris from the subject property; (4) in signing this agreement Leon Valley acknowledges and represent that Leon Valley has read it, understands it, and signs it voluntarily as its own free act and deed; (5) RELEASEES have not made and Leon Valley has not relied on any oral representations, statements, or inducements apart from the terms contained in this agreement; and (6) Leon Valley executes this document for full, adequate and complete consideration fully intending to be bound by the same, now and in the future.

4.2 This Agreement may only be amended or modified in writing with express mutual consent of both parties.

4.4 All notices, consents, approvals, demands, requests, or other communications provided for, required of, or permitted to be given under any of the provisions of this Agreement shall be in writing and shall be deemed to have been duly given or served when delivered by hand delivery, delivered by an express delivery service, or when deposited in the U.S. mail by registered or certified mail, return receipt requested, postage prepaid, and addressed as follows:

- **TFS**
  - Texas A&M Forest Service
  - 200 Technology Way
  - College Station, TX 77840

- **City of Leon Valley**
  - City Manager
  - 6400 El Verde Rd.
  - Leon Valley, TX 78238

IN WITNESS WHEREOF, TFS and Leon Valley have executed and delivered this Agreement to be effective as of the effective date outlined in paragraph 2.

(Signatures on next page)

Fuel Mitigation Agreement
Page 2 of 3

OGC Approved Jan 2013
TEXAS A&M FOREST SERVICE

By ____________________
Associate Director for Finance and Administration

Date: ____________________

City of Leon Valley

Signature: ____________________

Printed Name: ____________________

Title: ____________________

Date: ____________________
FUEL MITIGATION AGREEMENT

(MULCHING ON PUBLIC LANDS)

THIS AGREEMENT is between the Texas A&M Forest Service, a member of The Texas A&M University System, an agency of the State of Texas (“TFS”), and the City of Leon Valley.

WHEREAS, the City of Leon Valley’s land, located at 6440 Evers Rd., is identified in a Community Wildfire Protection Plan as an area of interest for public protection; and

WHEREAS, the City of Leon Valley has requested that TFS assist by providing fire fuel mitigation through mulching.

NOW THEREFORE, TFS and Leon Valley hereby agree

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   - Work will be performed on a day and time mutually agreed upon by TFS and Leon Valley.
   - Work will be performed in accordance with typical industry practices and in with a mitigation plan developed by TFS and approved by the City of Leon Valley.

2. Term of Agreement: The term of this agreement shall commence on April 10, 2013 and terminate on June 10, 2013. The indemnification clauses in this agreement shall survive the termination of this agreement.

3. Consideration: Compensation for performance of the services described in this agreement will not be monetary. TFS will benefit by furthering its progress toward its mission of providing wildfire community protection.

4. Agreement Terms and Conditions:

   4.1 Leon Valley shall either name TFS (along with its officers, agents, and employees) as an additional insured on its policy and shall have the policy endorsed by the insurer to waive any rights of subrogation against TFS; or the CITY shall purchase a new insurance policy with TFS as the named insured (along with its officers, agents, and employees). Where the CITY purchases a separate insurance policy for TFS, such policy shall, at a minimum, provide for the following coverage:

      Comprehensive Gen. Liability
      a. Bodily Injury $300,000 Each occurrence  500,000 Aggregate
      b. Property Damage $100,000 each occurrence  $300,000 Aggregate

   If TFS is named as an additional assured on the CITY’s policy, the CITY shall maintain such insurance for the duration of this agreement. If the CITY purchases a separate
Insurance policy for TFS, the term of such insurance policy shall be sufficient to cover the duration of the term of this agreement. The CITY shall be responsible for the cost of any deductibles, self-insurance retention, and exclusion amounts, whether arising under the CITY’s insurance policy or under a separate policy of insurance having TFS as the named insured.

4.2 There are inherent risks involved with this activity, including but not limited to bodily injury or death, and Leon Valley chooses to voluntarily have its employees witness the activity with the fully knowledge that the activity may be hazardous to people and property. **Leon Valley further agrees by these presents that the Leon Valley, its its officers, employees, administrators, and representatives, release, hold, and save harmless TFS and its officers, employees, agents, and representatives** from any and all liabilities, claims, demands, injuries (including death), or damages including court costs and attorney’s fees and expenses, which may occur to Leon Valley as a result of the performance of the activity, **including injuries sustained as a result of the sole, joint, or concurrent negligence, negligence per se, statutory fault, or strict liability of TFS and its officers, employees, agents, and representatives**.

In addition, Leon Valley makes the following representations and acknowledgements upon which TFS shall rely: (1) During the removal of brush and tree debris a limb chipper, mulching machine, or other similar products or equipment will be operated by employees of TFS and that use or being in the presence of a limb chipper or mulching machine is inherently dangerous, and Leon Valley voluntarily assume all risks of its employees being present during the use of the limb chipper or other similar products or equipment utilized in the removal of brush and tree debris from the subject property; (2) Leon Valley will not be considered an agent, servant, or employee of the State of Texas, and, thus, Leon Valley will not be covered by the State for any workers’ compensation, death, or disability benefits; (3) Leon Valley agrees that Leon Valley’s employees will not consume or be under the influence of alcohol or illegal drugs or abuse prescription drugs or other substance that may impair mental and physical faculties prior to being present for the removal of brush and tree debris from the subject property; (4) in signing this agreement **Leon Valley acknowledges and represent that Leon Valley has read it, understands it, and signs it voluntarily as its own free act and deed**; (5) RELEASEEES have not made and Leon Valley has not relied on any oral representations, statements, or inducements apart from the terms contained in this agreement; and (6) Leon Valley executes this document for full, adequate and complete consideration fully intending to be bound by the same, now and in the future.

4.2 This Agreement may only be amended or modified in writing with express mutual consent of both parties.

4.4 All notices, consents, approvals, demands, requests, or other communications provided for, required of, or permitted to be given under any of the provisions of this Agreement shall be in writing and shall be deemed to have been duly given or served when delivered by hand delivery, delivered by an express delivery service, or when deposited in the U.S. mail by registered or certified mail, return receipt requested, postage prepaid, and addressed as follows:
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(Signatures on next page)

TFS
Texas A&M Forest Service
200 Technology Way
College Station, TX 77840

Leon Valley
City of Leon Valley
City Manager
6400 El Verde Rd.
Leon Valley, TX 78238

TEXAS A&M FOREST SERVICE
By ____________________
Associate Director for Finance and Administration

Date: ____________________

Leon Valley
Signature: ____________________
Printed Name: ______________
Title: ______________________
Date: ______________________

(Tex)
Defensible Space Project
Texas A&M Forest Service –
City of Leon Valley Agreement

City Council Meeting
April 16, 2013
Purpose

• AUTHORIZES THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE TEXAS A&M FOREST SERVICE FOR THE CONSTRUCTION OF THE DEFENSIBLE SPACE PROJECT AT THE LEON VALLEY NATURAL AREA
Background

• Thorough evaluation of fire code analysis was completed to ensure accuracy.

• Contacted the Texas A&M Forest Service to inquire about environmental impact of performing work.
Background

• After meeting with Mr. Justice Jones, Wildland-Urban Interface Coordinator for Texas A&M Forest Service, City was notified of possible state assistance through nationally recognized Firewise program.

• Staff began application process in October, 2012.
The cooperative project has been approved by the Texas A&M Forest Service, and is currently in the scheduling process, pending approval on indemnification and insurance agreements.
Background

- If approved, work would commence with the Texas Task Force Wildland Firefighters team between April 10th and June 10th, 2013. The work should extend not more than 10 days.

- Because of risk management issues, it is recommended that the City’s contribution be limited to City employees and equipment required to do the project alongside the professional Wildland Firefighters.
Fiscal Impact

• There is no fiscal impact in direct financial contribution.
• In-kind Staff support to the Project is estimated at $9,886.
• The Texas A&M Forest Service is absorbing other costs that include personnel and equipment at no expense to the City.
S.E.E. Impact

- **Social Equity** – This project will help ensure the public safety, health, and welfare of the adjoining property owners and residents throughout the City through the use of effective fire safety practices.

- **Economic Development** – No impact.

- **Environmental Stewardship** – This project helps to maintain the Natural Area by providing fire protection.
Texas A&M Forest Service

• Justice Jones, Wildland Urban Interface Coordinator
• Will Boettner, Wildland Urban Interface Specialist
• Patrick Allen, Firewise Coordinator
• Paul Johnson, Urban Forester
Texas A&M Forest Service Defensible Space photograph samples

Before the work was done
Texas A&M Forest Service Defensible Space photograph samples

After work was completed
Texas A&M Forest Service Defensible Space photograph samples

Before the work was done
Texas A&M Forest Service Defensible Space photograph samples

After the work was completed
Texas A&M Forest Service Defensible Space past project photograph samples
Texas A&M Forest Service Defensible Space photograph samples

Before the work was done
Texas A&M Forest Service Defensible Space past project photograph samples

After the work was completed
Discussion
Defensible Space Project
Texas A&M Forest Service –
City of Leon Valley Agreement

City Council Meeting
April 16, 2013
Manny Longoria

From: Art Reyna
Sent: Wednesday, April 03, 2013 10:13 PM
To: Manny Longoria; Jack Dean
Subject: Historical Society Agenda Item

Manny,

Jack and I would like additional items to be added to next meeting's agenda. Since the historical society is giving its annual report anyway, we would like to know why the park improvements have not been installed. If there is some legal impediment, perhaps the city attorney could explain it. We would like it to be an action item so that we can do whatever is needed to complete the project in a timely manner.

We would like a discussion/action item to evaluate what steps, if any, should be taken to resolve any alleged breaches of the natural area lease or violations of law. Frankly, after the society's presentation and the first agenda item, we are hoping that there will be enough information to allow council to postpone the second item.

Of course, if Charlie advises that our requests should be handled procedurally differently, we intend to follow his advice.

Jack, please let Manny know if I have stated this as we discussed it. Thanks.

Sincerely,
Art Reyna
Councilman, Place 2
210-232-1677

My goal is to ensure that our city is fair to all, efficient in its efforts, consistent in its application of rules, effective in its work, with laser-like focus on its main business.
Mayor, Here is the request from Dean. ML.

From: Jack Dean [mailto:jdean2@att.net]
Sent: Wednesday, April 03, 2013 10:31 PM
To: Manny Longoria
Subject: Fw: Historical Society Agenda Item

Manny,
As we discussed I concur with Art and desire this to be added to the next meetings agenda. Any questions please feel free to contact me.
Jack

----- Forwarded Message -----
From: Art Reyna <art.reyna@leonvalleytexas.gov>
To: Manny Longoria <m.longoria@leonvalleytexas.gov>; Jack Dean <jdean2@att.net>
Sent: Wed, April 3, 2013 10:12:45 PM
Subject: Historical Society Agenda Item

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Art Reyna
Councilman, Place 2
210-232-1677

My goal is to ensure that our city is fair to all, efficient in its efforts, consistent in its application of rules, effective in its work, with laser-like focus on its main business.
• Discussion and action regarding the Natural Area Triangle Property controlled by the Leon Valley Historic Society through a lease agreement with the City of Leon Valley (COLV); and status of allowing the COLV to develop the Triangle Property into a community park. (Requested by Councilman Art Reyna and Councilman Jack Dean)

• Discussion and action to evaluate the process that the City of Leon Valley (COLV) can use to consider possible breaches or violations of law related to the Natural Area Lease Agreement between the Leon Valley Historic Society and the COLV. (Requested by Councilman Art Reyna and Councilman Jack Dean)
Manny Longoria

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Sent: Wednesday, April 03, 2013 10:13 PM
To: Manny Longoria; Jack Dean
Subject: Historical Society Agenda Item

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Art Reyna
Councilman, Place 2
210-232-1677

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Subject: Fw: Historical Society Agenda Item

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Jack

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We would like a discussion/action item to evaluate what steps, if any, should be taken to resolve any alleged breaches of the natural area lease or violations of law. Frankly, after the society's presentation and the first agenda item, we are hoping that there will be enough information to allow council to postpone the second item.

Of course, if Charlie advises that our requests should be handled procedurally differently, we intend to follow his advice.

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Art Reyna
Councilman, Place 2
210-232-1677

My goal is to ensure that our city is fair to all, efficient in its efforts, consistent in its application of rules, effective in its work, with laser-like focus on its main business.
• Discussion and action regarding the Natural Area Triangle Property controlled by the Leon Valley Historic Society through a lease agreement with the City of Leon Valley (COLV); and status of allowing the COLV to develop the Triangle Property into a community park. (Requested by Councilman Art Reyna and Councilman Jack Dean)

• Discussion and action to evaluate the process that the City of Leon Valley (COLV) can use to consider possible breaches or violations of law related to the Natural Area Lease Agreement between the Leon Valley Historic Society and the COLV. (Requested by Councilman Art Reyna and Councilman Jack Dean)
Agenda Item 14

MAYOR AND COUNCIL COMMUNICATION

DATE: April 16, 2013
M&C: # 04-09-13

TO: MAYOR AND CITY COUNCIL

SUBJECT: CONDUCT A PUBLIC HEARING TO CONSIDER ZONING CASE #2013-389, THE REZONING OF APPROXIMATELY 6.38 ACRES OF LAND GENERALLY LOCATED AT 6111 BANDERA ROAD AND 5901 WURZBACH ROAD FROM R-4 (TOWNHOUSE) AND B-2 (RETAIL) TO B-3 (COMMERCIAL) AND TO REZONE FROM THE SUSTAINABILITY OVERLAY DISTRICT TO THE COMMERCIAL/INDUSTRIAL OVERLAY DISTRICT

PURPOSE
Zoning Case #2013-389 is a request by Ernesto Ancira Jr., to rezone approximately 6.38 acres of land from R-4 (Townhouse) and B-2 (Retail) to B-3 (Commercial). This request also includes rezoning said property from the Sustainability Overlay Zoning District to the Commercial/Industrial Overlay Zoning District (see attached documents).

FISCAL IMPACT
The applicant paid a fee of $960 for consideration of this zoning application.

RECOMMENDATION
On March 26, 2013, the Zoning Commission recommended, by a vote of 7-0, to APPROVE the request to rezone from R-4 (Townhouse) and B-2 (Retail) to B-3 (Commercial) noting it is Consistent and Compatible with the Master Plan and to rezone from the Sustainability Overlay to the Commercial/Industrial Overlay.

S.E.E IMPACT STATEMENT
Social Equity – the property owner’s agents have met with the adjacent community members to share their expansion plans and to consider the neighbors concerns and desires. The owner has made an effort towards a mutually beneficial partnership.
Environmental Stewardship – the owner has noted that as many trees as possible will be preserved on the property and addition landscaping will be added.
Economic Development – Ancira is an established Leon Valley business and they are encouraging their partners Volkswagen and Kia to make Leon Valley their home as well. Additionally the dealership promotes economic development through their automobile parts retail and services.

APPROVED:___________________ DISAPPROVED:___________________

APPROVED WITH THE FOLLOWING COMMENTS:___________________________

____________________________________________________________________

ATTEST:

Janie Willman, City Secretary
MINUTES OF THE MEETING OF THE
LEON VALLEY ZONING COMMISSION
March 26, 2013

The regular meeting of the Leon Valley Zoning Commission convened at 6:30 p.m. on Tuesday, March 26, 2013, in City Council Chambers at 6400 El Verde Road, Leon Valley, Texas.

I. Roll Call

Present were Chairman Claude Guerra III, 1st Vice-Chair Wendy Phelps, 2nd Vice-Chair Olen Yarnell, and Members Hal Burnside, Mike Davis Jr., Pedro Esquivel and Alternate Members Phyllis McMillian, Nicole Monsibais and Carlos Fernandez. Absent and excused was Member Carmen Sanchez. Also present was Kristie Flores, Director of Community Development, acting as recording secretary.

In the absence of regular Commission Member Carmen Sanchez; Alternate Member Phyllis McMillian was seated as a voting member.

Also available for the questions was contracted engineer for the City, Sia Sayyadi, P.E.

II. Approval of Minutes – February 26, 2013

Commissioner Pedro Esquivel made a motion to approve the minutes as written. Commissioner Phyllis McMillan seconded the motion, and the motion passed unanimously by voice vote.

III. Conduct a Public Hearing and Consider Zoning Case #2013-389, a Request by Ernesto Ancira, Jr., to Rezone Approximately 6.38 acres of land, Being Lots 4 and 5, Block 1, CB 4429F, of the Ancira-Winton Subdivision, from R-4 (Townhouse) and B-2 (Retail) to B-3 (Commercial) and to Rezone the Property from the Sustainability Overlay to the Commercial/Industrial Overlay, located at 6111 Bandera Road and 5901 Wurzbach Road.

Staff presented the Zoning Case #2013-389, a request by Ernest Ancira Jr., applicant and property owner to rezone approximately 6.38 acres of land, being Lots 4 and 5, Block 1, CB 4429F, of the Ancira-Winton Subdivision, from R-4 (Townhouse) and B-2 (Retail) to B-3 (Commercial) and to rezone the property from the Sustainability Overlay to the Commercial/Industrial Overlay, located at 6111 Bandera Road and 5901 Wurzbach Road. Staff noted the surrounding zoning and the history of the property which indicated that it had slowly rezoned from residential to retail and then to commercial between 1972 and 1998. Staff also noted that the 2009 Master Plan, Section 2aCC, “Bandera Road/Loop 410 Corridor,” addressed the area in general noting that zoning in the area consisted mostly of B-2 (Retail) and B-3 (Commercial) and that any B-3 (Commercial) which abuts residential must provide adequate and effective buffering. Staff explained that as a basic planning principle B-3 (Commercial) is not intended to abut R-1 (Single-Family Dwelling), but noted that if commercial zoning is allowed an eight (8) foot fence is required between commercial and residential properties. Staff further explained that other buffering techniques, such as landscaping may also be considered to guard against potential light and noise intrusion. Staff indicated that B-3 (Commercial) zoning is consistent with the adjacent B-2 (Retail) and B-3 (Commercial) zoning which already made up a large area which is platted and developed along Bandera Road and Wurzbach Road. Staff
further indicated that per Chapter 14 Zoning, Section 14.02.551b, of the Leon Valley Code of Ordinances the applicant submitted a Traffic Impact Analysis Worksheet which indicated that the proposed use will generate less than 100 peak hour trips. Staff noted that twenty-eight (28) letters had been mailed to property owners within 200-feet and that two (2) letters were received in opposition to the request, ten (10) letters were received in favor, and one (1) letter was returned undeliverable. Staff also noted that two (2) letters were received in favor outside the 200-foot notification area. Staff presented pictures of the site, concluded the presentation and remained available for questions.

Commissioner Mike Davis Jr., asked staff if there was a utility easement along the property line, staff verified from the plat that there were drainage and sanitary sewer easements. Sia Sayyadi, P.E. addressed the Commission and noted that there is was also a waterline that has also been extended from Wurzbach Road. He explained that there was need for more water easements because the waterline dead ends and the Fire Department presently has to clean out that section of the water line to mitigate hazards, thus the City has approached Ancira about additional easements to clear up these concerns. Mr. Sayyadi did confirm that there are utility easements along Rue Liliane for homes. He also pointed to an area in the middle section of the property that was not buildable due to being in the FEMA floodway.

Commissioner Hal Burnside noted that the area where the drainage culvert is paved and was concerned with which way the water would flow. Mr. Sayyadi noted that it would flow towards Wurzbach Road.

2nd Vice-Chair Olen Yarnell asked the engineer if a large portion of the area which was grass/field could have a building on it. Mr. Sayyadi noted it could not, but may have pavement on it for parking cars. Mr. Sayyadi noted that there was a building proposed for the site that would be like the newly constructed Volkswagen dealership, that would front along Bandera Road.

Commissioner Mike Davis Jr., noted that with the new building, then the area nearest the residents would be to park vehicles.

Joey Blackmon, the agent for the applicant, 6111 Bandera Road, addressed the Commission and noted that he has worked with Mr. Ancira for 38 years. He explained that Mr. Ancira was committed to in staying in Leon Valley, so much so that he invested $10 million into the existing Chevrolet and Ancira Volkswagen and he convinced Kia to make Leon Valley their home as well. He noted that $5 million would be invested into a new Kia facility on 6 acres. Mr. Blackmon explained that they met with neighbors at a series of meetings to discuss concerns and alternatives. He noted that Ancira committed to neighbors to construct a concrete, eight foot (8’) fence immediately inside the dealership property line. He also noted that they committed to keeping trees, a 15-foot buffer from the fence line to keep drainage away from the fence, as well as to keep cars away from the fence. He concluded by noting that Ancira wanted to grow their business which would benefit Leon Valley from their new building construction and from the sales tax generated from their parts and services.

2nd Vice-Chair Olen Yarnell asked for clarification regarding the proposed fence. Mr. Blackmon noted that they committed to neighbors to construct the fence from Bandera Road all the way to Wurzbach Road.
Commissioner Hal Burnside asked Mr. Blackmon for clarification regarding the property buffer between the fence and start of the dealership. Mr. Blackmon noted that they would landscape between the back fence and would curb the area 15-feet away for new parking car display and inventory.

Commissioner Hal Burnside asked about security lighting along the 15-foot buffer zone. Chairman Claude Guerra III also noted the lighting he observed upon the site visit. Mr. Blackmon noted that the lighting would be directional; pointing down or away from residents.

Chairman Claude Guerra III also asked staff about the heritage size trees he saw on the property. Staff noted that they cannot be removed.

2nd Vice-Chair Olen Yarnell asked what the surface of the fence would look like. Mr. Blackmon noted that it would be Fence Crete and would have a decorate look rather than just being a solid concrete fence.

Chairman Claude Guerra III asked what the parking area would be made of. Mr. Blackmon noted it would be asphalt.

Being no further discussion, Chairman Claude Guerra III opened the public hearing at 7:07 p.m.

John and Margie Phelan, 6100 Rue Liliane, addressed the Commission and noted that their concerns were with drainage, loud speaker from the dealership, trees and lighting and they noted that many of their questions were answered in the discussion.

Eluterio Toscano, 6010 Rue Liliane, addressed the Commission noting that his questions were addressed by Mr. Blackmon. Mr. Toscano also answered Commissioner Mike Davis, Jr.’s question regarding the location of the utilities noting that they were in the front of the property along Rue Liliane. He noted his support of Ancira’s commercial growth.

Commissioner Mike Davis, Jr., noted that his concern was for residential properties along the adjacent property line and that is why he asked about the utility easement.

Being no further discussion, the public hearing was closed at 7:14p.m.

2nd Vice-Chair Olen Yarnell noted that the request appeared to solve many concerns surrounding the property. He also noted that questions regarding trees, building location, fencing and lighting had been answered.

Chairman Claude Guerra III noted that all of his questions were answered regarding fencing, lighting and trees and that the Commission members and those in attendance were now aware that a building could not be built within that portion of the property that is in the floodway. He additionally noted that a precedent had been set with the Fiesta Dodge property across the street and the boundary was changed from the Sustainability Overlay to the Commercial/Industrial Overlay which was similar to the request at hand.

Vice-Chair Wendy Phelps made a motion to recommend approval of Zoning Case #2013-389, to include both rezoning requests to rezone from R-4 (Townhouse) and B-2 (Retail) to B-3 (Commercial)
and to rezone to the Commercial/Industrial Overlay Zoning District noting that the requests were consistent and compatible with the Master Plan. 2nd Vice Chair Olen Yarnell seconded the motion and the motion passed unanimously by voice vote, 7-0.

IV. Consider Zoning Case #2013-390, a Request by Dirt Dealer V., LLC., to Rezone Approximately 1.709 acres of land, Being a Portion of Parcel 29G, ABS 741, CB 4445, Murchison Remainder Tract, from B-1 (Small Business) to B-2, located at 7430 Huebner Road.

Staff presented the Zoning Case #2013-390, a request by Dirt Dealer V., LLC., to rezone approximately 1.709 acres of land, being a portion of Parcel 29G, ABS 741, CB 4445, Murchison Remainder Tract, from B-1 (Small Business) to B-2 (Retail), located at 7430 Huebner Road. Staff noted the surrounding zoning and the history of the property which indicated that it had been rezoned in 1985 from R-1 (Single-Family) to B-1 (Small Business). Staff also noted that the 2009 Master Plan, Section 7N, “Canterfield Area,” addressed the area in general noting residential zoning and mixed use zoning. Staff explained that by land use comparison B-2 (Retail) zoning is consistent with the area and is compatible with the existing B-1 (Small Business) and R-1 (Single-Family). Staff further explained that this is demonstrated by the existing and adjacent B-2 (Retail) of the Church of Latter Day Saints and the Department of Public Safety Mega Center, as well as the corner of Evers Road and Huebner Road and surrounding neighborhoods. Staff noted that B-2 (Retail) is intended to abut residential and act as a buffer. Staff also noted that B-1 (Small Business) zoning does not allow outside storage and limits the buildable area of a building to 3,000 square feet. Staff indicated that B-1 (Small Business) is mostly designed for office and very light service and retail business. Staff also indicated that B-2 (Retail) zoning limits outside storage but does not limit the buildable area of a building; however, both zoning districts are intended to provide goods, services however B-2 (Retail) gives more alternatives for permitted uses and buildable area. Staff noted that per Chapter 14 Zoning, Section 14.02.551b, of the Leon Valley Code of Ordinances the applicant submitted a Traffic Impact Analysis Worksheet which indicated that the proposed use will generate less than 100 peak hour trips. Staff noted that sixteen (16) letters had been mailed to property owners within 200-feet and that one (1) letter were received in opposition to the request, none were received in favor, and none were returned undeliverable. Staff presented pictures of the site, concluded the presentation and remained available for questions.

Chairman Claude Guerra III asked for clarification as to the City well site in relation to the proposed rezoning. Staff and the engineer Sia Sayyadi indicated the location of the well on the site plan. Staff also indicated that the well site is protected by a 150-foot boundary by law for well systems.

Commissioner Pedro Esquivel asked Staff about preservation of the silos on site. He noted that there had been discussion at a Council meeting about preserving them. Staff noted that in speaking to the representatives for the property they indicated that they were will to work with the City in regard to the silos. Staff further noted that there was not presently a definitive plan for the silos.

Chairman Claude Guerra III asked for clarification regarding development and the City well site. Mr. Sayyadi noted that there would need to be a sanitary controlled easement, meaning that developers cannot store chemicals onsite. Staff noted that more than likely the only thing located within the 150-feet would be parking. Mr. Sayyadi noted additional property limitations due to the
main water line, drainage requirements, tree preservation and a needed detention pond.

Vice-Chair Wendy Phelps asked if the site was going to be utilized for the storage of bulldozers. Staff indicated that there was not a building plan. Staff also noted that the developer wants to build a building bigger than 3,000 square feet. Chairman Claude Guerra III noted that it was an office building.

2nd Vice Chair Olen Yarnell asked if the dotted line on the site plan was the well site. Staff indicated that it was and that the long road leading from Huebner was the access easement. 2nd Vice Chair Yarnell noted that the water tower had been moved over by Marshall High School for higher elevation and well site remained. Staff noted that was accurate. 2nd Vice-Chair Olen Yarnell also asked for further clarification on the site plan to the rear of the property and staff indicated that it was the area where there was drainage and a natural tree line. Mr. Yarnell noted that it appeared that only the B-2 (Retail) portion of the property would be built on. Staff noted that the B-1 (Small Business) portion of the property would have a detention pond and did have the potential to have a 3,000 square foot building limited by B-1 regulations and uses.

Commissioner Burnside noted that there appeared to be constraints on the property, which prompted the owner to try to use the portion they are requesting for rezoning

Commissioner Pedro Esquivel noted that there has been considerable discussion on the traffic impact by Council in regard to Huebner and Evers and the effect of the DPS Facility. Mr. Esquivel wanted to be sure that the traffic impact for this project was being considered in addition to what was already being studied. Staff noted that the traffic impact would be considered and City Staff and the property owner and potential developers were aware or would be made aware of the impact. Staff noted that the focus for the evening needed to be whether B-2 (Retail) was consistent and compatible with the Master Plan and surrounding zoning, not a particular use. Mr. Esquivel reiterated that he just wanted to make sure that traffic and school zones were measured.

Sia Sayyadi noted that the property as B-1 (Small Business) could be platted into several lots with 3,000 square foot buildings, with necessary parking, site plans and driveways. Staff noted that if the property was platted separately State law required access to each site with proper utility development. Mr. Sayyadi noted that the property owner was trying to make the best use of the property from that site as B-2 (Retail) with only one (1) building.

Tony Saucedo, agent for the applicant, addressed the Commission and noted that he did not have any addition information to add and would remain available for questions.

