

**CITY COUNCIL MEETING OF THE CITY OF LEON VALLEY, TEXAS  
APRIL 16, 2013**

The City Council of the City of Leon Valley, Texas, met on the 16<sup>th</sup> 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 7:02 p.m. with the following City Council Members in attendance: Hill, Reyna, Baldrige, Dean, and Bieber.

City staff in attendance: City Manager Longoria, City Attorney Zech, City Secretary Willman, Community Development Director Flores, Economic Development Director Mora, Finance Director Wallace, Interim Fire Chief Valdez, Police Chief Wallace, Public Works Director Vick, Assistant to the Public Works Director Flores, and City Engineer Sayyadi.

Paul Johnson, Texas Urban Forester and Tree Advisory Board Member, led the assembly in the Pledge of Allegiance.

Mayor Riley announced that this meeting was dedicated to Mr. Bob Tome, who had served on the City's boards and committees for 15 plus years including CAG, the Stormwater Committee, the Earthwise Living Committee, and the Zoning Commission, and who passed away the previous week. Mayor Riley noted that Mr. Tome had given a lot of his time and talent to the City of Leon Valley.

2. **Tree City USA Designation & Presentation. (Paul W. Johnson, Texas Urban Forester, Texas A & M University)** Mr. Johnson stated this is one of the most exciting opportunities to recognize the efforts of a lot of people over an extended period of time. Mr. Johnson explained that Tree City USA is a national recognition program for communities that go above and beyond to take care of their trees. He outlined the requirements for meeting the Tree City USA designation. He presented to the City its first annual recognition plaque designating the City of Leon Valley as Tree City USA. Live Oak, Boerne, and New Braunfels are other cities in this region that have been designated as meeting the Tree City requirements. Community Development Director Flores introduced Tree Advisory Board Members Denise Berger, Chair, and Thomas Benavides, Vice-Chair/Secretary.
3. **Citizens to be Heard and Time for Objections to the Consent Agenda.**  
No citizen came forward to address the City Council.

**Consent Agenda**

Motion to adopt the Consent Agenda (Items 4 through 9) by Councilman Bieber and second by Councilman Reyna. Voting Aye: Hill, Reyna, Baldrige, Dean, and Bieber. Voting Nay: None. Mayor Riley announced the motion carried.

4. **Consider Approval of the Regular City Council Meeting Minutes of April 2, 2013.**  
Approved the Regular City Council Meeting Minutes of April 2, 2013.

**CITY COUNCIL MEETING OF THE CITY OF LEON VALLEY, TEXAS  
APRIL 16, 2013**

5. **Consider Action on City Board, Commission, and Committee Appointments, M&C # 04-03-13.** Appointed Gail Tribble to the Branding Subcommittee by minute order.
6. **Consider Action on an Ordinance Appointing a Committee Member to the 2012 Bond Program Oversight Committee, M&C # 04-04-13.** Appointed Francisco 'Frank' Zavala to the 2012 Bond Program Oversight Committee by ordinance.

**Adopted Ordinance No. 13-012** – Appointing a Member to the 2012 Bond Program Oversight Committee, Francisco 'Frank' Zavala.

7. **Consider Action Approving Quarterly Investment Report for January 1, 2013 through March 31, 2013, M&C # 04-05-13.** Approved the Quarterly Investment Report for January 1, 2013 through March 31, 2013 by minute order.
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.** Awarded the bid received for the 2013 Water and Sewer Improvement Projects to San Antonio Constructors and authorized the City Manager to execute the bid award documents.

**Adopted Ordinance No. 13-013** - 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 the 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.

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.** Approved an Ordinance amending the Fiscal Year 2013 Budget in the Amount of \$4,523.13 from the Southwest Texas Regional Advisory Council (STRAC) for Fire Department EMS Supplies and Equipment.

**Adopted Ordinance No. 13-014** – Approving Amendments to the Original Budget of the City of Leon Valley, Texas, for the Fiscal Year of 2013.

**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.**

Interim Fire Chief Valdez, made a presentation, introduced Paul Johnson, Texas Urban Forester, and Will Boettner, Wildland Urban Interface Specialist, after which the City Council considered action.

Mayor Riley asked if the neighboring homeowners had been notified about the project. Interim Fire Chief Valdez stated he had made some informal visits. He noted that upon

**CITY COUNCIL MEETING OF THE CITY OF LEON VALLEY, TEXAS  
APRIL 16, 2013**

approval, staff would embark on a door-to-door campaign notification process to the neighboring homes.

Councilman Dean stated that Interim Fire Chief Valdez had done a great job on the project, putting in a lot of work on the project, and that it was greatly appreciated.

There being no other comments, Mayor Riley asked for a motion. City Attorney Zech noted there were a few changes that needed to be made to ensure that the City does not waive any of its immunities. He asked that the motion include language allowing for those changes.

