

# NOTICE OF PUBLIC MEETING

## AGENDA

### LEON VALLEY CITY COUNCIL MEETING

JANUARY 8, 2013, 7:00 P.M.

LEON VALLEY CITY HALL, CITY COUNCIL CHAMBERS  
6400 EL VERDE ROAD, LEON VALLEY, TEXAS 78238

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#### REGULAR MEETING OF THE CITY OF LEON VALLEY CITY COUNCIL, 7 P.M.

1. **Call the City of Leon Valley Regular City Council Meeting to Order, Determine a Quorum is Present, and Pledge of Allegiance. (Mayor Riley)**
2. **Citizens to be Heard and Time for Objections to the Consent Agenda.**  
*"Citizens to be Heard" is for the City Council to receive information on issues that may be of concern to the public. The purpose of this provision of the Open Meetings Act is to ensure that the public is always given appropriate notice of the items that will be discussed by the Council. Should a member of the public bring an item to the Council for which the subject was not posted on the agenda of that meeting, the Council may receive the information, but cannot act upon it at that meeting. They may direct staff to contact the requestor or request that the issue be placed on a future agenda for discussion by the Council.*

**Note:** City Council may not debate any non-agenda issue, nor may any action be taken on any non-agenda issue at this time; however City Council may present any factual response to items brought up by citizens [Attorney General Opinion – JC 0169].

#### Consent Agenda

3. **Consider Approval of the Meeting Minutes of the Regular City Council Meeting of December 18, 2012. (Willman)**

#### Regular Agenda

4. **Conduct a Public Hearing and Consider Replat Case #2012-123, with Attached Ordinance, to Replat Approximately 0.94 Acre Tract of Land in The Monte Robles-Newman Subdivision, M&C # 01-01-13.** *To allow the City Council to Conduct Public Hearing and Consider Replat Case #2012-123, With Attached Ordinance, a Request by Crossbranch Surveying, Agent For Melanie Newman, Applicant and Property Owner, To Replat Approximately 0.94 Acre Tract of Land, Being Lot 7, Block H, CB 5907, Monte Robles Park to Lot 11, Block H, CB 5907, of The Monte Robles-Newman Subdivision (Flores)*
  - A. **Open Public Hearing.**
  - B. **Close Public Hearing.**
  - C. **City Council to Consider Action.**

## Discussion Agenda

5. **Presentation and Discussion on the City's Tree Preservation Policy, M&C # 01-02-13.** *This agenda item will allow the City Council to receive a staff presentation on the City's Tree Preservation Policy and to discuss the Policy. (Flores)*

6. **City Manager's Report. (Longoria)**

A. **Informational updates, as may be required.**

B. **Future Agenda Items**

- (1) Consider Renewal of Support Services Contract with Leon Valley Economic Development Corporation (LVEDC). January – February.
- (2) Consider Action on a Resolution Authorizing the City Manager to Execute a Lease with Mauricio Romero for the Kinman House at 6417 Evers Road, Leon Valley, TX, January – February.
- (3) LVCC & LVEDC Quarterly Joint Meeting, January.
- (4) Consideration of a Service Provider for Construction Manager at Risk for the Municipal Facilities Improvement Project.
- (5) Consider Approval of a Contract for the Construction of the Leon Valley Public Library Children's Wing, January 22.
- (6) Consider Approval of the Comprehensive Annual Financial Report for Fiscal Year 2012, January 22.
- (7) Consider Approval of the Quarterly Investment Report for October – December, 2012, January 22.
- (8) Consider Approval of Police Department Budget Adjustment from the Police Forfeiture Fund, January 22.
- (9) Conduct Annual Town Hall Meeting, Saturday, January 26, 2013.
- (10) Consider Approving Memorandum of Understanding with Bexar County Elections Department to Conduct the Joint, General, and Special Elections of May 11, 2013, February.
- (11) Call the May 11, 2013 General Election, February – March 1.
- (12) Texas Department of Transportation Presentation on Super Street Model.
- (13) Staff Update / Presentation on the Progress of the Sun Setting Process for the City of Leon Valley's Boards, Committees, and Commissions.

7. **Citizens to be Heard.**

8. **Announcements by the Mayor and Council Members.**

*At this time, reports about items of community interest regarding which no action will be taken may be given to the public as per Chapter 551.0415 of the Government Code, such as: expressions of thanks, congratulations or condolence, information regarding holiday schedules, reminders of social, ceremonial, or community events organized or sponsored by the governing body or that was or will be attended by a member of the Leon Valley Council or a City official.*

**Annual Town Hall Meeting, Saturday, January 26, 2013**

**Earthwise Living Day, Saturday, February 23, 2013**

### Executive Session

9. **The City Council will Convene in Executive Session Pursuant to Section 551.072, Deliberations about Real Property, to Deliberate the Purchase, Exchange, Lease, or Value of Real Property, M&C # 01-03-13. (Longoria)**
10. The City Council of the City of Leon Valley reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on the posted agenda, above, as authorized by the Texas Government Code Sections 551.071 (consultation with attorney), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations, 551.074 (personnel matters), 551.076 (deliberations about security devices), and 551.087 (economic development).
11. **Adjourn.**

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#### **Attendance by Other Elected or Appointed Officials:**

It is anticipated that members of other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of other boards, commissions and/or committees of the City, whose members may be in attendance. The members of other city boards, commissions and/or committees may not participate in discussions on the items listed on the agenda, which occur at the meeting, and no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that city board, commission or committee subject to the Texas Open Meetings Act. [Attorney General Opinion – No. GA-0957 (2012)]

I hereby certify that the above NOTICE OF PUBLIC MEETINGS AND AGENDA OF THE LEON VALLEY CITY COUNCIL were posted on the Bulletin Board at City Hall, 6400 El Verde Road, Leon Valley, Texas, on Thursday, January 3, 2013, by 5:30 p.m. and remained posted until after the meetings hereby posted concluded. This notice was likewise posted on the City website at [www.leonvalleytexas.gov](http://www.leonvalleytexas.gov). This building is wheelchair accessible. Any request for sign interpretive or other services must be made 48 hours ahead of the meeting. To make arrangements call (210) 684-1391, Ext. 216.

