

**REGULAR CITY COUNCIL MEETING OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, NOVEMBER 5, 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 5<sup>th</sup> day of November 2007 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 7:00 p.m. and asked that the minutes reflect that the following members of Council were present: Manea, Baldrige, Dean and Nelson. Mayor Riley announced that Councilman Reyna's absence was excused due to an unexpected out-of-town work meeting.

City Manager Lambert, City Secretary Feutz, Fire Chief Irwin, Police Chief Wallace, Community Development Director Smith, Public Works Director Vick, Public Works Assistant Director Stolz, and City Attorney Alternate Frank Onion were also present.

Mayor Riley asked Boy Scouts in the audience to lead the Pledge of Allegiance. She thanked the Scouts.

**Presentations to Green Bin Instant Winners**

Mayor Riley announced three more winners in the Green Bin Instant Win program: the Avrett family, the McCoy Family, and the Terrazas Family. Ms. Avrett and Ms. McCoy were present to accept the winnings for their families. Mayor Riley congratulated the winners and thanked Waste Management for their support of the recycling incentives and encouraged everyone to participate in the City's recycling program.

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

**Consent Agenda**

**Consider approval of minutes of the Regular City Council Meeting of October 16, 2007 (Feutz).**

**Consider M&C # 11-01-07 -Consider approval of budget adjustment for FY 2007 rollover for Supervisory Control and Data Acquisition (SCADA) System – \$65,000 (Vick).**

**Consider M&C # 11-02-07 - Consider approval of budget adjustment for FY 2007 rollover for Sewer Project Phase II - \$161,000 (Vick).**

**Consider M&C # 11-03-07 - Consider approval of budget adjustment fo FY 2007 rollover for Land Acquisition at the Huebner Well Site - \$33,000 (Vick).**

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**Consider M&C # 11-04-07 with attached ordinance - a request to approve Fiscal Year 2008 Water and Sanitary Sewer rate increase (Stolz).**

A motion was made by Councilmember Dean, seconded by Councilman Manea, to approve the Consent Agenda items as listed. Councilmember Baldrige asked that the minutes on page four be corrected to reflect the correct member of Council making the motion. Upon vote, Mayor Riley announced the motion carried to approve the Consent Agenda with corrections made to the minutes as requested by Councilmember Baldrige.

**REGULAR AGENDA**

**Public hearing to consider Specific Use Permit Case # 07-259, with attached ordinance - a request by Venkat Thupakula d.b.a. Kids Galore, to construct and operate a "Child Care Facility", in a B-2 (Retail) zoning district, adjacent to an R-1 (Single-Family) zoning district at 7724 Eckhert Road. APPLICANT IS REQUESTING A POSTPONEMENT TO DECEMBER 4, 2007(Smith).**

Community Development Director Smith addressed Council explaining that the applicant will be going before the Board of Adjustment for a variance before the case is to be heard by Council and asked that Council vote to approve the requested postponement.

A motion was made by Councilmember Dean, seconded by Councilmember Nelson, to postpone the public hearing for Specific Use Permit Case # 07-259, as requested by the applicant. Upon vote, Mayor Riley announced that the motion carried.

**Consider M&C # 11-05-07 - a request to initiate Zoning Commission review of the 2003 Master Plan, Section 4., "Planning Elements", Subsection E., "Housing/Neighborhood Component", Section 11N Seneca West Area, to consider petition by citizens to delete certain recommendations for that area (Smith).**

Community Development Director Smith addressed Council explaining that although the City formally reviews the Master Plan every four years, there are provisions in the Master Plan that allow residents to petition for a change to the Master Plan. She stated that the process requires Council, within 45 days after receipt of a valid petition, to initiate a review by the Zoning Commission and requires Council to act on the amendments proposed by the petition within 180 days of the petition being submitted. She further stated that the entire 2003 Master Plan was in the process of being reviewed by the Zoning Commission and is expected to be completed in December. She stated that with Council's approval, the Zoning Commission hearing will be held on November 27, 2007 at 6:30 p.m. and Council may hear and act on the recommendations of the Zoning Commission at the December 4, 2007 City Council meeting to meet those deadlines. Ms. Smith stated that the petition was found to be valid and contained 132 signatures asking for revisions to Master Plans recommendations for development in the 11N Seneca West Area. The petitioners are asking for only R-1 (Single Family Dwelling) zoning for future development in their neighborhood.