Chairman Claude Guerra III noted that the Land Use Statement stated that they wanted to construct an “office” building larger than 3,000 square feet but then went on to note that the letter stated that they wanted to rezone to utilize other uses within the B-2 (Retail) zoning district. Chairman Claude Guerra III felt that this was contradictory to his first statement in the letter. Mr. Saucedo noted that he did not know what the use of the property would be until after they had a buyer for the property. He also noted that they needed to maintain the access easement and wanted to preserve the remaining trees. He further explained that they would be limited by how much parking is required for the use as to what type and size of building would be constructed.

Staff noted that the property was also protected by the Sustainability Overlay regulations.
Chairman Claude Guerra III noted that his concern is based on the controversy with the neighboring DPS Office. Commissioner Pedro Esquivel agreed that the statement that rezoning was being requested to construct an office building was misleading. He explained that if it was not going to be an office building as stated and something else from the B-2 (Retail) then it should have remained ambiguous on the application.

Staff noted that the applicant has expressed that they would like to build an office building larger than 3,000 square feet; however, staff also noted that the Commission needed to be aware that the applicant did not have to build an office building and if the property was rezoned to B-2 (Retail) it could be another type of building such as retail. Staff commented that the matter at hand was whether B-2 (Retail) was consistent and compatible with the Master Plan and surrounding zoning.

Commissioner Mike Davis Jr., noted that he had no issue with the current zoning of B-1 (Small Business). He also noted that the property owner should have known what the property was zoned when they purchased it and what uses were allowed.

Commissioner Hal Burnside asked Staff if parking could be built on the B-1 portion. Staff noted it could.

2nd Vice Chair Olen Yarnell noted that there is always a chance that the developer may not do as they may have noted in an application or the plans fall through all together.

Commissioner Mike Davis Jr., noted that the area has a great deal of sensitivity and a concept for the site would be helpful. Mr. Saucedo noted that they were not in that stage of planning for the property and were aware of the sensitivity in the area which is why they were maintaining the B-1 (Small Business) buffer to shelter the surrounding properties.

Per the Chairman’s request Staff read some of the uses allowed in B-2 (Retail) some of which were: alcoholic beverage sales (no on-premise consumption), alteration and apparel, animal clinic, antique store, appliance (minor), appliance repair, art gallery and other such uses.

Being no further discussion, Chairman Claude Guerra III opened the public hearing at 8:05p.m.

Roland Perez, 6534 Hoofs Lane, addressed the Commission and noted his opposition to the proposed rezoning noting addition concerns with traffic and noise from trash pick-up has he already experienced weekly from the pick-up at the Church. He explained that he was opposed to the original rezoning from R-1 to B-1, when neighbors were told that there would be a greenbelt and a fence. Mr. Perez noted that although promises were made by the developer when the request for B-1 (Small Business) was considered, they never followed through. Mr. Perez commented that he understood that the Commission needed to consider development that would bring revenue to the City but he did not want it to be at the cost of the residents who would have to endure light and noise pollution from whatever was developed.

Sandy Perez, 6534 Hoofs Lane, asked if there would be any buffer between them and the development. Staff noted that there was at least one hundred feet (100’) between them and the proposed development as well as the remaining B-1 (Small Business) buffering.
Being no further discussion, Claude Guerra III closed the public hearing at 8:10 p.m.

Chairman Claude Guerra III noted to Mr. Perez that the Zoning Commission’s responsibility was to make zoning recommendations on zoning cases, not for economic development.

2nd Vice-Chair Olen Yarnell noted that as long as the property remains vacant there will be zoning case considerations. He further explained that anytime anyone lives up again a property that is zoned anything other than residential this will always be something that they will need to deal with. He added that the owner was leaving the B-1 buffer.

Commissioner Hal Burnside noted that he was concerned neighbors and gradual deterioration of the area based on the uses allowed in the B-2 (Retail) zoning.

Commissioner Phyllis McMillan noted that even if the property is not rezoned to B-2 (Retail) there could still be a building constructed on the B-1 (Small Business).

Staff noted there were development constraints on the property due to the well site and the required drainage. Mr. Sayyadi noted that the detention pond was estimated at $60,000. He further explained that the City might have a very active part in the installation in order to protect the well site.

2nd Vice-Chair Olen Yarnell asked how many 3,000 square foot building could be placed on the property. Mr. Sayyadi addressed the question and noted that with proper platting a rough estimate was fifteen (15) buildings because the total acreage of the B-1 (Small Business) is six (6) acres and 3,000 square feet is not very large.

Chairman Claude Guerra III reiterated that he felt that the letter submitted by the applicant was misleading and for that reason he had doubts and hesitancy about the rezoning.

Commissioner Pedro Esquivel made a motion recommending denial of Zoning Case #2013-390 noting that it does not protect the property rights of owners of real property. Vice-Chair Wendy Phelps seconded the motion and the motion passed 5-2.

**IN FAVOR OF THE MOTION**
- Commissioner Hal Burnside
- Commissioner Mike Davis Jr.
- Commissioner Pedro Esquivel
- Chairman Claude Guerra III
- Vice-Chair Wendy Phelps

**AGAINST THE MOTION**
- 2nd Vice-Chair Olen Yarnell
- Commissioner Phyllis McMillan

V. Consider Specific Use Permit Case #2013-271, a Request by Jonathan King, Applicant, to Operate a “Kennel,” in a B-3 (Commercial) zoning district within the Sustainability Overlay, Being Lot 56, Block 3, CB 5784, Leon valley Addition – Glass Service Subdivision, located at 6737 Poss Road, Building/Suite #300.
Staff presented the Specific Use Permit Case #2013-271, a request by Jonathan King, applicant to operate a “Kennel” in a B-3 (Commercial) zoning district within the Sustainability Overlay, being Lot 56, Block 3, CB 5784, Leon Valley Addition – Glass Service Subdivision, located at 6737 Poss Road, Building/Suite #300. Staff noted the surrounding zoning and the history of the property which indicated that there had been several Specific Use Permit requests for the buildings at 6737 Poss Road including: office/warehouse, church, and banquet hall. Staff also noted that the 2009 Master Plan, Section 4CC, “Grissom Road Corridor,” addressed the area in general noting B-3 (Commercial) zoning and consolidation of properties in the area. Staff explained that operation of a “kennel” appears to be consistent and compatible with the area. Staff further explained that the B-3 (Commercial) zoning district is designed to be more intense in nature and can include service facilities such as kennels to provide services to existing and surrounding districts. Staff went on to note that the B-3 district also allows outside display and storage of merchandise and limited outside services (such as dog runs). Staff also noted that although B-3 is not intended to abut R-1 (Single-Family) in some instances it does and this is one such occasion. Staff stated that there is a single-family home which fronts and accesses from Sawyer Road. Staff explained that where commercial does abut residential adequate and effective buffers are required. Staff further noted that there was an existing tree lined buffer on the residential side and a fencing buffer from the commercial side. Staff noted that per Chapter 14 Zoning, Section 14.02.551b, of the Leon Valley Code of Ordinances the applicant submitted a Traffic Impact Analysis Worksheet which indicated that the proposed use will generate less than 100 peak hour trips. Staff noted that six (6) letters had been mailed to property owners within 200-feet and no letters were received in opposition to the request, none were received in favor, and none were returned undeliverable. Staff presented pictures of the site, concluded the presentation and remained available for questions.

The leasing agent for the property addressed the Commission and noted a correction that Mr. King’s business would only be taking up 3,000 square feet of Building #2 not Building #3. She further explained that this was the rear of the building in the same space as the glass service building all of which are located at 6737 Poss Road.

Jonathan King, applicant, addressed the Commission and noted that he did not have any comments but was happy to answer questions.

Commissioner Phyllis McMillan thanked Mr. King for the thorough information he provided regarding kenneling.

Commissioner Hal Burnside asked for clarification on the on the dog to employee ratio. MR. King noted that if the facility was to capacity at thirty (30) dogs then two (2) employees would be required.

Chairman Guerra III asked if employees would stay overnight. Mr. King noted that they would not stay over night. Chairman Claude Guerra III also asked whether Mr. King has operated a kennel before. Mr. King noted that they have a facility in Junction, Texas. Chairman Claude Guerra III asked how Mr. King selected Leon Valley. Mr. King commented that he lived nearby and a good opportunity and location had presented themselves.

Commissioner Mike Davis Jr. asked Mr. King about whether there would be training outside. Mr. King noted that there would be no group training. He noted his business would provide private
training inside the building and there would be outings to local pet stores as well as going outside occasionally to train for distractions. Mr. King further explained that he would train the dog for 2-3 weeks and then after they are trained then a month and a half to two months.

Commissioner Pedro Esquivel asked if there would be a veterinarian on call. Mr. King noted during business hours he was going to approach Leon Valley Veterinary Services and he also noted that Southwest Animal Clinic on 1604 would be utilized after hours.

Chairman Claude Guerra III asked how long people leave their pets for boarding. Mr. King noted that the average is 4-5 days. Chairman Claude Guerra III asked who would handle all the feeding and watering. Mr. King noted that he and his staff would do all the feeding and watering.

Chairman Claude Guerra III noted that the building would be air conditioned. Mr. King noted that he would be installing an air conditioner because the building did not presently have one.

2nd Vice-Chair Olen Yarnell noted that the letter of request stated that parking would be utilized from the Poss Center and he asked whether parking was adequate because there had been a concern with an event center request that the Commission considered in the past. Mr. King noted that he only needed 4-5 parking spaces; staff noted that he was only required 12 spaces which the site provides.

Chairman Claude Guerra III asked about a sprinkler system. Mr. King noted that he spoke to Luis Valdez who noted that there would not need to be a sprinkler system for a 3,000 square foot space. Staff noted he would

Commissioner Hal Burnside asked about barking and noise. Mr. King noted that the

Being no further discussion, Chairman Claude Guerra III opened the public hearing at 8:55p.m., being no one in the audience to speak the public hearing was closed at 8:56p.m.

2nd Vice-Chair Olen Yarnell asked what would happen if Mr. King’s business got bigger and he needed more space. Staff noted that he would have to be expanding by 50% or greater before he would have to come back to the Zoning Commission for further Specific Use consideration.

Commissioner Pedro Esquivel made a motion to recommend approval of Specific Use Permit Case #2013-271, for operation of a “kennel” in a B-3 (Commercial) zoning district within the Sustainability Overlay noting it protected the property rights of owners of real property. Vice Chair Wendy Phelps seconded the motion and the motion passed unanimously by voice vote, 6-1.

IN FAVOR OF THE MOTION
Commissioner Hal Burnside
Commissioner Pedro Esquivel
Chairman Claude Guerra III
Commissioner Phyllis McMillan
Vice-Chair Wendy Phelps
2nd Vice-Chair Olen Yarnell

AGAINST THE MOTION
Commissioner Mike Davis Jr.

IV. Executive Session in Accordance with the Texas Local Government Codes
There was neither item, nor action necessary for this session.

VII. Adjourn

2nd Vice-Chair Olen Yarnell, made a motion to adjourn, seconded by Commissioner Hal Burnside. The motion carried by voice vote and the meeting was adjourned at 9:02 p.m.

___________________________  __________________________
CHAIR  STAFF
AN ORDINANCE

REZONING CERTAIN PROPERTY FROM R-4 (TOWNHOUSE) AND B-2 (RETAIL) TO A B-3 (COMMERCIAL) ZONING DISTRICT AND TO FURTHER REZONE SAID CERTAIN PROPERTY FROM THE SUSTAINABILITY OVERLAY ZONING DISTRICT TO THE COMMERCIAL/INDUSTRIAL OVERLAY ZONING DISTRICT UPON APPLICATION BY ERNESTO ANCIRA, JR., APPLICANT AND PROPERTY OWNER.

WHEREAS, Chapter 211 of the Vernon’s Local Government Code empowers a city to enact zoning regulations and provide for their administration, enforcement and amendment; and

WHEREAS, the City has previously deemed it necessary and desirable to adopt zoning regulations to provide for the orderly development of property within the City in order to promote the public health, safety, morals and general welfare of the residents of the City, and

WHEREAS, the Leon Valley Code of Ordinances Chapter 14 constitutes the City’s Zoning Regulations and requires property to be zoned in accordance with proper designations as defined by the City; and

WHEREAS, the Planning and Zoning Commission of the City of Leon Valley provided adequate notice and held a public hearing in accordance with Chapter 14 of the Leon Valley Code of Ordinances; and

WHEREAS, the Planning and Zoning Commission of the City of Leon Valley has recommended approval of the re-zoning of the designated properties and has confirmed that the re-zoning is uniform and conforms to the plan and design of the City of Leon Valley’s Zoning regulations and the City of Leon Valley Comprehensive Plan; and

WHEREAS, the City Council of the City of Leon Valley has also held a public hearing regarding the re-zoning on affected properties and has issued adequate notice to all the affected parties; and

WHEREAS, the City Council of the City of Leon Valley believes the re-zoning of affected properties will not adversely affect the character of the area of the neighborhood in which it is proposed to rezone; will not substantially depreciate the value of adjacent or nearby properties; will be in keeping with the spirit and intent of the City’s Zoning Ordinance; will comply with applicable standards of the district in which located; and will not adversely affect traffic, public health, public utilities, public safety and the general welfare of the residents of the City of Leon Valley;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, THAT:
1. Property being described as Lots 4 and 5, Block 1, CB 4429F, Ancira-Winton Subdivision, being approximately 6.38 acres of land, generally located at 6111 Bandera Road and 5901 Wurzbach Road, and more particularly described in case file ZC 2013-389, is hereby rezoned from R-4 (Townhouse) and B-2 (Retail) to B-3 (Commercial) and from the Sustainability Overlay Zoning District to the Commercial/Industrial Overlay District.

2. The City staff is hereby authorized to issue said zoning when all conditions imposed by the City Council have been addressed and complied with in full.

PASSED and APPROVED this the 16th day of April 2013.

________________________
Mayor

ATTEST:

________________________________
City Secretary

APPROVED AS TO FORM:

________________________
City Attorney
Zoning Case #2013-389

Request by: Ernesto Ancira, Jr.

Rezone Approximately 6.38 acres from R-4 (Townhouse) and B-2 (Retail) to B-3 (Commercial) and Rezone from the Sustainability Overlay to the Commercial/Industrial Overlay
**CASE WORKSHEET**

**Page 1 of 2**

**Zoning Case No. ZC 2013-389**

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Ernesto Ancira Jr., applicant and property owner.</th>
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<tbody>
<tr>
<td>Request:</td>
<td>To rezone approximately 6.38 acres of land from R-4 (Townhouse) and B-2 (Retail) to B-3 (Commercial). This request also includes rezoning said property from the Sustainability Overlay to the Commercial/Industrial Overlay (att.1&amp;2).</td>
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<tr>
<td>Site:</td>
<td>Lots 4 and 5, Block 1, CB 4429F, Ancira-Winton Subdivision, at 6111 Bandera Road and 5901 Wurzbach Road, in the City of Leon Valley, Bexar County, Texas (att. 3).</td>
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<td>Surrounding Zoning and Land Use:</td>
<td>Surrounding zoning consists of: To the north, developed R-1 (Single-Family Dwelling) and R-3 (Multiple-Family Dwelling); to the south developed B-3 (Commercial); to the east, developed B-2 (Retail), R-3 (Multiple-Family Dwelling); and to the west undeveloped B-2 (Retail), R-4 (Townhouse), R-2 (Two-Family Dwelling) and R-1 (Single-Family Dwelling) (att.4)</td>
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<tr>
<td>History:</td>
<td>▶ 1972 - rezoned from R-1 (Single-Family Dwelling) to R-4 (Townhouse) and B-2 (Retail)</td>
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<tr>
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<td>▶ 1976 - 800' x 1000' is rezoned from B-2 (Retail) to B-3 (Commercial)</td>
</tr>
<tr>
<td></td>
<td>▶ 1984 – 16 acres of land is rezoned from B-2 (Retail) to B-3 (Commercial), extending from Bandera Road to Wurzbach Road in an “L” shape</td>
</tr>
<tr>
<td></td>
<td>▶ 1994 - another .054 acres rezoned from B-2 (Retail) to B-3 (Commercial)</td>
</tr>
<tr>
<td></td>
<td>▶ 1998 – another 5.688 acres rezoned from B-2 (Retail) to B-3 (Commercial)</td>
</tr>
<tr>
<td>Master Plan:</td>
<td>The 2009 Master Plan, Section 2aCC: Bandera Road/Loop 410 Area addresses this area in general, stating that Land Use in this area consists of B-2 (Retail) and B-3 (Commercial) zoning. The Plan notes that any B-3 (Commercial) which abuts residential must provide adequate and effective buffering to maintain the character of the surrounding neighborhoods.</td>
</tr>
<tr>
<td>Staff Comments:</td>
<td>1) As a basic planning principle B-3 (Commercial) is not intended to abut R-1 (Single-Family Dwelling). However, if zoning is allowed an eight (8) foot fence is required between commercial and residential properties. Other buffering techniques, such as landscaping may also be considered to guard against potential light and noise intrusion.</td>
</tr>
<tr>
<td></td>
<td>2) B-3 (Commercial) zoning is consistent with the adjacent B-2 (Retail) and B-3 (Commercial) zoning which already makes up a large area which is platted and developed along Bandera Road and Wurzbach Road.</td>
</tr>
</tbody>
</table>
CASE WORKSHEET
Page 2 of 2
Zoning Case No. ZC 2013-389

Staff Comments Continued:
3) If rezoned to B-3 (Commercial) consideration will also need to be given to rezoning the 6.38 acres of land from the Sustainability Overlay to the Commercial/Industrial Overlay (note: intended use is further expansion of car dealership).
4) Per Chapter 14 Zoning, Section 14.02.551b, of the Leon Valley Code of Ordinances the applicant submitted a Traffic Impact Analysis Worksheet which indicated that the proposed use will generate less than 100 peak hour trips.

Letters Mailed and Responses Received from Property Owners within 200-feet

<table>
<thead>
<tr>
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<th>Mailed</th>
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<th>Opposed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>28</td>
<td>11</td>
<td>3</td>
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</table>

1 Returned, unable to deliver
+ 3 Duplicates (2-in favor/ 1-opposed)
2 - in favor outside 200-feet

TOTAL RECEIVED 20 as of April 8, 2013 (includes all types)

ZONING COMMISSION RECOMMENDATION
On March 26, 2013, the Zoning Commission recommended, by a vote of 7-0 to APPROVE the request to rezone from R-4 (Townhouse) and B-2 (Retail) to B-3 (Commercial) noting it is Consistent and Compatible with the Master Plan and to rezone from the Sustainability Overlay to the Commercial/Industrial Overlay.

Attachments:
1) application
2) land use statement
3) location map
4) zoning map
5) zoning history exhibit
6) permitted use table
7) R-4, B-2 and B-3 regulations
8) letters
Supporting Documents

- Application
- Letter of Request
- Location Map
- Zoning Map
  (black hashed area to be considered for rezoning from R-4 & B-2 to B-3 and rezone from Sustainability Overlay to Commercial Industrial Overlay)
- Zoning History Exhibits
- City Regulations
  (R-4, B-2 & B-3)
- Letters Received
Leon Valley
ZONING APPLICATION FORM
(please print or type in black)

Personal Information
Name of Applicant: Ernesto Ancira, Jr.
Address: 6111 Bandera Road, San Antonio, Tx. 78238
Phone No: Home ( ) Work (210) 681-4900 Fax (210) 522-0272
Status (check one): □ Owner xxAgent (if agent, attach notarized Letter of Authorization)

Property Description
Address: 6111 Bandera Road & 5901 Wurzbach Road
Legal Description: Lot 4 and 5, Block 1, CB 4429F
Current Zoning: R-4 & B-2 Requested Zoning: B-3
Existing Property Use or State None: Auto Dealership
Acreage and/or Square Footage: 6.38 acres
Does owner own adjacent property? □ Yes □ No
List Existing Structures: See Attached
and/or Existing Uses: Auto Dealership

I hereby certify that I have read and examined this application and the attached instruction sheet and know the information I have provided to be true and correct. All provisions of laws and ordinances governing this application will be complied with whether specified herein or not. The granting of a zoning change does not presume to give authority to violate or cancel the provisions of any other state or local law regulating the use of the property.

Signature of Applicant
Date

BEFORE ME, A Notary Public in and for ____________, on this date personally appeared Ernesto Ancira Jr. (Applicant) who duly states that all facts on this application are true to the best of his/her knowledge.

SWORN TO and SUBSCRIBED before me this 4th day of March, 2013.

SEAL

Kristine Benton
Notary Public, Bexar County, Texas
My Commission expires: 11-19-15

6400 El Verde Road, Leon Valley, Texas 78238
Zoning App Rev06/10sp
LAND USE STATEMENT

The purpose for this rezoning is to establish a new Auto Sales Dealership within the existing Auto Dealership Property. The building will be constructed within the existing improve Auto Storage area, and remaining portion for auto storage as needed.
Zoning Case #2013-389 (Ancira)

Request to Rezone 6.38 acres of Land
from R-4 (Townhouse) and B-2 (Retail)
to B-3 (Commercial) at 6111 Bandera Rd
and 5901 Wurzbach Rd
COMMERCIAL-INDUSTRIAL OVERLAY DISTRICT

Amended Apr. 3, 2013
Amended Aug. 6, 2012
DRAFT PENDING APPROVAL
* ZONING HISTORY *


1ST ZONING REQUEST
- Zoning: B-2
- Zoning Area: Bandera Rd
- Zoning Date: 1972

2ND ZONING REQUEST
- Zoning: B-2
- Zoning Area: Bandera Rd
- Zoning Date: 1976

3RD ZONING REQUEST
- Zoning: B-2
- Zoning Area: Bandera Rd
- Zoning Date: 1984

4TH ZONING REQUEST
- Zoning: B-2
- Zoning Area: Bandera Rd
- Zoning Date: 1994
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<tr>
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<th>O-1</th>
<th>B-1</th>
<th>B-2</th>
<th>B-3</th>
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<th>GO</th>
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<td>X</td>
<td>X</td>
<td>P</td>
<td>P</td>
<td>P</td>
<td>SUP</td>
<td>U</td>
<td>SUP</td>
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</table>
Sec. 14.02.310  “R-4” townhouse district

(a) Purpose and description. The R-4 district is composed mainly of areas suitable for townhouse dwellings. The R-4 townhouse district implements the policies of the master plan by 1) protecting the residential character of the areas by prohibiting commercial and industrial activities; 2) encouraging a suitable neighborhood environment for family life; 3) preserving the openness of the area and the unique residential design of a townhouse, by requiring that certain minimum yard and area standards and building construction standard requirements are met; 4) recognizing that land is a valuable resource and is in short supply within the city; 5) encouraging a level of growth that provides housing opportunities to meet the different housing needs of all income types of the city's present and future populations.

(b) Lot regulations.

(1) Area. See density requirements.

(2) Density. No development shall exceed a density of more than twenty (20) units per acre, nor contain less than 10,000 square feet. The total dwelling units in any group of attached dwellings shall not be less than three (3).

(3) Depth. The minimum depth of the lot shall be one hundred and twenty (120) feet.

(4) Floor space. There shall be a total heated living area in each townhouse unit of not less than the following: One-story - 1,000 square feet; two- or three-story - 1,400 square feet.

(5) Frontage. There shall be a minimum of 45 feet per lot of frontage on a public right-of-way.

(6) Height. A maximum of three (3) stories shall be allowed in the R-4 district.

(c) Setback requirements.

(1) Front yard. There shall be a front yard having a minimum depth of thirty (30) feet, except as hereinafter provided.

(2) Rear yard. A rear yard setback of twenty-five (25) feet is required. A rear yard shall not be required when the townhouse lot abuts an alley or access easement having a minimum width of twenty-four (24) feet which is used to provide ingress and egress to such townhouse development, except that a 25-foot setback is required if a garage entry is used. For townhouse lots that abut at the rear, an alley
or access easement having a minimum width of twenty-four (24) feet shall be required.

(3) **Side yard.** A minimum of ten (10) feet, or twenty-five (25) feet if garage entry is used, shall separate any townhouse or garage structure from the property line that parallels the curb. Each corner lot shall have a side yard of at least twenty-five (25) feet. No portion of a townhouse or accessory structure in, or related to, one group of contiguous townhouses shall be closer than ten (10) feet to any portion of a townhouse or accessory structure related to another group. In cases of reversed frontage, a side yard equal, at least, to the depth of the front yard required for a structure fronting the side street shall be required. A side yard of ten (10) feet shall be provided when townhouse lots abut a side lot line outside of the development.

(4) **Corner lot.** Where lots abut on two (2) intersecting or intercepting streets, where the interior angle of intersection or interception does not exceed 135 degrees, a side yard shall be provided on the street side equal to the front yard.

(5) **Reverse frontage.** On corner lots, where interior lots have been platted or sold, fronting on the side street, a side yard shall be provided on the street side equal to the front yard on the lots in the rear. No accessory building on said corner lot shall project beyond the front line of the lots in the rear.

(d) **Other.**

(1) **Accessory buildings.** Shall be allowed, but shall be located no closer than 5 feet from any property line, and must be located in the rear yard. In no case shall an accessory building occupy more than 25% of the total open space in the rear yard.

(2) **Firewall.** A two-hour rated firewall of materials and construction, as required by the currently adopted versions of the International building and fire codes, shall separate each adjacent townhouse unit. The firewall is to be constructed so as to be continuous from the foundation to the roof deck.

(3) **Landscaping.** A total of 35% of street yard area must be landscaped. The use of drought tolerant turf grasses, such as zoysia or buffalo tif or combination, or other drought tolerant plantings and hardscape is strongly recommended. See "Appendix A" for a list of trees, shrubs and plants suitable for the region. Also see division 9 of this article for other landscaping regulations.

(4) **Lighting.** All outdoor lighting shall be hooded and all light emissions shielded, and shall be oriented such that light is directed
towards the property and does not trespass onto surrounding properties. Lights affixed to the buildings shall be mounted no higher than the eaves of said building. Lights affixed to a pole shall be mounted no higher than 40% of the distance from the front property line to the main structure.

(5) **Masonry required.** Townhouses shall be constructed of masonry or other similar noncombustible materials to the extent of not less than seventy-five (75) percent of overall exterior walls.

(6) **Nonconforming dwellings.** The provisions of this section shall not be applicable to nonconforming dwellings in existence on the date of the adoption thereof or to dwellings built hereafter on the same lot to replace such nonconforming dwellings as may be destroyed by fire, windstorm or other involuntary cause.

(7) **Parking.** Two off-street parking spaces shall be provided for each separate townhouse unit. Garage areas shall not be counted as off-street parking areas. Each townhouse unit shall have at least one (1) street curb parking area twenty (20) feet long.

(8) **Public facilities.** All townhouse developments shall be connected to the city's water and sewer system and shall be provided sidewalks and fire protection. See **article 10.02** (subdivision ordinance).

(9) **Storage.** Outside storage is not allowed in the R-4 district, with the exception of vehicles, trailers, recreational vehicles and boats in accordance with **article 3.05** and **article 12.03** of the Leon Valley City Code. Items to be stored must be completely contained in either the townhouse units, garage or an accessory building.

---

**Figure 5 (R-4 Townhouse)**

![Diagram of a 3-story townhouse with setback and setback requirements labeled: Rear Property Line, Front Property Line, Sidewalk, Minimum 45 feet per lot of frontage.](image-url)
Sec. 14.02.321  "B-2" retail district

(a)  Purpose and description.

(1)  The B-2 district is composed of land and structures occupied by or suitable for the furnishing of retail goods and services to surrounding residential areas. The B-2 district is intended to allow a limited amount of outside storage of retail merchandise. The district regulations implement the policies of the master plan by 1) promoting the offering of goods and services which are appropriate for surrounding business districts; 2) protecting surrounding residential districts by requiring certain minimum yard and area standards are met; 3) encouraging economic viability and stability within the city.

(2)  A general description of a "B-2" retail use is a business where the primary use specifically meets one (1) or more of the following, and no ancillary use conflicts herewith:

(A)  A retail facility the purpose of which is the sale or lease of personal, novelty, food, alcohol or household items, not including the sale or lease of vehicles, firearms, or wholesale items, with incidental alcohol consumption allowed on-site;

(B)  A repair facility the purpose of which is the repair or maintenance of personal, novelty, or household items, including minor appliances, but not including vehicles, machinery or major appliances; and/or

(C)  A service facility the purpose of which is providing a service to surrounding districts, including food services if incidental to the primary use, but not including vehicle, cremation, embalming, or any service in which there may be disposal, storage, or use of any federally or state regulated chemical, even if incidental to the primary use.