  
Janie Willman, City Secretary



## Agenda Item 3

### CITY COUNCIL MEETING OF THE CITY OF LEON VALLEY, TEXAS DECEMBER 18, 2012

The City Council of the City of Leon Valley, Texas, met on the 18<sup>th</sup> of December, 2012 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:

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#### REGULAR MEETING OF THE CITY OF LEON VALLEY CITY COUNCIL, 7 P.M.

1. **Call the City of Leon Valley Regular City Council Meeting to Order, Determine a Quorum is Present, and Pledge of Allegiance.** Mayor Riley called the Regular Meeting to order at 7:00 p.m. with all members of the City Council present: Hill, Reyna, Baldrige, Dean, and Bieber.

Mayor Riley asked for a moment of silence out of respect to the victims of the Sandy Hook Elementary School tragedy and the loss of a grandson of the City of Leon Valley's first mayor, Mayor Kinman. Mayor Riley referenced a letter of condolence being sent to the Sam Kinman Family on the loss of their son, Brian.

Mayor Riley introduced Assistant City Attorney George Hyde. Mr. Longoria noted that when the City Council authorized the contract with Denton, Navarro, Rocha and Bernal, that City Attorney Charles Zech had another commitment scheduled. The City Manager noted Mr. Hyde's extensive municipal government experience in addition to being a partner in the firm of Denton, Navarro, Rocha, and Bernal.

City Staff present: City Manager Longoria, Assistant City Attorney George Hyde, City Secretary Willman, Community Development Director Flores, and Economic Development Director Mora.

Ms. Erica Marmar, a Canterfield resident, led the assembly in the Pledge of Allegiance.

2. **Citizens to be Heard and Time for Objections to the Consent Agenda.** There were no citizens who came forward to address the City Council.

#### Consent Agenda

Motion by Councilwoman Hill and second by Councilwoman Baldrige to approve Consent Agenda Items 3, 4, and 5. Voting Aye: Hill, Reyna, Baldrige, Dean, and Bieber. Voting Nay: None. Mayor Riley announced the motion carried.

3. **Consider Approval of the Meeting Minutes of the Special and Regular City Council Meetings of December 4, 2012.** Approved the Minutes of the December 4, 2012 City Council Meetings.
4. **Consider Approval of the Tax Roll for the City of Leon Valley, Texas, for the 2012 Tax Year and the Attached Ordinance, M&C # 12-09-12.** Approved the Summary Tax Roll provided by the Bexar County Tax Assessor for the 2012 Tax Year by Ordinance.

Adopted **Ordinance No. 12-038** – An Ordinance Approving the Tax Roll of the City of Leon Valley, Texas, for the 2012 Tax Year.

## Agenda Item 3

### CITY COUNCIL MEETING OF THE CITY OF LEON VALLEY, TEXAS DECEMBER 18, 2012

5. **Consider Action on an Ordinance Approving a Budget from the CIED Fund for the Following Projects: Bandera Road Gateway-Grass Hill & IH-410 \$235,000, Bandera Road Gateway-Eckhert Road, \$285,000, Library Expansion \$200,000, Bandera Road Triangle Park \$10,000, 20 Percent Hike and Bike Trails Grant Cash Match \$186,000, M&C # 12-10-12.** Approved a budget for specific projects in the amount of \$916,000 from the City of Leon Valley CIED Fund by Ordinance.

Adopted **Ordinance No. 12-039** – An Ordinance of the City Council of the City of Leon Valley, Texas Authorizing Certain CIED Fund Expenditures for Projects; Bandera Road Gateway-Grass Hill & IH-410 \$235,000; Bandera Road Gateway-Eckhert Road \$285,000; Library Expansion \$200,000; Bandera Road Triangle Park \$10,000; 20 Percent Hike and Bike Trails Grant Cash Match \$186,000; Providing a Severability Clause; and Providing for an Effective Date.

#### Regular Agenda

6. **Conduct the Second of Two Public Hearings and Readings, and Consider Action on a Resolution Approving a Leon Valley Economic Development Corporation (LVEDC) Project Funding of Up to \$10,000 in a Grant and Up to \$37,500 in a Loan to Mauricio Romero and El Sol Bakery, Inc., for the Relocation of El Sol Bakery to Leon Valley and Improvements to The Kinman House at 6417 Evers Road, Leon Valley, TX, M&C # 12-11-12.**

Following Economic Development Director Mora's briefing, the City Council asked if LVEDC Chair Abraham Diaz would like to address the City Council. Mr. Diaz reported that he received a telephone call from Mr. Mauricio Romero on Sunday night concerning the Performance Agreement. Indications were that the Performance Agreement might be too stringent. Mr. Diaz reported he had suggested that Mr. Romero's attorney make comments on the contract and return the document to the LVEDC Board attorney, who would in turn notify the Board. Mr. Diaz informed Mr. Romero the LVEDC Board would be supervising the expenditure of the funds for which the LVEDC Board is responsible.