Following discussion, a motion was made by Councilmember Dean, seconded by Councilmember Baldrige, to accept the petition and to initiate the Zoning commission review of the 2003 Master Plan as requested. Upon vote, Mayor Riley announced that the motion carried.

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**Public hearing to consider Non-Specified Use # 07-002, with attached ordinance - a request by Dayton Schrader of REMAX, to define, classify and include R-7 "Single-Family Medium Density Dwelling" residential zoning into the Leon Valley City Code, Chapter 30 "Zoning" (Smith).**

Community Development Director Smith addressed Council stating the applicant's request would add and incorporate R-7 (Medium Density Dwelling) zoning to the Zoning Code. Ms. Smith reviewed the proposed amendments to the Code and compared the lot size, area, frontage, depth, floor space and height of the proposed R-7 (Medium Density Dwelling) residential zoning district to those requirements for the R-1 (Single Family Dwelling) and R-6 (Garden Home) zoning districts.

Ms. Smith stated that the applicant proposed the R-7 zoning district with a 50-foot frontage on the public street and 6000 square feet in lot area. She reported that the Zoning Commission reviewed the case on October 25, 2007 and recommended regulations for the proposed zoning that required a minimum lot area of 6050 square feet, with a minimum frontage of 55 feet along a public right-of-way, or a minimum lot area of 6050 to allow for cul-de-sacs and corner lots. She further stated that the Zoning Commission recommended a lot depth of 110 feet, with a minimum of 1200 square feet of heated living space for each one-story dwelling and 1400 square feet for each two-story dwelling. Ms. Smith reported that a survey taken of other local municipalities indicated that medium density dwellings average a 5000-6000 square foot lots with a 50-60 foot wide street frontage for the lots. She stated that the proposed R-7 zoning would allow approximately 5.04 houses per acre as compared with R-1 zoning which allows approximately 3.67 houses per acre, taking into account streets, sidewalks, drains, and park area.

Zoning Commission Chairman Guerra addressed Council reporting that on October 25, 2007, the Zoning Commission, by unanimous vote, recommended approval of the zoning request with the following revision to the lot regulations: "Lot width: 55 feet or a total lot area of 6050 square feet."

Councilmembers discussed their concerns on the process for any residential areas to be rezoned to R-7, and their concerns about the area addressed in the neighborhood petition asking to limit zoning to R-1 as it was one of the areas which could be considered for R-7 zoning.

Mayor Riley announced the public hearing was open for comments from the audience at 7:30 p.m.

Daniel Bee, a real estate broker, addressed Council describing his experience with R-6 lots being difficult to sell due to the small size. He expressed his optimism that developers will be able to market and sell homes on lots that are rezoned to the larger lot R-7 zoning designation.

Property owner Gilbert Laubach addressed Council stating that R-7 rezoning for lots in the Seneca West may allow those lots to finally be sold and developed as they have been laying vacant for several years.

Hearing no one else, Mayor Riley closed the public hearing at 7:39 p.m.

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A motion was made by Councilmember Baldrige, seconded by Councilmember Dean, to approve the Non-Specified Use # 07-002, with the changes recommended by the Zoning Commission. Upon roll call vote, Councilmembers Manea, Baldrige, Dean, and Nelson voted in favor of the motion. Mayor Riley announced the motion carried by unanimous vote (4 to 0).

**Consider M&C # 11-06-07 - a request by Brian Hamilton, agent for Capital Investment Group, to appeal Master Sign Plan #06-002 Variance Request Decision to Allow Use of Sign D, at 7007 Bandera Road (Smith).**

Community Development Director Smith addressed Council stating that if the appeal were denied, the sign would have to be removed and costs would be charged to the City. She stated that the cost figures are not available from the property owner and applicant; therefore, after discussion with the applicant, she recommended the case be postponed until the City Council meeting December 4, 2007.

