

**REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,
TEXAS, APRIL 4, 2006, 7:00 P.M.**

The City of Leon Valley, Texas, met in Regular Meeting on the 4th day of April 2006 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 Council members were present: Maloy, Lange, Semmelmann, Dean, and Rangel.

City Manager Cortes, City Secretary Feutz, Fire Chief Irwin, Assistant Public Works Director Steele, Assistant Police Chief Wallace, City Accountant Wallace, Community Development Director Smith, Human Resources Officer Schendel, and City Attorney Jacobson were also present.

Mayor Riley asked Cathy Wright, a student with a student group from a U.T.S.A. government class, to lead the Pledge of Allegiance.

Consider Approval of Minutes of the Special City Council Workshop of March 7, 2006 and the Regular City Council Meeting of March 7, 2006.

A motion was made by Council member Rangel, seconded by Council member Dean to approve the minutes of the Special City Council Workshop and the Regular City Council Meeting of March 7, 2006. Upon vote, the motion carried.

Presentation of Police Canine Appreciation Award.

Assistant Police Chief Randall Wallace introduced Officer Garland Gaston and his K-9 "Bart" to Council explaining that Officer Gaston and "Bart" work with the Leon Valley Police Department and a High Intensity Drug Trafficking Area (HIDTA) Unit in the war against drugs. Mayor Riley thanked Officer Garland and presented "Bart" a gift of dog treats to thank "Bart" his work in a case which directly resulted in an award from the Internal Revenue Service to the City of more than \$122,000.

New Business.

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

Consent Agenda.

Consider M&C #04-01-06 - Authorization for the City Manager to Enter Into Contract with Armstrong, Vaughan, & Associates for External Independent Auditor.

Audit Fees are budgeted in the FY 2006 Budget from both the General and Enterprise Funds. Staff recommends approval.

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Mayor Riley asked if any of the Council members wished for any items on the Consent Agenda removed for discussion. Hearing no objections, a motion was made by Council member Rangel, seconded by Council member Dean to approve items on the Consent Agenda. Upon vote, the motion carried.

Mayor Riley asked if anyone in the audience wished to address Council.

Wendy Phelps, Chairperson of the Trade and Market Days Committee, addressed Council providing them with an update of the Committee's activities and inviting them to attend the opening ceremonies for the first Trade and Market Day to be held on Saturday, April 8, 2006. She announced that there were 74 vendors signed up to participate in the Trade and Market Days event and that the event would be held each second Saturday.

Phillip Manea, President of the Leon Valley Area Chamber of Commerce, addressed Council stating that the Chamber was very interested in having Council hear their concerns about plans for an extension of any overhead traffic lanes for Bandera Road. He asked Council to set a future date for a public meeting for the Chamber to bring their concerns to Council on the matter.

Mayor Riley asked if anyone else in the audience wished to address Council. Seeing no one, she announced the next item of the Regular Agenda.

Regular Agenda

Public Hearing to Consider Specific Use Permit #06-246- with Attached Ordinance - a Request by Hugo Rodriguez, Applicant, for Operation of an "Indoor- Entertainment Facility," Specifically, a Children's Birthday Party Room, to Be Located at 6825 Bandera Road, Being Lot 43, Block 13, CB 4432C, Grass Valley Shopping Center Subdivision.

Community Development Director Melinda Smith addressed Council stating that Specific Use Permit Case #06-246 was a request by Hugo Rodriguez, to allow operation of an "Indoor - Entertainment Facility", specifically - a children's birthday party room to be located at Lot 43, Block 13, CB 4432C, Grass Valley Shopping Center Subdivision at 6825 Bandera Road. Ms. Smith explained that the use was permitted under the Zoning Code at the existing B-2 (Retail) zoned shopping center, and that the site met the minimum requirements for site plan development, including parking. She added that the same site had been used previously for a similar use as a kid's playroom under a Specific Use Permit approved by Council in May 2003. She stated that 19 letters were mailed to property owners within 200 feet of the site, and no letters were received in favor of or in opposition to the case and one letter was returned undeliverable.