Mr. Diaz informed the City Council the LVEDC Board is awaiting for a certified amount that Mr. Romero will be setting aside as collateral to be deposited. Mr. Diaz confirmed that without the collateral requirements being met, the LVEDC Board will not be issuing any funds according to the contract stipulations. He noted Ms. Mora's diligence in following-up to obtain the performance agreement.

Mayor Riley asked about the process continuing in light of the information shared with the City Council. Assistant City Attorney Hyde clarified that paragraph 4 of the Resolution under consideration by the City Council provides for the agreement to be approved by the LVEDC Board of Directors at a subsequent meeting. He clarified that after the hearing, the resolution does allow for the LVEDC Board to further negotiate the agreement before it is final. He noted the only action before the City Council is whether or not to authorize the project itself. Mayor Riley thanked Mr. Hyde for the clarification and thanked Mr. Diaz for his service.

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#### CITY COUNCIL MEETING OF THE CITY OF LEON VALLEY, TEXAS DECEMBER 18, 2012

- A. **Open Public Hearing.** Mayor Riley opened the Public Hearing at 7:14 p.m. No one came forward to speak during the Public Hearing.
- B. **Close Public Hearing.** Mayor Riley closed the Public Hearing at 7:15 p.m.
- C. **City Council to Consider Action.**

Motion by Councilman Bieber and second by Councilwoman Hill to adopt the Resolution approving an LVEDC Project Funding of up to \$10,000 in a grant and up to \$37,500 in a loan to Mauricio Romero and El Sol Bakery, Inc., for the relocation of El Sol Bakery to Leon Valley and improvements to the Kinman House at 6417 Evers Road, Leon Valley, TX. Voting Aye: Hill, Reyna, Baldrige, Dean, and Bieber. Voting Nay: None. Mayor Riley announced the motion carried.

Adopted **Resolution No. 12-018** – A Resolution of the City Council of the City of Leon Valley Approving the Leon Valley Economic Development Corporation (LVEDC) Project Funding of Up to \$10,000 in a Grant and Up to \$37,500 in a Loan to Mauricio Romero and El Sol Bakery, Inc. for the Relocation of El Sol Bakery to Leon Valley and Improvements to the Kinman House at 6417 Evers Road, Leon Valley, TX.

Mayor Riley asked if the City Council would receive an update at its January 8 City Council Meeting. Ms. Mora indicated an update will be provided to the City Council on January 8.

7. **Consider a Request to Allow an Electronic Message Center (EMC) Sign, Measuring 24 Square Feet at 6421 Bandera Road, M&C # 12-12-12.**

Community Development Director Flores made a brief presentation on the request by Masood Chugthai, applicant and property owner of the Bandera Center Shopping Center, for a variance to Chapter 14, "Zoning," Section 14.02.305, "Regulations for All Districts, Subsection (m), "Overlay Districts," Appendix C, Section G.2(j.), "Prohibited Signs," to Allow an Electronic Message Center (EMC) Sign, Measuring 24 square feet at 6421 Bandera Road.

Following the briefing by Community Development Director Flores, the City Council considered a sign variance request for an electronic message sign, amending Chapter 14, Zoning, Regulations for All Districts, Overlay Districts, Appendix C, Prohibited Signs.

Motion by Councilman Dean and second by Councilwoman Hill approve the sign variance request. Voting Aye: Hill, Reyna, Baldrige, Dean, and Bieber. Voting Nay: None. Mayor Riley announced the motion carried.

8. **Consider Action on a Variance Request, by Ordinance, to Allow a Building Addition, Measuring 156 Square Feet at 6509 Grissom Road, M&C # 12-13-12.**

Community Development Director Flores made a brief presentation to the City Council. The variance is being requested because the addition had been built without permitting by the City. The situation was discovered when Deputy Fire Marshal Luis Valdez did a routine fire inspection for the business to renew its licensing with the State of Texas to

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### CITY COUNCIL MEETING OF THE CITY OF LEON VALLEY, TEXAS DECEMBER 18, 2012

continue as a childcare center. Ms. Flores noted that the building addition did not create water flow impediment or adverse watershed to existing or surrounding properties. This was confirmed through an engineered survey paid for by the business and reviewed by City Engineer Sia Sayyadi to which he found no objection.

Ms. Flores noted that the Ordinance before the City Council for consideration has changes recommended by the City Attorney. She noted the City Attorney recommended a revocable license agreement.

Assistant City Attorney Hyde noted that over time water flows can change. If the water flows change and the building addition impedes water flows through the easement, then the public safety of property and lives would be paramount to the addition. The revocable license agreement allows the use of the easement so long as it does not interfere with the City's superior right to use the easement. He further noted the agreement is not in its final form today because it is lacking specific information related to lot, block information and other minor details.

Assistant City Attorney Hyde continued that if the City Council is interested in approving the Ordinance, the City Attorney's Office asks that the revocable license be approved in a form approved by the City Attorney so those minor details can be completed without having to bring it back to the City Council and allow the business to move forward with its permits. Councilman Biever asked for clarification. Mr. Hyde explained that under the law the City's easement is not considered a property right but a use right. He continued noting that the use right is superior to the property owner's interests. Councilman Dean indicated that he thought a penalty should be invoked because the building addition was done without the required permitting. Councilman Reyna indicated he agreed with Mr. Dean's assessment.

Motion by Councilman Dean and second by Councilwoman Baldrige to approve the variance with a double permit fee (including the granting of the revocable license agreement in a form approved by the City Attorney). Voting Aye: Hill, Reyna, Baldrige, Dean, and Biever. Voting Nay: None. Mayor Riley announced the motion carried.

Adopted **Ordinance No. 12-040** – An Ordinance Granting a Special Permission to Allow a Building Addition to Remain on a Public Drainage Easement at 6509 Grissom Road.

