

**REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,
TEXAS, JUNE 6, 2006, 7:00 P.M.**

The City Council of the City of Leon Valley, Texas, met for a Regular Meeting on the 6th day of June 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 members of Council were present: Maloy, Lange, Semmelmann, Dean, and Rangel.

City Manager Cortes, City Secretary Feutz, Fire Chief Irwin, Police Chief Oakes, Assistant to the Director of Public Works Stolz, City Accountant Wallace, Community Development Director Smith, Economic Development Liaison Caldera, Human Resources Officer Schendel, Library Director Trent, and City Attorney Jacobson were present. Councilmember-elect Reyna was also present.

Mayor Riley asked Thomas Latham, from Boy Scout Troop 620, to lead the Pledge of Allegiance.

Consider Approval of Minutes of the Regular City Council Meeting of May 16, 2006.

A motion was made by Councilmember Rangel, seconded by Councilmember Dean, to approve the minutes of the Regular City Council Meeting of May 16, 2006. Upon vote, the motion carried.

Presentation to Councilmember Hubert Lange for his Service to the City.

Mayor Riley presented a plaque from the City to Councilmember Lange and thanked him for his service to the City as a member of City Council for the last two years. Councilmember Lange thanked the citizens for giving him the opportunity to serve the community and he thanked Council for their support.

Installation of Newly Elected Councilmembers and Presentation of Certificates of Election.

Mayor Riley read the Agenda item caption.

A motion was made by Councilmember Rangel, seconded by Councilmember Maloy, to postpone consideration of this agenda item until the end of the meeting.

Mayor Riley read a statement explaining that Councilmember-elect Reyna asked that he be installed at the beginning of the meeting as the election was canvassed on May 17, 2006. She stated that she had checked with the City Attorney and with City Codes to see if holding the installation at the beginning of the meeting violated any laws and it did not appear to do that. Mayor Riley stated that she respected Council's decision to change the order of the agenda, but she stated that she felt that in the future, newly elected members

**REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,
TEXAS, JUNE 6, 2006, 7:00 P.M.**

of City Council should be installed at the beginning of their first Council meeting so that decisions made after an election were made by the Council elected by the people.

Councilmember Semmelmann stated that he did not agree with how changes were made to precedent. He stated that he had served on Council nine separate times and the installation had always taken place at the end of the meeting. He stated that he felt that Council should have some say when precedent is asked to be changed.

After discussion, Councilmember Rangel asked that consideration of this agenda item be moved until after agenda item number eleven (#11).

Upon roll call vote, Councilmembers Maloy, Lange, Semmelmann, Dean, and Rangel voted in favor of the motion to move consideration of agenda item number four be moved for consideration after agenda item number eleven, as number eleven "a" (11a). Councilmembers Maloy, Lange, Semmelmann, Dean, and Rangel voted for the motion; no one voted against the motion. The motion carried.

Citizens to Be Heard

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

Walter Geraghty, resident at 7315 Ellerby Point and local business owner, addressed Council stating that he has seen several temporary signs for home builders in Leon Valley which carried the City of San Antonio \$1.00 permit tag. He asked that those businesses be contacted and he asked if the businesses could be charged a fee for those signs in Leon Valley.

Mike Davis, Chairman of the Business Alliance Committee, addressed Council asking that Council favorably consider an agenda item scheduled for later in the meeting, for the Blazing Gavels donation which he thought would provide a great advertising opportunity for the City's facilities.

Consider Resolution # 06-006 - to Cancel the First Regular Council Meeting in July 2006, as the Meeting Date Falls on July 4, 2006, Independence Day.

Mayor Riley read the resolution aloud and asked for a motion to approve the resolution.

Councilmember Maloy stated that she felt that Council had much work to do to prepare for the next budget and stated that she was not in favor of canceling the meeting, but rather rescheduling the meeting to an alternate date.

A motion was made by Councilmember Dean, seconded by Councilmember Maloy, to approve the cancellation of the Tuesday, July 4, 2006 meeting, but to also amend the resolution to reschedule that first regular Council meeting from Tuesday, July 4, 2006 to Thursday, July 6, 2006. Upon vote to approve the amendment to Resolution # 06-006, to reschedule the July 4, 2006 meeting to Thursday, July 6, 2006, the motion carried.

**REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,
TEXAS, JUNE 6, 2006, 7:00 P.M.**

Upon vote to approve Resolution # 06-006 as amended, which canceled the first Regular Council meeting for July 2006 , which was to be held on Tuesday, July 4, 2006, and rescheduled the meeting to Thursday, July 6, 2006, the motion carried.

Consider M&C # 06-01-06 - Consideration and Approval of an Ordinance by the City Council of the City of Leon Valley, Texas Authorizing the Issuance of "City of Leon Valley, Texas General Obligation Refunding Bonds, Series 2006", Levying an Annual Ad Valorem Tax, Within the Limitations Prescribed by Law, for the Payment of the Bonds; Prescribing the Form, Terms, Conditions, and Resolving Other Matters Incident and Related to the Issuance, Sale, and Delivery of the Bonds; Authorizing the Execution of a Paying Agent/Registrar Agreement, a Purchase and Investment Letter, and an Escrow Deposit Letter; Complying with the Requirements of the Blanket Letter of Representations with the Depository Trust Company; and Providing an Effective Date.

Ann Berger, from First Southwest Company, addressed Council presented a financial market update and information on long term debt. Ms. Berger explained that bid packages were prepared with the City to examine refunding bonds that would refund existing tax notes that would have a balloon payment from the City due in early 2007. Ms. Berger provided an analysis of the results of the bids received from Frost National Bank, Houston Community Bank, N.S., J. P. Morgan Chase Bank, and from Bank of America. She recommended that Council approve the low bid for a seven-year structure, with a three-year par call, from Frost National Bank.

Mayor Riley asked if the one-half of one cent tax could be removed at the end of the life of the note. Ms. Berger answered, "Yes." Mayor Riley asked for clarification of the increased amount of the principal for the bond from \$440,000 to \$475,000 to which Ms. Berger explained that the additional \$35,000 was to cover fees for attorneys, filings, and services in connection with the bond. Mayor Riley informed the audience that the debt was for the Conference Center construction.

Councilmembers thanked Ms. Berger, the City Manager and staff for their work in bringing the refunding bond option for their consideration. A motion was made by Councilmember Semmelmann, seconded by Councilmember Lange, to approve the M&C #06-01-06, authorizing the issuance of "City of Leon Valley Texas General Obligation Refunding Bonds, Series 2006, which will refund the Tax Notes, Series 2000. Upon vote, the motion carried unanimously.

Public Hearing to Consider Specific Use Permit Case # 06-247, with attached Ordinance - a request by Michael Imbimbo, agent for the applicant, for construction and operation of an "Automobile Service Station" and "Convenience Store" to be Located at 6988 Bandera Road, Being Lot 4, Block 1, CB 4431d, H & W - DSSI Subdivision, a B-2 (Retail) Zoned Property in the City of Leon Valley.

Community Development Director Smith addressed Council stating that the Specific Use Permit Case # 06-247 was a request by Michael Imbimbo, agent for the applicant, to allow

**REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,
TEXAS, JUNE 6, 2006, 7:00 P.M.**

construction and operation of an automobile service station and convenience store at 6988 Bandera Road. Ms. Smith reviewed the zoning and platting history of the property noting that there has been a gas station constructed on the site since 1981. Ms. Smith stated that the applicant's site plan met the minimum requirements for site plan development including parking and landscaping and that the City Engineer had reviewed the applicant-submitted traffic impact analysis and found the analysis accurate and acceptable. She further stated that four letters were mailed to property owners within 200 feet of the site and no letters had been received in favor nor in opposition to the case and no letters were returned as undeliverable.

Zoning and Land Use Commission Vice Chairman Paul Biever addressed Council and reported that on May 23, 2006 the Zoning Commission had reviewed the case and voted 7 to 0 to recommend approval of the case.

Mr. Imbimbo stated that the project would consist of seven gasoline islands and would provide an updated store at the site. He answered Council's questions explaining that the project should take approximately 120 days and will include the removal of the existing gas storage tanks and the additional of double-walled in-ground fuel tanks.