(b)  Outside storage regulations.

(1)  There shall be no outside storage of any retail or nonretail merchandise, equipment, or other business related items, specifically including six (6) or more business related vehicles and/or any customer vehicles which remain on the property beyond the normal business hours of operation.

(2)  A limited amount of outside display is allowed in the B-2 district, including display of plants for sale, display of lawn furnishings for sale, and occasional display of new goods for sale. These items are to be on
display for retail purposes only, and shall only be displayed at such times as the store is actually open for business;

(3) There shall be no outside service or repair allowed in the B-2 district, except for food services, and alcohol services if ancillary to food services, but these must meet the requirements of article 3.05 of the Leon Valley City Code regarding screening requirements.

(c) Height, area and lot requirements.

(1) **Lot area.** There shall be a minimum area of 9,000 square feet.

(2) **Lot frontage.** There shall be a minimum frontage of 70 feet along a public right-of-way.

(3) **Minimum depth.** There shall be a minimum of 130 feet.

(4) **Masonry required.** None.

(5) **Height.** There shall be a maximum of three (3) stories allowed.

(d) Setback requirements.

(1) **Front yard.** There shall be a front yard having a minimum of 25 feet from the front property line to the structure.

(2) **Rear yard.** None, except in those instances where the retail lot adjoins residential zoning to the rear, a rear yard of twenty-five (25) feet or twenty percent (20%) of the average depth of the lot (whichever is less) shall be provided. In both cases, if the two (2) district adjoins by an alley, said alley is not to be used for purposes of calculating the required setback and the building setbacks are required as if the lots adjoined the residential zoning district.

(3) **Side yard.** None, except in those instances where the property adjoins a residential property to the side, then a side yard of twenty (20) feet shall be provided.

(4) **Corner lot.** Where lots abut on two (2) intersecting or intercepting streets, where the interior angle of intersection or interception does not exceed 135 degrees, a side yard shall be provided on the street side of twenty (20) feet.

(5) **Landscaping.** The use of drought tolerant turf grasses, such as zoysia or buffalo tif or combination, or other drought tolerant plantings and hardscape is strongly recommended. Landscaping shall consist of
twenty percent (20%) of the street yard. Refer to landscaping section [division 9 of this article] for other regulations regarding site landscaping requirements.

(6) **Lighting.** All outdoor lighting shall be hooded and all light emissions shielded, and shall be oriented such that light is directed towards the property and does not trespass onto surrounding properties. Lighting facilities shall be arranged so as to reflect the illumination away from any residentially zoned property. All lighting facilities shall be placed, masked or otherwise arranged such that illumination or glare shall not create a hazard to motorists on any street, alley or other public way.

(7) **Parking.** Refer to parking table for site parking requirements.

(8) **Public facilities.** Each lot shall be connected to the city's public water and sewer system, and shall have appropriate sidewalks and fire protection. See article 10.02 (subdivision ordinance).

(9) **Nonconforming structures.** The provisions of floor space and masonry above shall not be applicable to nonconforming structures in existence on the date of the adoption thereof or to structures built hereafter on the same lot to replace such nonconforming structures as may be destroyed by fire, windstorm or other involuntary cause.

---

**Figure 11 (B-2 Retail)**
Sec. 14.02.322 “B-3” commercial district

(a) **Purpose and description.**

(1) The B-3 district is composed of land and structures used to furnish commercial needs, wholesale services, and some light assembling of goods, in addition to most of the uses found in the B-2 district. The B-3 district regulations are designed to protect the character of the residential areas by regulating unenclosed activities or uses, which could intrude upon the lifestyle of the community through inappropriate lighting, noise, vibration, smoke, dust, or pollutants. The district regulations implement the policies of the master plan by 1) permitting the development of districts for the purpose of providing commercial and wholesale uses; 2) protecting surrounding and abutting areas by requiring certain minimum yard and area standards are met; and 3) encouraging economic viability and stability in the city.

(2) A B-3 use is a business where the primary use specifically meets one (1) or more of the following, and no ancillary use conflicts herewith:

(A) A retail facility the purpose of which is the sale or lease of personal, novelty, food, household, or business items, including wholesale;

(B) A repair facility the purpose of which is the repair or maintenance of personal, novelty, or household items, including appliances and vehicles; and/or

(C) A service facility the purpose of which is providing a service to surrounding districts,

(D) Although it may occur in certain instances, it is not intended that the B-3 district abut R1, R-2, R-4 or R-6 districts.

(b) **Outside storage regulations.**

(1) Outside display of retail merchandise is allowed in a B-3 district.

(2) Outside storage of retail merchandise is allowed in a B-3 district only if such merchandise is screened in accordance with article 3.05 of the Leon Valley City Code.

(3) Outside storage of nonretail equipment, vehicles, including the vehicles of any customers which remain on the property beyond the normal hours of operation, or other business related items, or any
hazardous or toxic chemicals or substances shall be allowed in the B-3 district, only with a specific use permit.

(4) A limited amount of outside repair or service is allowed in the B-3 district, but only with a specific use permit, except that food services shall not require a specific use permit; however, they must meet the requirements of article 3.05 of the Leon Valley City Code regarding screening requirements.

(c) Lot requirements.

(1) Lot area. There shall be a minimum lot area of 9,100 square feet.

(2) Lot frontage. There shall be a minimum frontage of 70 feet along a public right-of-way.

(3) Minimum depth. There shall be a minimum of 130 feet.

(4) Masonry required. None.

(5) Height. None.

(d) Setback requirements.

(1) Front yard. There shall be a front yard having a minimum of 25 feet from the front property line to the structure.

(2) Rear yard. None, except in those instances where the retail lot adjoins residential zoning to the rear, a rear yard of twenty-five (25) feet or twenty percent (20%) of the average depth of the lot (whichever is less) shall be provided. In both cases, if the two (2) districts are separated by an alley, said alley is not to be used for purposes of calculating the required setback and the building setbacks are required as if the lots adjoined the residential zoning district.

(3) Side yard. None, except in those instances where the property adjoins a residential property to the side, then a side yard of twenty (20) feet shall be provided.

(4) Corner lot. Where lots abut on two (2) intersecting or intercepting streets, where the interior angle of intersection or interception does not exceed 135 degrees, a side yard shall be provided on the street side of twenty (20) feet.

(5) Landscaping. The use of drought tolerant turf grasses, such as zoysia or Buffalo tif or combination, or other drought tolerant plantings
and hardscape is strongly recommended. Landscaping shall consist of twenty percent (20%) of the street yard. Refer to landscaping section [division 9 of this article] for other regulations regarding site landscaping requirements.

(6) **Lighting.** All outdoor lighting shall be hooded and all light emissions shielded, and shall be oriented such that light is directed towards the property and does not trespass onto surrounding properties. Lighting facilities shall be arranged so as to reflect the illumination away from any residentially zoned property. All lighting facilities shall be placed, masked or otherwise arranged such that illumination or glare shall not create a hazard to motorists on any street, alley or other public way.

(7) **Parking.** Refer to parking table for site parking requirements.

(8) **Public facilities.** Each lot shall be connected to the city's public water and sewer system, and shall have appropriate sidewalks and fire protection. See article 10.02 (subdivision ordinance).

(9) **Nonconforming structures.** The provisions of floor space and masonry above shall not be applicable to nonconforming structures in existence on the date of the adoption thereof or to structures built hereafter on the same lot to replace such nonconforming structures as may be destroyed by fire, windstorm or other involuntary cause.

---

**Figure 12 (B-3 Commercial)**

![Diagram of B-3 Commercial](image-url)
Letters in Favor within 200-feet with duplicates = 13

11 w/o duplicates
March 20, 2013

Zoning and Land Use Commission
Leon Valley City Hall
6400 El Verde Road
Leon Valley, Texas  78238

RE: Zoning Case No. ZC 2013-389

Dear Commission:

As a property owner within 200 feet of the property in question, I would like to affirm my approval of the rezoning request referenced above.

Thank you.

Sincerely,

[Signature]

Ernesto Ancira, Jr.

/lnk
March 20, 2013

Zoning and Land Use Commission
Leon Valley City Hall
6400 El Verde Road
Leon Valley, Texas  78238

RE:  Zoning Case No. ZC 2013-389

Dear Commission:

As a property owner within 200 feet of the property in question, I would like to affirm Ancira-Winton Chevrolet, Inc.’s approval of the rezoning request referenced above.

Thank you.

Sincerely,

Joey Blackmon
VP, Operations

/lmk
Pacing Commission March 24, 2013

I. Yolanda G. Hoekstra
   6120 Rue
   Lilloise

Prefer the Commercial
Business. My back
yard connect to Anselin
Wintons. Business
Green belt. I don't
want any apartments
there. Yolanda G. Hoekstra
March 25, 2013

Kristie Flores
Community Development Dept.
6400 El Vizcaya Road
Leon Valley, TX 78238

Ms. Flores,

Please consider this to be my written response concerning zoning case # ZC 2013-389, the request to rezone 6.38 acres of land owned by Ernesto Ancira.

I am "In Favor" of the proposed zoning changes requested by Mr. Ancira so that he may build a new KIA dealership on this property.

I cannot support the construction of townhomes adjacent to my property line. Constructing townhomes will negatively affect my property value and will also create traffic issues and noise issues.

Thank you upon for your consideration.

Robert H. Antipas
6200 Rue Liebiana 78238 Phone 210-680-0246
Leon Valley Zoning Case: # 2C2013-389

3-25-13

We, John and Margie Filer of 6100 Rese Drive, Leon Valley are writing in response to the request of Cancio Winter for rezoning property. This is to let you know that we are In Favor of rezoning.

Sincerely,
John and Margie Filer
210-684-7178

RECEIVED
MAR 25

Within 300-ft
In Favor
To whom it may concern:

Regarding the Zoning Case No. ZC 2013-389 requested by Ernesto Ancira, Jr. I am sending this written response in favor of the request. I own the property at 6104 Rue Liliane which is within 200 feet of the property in the zoning request. Thank you for your consideration.

Sincerely,

Nancy L. Jaros
March, 2013

Zoning Case No. 2C

To whom it may concern: Zoning Case No. 2C 389

As a property owner within 300 feet of the property owned by Ernesto Ancia Jr. we are "in favor" of rezoning approximately 6.38 acres of land from R-4 and R-2 to B-3 (Commercial).

Sincerely,

[Signature]

Luchita Baldoria

Address: 4012 Rue Lelièvre

75238

RECEIVED
MAR 25

Within 300 feet In Favor
City Hall
Kristie Flores
Zoning Case No. ZC 2013-389

I am in favor of rezoning said property to commercial property.

Eluterio W. Toscano
Margaret Toscano
6016 Rue Liliane
P.O. Box 100695
S.A. TX 78201
210-543-8999

[Signature]
Margaret S., Toscano
Eluterio W. Toscano

RECEIVED
MAR 25

WITHIN 200 ft
IN FAVOR
We agree with the Commercial Rezoning, on the conditions presented to the residents.

March 21, 2013, 3:23 PM

R.A.P. [Signature]
3/23/13
April 1, 2013

Brown Valley

Land use Commission —

To: Jimmy R. Friesenhahn

Am in Favor

of the request by Ernesto Acuna Jr. to rezone approx. 1.36 acres of ranch to B3 Commercial.

6004 Truro Trail
Leon Valley, TX, 78238

RECEIVED
APR 01 2013
BY: KMF
2013-389
Within 200 ft. in favor.
April 1, 2013

Broom Valley

and use Commission -

judith friesenbahn am in favor

of the request by destino acreage to

rescind approval last acres of land to B3

commercial

judith friesenbahn

2004 trace trail

lanus valley, tx. 78233

received

apr 01 2013

by: klf

zc 2013-389

within 200 feet

in favor

duplicate
March 26, 2013

To whom it may concern:

I, Darrah Ng, reside at 6116 Rue Liliane, San Antonio, Texas, 78238, would be in favor of Ancira changing the track of land behind my home from residential use to commercial use.

Thank you.

Darrah Ng
6116 Rue Liliane
San Antonio, Texas 78238
(210) 859-7899
Leon Valley

Attention: Kristin Flores

Subject: Public Hearing - March 26, 2013

24 March 2013

I am submitting my vote in favor of rezoning the 6.38 acres of land as specified by Ernest Ancira from R-4 Downtown to Commercial including overlay to the Commercial Overlay.

For further info contact me at 210-520-9999.

Respectfully submitted,

Ron C. Balicki
2007 Rue St. Jacques
San Antonio, TX 78238
Letters Opposed within 200-feet with duplicates = 4

3 w/o duplicates
Within 200-ft.
(2 letters Received)
Same household
opposed

2013-03-17
Amanda Ballew & Steven Darby
6000 Trone Trail
San Antonio, TX 78238

The Zoning and Land Use Commission
cc: The City Council of Leon Valley

Re: Zoning Case No. ZC 2013-389

To Whom It May Concern:

We own the property at 6000 Trone Trail and our family has maintained continuous ownership and occupancy of the property since it was new in 1966. Needless to say, we have enjoyed calling Leon Valley home for quite some time.

We are strictly opposed to any further development by Ancira-Winton near our home. The lot has seemed to grow slowly year after year, with multiple construction projects, heavy machinery, and more and more traffic in and out of the area. We realize that in order for Leon Valley to grow, commercial progress must be made, but there must be some consideration for the residents of Leon Valley.

A major part of what makes our home attractive to us is that there is a largely undeveloped parcel of land directly behind our house. We don’t use this land at all, but it is a luxury to not have any neighbors behind us, let alone a loud car dealership. As has been the case for decades, throughout much of the day Ancira makes use of a loud PA system which only adds to the noise of the now ever-present and annoying drone of traffic on the highway flyover. With further development and construction from Ancira, we would expect our property value to decrease further, and in consideration of the current state of the economy, this is a risk that should be mitigated whenever possible to maintain the level of pride residents take in their homes and in their city.

Our family can live and work anywhere, but we choose to make Leon Valley our home. We would like to see Leon Valley continue to make strides in becoming more livable, instead of regressing at the will of commercial enterprise. Too much of Leon Valley is already a series of underdeveloped and/or under-occupied strip malls, and while we understand that commercial development in Leon Valley is necessary for long term success, it can’t happen at the expense of residents’ quality of life or residential property values. Our neighborhood is one of the most well-kept and most comfortable in Leon Valley, so it would sadden us as a family to lose any more of what makes us happy in our neighborhood. It is the single neighborhood in Leon Valley where we would choose to live. In all honesty, if we lose anymore of what makes this neighborhood special to us, it is likely we’ll move out of Leon Valley altogether.

We think some middle ground can be found. Ancira’s lot has flourished and continues to be successful while all other big lots in the area have failed and folded. Perhaps part of their success has been that they have existed in some moderate harmony with the neighborhoods to which they are in close proximity. We expect that Ernesto Ancira Jr. doesn’t share a fence with a car lot. No one should really have to.

Thanks for your consideration of our thoughts and we look forward to your recommendation opposed to rezoning.

Sincerely,

Amanda Ballew & Steven Darby
2013-03-17

Amanda Ballew & Steven Darby
6000 Trone Trail
San Antonio, TX 78238

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cc: The City Council of Leon Valley

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Thanks for your consideration of our thoughts and we look forward to your recommendation opposed to rezoning.

Sincerely,

[Signature]

Amanda Ballew & Steven Darby

RECEIVED
MAR 18
Ms. Flores-

At this early point in the process I would like to express my opposition to the zoning change and conversion of R-4 to B-3. We own the Hidden Meadow Apartments and have a need to protect our residents from excessive noise and light; it is imperative that a Green Zone be maintained as a buffer between these properties.

Tracy Hammer  
210-269-1634  
Hidden Meadow Apts=20  
General Partner
Renee Tanguma  
6008 Trone Trail  
Leon Valley, Texas 78238  

March 25, 2013  

Kristie Flores  
Community Development Department  
City Hall  
6400 El Verde Road  
Leon Valley, Texas 78238  

Re: Zoning Case No. ZC 2013-389  

Dear Mrs. Flores:  

Thank you for notifying me of the Public Hearing.  

Response: I oppose the zoning and use of the land. One reason is that I already hear on a daily basis their loud speaker overhead when they are calling out for their customers. Secondly the crime rate in this area of the city is too high and I don’t believe my neighbors will appreciate commercial properties having closer access to our neighborhood. This will only devalue the properties even more.  

Thank you for your time.  

Renee Tanguma  

[Signature]

[Stamp: RECEIVED  MAR 28 2013  BY: [Signature]  WITHIN 200 FT.  OPPOSED]
Letters in Favor
Outside 200-ft = 2
+
Letters Returned
Undelivered = 1
To Whom It May Concern:

As residents of Leon Valley for a cumulative of 35 years, we would strongly prefer to see more expansion of Commercial Space, and are opposed to apartments or condos. Instituting additional commercial property would contribute more positively to the ongoing revitalization of our great city. Bringing additional apartments or condos to our area would result in similar activities as seen at Loop 410 and Evers area: vagrancy, pan handling, and questionable activity. These activities are close enough to home and any further expansion of such would result in our consideration of relocation.

Sincerely,

Michael and Kimberlea Gray

March 24, 2013
My name is Elizabeth Down and I note that you allow
American to extend their commercial lot.
Please DO NOT put apartment
or other housing there.
This area is going down enough
as it is.

Thank you
Elizabeth Doe
6073 Rue Libre
78238

Outside 300 ft
In Favor
Zoning Case #2013-389 (Ancira)

PowerPoint Presentation
City of Leon Valley
City Council

Public Hearing
April 16, 2013

Zoning Case # 2013-389

Request and Location

• Request by Ernest Ancira Jr., Applicant and Property Owner
• Rezone approximately 6.38 acres from R-4 (Townhouse) and B-2 (Retail) to B-3 (Commercial)
• Rezone from Sustainability Overlay to Commercial/Industrial Overlay
• 6111 Bandera & 5901 Wurzbach
Zoning Case #2013-369 (Ancira)
Request to Rezone 5.36 acres of Land
from R-4 (Townhouse) and B-2 (Retail)
to B-3 (Commercial) at 6111 Sandera Rd
and 5901 Wurzbach Rd
History

• **1972** - rezoned from R-1 (Single-Family Dwelling) to R-4 (Townhouse) and B-2 (Retail)
• **1976** - 800’ x 1000’ is rezoned from B-2 (Retail) to B-3 (Commercial)

History

• **1984** – 16 acres of land is rezoned from B-2 (Retail) to B-3 (Commercial), extending from Bandera Road to Wurzbach Road in an “L” shape
• **1994** - another .054 acres rezoned from B-2 (Retail) to B-3 (Commercial)
• **1998** – another 5.688 acres rezoned from B-2 (Retail) to B-3 (Commercial)
2009 Comprehensive Master Plan
2aCC Bandera Rd/Loop 410 Area

Addresses the area in general:
• noting that any B-3 (Commercial) which
  abuts residential must provide adequate
  and effective buffering

Staff Comments
• As a basic planning principle B-3
  (Commercial) is not intended to abut
  R-1 (Single-Family Dwelling)
Staff Comments

• B-3 (Commercial) zoning is consistent with the adjacent B-2 (Retail) and B-3 (Commercial) zoning which already makes up a large area which is platted and developed along Bandera Road

Property Owner’s within 200-feet

• 28 Letters Mailed to Property Owners
• 11 Received in FAVOR
• 3 Received in OPPOSITION
• 1 Returned UNDELIVERABLE

********************************************************************************

• 3 duplicates (2-in favor/ 1-opposed)
• 2 in favor outside 200-feet
On March 26, 2013, the Zoning Commission Recommended, 7-0 to APPROVE the request to rezone from R-4 and B-2 to B-3 and to rezone from the Sustainability Overlay to the Commercial/Industrial Overlay.

Conclusion

- Questions
  - Staff
  - Joey Blackmon, agent for the applicant
CONDUCT A PUBLIC HEARING TO CONSIDER ZONING CASE #2013-390, THE REZONING OF APPROXIMATELY 1.709 ACRES OF LAND GENERALLY LOCATED AT 7430 HUEBNER ROAD FROM B-1 (SMALL BUSINESS) TO B-2 (RETAIL)

PURPOSE
Zoning Case #2013-390 is a request by Dirt Dealers v., to rezone approximately 1.709 acres of land from B-1 (Small Business) to B-2 (Retail) (see attached documents).

FISCAL IMPACT
The applicant paid a fee of $960 for consideration of this zoning application.

RECOMMENDATION
On March 26, 2013, the Zoning Commission recommended, by a vote of 5-2, to DENY rezoning from B-1 (Small Business) to B-2 (Retail) noting it did not protect the property rights of owners of real property.

S.E.E IMPACT STATEMENT
Social Equity – the property owner has indicated that the B-1 (Small Business) buffer is being preserved to buffer the adjacent neighbors. Development of this site will also bring needed attention to stormwater runoff and detention which is sociable for all individuals affected by rain and/or flood waters.
Environmental Stewardship – the owner has noted that upon development efforts will be made to preserve as much of the remaining natural features of the property. Additionally, landscaping and streetscoping will be added to enhance the property.
Economic Development – Rezoning the property to B-2 (Retail) will allow for retail development which can produce goods, services and generate sales tax.

APPROVED:___________________ DISAPPROVED:_________________
APPROVED WITH THE FOLLOWING COMMENTS:__________________________

ATTEST:

Janie Willman, City Secretary
***PLEASE NOTE THERE ARE CHURCHES AND SCHOOLS NEARBY SO THERE MAY BE ADDITION RESTRICTIONS TO USES (I.E. ALCOHOL USE OR SALES)
W/SUP DENOTES SPECIFIC USE PERMIT REQUIRED

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<thead>
<tr>
<th>B-1 USES</th>
<th>B-2 USES</th>
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<tr>
<td>ADULT CARE CENTER W/SUP</td>
<td>ALCOHOL BEVERAGE SALES - NO ON PREMISE CONSUMPTION</td>
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<tr>
<td>ANTIQUE STORE</td>
<td>ALTERATIONS &amp; APPAREL</td>
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<tr>
<td>ART GALLERY</td>
<td>ANIMAL CLINIC</td>
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<td>BEAUTY SHOP</td>
<td>ANTIQUE STORE</td>
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<td>BOOKSTORE</td>
<td>APPLIANCE - MINOR</td>
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<td>CHILD CARE FACILITY W/SUP</td>
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<td>CLINIC-MEDICAL OR DENTAL</td>
<td>ART GALLERY</td>
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<td>CLUB/LODGE (PRIVATE W/SUP)</td>
<td>ATTENDED DONATION STATION W/SUP</td>
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<td>COSMETICS Store</td>
<td>AUDITORIUM, CONVENTION CTR, OTHER SIMILAR MTG FACILITIES W/SUP</td>
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<td>DRUG STORE</td>
<td>AUTO ACCESSORIES W/SUP</td>
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<td>DRY CLEANING PICK UP ONLY</td>
<td>AUTO SERVICE STATION - GAS SALES ONLY W/SUP</td>
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<td>ENTERTAINMENT - INDOOR W/SUP</td>
<td>AUTO INSPECTION STATION W/SUP</td>
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<td>ENTERTAINMENT - OUTDOOR W/SUP</td>
<td>BAKERY</td>
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<td>FLORAL SHOP</td>
<td>BANK, SAVINGS AND LOAN</td>
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<td>GIFT SHOP</td>
<td>BARBER/BEAUTY EQUIPMENT</td>
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<td>GROCERY STORE</td>
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<td>PERMANENT COSMETICS W/SUP</td>
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<td>JEWELRY SALES</td>
<td>CAMERA RETAIL</td>
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<td>LEATHER GOOD SALES</td>
<td>CANDY, NUTS &amp; CONFECTIONS</td>
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<td>LIBRARY</td>
<td>CHILDCARE</td>
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<td>LOCKSMITH</td>
<td>CLINIC - MEDICAL OR DENTAL</td>
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<td>BOARDING HOUSE W/SUP</td>
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<td>COMMUNICATIONS DISTRIBUTION HUB W/SUP</td>
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<td>COMPUTER STORE</td>
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<td>DAIRY PRODUCT SALES</td>
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<td>RECREATIONAL FACILITY FOR A NEIGHBORHOOD</td>
<td>DEPARTMENT/VARIETY STORE</td>
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<td>SALON SPECIALTY (I.E TANNING, NAILS)</td>
<td>DRUGSTORE</td>
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<td>SCHOOL</td>
<td>DRY CLEANING PICK-UP ONLY</td>
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W/SUP DENOTES SPECIFIC USE PERMIT REQUIRED

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B-2 USES

NON-EMERGENCY MEDICAL TRANSPORT SERVICE
OFFICE EQUIPMENT/SUPPLY
OFFICE - PROFESSIONAL
OPTICAL STORE
PAINT/WALLPAPER STORE
PARKING LOT OR GARAGE
PET GROOMING
PET STORE
PHOTO EQUIPMENT
PICTURE FRAME SHOP
PLANT NURSERY LEVEL 1 W/SUP
PLANT NURSERY LEVEL 2 W/SUP
PLANT NURSERY LEVEL 3 W/SUP
PLANT NURSERY SALES
PLAYGROUND EQUIPMENT
PLAYROOM/BIRTHDAY PARTIES FOR KIDS
PLUMBING FIXTURE
POOL & SPA SALES
POST OFFICE
PRINTING & REPRODUCTION SERVICES W/SUP
RADIO/TV STATION
RECREATIONAL FACILITY FOR NEIGHBORHOOD
RESTAURANT - COMPLETELY ENCLOSED
RESTAURANT - NOT COMPLETELY ENCLOSED W/SUP
RETAIL OUTLET STORE
SALON SPECIALTY
SCHOOL
SHOE REPAIR
SIGN SHOP W/SUP
SPORTING GOODS
STAMP/COIN COLLECTION
STATIONERY STORE
FINE ARTS
***PLEASE NOTE THERE ARE CHURCHES AND SCHOOLS NEARBY SO THERE MAY BE ADDITION RESTRICTIONS TO USES (I.E. ALCOHOL USE OR SALES) W/SUP DENOTES SPECIFIC USE PERMIT REQUIRED

B-1 USES

B-2 USES
TAILOR SHOP
TELEPHONE SALES
THEATER - INDOOR
TOBACCO STORE
TOOL/EQUIPMENT RENTAL
TOY STORE
TROPHY SALES
VIDEO SALES & RENTAL
WATCH RETAIL/REPAIR
MINUTES OF THE MEETING OF THE
LEON VALLEY ZONING COMMISSION
March 26, 2013

The regular meeting of the Leon Valley Zoning Commission convened at 6:30 p.m. on Tuesday, March 26, 2013, in City Council Chambers at 6400 El Verde Road, Leon Valley, Texas.

I. Roll Call

Present were Chairman Claude Guerra III, 1st Vice-Chair Wendy Phelps, 2nd Vice-Chair Olen Yarnell, and Members Hal Burnside, Mike Davis Jr., Pedro Esquivel and Alternate Members Phyllis McMillan, Nicole Monsibais and Carlos Fernandez. Absent and excused was Member Carmen Sanchez. Also present was Kristie Flores, Director of Community Development, acting as recording secretary.

In the absence of regular Commission Member Carmen Sanchez; Alternate Member Phyllis McMillian was seated as a voting member.

Also available for the questions was contracted engineer for the City, Sia Sayyadi, P.E.

II. Approval of Minutes – February 26, 2013

Commissioner Pedro Esquivel made a motion to approve the minutes as written. Commissioner Phyllis McMillan seconded the motion, and the motion passed unanimously by voice vote.

III. Conduct a Public Hearing and Consider Zoning Case #2013-389, a Request by Ernesto Ancira, Jr., to Rezone Approximately 6.38 acres of land, Being Lots 4 and 5, Block 1, CB 4429F, of the Ancira-Winton Subdivision, from R-4 (Townhouse) and B-2 (Retail) to B-3 (Commercial) and to Rezone the Property from the Sustainability Overlay to the Commercial/Industrial Overlay, located at 6111 Bandera Road and 5901 Wurzbach Road.