Following the motion, the City Council moved on to Agenda Item 9. Councilman Reyna raised a parliamentary inquiry on the motion on Agenda Item 8. He asked if the City Council needs to vote on a new motion. Assistant City Attorney Hyde reiterated the motion, second, the double permit fee as a penalty, and the revocable license agreement changes. Once the clarification was made, the City Council returned to the City Manager's presentation on Agenda Item 9.

- 9. Consider Approval of the Architectural Services Contract with OCO Architects for Professional Services Related to the Municipal Facilities Improvement Project as Authorized in the 2012 Municipal Bond Election, M&C # 12-14-12.**

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### CITY COUNCIL MEETING OF THE CITY OF LEON VALLEY, TEXAS DECEMBER 18, 2012

Following a detailed briefing by the City Manager, the City Council considered action.

Motion by Councilman Reyna and second by Councilman Dean to authorize the City Manager to sign the Architectural Services Contract presented to the City Council this evening with OCO Architects subject to final minor revisions that may be approved by the City Attorney. Voting Aye: Hill, Reyna, Baldrige, Dean, and Bieber. Voting Nay: None. Mayor Riley announced the motion carried.

10. **Consider Authorizing the City Manager, by Ordinance, to Execute a Solid Waste Contract with Waste Management of Texas, Inc., M&C # 12-15-12.** This agenda item will allow the City Council to consider approving and adopting an ordinance authorizing the City Manager to execute a solid waste management contract with the City's current provider, Waste Management of Texas, Inc., pursuant to the City Council's directions in Executive Session conducted on November 5, 2012. (Longoria)

Following a detailed briefing by the City Manager, the City Council considered action.

Councilman Dean noted his opposition to going to a one time per week collection as presented in a pilot recycling program to be considered by the residents of The Ridge Subdivision on a six-month trial basis for a 60 cent difference. The Council considered the positive opportunity to recycle more and reduce refuse collection truck traffic on the City's streets versus a potential for changing to 96 gallon containers for both garbage and recycling and one time per week collection following a six-month trial basis. The City Manager reiterated that the pilot recycling program came up during National Night Out and would be conducted as a pilot program on a six-month trial basis only with the approval by the residents of The Ridge Subdivision. It was noted that over time, experience bears out that more refuse is recycled and less is thrown into the regular refuse stream.

Albert Perez, Chief Marketing Officer for Waste Management of Texas, Inc. addressed the City Council. Mr. Perez confirmed that Waste Management is willing to consider making changes to the pilot program after six months with the contingency that whatever changes are made will apply to the City as a whole. He discussed the newest technologies under study on a trial basis in the City of San Antonio. Mr. Perez invited the City Council to come out and visit the newest technologies in use at Waste Management.

Motion by Councilman Reyna and second by Councilwoman Baldrige to adopt the Ordinance authorizing the City Manager to execute a solid waste contract with Waste Management of Texas, Inc. Voting Aye: Hill, Reyna, Baldrige, Dean, and Bieber. Voting Nay: None. Mayor Riley announced the motion carried.

Adopted **Ordinance No. 12-041** – Authorizing the City Manager to Execute a Solid Waste Contract with Waste Management of Texas, Inc.

### Discussion Agenda

11. **Update Regarding January 26, 2013 Town Hall Meeting Agenda Topics, M&C # 12-**

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**16-12.** The City Manager presented the proposed Town Hall Meeting Agenda which consisted of an Update on Capital Projects and Construction Activity Communication Strategies for Leon Valley, and Community Identity, Annual City Festival & Branding for the City of the City of Leon Valley. It was noted that Mayor Riley and Councilwoman Hill are working on an invitation card to be mailed out to the City's residents and businesses inviting them to attend the Town Hall Meeting.

- 12. Receive a Report on Policy Decisions to be Determined Related to the May 11, 2013 Joint, General and Special Elections and Provide Direction to Staff, M&C # 12-17-12.** The City Secretary reported that Bexar County Elections noted a drop off in voters after the 5 p.m. to 6 p.m. hour during the Early Voting Periods of the various elections held in 2012. As this may present an opportunity for salary savings which is passed on and paid for through the Memorandum of Understanding for contracting with the County for elections, the Bexar County Elections Administrator asked that each jurisdictional governing body be asked about their preferences as to eliminate the later early voting hours. Another recommendation for improving voter awareness and participation during the Early Voting period was to change the beginning and ending hours of the two 12-hour days, from the current 8 a.m. – 8 p.m. to 7 a.m. – 7 p.m.

The consensus of the City Council was that as long as there are sufficient early voting days and extended early voting hours and the public is not denied opportunities to vote, they interposed no objection to the recommendations.

**13. City Manager's Report. (Longoria)**

- A. Informational updates, as may be required.** City Manager Longoria invited the City Council to attend the Employees Christmas Luncheon scheduled on Wednesday, December 19 from 11:30 a.m. to 1 p.m.

Mr. Longoria reported that he signed the contract with the Texas Department of Transportation as authorized at the December 4 City Council Meeting. He noted that a local contractor based in Leon Valley was hired to do the maintenance work.

- B. Monthly Departmental Reports for Month of November 2012.** There were no questions raised or comments on the information presented.

- C. Approved Minutes of City-Affiliated Boards, Committees, and Commissions.** *This agenda item will allow the City Council to review the work of City-affiliated boards, committees, and commissions through the publication of approved meeting minutes on an ongoing basis.*

- (1) Leon Valley 2012 Bond Oversight Committee Meeting Minutes, September 27, 2012.
- (2) Leon Valley Zoning Commission Meeting Minutes of November 27, 2012.

