

**CITY COUNCIL MEETINGS OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, MARCH 4, 2008**

The City Council of the City of Leon Valley, Texas, met for a Special City Council Meeting on the 4<sup>th</sup> day of March 2008 at 6:30 p.m., at the Leon Valley City Council Chambers, at 6400 El Verde Road, Leon Valley, Texas, for the purpose of the following business, to-wit:

**SPECIAL CITY COUNCIL MEETING - 6:30 P.M.**

**Call to order.**

Mayor Riley called the special meeting to order at 6:31 p.m. and asked that the minutes reflect that the following members of Council were present: Manea, Reyna, Baldrige Dean and Nelson.

City Manager Lambert, City Secretary Feutz, HR Officer/Assistant City Secretary Caldera, Development Director Madison, City Accountant Wallace and Assistant City Attorney Onion were also present.

**Convene into executive session in accordance with the Texas Government Code, Section 551.072, "Deliberations about Real Property" to discuss land acquisition options.**

Mayor Riley announced that City Council would convene into executive session in accordance with the Texas Government Code, Section 551.072, "Deliberations about Real Property" to discuss land acquisition options with the City Attorney at 6:31 p.m.

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

Mayor Riley convened the City Council into open session at 7:04 p.m. and announced that no action would be taken.

**Adjourn.**

Mayor Riley announced that Council would begin the Regular City Council meeting.

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

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The City Council of the City of Leon Valley, Texas, met for a Regular City Council Meeting on the 4<sup>th</sup> day of March 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 7:05 p.m. and asked that the minutes reflect that the following members of Council were present: Manea, Reyna, Baldrige Dean and Nelson.

City Manager Lambert, City Secretary Feutz, HR Officer/Assistant City Secretary Caldera,

**CITY COUNCIL MEETINGS OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, MARCH 4, 2008**

Police Chief Wallace, Development Services Director Madison, City Accountant Wallace, Fire Chief Irwin, and City Attorney Alternate Onion were also present.

Mayor Riley asked visiting Boy Scout Stephen Aerts from Reagan High School to lead the assembled group in the Pledge of Allegiance.

**Presentation by Brian Gordon of MuniServices on Hotel/Motel Tax Audit.**

City Accountant Wallace introduced Brian Gordon of MuniServices stating that Mr. Gordon would present an update on their work auditing hotel/motel occupancy tax collection as requested by Council.

Mr. Gordon addressed Council stating that MuniServices was reporting on the analysis report for the first field audit of the Super 8 Hotel, which they had just completed. He reported that MuniServices had provided educational guidance to the hotel staff on the tax collection and in their audit found a deficit of \$1800 in taxes because the hotel had incorrectly exempted some stays. He reported that the audit reviewed a four-year period and he informed Council that MuniServices would be auditing the next two hotel/motel properties in the city over the next two years.

**Presentation of the San Antonio/Bexar County Metropolitan Planning Organization (MPO) Walkable Community Program and Bike Route Master Plan by Isidro Martinez, Executive Director, MPO.**

Mayor Riley welcomed Isidro "Sid" Martinez, Executive Director of the San Antonio/Bexar County Metropolitan Planning Organization (MPO) to the meeting. Mr. Martinez gave a brief overview of the MPO's mission to plan regional transportation. Mr. Martinez presented information on the "Walkable Community Program." He explained the process for the City to apply for services from the MPO as part of the Walkable Community Program. He explained that the City would submit an application, the application would be reviewed by the MPO and if accepted, the City would invite citizens to a workshop to learn about the opportunities that the program can bring to the community, a map exercise would identify issues for evaluation, a walkabout with the group and agency staff would further identify issues and recommend improvements, and finally, a report would be provided to the City to use for requesting MPO or grant funding for financial assistance to implement programs toward a walkable community. Mr. Martinez stated that after applying for the project, it would take a minimum of two months before the project work could begin.

Discussion continued on how other local cities have used MPO assistance, if the MPO project could compliment the AIA SDAT projects, and that there were no bike map routes on the MPO bike map in Leon Valley. In answer to Council questions, Mr. Martinez confirmed that if the City accepted MPO funding for a project under this program, there was no connection, ties or obligation to funding for toll roads or projects for future Bandera Road expansion.

**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.

**CITY COUNCIL MEETINGS OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, MARCH 4, 2008**

Resident Mary Frances Uptain, of 6101 Sawyer Road, informed Council that if they put sidewalks along Bandera Road they should issue gas masks to protect citizens from auto emissions. She expressed her concerns about construction trucks, from the construction project that borders Sawyer Road, using the fire exit to access Sawyer Road and possibly damaging that road. Mrs. Uptain also thanked Mayor Riley for acknowledging resident Nell Sawyer, who just celebrated her 100<sup>th</sup> birthday.

