

REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, MARCH 7, 2006, 7:00 P.M.

The City of Leon Valley, Texas, met in Regular Meeting on the 7th day of March 2006 at 7:00 p.m., at 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 Council members were present: Maloy, Lange, Semmelmann, Dean, and Rangel.

City Manager Cortes, City Secretary Feutz, Fire Chief Irwin, Police Chief Oakes, Assistant Police Chief Wallace, City Accountant Wallace, Community Development Director Smith, Library Director Trent, Assistant Public Works Director Steele, Economic Development Liaison Caldera, and City Attorney Jacobson were also present.

Mayor Riley welcomed students from a government class from U.T.S.A. to the meeting and asked student Julie Grey to lead the Pledge of Allegiance.

Consider Approval of Minutes of the Special City Council Workshop of February 21, 2006 and the Regular City Council Meeting of February 21, 2006.

A motion was made by Council member Lange, seconded by Council member Rangel, to approve the minutes of the Special City Council Workshop of February 21, 2006, the Regular City Council Meeting of February 21, 2006. Upon vote, the motion carried unanimously.

Old Business.

None.

New Business.

Citizens to Be Heard and Timing for Objections to Consent Agenda.

Mayor Riley asked if any of the Council members wished for any items on the Consent Agenda to be removed for discussion. Hearing no objections, Mayor Riley asked if anyone in the audience wished to address Council.

Linda Segura, resident at 7022 Millstream, addressed Council with a complaint about insects and vermin coming into her yard that she attributes to conditions in her neighbor's yard. She stated that she had worked with the Code Enforcement Officer with unsatisfactory results. City Manager Cortes stated that he would look into the situation.

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Resident Al Uvietta addressed Council on behalf of Phillip Manea, who could not attend the meeting. Mr. Uvietta read Mr. Manea's statement which expressed concerns about limiting citizen participation during Council meetings. Mr. Uvietta addressed Council stating that he agreed with Mr. Manea's comments and added that he felt that the Mayor should have the flexibility to permit citizen participation.

Resident Irene Baldrige addressed Council stating that it was important to hear the citizens at Council meetings.

Gail Green, a representative from the Historical Society of Leon Valley, announced that there would be the Society would be hosting a fund raiser celebration for the Grand Opening of the Leon Valley Huebner Onion Creek Natural Area on Saturday, March 25, 2006 with entertainment and a catered barbeque.

Seeing no one else; Mayor Riley announced the next agenda item.

Consent Agenda

Consider M&C # 03-01-06 - for Final Acceptance of Public Improvements in the 5800-6000 block of Grasshill Drive, being Lots 3-23, Block 7, CB 4429, Seneca Estates Unit #3.

Consider M&C # 03-02-06 - Authorize the purchase of Self-contained Breathing Apparatus Cylinders to replace cylinders that have reached the end of their service life. FY 2006 Budget includes \$11,400; cost will be \$10,212.

Consider M&C # 03-03-06 - Authorize the purchase of fire hose to replace eighteen (18) sections of older hose. FY 2006 Budget Includes \$4,000; cost will be \$1,874.

Consider M&C # 03-04-06 - Authorize the purchase of a Positive Pressure Ventilation Fan to replace a fan that has reached the end of its service life. FY 2006 Budget includes \$1,500; cost is \$1559.

Consider M&C # 03-05-06 - Authorize the purchase of traffic safety cones and traffic safety vests for the Fire Department. FY 2006 Budget includes \$2,250; cost is \$2,035.

Consider M&C # 03-06-06 - Approval of budget adjustment to the Police Forfeiture Trust Fund to provide funding for the replacement of the off-site radio system at a cost of \$26,256.

Consider M&C # 03-07-06 - Approval of budget adjustment to the Police Forfeiture Trust Fund to provide funding for a replacement vehicle purchase at a cost of \$21,522.

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Consider M&C #03-08-06 - Approval of a capital purchase for the Police Department from the Police Forfeiture Trust Fund for purchase of a NICE Systems Focus III Logging Recorder System to log telephone calls, 9-1-1 calls, and radio traffic calls at a cost of \$12,021.