**D. Future Agenda Items**

- (1) Consider Renewal of Support Services Contract with Leon Valley Economic Development Corporation (LVEDC).
- (2) Consider Action on a Resolution Authorizing the City Manager to Execute

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#### CITY COUNCIL MEETING OF THE CITY OF LEON VALLEY, TEXAS DECEMBER 18, 2012

- a Lease with Mauricio Romero for the Kinman House at 6417 Evers Road, Leon Valley, TX, December - January
- (3) LVCC & LVEDC Quarterly Joint Meeting, January 2013.
  - (4) Consideration of a Service Provider for Construction Manager at Risk for the Municipal Facilities Improvement Project, January, 2013.
  - (5) Conduct Annual Town Hall Meeting, Saturday, January 26, 2013.
  - (6) Texas Department of Transportation Presentation on Super Street Model.
  - (7) Staff Update / Presentation on the Progress of the Sun Setting Process for the City of Leon Valley's Boards, Committees, and Commissions.

#### 14. Citizens to be Heard.

Al Uvietta, 6923 Sunlight Drive, indicated that assessing a pilot program in new additions of Leon Valley might not translate well into other areas of the City which have aging infrastructure as the impact might not be the same due to street conditions

Pedro Esquivel, 7207 Forest Meadow, informed the City Council that he is happy with the bi-weekly recycling and trash, and is against only 1 garbage collection per week.

Olen Yarnell, 7230 Sulky Lane, reported that as the Zoning Commission completes its review of the Master Plan Revisions, to the Seneca, Sun Valley, and Castle Estates, some of the comments received by resident participants; lights, sidewalks, drainage problems. Mr. Yarnell also asked if the City will be ready when the Bus Rapid Transit System is ready to operate in Leon Valley.

#### 15. Announcements by the Mayor and Council Members.

*Holiday Closings:*  
*Monday, December 24, 2012 for Christmas*  
*Tuesday, December 25, 2012 for Christmas*  
*Tuesday, January 1, 2013 for New Year's*

#### Executive Session

16. The City Council of the City of Leon Valley reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on the posted agenda, above, as authorized by the Texas Government Code Sections 551.071 (consultation with attorney), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations), 551.074 (personnel matters), 551.076 (deliberations about security devices), and 551.087 (economic development).

There was no Executive Session conducted under this agenda item.

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**CITY COUNCIL MEETING OF THE CITY OF LEON VALLEY, TEXAS  
DECEMBER 18, 2012**

17. **Adjourn.** Mayor Riley adjourned the meeting without objection at 8:55 p.m.

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Mayor Chris Riley

ATTEST:

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City Secretary Janie Willman

**Agenda Item 4**

**MAYOR AND COUNCIL COMMUNICATION**

**DATE: January 8, 2013  
M&C: #01-01-13**

**TO: MAYOR AND CITY COUNCIL**

**SUBJECT: CONSIDER REPLAT CASE #2012-123, WITH ATTACHED ORDINANCE, A REQUEST BY CROSSBRANCH SURVEYING, AGENT FOR MELANIE NEWMAN, APPLICANT AND PROPERTY OWNER, TO REPLAT APPROXIMATELY 0.94 ACRE TRACT OF LAND, BEING LOT 7, BLOCK H, CB 5907, MONTE ROBLES PARK TO LOT 11, BLOCK H, CB 5907, OF THE MONTE ROBLES-NEWMAN SUBDIVISION**

**PURPOSE**

The purpose of this plat is to properly subdivide one (1) lot into two (2) lots. The newly proposed subdivision is Lot 11. The owner intends to develop the property as a single-family residence for her family.

**FISCAL IMPACT**

The applicant paid a fee of \$2,042 for consideration of this plat.

**RECOMMENDATION**

The City's contracted engineer Sia Sayyadi, reviewed the plat and supporting documents and found the plat to be in substantial conformance; approval is recommended. Additionally, the variance to sidewalk construction is acceptable as there are no sidewalks in this area of the neighborhood.

**S.E.E IMPACT STATEMENT**

*Social Equity* – replatting encourages collaborative participation by property owner and ensures that the property is properly replatted and recorded.

*Environmental Stewardship* – replatting insures that the property is properly delineated and that all water and sewer, drainage and other infrastructure is properly installed.

*Economic Development* – replatting the property will make it usable for development of a single-family residence which results in additional ad valorem taxes to the City.

APPROVED: \_\_\_\_\_

DISAPPROVED: \_\_\_\_\_

APPROVED WITH THE FOLLOWING COMMENTS: \_\_\_\_\_

\_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Janie Willman, City Secretary

AN ORDINANCE

APPROVING A SUBDIVISION REPLAT BEING APPROXIMATELY A 0.94 ACRE TRACT OF LAND, BEING LOT 7, BLOCK H, CB 5907, MONTE ROBLES PARK SUBDIVISION, TO LOT 11, BLOCK H, CB 5907, MONTE ROBLES PARK-NEWMAN SUBDIVISION IN THE CITY OF LEON VALLEY

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, THAT:

1. A subdivision Replat has been found to be in substantial conformance and is approved as approximately .94 acres of land, now being new Lot 11, Block H, CB 5907, Monte Robles Park-Newman Subdivision, as particularly described in Replat File No. 2012-123, with a variance to sidewalk construction.
2. The City staff is hereby authorized to file said Plat when all conditions imposed by the City Council as reflected in Plat File No. 2012-123 have been complied with in full.

PASSED and APPROVED this the 8<sup>th</sup> day of January 2013.

