

CITY COUNCIL MEETINGS OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, FEBRUARY 5, 2008

The City Council of the City of Leon Valley, Texas, met for a Special City Council Workshop Meeting on the 5th day of February 2008 at 5:00 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:

CITY COUNCIL WORKSHOP - 5:00 P.M.

Call to order.

Mayor Riley called the workshop meeting to order at 5:03 p.m. and asked that the minutes reflect that the following members of Council were present: Manea, Reyna, Dean and Nelson. She announced that Councilmember Baldrige was out of town and her absence was excused.

City Manager Lambert, City Secretary Feutz, Public Works Director Vick, and Assistant Public Works Director Stolz were also present.

Discussion and consideration of qualifications of prospective candidates to provide engineering services for the City.

Presentations and discussion with the City Council and the following candidates representing engineering firms were held in open session: Bury and Partners (Larry Heimer, Miyoung Squire, and Gene Camargo), SIA Engineering (Sia Sayyadi), Gonzales-Del La Garza & Associates (Ayda Gonzalez and Edward De La Garza), and Civil Engineering Consultants Don Durden, Inc. (Rick Myrich, Gary Martin, Frank Jaster, and others). Each company was allowed thirty minutes to present their qualifications and to explain how their company's experience and strengths would benefit the City of Leon Valley. Members from the four firms answered questions from members of Council regarding their experience with street maintenance programs, water rights and water wells, and drainage programs as well as their work experience with other cities.

Adjourn.

Hearing not further discussion, a motion was made by Councilman Reyna, seconded by Councilmember Nelson, to adjourn at 6:40 p.m., and Mayor Riley announced the workshop meeting adjourned.

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

The City Council of the City of Leon Valley, Texas, met for a Regular City Council Meeting on the 5th day of February 2008 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 CITY COUNCIL MEETING - 7:00 P.M.

Call to order and Pledge of Allegiance.

Mayor Riley called the meeting to order at 7:02 p.m. and asked that the minutes reflect that the following members of Council were present: Manea, Reyna, Dean and Nelson. She

**CITY COUNCIL MEETINGS OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,
TEXAS, FEBRUARY 5, 2008**

announced that Councilmember Baldrige was out of town and her absence was excused.

City Manager Lambert, City Secretary Feutz, Police Chief Wallace, Director of Public Works Vick, Assistant Director of Public Works Stolz, Development Services Director Madison and Assistant Director of Development Services Flores, Fire Chief Irwin, Assistant City Secretary/HR Officer Caldera, and City Attorney Alternate Onion were also present.

Mayor Riley welcomed students from Northwest Vista College who were in attendance.

Mayor Riley asked Councilman Manea to lead the assembled group in the Pledge of Allegiance.

Presentation to Green Bin Instant Winners.

Mayor Riley announced two winners for the Green Bin Instant Win program. She announced that Waste Management had generously provided funding for the incentive program to encourage citizens to recycle in Leon Valley. A fifty-dollar check was awarded to resident Henrietta Arevalo and Mayor Riley announced that the Koenig family has also won \$50.

Presentation and discussion of Green Building Standards for Leon Valley. John Friesenhahn - Imagine Homes, Kim Kapavik - Greater San Antonio Builders- Build San Antonio Green, and Steven Shulz - ABC South Texas (Madison/Flores).

Development Services Director Madison introduced builder representatives from the greater San Antonio area who would present information on green building standards. She announced that Mr. Shulz, a planned speaker, had forwarded information, but would not be able to attend the meeting.

City Manger Lambert reminded everyone that the City was considering silver LEED for residential and commercial buildings and platinum LEED for City buildings.

John Friesenhan from Imagine Homes, presented information that his company uses for green building. He informed Council of other green building standards from Energy Star and Build San Antonio Green. He explained that the green building standards address building site, materials, energy, health and water conservation issues and provided examples of how builders incorporate green building standards to address those five categories.