Mayor Riley opened the public hearing asking if anyone from the audience wished to comment on the case. Hearing no one, Mayor Riley closed the public hearing at 7:45 p.m.

A motion was made by Councilmember Rangel, seconded by Councilmember Dean to approve Specific Use Permit Case # 06-247, with the attached ordinance as presented for the construction and operation of an "Automobile Service Station" and "Convenience Store" at 6988 Bandera Road. Upon vote, the motion carried.

Public Hearing to Consider Specific Use Permit Case # 06-248, with Attached Ordinance, a Request by MC Stores Incorporated, Applicant, for "New Construction" and Operation of a "Shopping Center" to be Located at 6421 Bandera Road, Being Lot 1, Block 7, CB 4429, Seneca Estates Unit #7 Subdivision, a B-2 (Retail) Zoned Property in the City of Leon Valley.

Community Development Director Smith addressed Council stating that the Specific Use Permit Case # 06-248 was a request by MC Stores Incorporated, to allow construction and operation of a shopping center at 6421 Bandera Road, the corner of Bandera and Echo Hill Roads. Ms. Smith reviewed the zoning and platting history of the property noting that the property is in the process of being replatted to two lots and is currently an undeveloped piece of property. Ms. Smith stated that the applicant's site plan met the minimum requirements for site plan development including parking and landscaping and that the City's Master Plan addressed the site in general recommending B-2 (Retail) zoning along Bandera Road for a depth of 200-feet and that any commercial development in the area provide adequate buffers to the surrounding residential areas. Ms. Smith stated that nine letters were mailed to property owners within 200 feet of the site and no letters had been received in favor nor in opposition to the case and no letters were returned as undeliverable.

**REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,
TEXAS, JUNE 6, 2006, 7:00 P.M.**

Zoning and Land Use Commission Vice Chairman Paul Biever addressed Council and reported that on May 23, 2006 the Zoning Commission had reviewed the case and voted 6 to 1 to recommend approval of the case.

Councilmember Semmelmann asked if the applicant understood that the Bandera Road crossover may be closed with the construction of the flyover by TxDOT. The applicant, Masood Chughtai, addressed Council stating that he was not aware that the Bandera Road crossover was scheduled to be closed with the current flyover construction, but he told Council that he didn't expect that it would affect his business plans.

Councilmember Maloy asked if the applicant planned to replace the fence between his business and the existing R-1 zoned property. Mr. Chughtai said that he did not have plans to replace that fence as he felt that the green belt with shrubs and trees would be kept to screen the residential area from the shopping center; however, he stated that he would take care of the fence. Councilmember Maloy also asked the applicant if he could consider saving the large oak tree that is currently on the property. Mr. Chughtai explained that the elevation of the parking lot did not allow for the tree to be saved, but he informed Council that he would be planting ten oak trees.

Mayor Riley asked if drainage studies were done so that drainage does not run off onto other properties. Mr. Chughtai stated drainage studies indicate that there is ample drainage capacity for the street.

Councilmember Maloy asked about the number of handicapped parking spaces designated for the shopping center. Mr. Chughtai stated that for the forty-nine spaces, there will be three handicapped spaces. Ms. Smith indicated that the number of handicapped spaces met the ADA requirements.

Mayor Riley opened the public hearing asking if anyone from the audience wished to comment on the case at 7:56 p.m.

Walter Geraghty, resident and local business owner, asked about the number and kinds of businesses that would be at the shopping center. The case applicant, Mr. Chughtai, indicated that the 6-7 businesses for the proposed center would primarily be service-oriented businesses.

Seeing no one else for the public hearing, Mayor Riley closed the public hearing at 7:58 p.m.

A motion was made by Councilmember Lange, seconded by Councilmember Dean, to approve Specific Use Permit Case # 06-248, with the attached ordinance as presented for the construction and operation of a "Shopping Center" at 6421 Bandera Road.

A motion was made by Councilmember Maloy, seconded by Councilmember Rangel, to amend the main motion to approved SUP Case No. 06-248, by requiring a vision-proof

**REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,
TEXAS, JUNE 6, 2006, 7:00 P.M.**

fence on the property line between the business property and the R-1 (single-family residential) zoned properties.