Motion by Councilman Reyna and second by Councilwoman Hill to approve 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, subject to the city attorney's recommended language changes in the agreements presented as exhibits to the ordinance. Voting Aye: Hill, Reyna, Baldrige, Dean, and Biever. Voting Nay: None. Mayor Riley announced the motion carried.

**Adopted Ordinance No. 13-015** – 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.

**11. Presentation of Annual Report by the Leon Valley Historical Society.** (Darby Riley, President, of the Leon Valley Historical Society)

Mr. Riley made a formal presentation of the Leon Valley Historical Society's Annual Report.

Following Mr. Riley's presentation, the City Council discussed the reported information. Mayor Riley asked how much acreage was being requested for the expansion versus how much land would remain for the Triangle Park. Mr. Riley indicated between  $\frac{1}{4}$  to  $\frac{1}{2}$  of an acre would remain. He noted that would certainly be worked out, what portion would be landscaped for the park. He continued that the restrooms serve the public and that restrooms are needed. He noted that restrooms would be a big addition to the frontage for public use. Mayor Riley asked who the Leon Valley Historical Society worked with in 2005 to help put the lease together to provide some historical perspective. Mr. Riley answered that Pat Wright, the City's former Public Works Director, and engineer, was the main person who came up with the idea of the El Verde curb cut. Mr. Riley continued stating that Pat Wright basically designed the entire cooperative relationship. Mr. Riley noted that the City of Boerne model was used that is in place for 150 acres leased to the Cibolo Nature Center which has been in place successfully for 20 years. Mr. Riley noted that despite disagreements, the Historical Society was confident those can be worked out.

Councilman Dean indicated he would do everything he can do to help with the Huebner-Onion Home. He questioned the cost of the curb cut and with the drainage issue that a cost had been estimated by the Texas Department of Transportation (TXDOT) to be between \$200,000 and \$400,000. Mr. Dean noted that he recalled someone discussing those issues to be resolved at those costs. The City Manager stated he had not had that

**CITY COUNCIL MEETING OF THE CITY OF LEON VALLEY, TEXAS  
APRIL 16, 2013**

conversation with TXDOT. He asked if perhaps Public Works Director Vick had some knowledge of estimated costs. Public Works Director Vick addressed the City Council confirming that he and Community Development Director Flores had asked TXDOT about the cost for that kind of improvement. Although an exact figure was not mentioned, Mr. Vick confirmed that the difficulty arose from the close proximity of Huebner Creek in allowing a deceleration lane to allow people to slow down to drive onto a parking area and with the proximity of the Huebner-Onion House and the bus stop limiting the space for an acceleration lane allowing people to re-enter Bandera Road safely. Beyond that, Mr. Vick noted that a traffic light would need to be installed to allow traffic to get in and out of a parking area on the frontage area. Discussion continued that the City cannot afford \$200,000 on the low end. Mr. Riley noted that he had heard a lower amount, \$80,000, which might be obtained through a grant. Discussion continued about the need to address drainage. Councilman Dean stated he thought a study needed to be done to determine how much it would cost and if it would be practical to put a parking lot there. Councilman Dean recalled voting unanimously to put in a pocket park in and indicated that for some reason, the Historical Society is holding up putting in the pocket park.

Mr. Riley noted that to his knowledge neither statement nor action had been taken by the Leon Valley Historical Society to impede the installation of the pocket park. Councilwoman Baldrige commented on the original recommendation of then City engineer Pat Wright that it would be feasible to study the possibility of this and then she thinks the Historical Society could possibly attach a grant to making the change. She stated that it would be beneficial to the City to drawing more visitors to the Park. She indicated it was a critical part to celebrating the Park in the middle of the City.

Councilwoman Hill noted that the Historical Society as a non-profit organization is poised to raise funds towards making the project a reality in a way that the City can't. She stated that if the City can put together a joint plan and program with the Historical Society that allows us to work together making use of the Historical Society's 501c3 designation combining the City's resources and that she believes the City and the Historical Society can work the situation out.

Councilman Bieber asked about the history of grants since 2005. He noted that there seems to be some confusion about whether the mission of the Leon Valley Historical Society is historical or conservation. He referenced monies that had been raised for work on the house porch but that had been spent for something else. Councilman Bieber stated that he thought perhaps the Historical Society's efforts and energies had been diffused because of the conservation efforts of the Historical Society. He stated that the primitive area needed to be managed by the City's Park Commission. He noted a strong division. Mr. Riley reiterated that the frontage is part of the lease and that it is needed to make the facility a sustainable facility with the construction of a pavilion for weddings and parties. Mr. Riley noted that possibly an agreement could be made between the Historical Society and the City to just allow building on the frontage as contemplated in the Lease. Mr. Riley stated that the advantage the Historical Society sees for the City as far as the Natural Area is that it has been opened and maintained; mowed and trimmed for 8 years at no cost to the City. Mr. Riley estimated that the cost of mowing and trimming the area would be between \$50,000 and \$100,000 per year for the Department of Public Works to maintain the Natural Area. He noted that the Park