Kim Kapavik, from the Greater San Antonio Builders' Association addressed Council stating that the Builder's Association supported a voluntary LEED-H standard for residential building and that there were other green building standards that the City may consider besides LEED such as the National Green Building Program or the Build San Antonio Green program. She stated that the builders felt that the LEED standards were difficult to meet and expensive to add to building costs. She expressed her concerns that mandatory strict green building standards may put housing prices out of reach for buyers in Leon Valley.

Ms. Madison provided copies to Council of green building standard explanations that had been provided by Mr. Shulz for the meeting.

**CITY COUNCIL MEETINGS OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,
TEXAS, FEBRUARY 5, 2008**

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

Mayor Riley asked Councilmembers if they wished for anything on the Consent Agenda to be removed from that agenda for further discussion. Hearing no requests, Mayor Riley then asked if anyone in the audience wished to address the Council.

Resident Richard Hartman addressed Council to present a complaint about the graffiti that was along Evers Road and asked Council if there was something that Council could do to clean it up as it detracted for the rest of the neighborhood area. Mayor Riley advised Mr. Hartman that a later item on the agenda was going to address graffiti in residential areas and the City Manager informed the resident that recent graffiti activity was being work on.

Mayor Riley asked if anyone else would like to address the Council at that time, seeing no one, Mayor Riley asked for a motion to approve the items listed on the Consent Agenda.

Consent Agenda

Consider approval of minutes of the Council Workshop of January 12, 2008, and Workshop and Regular City Council Meeting of January 15, 2008 (Feutz).

Consider M&C # 02-01-08 with attached Ordinance - request to approve an administrative action to repeal Ordinance No. 1493 and adopt Ordinance No. 08-003 designating Waste Management of Texas, Inc. as franchise holder for residential and commercial refuse collection and recycling services for the City of Leon Valley, as per City Code, Chapter 11, "Garbage and Refuse", Section 11.102 (Stolz).

Consider M&C # 02-02-08 - a request to approve nominee, Hank Brummett, to serve as a representative for VIA Suburban Cities on the VIA Board of Trustees (Mayor Riley).

Consider M&C # 02-03-08 with attached ordinance - a request to approve budget adjustments for the Police Forfeiture Fund to fund purchases of a computer network server and a laptop (Chief Wallace).

Consider M&C # 02-04-08 - a request to approve City sponsorship of the San Antonio Chapter of the American Backflow Prevention Association (ABPA) to waive fees for use of Conference Center (Vick).

A motion was made by Councilman Reyna, seconded by Councilmember Dean, to approve the items listed on the Consent Agenda. Upon vote, Mayor Riley announced that the motion carried approving all items on the Consent Agenda.

REGULAR AGENDA

Public hearing to consider Zoning Case # 08-379 with attached ordinance - a request by Emma Bribiescas, applicant and property owner, to rezone approximately 5.73 acres of

**CITY COUNCIL MEETINGS OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,
TEXAS, FEBRUARY 5, 2008**

land from R-1 (Single-Family Dwelling) and R-3 (Multiple-Family Dwelling) zoning to R-7 (Single-Family Medium Density Dwelling) zoning, being Lots 3 through 10, Block 3, CB 9903, Rollingwood Estates Subdivision Unit #1, in the 5300 block of Blackberry Drive. On January 22, 2008, the Zoning Commission recommended approval of the request by a vote of 5 to 0. (Flores).