A motion was made by Council member Semmelmann, seconded by Council member Rangel, to approve the Consent Agenda as presented. Upon vote, the motion carried. Mayor Riley explained to the audience that the items on the Consent Agenda were items that were for the most part purchase items and which had been previously approved by Council in the budget process.

Regular Agenda

Public Hearing to consider Specific Use Permit #06-245- with attached Ordinance-A request by D. P Real Estate, L.P., agent for J.D. Byrider, applicant, for operation of "Automobile and Truck Sales," to be located at 6226 Bandera Road, being Lot 21 and ½ of Lot 17, Block 1, CB 9901, Rollingwood Estates Unit #1-Gunn Subdivision. The Zoning Commission recommended approval of the request; Community Development Staff concurs.

Community Development Director Melinda Smith presented the case specifics to Council for Specific Use Permit Case # 06-245, a request by D.P. Real Estate, L.P., agent for J.D. Byrider, applicant, to allow operation of an "Automobile and Truck Sales" facility on Lot 21 and ½ of Lot 17, Block 1, CB 9901, Rollingwood Estates Unit #1 - Gunn subdivision, located at 6226 Bandera Road. Ms. Smith reviewed the surrounding zoning and rezoning history of the property stating that the property was zoned B-3 (Commercial) in 1997 and that the property had an approved use for "Automobile and Truck Sales" since 1994 for the previous property owner, Gunn Honda. Ms. Smith noted that the site plan met the minimum requirements for site plan development including parking and landscaping and that the submitted a traffic Impact analysis worksheet which indicated that the proposed activity would generate less than 100 peak hour trips. She stated that nine letters were mailed to property owners within 200-feet of the property and one (1) letter was received in favor of the case, no letters were received in opposition to the case, and one (1) letter was returned undeliverable.

Zoning and Land Use Commission Chairperson Leo Gorman informed Council that the Commission had reviewed the zoning request on February 28, 2006 and had voted 7-0 to approve the request.

Mayor Riley opened the Public Hearing to the public for comment. Seeing no one, she closed the public hearing at 7:30 p.m.

After Council comments, a motion was made by Council member Maloy, seconded by Council member Dean, to approve SUP Case No. 06-245 as presented. Upon vote the motion carried unanimously.

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Public hearing to consider Replat #05-093- A request by MW Cude Engineers, agent for Steven Hanan of Crystal Hills Land Development LTD, applicant and property owner to replat 16.828 acres of land, being part of Lot 1, Block 6, CB 4429, Woodland Valley Subdivision Unit #1, to Lots 33-52, Block 8, Lots 9-20, Block 10, Lots 17-33, Block 11, Lots 1-34, Block 12, and Lots 1-17, Block 13, CB4429, The Ridge at Leon Valley Subdivision Unit #2, with variance request.

Community Development Director, Melinda Smith, addressed Council stating that Replat Case #05-093 was a request to replat 16.828 acres of land as part of the Ridge at Leon Valley Subdivision, Unit #2 project. She stated that the replat for the undeveloped R-6 (Garden Home) zoned property was in substantial conformance. She informed Council that the replat request included a variance to defer sidewalk construction to the building phase of the project and that staff had no objections to the request. She did, however, ask that the applicant be given a forty-five (45) day grace period to submit all utility reviews; otherwise, the replat request would be specifically denied. She announced that thirteen (13) letters were mailed to property owners within 200 feet and no letters were received in favor nor in opposition to the replat and no letters were returned as undeliverable.

Mayor Riley opened the public hearing to the audience; seeing no one, she closed the public hearing at 7:37 p.m.

Following questions from Council, Ms. Smith answered that the utility review letters come from the utility company, not the applicant; and she confirmed that Crystal Moon would be open into the subdivision providing a second entrance to the subdivision.

A motion was made by Council member Rangel, seconded by Council member Maloy, to approve Replat #05-093 with the requested variance and as presented by staff. Upon vote, the motion carried unanimously.