**CITY COUNCIL MEETING OF THE CITY OF LEON VALLEY, TEXAS  
APRIL 16, 2013**

Commission is an advisory board. Mr. Riley agreed with what he described as a good concept in the Lease; the partnership which allows the Historical Society to act as a steward of conservatorship for the Natural Area and the City to work with the Historical Society to meet that mission. He further noted that wildlife had greatly increased by maintaining the middle part of the Natural Area in its natural state. Mayor Riley noted that that what makes Leon Valley's situation unique is the Natural Area and the Historic Homestead together.

Councilman Reyna indicated that perhaps moving forward is the thing to do but at an arm's length for the remaining two year period on the Lease.

Councilman Bieber referred to a letter written by the Forestry Service in 2005 that recommended a perimeter trail around and through the Natural Area. Mr. Riley noted that former Mayor Marcus Semmelmann is the one who developed an ordinance establishing a perimeter trail. Questions were raised about letter Councilman Bieber was referencing, the letter dated June 16, 2005 was from the Texas Forest Service to Mr. Darby Riley. Councilman Bieber stated that Mr. Riley had shared the letter with him some while ago. It was determined that the information had not been provided in the City Council packet nor to any other City Council Member. Councilman Reyna asked that a copy of the letter be provided to the City Council.

Councilman Dean asked for a scale diagram to determine how much acreage would remain from what the Historical Society is requesting so that the City can determine how much land would be available for the pocket park. He noted that he had asked for the information on two previous occasions and thought now is the time to obtain the information. Mr. Riley answered that Councilman Dean was right and that the Historical Society would provide the information.

**A. Open Public Hearing.**

James Brandenburg, 7210 Gumtree, addressed the City Council. He noted that part of the beauty for he and his wife living in Leon Valley are the wildflowers in the Natural Area and the wildlife. He noted that this is one of the most unique places in the state of Texas. He noted that he and his wife walk the Natural Area 5 times per week. He opined that he would like for the Natural Area to continue to be managed and maintained as it is.

- B. Close Public Hearing.** There were no other speakers to address the City Council.
- 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)

Councilman Dean brought up the issue of deciding how much land needed to be set aside for the pocket park so that it can be put in place as a showplace at the entrance to the City. He apologized for his misunderstanding that the Historical Society had imposed its will in not allowing the pocket park project to move forward. He affirmed that the City is going to put a pocket park there but it is just a question about how big it will be.

**CITY COUNCIL MEETING OF THE CITY OF LEON VALLEY, TEXAS  
APRIL 16, 2013**

Councilman Reyna asked why the pocket park hadn't been done. Mayor Riley answered that the City has a lot on its plate. She affirmed that she likes the idea and thinks the project should move forward. City Manager Longoria noted that the problem has been that through the Lease which allows the Historical Society use of the Natural Area the City does not have control of the land. Mr. Longoria noted that despite the City Council authorizing the funds from the CIED Fund until an agreement can be negotiated with the Historical Society with its Master Plan developed showing some use in the area that it has to be determined how much land will remain for the City's pocket park. He noted that as being the impediment to moving forward with the pocket park project.

Mayor Riley asked if the Historical Society had been notified that there was a concern about that. Mr. Longoria stated that it was discussed during the negotiations on the Lease Agreement about the pocket (Triangle) park. Mayor Riley asked if that communication had been made since the funds had been authorized. The City Manager responded no, the communication had not been done since the funds were authorized. Mayor Riley noted that communication is key. Councilman Reyna noted that is one of the legal questions he thought should be considered by the City's Attorney as the 2005 Lease Agreement contains language that the City has final approval for all structures placed on it. He noted if that is the case, logically why is it that then the City has to wait until it is approved since the Lease contains that language. He stated that the City's Attorney should answer some of these questions. He noted this is the logic for the next Council Agenda Item.

Councilwoman Baldrige asked how the City is going to gain entry if the City is going to plan quickly to use some of the frontage. The City Council discussion continued along the lines of access versus installing a parking lot. It was noted that the pocket park would be a walking [to] park. Councilman Reyna asked what the reasonable timeline for making this happen is. City Manager Longoria reiterated his questions about the amount of land that would remain after the development of the Historical Society's Master Plan as shown in tonight's Annual Report Presentation. Councilman Reyna asked if the City can give land to the Historical Society now that it is parkland and what relationship can the City legally have regarding that piece of land between the Historical Society and the City. Councilman Dean and Councilman Reyna agreed that at some point, the City and the Historical Society need to come together to decide and that it is a situation which needs to be decided. There was some discussion about bringing back this item for action at a future meeting while allowing the City Attorney to study the matter.