Assistant Development Services Director Flores addressed Council to present Zoning Case # 08-379 information stating that the request was to rezone approximately 5.73 acres of land from R-1 (Single Family Dwelling) and R-3 (Multiple-Family Dwelling) zoning to R-7 (Single Family Medium Density Dwelling) zoning in the 5300 block of Blackberry Drive. Ms. Flores stated that of the 5.73 acres to be rezoned, 5.013 acres were currently zoned B-3 and 0.716 acres were zoned R-1. Ms. Flores provided background information on the surrounding zoning and the history of the site's zoning and platting. She stated that the request to rezone to R-7 appeared to be consistent and compatible with the Master Plan and surrounding zoning and if approved, would be the first application of the newly developed R-7 zoning district. Ms. Flores stated that the applicant must replat the properties prior to any building permit issuance. She stated that 20 letters were mailed to property owners within 200-feet of the property and one letter was returned in favor of the rezoning, and no letters were received in opposition to the rezoning request nor returned undeliverable.

Ms. Flores announced that the Zoning Chairs were unable to attend the meeting, but she reported that on January 22, 2008, the Zoning Commission voted 5 to 0 to recommend approval of the zoning request.

Mayor Riley opened the public hearing at 7:36 p.m. and invited anyone in the audience to address Council on the proposed zoning case. Hearing no one, Mayor Riley closed the public hearing at 7:37 p.m.

Following discussion, a motion was made by Councilman Manea, seconded by Councilmember Nelson, to approve Zoning Case # 08-379 as presented. Upon vote, Mayor Riley announced that the rezoning request had been approved.

Public hearing to consider Zoning Case # 08-380 with attached ordinance - a request by Patrick Christensen, agent for Goldstar Trust Company, applicant and property owner, to rezone approximately 3.803 acres of land from B-2 (Retail) zoning to B-3 (Commercial) zoning, being Lot 4, CB 4429J, Seneca Estates Subdivision Unit #7, located at 6401 Bandera Road. The agent for the applicant requested postponement of the public hearings and consideration of this case be moved to February 26, 2008 for the Zoning Commission and to March 4, 2008 for the City Council. The Zoning Commission agreed to postpone their public hearing on the case until their meeting of February 26, 2008 (Flores).

Mayor Riley read the agenda title aloud and announced that the Zoning Case # 08-380 would be postponed until February 26, 2008 for the Zoning Commission hearing and postponed until the March 4, 2008 for the public hearing before the City Council and its consideration. Mayor Riley announced the consideration of the case would be tabled until March 4, 2008.

**CITY COUNCIL MEETINGS OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,
TEXAS, FEBRUARY 5, 2008**

Public hearing to consider Replat Case # 07-108 with a variance - a request by Venkat Thupakula, applicant and property owner, to replat approximately 0.502 acres of land, being ½ of Lot 17 and all of Lots 18 and 19 to a new Lot 45, Block I, CB 4446A, Linkwood Addition - Kids Place Subdivision, located at 7724 Eckhert Road (Flores).

Assistant Development Services Director Flores addressed Council presenting the details of Replat Case # 07-108, a request by Venkat Thupakula, applicant and property owner, to replat approximately 0.502 acres of land, being one-half of Lot 17 and all of Lots 18 and 19 to a new Lot 45, Block 1, CB 4446A, Linkwood Addition - Kids Galore Subdivision, at 7724 Eckhert Road. Ms. Flores reviewed the Master Plan recommendations for the property and noted that the replat was in substantial conformance. She also informed Council that the applicant had requested a variance to defer sidewalk construction until the building phase of the project. She stated that twenty letters were mailed to property owners within 200 feet of the replat case site with no letters returned undeliverable, in favor of nor in opposition to the case.

Mayor Riley opened the public hearing at 7:42 p.m. and invited anyone in the audience to address Council on the proposed replat case. Hearing no one, Mayor Riley closed the public hearing at 7:43 p.m.

Following discussion, a motion was made by Councilman Reyna, seconded by Councilmember Nelson, to approve the Replat Case # 07-108 with the requested variance, as presented. Upon vote, Mayor Riley announced that the replat case was approved.

Consider M&C # 02-05-08 with attached ordinance - a request to repeal and replace Subsection 6 “Removal, Replacement, Relocation of Small, Medium, and Large Trees” of Leon Valley City Code Chapter 30, “Zoning”, Section 30.900j, “Tree Preservation Regulations”, to add language prohibiting clear-cutting of trees on residential properties and specifying requirements for removal of trees in the floodplain (Flores).