Public hearing to consider Replat #05-095-A request by Pape-Dawson Engineers, agent for Northside Independent School District, applicant and property owner, to replat 18.52 acres of land, being the remaining portion Lots 19, 20, 21, and 22, CB 5784, Leon Valley Addition Subdivision, to Lot 62, Block 3, CB 5784, Leon Valley Addition Subdivision with a variance request. Community Development Staff recommends approval of the replat, but recommends amending the variance request.

Community Development Director Melinda Smith addressed Council stating that Replat Case #05-095 was a request by N.I.S.D. to replat 18.52 acres of land in the Leon Valley Addition Subdivision at 6901 Shadow Mist. She noted that the property was an undeveloped B-3 (Commercial) zoned property and that it abuts Grissom, Shadow Mist and Sawyer Roads. She stated that the replat was in substantial conformance but that the applicant had requested a variance to sidewalk, curb, and roadway construction

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along Sawyer Road. She stated that staff recommended approval of the replat, but recommended amending the variance request by requiring the developer to construct the header curb along the asphalt roadway edge and a four foot (4') sidewalk approximately 348.37 feet long along the Sawyer Road property border. She did, however, ask that the applicant be given a forty-five (45) day grace period to submit all utility reviews; otherwise, the replat request would be specifically denied. Ms. Smith stated that sixteen (16) letters were mailed to property owners within 200 feet and two letters were returned undeliverable, but no letters were received in favor nor in opposition to the case.

Following a questions from Council, Ms. Smith confirmed that the rest of Sawyer Road does not have sidewalks at this time and she explained that it was during the platting process that public improvements were required from the developer. City Manager Cortes stated that typically the property replat would also require the applicant to provide street improvements, but staff did not recommend the actual street improvements.

Council members asked questions regarding pedestrian and emergency traffic access to the property. Ms. Smith stated that Shadow Mist would provide the only vehicle access to the property, but suggested that pedestrian traffic may have access from Sawyer Road if the school had a gate at the rear of the property.

Vernon Dunagin, Deputy Director of Construction and Engineering from N.I.S.D. addressed Council requesting a variance from the sidewalk requirement and curb construction as recommended by City staff. He stated that the sidewalk would not connect with any other existing sidewalks on Sawyer and would cost approximately \$20,000. He stated that the proposed sidewalk would be in the drip line of trees on the property that N.I.S.D. had assured Sawyer Road neighbors that the school district would protect. Mr. Dunagin also informed Council that students would not be using the area to get to school, as the neighborhood directly behind the school was not in the new school's service area. Bill Peters, a representative from N.I.S.D., stated that the there would be a walkway onto the school property from Sawyer Road.

Council asked what area the school would be serving. Mr. Dunagin stated that the students would be coming from the areas along Timberhill Road area both north and south of Grissom Road.

Mayor Riley asked why staff was opposed to the variance for the sidewalk construction. Ms. Smith explained that the public improvements were included in the City's Subdivision Code. She further explained that the replat case is the trigger that requires the property owner to put in public improvements such as sidewalks, fire hydrants, streets, and other improvements that will eventually become City property. She explained that staff was not requiring the applicant to make street improvements, because when Sawyer Road is reconstructed, the street will have to be lowered and the City would have to go in and tear out the street improvements made by N.I.S.D. She

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added that the curb header will protect the street asphalt from crumbling into the side grass ways.

Mayor Riley opened the public hearing to the audience; seeing no one, she closed the public hearing at 7:59 p.m.

A motion was made by Council member Semmelmann, seconded by Council member Rangel, to approve Replat Case #05-095 with an amended variance recommended by staff which requires public improvements on Sawyer Road to include a header curb along the asphalt roadway edge on and a four-foot sidewalk (+/-348 ft). Upon vote, the motion carried unanimously.

Public hearing to consider Replat #06-098- A request by Harry Jewett Associates, agent for Maria Ojeda, applicant and property owner, to replat 0.269 acres of land, being Lot 34 and ½ of Lot 35, Block F, to new Lot 48, Block F, CB 4446A, Linkwood Addition Subdivision with a variance request. Community Development Staff recommends approval.