Motion by Councilman Reyna and second by Councilman Dean to bring this item back to the City Council for action on May 21 subject to the City Attorney's time required for review. Voting Aye: Hill, Reyna, Baldrige, Dean, and Biever. Voting Nay: None. Mayor Riley announced the motion carried.

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)

**CITY COUNCIL MEETING OF THE CITY OF LEON VALLEY, TEXAS  
APRIL 16, 2013**

Councilman Dean introduced this agenda item. He referenced that the fire break and clean-up should have been done. He continued that the agreement was violated, ignored, and there seemed some reluctance to clean up the situation even after it was brought to attention of the Historical Society. He stated that he believes the Historical Society owes the City \$9,800 for the fire break project work proposed and now authorized by the City Council. He focused on the fact that there was no way to get firefighting equipment into the Natural Area should a fire have occurred. He noted that the Historical Society should do a whole lot more to maintain the area once it is cleaned if they want to maintain the Lease for the next two years.

Councilman Reyna noted he believes that the City is still responsible for that land regardless of what is done with the Lease. He noted that he thought the process is to have, by vote of the City Council, the City Attorney analyze the Lease and answer questions that remain, possibly in Executive Session so the City can move forward.

Mayor Riley asked Interim Fire Chief Valdez about the existence of a fire break in times past beginning in 1930. She stated the Onion Family lived on the property from 1930 to 1983, she asked if there was a fire break then. Mr. Valdez responded that he was not in Leon Valley at the time and so he was unsure. She noted the property was vacant from 1983 to 2000; with Mrs. Onion's death, the property was vacant, she asked if there was a fire break then. Mr. Valdez responded that he was not in Leon Valley at the time. Mayor Riley asked if when the City purchased the property from 2000 to 2005 if there was a fire break. Mr. Valdez stated not that he was aware of.

She noted that the fire break became part of the Lease since the City signed the Lease with the Historical Society in 2005. Mr. Valdez noted that the requirement for a defensible space was required in the 2000 International Fire Code. Mr. Valdez noted that he was not involved previously and so could not speak to Mayor's questions about whether the fire break was established or maintained in years past. Mayor Riley stated that with the Bastrop fire there was heightened awareness of the need for a fire break. She noted that the pictures shown tonight reflect the Historical Society had cleared a path. Mr. Valdez noted that there were two separate issues; removal of the fuel and access. He noted that the path that was cleared was not adequate for access.

She noted that it is wonderful to have the partnership between the City and the Historical Society to get this very massive project done. Mayor Riley noted that the Defensible Space Project is one that takes professional expertise to establish. Interim Fire Chief Valdez confirmed the initial cut needs to be done by professionals.

Councilman Bieber noted the decision to use professionals instead of volunteers was made not by the Interim Fire Chief but by the Forestry Service professionals and the City Manager. He noted that there is still a lease agreement that stipulates the area will be kept clear.

Councilwoman Baldrige noted there never has been an inspection by the City's departments because there are things in the area which have been there for many more years than a fire break would have cleared. She stated she thought it was the fault of everyone that this situation had not been attended to before based on there not being notification to property owners. Councilman Reyna stated that if the Historical Society

**CITY COUNCIL MEETING OF THE CITY OF LEON VALLEY, TEXAS  
APRIL 16, 2013**

really wants the Lease renewed or extended, it should not object to having the City Attorney doing a proper analysis of what's been done or what needs to be done. Mr. Reyna stated one of the questions that will continue is can we work through it together.

Councilwoman Hill agreed that the City Attorney needs to do a thorough analysis and there is no reason as why reasonable people we can't get through it. Councilman Biever referenced the June 16, 2005 letter from the Texas Forestry Service to Mr. Riley as proof that communication about what needed to be done was in the knowledge of the Leon Valley Historical Society as well as minutes from the Historical Society dated July 7, 2005, of knowledge of the work that needed to be done. He stated that Mr. Riley provided him with a copy of the information when the discussion came up regarding the extension of the Lease.

Mike K. Davis, Jr., 6031 Walking Gait Drive, addressed the City Council stated he likes Darby Riley's (Leon Valley Historical Society) plan. He noted that he thinks the fire break issue is a landlord's problem. He stated it is a solvable situation that doesn't require an attorney or lawsuit to resolve. He recommended that the City Council and the Historical Society get together to discuss these matters and come to a satisfactory conclusion that is satisfactory to both.

Al Uvietta, 6923 Sunlight Drive, addressed the City Council. He noted that the Historical Society knew the fire break work had to be done. Mr. Uvietta noted his knowledge as being first hand because the Mayor, Mr. Riley, Mike McDonald, and he did the first fire break work. He noted the fire break work has not been done since then. Mr. Uvietta asserted that the Natural Area needs to be under the Park Commission.