Assistant Development Services Director Flores addressed Council stating that the City’s tree preservation ordinance exempts owners of residential properties from being required to obtain a permit for the removal of trees from their property. She explained that proposed amendment to the tree preservation regulations would prevent clear -cutting of trees on residential lots and would specify adherence to Flood Emergency Management Agency (FEMA) regulations for removal of trees in the floodplain. Ms Flores noted that the current regulations required a minimum of two trees per lot. Ms. Flores also noted that a permit would be required when a large number of trees were to be removed from a residential property and would specify a penalty if the regulations were violated. Ms. Flores read aloud the actual amendment changes and stated that the Zoning Commission had recommended approval of the proposed amendments to the Subsection 6 as presented.

In response to questions from Council about the definition of clear cutting, she stated that the industry standard definition for “clear cutting” is “the large scale, indiscriminate cutting down of trees from a property for no apparent reason or for development.”

Following discussion, a motion was made by Councilman Reyna, seconded by Councilman Nelson, to repeal and replace Subsection 6 “Removal, Replacement, Relocation of small, medium and large trees” of Chapter 30 “Zoning” as proposed and with the addition of the industry standard definition for “clear cutting” to be added to that proposed Subsection 6.

**CITY COUNCIL MEETINGS OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,
TEXAS, FEBRUARY 5, 2008**

City Attorney Onion noted that only Subsections C and D of Section 6 refer to trees on residential properties and that it does not appear that any permit is needed for the removal of a diseased tree.

Upon vote, Mayor Riley announced the changes were approved with the amendment included in the motion.

Consider M&C # 02-06-08 with attached ordinance - a request to amend Leon Valley City Code, Chapter 27 "Miscellaneous", by creating a new Section 27.600 "Failure to Remove Graffiti" and prescribing penalties of no less than fifty (\$50) dollars or more than five hundred (\$500) dollars. This amendment will require property owners or tenants to remove graffiti from their property within ten days (Chief Wallace).

Police Chief Wallace addressed Council stating that the City did not have a program for the abatement of graffiti from private property. He provided definitions for "graffiti" and "property owner". Chief Wallace stated that the proposed Code amendments would require property owners to abate or remove graffiti from their property within ten calendar days of receiving notice of the nuisance. He described for Council ways in which property owners would be notified of nuisance graffiti on their property and noted that a clause was included in the proposed amendments for hardships. Chief Wallace described how the nuisance would be abated and described penalties that could be charged should nuisance fail to be abated by the property owner after notification.

Mayor Riley expressed her concerns that the ordinance penalizes the victims of graffiti and suggested that volunteers be used to remove graffiti, increased patrols work to catch taggers, and possible incentives be considered for those who report taggers.

Councilmember Dean stated that he felt that removal of graffiti was not a duty of the police, but rather a duty for code enforcement.

City Manager Lambert stated that the City currently has no way to force commercial and residential property owners to clean up graffiti. He stated that graffiti on private property causes liability issues for the City to enter private property.

Councilmembers discussed the need to have graffiti cleaned up, options to promote cleanup of graffiti on residential properties, and the need to find more positive remedies to encourage property owners to remove graffiti from their property. Discussion also included having taggers clean up the graffiti, community service projects working on graffiti removal and grants to fund graffiti removal.

Resident Al Uvietta addressed Council asking that the City consider enforcement, awareness, and crime watch to correct the situation. He stated that the issue is an economic development issue as it detracts from the City's appearance.

Resident Rick Rangel addressed Council recommending anti-graffiti paint be used in the City that will allow graffiti to be removed more easily as it is used in the City of San Antonio. Mr. Uvietta agreed with Mr. Rangel and stated that if the City needed the product name, he could also provide that.