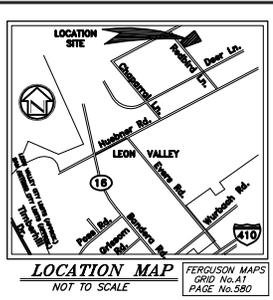
\_\_\_\_\_  
Mayor Chris Riley

ATTEST:

\_\_\_\_\_  
City Secretary Janie Willman

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney's Office  
Denton, Navarro, Rocha and Bernal, P.C.



**IMPACT FEE PAYMENT DUE:**  
WATER AND WASTEWATER IMPACT FEES WERE NOT PAID AT THE TIME OF PLATING FOR THIS PLAT. ALL IMPACT FEES MUST BE PAID PRIOR TO WATER METER SET AND/OR WASTEWATER SERVICE CONNECTION.

**WASTEWATER E.D.U. NOTE:**  
THE NUMBER OF WASTEWATER EQUIVALENT DWELLING UNITS (EDU'S) PAID FOR THIS SUBDIVISION PLAT ARE KEPT ON FILE AT THE LEON VALLEY WATER SYSTEM UNDER THE PLAT NUMBER ISSUED BY THE DEVELOPMENT SERVICES DEPARTMENT.

**DEVELOPER/OWNER:**  
PHELAN JOANNA & MELANIE NEWMAN  
8210 LASATER ST,  
SAN ANTONIO, TX. 78254

**DIRECTIONAL CONTROL**  
BEARING REFERENCE SOURCE IS BASED ON THE NAID 88, TEXAS PLANE COORDINATE SYSTEM, SOUTH CENTRAL ZONE (4204)

IN AN EFFORT TO MEET THE CITY OF LEON VALLEY FIRE FLOW REQUIREMENTS FOR THE PROPOSED RESIDENTIAL DEVELOPMENT, THE PUBLIC WATER MAIN SYSTEM HAS BEEN DESIGNED FOR A MINIMUM FIRE FLOW DEMAND OF 1500 GPM AT 25 PSI RESIDUAL PRESSURE. THE FIRE FLOW REQUIREMENTS FOR INDIVIDUAL STRUCTURES WILL BE REVIEWED DURING THE BUILDING PERMIT PROCESS IN ACCORDANCE WITH THE PROCEDURES SET FORTH BY THE CITY OF LEON VALLEY DIRECTOR OF PLANNING AND DEVELOPMENT SERVICES AND THE LEON VALLEY FIRE DEPARTMENT FIRE MARSHAL.

NOTE: ALL DRAINAGE IMPROVEMENTS TO BE COMPLETED AT THE TIME OF BUILDING PERMIT.

**NOTE: COORDINATES SHOWN**  
ARE STATE PLANE COORDINATES OBTAINED BY GPS/RTK METHODS AND MAY NOT REPRESENT A CORRELATION BETWEEN SUCH POINTS ON THIS PLAT.

**C.P.S.B. NOTES**  
THE CITY OF LEON VALLEY AS A PART OF ITS ELECTRIC AND GAS SYSTEM (CITY PUBLIC SERVICE BOARD) IS HEREBY DEDICATED THE EASEMENT AND RIGHT-OF-WAY FOR ELECTRIC AND GAS SYSTEMS AND SERVICE FACILITIES IN THE AREAS DEICATED ON THIS PLAT AS "ELECTRIC EASEMENT", "GAS EASEMENT", "ANCHOR EASEMENT", "SERVICE EASEMENT", "WORKING EASEMENT", "UTILITY EASEMENT", AND "TRANSFORMER EASEMENT" FOR THE PURPOSES OF INSTALLING, CONSTRUCTING, RECONSTRUCTING, MAINTAINING, REPAIRING, INSPECTING, PATROLLING, AND OPERATING POLES, HANDING OR BURNING WIRES, CABLES, CONDUITS, PIPES AND TRANSFORMERS, EACH WITH ITS NECESSARY APPURTENANCES, TOGETHER WITH THE RIGHT OF ACCESS AND EGRESS OVER GRADUALLY ADJACENT LAND, THE RIGHT TO RELOCATE SAID FACILITIES WITHIN SAID EASEMENT AND RIGHT-OF-WAY AREAS, AND THE RIGHT TO REMOVE FROM SAID LANDS ALL TREES OR PARTS THEREOF, OR OTHER OBSTRUCTIONS WHICH ENDANGER OR MAY INTERFERE WITH THE EFFICIENT USE OF SAID LINES OR APPURTENANCES THEREIN. IT IS AGREED AND UNDERSTOOD THAT NO BUILDINGS, CONCRETE SLABS, OR BELLS WILL BE PLACED WITHIN SAID EASEMENT AREAS.

ANY OPS MOUNTAIN LOSS RESULTING FROM MODIFICATIONS REQUIRED OF OPS EQUIPMENT LOCATED WITHIN SAID EASEMENT, DUE TO GRADE CHANGES OR GROUND ELEVATION ALTERATIONS SHALL BE CHARGED TO THE PERSON OR PERSONS DEEMED RESPONSIBLE FOR SAID GRADE CHANGES OR GROUND ELEVATION ALTERATION.

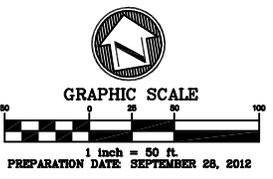
THIS PLAT DOES NOT AFFECT, ALTER, RELEASE OR OTHERWISE AFFECT ANY EXISTING ELECTRIC, GAS, WATER, SEWER, DRAINAGE, TELEPHONE, CABLE EASEMENTS OR ANY OTHER EASEMENTS FOR UTILITIES UNLESS THEY CHANGED TO SUCH EASEMENTS ARE DESCRIBED BELOW.