Patty Manea, 6103 Britania Court, concurred with Mike K. Davis, Jr.'s assessment that the City Council and the Historical Society need to get together to resolve the situation rather than bring it to the City Council Meeting. She suggested that perhaps members from the Historical Society, a City Council Member, and the Park Commission might meet quarterly to ensure everyone is on task.

Charles Biasioli, 7107 Stirrup Circle, noted that it sounds like there too many bad feelings and we need to start over with some new ideas. He stated the Park is good and the Historical Society is good. Leon Valley is good. He said Leon Valley is about being home and not about bad feelings.

Mayor Riley asked if Councilman Reyna or Councilman Dean were seeking any actions related to this agenda item that they would like the Council to consider.

Councilman Reyna expressed his appreciation for the speakers' comments. He explained the process related to the Lease, a legal binding document. He explained that the entire City Council has to act on any decisions related to the Lease. He noted that it is a long process; it is sometimes an ugly process. He stressed his obligation to the citizens and the community which is why he agreed to co-sponsor this agenda item. He referenced that is what this agenda item is about. Mr. Reyna continued his remarks stating If the majority of the City Council doesn't feel we should evaluate this, then he would understand. He concluded by stating that he didn't feel anything will be able to be resolved.

**CITY COUNCIL MEETING OF THE CITY OF LEON VALLEY, TEXAS  
APRIL 16, 2013**

Councilman Reyna made a motion and Councilman Dean seconded that to adopt this agenda item as it is stated in this agenda. Mayor Riley repeated the agenda item caption. City Attorney Zech asked for clarification related to how the agenda item is written; citing the wording about 'evaluate the process.' Councilman Reyna asked if the wording made sense to the City Attorney. Mr. Zech replied that it does and that can be answered at the next Council Meeting. Mayor Riley called for a vote. Voting Aye: Hill, Reyna, Baldrige, Dean, and Bieber. Voting Nay: None. Mayor Riley announced the motion carried.

Councilman Reyna and Councilman Bieber left the City Council Chambers at 8:33 p.m. Mayor Riley announced as there was still a quorum, the City Council would continue with the first of the three zoning cases. Councilman Reyna and Councilman Bieber returned to the City Council Chambers at 8:37 p.m.

**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.**

Following a presentation by Community Development Director Flores, Zoning Chair Guerra addressed the City Council. Mr. Guerra noted the conditions related to the case and informed the City Council that on-site visits were conducted. Mr. Guerra reported that the motion covered both requests, and the vote was unanimous for approval, 7 to 0.

Mayor Riley asked about a community outreach. Ms. Flores confirmed that Ancira did a very thorough outreach to the neighboring community. Councilman Bieber asked about where the water comes down the one street into the property. City Engineer Sayyadi addressed the question about the drainage. Mr. Sayyadi noted he checked with the neighbors; was informed the water drains away as it should and is not reaching anyone's property line. Mayor Riley asked if the concrete fence will impact the drainage. Mr. Sayyadi noted there are different ways of constructing the fence so the water drains and persons are kept from entering the area or using it to access neighboring properties.

Ms. Flores noted that Joey Blackman from Ancira was present and would address the City Council.

**A. Open Public Hearing.** Mayor Riley opened the Public Hearing at 8:49 p.m. Mr. Joey Blackmon addressed the City Council addressing the history of the dealership in Leon Valley and other changes due to the economy. Mr. Blackmon informed the City Council that Mr. Ernesto Ancira is committed to remaining in the City of Leon Valley to do business. He indicated Ancira approached the neighbors to ensure that all of their concerns were answered in addition to providing a good buffer zone and securing the neighbors' safety to the extent Ancira can. He stated Ancira acts to be a good neighbor. He reported the dealership is ready to spend another \$4 million dollar to house a dealership to house 40 to 50 employees and hopefully enhance the property tax that is paid to the City.

Bill Toscano, 6016 Rue Liliane, addressed the City Council. He noted he is one of the neighbors to the Ancira Dealership. He said the neighbors are in agreement with

**CITY COUNCIL MEETING OF THE CITY OF LEON VALLEY, TEXAS  
APRIL 16, 2013**

the dealership. He asked about who will serve as a watchdog to the very large oak trees on the property. Mayor Riley asked Community Development Director Flores. Ms. Flores confirmed that because the tree is a heritage sized tree that it would be protected from removal.

**B. Close Public Hearing.** Mayor Riley closed the public hearing at 8:55 p.m. there being no other persons to come forward to address the City Council.

**C. City Council to Consider Action on proposed rezoning.**

Motion by Councilman Dean and second by Councilman Reyna to approve 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. Voting Aye: Hill, Reyna, Baldrige, Dean, and Bieber. Voting Nay: None. Mayor Riley announced the motion carried.