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Zoning and Land Use Commission Chairman Leo Gorman addressed Council stating that on March 28, 2006, the Commission reviewed the case and voted to recommend approval of Specific Use Permit Case #06-246 by a vote of 6:1.

Councilmember Rangel asked the case applicant, Hugo Rodriguez, if any alcoholic beverages would be allowed on premises. Mr. Rodriguez stated that no alcoholic beverages would be allowed on the premises and explained that the business was for parties for children with games, balloons, and an infant-area. Mr. Rodriguez explained that there would not be any stove or a kitchen in the facility, but they would have a microwave and refrigerator for any party foods that patrons would bring for their party.

Answering questions from Councilmember Maloy, Mr. Rodriguez stated that the business would be for parties primarily for children aged 12 years of age and under, not for parties or debuts for older children and that the hours of operation would be 9:00 a.m. - 10:00 p.m.

Mayor Riley opened the Public Hearing to the audience. Seeing no one, Mayor Riley closed the Public Hearing at 7:21 p.m.

A motion was made by Councilmember Semmelmann, seconded by Councilmember Lange, to approve Specific Use Permit Case No. 06-246. Upon vote, the motion carried.

Consider Master Sign Plan #06-002 - with Attached Variances - a Request by Capital Investment Group, Applicant and Property Owner, for Consideration of a Master Sign Plan Proposal with Requested Variances for a Shopping Center, Located at 7007 Bandera Road, Being Lots 9 and 10, Block 1, CB 4446, Clear Creek Shopping Center Subdivision.

Community Development Director Melinda Smith presented the case information to Council informing them that the case was a request for a Master Sign Plan by Attorney Brian Hamilton of Pipkin, Oliver and Bradley, L.L.P., agent for Capital Investment Group, the applicant and property owner. Ms. Smith explained that the site was for 7007 Bandera Road, at the Clear Creek Shopping Center Subdivision. Ms. Smith explained that one multi-tenant free-standing sign conformed to code standards, but that there were three other free-standing signs where did not meet Code requirements: a monument sign "Clear Creek", a "Petro Pantry" pole sign, and an abandoned pole sign. She further explained that the applicant's proposal asked for three variances: to allow the use of the abandoned sign, a variance to the distance requirement between free-standing signs from the required 67 feet to 33 feet; and a third variance to the number of signs allowed per frontage which would allow three signs rather than two for this site. She noted that the applicant had made some progress in decreasing sign clutter with removal of some dilapidated and abandoned sign faces on the property.

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Ms. Smith stated that although the applicant has indicated they will remove the monument sign "Clear Creek" designated as Sign "B" on the case worksheet, it will only reduce the number of existing free-standing signs at the site to three, which is still more than allowed by Code. She also noted that staff would support the variance request to the spacing of signs due to existing conditions at the property site. She asked that if the variance are granted, that it should include provisions for removal at such time as the sign becomes abandoned or destroyed and at the time for amortization of all non-conforming signs.

Leo Gorman, Zoning and Land Use Commission Chairman, addressed Council stating that on March 28, 2006, the Commission voted 7-0 to approve the Master Sign Plan #06-002 with the following variances: the variance to allow use of the abandoned sign noted as Sign "D" on the Master Sign Plan documents, at the corner of Bandera and Huebner Roads, could remain on the condition that the sign must conform to the current Sign Code if it ever becomes abandoned or is destroyed and that the sign must follow amortization regulation, and Commission recommended approval of the variance to the distance requirements between Signs "C" and "D" of the Master Sign Plan be allowed until those signs are abandoned or destroyed but the signs must also follow the amortization regulations in the Sign Code.

Councilmember Lange asked why the large freestanding multi-tenant sign was not included in the Master Sign Plan. Ms. Smith indicated that the multi-tenant sign and signs "C" "Petro Panty" and "D", currently an abandoned sign. would bring the total requested signs to three on the Master Sign Plan, because the property owner had agreed to remove the monument sign indicated as Sign "B" on the case worksheet.

