

**REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,
TEXAS, MARCH 6, 2007 AT 7:00 P.M.**

The City Council of the City of Leon Valley, Texas, met for a Regular City Council Meeting on the 6th day of March 2007 at 7:00 p.m., at the Leon Valley City Council Chambers, for the purpose of the following business, to-wit:

Call to order and Pledge of Allegiance.

Mayor Riley called the meeting to order and asked that the minutes reflect that the following members of Council were present: Maloy, Reyna, Dean and Rangel.

City Manager Lambert, City Accountant Wallace serving as recorder for the meeting, Fire Chief Irwin, Public Works Director Vick, City Engineer Wright, Community Development Project Coordinator Flores, and City Attorney Jacobson were also present.

Mayor Riley asked Mari Tello, with the Metropolis Investment Group, to lead the Pledge of Allegiance.

Consider approval of minutes of the City Council Meeting of February 20, 2007.

A motion was made by Councilman Reyna, seconded by Councilmember Rangel, to approve the minutes from the City Council Meeting of February 20, 2007. Upon a unanimous vote, the motion carried.

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

Mayor Riley asked Council if they wished for any Consent Agenda item to be removed for further discussion. Councilmember Rangel asked that Consent Agenda Items numbered seven (7) and eight (8) be removed for further discussion.

Mayor Riley asked if anyone in the audience wished to address the Council. Seeing no one, Mayor Riley asked for a motion on the Consent Agenda items.

Consent Agenda

**Consider Ordinance to rename the Civic Affairs Committee to the
Community Events Committee. (Rangel)**

**Consider appointment of Councilmember Rick Rangel as the Trade &
Market Days Committee Council Liaison.**

**Consider M&C # 03-01-07 with attached ordinance - Amend City Code
Chapter 10, "Fire Protection", creating Section 10.1100 "Prohibited
Construction Materials" to prohibit the use of wood shake or wood
shingles on roofs and siding in all new construction and during repair of
existing roofs or siding. (Irwin)**

A motion was made by Councilmember Maloy, seconded by Councilman Reyna, to approve Consent Agenda Items four (4), five (5), and six (6). Upon unanimous vote, the motion carried.

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Consider M&C # 03-02-07 - Change Order #1A for Bandera Road Sidewalk Project - ETECH Construction, Inc. (\$2,136.76). (Wright)

City Engineer Wright addressed Council stating that proposed change order would increase the contract amount by \$317.24 and included 1) work to remove and relocate the existing gate entrance brick columns to allow the sidewalk to be in front of the gates for the Huebner-Onion House; 2) a reduction in the length of the planned sidewalk near the Huebner Creek to allow for coordination of the TXDOT-designed sidewalk crossing Huebner Creek with the Bandera Road Sidewalk Project of the City; and 3) a substitution of base material for earth material under the sidewalk in the TXDOT right-of-way. Mr. Wright stated that the contract engineers, Garcia and Wright, recommended approval of the change order.

Following discussion, a motion was made Councilmember Rangel, seconded by Councilmember Maloy, to approve the change order as requested for \$314.24. Upon unanimous vote, the motion carried.

Consider M&C # 03-03-07 - Authorize payment to Garcia & Wright for design and construction services on the Bandera Road Sidewalk Project (\$12,630). (Wright)

City Engineer Wright explained that the Garcia & Wright contract is for \$20,000 for the design and construction services for the Bandera Road Sidewalk Project. He stated that this payment of \$12,630 was the second application for payment for the engineering services for this project.

In response to Council questions, City Engineer Wright stated that he had no financial interest remaining in the Garcia & Wright Engineering Firm and has not had any financial interest since 1994 with the firm.

A motion was made by Councilmember Rangel, seconded by Councilman Reyna, to authorize the payment to Garcia & Wright in the amount of \$12,630 as requested. Upon vote, the motion carried.