Trade and Market Committee Chair Nita Lange addressed Council reminding them of this year's first Trade and Market Day to be held Saturday, March 8, 2008 from 9:30 a.m. - 4:30 p.m. She thanked Council for agreeing to serve as judges for the car show to be held at the Trade and Market Day and announced that the Chief of Police would also be judging.

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 and Regular City Council Meeting of February 19, 2008 (Feutz).**

**Consider M&C # 03-01-08 - a request to authorize the City Manager to exercise the City's option with Frost National Bank to continue the existing depository services contract (Wallace).**

**Consider M&C # 03-02-08 with attached ordinance - a request to amend Leon Valley City Code, Chapter 26, "Traffic and Parking", by creating a new Section 26.2600 "Block Party", and prescribing penalties of no less than fifty dollars (\$50.00) or more than five hundred dollars (\$500.00) (Chief Wallace).**

A motion was made by Councilmember Dean, seconded by Councilman Reyna 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 #08-380 - 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) to B-3 (Commercial), being Lot 4, CB 4429J, Seneca Estates Subdivision Unit #7, located at 6401 Bandera Road. On February 26, 2008, the Zoning Commission recommended denial of the request by a vote of 6-1 (Flores/Madison).**

Development Services Director Madison addressed Council to present information on Zoning Case # 08-380 stating that the request was to rezone approximately 3.803 acres of land from B-2 (Retail) to B-3 (Commercial) zoning at 6401 Bandera Road. Ms. Madison described the Master Plan recommendations for the site, the surrounding zoning and the property development history. Ms. Madison explained that the 2003 Master Plan encourages B-2

**CITY COUNCIL MEETINGS OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,  
TEXAS, MARCH 4, 2008**

(Retail) zoning to a depth of 200 feet along Bandera Road and discourages B-3 (Commercial) zoning for this area. She noted that the Master Plan recommendations had not changed since the 1991 Master Plan recommendations for that site.

Ms. Madison explained that the case had been postponed to March 4, 2008 so that the applicant's representative could submit restrictive covenants for consideration. She explained that the City Attorney had reviewed the covenants and had noted that the covenants could not be enforced by the City and that a variance or special exception from the Board of Adjustment was not applicable to this zoning case, but rezoning to B-2 was the only option for the applicant.

Zoning Commission Chair Guerra addressed Council reported that on February 26, 2008, the Zoning Commission recommended denial of the rezoning request by a vote of 6 to 1. Chair Guerra reported that the Commission felt that it was important to maintain the prime economic development corridor in the City as B-2, as the Master Plan recommends.

Ms. Madison reported that 25 letters were mailed to property owners with 200 feet of the property and that 11 responses were received back from property owners with that 200 feet: 0 were in favor of the case, 11 were opposed to the zoning change, and 0 were returned undeliverable. She also reported that 34 additional letters were received from property owners outside the 200-foot zone.

James Griffin, from Brown, P.C. introduced himself stating that he was appearing from Patrick Christensen, agent for Goldstar Trust Company. Mr. Griffin explained that Goldstar acquired the property thinking that they had the non-conforming use rights and were hoping to lease or sell the property back to Church on the Rock. He explained that the building can only be used as a church and that they felt that because the use "church" was previously allowed in a B-2 (Retail) zoned property, that the use was not inappropriate to the site.

Assistant City Attorney Onion explained that zoning law in Texas bans spot zoning which takes a specific piece of property out of the Master Plan and zone it differently. He also stated that the restrictive covenants could be set aside by a property owner and are not enforceable by the City. He stated that if the property was rezoned to B-3, the restrictive covenants are not enforceable by the City, and then any B-3 zoning on the site.

Chairman Guerra explained that the Commission felt that churches were an important part of the City's community but the Commission also weighed the importance of land for economic development purposes for certain zoning districts.

Ms. Madison briefed Council regarding changes in the Zoning Code made in 2006 specifically for the use "church". She noted that other assembly uses were only allowed in B-3 (Commercial) zoned districts with a Specific Use Permit. She noted that the changes in the Zoning Code moved the use "church" from the B-2 (Retail) to the B-3 (Commercial) zoning district with other assembly uses, but the use "church" did not require a Specific Use Permit. Ms. Madison noted that the City had over 22 acres of undeveloped B-3 zoned properties in the City and had a number of other vacant developed B-3 zoned properties in the City that could be used for the assembly use.

Mayor Riley opened the public hearing at 7:50 p.m. and invited anyone in the audience to address Council on the proposed zoning case.

**CITY COUNCIL MEETINGS OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,  
TEXAS, MARCH 4, 2008**

Resident Mary Frances Uptain addressed Council voicing her objection to the rezoning request stating her concerns that the City should keep the land for B-2 zoning use and return the land to tax rolls for the common good.

Hearing no one else, Mayor Riley closed the public hearing at 7:52 p.m.