CITY COUNCIL MEETINGS OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, FEBRUARY 5, 2008

Following discussion, a motion was made by Councilman Reyna, seconded by Councilman Manea, to table the issue until the next City Council meeting, February 19, 2008. Councilmember Dean asked that the ordinance consideration being tabled be made with the understanding that the City will pursue the cleanup of Evers Road in the meantime. Upon vote, Mayor Riley announced that the motion had carried and the issue will be tabled until the next City Council meeting.

Consider M&C # 02-07-08 with attached ordinance - a request to repeal and replace Leon Valley City Code Chapter 14 "Lots, Yards, and Fences", Section 14.600, "Junked and Inoperable Vehicles" to create a new Section 14.600 and providing for penalties of not less than twenty-five (\$25) dollars or more than two thousand (\$2000) dollars(Chief Wallace).

Police Chief Wallace addressed Council stating that during research discrepancies were discovered in the definitions in the City Code for "junked vehicles". He stated that the proposed changes would reflect the verbiage in the Texas Transportation Code, Section 683.071. He also stated that proposed changes will also include a severability clause and change the number of days from 45 to 40 when a vehicle may be considered a junked vehicle with an expired license or inspection certificate and this is not operable.

Following discussion, a motion was made by Councilman Reyna, seconded by Councilmember Dean, to approve the requested changes to Chapter 14 of the City Code. Upon vote, Mayor Riley announced that the motion carried and the proposed code changes were approved.

Consider M&C # 02-08-08 - a request to approve the Memorandum of Understanding (MOU) with the American Institute of Architects for the Sustainable Design Assessment Team (SDAT) Community Assistance Project (Lambert).

City Manager Lambert addressed Council requesting formal approval of the Memorandum of Understanding (MOU) with the American Institute of Architects for the Sustainable Design Assessment Team (SDAT) community assistance project. He announced that the City of Leon Valley was the first Texas city to be awarded the community assistance project from the AIA. Mr. Lambert reviewed the specifics of the community assistance project award and announced that the Development Services Director would be coordinating gathering the advisory team and collecting the donations promised by community groups in support of this project. Mr. Lambert stated that the project would help the City formulate an economic development vision for the City's future.

Following discussion, a motion was made by Councilmember Dean, seconded by Councilman Reyna, to approve the Memorandum of Understanding with the American Institute of Architects for the SDAT project with the stipulation that the City Attorney review the agreement before the agreement is signed. Upon vote, Mayor Riley announced the motion had carried.

Consider M&C # 02-09-08 - a request to waive all fees associated with the use of the park pavilion and soccer fields by the Leon Valley Rotary Club (Councilman Manea).

Councilman Manea asked for a point of clarification from the City Attorney since he was a member of the Rotary Club whether he should recuse himself from voting on the issue. City Attorney Onion stated that it would be advisable. Councilman Reyna announced that he was

CITY COUNCIL MEETINGS OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, FEBRUARY 5, 2008

also a member of the Rotary Club.

A motion was made by Councilman Reyna, seconded by Councilmember Dean to table the issue until a quorum of voting members for this agenda item could be present, as both Councilmembers Reyna and Manea would be recusing themselves from voting on the issue because they were both members of the Rotary Club.

Councilmembers Dean and Reyna offered to pay for the rental fees.

Councilmembers Reyna and Dean withdrew their first motion and offered a new motion. Councilman Reyna moved to table the issue indefinitely, and Councilmember Dean seconded the motion. Upon vote, Mayor Riley announced that the issue was tabled indefinitely.

Consider Resolution in support of VIA Metropolitan Transit's Bus Rapid Transit program (Mayor Riley).

Mayor Riley read aloud a proposed resolution in support of the VIA Metropolitan Transit's Bus Rapid Transit (BRT) program and asked that copies of the resolution be sent to the Texas Department of Transportation and to the Alamo Regional Mobility Authority. The resolution language addressed support for VIA Metropolitan Transit's plan for a Bus Rapid Transit system and encouraged VIA to include Leon Valley in future plans for Bus Rapid Transit system expansion.