REGULAR AGENDA

Public Hearing to consider Zoning Case #07-374 with attached ordinance - Zoning Case # 07-374 - A request by Metropolis Investment Group, LLC, applicant, to rezone approximately 3.579 acres of land from B-3 (Commercial) to R-3 (Multiple-Family Dwelling), being Lot 103, Block 101, CB 4433, Vaughn-Watson Subdivision, located in the 5500 block of Grissom Road. (Flores)

Community Development Project Coordinator Flores addressed Council explaining that the request by Metropolis Investment Group, was to rezone 3.579 acres from B-3 (Commercial) to R-3 (Multiple-Family Dwelling) zoning in the 5500 block of Grissom Road. Ms. Flores explained the zoning of the properties surrounding the site and the zoning and platting history of the site. Ms. Flores stated that staff felt that the request appeared to be consistent and compatible with the Master Plan and the surrounding zoning and that a Traffic Impact Analysis Worksheet indicated less than 100 peak hour trips. Ms. Flores stated that on February 27, 2007, the Zoning Commission voted 6:1 to recommend approval of the request. She informed Council

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that five letters were mailed to surrounding property owners and no letters were received in favor nor in opposition to the case and none were returned undeliverable.

Councilmember Rangel raised a question about the plat dimensions presented in the information materials for the case. Councilman Reyna asked for clarification how Council could consider the zoning request if the plat numbers were incorrect and how could they be corrected. City Attorney Jacobson stated that Council could approve the zoning case subject to the numbers being corrected.

In answer to questions from Councilmembers, the applicant, Ms. Tello, stated that the proposed project would consist of approximately 40 units, being 10 four-plexes on the property. Ms. Tello also stated that access from the property to Timberhill, in San Antonio, was not planned, as the property bordering Timberhill was not owned by the same owner.

Mayor Riley opened the public hearing asking if anyone in the audience wished to address Council on the zoning case. Hearing no one, Mayor Riley closed the public hearing

Following continued discussion, a motion was made by Councilman Reyna, seconded by Councilmember Maloy, to approve the zoning case as presented subject to certification by the engineer responsible for the survey and plat. Upon unanimous vote, the motion carried.

City Attorney Jacobson stated that if the certifying engineer returns with a statement saying the numbers on the plat are incorrect, Council will need to consider approval of the plat in the future.

Public Hearing to consider M&C # 03-04-07 with attached ordinance -To amend City Code, Chapter 30, "Zoning," Section 30.202, "Definitions, to add definitions and codify the amendments to the Code. (Flores)

Community Development Project Coordinator Flores addressed Council presenting two new definitions for the Zoning Code: "pet store" and "convenience store". These definitions were requested by Council in February 2007. Ms. Flores stated that on February 27, 2007, the Zoning Commission recommended approval of the amendments to the Zoning Code.

Mayor Riley opened the public hearing, asking if anyone in the audience wished to address the Council on the proposed Zoning Code changes. Seeing no one, Mayor Riley announced that the public hearing was closed and she asked for a motion from the Council.

A motion was made by Councilmember Rangel, seconded by Councilmember Dean, to approve the amendments to City Code, Chapter 30, "Zoning" adding definitions "Pet Store" and "Convenience Store" and codifying the amendments to the code. Upon unanimous vote, the motion carried.

Consider M&C # 03-05-07 - Additional member appointments to the Citizens Neighborhood Progress Committee. (Mayor Riley)

Mayor Riley asked for approval to add members to the Citizens Neighborhood Progress Committee: Abraham Diaz, Tod Bruning, Cecily MacDonald, Michael McCarley, Gail Nelson,

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David Ortiz, Esperanza Olvera, and Judy Pearl. Mayor Riley also asked that Mr. Bruning be appointed as the Vice Chairman of the Committee, as the previously appointed Vice Chairman, Estelle Garza, will be unable to serve on the committee at this time.

A motion was made by Councilmember Rangel, seconded by Councilman Reyna, to approve the appointments to the Citizens Neighborhood Progress Committee as presented. Upon unanimous vote, the motion carried.

Discussion Items

Discussion of application for Technical Assistance Grant (TAG) through the Greater Edwards Aquifer Alliance (GEAA). (Lambert)

City Manager Lambert addressed Council explaining "Discussion Items" would be an agenda time for staff to receive input from Council and then to bring back items to Council at a later Council meeting for Council action.