**Adopted Ordinance No. 13-016** – Rezoning Certain Property from R-4 (Townhouse) and B-2 (Retail) to a B-3 (Commercial) Zoning District and to Further Rezone Said Property from the Sustainability Overlay Zoning District to the Commercial / Industrial Overlay Zoning District Upon Application by Ernesto Ancira, Jr., Applicant and Property Owner.

**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.**

Following a presentation by Community Development Director Flores, Zoning Chair Guerra addressed the City Council.

Mr. Guerra noted the conditions related to the case. Mr. Guerra read from the applicant's letter regarding building an office building structure larger than 3,000 square feet and to be allowed uses and to be allowed the land uses outlined in B-2 zoning. Mr. Guerra reported that based on the uncertainty of the use because the owner doesn't have a buyer for the property yet which resulted in the Zoning Commission's vote of 5 to 2 recommending denial of the zoning case based on the uncertainty of the eventual uses and possible negative impacts on surrounding property owners as being too great.

The City Council asked about the potential B-1 uses in comparison to B-2 uses and the impact of parking, access, drainage, tree and silo preservation, access to the City's well site, and any possible prohibited uses based on proximity to schools, churches, and the applicability of the sustainability overlay requirements. Community Development Director Flores and City Engineer Sia Sayyadi addressed the questions regarding the restrictions and possible uses.

A question was raised regarding conditional zoning which City Attorney Zech addressed. Mr. Zech explained that conditional zoning means a zoning in which the governmental body allows a change in zoning activities subject to certain conditions that are designed to protect adjacent land from the loss of use value which might occur, if the new zoning

**CITY COUNCIL MEETING OF THE CITY OF LEON VALLEY, TEXAS  
APRIL 16, 2013**

activities are allowed without any sort of restrictions. The restrictions that are imposed on conditional zoning are not usually on similar zoned property.

Mr. Matt Ballio, applicant, addressed the City Council. He stated they do not have any definite plans at this time but that they are willing to work with the City. He said they want to change the zoning to be able to better utilize the property. Mr. Ballio said they do not have any plans to remove the silos. He noted the questions related to tree preservation, access to and protection of the City's well site and main waterline, the need for a detention pond, parking issues, and traffic considerations have all been answered by Ms. Flores and Mr. Sayyadi.

**A. Open Public Hearing.**

Liz Maloy, 7411 Chenal Point, addressed the City Council. She explained that one of the most difficult considerations as a zoning commission is a zoning change. That occurs she explained because a developer or owner will draw beautiful pictures of what they say will be done, including saving silos. But there is no obligation for them to do any of that. She stated when you do a zoning change, you are giving the right to the owner of that property to do every single thing that is on that list. She noted that the developer can also go vertical. She referenced the change to B-2 as with the DPS Center and its effects. She continued discussing the evaluative processes that should be used in zoning changes. She cautioned the City Council against going to B-2 use.

**B. Close Public Hearing.** Mayor Riley closed the public hearing at 9:34 p.m. there being no other persons to come forward to address the City Council.

The City Council questioned if there was some protection for the silos. Staff responded that the answer was no.

**C. City Council to Consider Action on proposed rezoning.**

Motion by Council Member Kathy Hill and second by Council Member Baldrige to deny the request to change the zoning from B-1 to B-2 on the 1.7 acres.

Councilman Reyna asked what the next step would be if the applicants are denied the request. Mr. Reyna noted that the reason he asked the question is the City is under litigation for not letting property owners use their property as they think is appropriate. He asked what would be the next step if the request is denied. Community Development Director Flores responded if the request is denied, the applicants will not be able to request another zoning change for 6 months based on the City's Code of Ordinances.

Mr. Reyna asked if that included replatting. Ms. Flores responded that did not include platting and noted that the applicants have a platting request in progress pending awaiting the outcome of the zoning change this evening because the property does not have the property is not platted and does not have utilities on it to use it or sell it.

Mr. Reyna mused that the choice is one large building or smaller buildings. Ms. Flores explained that plats do come before the City Council but without a public hearing. Mr. Zech explained the differences between the plats and zoning; zoning is discretionary. City Councils have tremendous discretion in rezoning a property. City Councils have no discretion in platting.

**CITY COUNCIL MEETING OF THE CITY OF LEON VALLEY, TEXAS  
APRIL 16, 2013**

If the proposed plat complies with the City's subdivision regulations and requirements associated with platting, the City Council has no discretion as to the approval of those plats and the plats have to be approved within 30 days or it is automatically approved. Mr. Reyna noted that with platting the land can be subdivided and so can result in a larger building. They can still put more buildings. Councilman Dean asked if there is any benefit to waiting to look at the plat. Ms. Flores responded that the City Engineer will look at the plat and if it is in substantial conformance with the codes, the City would have to act within 30 days or it is approved.