Mayor Semmelmann asked if the current code requires a vision proof fence between the business property and the resident property. Melinda Smith answered that the code requires that a vision proof barrier separate the residential and business property, but it did not require that barrier to be a vision proof fence.

Upon vote, the motion to amend the main motion carried unanimously. This amendment will require the property owner to construct a vision-proof fence between the residential-zoned property and his business property as part of the SUP #06-248.

Mayor Riley called for a vote on the main motion, as amended, to approve SUP #06-248 as presented with the requirement for the vision-proof fence between the business property and residential-zoned properties. Upon vote, the main motion as amended carried.

Public Hearing to Consider Specific Use Permit # 06-249, with Attached Ordinance - a Request by Academy of Careers & Technologies Charter High School, Applicant, to Allow the Operation of a "School and Child Care Facility" to be Located at 6812 Bandera Road, Suites 101 and 102, Being Lot 76, Block 3, CB 5784, Leon Valley Addition - Crossways Subdivision, a B-3 (Commercial) and B-2 (Retail) Zoned Property in the City of Leon Valley

Community Development Director Smith addressed Council stating that the Specific Use Permits Case # 06-249 was a request by Academy of Careers and Technologies Charter High School, to allow operation of a "School" and "Child Care Facility" at 6812 Bandera Road, Suites 101 and 102. Ms. Smith informed Council that the applicant had amended their request and have withdrawn their request to for the Child Care Facility at the site and would use Suite 101 for a cafeteria. Ms. Smith reviewed the zoning and platting history of the property noting that the property is zoned B-2 (Retail) for a depth of 390 feet and B-3 (Commercial) for the remaining 304 feet of depth. Ms. Smith stated that the applicant's site plan met the minimum requirements for site plan development including parking. Ms. Smith stated that six letters were mailed to property owners within 200 feet of the site and no letters had been received in favor nor in opposition to the case and no letters were returned as undeliverable.

Zoning and Land Use Commission Vice Chairman Paul Bieber addressed Council and reported that on May 23, 2006 the Zoning Commission had reviewed the case and voted 7 to 0 to recommend approval of the case.

Representative for the applicant, Mr. Tim Gomez, who is also the Assistant Principal of the Charter High School, addressed Council providing details of the school's program. He answered Council's questions explaining that the school is a non-profit entity and the full-time school will have regular classes during the day from 9:00 a.m. - 4:00 p.m. and additional evening classes. He explained that funding for the school is primarily from the TEA and they expect an enrollment of approximately 150 students who will come from all

**REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,
TEXAS, JUNE 6, 2006, 7:00 P.M.**

over the greater San Antonio area. Mr. Gomez stated that the school will use the Leon Valley Raymond Rimkus Park for physical education opportunities. Mr. Gomez stated that the graduation rate is currently 17% percent of students who start the freshman year go on to complete graduation. Mr. Gomez stated that enrollment for the school is open to all students and that although there is no tuition, students are required to have uniforms.

Following Council discussion, a motion was made by Councilmember Semmelmann, seconded by Councilmember Rangel, to approved Specific Use Permit Case No. 06-249 as presented. Upon vote, the motion carried.

Consider M&C # 06-02-06 - Consider a Request to Donate One Conference Center Weekend Day Rental for KLRN'S "Blazing Gavels" Auction.

Economic Development Liaison Crystal Caldera addressed Council explaining that KLRN, the area public television station, had requested that the City donate one Conference Center weekend day rental for their annual "Blazing Gavels" auction to be held beginning June 8, 2006. Ms. Caldera explained that the lost rent from one weekend day rental was \$696.00. She also explained that the renter will be required to comply with all other rental contract obligations to include paying the costs for cleaning, security, and deposits. Ms. Caldera explained that the advertising that the center receives from such a widely viewed program would helpfully bring in additional inquiries for rental of the City facility.

Councilmember Semmelmann asked the City Attorney if it was legal for the City to "donate" or make contribution to organizations. City Attorney Jacobson explained that the City was not actually donating money, but was rather legally contributing a service in exchange or in hopes of recovery from additional new rentals.

Following Council discussion, a motion was made by Councilmember Dean, seconded by Councilmember Rangel, to approve the request as presented. Upon vote, three Councilmembers voted in favor of the motion, one Councilmember voted against the motion, and one Councilmember abstained from voting expressing his concern that any future requests for free use of the Center from other groups will be very hard to not consider.