Ms. Smith stated that she recently became aware of the requirements for the Local Government Code which addresses sign removal for both leased spaces and owned property which include: time frames that signs can remain after an appeal, the creation of a Sign Board, the cost to the City for removal of the sign, and the cost of the depreciated sign. She further stated that this information did not appear to have been considered during the Sign Code review and she would have the information ready for the December 4, 2007 City Council meeting.

A motion was made by Councilman Manea, seconded by Nelson, to table the request by Brian Hamilton to appeal Master Sign Plan #06-002 until December 4, 2007. Upon vote, Mayor Riley announced the motion carried.

**Consider M&C # 10-06-07 - a request to approve the Leon Valley Storm Water Management Program and authorization to submit the Notice of Intent (NOI) to the Texas Commission on Environmental Quality(TCEQ). This request was originally heard by Council on Oct. 16, 2007 and tabled to Nov. 5, 2007 (Tome).**

Storm Water Advisory Committee Chair Robert Tome addressed Council stating that the Notice of Intent (NOI) was ready to submit to the Texas Commission on Environmental Quality (TCEQ) with the City's Storm Water Management Program (SWMP). He recognized and publically thanked all members of the Storm Water Advisory Committee for their work to finalize the Storm Water Management Program: Dave Clarke, Walter Geraghty, Renee Baeten, Carmen Valdez, Mary Rayborn, Steve Rapkin, Roger Chastain, Marcus Semmelmann, Michael Clemson, and Fred Stolz.

Mr. Tome explained that the City's SWMP would authorize the discharge of storm water to surface water in the state from our small Municipal Separate Storm Water Systems (MS4) under the Texas General Permit and meet Environmental Protection Agency (EPA) requirements. He stated that after the TCEQ responds to the City's NOI, a public hearing will be conducted to explain the requirements, actions, and the SWMP and to obtain citizen input. Mr. Tome stated that the City will have to amend their current Storm Water ordinance. He outlined the administration and actions needed to implement the SWMP under the five-year permit and stated that cost figures had been revised to \$450,000 annually for the program. He stated the fees collected from properties will pay for the program and the program would be modeled after the San Antonio Fee Program. He stated that the SWMP would be implemented by February

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8, 2008 to meet legal requirements.

Mayor Riley asked if use of water cisterns could be considered as reducing storm water runoff and could those cistern users possibly get some incentives in this program. She asked the Committee to come back with a recommendation on this at a later date.

A motion was made by Councilmember Nelson, seconded by Councilmember Manea, to approve the Leon Valley SWMP and to authorize the NOI to be submitted as requested. Upon vote, Mayor Riley announced the motion passed and thanked the Committee for their work.

**Consider Resolution casting votes to elect a candidate for the Bexar Appraisal District Board of Governors for the term of January 1, 2008 - December 31, 2009. The City of Leon Valley has nine votes (Mayor Riley).**

Mayor Riley informed Council that Leon Valley has nine votes to cast for nominees for the January 1, 2008 - December 31, 2009-term for Bexar Appraisal District Board of Directors. She reviewed the candidates nominated to the Bexar Appraisal Board of Directors and asked Council for their recommendation.

Following discussion, a motion was made by Councilmember Baldrige, seconded by Councilman Manea, to approve casting all nine of the City's votes for nominee Ed Rawlinson for the Bexar Appraisal District Board of Directors. Upon vote, Mayor Riley announced that the motion carried unanimously.

**Consider Resolution rescheduling the second meeting of November 2007 from Tuesday, November 20, 2007 to Thursday, November 15, 2007 (Lambert).**

Mayor Riley asked Council not to consider the issue, as some members of Council will not be in attendance on November 15, 2007. She announced that Council meetings would be held on both Thursday, November 15, 2007 and on Tuesday, November 20, 2007. There were no actions taken on the proposed Resolution.