Staff presented the Zoning Case #2013-389, a request by Ernest Ancira Jr., applicant and property owner to rezone approximately 6.38 acres of land, being Lots 4 and 5, Block 1, CB 4429F, of the Ancira-Winton Subdivision, from R-4 (Townhouse) and B-2 (Retail) to B-3 (Commercial) and to rezone the property from the Sustainability Overlay to the Commercial/Industrial Overlay, located at 6111 Bandera Road and 5901 Wurzbach Road. Staff noted the surrounding zoning and the history of the property which indicated that it had slowly rezoned from residential to retail and then to commercial between 1972 and 1998. Staff also noted that the 2009 Master Plan, Section 2aCC, “Bandera Road/Loop 410 Corridor,” addressed the area in general noting that zoning in the area consisted mostly of B-2 (Retail) and B-3 (Commercial) and that any B-3 (Commercial) which abuts residential must provide adequate and effective buffering. Staff explained that as a basic planning principle B-3 (Commercial) is not intended to abut R-1 (Single-Family Dwelling), but noted that if commercial zoning is allowed an eight (8) foot fence is required between commercial and residential properties. Staff further explained that other buffering techniques, such as landscaping may also be considered to guard against potential light and noise intrusion. Staff indicated that B-3 (Commercial) zoning is consistent with the adjacent B-2 (Retail) and B-3 (Commercial) zoning which already made up a large area which is platted and developed along Bandera Road and Wurzbach Road. Staff
further indicated that per Chapter 14 Zoning, Section 14.02.551b, of the Leon Valley Code of
Ordinances the applicant submitted a Traffic Impact Analysis Worksheet which indicated that the
proposed use will generate less than 100 peak hour trips. Staff noted that twenty-eight (28)
letters had been mailed to property owners within 200-feet and that two (2) letters were received
in opposition to the request, ten (10) letters were received in favor, and one (1) letter was
returned undeliverable. Staff also noted that two (2) letters were received in favor outside the
200-foot notification area. Staff presented pictures of the site, concluded the presentation and
remained available for questions.

Commissioner Mike Davis Jr., asked staff if there was a utility easement along the property line,
staff verified from the plat that there were drainage and sanitary sewer easements. Sia Sayyadi,
P.E. addressed the Commission and noted that there is was also a waterline that has also been
extended from Wurzbach Road. He explained that there was need for more water easements
because the waterline dead ends and the Fire Department presently has to clean out that
section of the water line to mitigate hazards, thus the City has approached Ancira about
additional easements to clear up these concerns. Mr. Sayyadi did confirm that there are utility
easements along Rue Liliane for homes. He also pointed to an area in the middle section of the
property that was not builable due to being in the FEMA floodway.

Commissioner Hal Burnside noted that the area where the drainage culvert is paved and was
concerned with which way the water would flow. Mr. Sayyadi noted that it would flow towards
Wurzbach Road.

2nd Vice-Chair Olen Yarnell asked the engineer if a large portion of the area which was
ggrass/field could have a building on it. Mr. Sayyadi noted it could not, but may have pavement
on it for parking cars. Mr. Sayyadi noted that there was a building proposed for the site that
would be like the newly constructed Volkswagen dealership, that would front along Bandera
Road.

Commissioner Mike Davis Jr., noted that with the new building, then the area nearest the
residents would be to park vehicles.

**Joey Blackmon, the agent for the applicant, 6111 Bandera Road**, addressed the
Commission and noted that he has worked with Mr. Ancira for 38 years. He explained that Mr.
Ancira was committed to in staying in Leon Valley, so much so that he invested $10 million into
the existing Chevrolet and Ancira Volkswagen and he convinced Kia to make Leon Valley their
home as well. He noted that $5 million would be invested into a new Kia facility on 6 acres. Mr.
Blackmon explained that they met with neighbors at a series of meetings to discuss concerns
and alternatives. He noted that Ancira committed to neighbors to construct a concrete, eight
foot (8’) fence immediately inside the dealership property line. He also noted that they
committed to keeping trees, a 15-foot buffer from the fence line to keep drainage away from the
fence, as well as to keep cars away from the fence. He concluded by noting that Ancira wanted
to grow their business which would benefit Leon Valley from their new building construction and
from the sales tax generated from their parts and services.

2nd Vice-Chair Olen Yarnell asked for clarification regarding the proposed fence. Mr. Blackmon
noted that they committed to neighbors to construct the fence from Bandera Road all the way to
Wurzbach Road.
Commissioner Hal Burnside asked Mr. Blackmon for clarification regarding the property buffer between the fence and start of the dealership. Mr. Blackmon noted that they would landscape between the back fence and would curb the area 15-feet away for new parking car display and inventory.

Commissioner Hal Burnside asked about security lighting along the 15-foot buffer zone. Chairman Claude Guerra III also noted the lighting he observed upon the site visit. Mr. Blackmon noted that the lighting would be directional; pointing down or away from residents.

Chairman Claude Guerra III also asked staff about the heritage size trees he saw on the property. Staff noted that they cannot be removed.

2nd Vice-Chair Olen Yarnell asked what the surface of the fence would look like. Mr. Blackmon noted that it would be Fence Crete and would have a decorate look rather than just being a solid concrete fence.

Chairman Claude Guerra III asked what the parking area would be made of. Mr. Blackmon noted it would be asphalt.

Being no further discussion, Chairman Claude Guerra III opened the public hearing at 7:07 p.m.

John and Margie Phelan, 6100 Rue Liliane, addressed the Commission and noted that their concerns were with drainage, loud speaker from the dealership, trees and lighting and they noted that many of their questions were answered in the discussion.

Eluterio Toscano, 6010 Rue Liliane, addressed the Commission noting that his questions were addressed by Mr. Blackmon. Mr. Toscano also answered Commissioner Mike Davis, Jr.’s question regarding the location of the utilities noting that they were in the front of the property along Rue Liliane. He noted his support of Ancira’s commercial growth.

Commissioner Mike Davis, Jr., noted that his concern was for residential properties along the adjacent property line and that is why he asked about the utility easement.

Being no further discussion, the public hearing was closed at 7:14 p.m.

2nd Vice-Chair Olen Yarnell noted that the request appeared to solve many concerns surrounding the property. He also noted that questions regarding trees, building location, fencing and lighting had been answered.

Chairman Claude Guerra III noted that all of his questions were answered regarding fencing, lighting and trees and that the Commission members and those in attendance were now aware that a building could not be built within that portion of the property that is in the floodway. He additionally noted that a precedent had been set with the Fiesta Dodge property across the street and the boundary was changed from the Sustainability Overlay to the Commercial/Industrial Overlay which was similar to the request at hand.

Vice-Chair Wendy Phelps made a motion to recommend approval of Zoning Case #2013-389, to include both rezoning requests to rezone from R-4 (Townhouse) and B-2 (Retail) to B-3 (Commercial)
IV. Consider Zoning Case #2013-390, a Request by Dirt Dealer V., LLC., to Rezone Approximately 1.709 acres of land, Being a Portion of Parcel 29G, ABS 741, CB 4445, Murchison Remainder Tract, from B-1 (Small Business) to B-2, located at 7430 Huebner Road.

Staff presented the Zoning Case #2013-390, a request by Dirt Dealer V., LLC., to rezone approximately 1.709 acres of land, being a portion of Parcel 29G, ABS 741, CB 4445, Murchison Remainder Tract, from B-1 (Small Business) to B-2 (Retail), located at 7430 Huebner Road. Staff noted the surrounding zoning and the history of the property which indicated that it had been rezoned in 1985 from R-1 (Single-Family) to B-1 (Small Business). Staff also noted that the 2009 Master Plan, Section 7N, “Canterfield Area,” addressed the area in general noting residential zoning and mixed use zoning. Staff explained that by land use comparison B-2 (Retail) zoning is consistent with the area and is compatible with the existing B-1 (Small Business) and R-1 (Single-Family). Staff further explained that this is demonstrated by the existing and adjacent B-2 (Retail) of the Church of Latter Day Saints and the Department of Public Safety Mega Center, as well as the corner of Evers Road and Huebner Road and surrounding neighborhoods. Staff noted that B-2 (Retail) is intended to abut residential and act as a buffer. Staff also noted that B-1 (Small Business) zoning does not allow outside storage and limits the buildable area of a building to 3,000 square feet. Staff indicated that B-1 (Small Business) is mostly designed for office and very light service and retail business. Staff also indicated that B-2 (Retail) zoning limits outside storage but does not limit the buildable area of a building; however, both zoning districts are intended to provide goods, services however B-2 (Retail) gives more alternatives for permitted uses and buildable area. Staff noted that per Chapter 14 Zoning, Section 14.02.551b, of the Leon Valley Code of Ordinances the applicant submitted a Traffic Impact Analysis Worksheet which indicated that the proposed use will generate less than 100 peak hour trips. Staff noted that sixteen (16) letters had been mailed to property owners within 200-feet and that one (1) letter were received in opposition to the request, none were received in favor, and none were returned undeliverable. Staff presented pictures of the site, concluded the presentation and remained available for questions.

Chairman Claude Guerra III asked for clarification as to the City well site in relation to the proposed rezoning. Staff and the engineer Sia Sayyadi indicated the location of the well on the site plan. Staff also indicated that the well site is protected by a 150-foot boundary by law for well systems.

Commissioner Pedro Esquivel asked Staff about preservation of the silos on site. He noted that there had been discussion at a Council meeting about preserving them. Staff noted that in speaking to the representatives for the property they indicated that they were will to work with the City in regard to the silos. Staff further noted that there was not presently a definitive plan for the silos.

Chairman Claude Guerra III asked for clarification regarding development and the City well site. Mr. Sayyadi noted that there would need to be a sanitary controlled easement, meaning that developers cannot store chemicals onsite. Staff noted that more than likely the only thing located within the 150-feet would be parking. Mr. Sayyadi noted additional property limitations due to the
main water line, drainage requirements, tree preservation and a needed detention pond.

Vice-Chair Wendy Phelps asked if the site was going to be utilized for the storage of bulldozers. Staff indicated that there was not a building plan. Staff also noted that the developer wants to build a building bigger than 3,000 square feet. Chairman Claude Guerra III noted that it was an office building.

2\textsuperscript{nd} Vice Chair Olen Yarnell asked if the dotted line on the site plan was the well site. Staff indicated that it was and that the long road leading from Huebner was the access easement. 2\textsuperscript{nd} Vice Chair Yarnell noted that the water tower had been moved over by Marshall High School for higher elevation and well site remained. Staff noted that was accurate. 2\textsuperscript{nd} Vice-Chair Olen Yarnell also asked for further clarification on the site plan to the rear of the property and staff indicated that it was the area where there was drainage and a natural tree line. Mr. Yarnell noted that it appeared that only the B-2 (Retail) portion of the property would be built on. Staff noted that the B-1 (Small Business) portion of the property would have a detention pond and did have the potential to have a 3,000 square foot building limited by B-1 regulations and uses.

Commissioner Burnside noted that there appeared to be constraints on the property, which prompted the owner to try to use the portion they are requesting for rezoning.

Commissioner Pedro Esquivel noted that there has been considerable discussion on the traffic impact by Council in regard to Huebner and Evers and the affect of the DPS Facility. Mr. Esquivel wanted to be sure that the traffic impact for this project was being considered in addition to what was already being studied. Staff noted that the traffic impact would be considered and City Staff and the property owner and potential developers were aware or would be made aware of the impact. Staff noted that the focus for the evening needed to be whether B-2 (Retail) was consistent and compatible with the Master Plan and surrounding zoning, not a particular use. Mr. Esquivel reiterated that he just wanted to make sure that traffic and school zones were measured.

Sia Sayyadi noted that the property as B-1 (Small Business) could be platted into several lots with 3,000 square foot buildings, with necessary parking, site plans and driveways. Staff noted that if the property was platted separately State law required access to each site with proper utility development. Mr. Sayyadi noted that the property owner was trying to make the best use of the property from that site as B-2 (Retail) with only one (1) building.

Tony Saucedo, agent for the applicant, addressed the Commission and noted that he did not have any addition information to add and would remain available for questions.

Chairman Claude Guerra III noted that the Land Use Statement stated that they wanted to construct an “office” building larger than 3,000 square feet but then went on to note that the letter stated that they wanted to rezone to utilize other uses within the B-2 (Retail) zoning district. Chairman Claude Guerra III felt that this was contradictory to his first statement in the letter. Mr. Saucedo noted that he did not know what the use of the property would be until after they had a buyer for the property. He also noted that they needed to maintain the access easement and wanted to preserve the remaining trees. He further explained that they would be limited by how much parking is required for the use as to what type and size of building would be constructed.

Staff noted that the property was also protected by the Sustainability Overlay regulations.
Chairman Claude Guerra III noted that his concern is based on the controversy with the neighboring DPS Office. Commissioner Pedro Esquivel agreed that the statement that rezoning was being requested to construct an office building was misleading. He explained that if it was not going to be an office building as stated and something else from the B-2 (Retail) then it should have remained ambiguous on the application.

Staff noted that the applicant has expressed that they would like to build an office building larger than 3,000 square feet; however, staff also noted that the Commission needed to be aware that the applicant did not have to build an office building and if the property was rezoned to B-2 (Retail) it could be another type of building such as retail. Staff commented that the matter at hand was whether B-2 (Retail) was consistent and compatible with the Master Plan and surrounding zoning.

Commissioner Mike Davis Jr., noted that he had no issue with the current zoning of B-1 (Small Business). He also noted that the property owner should have known what the property was zoned when they purchased it and what uses were allowed.

Commissioner Hal Burnside asked Staff if parking could be built on the B-1 portion. Staff noted it could.

2nd Vice Chair Olen Yarnell noted that there is always a chance that the developer may not do as they may have noted in an application or the plans fall through all together.

Commissioner Mike Davis Jr., noted that the area has a great deal of sensitivity and a concept for the site would be helpful. Mr. Saucedo noted that they were not in that stage of planning for the property and were aware of the sensitivity in the area which is why they were maintaining the B-1 (Small Business) buffer to shelter the surrounding properties.

Per the Chairman’s request Staff read some of the uses allowed in B-2 (Retail) some of which were: alcoholic beverage sales (no on-premise consumption), alteration and apparel, animal clinic, antique store, appliance (minor), appliance repair, art gallery and other such uses.

Being no further discussion, Chairman Claude Guerra III opened the public hearing at 8:05p.m.

Roland Perez, 6534 Hoofs Lane, addressed the Commission and noted his opposition to the proposed rezoning noting addition concerns with traffic and noise from trash pick-up has he already experienced weekly from the pick-up at the Church. He explained that he was opposed to the original rezoning from R-1 to B-1, when neighbors were told that there would be a greenbelt and a fence. Mr. Perez noted that although promises were made by the developer when the request for B-1 (Small Business) was considered, they never followed through. Mr. Perez commented that he understood that the Commission needed to consider development that would bring revenue to the City but he did not want it to be at the cost of the residents who would have to endure light and noise pollution from whatever was developed.

Sandy Perez, 6534 Hoofs Lane, asked if there would be any buffer between them and the development. Staff noted that there was at least one hundred feet (100’) between them and the proposed development as well as the remaining B-1 (Small Business) buffering.
Being no further discussion, Claude Guerra III closed the public hearing at 8:10 p.m.

Chairman Claude Guerra III noted to Mr. Perez that the Zoning Commission’s responsibility was to make zoning recommendations on zoning cases, not for economic development.

2nd Vice-Chair Olen Yarnell noted that as long as the property remains vacant there will be zoning case considerations. He further explained that anytime anyone lives up again a property that is zoned anything other than residential this will always be something that they will need to deal with. He added that the owner was leaving the B-1 buffer

Commissioner Hal Burnside noted that he was concerned neighbors and gradual deterioration of the area based on the uses allowed in the B-2 (Retail) zoning.

Commissioner Phyllis McMillan noted that even if the property is not rezoned to B-2 (Retail) there could still be a building constructed on the B-1 (Small Business).

Staff noted there were development constraints on the property due to the well site and the required drainage. Mr. Sayyadi noted that the detention pond was estimated at $60,000. He further explained that the City might have a very active part in the installation in order to protect the well site.

2nd Vice-Chair Olen Yarnell asked how many 3,000 square foot building could be placed on the property. Mr. Sayyadi addressed the question and noted that with proper platting a rough estimate was fifteen (15) buildings because the total acreage of the B-1 (Small Business) is six (6) acres and 3,000 square feet is not very large.

Chairman Claude Guerra III reiterated that he felt that the letter submitted by the applicant was misleading and for that reason he had doubts and hesitancy about the rezoning.

Commissioner Pedro Esquivel made a motion recommending denial of Zoning Case #2013-390 noting that it does not protect the property rights of owners of real property. Vice-Chair Wendy Phelps seconded the motion and the motion passed 5-2.

**IN FAVOR OF THE MOTION**
- Commissioner Hal Burnside
- Commissioner Mike Davis Jr.
- Commissioner Pedro Esquivel
- Chairman Claude Guerra III
- Vice-Chair Wendy Phelps

**AGAINST THE MOTION**
- 2nd Vice-Chair Olen Yarnell0
- Commissioner Phyllis McMillan

V. Consider Specific Use Permit Case #2013-271, a Request by Jonathan King, Applicant, to Operate a “Kennel,” in a B-3 (Commercial) zoning district within the Sustainability Overlay, Being Lot 56, Block 3, CB 5784, Leon valley Addition – Glass Service Subdivision, located at 6737 Poss Road, Building/Suite #300.
Staff presented the Specific Use Permit Case #2013-271, a request by Jonathan King, applicant to operate a “Kennel” in a B-3 (Commercial) zoning district within the Sustainability Overlay, being Lot 56, Block 3, CB 5784, Leon Valley Addition – Glass Service Subdivision, located at 6737 Poss Road, Building/Suite #300. Staff noted the surrounding zoning and the history of the property which indicated that there had been several Specific Use Permit requests for the buildings at 6737 Poss Road including: office/warehouse, church, and banquet hall. Staff also noted that the 2009 Master Plan, Section 4CC, “Grissom Road Corridor,” addressed the area in general noting B-3 (Commercial) zoning and consolidation of properties in the area. Staff explained that operation of a “kennel” appears to be consistent and compatible with the area. Staff further explained that the B-3 (Commercial) zoning district is designed to be more intense in nature and can include service facilities such as kennels to provide services to existing and surrounding districts. Staff went on to note that the B-3 district also allows outside display and storage of merchandise and limited outside services (such as dog runs). Staff also noted that although B-3 is not intended to abut R-1 (Single-Family) in some instances it does and this is one such occasion. Staff stated that there is a single-family home which fronts and accesses from Sawyer Road. Staff explained that where commercial does abut residential adequate and effective buffers are required. Staff further noted that there was an existing tree lined buffer on the residential side and a fencing buffer from the commercial side. Staff noted that per Chapter 14 Zoning, Section 14.02.551b, of the Leon Valley Code of Ordinances the applicant submitted a Traffic Impact Analysis Worksheet which indicated that the proposed use will generate less than 100 peak hour trips. Staff noted that six (6) letters had been mailed to property owners within 200-feet and no letters were received in opposition to the request, none were received in favor, and none were returned undeliverable. Staff presented pictures of the site, concluded the presentation and remained available for questions.

The leasing agent for the property addressed the Commission and noted a correction that Mr. King’s business would only be taking up 3,000 square feet of Building #2 not Building #3. She further explained that this was the rear of the building in the same space as the glass service building all of which are located at 6737 Poss Road.

Jonathan King, applicant, addressed the Commission and noted that he did not have any comments but was happy to answer questions.

Commissioner Phyllis McMillan thanked Mr. King for the thorough information he provided regarding kenneling.

Commissioner Hal Burnside asked for clarification on the on the dog to employee ratio. Mr. King noted that if the facility was to capacity at thirty (30) dogs then two (2) employees would be required.

Chairman Guerra III asked if employees would stay overnight. Mr. King noted that they would not stay over night. Chairman Claude Guerra III also asked whether Mr. King has operated a kennel before. Mr. King noted that they have a facility in Junction, Texas. Chairman Claude Guerra III asked how Mr. King selected Leon Valley. Mr. King commented that he lived nearby and a good opportunity and location had presented themselves.

Commissioner Mike Davis Jr. asked Mr. King about whether there would be training outside. Mr. King noted that there would be no group training. He noted his business would provide private
training inside the building and there would be outings to local pet stores as well as going outside occasionally to train for distractions. Mr. King further explained that he would train the dog for 2-3 weeks and then after they are trained then a month and a half to two months.

Commissioner Pedro Esquivel asked if there would be a veterinarian on call. Mr. King noted during business hours he was going to approach Leon Valley Veterinary Services and he also noted that Southwest Animal Clinic on 1604 would be utilized after hours.

Chairman Claude Guerra III asked how long people leave their pets for boarding. Mr. King noted that the average is 4-5 days. Chairman Claude Guerra III asked who would handle all the feeding and watering. Mr. King noted that he and his staff would do all the feeding and watering.

Chairman Claude Guerra III noted that the building would be air conditioned. Mr. King noted that he would be installing an air conditioner because the building did not presently have one.

2nd Vice-Chair Olen Yarnell noted that the letter of request stated that parking would be utilized from the Poss Center and he asked whether parking was adequate because had been a concern with an event center request that the Commission considered in the past. Mr. King noted that he only needed 4-5 parking spaces; staff noted that he was only required 12 spaces which the site provides.

Chairman Claude Guerra III asked about a sprinkler system. Mr. King noted that he spoke to Luis Valdez who noted that there would not need to be a sprinkler system for a 3,000 square foot space. Staff noted he would

Commissioner Hal Burnside asked about barking and noise. Mr. King noted that the

Being no further discussion, Chairman Claude Guerra III opened the public hearing at 8:55p.m., being no one in the audience to speak the public hearing was closed at 8:56p.m.

2nd Vice-Chair Olen Yarnell asked what would happen if Mr. King’s business got bigger and he needed more space. Staff noted that he would have to be expanding by 50% or greater before he would have to come back to the Zoning Commission for further Specific Use consideration.

Commissioner Pedro Esquivel made a motion to recommend approval of Specific Use Permit Case #2013-271, for operation of a “kennel” in a B-3 (Commercial) zoning district within the Sustainability Overlay noting it protected the property rights of owners of real property. Vice Chair Wendy Phelps seconded the motion and the motion passed unanimously by voice vote, 6-1.

IN FAVOR OF THE MOTION
Commissioner Hal Burnside
Commissioner Pedro Esquivel
Chairman Claude Guerra III
Commissioner Phyllis McMillan
Vice-Chair Wendy Phelps
2nd Vice-Chair Olen Yarnell

AGAINST THE MOTION
Commissioner Mike Davis Jr.

IV. Executive Session in Accordance with the Texas Local Government Codes
There was neither item, nor action necessary for this session.

VII. Adjourn

2nd Vice-Chair Olen Yarnell, made a motion to adjourn, seconded by Commissioner Hal Burnside. The motion carried by voice vote and the meeting was adjourned at 9:02p.m.
AN ORDINANCE

REZONING CERTAIN PROPERTY FROM B-1 (SMALL BUSINESS) TO A B-2 (RETAIL) ZONING DISTRICT UPON APPLICATION BY DIRT DEALERS V., APPLICANT AND PROPERTY OWNER.

WHEREAS, Chapter 211 of the Vernon’s Local Government Code empowers a city to enact zoning regulations and provide for their administration, enforcement and amendment; and

WHEREAS, the City has previously deemed it necessary and desirable to adopt zoning regulations to provide for the orderly development of property within the City in order to promote the public health, safety, morals and general welfare of the residents of the City, and

WHEREAS, the Leon Valley Code of Ordinances Chapter 14 constitutes the City’s Zoning Regulations and requires property to be zoned in accordance with proper designations as defined by the City; and

WHEREAS, the Planning and Zoning Commission of the City of Leon Valley provided adequate notice and held a public hearing in accordance with Chapter 14 of the Leon Valley Code of Ordinances; and

WHEREAS, the Planning and Zoning Commission of the City of Leon Valley has recommended approval of the re-zoning of the designated properties and has confirmed that the re-zoning is uniform and conforms to the plan and design of the City of Leon Valley's Zoning regulations and the City of Leon Valley Comprehensive Plan; and

WHEREAS, the City Council of the City of Leon Valley has also held a public hearing regarding the re-zoning on affected properties and has issued adequate notice to all the affected parties; and

WHEREAS, the City Council of the City of Leon Valley believes the re-zoning of affected properties will not adversely affect the character of the area of the neighborhood in which it is proposed to rezone; will not substantially depreciate the value of adjacent or nearby properties; will be in keeping with the spirit and intent of the City’s Zoning Ordinance; will comply with applicable standards of the district in which located; and will not adversely affect traffic, public health, public utilities, public safety and the general welfare of the residents of the City of Leon Valley;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, THAT:

1. Property being described as Parcel 29G, ABS 741, CB 4445, Murchison Remainder Tract, being approximately 1.709 acres of land, generally located at
7430 Huebner Road, and more particularly described in case file ZC 2013-390, is hereby rezoned from B-1 (Small Business) to B-2 (Retail).

2. The City staff is hereby authorized to issue said zoning when all conditions imposed by the City Council have been addressed and complied with in full.

PASSED and APPROVED this the 16th day of April 2013.

________________________
Mayor

ATTEST:

________________________
City Secretary

APPROVED AS TO FORM:

________________________
City Attorney
Zoning Case #2013-390

Request by: Dirt Dealers V

Rezone Approximately 1.709 acres from B-1 (Small Business) to B-2 (Retail)
<table>
<thead>
<tr>
<th><strong>Applicant:</strong></th>
<th>Dirt Dealer V., LLC, property owner.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Request:</strong></td>
<td>To rezone 1.709 acres of land from B-1 (Small Business) to B-2 (Retail). <em>(att.1&amp;2)</em></td>
</tr>
<tr>
<td><strong>Site:</strong></td>
<td>Parcel 29G, ABS 741, CB 4445, Murchison Remainder Tract, at 7430 Huebner Road, in the City of Leon Valley, Bexar County, Texas <em>(att. 3)</em></td>
</tr>
<tr>
<td><strong>Surrounding Zoning and Land Use:</strong></td>
<td>Surrounding zoning consists of: To the north, developed R-1 (Single-Family Dwelling); to the south developed R-1 (Single-Family Dwelling); to the east, developed R-1 (Single-Family Dwelling); and to the west developed R-6 (Garden Home), and developed and undeveloped B-2 (Retail) <em>(att.4)</em></td>
</tr>
</tbody>
</table>
| **History:**  | ➢ 1985 – 6.8 acres is rezoned from R-1 (Single-Family Dwelling) to B-1 (Small Business)  
⇒ 1991 - a request is **denied** to rezone 12.86 acres of land from B-1 (Small Business) and B-2 (Retail) to R-3 (Multiple-Family Dwelling) |
| **Master Plan:** | The 2009 Master Plan, Section 7N Canterfield Area addresses the area in general noting that any undeveloped land in the area should be considered for rezoning to R-1 (Single-Family), R-4 (Townhouse), R-6 (Garden Home), R-7 (Medium Density Single-Family) and MX-1 (Mixed Use). The 2009 Master Plan Section 5CC Huebner Road Corridor addresses B-2 (Retail) noting that vacant B-2 should be considered for rezoning as prescribed by the Canterfield neighborhood matrix. |
| **Staff Comments:** | 1) Rezoning to residential zoning types is noted in the Master Plan. However, by land use comparison B-2 (Retail) zoning is consistent with the area and is compatible with the existing B-1 (Small Business) and R-1 (Single-Family). This is demonstrated with the existing and adjacent B-2 (Retail) of the Church of Latter Day Saints and the Department of Public Safety Mega Center, as well as the corner of Evers Road and Huebner Road and surrounding neighborhoods. B-2 (Retail) is intended to abut residential as well as act as a buffer.  
2) B-1 (Small Business) zoning does not allow outside storage and limits the buildable area of a building to 3,000 square feet. B-1 (Small Business) is mostly designed for office and very light service and retail business. B-2 (Retail) zoning limits outside storage but does not limit the buildable area of a building. Both zoning districts are intended to provide goods, services however B-2 (Retail) gives more alternatives for permitted uses and buildable area.  
3) Per Chapter 14 Zoning, Section 14.02.551b, of the Leon Valley Code of Ordinances the applicant submitted a Traffic Impact Analysis Worksheet which indicated that the proposed use will generate less than 100 peak hour trips. |
Letters Mailed and Responses Received from Property Owners within 200-ft

16 Mailed  1 In Favor  1 Opposed
  0 Returned, unable to deliver

TOTAL RECEIVED 2 as of April 8, 2013

ZONING COMMISSION RECOMMENDATION
March 26, 2013, the Zoning Commission Recommended, by a vote of 5-2 to DENY rezoning from B-1 (Small Business) to B-2 (Retail) noting that it does not protect the property rights of owners of real property.