Mayor Riley restated the motion: Motion by Council Member Kathy Hill and second by Council Member Baldrige to deny the request to change the zoning from B-1 to B-2 on the 1.7 acres.

Mayor Riley called for a roll call vote with the following results:

Aye: Councilwoman Hill  
Nay: Councilman Reyna  
Aye: Councilwoman Baldrige  
Nay: Councilman Dean  
Nay: Councilman Bieber

Mayor Riley announced the motion failed with 2 votes in favor of denial and 3 votes against the denial.

Councilman Reyna asked a parliamentary question regarding since the motion did not pass if there was a second motion made to adopt, if it could be considered. City Attorney Zech responded that was correct.

Motion by Councilman Reyna and second by Councilman Dean to approve the zoning request.

Mayor Riley called for a roll call vote with the following results:

Nay: Councilwoman Hill  
Aye: Councilman Reyna  
Nay: Councilwoman Baldrige  
Aye: Councilman Dean  
Aye: Councilman Bieber

Mayor Riley announced the motion carried by a vote of 3 in favor of approval and 2 against approval.

**Adopted Ordinance No. 13-017 – 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.**

- 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.**

**CITY COUNCIL MEETING OF THE CITY OF LEON VALLEY, TEXAS  
APRIL 16, 2013**

Following a presentation by Community Development Director Flores, Zoning Chair Guerra addressed the City Council. Mr. Guerra noted there would be a population of 30 dogs with 2 persons to care for them. Training of the dogs will take place primarily inside the building. Air conditioning will be provided for the portion of the building that will be used. The noise would be abated by noise absorbant materials. He reported the Zoning Commission voted 6 to 1 in favor of granting the SUP Request.

Applicants Johnathan and Phoebe King, 8522 Rita Elena, San Antonio, addressed the City Council. Mr. King noted they own a kennel in Junction, Texas, which will be under the care of his father.

- A. Open Public Hearing.** Mayor Riley opened the Public Hearing at 9:51 p.m.
- B. Close Public Hearing.** Mayor Riley closed the Public Hearing at 9:51 p.m. there being no other persons to come forward to address the City Council.
- C. City Council to Consider Action on requested Specific Use Permit.**

Motion by Councilman Dean and second by Councilwoman Hill to approve the request. Voting Aye: Hill, Reyna, Baldrige, Dean, and Biever. Voting Nay: None. Mayor Riley announced the motion carried.

**Adopted Ordinance No. 13-018** – 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.

**Discussion Agenda**

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

- A. Report on Status of the Evers and Huebner Roads Traffic Improvements Project.**  
City Manager Longoria reported he met with the facility owner of the DPS Center who agreed to implement Phase A as outlined by HNTB. Under Phase A, the proposal is to prohibit westbound Huebner traffic left hand turns into the Center with current striping maintained. Mr. Longoria noted there was agreement from owner to re-stripe the lane. The owner will install raised markers commonly called ‘turtles’ to block left turns into the DPS Center. Road side overhead signage will be installed to inform the drivers there is no left hand turn into the DPS Center. Additional signage will be installed to direct westbound Huebner traffic to turn at Evers to access entry into the DPS Center. The signal should be adequate to implement Phase A of the plan. The change in the signalization should be part of Phase B of the plan. There will be right only turns and signage to direct visitors to the DPS Center back onto Huebner. The driveway recommended radii be extended to 25 foot. Departing traffic from the Center will be encouraged to use the easternmost driveway to exit right onto Huebner Road. Lastly it was recommended to add a deceleration lane for eastbound traffic to turn into the westernmost DPS driveway so traffic headed west on Huebner.

Mr. Longoria reported the owner hired an engineer and submitted a draft plan to review. The work on approving the plan is close for Phase A. The final plan is

**CITY COUNCIL MEETING OF THE CITY OF LEON VALLEY, TEXAS  
APRIL 16, 2013**

expected to be delivered on Thursday. The City will start its review to ensure everything is in accordance with the City's codes. We expect our review and the issuance of the permits to occur early part of next week. They have hired a contractor to implement the plan. Probably sometime late next week, the work will begin and will be done primarily on Saturdays so as to minimize disruption of the Center on weekdays over the next 4 to 5 weeks. We're looking at mid to late May for completion of the project. The dialogue will continue on Phase B; it will be more complex because it means conveying property to the City, moving utilities, and moving the bus stop. He reiterated Phase A should address the majority of the safety concerns. Phase B changes are considered to be a longer term problem. The City Manager reported he will have to come back to the City Council regarding issuing the final certificate of occupancy after Phase A is completed. The light at Evers Crossing will not be addressed in Phase A. Mr. Longoria noted those lights do not synchronize with the City of San Antonio or with TXDOT lights because it is on a separate system. There may be some consideration to getting a controller that synchronizes. The light at that location is older and perhaps a little unreliable. When it works, the light there works. He stated it is in the Development Agreement as the responsibility of the developer to get that light replaced in Phase B.