CONCRETE OVERLAY APPROACHES ARE ALLOWED WITHIN FIVE (5) FOOT WIDE ELECTRIC AND GAS EASEMENTS WHEN LOTS ARE SERVED ONLY BY NEAR LOT UNDERGROUND ELECTRIC AND GAS FACILITIES.

SEWER OVERLAYS ARE ALLOWED WITHIN FIVE (5) FOOT WIDE ELECTRIC AND GAS EASEMENTS WHEN ONLY UNDERGROUND ELECTRIC AND GAS FACILITIES ARE PROPOSED OR EXISTING WITHIN THOSE FIVE (5) FOOT WIDE EASEMENTS.

**SUBDIVISION PLAT ESTABLISHING**  
LOT 11, BLOCK H, MONTE ROBLES PARK - NEWMAN SUBDIVISION

**CROSS BRANCH SURVEYING**  
2379 N.E. LOOP 410, NO. 3  
SAN ANTONIO, TEXAS 78217  
(210) 828-1102



**GENERAL NOTES:**

- 1/2" IRON RODS w/ ORANGE CAP LABELED "1122" SET AT ALL PROPERTY CORNERS, UNLESS OTHERWISE NOTED.
- ALL DISTANCES SHOWN ARE IN FEET.
- F.I.R. - DENOTES FOUND IRON ROD.
- ELEC., GAS, TEL., AND CATV. - DENOTES ELECTRIC, TELEPHONE, AND CABLE TV EASEMENT.
- ALL RESIDENTIAL FINISHED FLOOR ELEVATIONS MUST BE A MIN. OF 6" (INCHES) ABOVE FINISHED ADJACENT GRADE.
- 40--- DENOTES EXISTING CONTOUR.
- 81--- DENOTES PROPOSED CONTOUR.

STATE OF TEXAS   
COUNTY OF BEXAR

I HEREBY CERTIFY THAT THIS SUBDIVISION PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

REGISTERED PROFESSIONAL LAND SURVEYOR  
SHOWN TO AND SUBSCRIBED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_  
Notary Public  
Bexar County, Texas

STATE OF TEXAS   
COUNTY OF BEXAR

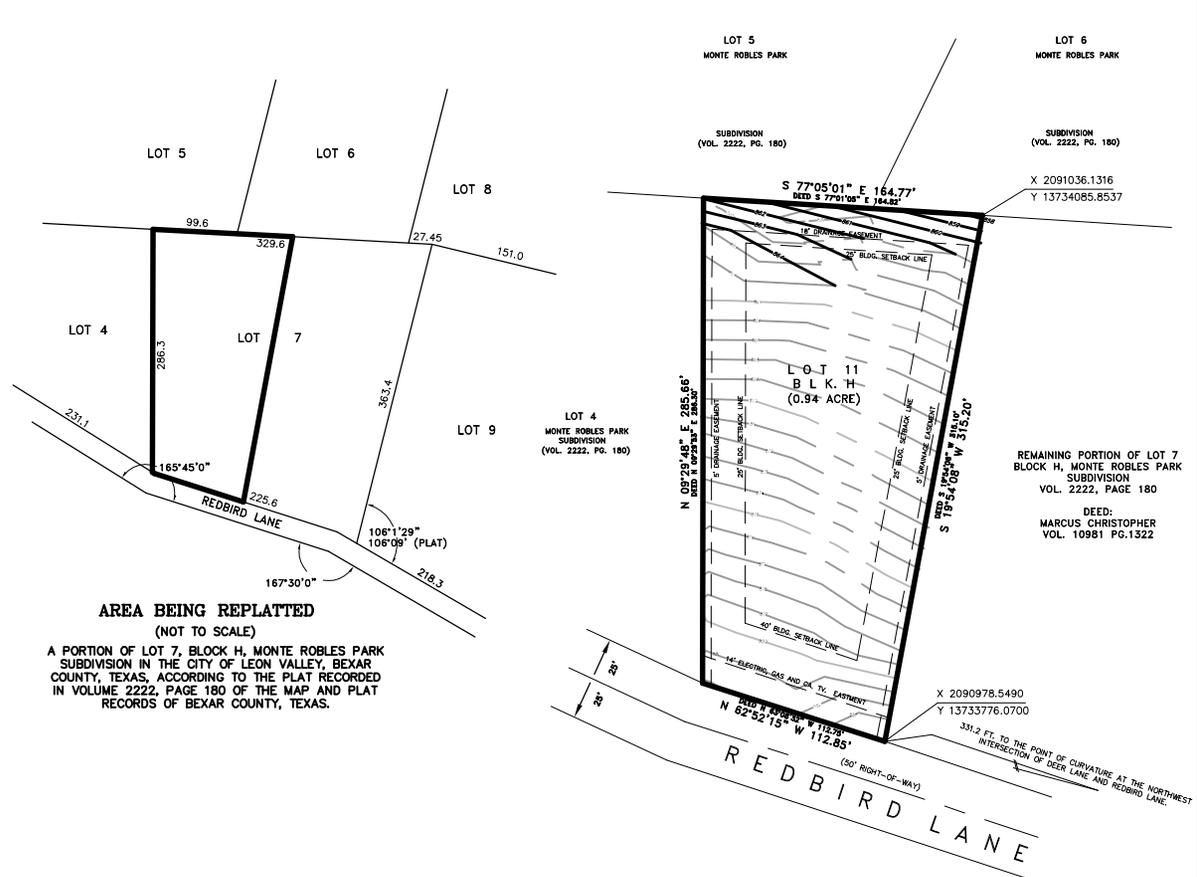
I HEREBY CERTIFY THAT PROPER ENGINEERING CONSIDERATION HAS BEEN GIVEN TO THIS SUBDIVISION PLAT TO THE MATTERS OF STREETS, LOTS, AND DRAINAGE LAYOUT.