Attachments:
1) application
2) land use statement
3) location map
4) zoning map
5) exhibit of proposed zoning
6) B-1 & B-2 Regulations
7) letters
Supporting Documents

- Application
- Letter of Request
- Location Map
- Zoning Map
- Exhibit of Proposed Zoning
- Letters Received
ZONING APPLICATION FORM

Personal Information
Name of Applicant: Dirt Dealers V LLC
Address: 18618 Tuscan St, 210, 5 A, TX 78258
Phone No: Home __ Work (210) 496-7775 Fax (210) 496-3282
Status (check one): Owner ☑ Agent (if agent, attach notarized Letter of Authorization)

Property Description
Address: Hutchner Rd.
Legal Description: C 84445 R-29G A85241
Current Zoning: B1 Requested Zoning: B2
Existing Property Use or State None: None
Acreage and/or Square Footage: 1.709 Acres
Does owner own adjacent property? Yes ☑ No □
List Existing Structures: None
and/or
Existing Uses: None

I hereby certify that I have read and examined this application and the attached
instruction sheet and know the information I have provided to be true and correct. All
provisions of laws and ordinances governing this application will be complied with
whether specified herein or not. The granting of a zoning change does not presume to
give authority to violate or cancel the provisions of any other state or local law regulating
the use of the property.

Signature of Applicant 3-4-13
Date

BEFORE ME, A Notary Public in and for the County of Bexar, Texas, on this date personally
appeared Brett Baillio (Applicant) who duly states that all facts on this
application are true to the best of his/her knowledge.

SWORN TO and SUBSCRIBED before me this 4th day of March, 2013.

Notary Public, Bexar County, Texas
My Commission expires: 5/11/2015

J.A. SAUCEDO JR.
Notary Public, Bexar County, Texas
My Commission expires: 5/11/2015

6400 El Verde Road, Leon Valley, Texas 78228
March 4, 2013

RE: LAND USE STATEMENT.

The owner is requesting a change of zoning from B1 to B2. The owner is requesting a re-zoning of a part of P-29G CB 4445. He would like to be able to build on office building larger than 3000 square foot, and to be allowed the land uses outlined in a B2 zoning.

This request will not substantially or permanently injure the property rights of the owners of all real property affected by the proposed change in zoning.

This request does not adversely affect the health, safety, and welfare of the general public. This project will be developing a vacant piece of property in accordance with the City of Leon Valley Unified Development Code.

Sincerely

J. A. Saucedo Jr.
Principal
Zoning Case #2013-390
A Request to Rezone Approximately 1.709 acres of Land from B-1 (Small Business) to B-2 (Retail) at 7430 Huebner Road
Sec. 14.02.320  "B-1" small business district

(a)  Purpose.

(1)  The B-1 district is composed of land and structures occupied or suitable for such uses as offices, light service, and light retail. B-1 uses are usually located between residential areas and business areas, and there is no outside storage allowed. The district regulations implement the policies of the master plan by 1) protecting and encouraging the transitional character of certain areas by permitting a limited group of uses of an office, service or retail nature to provide goods and services to surrounding residential districts; and 2) protecting surrounding districts by requiring certain minimum yard and area standard requirements that are compatible with those essential in residential districts.

(2)  A B-1 small business is a completely enclosed business not exceeding 3,000 square feet of gross floor area (GFA), where the primary use specifically meets one (1) or more of the following, and no ancillary use conflicts herewith:

(A)  A retail facility for the purpose of the sale or lease of personal, novelty, or household items, not including the sale [of], appliances, firearms, vehicles, vehicle parts, or wholesale items;

(B)  A repair facility for the purpose of repair or maintenance of personal, novelty, or household items, not including vehicles, machinery, or appliances;

(C)  A service facility for the purpose of providing a service to surrounding districts, but not including vehicle, cremation, embalming, or any service in which there may be disposal, storage, or use of any federally or state regulated chemical, even if incidental to the primary use.

(D)  Professional offices.

(E)  Low density residential uses are allowed in B-1 (small business) districts.

(b)  Height, area and lot regulations.

(1)  Structures. Every building hereafter erected shall be located on a lot as herein defined and in no case shall there be more than one (1) building on one (1) lot in the "R-1," "R-2" or "B-1" districts, or as
otherwise provided herein, and in no case shall any building be hereby erected on more than one (1) lot.

(2) **Lot area.** There shall be a minimum area of 8400 square feet.

(3) **Lot frontage.** There shall be a minimum frontage of 70 feet along a public right-of-way.

(4) **Minimum depth.** There shall be a minimum of 120 feet.

(5) **Floor space.** A minimum floor space of 1200 square feet of heated living space shall be provided in each one-story structure and 1400 square feet for each two-story structure. In no case shall there be any structure with over 3000 square feet in the B-1 district.

(6) **Masonry required.** A minimum of 75% of total overall exterior walls shall be constructed of masonry, or other similar noncombustible materials.

(7) **Height.** There shall be a maximum of two and one-half (2-1/2) stories allowed.

(d) **Setback requirements.**

(1) **Front yard.** There shall be a front yard having a minimum of twenty-five (25) feet from the front property line to the structure.

(2) **Rear yard.** There shall be a rear yard of not less than thirty (30) feet from rear property line to rear of main structure.

(3) **Side yard.** There shall be a side yard of not less than ten (10) feet from side property line to structure.

(4) **Corner lot.** Where lots abut on two (2) intersecting or intercepting streets, where the interior angle of intersection or interception does not exceed 135 degrees, a side yard shall be provided on the street side equal to the front yard.

(5) **Reverse frontage.** On corner lots, where interior lots have been platted or sold, fronting on the side street, a side yard shall be provided on the street side equal to the front yard on the lots in the rear. No accessory building on said corner lot shall project beyond the front line of the lots in the rear.

(6) **Accessory buildings.** Shall be allowed, but shall be located no closer than 5 feet from any property line, and must be located in the
rear yard. In no case shall an accessory building occupy more than 25% of the total open space in the rear yard.

(7) **Landscaping.** The use of drought tolerant turf grasses, such as zoysia or buffalo tif or combination, or other drought tolerant plantings and hardscape is strongly recommended. Landscaping shall consist of twenty percent (20%) of the street yard. Refer to division 9 of this article, “Landscaping,” for other regulations regarding site landscaping requirements.

(8) **Lighting.** All outdoor lighting shall be hooded and all light emissions shielded, and shall be oriented such that light is directed towards the property and does not trespass onto surrounding properties. Lighting facilities shall be arranged so as to reflect the illumination away from any residentially zoned property. All lighting facilities shall be placed, masked or otherwise arranged such that illumination or glare shall not create a hazard to motorists on any street, alley or other public way. Lights affixed to the buildings shall be mounted no higher than the eaves of said building. Lights affixed to a pole shall be mounted no higher than 40% of the distance from the front property line to the main structure.

(9) **Nonconforming structures.** The provisions of floor space and masonry above shall not be applicable to nonconforming structures in existence on the date of the adoption thereof or to structures built hereafter on the same lot to replace such nonconforming structures as may be destroyed by fire, windstorm or other involuntary cause.

(10) **Parking.** Refer to parking table and site requirements.

(11) **Public facilities.** Each lot shall be connected to the city's public water and sewer system, and shall have appropriate sidewalks and fire protection. See article 10.02 (subdivision ordinance).

(12) **Outside storage.** There shall be no outside display or storage of any retail merchandise, equipment, or other business related items, all business activities must be conducted within an enclosed structure, there shall be no outside service or repair of any kind or nature, and there shall be no outside entertainment.
Figure 10 (B-1 Small Business)
Sec. 14.02.321  "B-2" retail district

(a) Purpose and description.

(1) The B-2 district is composed of land and structures occupied by or suitable for the furnishing of retail goods and services to surrounding residential areas. The B-2 district is intended to allow a limited amount of outside storage of retail merchandise. The district regulations implement the policies of the master plan by 1) promoting the offering of goods and services which are appropriate for surrounding business districts; 2) protecting surrounding residential districts by requiring certain minimum yard and area standards are met; 3) encouraging economic viability and stability within the city.

(2) A general description of a "B-2" retail use is a business where the primary use specifically meets one (1) or more of the following, and no ancillary use conflicts herewith:

(A) A retail facility the purpose of which is the sale or lease of personal, novelty, food, alcohol or household items, not including the sale or lease of vehicles, firearms, or wholesale items, with incidental alcohol consumption allowed on-site;

(B) A repair facility the purpose of which is the repair or maintenance of personal, novelty, or household items, including minor appliances, but not including vehicles, machinery or major appliances; and/or

(C) A service facility the purpose of which is providing a service to surrounding districts, including food services if incidental to the primary use, but not including vehicle, cremation, embalming, or any service in which there may be disposal, storage, or use of any federally or state regulated chemical, even if incidental to the primary use.

(b) Outside storage regulations.

(1) There shall be no outside storage of any retail or nonretail merchandise, equipment, or other business related items, specifically including six (6) or more business related vehicles and/or any customer vehicles which remain on the property beyond the normal business hours of operation.

(2) A limited amount of outside display is allowed in the B-2 district, including display of plants for sale, display of lawn furnishings for sale, and occasional display of new goods for sale. These items are to be on
display for retail purposes only, and shall only be displayed at such
times as the store is actually open for business;

(3) There shall be no outside service or repair allowed in the B-2
district, except for food services, and alcohol services if ancillary to
food services, but these must meet the requirements of article 3.05 of
the Leon Valley City Code regarding screening requirements.

(c) **Height, area and lot requirements.**

(1) **Lot area.** There shall be a minimum area of 9,000 square feet.

(2) **Lot frontage.** There shall be a minimum frontage of 70 feet along
a public right-of-way.

(3) **Minimum depth.** There shall be a minimum of 130 feet.

(4) **Masonry required.** None.

(5) **Height.** There shall be a maximum of three (3) stories allowed.

(d) **Setback requirements.**

(1) **Front yard.** There shall be a front yard having a minimum of 25
feet from the front property line to the structure.

(2) **Rear yard.** None, except in those instances where the retail lot
adjoins residential zoning to the rear, a rear yard of twenty-five (25)
feet or twenty percent (20%) of the average depth of the lot (whichever
is less) shall be provided. In both cases, if the two (2) districts are
separated by an alley, said alley is not to be used for purposes of
calculating the required setback and the building setbacks are required
as if the lots adjoined the residential zoning district.

(3) **Side yard.** None, except in those instances where the property
adjoins a residential property to the side, then a side yard of twenty
(20) feet shall be provided.

(4) **Corner lot.** Where lots abut on two (2) intersecting or intercepting
streets, where the interior angle of intersection or interception does not
exceed 135 degrees, a side yard shall be provided on the street side of
twenty (20) feet.

(5) **Landscaping.** The use of drought tolerant turf grasses, such as
zoysia or buffalo tif or combination, or other drought tolerant plantings
and hardscape is strongly recommended. Landscaping shall consist of
twenty percent (20%) of the street yard. Refer to landscaping section [division 9 of this article] for other regulations regarding site landscaping requirements.

(6) **Lighting.** All outdoor lighting shall be hooded and all light emissions shielded, and shall be oriented such that light is directed towards the property and does not trespass onto surrounding properties. Lighting facilities shall be arranged so as to reflect the illumination away from any residentially zoned property. All lighting facilities shall be placed, masked or otherwise arranged such that illumination or glare shall not create a hazard to motorists on any street, alley or other public way.

(7) **Parking.** Refer to parking table for site parking requirements.

(8) **Public facilities.** Each lot shall be connected to the city’s public water and sewer system, and shall have appropriate sidewalks and fire protection. See article 10.02 (subdivision ordinance).

(9) **Nonconforming structures.** The provisions of floor space and masonry above shall not be applicable to nonconforming structures in existence on the date of the adoption thereof or to structures built hereafter on the same lot to replace such nonconforming structures as may be destroyed by fire, windstorm or other involuntary cause.
Figure 11 (B-2 Retail)
Letter Opposed
Within 200-feet = 1

Letter in Favor
Within 200-feet = 1

2 total letters
Leon Valley

Zoning case no. ZC 2013-390  Opposed zoning change

I, Roland Perez reside at 6534 Hoofs Lane I am opposed to any additional zoning change ie. B2 (retail). B2 retail will add to the traffic congestion which already exists on Huebner road. Additionally the noise from sanitation companies picking up dumpsters several times a week will create a public nuisance.
April 8, 2013

City of Leon Valley
C/o Kristie Flores
6400 El Verde Road
Leon Valley, TX 78238

RE: Zoning Case #2013 - 390

Dear Mayor and Council,

As a property owner within 200-feet of the property in question, I support the approval of the rezoning request referenced above. Thank you.

Sincerely,

Matt Baillio – Partner - Broker
Dirtdealers dba First American Commercial Property Group
Zoning Case #2013-390 (Dirt Dealers V) PowerPoint Presentation
City of Leon Valley
City Council

Public Hearing
April 16, 2013

Zoning Case # 2013-390
Request and Location

• Request by Dirt Dealers V, LLC, Applicant and Property Owner
• To rezone approximately 1.709 acres from B-1 (Small Business) to and B-2 (Retail)
• 7430 Huebner Road
History

• 1985 – 6.8 acres is rezoned from R-1 (Single-Family Dwelling) to B-1 (Small Business)

• 1991 – a request is denied to rezone 12.86 acres of land from B-1 (Small Business) and B-2 (Retail) to R-3 (Multiple-Family Dwelling)
2009 Comprehensive Master Plan
Section 7N Canterfield Area

Addresses the area in general:

• undeveloped land in the area may be considered for low density residential zoning or mixed use.

Staff Comments

• By land use comparison B-2 (Retail) zoning is consistent with the area and is compatible with the existing B-1 (Small Business) and R-1 (Single-Family).
Staff Comments

• B-2 (Retail) is intended to abut residential as well as act as a buffer.
• B-1 (Small Business) zoning does not allow outside storage and limits the buildable area of a building to 3,000 square feet. B-2 (Retail) zoning limits outside storage but does not limit the buildable area of a building.

Staff Comments

• Per Chapter 14, the applicant submitted a Traffic Impact Analysis Worksheet which indicated that the proposed use will generate less than 100.
Property Owner’s within 200-feet

• 16 Letters Mailed to Property Owners
• 1 Received in FAVOR
• 1 Received in OPPOSITION
• 0 Returned UNDELIVERABLE

Zoning Commission Recommendation

On March 26, 2013, the Zoning Commission Recommended, by a vote of 5-2 to DENY rezoning from B-1 to B-2 noting that it does not protect the property rights of owners of real property.
Conclusion

• Questions
  – Staff
  – Tony Saucedo or Roy Akiona, agents for the applicant
City of Leon Valley
City Council

Public Hearing
April 16, 2013
Agenda Item 16

MAYOR AND COUNCIL COMMUNICATION

DATE: April 16, 2013
M&C: # 04-11-13

TO: MAYOR AND CITY COUNCIL

SUBJECT: CONDUCT A PUBLIC HEARING TO CONSIDER SPECIFIC USE PERMIT #2013-271, TO ALLOW OPERATION OF A “KENNEL,” GENERALLY LOCATED AT 6737 POSS ROAD, IN A B-3 (COMMERCIAL) ZONING DISTRICT WITHIN THE SUSTAINABILITY OVERLAY

PURPOSE
Specific Use Permit #2013-271 is a request by Jonathan King, to operate a “Kennel” at the above noted location within a B-3 (Commercial) zoning district in the Sustainability Overlay District.

FISCAL IMPACT
The applicant paid a fee of $300 for consideration of this specific use permit application.

RECOMMENDATION
On March 26, 2013, the Zoning Commission recommended, by a vote of 6-1, to APPROVE the Specific Use Permit #2013-271 to operate a “Kennel,” noting it protects property rights of owners of real property.

S.E.E IMPACT STATEMENT
Social Equity – Approval of the Specific Use permit encourages the applicant to become part of the City and provide superior services to the community and other patrons.
Environmental Stewardship – the site is remaining the same. The environment will not be adversely affected.
Economic Development – Animal training and kenneling provides a service to Leon Valley residents and visitors and generates sales tax.

APPROVED:___________________ DISAPPROVED:_______________

APPROVED WITH THE FOLLOWING COMMENTS:______________________________
____________________________________________________________________

ATTEST:

_________________________

Janie Willman, City Secretary
The regular meeting of the Leon Valley Zoning Commission convened at 6:30 p.m. on Tuesday, March 26, 2013, in City Council Chambers at 6400 El Verde Road, Leon Valley, Texas.

I. Roll Call

Present were Chairman Claude Guerra III, 1st Vice-Chair Wendy Phelps, 2nd Vice-Chair Olen Yarnell, and Members Hal Burnside, Mike Davis Jr., Pedro Esquivel and Alternate Members Phyllis McMillan, Nicole Monsibais and Carlos Fernandez. Absent and excused was Member Carmen Sanchez. Also present was Kristie Flores, Director of Community Development, acting as recording secretary.

In the absence of regular Commission Member Carmen Sanchez; Alternate Member Phyllis McMillan was seated as a voting member.

Also available for the questions was contracted engineer for the City, Sia Sayyadi, P.E.

II. Approval of Minutes – February 26, 2013

Commissioner Pedro Esquivel made a motion to approve the minutes as written. Commissioner Phyllis McMillan seconded the motion, and the motion passed unanimously by voice vote.

III. Conduct a Public Hearing and Consider Zoning Case #2013-389, a Request by Ernesto Ancira, Jr., to Rezone Approximately 6.38 acres of land, Being Lots 4 and 5, Block 1, CB 4429F, of the Ancira-Winton Subdivision, from R-4 (Townhouse) and B-2 (Retail) to B-3 (Commercial) and to Rezone the Property from the Sustainability Overlay to the Commercial/Industrial Overlay, located at 6111 Bandera Road and 5901 Wurzbach Road.

Staff presented the Zoning Case #2013-389, a request by Ernest Ancira Jr., applicant and property owner to rezone approximately 6.38 acres of land, being Lots 4 and 5, Block 1, CB 4429F, of the Ancira-Winton Subdivision, from R-4 (Townhouse) and B-2 (Retail) to B-3 (Commercial) and to rezone the property from the Sustainability Overlay to the Commercial/Industrial Overlay, located at 6111 Bandera Road and 5901 Wurzbach Road. Staff noted the surrounding zoning and the history of the property which indicated that it had slowly rezoned from residential to retail and then to commercial between 1972 and 1998. Staff also noted that the 2009 Master Plan, Section 2aCC, “Bandera Road/Loop 410 Corridor,” addressed the area in general noting that zoning in the area consisted mostly of B-2 (Retail) and B-3 (Commercial) and that any B-3 (Commercial) which abuts residential must provide adequate and effective buffering. Staff explained that as a basic planning principle B-3 (Commercial) is not intended to abut R-1 (Single-Family Dwelling), but noted that if commercial zoning is allowed an eight (8) foot fence is required between commercial and residential properties. Staff further explained that other buffering techniques, such as landscaping may also be considered to guard against potential light and noise intrusion. Staff indicated that B-3 (Commercial) zoning is consistent with the adjacent B-2 (Retail) and B-3 (Commercial) zoning which already made up a large area which is platted and developed along Bandera Road and Wurzbach Road. Staff
further indicated that per Chapter 14 Zoning, Section 14.02.551b, of the Leon Valley Code of Ordinances the applicant submitted a Traffic Impact Analysis Worksheet which indicated that the proposed use will generate less than 100 peak hour trips. Staff noted that twenty-eight (28) letters had been mailed to property owners within 200-feet and that two (2) letters were received in opposition to the request, ten (10) letters were received in favor, and one (1) letter was returned undeliverable. Staff also noted that two (2) letters were received in favor outside the 200-foot notification area. Staff presented pictures of the site, concluded the presentation and remained available for questions.

Commissioner Mike Davis Jr., asked staff if there was a utility easement along the property line, staff verified from the plat that there were drainage and sanitary sewer easements. Sia Sayyadi, P.E. addressed the Commission and noted that there is was also a waterline that has also been extended from Wurzbach Road. He explained that there was need for more water easements because the waterline dead ends and the Fire Department presently has to clean out that section of the water line to mitigate hazards, thus the City has approached Ancira about additional easements to clear up these concerns. Mr. Sayyadi did confirm that there are utility easements along Rue Liliane for homes. He also pointed to an area in the middle section of the property that was not builable due to being in the FEMA floodway.

Commissioner Hal Burnside noted that the area where the drainage culvert is paved and was concerned with which way the water would flow. Mr. Sayyadi noted that it would flow towards Wurzbach Road.

2nd Vice-Chair Olen Yarnell asked the engineer if a large portion of the area which was grass/field could have a building on it. Mr. Sayyadi noted it could not, but may have pavement on it for parking cars. Mr. Sayyadi noted that there was a building proposed for the site that would be like the newly constructed Volkswagen dealership, that would front along Bandera Road.

Commissioner Mike Davis Jr., noted that with the new building, then the area nearest the residents would be to park vehicles.

Joey Blackmon, the agent for the applicant, 6111 Bandera Road, addressed the Commission and noted that he has worked with Mr. Ancira for 38 years. He explained that Mr. Ancira was committed to in staying in Leon Valley, so much so that he invested $10 million into the existing Chevrolet and Ancira Volkswagen and he convinced Kia to make Leon Valley their home as well. He noted that $5 million would be invested into a new Kia facility on 6 acres. Mr. Blackmon explained that they met with neighbors at a series of meetings to discuss concerns and alternatives. He noted that Ancira committed to neighbors to construct a concrete, eight foot (8’) fence immediately inside the dealership property line. He also noted that they committed to keeping trees, a 15-foot buffer from the fence line to keep drainage away from the fence, as well as to keep cars away from the fence. He concluded by noting that Ancira wanted to grow their business which would benefit Leon Valley from their new building construction and from the sales tax generated from their parts and services.

2nd Vice-Chair Olen Yarnell asked for clarification regarding the proposed fence. Mr. Blackmon noted that they committed to neighbors to construct the fence from Bandera Road all the way to Wurzbach Road.
Commissioner Hal Burnside asked Mr. Blackmon for clarification regarding the property buffer between the fence and start of the dealership. Mr. Blackmon noted that they would landscape between the back fence and would curb the area 15-feet away for new parking car display and inventory.

Commissioner Hal Burnside asked about security lighting along the 15-foot buffer zone. Chairman Claude Guerra III also noted the lighting he observed upon the site visit. Mr. Blackmon noted that the lighting would be directional; pointing down or away from residents.

Chairman Claude Guerra III also asked staff about the heritage size trees he saw on the property. Staff noted that they cannot be removed.

2nd Vice-Chair Olen Yarnell asked what the surface of the fence would look like. Mr. Blackmon noted that it would be Fence Crete and would have a decorate look rather than just being a solid concrete fence.

Chairman Claude Guerra III asked what the parking area would be made of. Mr. Blackmon noted it would be asphalt.

Being no further discussion, Chairman Claude Guerra III opened the public hearing at 7:07 p.m.

John and Margie Phelan, 6100 Rue Liliane, addressed the Commission and noted that their concerns were with drainage, loud speaker from the dealership, trees and lighting and they noted that many of their questions were answered in the discussion.

Eluterio Toscano, 6010 Rue Liliane, addressed the Commission noting that his questions were addressed by Mr. Blackmon. Mr. Toscano also answered Commissioner Mike Davis, Jr.’s question regarding the location of the utilities noting that they were in the front of the property along Rue Liliane. He noted his support of Ancira’s commercial growth.

Commissioner Mike Davis, Jr., noted that his concern was for residential properties along the adjacent property line and that is why he asked about the utility easement.

Being no further discussion, the public hearing was closed at 7:14p.m.

2nd Vice-Chair Olen Yarnell noted that the request appeared to solve many concerns surrounding the property. He also noted that questions regarding trees, building location, fencing and lighting had been answered.

Chairman Claude Guerra III noted that all of his questions were answered regarding fencing, lighting and trees and that the Commission members and those in attendance were now aware that a building could not be built within that portion of the property that is in the floodway. He additionally noted that a precedent had been set with the Fiesta Dodge property across the street and the boundary was changed from the Sustainability Overlay to the Commercial/ Industrial Overlay which was similar to the request at hand.

Vice-Chair Wendy Phelps made a motion to recommend approval of Zoning Case #2013-389, to include both rezoning requests to rezone from R-4 (Townhouse) and B-2 (Retail) to B-3 (Commercial)
and to rezone to the Commercial/Industrial Overlay Zoning District noting that the requests were consistent and compatible with the Master Plan. 2nd Vice Chair Olen Yarnell seconded the motion and the motion passed unanimously by voice vote, 7-0.

IV. Consider Zoning Case #2013-390, a Request by Dirt Dealer V., LLC., to Rezone Approximately 1.709 acres of land, Being a Portion of Parcel 29G, ABS 741, CB 4445, Murchison Remainder Tract, from B-1 (Small Business) to B-2, located at 7430 Huebner Road.

Staff presented the Zoning Case #2013-390, a request by Dirt Dealer V., LLC., to rezone approximately 1.709 acres of land, being a portion of Parcel 29G, ABS 741, CB 4445, Murchison Remainder Tract, from B-1 (Small Business) to B-2 (Retail), located at 7430 Huebner Road. Staff noted the surrounding zoning and the history of the property which indicated that it had been rezoned in 1985 from R-1 (Single-Family) to B-1 (Small Business). Staff also noted that the 2009 Master Plan, Section 7N, “Canterfield Area,” addressed the area in general noting residential zoning and mixed use zoning. Staff explained that by land use comparison B-2 (Retail) zoning is consistent with the area and is compatible with the existing B-1 (Small Business) and R-1 (Single-Family). Staff further explained that this is demonstrated by the existing and adjacent B-2 (Retail) of the Church of Latter Day Saints and the Department of Public Safety Mega Center, as well as the corner of Evers Road and Huebner Road and surrounding neighborhoods. Staff noted that B-2 (Retail) is intended to abut residential and act as a buffer. Staff also noted that B-1 (Small Business) zoning does not allow outside storage and limits the buildable area of a building to 3,000 square feet. Staff indicated that B-1 (Small Business) is mostly designed for office and very light service and retail business. Staff also indicated that B-2 (Retail) zoning limits outside storage but does not limit the buildable area of a building; however, both zoning districts are intended to provide goods, services however B-2 (Retail) gives more alternatives for permitted uses and buildable area. Staff noted that per Chapter 14 Zoning, Section 14.02.551b, of the Leon Valley Code of Ordinances the applicant submitted a Traffic Impact Analysis Worksheet which indicated that the proposed use will generate less than 100 peak hour trips. Staff noted that sixteen (16) letters had been mailed to property owners within 200-feet and that one (1) letter were received in opposition to the request, none were received in favor, and none were returned undeliverable. Staff presented pictures of the site, concluded the presentation and remained available for questions.

Chairman Claude Guerra III asked for clarification as to the City well site in relation to the proposed rezoning. Staff and the engineer Sia Sayyadi indicated the location of the well on the site plan. Staff also indicated that the well site is protected by a 150-foot boundary by law for well systems.

Commissioner Pedro Esquivel asked Staff about preservation of the silos on site. He noted that there had been discussion at a Council meeting about preserving them. Staff noted that in speaking to the representatives for the property they indicated that they were will to work with the City in regard to the silos. Staff further noted that there was not presently a definitive plan for the silos.

Chairman Claude Guerra III asked for clarification regarding development and the City well site. Mr. Sayyadi noted that there would need to be a sanitary controlled easement, meaning that developers cannot store chemicals onsite. Staff noted that more than likely the only thing located within the 150-feet would be parking. Mr. Sayyadi noted additional property limitations due to the
main water line, drainage requirements, tree preservation and a needed detention pond.

Vice-Chair Wendy Phelps asked if the site was going to be utilized for the storage of bulldozers. Staff indicated that there was not a building plan. Staff also noted that the developer wants to build a building bigger than 3,000 square feet. Chairman Claude Guerra III noted that it was an office building.

2nd Vice Chair Olen Yarnell asked if the dotted line on the site plan was the well site. Staff indicated that it was and that the long road leading from Huebner was the access easement. 2nd Vice Chair Yarnell noted that the water tower had been moved over by Marshall High School for higher elevation and well site remained. Staff noted that was accurate. 2nd Vice-Chair Olen Yarnell also asked for further clarification on the site plan to the rear of the property and staff indicated that it was the area where there was drainage and a natural tree line. Mr. Yarnell noted that it appeared that only the B-2 (Retail) portion of the property would be built on. Staff noted that the B-1 (Small Business) portion of the property would have a detention pond and did have the potential to have a 3,000 square foot building limited by B-1 regulations and uses.

Commissioner Burnside noted that there appeared to be constraints on the property, which prompted the owner to try to use the portion they are requesting for rezoning.