- B. Report by Public Works on Street Maintenance Program for 2013. Public Works Director Vick made a presentation reflecting the current street maintenance program in place. Some sidewalk repairs are being done as part of the current street maintenance program.
  
- C. 2013 Swimming Pool Season and Report on City's Pool Operation, with Possible Direction to Staff.

Byron Vick, Public Works Director, addressed the City Council regarding the City's Pool. He reported that this year the Pool has been checked by an electrician. He detailed the annual expenditures by the City on lighting and water not including repairs or maintenance items. He reported he checked with the Kelleys and they indicated they are not interested in operating the pool. He checked with the Nelsons and other persons who know certified pool operators; there seems to be no interest.

The City Council questioned if the usage was known. They also asked what it would cost for the City to operate the Pool for one year. Mr. Vick reported there are no use records to determine its actual cost. Councilman Reyna asked about the City Council's consensus on an analysis to make some kind of determination about the City's options on the pool. Councilwoman Baldrige asked if oversight was done on the pool operations to determine use. Staff responded during the daytime there was oversight. It was determined that although the agreement requires reporting, the pool operator did not provide the information. Mayor Riley asked if the City had advertised for a certified pool operator. Councilman Dean asked about the records of attendance. Staff confirmed that the contract required a full audit by September 30; money taken, numbers of persons participating, etc. Councilman Dean asked about legal recourse. City Attorney Zech stated he had no idea at this point. Councilman Bieber noted if it hasn't been successful that perhaps there might be other uses for the property since it is across from Raymond Rimkus Park. Mayor Riley asked when \$40,000 was spent on the pool. Staff responded the maintenance was done 2 years ago. It was also asked about \$2,000 provided the pool operator

**CITY COUNCIL MEETING OF THE CITY OF LEON VALLEY, TEXAS  
APRIL 16, 2013**

last year. The City Manager stated it would be possible to bring back a report by the next meeting regarding opening the pool this season including what it would cost to fill it in and what are other basic zoning options so the City Council can make a decision quickly.

Ricardo Ruiz, 5661 Poppyseed, addressed the City Council stating he was against closing the City's pool which is a source of family entertainment. He indicated he felt the City's pool was not properly advertised. He learned about it from a KLRN auction. He informed the City Council that the his family has used the pool every year for 4 years.

- D. Financial Statement for March 2013. Finance Director Wallace presented the Financial Statement for March.
- E. Monthly Departmental Reports. There were neither questions nor comments on the Monthly Departmental Reports.
- F. Approved Minutes of City-Affiliated Boards, Committees, and Commissions. There were neither questions nor comments on the Monthly Departmental Reports.
  - (1) Leon Valley 2012 Bond Oversight Committee Meetings of January 24, 2013 and February 28, 2013.
  - (2) Leon Valley Park Commission Meetings of January 14, 2013, February 11, 2013, and March 11, 2013.
- G. 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.** There were no citizens to address the City Council at this time.

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

- 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

Councilman Reyna reported on the progress of the City's legislative year which is different than the one requested. The current legislation is for 10 years. He reported testifying at the legislature was coming up and available for the City Council to participate if they would like.

City Attorney Zech announced the Annual Hogwild Event in New Braunfels on June 28,

**CITY COUNCIL MEETING OF THE CITY OF LEON VALLEY, TEXAS  
APRIL 16, 2013**

Councilman Dean and Councilman Reyna both congratulated Interim Fire Chief Valdez' family on the recent birth of their son.

Mayor Riley announced that a tree has been donated by American Legion Post No. 336 for planting a tree in memory of Stephen M. Perez who died in Iraq in 2006.

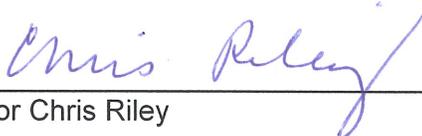
Mayor Riley announced the Park Commission had a recent clean-up of Raymond Rimkus Park and it looks beautiful. She reported that Jere Hull bicycles in Raymond Rimkus Park. Directional signs are missing. Ms. Hull offered to pay for replacing the directional signs. Ms. Hull was very appreciative of Leon Valley for the Park.

**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).

There was no Executive Session conducted under this agenda item.

21. **Adjourn.** Motion by Councilman Reyna and second by Councilman Dean to adjourn the meeting at 10:34 p.m. Mayor Riley adjourned the meeting without objection at 10:34 p.m.

  
\_\_\_\_\_  
Mayor Chris Riley

ATTEST:

  
\_\_\_\_\_  
Janie Willman, City Secretary