Community Development Director Melinda Smith addressed Council stating the Replat Case #06-098 was a request to replat 0.269 acres of land in the Linkwood Addition at 7429 Linkmeadow. She explained that this property was an undeveloped R-1 (single-family home) zoned property and that the replat was in substantial conformance. Ms. Smith noted that the applicant had requested a variance to defer sidewalk construction until the building phase and staff had no objections to the variance, but staff did recommend that all utility reviews be submitted within 45 days, otherwise the replat request is specifically denied. Ms. Smith noted that sixteen letters were mailed to property owners within 200 feet of the property and that three (3) letters were returned undeliverable, but no letters were received in favor or in opposition to the case.

Mayor Riley opened the public hearing to the audience; seeing no one, she closed the public hearing at 8:02 p.m.

A motion was made by Council member Semmelmann, seconded by Council member Lange, to approve Replat Case #06-098 with the requested variance and as presented by staff. Upon vote, the motion carried unanimously.

Consider M&C # 03-09-06 - A request by Al Eisman, property owner, to authorize use of City Public Service overhead to underground electrical conversion funds to pay costs associated with re-routing overhead electric lines at 7249 Bandera Road, being Lots 5, 15, 16, 19, 20, 31, 36, Parcel 100 and Parcel 101, Block B, CB 4446A, Linkwood Addition Subdivision. Community Development Staff recommends approval.

Community Development Director Melinda Smith addressed Council stating that the request from the property owner, would authorize the City Manager to request that the

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City Public Service Board approve the use of Community Infrastructure and Economic Development Funds pay for costs to reroute overhead electric lines at 7249 Bandera Road during the corner construction project. Ms. Smith reminded Council that a Specific Use Permit had been previously approved for a shopping center to be constructed at the site. Ms. Smith noted that the relocation of other utilities for this redevelopment project is the responsibility of the property owner. Ms. Smith provided details to Council of the wires from existing poles being relocated and six utility poles being removed with the project site.

Ms. Smith stated that there would be no impact on the City's General Funds, and that the relocation project would cost approximately \$47,300 leaving a balance in the CPS Fund of close to \$1,200,000. Ms. Smith noted that the request will positively impact the aesthetic appearance of the north entrance to the City, while improving the appearance of the proposed shopping center.

Ms. Smith recommended Council approve a resolution to CPS Board after the City issues a building permit for the project. City Manager Cortes informed the Council that staff is also going to request that above-ground poles be replaced with steel poles rather than wood poles.

Council members expressed their concerns for the continued use of wood poles and for any change in number of poles along the residential street bordering the proposed center.

Roland Hinojosa from CPS Energy addressed Council stating that six poles would be removed with the conversion and four poles will be upgraded, but that no new poles would be added. He informed Council that existing poles will go five feet higher than their existing height due to the additional heavy load conductors being added to the poles. He also informed Council that changing the poles from wood poles to steel poles during the relocation will cost approximately \$1500 per pole more than the original cost estimate.

Council members expressed their support of having steel poles rather than wooden poles and expressed their approval that the funding would support economic development efforts to improve the appearance of the Bandera Road and Eckert Road intersection.

A motion was made by Council member Rangel, seconded by Council member Dean to approve the M&C #03-09-06. Upon vote, the motion carried unanimously.

Consider M&C #03-10-06 - a Request by Ricky's Video Place, at 5736 Wurzbach Road, for an Exemption to the Location Restrictions in Chapter 34 of the City Code "Adult Entertainment Establishments".

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Assistant Police Chief Wallace addressed Council presenting information regarding a request for an exemption to the location restrictions imposed by Chapter 34 of the City Code so that the video store can continue to operate. Chief Wallace indicated that the Police Department's research did not suggest that Ricky's Video had any negative impact on the quality of life or value of surrounding property or in the City at large. Chief Wallace stated that since 1995, the applicant has come back requesting this exemption.

A motion was made by Council member Lange, seconded by Council member Maloy, to approve the request as presented. Upon vote, the motion carried unanimously.

Consider Resolution # 06-004 - Establishing Rules of Conduct for City Council Meetings.

City Manager Cortes addressed Council reviewing the points on Resolution # 06-004 that would make up the "Rules of Conduct for City Council". He stated that the resolution was a compilation of the recommendations made by Council during a previous Council meeting in January.