Commissioner Pedro Esquivel noted that there has been considerable discussion on the traffic impact by Council in regard to Huebner and Evers and the affect of the DPS Facility. Mr. Esquivel wanted to be sure that the traffic impact for this project was being considered in addition to what was already being studied. Staff noted that the traffic impact would be considered and City Staff and the property owner and potential developers were aware or would be made aware of the impact. Staff noted that the focus for the evening needed to be whether B-2 (Retail) was consistent and compatible with the Master Plan and surrounding zoning, not a particular use. Mr. Esquivel reiterated that he just wanted to make sure that traffic and school zones were measured.

Sia Sayyadi noted that the property as B-1 (Small Business) could be platted into several lots with 3,000 square foot buildings, with necessary parking, site plans and driveways. Staff noted that if the property was platted separately State law required access to each site with proper utility development. Mr. Sayyadi noted that the property owner was trying to make the best use of the property from that site as B-2 (Retail) with only one (1) building.

Tony Saucedo, agent for the applicant, addressed the Commission and noted that he did not have any addition information to add and would remain available for questions.

Chairman Claude Guerra III noted that the Land Use Statement stated that they wanted to construct an “office” building larger than 3,000 square feet but then went on to note that the letter stated that they wanted to rezone to utilize other uses within the B-2 (Retail) zoning district. Chairman Claude Guerra III felt that this was contradictory to his first statement in the letter. Mr. Saucedo noted that he did not know what the use of the property would be until after they had a buyer for the property. He also noted that they needed to maintain the access easement and wanted to preserve the remaining trees. He further explained that they would be limited by how much parking is required for the use as to what type and size of building would be constructed.

Staff noted that the property was also protected by the Sustainability Overlay regulations.
Chairman Claude Guerra III noted that his concern is based on the controversy with the neighboring DPS Office. Commissioner Pedro Esquivel agreed that the statement that rezoning was being requested to construct an office building was misleading. He explained that if it was not going to be an office building as stated and something else from the B-2 (Retail) then it should have remained ambiguous on the application.

Staff noted that the applicant has expressed that they would like to build an office building larger than 3,000 square feet; however, staff also noted that the Commission needed to be aware that the applicant did not have to build an office building and if the property was rezoned to B-2 (Retail) it could be another type of building such as retail. Staff commented that the matter at hand was whether B-2 (Retail) was consistent and compatible with the Master Plan and surrounding zoning.

Commissioner Mike Davis Jr., noted that he had no issue with the current zoning of B-1 (Small Business). He also noted that the property owner should have known what the property was zoned when they purchased it and what uses were allowed.

Commissioner Hal Burnside asked Staff if parking could be built on the B-1 portion. Staff noted it could.

2nd Vice Chair Olen Yarnell noted that there is always a chance that the developer may not do as they may have noted in an application or the plans fall through all together.

Commissioner Mike Davis Jr., noted that the area has a great deal of sensitivity and a concept for the site would be helpful. Mr. Saucedo noted that they were not in that stage of planning for the property and were aware of the sensitivity in the area which is why they were maintaining the B-1 (Small Business) buffer to shelter the surrounding properties.

Per the Chairman’s request Staff read some of the uses allowed in B-2 (Retail) some of which were: alcoholic beverage sales (no on-premise consumption), alteration and apparel, animal clinic, antique store, appliance (minor), appliance repair, art gallery and other such uses.

Being no further discussion, Chairman Claude Guerra III opened the public hearing at 8:05p.m.

Roland Perez, 6534 Hoofs Lane, addressed the Commission and noted his opposition to the proposed rezoning noting addition concerns with traffic and noise from trash pick-up has he already experienced weekly from the pick-up at the Church. He explained that he was opposed to the original rezoning from R-1 to B-1, when neighbors were told that there would be a greenbelt and a fence. Mr. Perez noted that although promises were made by the developer when the request for B-1 (Small Business) was considered, they never followed through. Mr. Perez commented that he understood that the Commission needed to consider development that would bring revenue to the City but he did not want it to be at the cost of the residents who would have to endure light and noise pollution from whatever was developed.

Sandy Perez, 6534 Hoofs Lane, asked if there would be any buffer between them and the development. Staff noted that there was at least one hundred feet (100’) between them and the proposed development as well as the remaining B-1 (Small Business) buffering.
Being no further discussion, Claude Guerra III closed the public hearing at 8:10 p.m.

Chairman Claude Guerra III noted to Mr. Perez that the Zoning Commission’s responsibility was to make zoning recommendations on zoning cases, not for economic development.

2nd Vice-Chair Olen Yarnell noted that as long as the property remains vacant there will be zoning case considerations. He further explained that anytime anyone lives up again a property that is zoned anything other than residential this will always be something that they will need to deal with. He added that the owner was leaving the B-1 buffer

Commissioner Hal Burnside noted that he was concerned neighbors and gradual deterioration of the area based on the uses allowed in the B-2 (Retail) zoning.

Commissioner Phyllis McMillan noted that even if the property is not rezoned to B-2 (Retail) there could still be a building constructed on the B-1 (Small Business).

Staff noted there were development constraints on the property due to the well site and the required drainage. Mr. Sayyadi noted that the detention pond was estimated at $60,000. He further explained that the City might have a very active part in the installation in order to protect the well site.

2nd Vice-Chair Olen Yarnell asked how many 3,000 square foot building could be placed on the property. Mr. Sayyadi addressed the question and noted that with proper platting a rough estimate was fifteen (15) buildings because the total acreage of the B-1 (Small Business) is six (6) acres and 3,000 square feet is not very large.

Chairman Claude Guerra III reiterated that he felt that the letter submitted by the applicant was misleading and for that reason he had doubts and hesitancy about the rezoning.

Commissioner Pedro Esquivel made a motion recommending denial of Zoning Case #2013-390 noting that it does not protect the property rights of owners of real property. Vice-Chair Wendy Phelps seconded the motion and the motion passed 5-2.

IN FAVOR OF THE MOTION
Commissioner Hal Burnside
Commissioner Mike Davis Jr.
Commissioner Pedro Esquivel
Chairman Claude Guerra III
Vice-Chair Wendy Phelps

AGAINST THE MOTION
2nd Vice-Chair Olen Yarnell
Commissioner Phyllis McMillan

V. Consider Specific Use Permit Case #2013-271, a Request by Jonathan King, Applicant, to Operate a “Kennel,” in a B-3 (Commercial) zoning district within the Sustainability Overlay, Being Lot 56, Block 3, CB 5784, Leon valley Addition – Glass Service Subdivision, located at 6737 Poss Road, Building/Suite #300.
Staff presented the Specific Use Permit Case #2013-271, a request by Jonathan King, applicant to operate a “Kennel” in a B-3 (Commercial) zoning district within the Sustainability Overlay, being Lot 56, Block 3, CB 5784, Leon Valley Addition – Glass Service Subdivision, located at 6737 Poss Road, Building/Suite #300. Staff noted the surrounding zoning and the history of the property which indicated that there had been several Specific Use Permit requests for the buildings at 6737 Poss Road including: office/warehouse, church, and banquet hall. Staff also noted that the 2009 Master Plan, Section 4CC, “Grissom Road Corridor,” addressed the area in general noting B-3 (Commercial) zoning and consolidation of properties in the area. Staff explained that operation of a “kennel” appears to be consistent and compatible with the area. Staff further explained that the B-3 (Commercial) zoning district is designed to be more intense in nature and can include service facilities such as kennels to provide services to existing and surrounding districts. Staff went on to note that the B-3 district also allows outside display and storage of merchandise and limited outside services (such as dog runs). Staff also noted that although B-3 is not intended to abut R-1 (Single-Family) in some instances it does and this is one such occasion. Staff stated that there is a single-family home which fronts and accesses from Sawyer Road. Staff explained that where commercial does abut residential adequate and effective buffers are required. Staff further noted that there was an existing tree lined buffer on the residential side and a fencing buffer from the commercial side. Staff noted that per Chapter 14 Zoning, Section 14.02.551b, of the Leon Valley Code of Ordinances the applicant submitted a Traffic Impact Analysis Worksheet which indicated that the proposed use will generate less than 100 peak hour trips. Staff noted that six (6) letters had been mailed to property owners within 200-feet and no letters were received in opposition to the request, none were received in favor, and none were returned undeliverable. Staff presented pictures of the site, concluded the presentation and remained available for questions.

The leasing agent for the property addressed the Commission and noted a correction that Mr. King’s business would only be taking up 3,000 square feet of Building #2 not Building #3. She further explained that this was the rear of the building in the same space as the glass service building all of which are located at 6737 Poss Road.

Jonathan King, applicant, addressed the Commission and noted that he did not have any comments but was happy to answer questions.

Commissioner Phyllis McMillan thanked Mr. King for the thorough information he provided regarding kenneling.

Commissioner Hal Burnside asked for clarification on the on the dog to employee ratio. MR. King noted that if the facility was to capacity at thirty (30) dogs then two (2) employees would be required.

Chairman Guerra III asked if employees would stay overnight. Mr. King noted that they would not stay over night. Chairman Claude Guerra III also asked whether Mr. King has operated a kennel before. Mr. King noted that they have a facility in Junction, Texas. Chairman Claude Guerra III asked how Mr. King selected Leon Valley. Mr. King commented that he lived nearby and a good opportunity and location had presented themselves.

Commissioner Mike Davis Jr. asked Mr. King about whether there would be training outside. Mr. King noted that there would be no group training. He noted his business would provide private
training inside the building and there would be outings to local pet stores as well as going outside occasionally to train for distractions. Mr. King further explained that he would train the dog for 2-3 weeks and then after they are trained then a month and a half to two months.

Commissioner Pedro Esquivel asked if there would be a veterinarian on call. Mr. King noted during business hours he was going to approach Leon Valley Veterinary Services and he also noted that Southwest Animal Clinic on 1604 would be utilized after hours.

Chairman Claude Guerra III asked how long people leave their pets for boarding. Mr. King noted that the average is 4-5 days. Chairman Claude Guerra III asked who would handle all the feeding and watering. Mr. King noted that he and his staff would do all the feeding and watering.

Chairman Claude Guerra III noted that the building would be air conditioned. Mr. King noted that he would be installing an air conditioner because the building did not presently have one.

2nd Vice-Chair Olen Yarnell noted that the letter of request stated that parking would be utilized from the Poss Center and he asked whether parking was adequate because there had been a concern with an event center request that the Commission considered in the past. Mr. King noted that he only needed 4-5 parking spaces; staff noted that he was only required 12 spaces which the site provides.

Chairman Claude Guerra III asked about a sprinkler system. Mr. King noted that he spoke to Luis Valdez who noted that there would not need to be a sprinkler system for a 3,000 square foot space. Staff noted he would.

Commissioner Hal Burnside asked about barking and noise. Mr. King noted that the

Being no further discussion, Chairman Claude Guerra III opened the public hearing at 8:55 p.m., being no one in the audience to speak the public hearing was closed at 8:56 p.m.

2nd Vice-Chair Olen Yarnell asked what would happen if Mr. King’s business got bigger and he needed more space. Staff noted that he would have to be expanding by 50% or greater before he would have to come back to the Zoning Commission for further Specific Use consideration.

Commissioner Pedro Esquivel made a motion to recommend approval of Specific Use Permit Case #2013-271, for operation of a “kennel” in a B-3 (Commercial) zoning district within the Sustainability Overlay noting it protected the property rights of owners of real property. Vice Chair Wendy Phelps seconded the motion and the motion passed unanimously by voice vote, 6-1.

IN FAVOR OF THE MOTION
Commissioner Hal Burnside
Commissioner Pedro Esquivel
Chairman Claude Guerra III
Commissioner Phyllis McMillan
Vice-Chair Wendy Phelps
2nd Vice-Chair Olen Yarnell

AGAINST THE MOTION
Commissioner Mike Davis Jr.

IV. Executive Session in Accordance with the Texas Local Government Codes
There was neither item, nor action necessary for this session.

VII. Adjourn

2nd Vice-Chair Olen Yarnell, made a motion to adjourn, seconded by Commissioner Hal Burnside. The motion carried by voice vote and the meeting was adjourned at 9:02p.m.

___________________________
CHAIR

___________________________
STAFF
AN ORDINANCE

GRANTING A SPECIFIC USE PERMIT TO ALLOW OPERATION OF A “KENNEL,” IN A B-3 (COMMERCIAL) ZONED PROPERTY WITHIN THE SUSTAINABILITY OVERLAY, BEING LOT 58, BLOCK 3, CB 5784, CROSSWAYS-FLOYD SUBDIVISION, GENERALLY LOCATED AT 6737 POSS ROAD, IN THE CITY OF LEON VALLEY, UPON APPLICATION BY JONATHAN KING, APPLICANT

WHEREAS, Chapter 211 of the Vernon’s Local Government Code empowers a city to enact zoning regulations and provide for their administration, enforcement and amendment; and

WHEREAS, the City has previously deemed it necessary and desirable to adopt zoning regulations to provide for the orderly development of property within the City in order to promote the public health, safety, morals and general welfare of the residents of the City, and

WHEREAS, the Leon Valley Code of Ordinances Chapter 14 constitutes the City’s Zoning Regulations and requires property to be zoned in accordance with proper designations as defined by the City; and

WHEREAS, the Planning and Zoning Commission of the City of Leon Valley provided adequate notice and held a public hearing in accordance with Chapter 14 of the Leon Valley Code of Ordinances; and

WHEREAS, the Planning and Zoning Commission of the City of Leon Valley has recommended approval of the re-zoning of the designated properties and has confirmed that the re-zoning is uniform and conforms to the plan and design of the City of Leon Valley’s Zoning regulations and the City of Leon Valley Comprehensive Plan; and

WHEREAS, the City Council of the City of Leon Valley has also held a public hearing regarding the re-zoning on affected properties and has issued adequate notice to all the affected parties; and

WHEREAS, the City Council of the City of Leon Valley believes the re-zoning of affected properties will not adversely affect the character of the area of the neighborhood in which it is proposed to rezone; will not substantially depreciate the value of adjacent or nearby properties; will be in keeping with the spirit and intent of the City’s Zoning Ordinance; will comply with applicable standards of the district in which located; and will not adversely affect traffic, public health, public utilities, public safety and the general welfare of the residents of the City of Leon Valley;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, THAT:
1. A Specific Use Permit is granted allowing operation of a "Kennel," being Lot 58, Block 3, CB 5784, Crossways-Floyd Subdivision, a B-3 (Commercial) zoned property within the Sustainability Overlay Zoning District, located at 6737 Poss Road and particularly described in case file SUP 2013-271.

2. The City staff is hereby authorized to issue said Specific Use Permit when all conditions imposed by the City Council and as reflected in the Specific Use Permit Case No. 2013-271 have been complied with in full.

PASSED and APPROVED this the 16th day of April 2013.

________________________
Mayor

ATTEST:

________________________
City Secretary

APPROVED AS TO FORM:

________________________
City Attorney
Specific Use Permit Case #2013-271

Request by: Jonathan King

Operation of a Kennel
**CASE WORKSHEET (Page 1 of 1)**
Specific Use Permit Case No. 2013-271

<table>
<thead>
<tr>
<th>Applicant:</th>
<th>Jonathan King, applicant (att.1&amp;2).</th>
</tr>
</thead>
<tbody>
<tr>
<td>Request:</td>
<td>To allow operation of a “kennel,” in a B-3 (Commercial) zoning district within the Sustainability Overlay District (att.3).</td>
</tr>
<tr>
<td>Site:</td>
<td>Lot 58, Block 3, CB 5784, Crossways-Floyd Subdivision, generally located at 6737 Poss Road (att.1&amp;2).</td>
</tr>
<tr>
<td>Surrounding Zoning/Land Use:</td>
<td>Surrounding zoning consists of: To the north, developed and B-2 (Retail) and B-3 (Commercial) and undeveloped, landlocked R-1 (Single-Family); to south developed and undeveloped B-3 (Commercial); to the east, developed and undeveloped B-3 (Commercial); and to the west developed B-2 (Retail) B-3 (Commercial) and B-1 (Small Business) zoning (att. 4).</td>
</tr>
</tbody>
</table>
| History:  | ➢ 1985 – an SUP is granted for operation of an “office/warehouse”
➤ 1994 – a continuous SUP was requested for “automotive repair” case was withdrawn
➤ 2000 – an SUP was granted for operation of a “church”
➤ 2011 – an SUP was granted for operation of a “banquet hall” |
| Master Plan: | The 2009 Master Plan, Section 4CC, Grissom Road Corridor addresses in this area noting: (att. 6)
1) B-3 (Commercial) zoning
2) Consolidation of properties in the area |
| Staff Comments: | ➢ Operation of a “kennel” appears to be consistent and compatible with the area. The B-3 (Commercial) zoning district is designed to be more intense in nature and can include service facilities such as kennels to provide services to existing and surrounding districts. The B-3 district also allows outside display and storage of merchandise and limited outside services (such as dog runs).
➤ Although B-3 is not intended to abut R-1 (Single-Family) in some instances it does and this is one such occasion. There is a single-family home which fronts and accesses from Sawyer Road. Where commercial does abut residential adequate and effective buffers are required. There is a tree lined buffer on the residential side and a fencing buffer from the commercial side.
➤ Per Chapter 14, Section 14.02.551b, of the 2009 Leon Valley Code of Ordinances, the applicant submitted a Traffic Impact Analysis Worksheet indicating that the proposed use would generate less than 100 peak hour trips. |
| 200-Foot Property Owner Notification: | 6 Letters Mailed
0 In Favor
0 Opposed
0 Returned, unable to deliver
0 Total responses received as of April 8, 2013 |

**Attachments:**
1) Application
2) Design Statement
3) Location Map
4) Zoning Map
5) Site Plan
6) B-3 regulation
Supporting Documents

- Application
- Design Statement
- Location Map
- Zoning Map
- Site Plan
- B-3 regulations
Leon Valley
Texas

Specific Use Permit Application Form

(please print or type in black)

Personal Information

Name of Applicant: Jonathan King
Address: 8522 Rita Elena San Antonio TX 78250
Phone No: Home 611-428-4020 Work 825-466-3934 Fax 825-446-2984
Status (check one): ✔ Owner  □ Agent (if agent, attach notarized Letter of Authorization)

Property Description

Address: 6737 Poss Rd San Antonio TX 78238
Legal Description:
Current Zoning: 8-3
Proposed Use & Description: Dog Training and Boarding
Existing Property Use or State None: None
Acreage and/or Square Footage: 3000 SF
Does owner own adjacent property? ✔ Yes  □ No

Structure (check one): ✔ Addition to existing building -3000 sf  OR  □ New construction

I hereby certify that I have read and examined this application and the attached instruction sheet and know the information I have provided to be true and correct. All provisions of laws and ordinances governing this application will be complied with whether specified herein or not. I agree to be bound by, and to comply with any terms or conditions imposed by such permit. I further acknowledge that the granting of a Specific Use Permit does not presume to give authority to violate or cancel the provisions of any other state of local law regulating the use of the property.

Signature of Applicant  3-8-13

BEFORE ME, A Notary Public in and for Texas, on this date personally appeared Jonathan King (Applicant) who duly states that all facts on this application are true to the best of his/her knowledge.

SWORN TO and SUBSCRIBED before me this 8 day of March 2013.

Notary Public, Bexar County, Texas
My Commission expires: 12-09-13

6400 E Verde Road, Leon Valley, Texas 78238
Development Design Statement

The San Antonio Dog Training Company will be a dog training and boarding facility that will provide dog training and boarding services to dog owners in the greater San Antonio area. Training and boarding dogs will be housed in the kennel throughout the day and overnight. Private lessons will be conducted with dogs and their owners throughout business hours. The anticipated business hours are Monday through Friday from 7:30 AM to 6 PM, Saturday from 9 AM to 1 PM and Sunday from 3 PM to 5 PM. Business hours are defined as hours when customers will be present in the facility. Kennel hours are Monday through Sunday 7 AM to 9 PM. Kennel hours are defined as hours when dogs may be present outside the facility in the outdoor runs. Customer parking will be available in the already established parking areas in the Poss Center.

The kennel will contain a total of 20 dog runs inside and 4 dog runs outside. There will be 3 inside runs which will be classified as suites and will measure 5 feet wide by 8 feet long by 6 feet high. The other 17 inside runs will be classified as regular runs and will be 4 feet wide by 6 feet long by 6 feet high. It is anticipated that the maximum capacity will be up to 30 dogs during the busiest times of the year with an average of 10 dogs per day during other times. Each run will provide four solid walls with an opening on at least one side for each dog. The outside runs will provide an exercise area of sufficient size to allow running and sufficient fencing with locked gates for safety. The animals will be provided with daily food of sufficient quantity and quality to meet normal nutrient requirements, as well as fresh water that will be always available and kept in a removable, non-tipping vessel. The kennel will have central air and heating to provide the dogs with the optimal comfort level at all times. All dogs will be required to have up
to date Rabies, Distemper, DHPP and Bordetella vaccinations in order to provide a safe and healthy environment.

During kennel hours, all of the training and boarding dogs will be let out for play time and bathroom breaks anywhere from three to five times daily depending on the day of the week. Dog waste will be picked up after each bathroom break, disposed of in a waste disposal bag, then placed into plastic bags and finally into a waste dumpster in order to minimize any odors. Also, there will be synthetic grass present outside for use during bathroom breaks that will be disinfected and deodorized after each use which will neutralize odors. All dogs will be supervised while in the outdoor runs in order to minimize noise.

The kennel is anticipated to have a minimal impact on traffic in the surrounding area with only an estimate 5-7 trips during peak hours and a total of around 10 trips during one business day. The kennel will not perform any of the following functions: breeding dogs or cats that will be sold to the public, selling of dogs or cats wholesale, participate in the housing of rescue animals, participate in the housing of animals to be adopted, or participate in the housing of surrendered animals. The ratio of dogs/cats to full time employees will be approximately 15:1.
Below is an example of the anticipated look of the indoor runs with details on their construction:

FRP (fiberglass reinforced plastic) isolation panels resist scratching, staining, odor, and moisture

USDA Certified antimicrobial surface is easy to clean and sanitize

Aluminum framework is strong and rust-proof

Patented Sani-Slope floor sealing system adjusts to various floor slopes while maintaining a water tight seal between runs

Patent Pending Silvis Seal is available to provide long term, trouble free, barrier against cross contamination.

Available in 11 decorative colors and choice of stainless steel, galvanized steel, or polyethylene grid top section for proper airflow
The indoor runs will have tempered glass gates as follows:

Outer framework and latch consists of same as Stainless Steel Gate.

Glass panels shall be 1/4” tempered glass held in place by a semi-rigid PVC extrusion inset into the aluminum framework of 6063-T52 aluminum U-channel 3/4” x 3/4” x 1/8” thick. Panels shall be secured to the frame by means of stainless steel fasteners.
The inside of the kennel will contain rubber flooring as follows:

Anti-fatigue qualities reduce the amount of stress on the dog's joints, back and muscles as well as protecting the joints of the people playing or working with them.

Noise The sound absorbency of rubber flooring reduces the problem of noise. Rubber absorbs the sounds rather than reflecting it. In highly populated areas where people are sleeping or working during the day, reducing the sounds of Dogs barking is necessary. The sound is reduced greatly.

Maintenance Rubber mats are stain resistant and repel dirt well. It is easily maintained with a little routine care. The rubber mats can be cleaned with mild soap and water.
The outdoor runs and exercise area will have synthetic grass as follows:

Artificial turf can accommodate sustained use, even under environmental stresses, amounting to 8-12 times the annual use of a natural grass surface.

Even, consistent surface lends to fewer injuries over natural grass. All-rubber infill material softens impact, provides positive traction and a better, more consistent Gmax rating. About 40% fewer injuries observed in independent study.
Specific Use Permit Case #2013-271
Operation of a "Kennel" in a B-3 (Commercial) Zoning District within the Sustainability Overlay District at 6737 Poss Road
Specific Use Permit #2011-271
A Request by Jonathan King, Applicant, to Operate a "Kennel," at 6737 Poss Road
Utilizing only 3,000 ft² of Bldg. 2
Sec. 14.02.322  "B-3" commercial district

(a)  Purpose and description.

(1)  The B-3 district is composed of land and structures used to furnish commercial needs, wholesale services, and some light assembling of goods, in addition to most of the uses found in the B-2 district. The B-3 district regulations are designed to protect the character of the residential areas by regulating unenclosed activities or uses, which could intrude upon the lifestyle of the community through inappropriate lighting, noise, vibration, smoke, dust, or pollutants. The district regulations implement the policies of the master plan by 1) permitting the development of districts for the purpose of providing commercial and wholesale uses; 2) protecting surrounding and abutting areas by requiring certain minimum yard and area standards are met; and 3) encouraging economic viability and stability in the city.

(2)  A B-3 use is a business where the primary use specifically meets one (1) or more of the following, and no ancillary use conflicts herewith:

   (A)  A retail facility the purpose of which is the sale or lease of personal, novelty, food, household, or business items, including wholesale;

   (B)  A repair facility the purpose of which is the repair or maintenance of personal, novelty, or household items, including appliances and vehicles; and/or

   (C)  A service facility the purpose of which is providing a service to surrounding districts,

   (D)  Although it may occur in certain instances, it is not intended that the B-3 district abut R1, R-2, R-4 or R-6 districts.

(b)  Outside storage regulations.

(1)  Outside display of retail merchandise is allowed in a B-3 district.

(2)  Outside storage of retail merchandise is allowed in a B-3 district only if such merchandise is screened in accordance with article 3.05 of the Leon Valley City Code.

(3)  Outside storage of nonretail equipment, vehicles, including the vehicles of any customers which remain on the property beyond the normal hours of operation, or other business related items, or any
hazardous or toxic chemicals or substances shall be allowed in the B-3 district, only with a specific use permit.

(4) A limited amount of outside repair or service is allowed in the B-3 district, but only with a specific use permit, except that food services shall not require a specific use permit, however, they must meet the requirements of article 3.05 of the Leon Valley City Code regarding screening requirements.

(c) **Lot requirements.**

(1) **Lot area.** There shall be a minimum lot area of 9,100 square feet.

(2) **Lot frontage.** There shall be a minimum frontage of 70 feet along a public right-of-way.

(3) **Minimum depth.** There shall be a minimum of 130 feet.

(4) **Masonry required.** None.

(5) **Height.** None.

(d) **Setback requirements.**

(1) **Front yard.** There shall be a front yard having a minimum of 25 feet from the front property line to the structure.

(2) **Rear yard.** None, except in those instances where the retail lot adjoins residential zoning to the rear, a rear yard of twenty-five (25) feet or twenty percent (20%) of the average depth of the lot (whichever is less) shall be provided. In both cases, if the two (2) districts are separated by an alley, said alley is not to be used for purposes of calculating the required setback and the building setbacks are required as if the lots adjoined the residential zoning district.

(3) **Side yard.** None, except in those instances where the property adjoins a residential property to the side, then a side yard of twenty (20) feet shall be provided.

(4) **Corner lot.** Where lots abut on two (2) intersecting or intercepting streets, where the interior angle of intersection or interception does not exceed 135 degrees, a side yard shall be provided on the street side of twenty (20) feet.

(5) **Landscaping.** The use of drought tolerant turf grasses, such as zoysia or buffalo tif or combination, or other drought tolerant plantings
and hardscape is strongly recommended. Landscaping shall consist of twenty percent (20%) of the street yard. Refer to landscaping section [division 9 of this article] for other regulations regarding site landscaping requirements.

(6) **Lighting.** All outdoor lighting shall be hooded and all light emissions shielded, and shall be oriented such that light is directed towards the property and does not trespass onto surrounding properties. Lighting facilities shall be arranged so as to reflect the illumination away from any residentially zoned property. All lighting facilities shall be placed, masked or otherwise arranged such that illumination or glare shall not create a hazard to motorists on any street, alley or other public way.

(7) **Parking.** Refer to parking table for site parking requirements.

(8) **Public facilities.** Each lot shall be connected to the city's public water and sewer system, and shall have appropriate sidewalks and fire protection. See article 10.02 (subdivision ordinance).

(9) **Nonconforming structures.** The provisions of floor space and masonry above shall not be applicable to nonconforming structures in existence on the date of the adoption thereof or to structures built hereafter on the same lot to replace such nonconforming structures as may be destroyed by fire, windstorm or other involuntary cause.