Mr. Lambert explained that the Technical Assistance Grant (TAG) from the EPA could be used to hire technical assistance to assist the people living in the area of a Super Fund site with a second opinion on technical activities during the EPA's proposed site cleanup. Mr. Lambert explained that a TAG cannot be awarded to a city; therefore, the Greater Edwards Aquifer Alliance was recommended to the City by Senator Leticia Van De Putte as a possible option for the City to consider for the assistance with a TAG. Mr. Lambert provided an overview on how a TAG works and how it can help the community and options of who could be used to help the City with the grant process.

Annalisa Peace from the Greater Edwards Aquifer Alliance (GEAA) stated that she has worked with TAG funds previously and answered general questions from Council. She stated that she had talked to her board that morning and that TAG fund management fees charged by the GEAA would be approximately 5% - 8% but could go to 10%. She estimated that within six months of the grant being submitted, the GEAA should hear if the request had been approved. Ms. Peace stated that the additional scientific technical experts that could be hired from the grant funding to advise the City and represent the citizens in the cleanup process would be advantageous.

Mr. Lambert proposed that contract details be worked out and brought back to Council for their consideration at another Council meeting. He also recommended that an advisory review group, that would meet on a quarterly basis, comprised of representatives from the EPA, TCEQ, EAA, the offices of Senator Van De Putte and Representative Charles Gonzalez and others to keep lines of communication open on the progress on of the EPA project be also be brought back for Council consideration.

Discussion regarding Loop 410/Bandera Road Construction temporary Fire Department base of operations (BOO) South of Loop 410. (Rangel)

Fire Chief Stan Irwin presented information on a plan for a possible base of operations (Boo) for the Fire Department South of Loop 410 during the Loop 410/Bandera Road construction to reduce potential response delays. Chief Irwin explained that a trailer could be deployed as a

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temporary base of operations (Boo) on the former Albertson's parking lot together with an ambulance and a fire truck. He reviewed the resources and proposed costs that would be needed to equip and man the temporary base of operations. He estimated the setup and initial cost for the Boo would be \$2,145 and that operation costs after the first day were estimated to be \$1,544 per day. Chief Irwin stated that in 2006, the Fire Department responded to 226 calls for service in the area including 65 calls to the Loop 410/Bandera Road intersection.

Councilmember Rangel stated that the discussion item was being presented because he had concerns about the emergency response times due to traffic tie ups and diversions on Bandera Road during the TXDOT construction project. Discussion continued about security for the Boo site, response agreements with neighboring cities, challenges of the temporary Boo, and the dangers of TXDOT closing both Evers Road and Bandera Road under Loop 410 simultaneously.

City Manager's Report (Lambert)

City Manager Lambert reported that he and Mayor Riley attended a Senate Transportation Committee hearing regarding the use of toll roads. He reported that Mayor Riley testified on behalf of the City.

Citizens to be heard.

None.

Announcements by Councilmembers and Mayor.

Councilmember Maloy asked for a discussion and action item to be prepared for a future Council meeting to define the role of "Council Liaison", its purpose and the expectations of Council for the liaison.

Councilman Reyna thanked the City for reimbursing him for supplies for the Citizens Neighborhood Progress Committee meeting and expressed his concern about two signatures on City checks. He reported on the work of the Citizens Neighborhood Progress Committee which is working on talking to businesses and residents, summarizing data and researching financial tools. Councilman Reyna also reported on recent actions taken by Texas Senators in regards to future toll road projects.

Councilmember Dean complimented the members and the chair on the recent meeting of the Citizens Neighborhood Progress Committee. He also expressed his concerns about heavy truck traffic traveling through residential areas and potential damage to streets.

Councilmember Rangel voiced compliments on preemption devices installed on the City's emergency vehicles.

Mayor Riley thanked Valerie Siat, Fred Stolz, and the Earthwise Living Day Committee for their work on the 18th Annual Earthwise Living Day. She reported on the cleanup by the Historical Society on the natural area and expressed her concerns about refuse dumped onto the property near the Seneca Road shopping center.

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Adjourn.

A motion was made by Councilman Reyna, seconded by Councilmember Dean, to adjourn. Mayor Riley announced the meeting adjourned at 8:25 p.m.

ATTEST:

Chris Riley
Mayor

Marie Feutz
City Secretary

Approved by majority vote of City Council at the Regular City Council Meeting of March 20, 2007.