A motion was made by Councilman Reyna, seconded by Councilman Manea, to deny Zoning Case No. 08-380. Upon vote, Mayor Riley announced that the motion was approved by unanimous vote and the zoning case was denied.

**Discussion Agenda**

**Discussion on appointment of AIA Steering Committee members.**

City Manager Lambert reported that Mayor Riley, Ms. Madison, and he had a phone conference with Erin Simmons, of the American Institute of Architects (AIA) from Washington, D.C. at the end of last week. He reported that the Sustainable Design Team Assistance (SDAT) project's start hinged on the appointment of a Project Chairman, but that they expected their first meeting with the City to be held in April with the three-day charrette to be held in June or July of this year. He stated that information from Ms. Simmons indicates that the Steering Committee can participate as much as they can and will help the AIA members put together the plan. Mr. Lambert added that the Committee could include regional business members and citizens of Leon Valley.

Mayor Riley reported that the SDAT Project Manager is appointed by the AIA from outside of our area to bring fresh perspective to the design plan and that two local AIA members will participate on the Steering Committee and they could be available to help the City implement the plan. She stated that Tim Baisdon had agreed to be a member of the Committee.

Council discussed having citizens from all areas of the City participate on the Steering Committee and Mayor Riley asked each Councilmember to provide recommendations for the next Council meeting's consideration to appoint members to the Steering Committee.

**City Manager's report.**

City Manager Lambert reported that negotiations were continuing for engineers to provide engineering services to the City. He reported that the four finalists were in negotiations that would allow the City to use individual firms for projects in which they had particular expertise: Gonzales/De La Garza Associates for street projects; SIA Engineering for plan reviews, Bury and Partners for sewer projects, and Civil Engineering Consultants for water systems and wells. He recommended that a contract be readied first with the Gonzalez-De La Garza and Associates firm to begin work on this year's street program and then work with the firm Civil Engineering Consultants for water projects. Mr. Lambert explained that he planned to continue to have SIA Engineering Services provide plan reviews with development projects and he reminded Council that development project fees collected usually pay for plan review fees.

Mayor Riley asked that a workshop be planned on the water projects before the City decides what water projects they will target in the future.

**CITY COUNCIL MEETINGS OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,  
TEXAS, MARCH 4, 2008**

**Citizens to be heard.**

None appeared.

**Announcements.**

Councilmember Dean complimented the Zoning Commissioners on their work on zoning cases and thanked them for their dedication.

The City Secretary announced that the "Meet the Candidates" event flyer and the Election Notice were available and reminded everyone of election deadlines.

Chief Wallace addressed Council stating that graffiti had been cleaned off fences, but new graffiti had appeared in the area right after all had been cleaned. Councilmember Dean commented on the poor appearance of the old Albertsons and Petco business buildings. It was recommended that when graffiti is cleaned, the City's ordinance should require that the wall, fence, or building should be put back to the original appearance/color.

Mayor Riley reported on the good public turnout for last week's meeting on the proposed joint Crystal Hills Park, with the City of San Antonio, to be located at the end of Shadow Mist. She asked everyone to complete a survey available on the City's website, to inform the City of San Antonio's Parks and Recreation Department know what the public would like to see in the new park. She reported that she also asked that the deadline of March 21, 2008 for the surveys be extended.

Mayor Riley also reported she and staff members, Amy Madison and Kristie Flores, had met with Seneca III residents to open the dialogue on the residents' vision of development for vacant properties in their neighborhood.

Mayor Riley invited everyone to see and experience a BRT bus on March 6, 2008 at 4:00 p.m. at the Community Center. She stated that the bus was here to help celebrate VIA's 30<sup>th</sup> Anniversary.

Mayor Riley announced that TxDOT would permanently close the Evers Road exit off Loop 410 on March 7<sup>th</sup> for the newly configured exit ramps to Bandera Road and also announced the Friends of the Library Spring Used Book Sale to be held from March 6 - 8, 2008 from 10:00 a.m. - 6:00 p.m.

Mayor Riley reported that she had spoken with the former manager of the now-closed Luby's Restaurant on Bandera Road. She informed Council that the Luby's closed when they found out that the new elevated ramps would close the cross-over on Bandera Road in front of Luby's.

Mayor Riley invited anyone present to take a sign to post in their yard the night before their usual recycling day to remind their neighbors to recycle. She thanked the Earthwise Living Committee for their work on the 19<sup>th</sup> Annual Earthwise Living Day and also thanked staff - Valerie Siat, Fred Stolz, and other Public Works Staff for their work to support the event.

**CITY COUNCIL MEETINGS OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,  
TEXAS, MARCH 4, 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 8:27 p.m.

ATTEST:

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

Marie Feutz \_\_\_\_\_  
City Secretary

*Minutes approved by majority vote of the Leon Valley City Council at the March 18,  
2008 Regular City Council Meeting.*