Figure 12 (B-3 Commercial)
Specific Use Permit Case #2013-271 (proposed use - kennel)
City of Leon Valley
City Council

Public Hearing
April 16, 2013

Specific Use Permit
(SUP)#2013-271

Request by Jonathan King, applicant
Request

- Request for operation of a "Kennel," on a B-3 (Commercial) zoned property in the Sustainability Overlay
History

- 1985-SUP approved for “office/warehouse”
- 1994- a continuous SUP was requested for “auto repair” and was withdrawn
- 2000-SUP was approved for a “church”
- 2011-SUP approved for “banquet room”
Staff Comments

- The site plan meets the minimum requirements for this use
- Operation of a “kennel” appears to be consistent and compatible with the area.

Staff Comments

- The B-3 district also allows outside display and storage of merchandise and limited outside services (such as dog runs).
Staff Comments

• Although B-3 is not intended to abut R-1 (Single-Family) in some instances it does and this is one such occasion. There is a single-family home which fronts and accesses from Sawyer Road.

Staff Comments

• Where commercial does abut residential adequate and effective buffers are required.
Staff Comments

- Traffic Impact Analysis Worksheet indicated the proposed activity would generate less than 100 peak hour trips.
Notification within 200-ft

- 6 Letters Sent
- 0 Letter in FAVOR
- 0 Letters OPPOSED
- 0 Letter RETURNED UNDELIVERABLE
Conclusion

Questions
- Staff
- Jonathan King, applicant

City of Leon Valley
City Council

Public Hearing
April 16, 2013
# General Fund

<table>
<thead>
<tr>
<th></th>
<th>FY 2012-2013 BUDGET</th>
<th>FY 2012-2013 Y-T-D ACTUAL</th>
<th>FY 2011-2012 Y-T-D</th>
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<td><strong>REVENUE</strong></td>
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<td>Ad Valorem</td>
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- **Y-T-D** stands for Year-to-Date.
# Water and Sewer Fund

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<th>FY 2011-2012 Y-T-D</th>
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<td>$562,957 38.1%</td>
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<td>Miscellaneous</td>
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<td>7,403 15.2%</td>
<td>1,533 9.6%</td>
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<td>TOTAL REVENUE</td>
<td>$3,313,242 50.0%</td>
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<td>$1,291,946 41.7%</td>
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<table>
<thead>
<tr>
<th>EXPENDITURES</th>
<th>FY 2012-2013 BUDGET</th>
<th>FY 2012-2013 Y-T-D ACTUAL</th>
<th>FY 2011-2012 Y-T-D</th>
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<td>Business Office</td>
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## Community Center Fund

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<th>FY 2011-2012 Y-T-D</th>
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<td>Hotel/Motel Taxes</td>
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<td>Community Center</td>
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<td><strong>TOTAL REVENUE</strong></td>
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<td>$ 44,695 31.8%</td>
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<td>$134,714 50.0%</td>
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# Street Maintenance Sales Tax

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<tr>
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<th>Actual FY 2011</th>
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<th>Budget FY 2013</th>
<th>Actual FY 2013</th>
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<td>443,738</td>
<td>439,560</td>
<td>149,762</td>
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<td>TOTAL REVENUES</td>
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<td>443,738</td>
<td>439,560</td>
<td>149,762</td>
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<tr>
<td>Expenditures</td>
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<td>546,311</td>
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<td>2,856</td>
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### 100-General Fund

#### FINANCIAL SUMMARY

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<th>CURRENT BUDGET</th>
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<th>PRIOR YEAR ADJUST.</th>
<th>Y-T-D ACTUAL</th>
<th>Y-T-D ENCUMBRANCE</th>
<th>BUDGET BALANCE</th>
<th>% OF BUDGET</th>
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<td>2,186,204.20</td>
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#### EXPENDITURE SUMMARY

|                                |                |                |                     |              |                   |                |             |
| **Business Office**            |                |                |                     |              |                   |                |             |
| Personnel Services             | 74,991.00     | 5,543.23       | 0.00                | 35,793.43    | 0.00              | 39,197.57      | 47.73       |
| Supplies                       | 6,230.00       | 72.64          | 0.00                | 5,849.75     | 0.00              | 380.25         | 93.90       |
| Contractual Services           | 85,090.00     | 12,592.12      | 0.00                | 35,804.85    | 0.00              | 45,285.15      | 46.78       |
| **TOTAL Business Office**      | 166,311.00    | 18,207.99      | 0.00                | 81,448.03    | 0.00              | 84,862.97      | 48.97       |

|                                |                |                |                     |              |                   |                |             |
| **Finance**                    |                |                |                     |              |                   |                |             |
| Personnel Services             | 132,072.00    | 10,112.16      | 0.00                | 67,132.81    | 0.00              | 64,939.19      | 50.83       |
| Supplies                       | 6,800.00       | 2,241.19       | 0.00                | 3,106.63     | 0.00              | 3,693.37       | 45.69       |
| Contractual Services           | 75,575.00     | 2,317.34       | 0.00                | 31,264.45    | 0.00              | 44,310.55      | 41.37       |
| **TOTAL Finance**              | 214,447.00    | 14,670.69      | 0.00                | 101,503.89   | 0.00              | 112,943.11     | 47.33       |

|                                |                |                |                     |              |                   |                |             |
| **City Manager & Council**     |                |                |                     |              |                   |                |             |
| Personnel Services             | 178,873.00    | 13,606.78      | 0.00                | 88,326.75    | 0.00              | 90,346.25      | 49.43       |
| Supplies                       | 14,600.00      | 379.69         | 0.00                | 5,050.13     | 0.00              | 9,549.87       | 34.59       |
| Contractual Services           | 113,354.00    | 7,795.95       | 0.00                | 40,912.65    | 0.00              | 72,441.35      | 36.09       |
| **TOTAL City Manager & Council** | 306,627.00  | 21,782.42      | 0.00                | 134,289.53   | 0.00              | 172,337.47     | 43.80       |

<p>| | | | | | | | |
|                                |                |                |                     |              |                   |                |             |
| <strong>Police Administration</strong>      |                |                |                     |              |                   |                |             |
| Personnel Services             | 211,899.00    | 16,011.88      | 0.00                | 103,642.01   | 117.95            | 108,139.04     | 48.97       |
| Supplies                       | 1,900.00       | 67.64          | 0.00                | 3,019.70     | 66.89             | 1,186.59/162.45 |             |
| Contractual Services           | 31,597.00     | 3,035.01       | 0.00                | 15,113.87    | 0.00              | 16,483.13      | 47.83       |
| <strong>TOTAL Police Administration</strong> | 245,396.00   | 19,114.53      | 0.00                | 121,775.58   | 184.84            | 123,435.58     | 49.70       |</p>
<table>
<thead>
<tr>
<th></th>
<th>CURRENT BUDGET</th>
<th>CURRENT PERIOD</th>
<th>PRIOR YEAR ADJUST.</th>
<th>Y-T-D ACTUAL</th>
<th>Y-T-D ENCUMBRANCE</th>
<th>BUDGET BALANCE</th>
<th>% OF BUDGET</th>
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## City of Leon Valley

**Financial Statement - Unaudited**

**As of March 31st, 2013**

### 100-General Fund

#### Financial Summary

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<th>Current Period</th>
<th>Prior Year Po Adjust.</th>
<th>Y-T-D</th>
<th>Y-T-D Encumbrance</th>
<th>Budget Balance</th>
<th>% Of Budget</th>
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### Fire Reserves

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### Fire Operations

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### Fire Prevention

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### Fire EMS

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### Public Works M&O

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### Community Development

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### Financial Statement - Unaudited

As of March 31st, 2013

#### 100-General Fund

**Financial Summary**

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<th>Current Period</th>
<th>Prior Year Adjust.</th>
<th>Y-T-D Actual</th>
<th>Y-T-D Encumbrance</th>
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508,317.35

0.00

3,283,923.44

77,265.15

4,203,793.41

44.21

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** REVENUE OVER (UNDER) EXPENDITURES **

782,217.00

54,678.54

0.00

1,312,637.36

77,265.15

2,017,589.21

267.93

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OTHER FINANCING SOURCES (USES)

---

OTHER SOURCES/USES

17,216.00

0.00

200,000.00

0.00

182,784.00

161.71

---

TOTAL OTHER SOURCES/USES

17,216.00

0.00

200,000.00

0.00

182,784.00

161.71

---

NET GAIN OR (LOSS)

765,001.00

54,678.54

0.00

1,512,637.36

77,265.15

2,200,373.21

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*** END OF REPORT ***
### REVENUE SUMMARY

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<th>Current Period</th>
<th>PO Adjust</th>
<th>Prior Year</th>
<th>Y-T-D Actual</th>
<th>Encumbrance</th>
<th>Budget Balance</th>
<th>% of Budget</th>
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### EXPENDITURE SUMMARY

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<th>Current Period</th>
<th>PO Adjust</th>
<th>Prior Year</th>
<th>Y-T-D Actual</th>
<th>Encumbrance</th>
<th>Budget Balance</th>
<th>% of Budget</th>
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<tbody>
<tr>
<td><strong>Business Office</strong></td>
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<tr>
<td><strong>Personnel Services</strong></td>
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<td>236,187.48</td>
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<tr>
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<td>7,298.36</td>
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<td><strong>Contractual Services</strong></td>
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<td>21,934.28</td>
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<tr>
<td><strong>Personnel Services</strong></td>
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<td>24,084.54</td>
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<td>169,645.32</td>
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<td>1,536.83</td>
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<td><strong>Personnel Services</strong></td>
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<td>23.36</td>
<td>0.00</td>
<td>14,976.64</td>
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<td><strong>Contractual Services</strong></td>
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<td>872,649.52</td>
<td>37.45</td>
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</table>
### CITY OF LEON VALLEY

**FINANCIAL STATEMENT - UNAUDITED**

**AS OF: MARCH 31ST, 2013**

**200-Water & Sewer**

**FINANCIAL SUMMARY**

<table>
<thead>
<tr>
<th></th>
<th>CURRENT BUDGET</th>
<th>CURRENT PERIOD</th>
<th>PRIOR YEAR ADJ</th>
<th>Y-T-D ACTUAL</th>
<th>Y-T-D ENCUMBRANCE</th>
<th>BUDGET BALANCE</th>
<th>% OF BUDGET</th>
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<tbody>
<tr>
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<td><strong>TOTAL Construction</strong></td>
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<tr>
<td><strong>Storm Water</strong></td>
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<tr>
<td><strong>PERSONNEL SERVICES</strong></td>
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<td><strong>TOTAL EXPENDITURES</strong></td>
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<tr>
<td><strong>REVENUE OVER(UNDER) EXPENDITURES</strong></td>
<td>( 237,339.00)</td>
<td>37,725.01</td>
<td>0.00</td>
<td>35,118.53(147,603.97)</td>
<td>4,616.50(197,603.97)</td>
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<tr>
<td><strong>OTHER FINANCING SOURCES(USES)</strong></td>
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<tr>
<td><strong>TOTAL OTHER SOURCES/USES</strong></td>
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<td></td>
<td></td>
</tr>
<tr>
<td><strong>NET GAIN OR (LOSS)</strong></td>
<td>( 237,339.00)</td>
<td>37,725.01</td>
<td>0.00</td>
<td>35,118.53(147,603.97)</td>
<td>4,616.50(197,603.97)</td>
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<tr>
<td><strong>END OF REPORT</strong></td>
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# Financial Statement - Unaudited

**City of Leon Valley**

**As of: March 31st, 2013**

## 710-Community Center

### Financial Summary

<table>
<thead>
<tr>
<th>Category</th>
<th>Current Budget</th>
<th>Current Period</th>
<th>Prior Year Adjust.</th>
<th>Y-T-D Actual</th>
<th>Encumbrance</th>
<th>Y-T-D Balance</th>
<th>Budget</th>
<th>% of Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Revenue Summary</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td><strong>Taxes</strong></td>
<td>75,746.00</td>
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<tr>
<td><strong>Fees</strong></td>
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<td>6,045.00</td>
<td>0.00</td>
<td>39,519.00</td>
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<td>34,534.00</td>
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<tr>
<td><strong>Total Revenue</strong></td>
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### Expenditure Summary

**Community Center Operations**

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<th>Category</th>
<th>Current Budget</th>
<th>Current Period</th>
<th>Prior Year Adjust.</th>
<th>Y-T-D Actual</th>
<th>Encumbrance</th>
<th>Y-T-D Balance</th>
<th>Budget</th>
<th>% of Budget</th>
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</thead>
<tbody>
<tr>
<td><strong>Personnel Services</strong></td>
<td>82,164.00</td>
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<td>28,738.53</td>
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<tr>
<td><strong>Total Community Center Operations</strong></td>
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<td>10,029.75</td>
<td>0.00</td>
<td>60,155.95</td>
<td>0.00</td>
<td>74,558.05</td>
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**Visitor Services**

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<th>Current Period</th>
<th>Prior Year Adjust.</th>
<th>Y-T-D Actual</th>
<th>Encumbrance</th>
<th>Y-T-D Balance</th>
<th>Budget</th>
<th>% of Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Visitor Services</strong></td>
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<td>0.00</td>
<td>0.00</td>
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</table>

*** Total Expenditures ***

<table>
<thead>
<tr>
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<th>Period</th>
<th>Encumbrance</th>
<th>Balance</th>
<th>Budget</th>
<th>% of Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>134,714.00</td>
<td>10,029.75</td>
<td>60,155.95</td>
<td>74,558.05</td>
<td>44.65</td>
<td></td>
</tr>
</tbody>
</table>

** Revenue Over (Under) Expenditures **

<table>
<thead>
<tr>
<th>Amount</th>
<th>Period</th>
<th>Encumbrance</th>
<th>Balance</th>
<th>Budget</th>
<th>% of Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>15,085.00</td>
<td>274.41</td>
<td>4,935.77</td>
<td>10,149.23</td>
<td>67.28</td>
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### Other Financing Sources (Uses)

<table>
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<tr>
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<th>Period</th>
<th>Encumbrance</th>
<th>Balance</th>
<th>Budget</th>
<th>% of Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
<td>0.00</td>
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</tr>
</tbody>
</table>

**Net Gain or (Loss)**

<table>
<thead>
<tr>
<th>Amount</th>
<th>Period</th>
<th>Encumbrance</th>
<th>Balance</th>
<th>Budget</th>
<th>% of Budget</th>
</tr>
</thead>
<tbody>
<tr>
<td>15,085.00</td>
<td>274.41</td>
<td>4,935.77</td>
<td>10,149.23</td>
<td>67.28</td>
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*** End of Report ***
720-Street Maintenance Tax
FINANCIAL SUMMARY

<table>
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<tr>
<th></th>
<th>CURRENT BUDGET</th>
<th>CURRENT PERIOD</th>
<th>PRIOR YEAR ADJUST.</th>
<th>Y-T-D ACTUAL</th>
<th>Y-T-D ENCUMBRANCE</th>
<th>BUDGET</th>
<th>% OF BALANCE</th>
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<tr>
<td><strong>REVENUE SUMMARY</strong></td>
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</tr>
<tr>
<td>Revenues</td>
<td>439,560.00</td>
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<td>289,797.82</td>
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<tr>
<td><strong>TOTAL REVENUE</strong></td>
<td>439,560.00</td>
<td>33,565.99</td>
<td>0.00</td>
<td>149,762.28</td>
<td>0.00</td>
<td>289,797.82</td>
<td>34.07</td>
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</table>

**EXPENDITURE SUMMARY**

Street Maintenance Tax

<table>
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<tr>
<th></th>
<th>CURRENT BUDGET</th>
<th>CURRENT PERIOD</th>
<th>PRIOR YEAR ADJUST.</th>
<th>Y-T-D ACTUAL</th>
<th>Y-T-D ENCUMBRANCE</th>
<th>BUDGET</th>
<th>% OF BALANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CONTRACTUAL SERVICES</strong></td>
<td>838,254.00</td>
<td>408.59</td>
<td>0.00</td>
<td>2,856.11</td>
<td>0.00</td>
<td>827,397.89</td>
<td>0.34</td>
</tr>
<tr>
<td><strong>TOTAL Street Maintenance Tax</strong></td>
<td>838,254.00</td>
<td>408.59</td>
<td>0.00</td>
<td>2,856.11</td>
<td>0.00</td>
<td>827,397.89</td>
<td>0.34</td>
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</table>

*** TOTAL EXPENDITURES ***

<table>
<thead>
<tr>
<th></th>
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<th>CURRENT PERIOD</th>
<th>PRIOR YEAR ADJUST.</th>
<th>Y-T-D ACTUAL</th>
<th>Y-T-D ENCUMBRANCE</th>
<th>BUDGET</th>
<th>% OF BALANCE</th>
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<tbody>
<tr>
<td><strong>REVENUE OVER(UNDER) EXPENDITURES</strong></td>
<td>390,694.00</td>
<td>33,157.40</td>
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<td>537,600.07</td>
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<td>0.00</td>
<td>0.00</td>
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**NET GAIN OR (LOSS)**

<table>
<thead>
<tr>
<th></th>
<th>CURRENT BUDGET</th>
<th>CURRENT PERIOD</th>
<th>PRIOR YEAR ADJUST.</th>
<th>Y-T-D ACTUAL</th>
<th>Y-T-D ENCUMBRANCE</th>
<th>BUDGET</th>
<th>% OF BALANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>(390,694.00)</strong></td>
<td>33,157.40</td>
<td>0.00</td>
<td>146,906.07</td>
<td>0.00</td>
<td>537,600.07</td>
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*** END OF REPORT ***
Monthly Report
Finance
March 2013

Sales Tax Revenue

Sales tax revenue of $134,282 was received from the State Comptroller's office in March. After consideration of the March sales tax payment, year-to-date sales tax revenues are 7.52% higher than this time last year.

Street Maintenance Sales Tax Revenue

Street Maintenance Sales tax revenue of $33,566 was received from the State Comptroller's office in March.

Ad Valorem Taxes

Ad valorem tax collections of $27,883.12 were received from the Tax Assessor/Collector's office in March. Collections for March 2012 were $36,438.

Winter Sewer Averaging

March utility bills reflect the new winter sewer averages for residential customers. Winter averages are calculated using water consumption figures for the period of November 15 through February 15. The system wide sewer average for residential customers was calculated to be $20.18 monthly, which is $2.29 higher than the average calculated last year. The system average is used to calculate monthly billings for non-metered residential customers (customers with sewer service only) and new metered residential customers. Sewer adjustment requests for water leaks occurring during the winter averaging period will be accepted in the Finance department until May 1.
Overall Responses:
The Fire Department responded to 161 incidents this month (2011 – 153 incidents). There was minimal fire loss reported for the month, and no injuries due to fire were reported.

Fires:
A small grass fire was reported at the 7200 block of Huebner Rd. when an 18 wheeler dump truck that was unloading dirt raised its trailer and came in contact with the overhead power lines. This caused sparking, which ignited a small grass fire. The fire was quickly extinguished, and CPS-energy responded to assess and repair damages to the power lines. There were no injuries reported.

Rescue:
The Fire Department responded to two specialized extrications of vehicle entrapments after vehicle accidents; a rollover on the 410 access road in front of the Shell gas station on January 5th, and a head-on collision with a concrete column at 410 and Bandera Rd on January 3rd. Both drivers were transported to local hospital emergency rooms.

Mutual Aid:
Leon Valley Fire Department responded twice on January 9th to Balcones Heights for assistance, and received assistance from both Acadian and Helotes EMS on three occasions due to simultaneous calls.

EMS Responses:
EMS responded to a total of 92 incidents. 60 patients were transported to local hospitals by Leon Valley EMS. Three patients were transported by Helotes and Acadian EMS, and 30 EMS support responses were made.

Other Responses:
Fire crews also responded to 15 false alarms, 6 Hazardous Condition calls, and 3 good intent calls this month.

Fire Prevention/Education:
95 Fire inspections were completed (2011 – 90 inspections), which includes 16 certificate of occupancy inspections. Three construction plans were reviewed this month. One fire permit was issued for $125 in permit fee. Fiscal year-to-date fire fees received total $725.

Personnel & Training News:
On January 25th, Fire Chief Stan Irwin announced that he was leaving the Fire Department after 38 years, staff prepared for his departure scheduled for February 8th.

Each shift scheduled an extensive tour on the 8th, 9th, and 10th of January, of the Wells Fargo building located at 6100 Bandera with the building Engineer, to improve planning...
and emergency response. Each shift attended training and tour of *Intertek Automotive Research* Industrial facility with the plant Engineer on the 15th, 16th, and 17th of January.

The Fire Departments water pumps passed their annual inspection and certification by Hallmark fire services on January 25th.

Dr. Gordon presented an EMS Continuing Education classes for paramedics on January 23rd at the fire station.
### FIRE PREVENTION ACTIVITIES

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Luis Valdez, Interim Fire Chief
Overall Responses:
The Fire Department responded to 143 incidents this month (2012 – 127 incidents). There was minimal fire loss reported for the month, and no injuries due to fire were reported.

Fires:
A structure fire was reported on February 2nd at 6313 Evers Rd. at the Forest Oaks apartments. Responding units found an overheated bathroom exhaust fan. The fan was disconnected and the apartment was ventilated. The incident resulted in smoke damage and minor fire damage to the ceiling where the fan was installed.

Rescue/EMS:
EMS responded to a total of 92 calls (73 in Feb. 2012), 56 patients were transported to local hospitals by Leon Valley EMS. One patient was transported by private ambulance. Twenty-four EMS support responses were made.

EMS and Fire units responded to the 6500 block of Bandera Rd. for a man in a wheelchair that was struck by a car. The man was transported in stable condition to the medical center; the fire department crew transported his motorized wheelchair to his residence.

Mutual Aid:
Leon Valley Fire Department responded twice to assist Balcones Heights Fire Department (Burlington Coat Factory, and San Antonio Heart Hospital); and received assistance once from Acadian Ambulance due to simultaneous calls.

Other Responses:
Fire crews also responded to 12 false alarms, 1 Hazardous Condition call, and 9 good intent calls this month.

Fire Prevention/Education:
40 Fire inspections were completed (2011 – 85 inspections), which includes 12 Certificate of Occupancy inspections. Two construction plans were reviewed this month. Three fire permits were issued for $200 in permit fees. Fiscal year-to-date fire fees received total $925.

Personnel & Training News:
On February 1st, it was announced that Deputy Fire Marshal Luis Valdez would assume duties as Interim Fire Chief.

On February 4th, Assistant Fire Chief Robert Lee announced that he was leaving the Fire Department after 23 years; his final day was February 8th. Interim Fire Chief Valdez worked with both Chief Stan Irwin and Assistant Fire Chief Robert Lee during their final week to ensure a smooth transition.
Interim Chief Valdez immediately called a staff meeting for all department personnel on February 10th. The meeting was to clearly establish the department’s direction; discuss guidelines, answer questions, and set staff goals. The lengthy meeting was productive and set the tone for the days to follow.

On February 11th, Interim Fire Chief Valdez contacted all essential regulatory agencies to update administrative changes. These agencies included; Texas Commission on Fire Protection, Texas Department of Health, Dr. Gordon (Medical Director), Texas Commission on Law Enforcement Officer Standards and Education, Texas Department of Public Safety, Medicare/Medicaid (for EMS billing), Intermedix billing agency, Southwest Texas Regional Advisory Council, and the Alamo Area Fire Chiefs. Also, phone calls were made to area Fire Chiefs to discuss the department’s mutual aid response and capabilities.

During the remaining days in February, Fire Department personnel focused on removing all outdated equipment, and cleaning the fire station. Training, and daily activities were modified to clearly define and focus team-building and improve communication and morale throughout the department. Interim Fire Chief Valdez also had one-on-one meetings with each staff member to listen to concerns and answer questions outside of the group environment.

There were no personnel issues or problems as a result of the transition, and the Fire Department met the immediate goals established by Interim Chief Valdez before the end of the month.

On February 13th Medic One had to be taken out of service for a mechanical-overheating problem. On February 12th, Medic Two had to be taken out of service due to fuel injector issues. Medic Three was placed in primary status, and neighboring mutual aid companies were placed on standby. Both ambulances returned to service on February 27th.

Dr. Gordon presented an EMS Continuing Education class for paramedics on January 20th at the fire station.

Interim Fire Chief Valdez appointed Fire Engineer William (Bill) Lawson to Interim Assistant Fire Chief on February 22nd.

The Fire Department moved closer in obtaining recognition as a “Firewise” community by the Texas Forest Service. “Firewise” is a national wildfire educational campaign that promotes responsible landscaping and land management for communities in cooperation with the International Fire Code. The participation in this program assists towards the approval for cooperative assistance from the Texas Forest Service for the construction of the “defensible space” at the Leon Valley Natural Area.

Special report - Tower Climb Summary:

On Saturday, February 2nd, 2013, ten (10) Leon Valley Firefighters and two (2) Leon Valley Police Officers climbed 65 flights of stairs to the top of the Tower of Americas to support the Lonestar chapter of the Cystic Fibrosis Foundation. Approximately 70 first responders from neighboring departments joined in the climb.
The Leon Valley first responders raised a total of $2,280.00. Every member of the team met their goals by reaching the top wearing full Firefighter or Police tactical gear. The fastest member of the team was Firefighter Andy Patterson, who finished in 4th place overall with a time of 12 minutes and 38 seconds. The team displayed excellent teamwork, physical fitness, communication, and effort.

The City of Leon Valley was represented well by the following First Responders: **Fire Dept.**: Andy Patterson, Luis Valdez, Joseph Valadez, Heather Rodriguez, Joy Auger, Justin Latifi, Jaaron Thomas, Jimmy Garcia, Kory Paulini. Alex Rodriguez **Police Dept.** Chad Mandry and Ruben Saucedo

The team was also happy to include Leon Valley resident Cody Dean, and business Owner, Brenda Tellez (Tellez Tamales).

*Part of the team pictured above after completing the climb, from Left to right: Joy Auger, Alex Rodriguez, Jimmy Garcia (center rear), Jaaron Thomas (center front), Heather Garcia, Officer Chad Mandry, and Justin Latifi.*

*A group of Firefighters and Police Officers from surrounding departments geared up and waiting at the entrance door to the Tower of Americas.*
## FIRE PREVENTION ACTIVITIES

### INSPECTIONS

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</table>
Special thanks –

On February 25th, my wife Yolanda, and I were gifted our 2nd son, Diego Max Valdez. My wife, Diego, and 3 year-old big brother Joaquin are all doing great at home.

Thank you for your well-wishes, good thoughts, and prayers.

Luis Valdez, Interim Fire Chief
# LEON VALLEY PUBLIC LIBRARY STATISTICS
## MARCH 2013

<table>
<thead>
<tr>
<th>Category</th>
<th>March 2013</th>
<th>Compared to</th>
</tr>
</thead>
<tbody>
<tr>
<td>Items Loaned</td>
<td>2604</td>
<td>2797</td>
</tr>
<tr>
<td>OneClickAudio Sessions</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Days Open/Average Per Day</td>
<td>22/118</td>
<td>19/147</td>
</tr>
<tr>
<td>Door Count</td>
<td>10,096</td>
<td>8095</td>
</tr>
<tr>
<td>Volunteer Hours</td>
<td>229</td>
<td>187</td>
</tr>
<tr>
<td>Items Added New/Redo</td>
<td>209/157</td>
<td>167/125</td>
</tr>
<tr>
<td>Value of Gift Items</td>
<td>$1664</td>
<td>$1452</td>
</tr>
<tr>
<td>Reference Questions</td>
<td>457</td>
<td>465</td>
</tr>
<tr>
<td>Items Withdrawn</td>
<td>40</td>
<td>60</td>
</tr>
<tr>
<td>Library Cards Issued</td>
<td>35</td>
<td>30</td>
</tr>
<tr>
<td>Internal Internet Sessions</td>
<td>462</td>
<td>450</td>
</tr>
<tr>
<td>External Wi-Fi LVP Accesses</td>
<td>975</td>
<td>1059</td>
</tr>
<tr>
<td>Faxes Sent</td>
<td>63</td>
<td>88</td>
</tr>
<tr>
<td>Facebook Reaches</td>
<td>311</td>
<td>685</td>
</tr>
<tr>
<td>Lit. Students/Items Used</td>
<td>3stu/6bks</td>
<td>3stu/6bks</td>
</tr>
<tr>
<td>ILL Received TexPress</td>
<td>11pkg/11bks</td>
<td>8pkg/8bks</td>
</tr>
<tr>
<td>ILL Returned TexPress</td>
<td>7pkg/7bks</td>
<td>11pkg/12bks</td>
</tr>
<tr>
<td>ILL Mailed</td>
<td>0 in/0 out</td>
<td>1pkg:2b in/1pkg:2b out</td>
</tr>
<tr>
<td>Library Fines</td>
<td>$89.00</td>
<td>$39.85</td>
</tr>
<tr>
<td>Library Copy</td>
<td>$140.50</td>
<td>$116.50</td>
</tr>
<tr>
<td>Tax Equivalent</td>
<td>$106.25</td>
<td>$192.50</td>
</tr>
<tr>
<td>Gifts and Memorials</td>
<td>$0.00</td>
<td>$25.00</td>
</tr>
<tr>
<td>Member Amount Saved</td>
<td>$40,890.94</td>
<td>$39,933.95</td>
</tr>
</tbody>
</table>
Leon Valley Police Department  
Monthly Report  
March 2013

Calls for Service

<table>
<thead>
<tr>
<th></th>
<th>Mar 2012</th>
<th>YTD 2012</th>
<th>Mar 2013</th>
<th>YTD 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Calls for Service</td>
<td>797</td>
<td>2,164</td>
<td>888</td>
<td>2,290</td>
</tr>
<tr>
<td>Index Crimes</td>
<td>70</td>
<td>192</td>
<td>77</td>
<td>239</td>
</tr>
<tr>
<td>Non-Index Crimes</td>
<td>727</td>
<td>1,972</td>
<td>811</td>
<td>2,142</td>
</tr>
</tbody>
</table>

Non-index calls are contacts with citizens and/or visitors that are either non-criminal in nature, or are criminal in nature but are not categorized as an index crime.