A motion was made by Councilmember Dean, seconded by Councilman Reyna, to approve the resolution. Upon vote, Mayor Riley announced that the motion carried.

Consider authorizing City Manager to negotiate a contract for engineering services.

Mayor Riley explained that Council had heard presentations from four engineering firms for future city engineering services. Councilmember Reyna recommended that the City Manager be directed to select the best candidate for the engineering services.

Following discussion, a motion was made by Councilmember Dean, seconded by Councilman Reyna, to authorize the City Manager to negotiate a contract with any of the four engineering firms heard from during their workshop. Upon vote, Mayor Riley announced that the motion carried.

City Manager Lambert announced that the contract would be brought back to Council for their consideration.

Discussion Agenda

Discussion on generating a Zero Waste by 2020 plan to reduce garbage and boost recycling in the City of Leon Valley (Mayor Riley).

Mayor Riley explained that a zero waste plan would support the City's El Verde by 2020 goal which states that the City will increase recycling by 90 percent. She explained that the Earthwise Living Committee was working to promote increased recycling already with the Earthwise Living Event.

**CITY COUNCIL MEETINGS OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,
TEXAS, FEBRUARY 5, 2008**

City Manager Lambert summarized zero waste programs and asked Council is the City wanted to consider ordering a reduction in waste of the City organization and if so, staff would bring back a proposal and cost estimates for such a program.

Council agreed that staff should bring back cost estimates and more information on a proposal for consideration.

City Manager's report.

City Manager Lambert informed Council that a developer had contacted him asking if the City would be interested in sharing in development infrastructure costs, possibly through a TIF (tax increment financing) option. He briefly explained what a TIF could do for the City and the developer and Council did not object to the staff meeting with the developer to find out what they were proposing.

Mr. Lambert also reported on his annual employee satisfaction survey and reported that morale and employee satisfaction were down by ten percent from the previous year with salary being the number one complaint.

Citizens to be heard.

Resident Al Uvietta addressed Council recommending their consideration of enacting a local anti-tagging ordinance to afford the Council wider latitude in punitive measures for the City to consider.

Announcements.

Councilman Manea reported that he and Councilmember Nelson had attended a TML Elected Officials training conference and stated that several small cities there reported that art galleries seemed to bring in new businesses to their community. He also reported that he also learned that the City's website is doing what it should be doing. He reported that the service to get emails to and from our citizens was ready to bring out to the public.

Councilman Reyna described a call he had received from a resident about block parties and asked staff to propose a permit that neighborhoods could ask for the City's approval for having block parties where streets are blocked off and that the list of approved block parties can be identified as being approved by the Chief of Police.

Councilmember Nelson reported that the TML training session entitled "Can small cities be cool?" was very informative.

Mayor Riley reminded everyone of the Crime Awareness Meeting to be held at 10 am, February 9, 2008, at the Conference Center to encourage more participation in the Neighborhood Watch program. She also reminded everyone of the Earthwise Living Day to be held on February 23, 2008 from 9 a.m. to 1 p.m. at the Community Center.

The City Secretary reminded everyone that candidate packets were ready and that Monday, February 11, 2008, candidates could begin filing for a place on the May 10, 2008 General Election ballot.

**CITY COUNCIL MEETINGS OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,
TEXAS, FEBRUARY 5, 2008**

Adjourn.

A motion was made by Councilman Reyna, seconded by Councilmember Dean, to adjourn. Hearing no other business or comments, Mayor Riley announced the meeting adjourned at 9:10 p.m.

ATTEST:

Chris Riley _____
Mayor

Marie Feutz _____
City Secretary

Minutes were approved by majority vote of the City Council at the Feb.19, 2008 Regular City Council Meeting.