Agent Brian Hamilton addressed Council asking Council to consider approving the Master Sign Plan with all the requested variances. He explained that one of the center's tenants, Mattresses, Etc. had requested to use Sign "D" and the use of the sign was part of the tenant's lease, but the tenant has been denied the use of the abandoned sign listed as Sign "D" due to City Sign regulations.

Councilmembers expressed their concerns about the aesthetics of the signs and the number of signs on the property and suggested that the property owner consider increasing the height of the multi-tenant sign to add additional sign slots for more tenants.

Mayor Riley asked Council if they had any objections to allowing someone from the audience to address Council on the case; hearing no objections, she invited those in the audience who wished to comment on the case to come to the podium.

Chamber President Phillip Manea addressed Council stating that the changes to the Sign Code to be proposed by the Business Alliance Committee would have also encouraged the property owner to bring the signs into compliance with City Code.

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The business manager of Mattresses, Etc. addressed Council stating that when he first tried to use the large Sign "D", as under the terms of his lease, he was told by the City he had to remove his temporary banner sign. He told Council since he removed that temporary sign, as ordered by the City, his business has dropped by forty percent (40%).

Discussion followed about the agreement between the Mattress, Etc., business owner and the property owner and the results of a variance denial on existing signs on the premises.

Council member Dean suggested that Council wait to hear the recommendations from the Business Alliance Committee before making a decision on the case.

A motion was made by Councilmember Dean, and seconded by Councilmember Rangel, to table any decision on the case until another meeting.

Councilmember Semmelmann moved to amend the main motion to table a decision on the case until the next regular City Council Meeting on April 18, 2006; Councilmember Rangel seconded the motion. Upon vote the amending motion passed.

Mayor Riley asked for any discussion and a vote on the main motion of tabling any decision on the case until, the date of the next regular City Council Meeting of April 18, 2006. Upon vote the main motion, as amended, passed unanimously.

Discuss and Consider Entering into an Interlocal Agreement Between the City of Leon Valley and Bexar County and the City of San Antonio to Appoint the San Antonio Metropolitan Health District's Director as the Health Authority for the City and to Authorize Said Director to Provide Emergency Assistance.

Mayor Riley welcomed Roger Pollack, Emergency Coordinator for the San Antonio Metropolitan Health District. Mr. Pollack introduced Charles Pruski, Assistant Director of Health for the San Antonio Metropolitan Health District.

Mr. Pollack discussed the importance of forming an agreement with cities within Bexar County to provide a central health authority for the County and surrounding municipalities to insure swift action to prevent the potential spread of communicable or infectious agents and to save lives. Mr. Pollack stated that only Leon Valley and Grey Forest had not signed the interlocal agreement. He emphasized the importance of a coordinated county-wide response to address health emergencies, the need to insure reimbursement to the Health District for services provided, and the advantage of having all communities working together coordinated under one health authority in Bexar County. He asked Council's support for the interlocal agreement that would designate the San Antonio Metropolitan Health District's Director as the health authority with the authority to provide emergency assistance as needed.

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Mr. Pollack explained that if the local health authority responds to a need in Leon Valley, the health authority would negotiate funding to cover the cost of that emergency response. He also added that if the City of San Antonio felt that it was in their best interest to have the local health authority respond and provide some assistance in Leon Valley, then the City may not be billed. Council was informed by Mr. Pruski that emergency services provided for Leon Valley were not the responsibility of Bexar County as the County only pays for services provided for unincorporated areas.

City Manager Cortes informed Council that he had concerns about costs associated with the two-year agreement but after discussion, he felt that the benefits of the agreement far exceeded the costs associated with the services the City will receive under the agreement.

A motion was made by Councilmember Rangel, seconded by Councilmember Maloy, to approve the interlocal agreement between the City of Leon Valley and Bexar County and the City of San Antonio to appoint the San Antonio Metropolitan Health District's director as the Health Authority for the City and to authorize said Director to provide emergency assistance as specified in the agreement. Upon vote, the motion carried.