**Consider Resolution adopting the "El Verde by 2020" Plan for environmental sustainability of the City of Leon Valley (Lambert).**

City Manager Lambert addressed Council reminding them that in April 2007 Council had asked for a plan specific to our City after being asked to consider the Mayor's Climate Control Protection Agreement. Mr. Lambert presented an overview of the "El Verde by 2020" Plan being presented in the proposed resolution for their consideration. He outlined the seven goals: carbon-neutral City organization by 2020, preservation and expansion of City's tree canopy by 2020, green home and business construction with 20% of structures completely green through building code changes incorporating the LEED construction standards, water consumption reduction, 90% waste recycling by 2020, increased use of mass transit, increased use of level emission vehicles, and increased public awareness of the need for more energy efficient lifestyles with education and training. Mr. Lambert stated that the plan was an aggressive one to meet the goal of being a carbon neutral organization for the City and he stated that January 2008 would be the baseline to begin the program.

Following discussion, a motion was made by Councilmember Dean, seconded by

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Councilmember Baldrige, to adopt the carbon neutral plan "El Verde by 2020" Plan as presented. Upon vote, Mayor Riley announced the motion carried and thanked the City Manager and staff for developing the plan.

**Discussion Agenda**

**Discussion on Strategic Plan Goal #2 - Safety and Security - its objectives and supporting action plan (Lambert).**

Mayor Riley announced that plans were for Council to formally consider adopting Goal #1 - Economic Development and its objectives and action plans, but Councilman Reyna was absent and had asked if it could be considered at the next Regular City Council Meeting. She reminded everyone that the goals were established during a Council/Community workshop held in July 2007 and staff was returning to present action plans to meet the goal and objectives.

Mr. Lambert presented a draft of the recommendations made for the action plan and asked Council for their input so that the action items can be brought back to Council for formal approval at a later date. Council discussion was received for the action plan for Strategic Goal #2 - Safety & Security:

**Objective A - Index Fire and Police staffing and services and equipment to current needs.**

1. Conduct fire and police study to analyze and compare staffing and equipment levels to local, state, and national averages.
2. Analyze the population and City exposure for fire and police equipment comparison.
3. Fund ISO Audit to improve ISO rating. Mr. Lambert explained that this action has not been funded, but that according to the Fire Chief the engineer needed for this would cost about \$40,000. He added that a lower ISO rating could then save our citizens on their fire insurance.
4. Complete fire station expansion/relocation study. Mayor Riley asked that justification for a new fire station should be included in that study.
5. Expand neighborhood patrols and police presence with Reserve Officers. Mr. Lambert noted that the City has fifteen reserve officers helping to patrol on the weekends and in the evening and reported that the Chief plans to add up to five more Reserve Officers.
6. Continue to use forfeiture funds for Patrol Officer efficiency. Mr. Lambert explained that this was an ongoing goal to enhance officer education, efficiency, and equipment.
7. Purchase new Quint truck. Mr. Lambert explained that the Fire Chief was developing specs for the bid for the truck with anticipated delivery in August 2008.
8. Develop multi-agency regional task force for terrorism response. Chief Irwin explained that funding from outside sources was no longer available for this project;

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therefore, Mr. Lambert and the Chief recommended that this Objective be canceled. There were no objections from the Council.

9. Update Emergency Annex for emergency management. Mr. Lambert stated that this update is done every few years and the goal for completion was Spring 2008.

10. Conduct two emergency simulations per year. Mr. Lambert reminded Council that the exercises are conducted each year to help our staff learn and prepare for emergencies in the City.

11. Re certify the EMS Program.

12. Expand warrant collection program. Mr. Lambert explained that the new warrant collection program began in the Spring 2007 and will continue into 2008. He stated that the effectiveness of the new program will be evaluated in the Spring 2008.

**Objective B - Review, create or modify ordinances and rules that promote a safe environment.**

1. Increase community-oriented policing with increased use of Block Captains and the Neighborhood Watch Program. Mr. Lambert explained that the programs are on-going and will be enhanced. Recommendations were made to consolidate some action items from this Objective and from Objective C into this action item.

- A. Expand Operation ID.
- B. Apartment Watch Program
- C. Encourage crime prevention program for the elderly
- D. Crime Prevention education

2. Codify City Code Book and post on the City's web page. Mr. Lambert stated that the contract has already been awarded and the goal is to have the project completed in June 2008 so that the public can access the City's codes on the web page.