Council members discussed the need for citizens to be able to address Council and restrictions the rules may impose and thus limit valuable input from the citizens. Council members also discussed the limitations on meeting conduct if they strictly followed Roberts' Rules of Order. City Manager Cortes stated that Roberts' Rules of Order mainly provided rules for the individual Council members to follow during the meeting, rather than addressing the rules for citizen participation.

Following Council discussion, Council member Dean recommended that Rule # 4 of the presented Resolution be amended by adding the following statement: "An exemption may be made whereby if a citizen wishes to address an item in open hearing that was not covered in the scheduled time, the presiding officer may permit the citizen to speak up to three (3) minutes contingent upon no objections by any Council member." City Attorney Jacobson stated that the amendment is similar to one used in the legislature.

Following Council discussion, a motion was made by Council member Semmelmann, seconded by Council member Rangel, to approve the amendment to add the statement presented by Council member Dean to Item #4 of Resolution #06-004. Upon vote, the motion carried.

Following continued Council discussion, a motion was made Council member Dean, seconded by Council member Rangel, approving the main motion to approve Resolution #06-004, as amended. Upon vote, the motion carried.

City Manager Report

Mr. Cortes stated that he had nothing to report at that time.

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Citizens to Be Heard

Resident Leo Gorman stated that he did not approve of the requirement that a group of citizens must appoint a spokesperson when they want to address Council on particular subject.

Resident Pedro Esquivel expressed his agreement with Mr. Gorman and asked Council to consider setting up rules to govern the conduct of Council during its meetings and separate rules to govern how the public will interact with the conduct of the public during a Council meetings.

Discussion by Council members and the City Manager continued about the meeting conduct rules that would still allow the citizens to address their Council effectively by having citizen groups who have redundant opinions on the same issue appoint a spokesperson but that the rules would also allow citizens with diverse ideas on a subject a chance to address Council.

Announcements

Council member Rangel thanked the Fire Department for their work on a grass fire behind Hobby Lobby.

Council member Semmelmann announced that the Stormwater Committee meets the first Monday of the month. He told Council that new rules and regulations are to be issued next month from the TCEQ and that Committee would like to come before Council for a workshop to present the program proposed for the City along with the proposed rate structure. Council member Semmelmann addressed Council expressing his concerns that any improvements on the property leased by the Historical Society of Leon Valley to be kept primitive as per agreement with the City.

Council member Lange complimented staff on work being done for Council and particularly thanked Community Development Director Smith for her work.

Council member Maloy also voiced her compliments to staff and informed Council that the opening ceremony for the first Trade and Market Days would be held at 9:15 a.m. on Saturday, April 8, 2006 in front of the flag pole at the Leon Valley Community Center. She stated that forty (40) vendors had already committed to participate in the April 2006 Trade and Market Day.

City Manager Cortes informed Council that the injured Firefighter, Eric Dopp was still in critical condition in the hospital.

Mayor Riley presented a plaque to Joyce Trent for the 2005 Achievement of Excellence from the Texas Municipal Library Director's Association. Mayor Riley announced that of 565 public libraries in Texas considered, only 20 libraries were selected for the award and congratulated Joyce Trent for her work for the City's library. Ms. Trent reported on

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the Friends of the Library's strategic planning session the previous Saturday with almost 60 people in attendance. She announced that with the final report, the Friends would be submitting their request to the Kronkosky Foundation for the Children's Wing grant application.

Mayor Riley announced that she had met with Rick Lopez of Henry's Puffy Taco and she stated that Mr. Lopez told her that he would be opening on Bandera Road in time for Cinco de Mayo.

She also announced that she went to a water cistern seminar last week about collecting rain water to use for lawn watering. She stated that a 1000 square foot roof receiving one inch of rain yields 650 gallons of water.

Mayor Riley asked everyone to keep Ken Alley in his prayers.

Adjourn

There being no further business to come before Council at this time, a motion was made by Council member Dean, seconded by Council member Rangel, to adjourn the meeting. Time: 9:05 p.m.

Mayor

ATTEST:

City Secretary