Consider M&C #04-02-06 - Authorization for the City's Financial Advisor (First Southwest Company) to Proceed with the Issuance of General Obligation Refunding Bonds, Series 2006.

City Accountant Vickie Wallace addressed Council stating that the request was to authorize the City's financial advisor, First Southwest Company, to start the process of seeking funding for the Tax Notes, 2000, issued to fund the construction of the Conference Center, and which will mature on March 1, 2007 with a balloon payment due of \$452,210. She explained that First Southwest Company will explore and negotiate various financing options to give the City the lowest possible interest rate at a term of no less than three years and no more than five years. She informed Council that the authorization would not obligate the City to issue any debt nor incur any costs. Ms. Wallace explained that the anticipated rental fee income from the Conference Center and the expected hotel/motel taxes generated annually were significantly less than anticipated. She stated that in FY 2001, the City collected \$223,316 in hotel/motel taxes and in FY 2005, the City only collected \$85,655.

A motion was made by Councilmember Semmelmann, seconded by Councilmember Lange, to authorize First Southwest Company to proceed with the process for issuance of General Obligation Refunding Bonds, Series 2006 as described in M&C #04-02-06. Upon vote, the motion carried unanimously.

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Consider Ordinance 06-007 Appointing Members to the Trade and Market Days Committee.

Mayor Riley stated that Councilmember Maloy had recommended two individuals, Sheila Harris and Joyce Flaughner, to be appointed as members of the Trade and Market Days Committee. Councilmember Maloy explained that Ms. Flaughner will be representing the second non-profit group member on the Committee and that Ms. Flaughner will be working with the "Strolling Strummers" from the Kid's Uke Club who will be also providing entertainment for the Trade and Market Days in April. Councilmember Maloy stated that Sheila Harris had worked with the Leon Valley 4-H Club for the last twenty-three years and Ms. Harris would be joining as the third non-profit group member to the Committee.

A motion was made by Councilmember Maloy, seconded by Councilmember Lange, to approve the appointments of Sheila Harris and Joyce Flaughner as members of the Trade and Market Days Committee. Upon vote, the motion carried unanimously.

City Manager Report

City Manager Cortes introduced Susan Schendel, the newly hired Human Resources Officer, to City Council.

Citizens to be Heard

Resident Al Uvietta addressed Council commending the Council, the Leon Valley Fire Department, and area Cub Scouts who participated in the educational program on fire hazards last weekend in the neighborhoods which surrounded park areas.

Announcements

Councilmember Maloy thanked the Trade and Market Days Committee, City staff, and Council for their help in working on next weekend's event.

Councilmember Lange stated that a workshop date be set for citizens and businesses to provide input for TXDOT and RMA and he asked that a date be set up in the next 2-3 weeks.

Councilmember Dean reiterated Councilmember Lange's request for a workshop for citizens and businesses to be scheduled to discuss any Bandera Road extensions.

Councilmember Rangel asked for a moment of silence to remember the loss of former Mayor Ken Alley and of Firefighter Eric Dopp. Following a moment of silent, Councilmember Rangel thanked everyone.

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City Secretary Feutz reminded everyone to register to vote by April 13, 2006 in order to be registered to vote for the May 13, 2006 General Election. She also announced that a demo iVotronic Electronic Voting Machine will be available at City Hall lobby on Tuesday, May 18, 2006 for citizens to get a chance to look it over before the election. She announced also that the League of Women Voters will be holding a "Meet the Candidates" Night on Monday, May 17, 2006 at the Conference Center to allow citizens to meet their candidates.

Mayor Riley announced the Pet Parade to be held on May 6, 2006 at 10:30 a.m. Mayor Riley reported that she, Councilmember Rangel, and City Manager Cortes had attended a meeting with the Edwards Aquifer Authority on water issues.

Adjourn

Mayor Riley asked if there was any other business, hearing no one, she adjourned the meeting at 8:54 p.m.

Mayor

ATTEST:

City Secretary