3. Maximize moving violation fines. Mr. Lambert stated that the Citizens Neighborhood Progress Committee recommended heavier fines for speeding violations to increase the deterrent for drivers. Councilmembers asked about when fines were last increased, how high the fines could be and expressed caution on raising our fines. It was recommended that all fines be reviewed by Spring 2008.

**Objective C - Establish programs for a safe Leon Valley.**

1. Increase frequency of mosquito spraying program. Following discussion, it was recommended that this proposed action item be deleted. Council questions on the frequency of spraying and staff support for the program were answered; however, Council asked for further information on the type of spray being used. Mr. Lambert proposed that the spraying schedule be posted on the web page to alert citizens.

After discussion proposed Action Items to educate the community on crime prevention, Operation ID, and the Apartment Watch Program were moved to be included under

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Objective B.

2. Expand CPR training for citizens and employees.

**Discussion and status report on the American Institute of Architects' (AIA) Sustainable Design Assessment Team (SDAT) Program Application (Lambert).**

Mayor Riley announced that resident Al Uvietta and the City Manager have been working on this grant application which is due to the AIA by November 16, 2007. She informed Council that part of the grant required letters of support and financial support from community members. Mayor Riley reported that the community support has been very encouraging.

City Manager Lambert stated that other communities that have had successful grants developed a catchy name for their project. Councilmembers discussed preferences, but there was no consensus on a particular name for the project by the Council.

**City Manager's report.**

City Manager Lambert reported on the news of the death of former City Councilman Gene Uptain on Saturday, and announced that funeral arrangements were not available at this time.

He also announced that Councilman Manea, Mayor Riley and he were reviewing applications and setting up interviews for November 27 and 28, 2007 for the Economic Development Director position. He announced that the interviews would be posted and he invited all members of Council to participate in the interviews and his goal was to have someone hired by January 2008.

**Citizens to be heard.**

Resident Al Alcocer addressed Council thanking them for cleaning up the creek. He expressed his displeasure with hearing the Zoning Commission's decision for approving a new R7 zoning district in light of possible rezoning application for vacant land in his neighborhood and his neighborhood's petition for only R1 zoning in Seneca Estates West.

**Announcements.**

Councilmember Baldrige expressed her appreciation for the community support of the Historical Society's "Bloomin' Onion" fund raiser and reported that it was a big success.

Councilmember Dean complimented the Historical Society for a great job on their event. He also thanked the Storm Water Advisory Committee for the work on the Storm Water Management Program.

Councilmember Nelson announced that she would be joining other Councilmembers attending the Annual Texas Municipal League's Conference in Dallas and reminded everyone that the former Church on the Rock property was being auctioned at the end of the week.

City Secretary Feutz reminded everyone of the voting hours for the November 6, 2007 Special Election on the street maintenance sales tax proposition and reported that the early voting had

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gone well. Mayor Riley thanked staff for their efforts for a smooth election process.

Mayor Riley reported that she and the City Manager had met with VIA representatives on the option of Bus Rapid Transit for Bandera Road. She also reported that she has spoken with Senator Van De Putte and has asked for assistance after being told by TxDOT that there was no money to replace or include sidewalks on Bandera Road at the Huebner Creek bridge, which poses a significant safety hazard for pedestrians in the City.

The Mayor reminded everyone of the Trade and Market Day to be held on Saturday, November 10<sup>th</sup> at the Community Center from 9:30 a.m. to 5:00 p.m.

Mayor Riley reported that City Manager Lambert and one of the City of San Antonio's Assistant City Managers met and walked the Huebner Creek to investigate the condition of the creek where it meets the City of San Antonio property.

**Adjourn.**

Hearing no other business or comments, a motion was made by Councilmember Baldrige, seconded by Councilmember Dean, to adjourn the meeting. Upon vote, Mayor Riley announced the meeting was adjourned at 9:05 p.m. Mayor Riley reminded everyone of the next meeting to be held at 7:00 p.m. on Thursday, November 15, 2007.

ATTEST: Chris Riley  
\_\_\_\_\_  
Mayor  
  
Marie Feutz  
\_\_\_\_\_  
City Secretary

*Minutes approved by majority vote of Leon Valley City Council  
at the November 20, 2007 Regular City Council Meeting.*