The Mayor announced that the City Attorney has advised her that because she had not announced the results of the vote, she could entertain an amended motion. An amended motion was presented by Councilmember Semmelmann, seconded by Councilmember Maloy, to invest in the KLRN Blazing Gavels Auction with one weekend day rental of the Conference Center for advertising purposes. Upon vote, the amended motion carried unanimously.

Installation of Newly Elected Councilmembers and Presentation of Certificates of Election

Mayor Riley welcomed the 73rd Civil District Court Judge Andy Mireles and announced that he would swear in each newly elected member of Council separately. Judge Andy Mireles

**REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,
TEXAS, JUNE 6, 2006, 7:00 P.M.**

administered the Oaths of Office to Mayor Chris Riley, Councilmember Jack Dean for Council Place 4, and Councilman Art Reyna, Jr. for Council Place 2.

Mayor Pro Tem Maloy presented the Certificate of Election to Mayor Riley. Mayor Riley presented the Certificates of Election to both Councilmembers Dean and Reyna. Each newly installed member of Council took their places at the dais after thanking their families, friends and the citizens for their support.

Consider Appointment of a Mayor Pro Tem.

Councilmember Semmelmann stated that according to the TML handbook for General Law City Councils, a Mayor Pro Tem's term is for one year. Mayor Riley stated that since she was elected, the Mayor Pro Tem had been appointed every six months and she was following precedent. City Secretary Feutz stated that since 2003, Councils had elected a new Mayor Pro Tem every six months. Councilmember Maloy stated that the statute states that the Mayor Pro tem serves a year term of office.

City Attorney Jacobson stated that the agenda item could be tabled as the current Mayor Pro Tem had not served a full year term of office. The City Attorney stated that the subject should be addressed as statute requires. Mayor Riley stated that they would just scratch the agenda item. There were no objections from Councilmembers.

City Manager Report.

City Manager Cortes reported that both the City of Helotes and Grey Forest had approved the 911 Dispatcher Contract and those contracts would be brought for Council's consideration later in the month. He also congratulated the newly elected members of Council and thanked Mr. Lange for his service.

Citizens to be Heard.

Cynthia Rangel, resident of 5900 El Verde Rd., addressed Council asking for assistance in having the storm drainage ditches at the end of El Verde cleaned out.

Mike Davis invited residents to attend the Leon Valley Business Alliance Committee meetings which are held the third Wednesday of each month at 1:00 p.m. in the Conference Center.

Announcements.

Councilmember Maloy welcomed Councilmember Reyna and congratulated the members of Council installed at the meeting. She thanked Council and staff for their notes during her recovery time. Councilmember Maloy reminded everyone of the next Trade and Market Days to be held Saturday, June 10, 2006 from 9:30 a.m. - 5:00 p.m. She also announced that the Committee still needed extra volunteers.

**REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY,
TEXAS, JUNE 6, 2006, 7:00 P.M.**

Councilmember Semmelmann thanked former Councilmember Lange for his service to the City and welcomed Councilmember Reyna. He also announced that the regulations for stormwater will be delayed until the Fall 2006. Councilmember Semmelmann also asked that staff check into storm debris from the Ridge Subdivision.

Councilmember Dean thanked former Councilmember Lange for his service on the Business Alliance Committee and welcomed Councilmember Reyna.

Councilmember Rangel welcomed Councilmember Reyna.

Mayor Riley welcomed two Italian visitors, Marie Rosario and Adriana, to the meeting and explained that the girls were visiting from Agropoli, Italy, a sister-city of Leon Valley. Mayor Riley announced that Saturday, June 10, 2006 was not only the next Trade & Market Days event starting at 9:30 a.m., but it was also a Clean-Up Day for the Huebner Onion Property beginning at 7:30 a.m. She also announced that the Civic Affairs Committee was working hard on Leon Valley's Independence Day Celebration to be held on July 1st.

Adjourn.

Mayor Riley asked if there was any other business, hearing no one, she adjourned the meeting at 8:50 p.m.

Mayor

ATTEST:

City Secretary