An index crime is defined as murder, rape, robbery, theft, theft of a motor vehicle, assault, burglary, or burglary of a motor vehicle. These are the crimes that are reported to the Federal Bureau of Investigations on a monthly basis.

Non-Index Crimes

<table>
<thead>
<tr>
<th></th>
<th>Mar 2012</th>
<th>YTD 2012</th>
<th>Mar 2013</th>
<th>YTD 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Suspicious Vehicle</td>
<td>71</td>
<td>174</td>
<td>92</td>
<td>229</td>
</tr>
<tr>
<td>Assist the Public/Other Agency</td>
<td>75</td>
<td>215</td>
<td>66</td>
<td>160</td>
</tr>
<tr>
<td>Disturbance</td>
<td>89</td>
<td>186</td>
<td>81</td>
<td>21</td>
</tr>
<tr>
<td>Violation of City Ordinance</td>
<td>13</td>
<td>38</td>
<td>27</td>
<td>52</td>
</tr>
<tr>
<td>Traffic Offenses</td>
<td>23</td>
<td>86</td>
<td>24</td>
<td>74</td>
</tr>
<tr>
<td>Burglar Alarm</td>
<td>106</td>
<td>287</td>
<td>106</td>
<td>293</td>
</tr>
<tr>
<td>Accidents</td>
<td>46</td>
<td>123</td>
<td>48</td>
<td>159</td>
</tr>
<tr>
<td>Criminal Mischief</td>
<td>14</td>
<td>55</td>
<td>19</td>
<td>69</td>
</tr>
<tr>
<td>Other</td>
<td>187</td>
<td>512</td>
<td>193</td>
<td>502</td>
</tr>
<tr>
<td>N-Code 10*</td>
<td>5</td>
<td>18</td>
<td>1</td>
<td>22</td>
</tr>
<tr>
<td>N-Code 14**</td>
<td>14</td>
<td>63</td>
<td>33</td>
<td>93</td>
</tr>
<tr>
<td>N-Codes</td>
<td>84</td>
<td>215</td>
<td>121</td>
<td>276</td>
</tr>
</tbody>
</table>

* N-Code 10 – Private property accident where blue forms issued
** N-Code 14 – Accident which occurred on the roadway where a blue form was issued
## Index Crimes

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Burglary</td>
<td>18</td>
<td>31</td>
<td>8</td>
<td>18</td>
</tr>
<tr>
<td>Burglary – Motor Vehicle</td>
<td>11</td>
<td>46</td>
<td>10</td>
<td>35</td>
</tr>
<tr>
<td>Assault</td>
<td>13</td>
<td>23</td>
<td>6</td>
<td>14</td>
</tr>
<tr>
<td>Homicide</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Rape</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Theft</td>
<td>24</td>
<td>82</td>
<td>48</td>
<td>161</td>
</tr>
<tr>
<td>Theft of Service</td>
<td>0</td>
<td>4</td>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td>Vehicle Theft</td>
<td>3</td>
<td>5</td>
<td>2</td>
<td>4</td>
</tr>
<tr>
<td>Robbery</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
</tbody>
</table>

## Citations

<table>
<thead>
<tr>
<th>Citations Issued</th>
<th>Mar 2012</th>
<th>YTD 2012</th>
<th>Mar 2013</th>
<th>YTD 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>691</td>
<td>2,474</td>
<td>335</td>
<td>1,009</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Citations by Selected Categories</th>
<th>Mar 2012</th>
<th>YTD 2012</th>
<th>Mar 2013</th>
<th>YTD 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expired License Plates</td>
<td>86</td>
<td>284</td>
<td>28</td>
<td>87</td>
</tr>
<tr>
<td>Expired Inspection Certificate</td>
<td>122</td>
<td>475</td>
<td>46</td>
<td>151</td>
</tr>
<tr>
<td>No/Expired/Invalid DL</td>
<td>57</td>
<td>198</td>
<td>33</td>
<td>79</td>
</tr>
<tr>
<td>No Insurance</td>
<td>131</td>
<td>473</td>
<td>59</td>
<td>183</td>
</tr>
<tr>
<td>Ran Red Light</td>
<td>10</td>
<td>35</td>
<td>4</td>
<td>15</td>
</tr>
<tr>
<td>Ran Stop Sign</td>
<td>70</td>
<td>199</td>
<td>11</td>
<td>37</td>
</tr>
<tr>
<td>Speeding</td>
<td>41</td>
<td>171</td>
<td>22</td>
<td>64</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Hazardous</td>
<td>121</td>
<td>405</td>
<td>37</td>
<td>298</td>
</tr>
<tr>
<td>Non-Hazardous</td>
<td>570</td>
<td>2,069</td>
<td>298</td>
<td>2,069</td>
</tr>
</tbody>
</table>

Hazardous citations are for actions that could cause accidents. Examples include speeding, ran red light, and ran stop sign. Non-hazardous citations are for violations of either the Traffic Code or City Ordinance, which would not result in the potential for an accident. These include expired license plates, no liability insurance, expired motor vehicle inspection certificate, no drivers license, expired drivers license, etc.
Leon Valley Police Department
Monthly Report

Arrest

<table>
<thead>
<tr>
<th></th>
<th>Mar 2012</th>
<th>YTD 2012</th>
<th>Mar 2013</th>
<th>YTD 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Felony Offense</td>
<td>6</td>
<td>9</td>
<td>4</td>
<td>11</td>
</tr>
<tr>
<td>Misdemeanor Offense</td>
<td>55</td>
<td>170</td>
<td>59</td>
<td>139</td>
</tr>
<tr>
<td>Warrants</td>
<td>13</td>
<td>44</td>
<td>6</td>
<td>30</td>
</tr>
</tbody>
</table>

Investigations

<table>
<thead>
<tr>
<th></th>
<th>Mar 2012</th>
<th>YTD 2012</th>
<th>Mar 2013</th>
<th>YTD 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assigned</td>
<td>94</td>
<td>307</td>
<td>143</td>
<td>389</td>
</tr>
<tr>
<td>Arrest/Charges Filed at Large</td>
<td>28</td>
<td>84</td>
<td>28</td>
<td>109</td>
</tr>
<tr>
<td>Suspended</td>
<td>84</td>
<td>271</td>
<td>45</td>
<td>93</td>
</tr>
<tr>
<td>Closed by Exception</td>
<td>14</td>
<td>43</td>
<td>31</td>
<td>237</td>
</tr>
</tbody>
</table>

A suspended case is one where no leads are available or what leads were available did not lead to an arrest

A case closed by exception is one where either the Complainant did not wish to pursue charges, the Defendant died, or for some other reason a known Defendant was not prosecuted.

Community Resource Officer

<table>
<thead>
<tr>
<th>Violations of City Ordinance</th>
<th>Mar 2012</th>
<th>YTD 2012</th>
<th>Mar 2013</th>
<th>YTD 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>40</td>
<td>83</td>
<td>47</td>
<td>81</td>
</tr>
</tbody>
</table>

Reserve Officers

Our Reserve Officers continue to supplement our Patrol as well as perform functions of security at City events. We have three of the Reserve Officers provide for security as well as clerical support for our Thursday Municipal Court sessions.

<table>
<thead>
<tr>
<th></th>
<th>Mar 2012</th>
<th>YTD 2012</th>
<th>Mar 2013</th>
<th>YTD 2013</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hours</td>
<td>398</td>
<td>1,077</td>
<td>141</td>
<td>550</td>
</tr>
<tr>
<td>Calls for Service Handled</td>
<td>89</td>
<td>210</td>
<td>50</td>
<td>153</td>
</tr>
<tr>
<td>Citations</td>
<td>39</td>
<td>123</td>
<td>10</td>
<td>37</td>
</tr>
</tbody>
</table>

Code Enforcement

The Code Enforcement and Animal Control Officers completed a total of 276 inspections.
Public Works Monthly Report
March 2013

Director’s Report

- Attended all normal Staff meetings, Park Commission and CAG
- Met with Joyce Trent, for Library Project
- Met with SIA, Engineer on several projects
- Coordinated Bid opening for Water/Sewer Project
- Brush Pick up
- Huebner Well site fencing

Construction Crew Activities

03-01  7702 Forest Crest:  Continued and completed de-silting drainage ditch. (Hauled away approx. 30 cu.yd. of material) Also began to saw cut and remove sidewalk that is to be replaced at 6618 Cloverbend.

03-04 & 05  Filled pot holes throughout the City with Cold Mix asphalt.

03-06 & 07  6618 Clover Bend:  Removed uneven sidewalk, formed and installed re-bar and base material.

03-08  6618 Clover Bend:  Poured and finished 5 cu.yd. of concrete for sidewalk and curbs. (80’)

03-11 & 12  6618 Clover Bend:  Removed forms and restored area with top soil.

03-13  6618 Clover Bend:  Saw cut and patched areas around curbs with cold mix asphalt.

03-14  Watered in grass seed planted behind PSC.

03-15  Loaded spoils to be hauled away by Salas Trucking.

03-18  Salazar Dr.:  Swept up washed out base material from street.
03-19&20 Salazar Dr.: Back filled sides of street with stabilized base material.

03-21 Salazar Dr.: Watered and rolled material.

03-22 Grass Hill Dr.: Cleaned drainage pipes of branches and debris.

03-25 & 26 Crew attended Work Zone Traffic Safety class.

03-27 Filled pot holes throughout the City with Cold Mix asphalt.

03-28 6515 Red Bird Ln.: Filled and tamped street cut with hot mix asphalt.

03-29 Began to prep streets in Linkwood sub div. for Crack Seal Program.

Water/Sewer Department

Water Samples for S.A. Health District 12 Water Samples for Analysis
Disconnect Notices 137
Disconnect Water Service 28
Flush Dead-End Water Mains 27 Flushed

Meter Reading 3 Days
Meter Re-reads 7 Re-reads
Meter Change Out Program 7 Meters changed out
Temporary Meters Installed 1 Installed

Move Outs 4 Closed
Move Ins 14 Activated
Locates 3 Completed

Wells\Tower Sites
Cut Grass and Trim
City Wide
Fire Hydrant List

Location
Behind Ancira
Shop
Well sites
Shop
7725 Link Side
Community Center
6419 Red Bird
6419 Red Bird
Library

Work done
replaced dead end
spread weed and feed
defensive driving
tap a new service line
2 day traffic control class
back filled trench
capped sprinkler lines
Maintenance Crew

Park:
- Cut grass and trim
- Delivered BBQ pit key and instructions on use for large pavilion
- Cleaned Park and opened restrooms Monday thru Sunday @7:00am
- Repaired toilets leaking faucets
- Removed fallen trees and branches
- Picked up trash
- Cut and trimmed at playground, added fluff fall zone material
- Maintain restrooms
- Remove graffiti
- Maintain picnic tables and pavilions

Public Works:
- Cleaned Trucks, checked equipment
- Cleaned and removed brush from Walking Trail behind PW
- Cleaned shop, water cage, welding area, repairs as needed

Conference Center:
- Set ups and clean ups for events held there
- Mowed complex, repairs as needed

Community Center:
- Grounds cut and trimmed, repairs as needed
- Wednesday set up for bingo & Thursday cleaned up for seniors
- Set up for events

Library:
- Grounds cut and trimmed, pick up recyclables
- Repairs as needed

Library Annex:
- Clean, mow and trim, repairs as needed

City Hall:
- Grounds cut and trimmed, Mondays only, repairs as needed
- Pick up recyclables
- Completed remodel of restroom

LVPD:
- Repairs as needed

LVFD:
- Repairs as needed

Citywide:
- Removed graffiti throughout the city
- Reinstall fallen stop/street signs
- Check surveillance camera and maintain
- Removed fallen trees
- Marquee update as they come in

Service requests:
- Various requests completed as they come in
City of Leon Valley 2012 Bond Program Oversight Committee Meeting, January 24, 2013

Vice Chairperson Olen Yarnell called the 2012 Bond Program Oversight Committee Meeting to order at 4:30 pm. Vice Chairperson Yarnell and Committee members Al Uvietta, Mike Davis Jr., Pedro Esquivel, Bob Thome and Christopher Gover were present.

Mayor Pro-Tem Kathy Hill, Councilman Jack Dean, City Manager Manuel Longoria Jr., Police Chief Wallace, and Fire Chief Irwin were also present along with Leon Valley City Staff members Rhonda Hewitt and Assistant Fire Chief Robert Lee.

A quorum was present.

Approval of Minutes

Vice Chairman Yarnell asked for approval of the minutes from the October 11, 2012 and November 29, 2012 meetings. Committee Member Uvietta made a motion to approve the minutes and this was seconded by Pedro Esquivel.

Presentation of Status Report to Include Updates on the Selection of an Architectural Firm

Vice Chairperson Yarnell introduced the City Manager, Manuel Longoria Jr. who gave a detailed presentation on the process the City of Leon Valley is utilizing. This includes having the architects, OCO, hired and already working on facility programming.

Mr. Longoria Jr. gave the Committee an update on the Construction Manager at Risk process which included a timeline on the Request for Qualifications along with a work plan and tentative schedule to the project. Mr. Longoria Jr. briefed the Committee on the hiring of Jeff Chapman, an Attorney, to assist with both the Architects contract and the Request for Qualifications for the Construction Manager at Risk.

Mr. Longoria Jr. advised the Committee of the hiring of Melinda Smith, who will assist him with the management of this project along with other capital projects.

Update on the Construction Manager at Risk Request for Qualifications Solicitation Process

City Manager Manuel Longoria Jr. briefed the Committee on the two step process his is going to implement to hire the Construction Manager at Risk.

After the solicitations of the proposals, the first step involves narrowing the field to approximately five firms. The firms will be narrowed based purely on qualifications.

The second step will be for those firms to submit a cost/price proposal which will be evaluated and the interview process will take place.

Discussion on the Appointment of Subcommittee to Review and Evaluate the Construction Manager at Risk Proposals

The City Manager advised that the Committee will be staffed by the City Manager, Special Project Manager, Police Chief, Purchasing Agent, Fire Chief, and two members from the Bond Oversight Committee. After a discussion, Mike Davis Jr. made a motion nominating Olen Yarnell and Al Uvietta to serve on the subcommittee. This was seconded by Pedro Esquivel and was passed unanimously.
City of Leon Valley 2012 Bond Program Oversight Committee Meeting, January 24, 2013

City Manager Manuel Longoria Jr. also advised that OCO will be an advisor to the subcommittee, but would not be part of the voting for the selection.

The City Manager advised that the Subcommittee will make a recommendation which will then be reviewed by the Bond Oversight Committee who will then forward the recommendation to the City Council.

**Presentation and Discussion Concerning the Conveyance of Property by Bexar County for the Fire Station**

The City Manager led the discussion about the transfer of the parcels from Bexar County to Leon Valley. There are several concerns which the City Manager has been attempting to settle. This includes the definition of “substantial completion”, if the former residents have any recourse to repurchase the properties, and when the properties will be turned over to Leon Valley.

The City Manager gave three options to the Committee. These were building within the footprint of the properties the City owns, buy land at another location for a Fire Department or delay the project.

**Adjourn**

Hearing no further business a motion was made by Mike Davis Jr. and seconded by Al Uvietta to adjourn the meeting. The meeting was adjourned at 5:50 p.m.

[Signature]

Abraham Diaz, Committee Chairman
Chairperson Abraham Diaz called the 2012 Bond Program Oversight Committee Meeting to order at 6:30 pm. Chairperson Diaz and Committee members Al Uvietta, Mike Davis Jr., Pedro Esquivel, and Olen Yarnell were present. Bob Tome and Christopher Gover were absent.

Mayor Pro-Tem Kathy Hill, Councilman Jack Dean, City Manager Manuel Longoria Jr., Police Chief Wallace, Special Projects Manager Smith and Interim Fire Chief Valdez were also present along with Leon Valley City Staff member Rhonda Hewitt.

A quorum was present.

**Approval of Minutes**

Chairman Diaz asked for approval of the minutes from the January 24, 2013 meeting. Committee Member Esquivel made a motion to approve the minutes and this was seconded by Member Uvietta. This motion passed unanimously.

**Presentation of Status Report**

Chairman Diaz introduced the City Manager, Manuel Longoria Jr. who gave a detailed presentation on the process the City of Leon Valley is utilizing.

Mr. Longoria Jr. briefed the committee on the work being completed by OCO Architects. This included the facility programming and the fact that a preliminary draft was given by the firm to City staff. Mr. Longoria Jr. further advised that staff met with OCO personnel and that the preliminary draft of the facility programming document was addressed and the project was brought in under the amount of the bond. Mr. Longoria Jr. stressed that this was preliminary and no design schematics have been done.

Mr. Longoria Jr. gave the Committee an update on the Construction Manager at Risk process which included a timeline or the Request for Qualifications (RFQ) along with a work plan and tentative schedule to the project. A copy of the RFQ was placed into the committee members packets.

Mr. Longoria Jr. briefed the committee on the work being completed by the City Attorney, Charlie Zech, in order to facilitate the conveyance of the property on El Verde Road. The committee members were advised that the County is planning on transferring the property, maybe as early as summer, but this all needed to be worked out in an inter-local agreement.

Pedro Esquivel questioned the City Manager about the need for an ethics disclosure form to be used if any of the committee members had any type of relationships with the Construction Manager at Risk candidates. After a discussion, the City Manager advised he would contact the City Attorney and have the address the committee, in the future, about this issue.

**Update on the Construction Manager at Risk Request for Qualifications Solicitation Process**

City Manager Manuel Longoria Jr. briefed the Committee on the two step process being used to evaluate and the select the Construction Manager at Risk contractor.

After the solicitations of the proposals, the first step involves narrowing the field to no more than five firms. The firms will be narrowed based purely on qualifications.
The second step will be for these firms to submit a cost/price proposal which will be evaluated and the interview process will take place.

The City Manager stated that the deadline for the initial RFQ was March 1st and that 42 inquiries were made by firms.

The deadline for the firms who make the shortlist to submit cost/price proposals will be March 26th.

Mr. Longoria Jr. stated that instead of having two presentations, one to the CMR Selection Review Committee and one to the entire Bond Oversight Committee, the firms will give one presentation to both committees. The members of the Bond Oversight Committee shall then make comments to the Selection Review Committee who will make the recommendation to the City Council.

Adjourn

Hearing no further business a motion was made by Pedro Esquivel and seconded by Al Uvietta to adjourn the meeting. The meeting was adjourned at 7:31 p.m.

Abraham Diaz, Committee Chairman
Minutes of the January 14, 2013

CITY OF LEON VALLEY PARK COMMISSION

1. Call to Order and Determination via Roll Call if Quorum is Present: The January 14, 2013 meeting was called to order at approximately 7:00 by Chairman Bert Thomas in the City Chambers at the Leon Valley City Hall

   Present: Bert Thomas, Bill Cooper, Benay Cacciatore, John Stanley, Rachel Felkner, Linda Tarin.

   Absent/Excused: Susan Fraser, Tom Fraser, Scott Baird, Carol-Anne Randolph-Oviedo.

   City Staff Present: Byron Vick

   City Council Liaison: None

2. Review and consideration for Approval of the November 12, 2012 Meeting Minutes: Motion for approval was made by Bill Cooper, seconded by Benay Cacciatore and unanimously approved by the commissioners.

3. Citizens to be heard: None.

4. Reports: Activities that impact the Park or Access to the Park.

   A. Park Rental Applications: No park rental applications

5. Discuss:

   A. Pedestrian Crossing Zone on Evers Rd. (between the Library and the Park) is a serious safety hazard to mothers, pushing strollers, and children trying to cross the street (also a bus stop). Drivers do not yield the right of way to people crossing the street. I personally stopped my vehicle in the right lane to let people cross the street, and had drivers pass me going both directions, almost striking the pedestrian. This happens all the time. Something has to be done to warn passing drivers before someone is killed at this crossing. Possibly installing flashing lights or stop sign) may help. If nothing else, make all people cross at the Poss. Road stop sign.

   B. The grotto we discussed at our last meeting is now believed to not have any historical or religious significance.

   C. Parking area on Poss. Rd., near the large pavilion: We do not need the compact car parking area that was recently installed. There is a necessity in that area for a loading zone for people using the picnic area, for off-loading picnic supplies and passengers, and for school buses dropping off children for the playground.
6. Commissioner’s and Staff’s Comments:

   A. Linda Tarin said it would be nice to have more benches to sit on by the entrance to the natural trail area. The Master plan lists a reviewing stand in that area; however; an additional park bench would be nice.

   B. Bill Cooper suggested that we start a program to have community members donate trees to the park. He offered to write up a little article in the Recorder to make people aware. Also, commended Byron and his colleagues on the nice job they did on the trail behind the Public Works building.

   C. Rachel Felkner: Mentioned there is graffiti on the bathroom wall next to the playground. Wants to know what we, as Park Commissioners, can do to help with park clean up and daily improvement. She suggested possibly starting friends of the park group to help with special projects. She additionally suggested we start some type of fundraising so the Parks Commission has funds to support our efforts in beautifying the park.

   D. John Stanley wanted to know why it was so muddy along the side of the soccer field.

7. Announcements: The next City of Leon Valley Park Commission Meeting will be at the City Council Chambers, Leon Valley, TX at 7:00 PM on February 11, 2013.

8. Adjournment: A motion to adjourn was made by John Stanley, seconded by Linda Tarin, and unanimously approved by the commissioners. The meeting adjourned at approximately 8:30 PM.

   Bert H. Thomas, Chairman

Leon Valley Park Commission
Minutes of the February 11, 2013

CITY OF LEON VALLEY PARK COMMISSION

1. Call to Order and Determination via Roll Call if Quorum is Present: The February 11, 2013 meeting was called to order at approximately 7:00 by Chairman Bert Thomas in the City Council Chambers at the Leon Valley City Hall

   Present: Bert Thomas, Bill Cooper, Susan Fraser, Tom Fraser, John Stanley, Scott Baird and Linda Tarin.

   Absent/Excused: Rachel Felkner, Benay Cacciatore.

   City Staff Present: Byron Vick

   City Council Liaison: None

2. Review and consideration for Approval of the January 14, 2013 Meeting Minutes: Motion for approval was made by Tom Frazer, seconded by Bill Cooper, and unanimously approved by the commissioners.

3. Citizens to be heard: None.

4. Reports: Activities that impact the Park or Access to the Park.

   A. Park Rental Applications: Reviewed. Byron Vick stated that recently, one large party at the main pavilion did not have their deposit returned at this time because they did not clean up their mess.

   B. Guest Speaker: Bert Pickell, Director San Antonio Walks. He is the director of the only walking program in this area, initiated and sustained through the San Antonio Mayor’s Fitness Council. It is San Antonio’s premier walking program designed to get everyone out to walk, regardless of age, gender or ability. This is a free Program. All tracking materials, training tools, and incentive prizes for reaching specific milestones are provided to everyone through funding from the City of San Antonio’s Communities Putting Prevention to Work grant. Mr. Pickell noted that Leon Valley has a lot of walkers and we can get involved in making walking a habit and sticking to it. He wants the residents of Leon Valley to join them and participate in this program. He wants to connect people together, and hopefully we want to participate. All we need is for our citizens to register and participate. If needed, he volunteers his services to help organize our residents for joining the program. There will be a big walking event in San
Antonio on April 17, 2013. More San Antonio Walks Program details are found on the website: www.FitCitySA.com.

5. Discuss:

   A. Bill Cooper said Rachel Felker suggested, at the last meeting, that we might form a volunteer service organization (Friends of the Park) to work on small projects. He asked Byron Vick to contact Human Resources about the extent of liability the City of Leon Valley would assume.

   B. Bert Thomas mentioned we need to have our workday in the park in late March or early April. Be prepared to set a date and establish what we want to accomplish. He also mentioned the City is having the Earth Wise Living Day in a couple weeks and encouraged members to attend.

6. Commissioner’s and Staff’s Comments:

   A. Byron stated they recently replaced the barbecue pit at the large pavilion. The electrical breaker with exterior panel will be installed shortly.

   B. Bert complemented Public Works on their excellent job working at the Park.

   C. Bill Cooper said we have about 30 blue bonnets popping up in the wildflower garden.

   D. Linda and Scott mentioned the danger at the crossing between the park and the library. Someone is going to get hurt there. It is also serves as a bus stop. Scott said it seems there is not a good solution to this problem. Maybe it is best if everyone goes to the Poss and Evers Rd. to cross over.

7. Announcements: The next City of Leon Valley Park Commission Meeting will be at the City Council Chambers, Leon Valley, TX at 7:00 PM on: March 11, 2013.

8. Adjournment: A motion to adjourn was made by Bill Cooper, seconded by: Tom Fraser, and unanimously approved by the commissioners. The meeting adjourned at approximately 8:30 PM.

Approved:

Bert H. Thomas, Chairman,

Leon Valley Park Commission
Minutes of the March 11, 2013
CITY OF LEON VALLEY PARK COMMISSION

1. Call to Order and Determination via Roll Call if Quorum is Present: The March 11, 2013 meeting was called to order at approximately 7:00 by Chairman Bert Thomas in the City Chambers at the Leon Valley City Hall

Present: Bert Thomas, Bill Cooper, Benay Cacciatore, Rachel Felkner, Susan Fraser, Tom Fraser, Scott Baird

Absent/Excused: Linda Tarin, John Stanley.

City Staff Present: Byron Vick

City Council Liaison: None

2. Review and consideration for Approval of the February, 2013 Meeting Minutes: Motion for approval was made by Bill Cooper, seconded by Scott Baird and unanimously approved by the commissioners.

3. Citizens to be heard: None.

4. Reports: Activities that impact the Park or Access to the Park.

   A. Park Rental Applications: Reviewed.

5. Discuss:

   A. Crosswalk safety improvement. Scott Baird made a motion to first remove any signal that encourages walking across Evers from the library, second increase ability for pedestrians to cross at the 4-way stop and third put up fences to discourage jay walking from library to park. This motion was seconded by Tom Fraser, none were opposed. Bill Cooper suggested having an engineer to study road and traffic on Evers. Susan Fraser suggested bright yellow paint and speed bumps. Benay Cacciatore suggested that the library could do a public awareness day on the danger of crossing busy roads.

6. Commissioner’s and Staff’s Comments:

   A. Bill Cooper suggested we make a goal as a committee to try and get one large tree planted a year. Bill also wanted to commend the Public Works in what a great job they do with picking up the trash in the park. Bill also mentioned that the blue bonnets were coming up.
B. Tom Fraser suggested that we as a committee to make more motions, such as Scott's regarding the crosswalk, in order to get the ball rolling on items of business we would like to see be taken care of.

C. Scott Baird discussed Friends of the Park with Ms. Mardale Wilson, president of the Friends of McAllister Park (an active group of about 50 people) told me that their group uses no liability waivers on their 2-3 times per year work day.

D. Byron is looking for an individual to run the pool this summer. Byron believes that the pool area would be better used as a basketball court or tennis court.

7. Announcements: The next City of Leon Valley Park Commission Meeting will be at the City Council Chambers, Leon Valley, TX at 7:00 PM on April 8, 2013.

8. Adjournment: A motion to adjourn was made by Scott Baird, seconded by Benay Cacciatore, and unanimously approved by the commissioners. The meeting adjourned at approximately 8:10 PM.

Bert H. Thomas, Chairman,
Leon Valley Park Commission