REGISTERED PROFESSIONAL ENGINEER  
SHOWN TO AND SUBSCRIBED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_  
Notary Public  
Bexar County, Texas

STATE OF TEXAS   
COUNTY OF BEXAR

I HEREBY CERTIFY THAT THIS SUBDIVISION PLAT IS TRUE AND CORRECT AND WAS PREPARED FROM AN ACTUAL SURVEY OF THE PROPERTY MADE UNDER MY SUPERVISION ON THE GROUND.

REGISTERED PROFESSIONAL LAND SURVEYOR  
SHOWN TO AND SUBSCRIBED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_  
Notary Public  
Bexar County, Texas



**AREA BEING REPLATTED (NOT TO SCALE)**

A PORTION OF LOT 7, BLOCK H, MONTE ROBLES PARK SUBDIVISION IN THE CITY OF LEON VALLEY, BEXAR COUNTY, TEXAS, ACCORDING TO THE PLAT RECORDED IN VOLUME 2222, PAGE 180 OF THE MAP AND PLAT RECORDS OF BEXAR COUNTY, TEXAS.

**REPLAT ESTABLISHING**  
LOT 11, BLOCK H, MONTE ROBLES PARK - NEWMAN SUBDIVISION,  
CITY OF LEON VALLEY, BEXAR COUNTY, TEXAS.

DEED: MARCUS CHRISTOPHER VOL. 10981 PG.1322

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED JOANNA PHELAN, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS  
MY COMMISSION EXPIRES: \_\_\_\_\_

MELANIE NEWMAN, OWNER  
8210 LASATER ST.  
SAN ANTONIO, TEXAS 78254  
STATE OF TEXAS   
COUNTY OF BEXAR

BEFORE ME, THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED MELANIE NEWMAN, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_

NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS  
MY COMMISSION EXPIRES: \_\_\_\_\_

THE CITY ENGINEER OF THE CITY OF LEON VALLEY HEREBY CERTIFIES THAT THIS SUBDIVISION PLAT CONFORMS TO ALL REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY AS TO WHICH HIS APPROVAL IS REQUIRED.

CITY ENGINEER \_\_\_\_\_

THIS SUBDIVISION PLAT OF LOT 11, BLOCK H, MONTE ROBLES PARK - NEWMAN SUBDIVISION HAS BEEN SUBMITTED TO AND CONSIDERED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS AND IS HEREBY APPROVED BY SUCH CITY COUNCIL.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_

BY: \_\_\_\_\_  
MAYOR  
BY: \_\_\_\_\_  
CITY SECRETARY

STATE OF TEXAS   
COUNTY OF BEXAR

BEAR COUNTY, DO HEREBY CERTIFY THAT THIS PLAT WAS FILED FOR RECORD IN MY OFFICE ON \_\_\_\_\_ THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. \_\_\_\_\_ AT \_\_\_\_\_ M., AND DULY RECORDED THE \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. \_\_\_\_\_ AT \_\_\_\_\_ M. IN THE \_\_\_\_\_ VOLUME \_\_\_\_\_ ON PAGE \_\_\_\_\_ IN MY TESTIMONY WHEREOF, I WITNESS MY HAND AND OFFICIAL SEAL OF OFFICE, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, A.D. 20\_\_\_\_

COUNTY CLERK, BEXAR COUNTY, TEXAS

BY: \_\_\_\_\_ DEPUTY



# City of Leon Valley City Council

Consider a Replat Request for 0.94  
acres of Land in Monte Robles Park

January 8, 2013



# Purpose

- Agent: Crossbranch Surveying
- Applicant & Owner: Melanie Newman
  
- Subdivide/Replat - 2 Lots
  - Lot 7 to new Lot 11, Block H, CB 5907, Monte Robles Park-Newman Subdivision
- 6419 Redbird Lane



# Fiscal Impact

- \$2,042 for consideration of the replat





# City of Leon Valley City Council

Consider a Replat Request for 0.94  
acres of Land in Monte Robles Park

January 8, 2013

## Agenda Item 5

### MAYOR AND COUNCIL COMMUNICATION

DATE: January 8, 2013  
M&C: # 01-02-13

TO: MAYOR AND CITY COUNCIL

SUBJECT: PRESENTATION AND DISCUSSION ON THE CITY'S TREE  
PRESERVATION POLICY

#### **PURPOSE**

The purpose is to review the Tree Preservation regulations and how they are applied to tree cutting requests. Tree preservation in Leon Valley was initiated by ordinance in 2007.

*"It is the policy of the City of Leon Valley to preserve existing trees and habitat to the greatest extent possible and add to the tree population of the city, while allowing reasonable development of land."* (Chapter 14.02.501, "Landscaping," Subsection (j), "Tree Preservation")

#### **Basic Requirements:**

- Permits for tree removal and/or replanting
- Exceptions: dangerous situations, trees that are diseased or dying, acts of God, plant/tree nurseries, utility companies, partial mowing, clearing, and grubbing of brush located within or under drip lines, certain easements and rights-of way, (R-1) homesteads, and boundary surveying with conditions.

#### **Permitting Process:**

- Permit Application: survey with trees, easements, structures, etc...
- Application Review: Review for compliance with Code

There are also tree pruning restrictions and a replacement table for trees which are removed, mitigation in lieu of replacement, and penalties for removal of trees that have been removed without permitting.

The ordinance has been reviewed in the past and was updated to include no clear cutting of trees in February 2008, oak wilt policies in April 2010 and public tree care and maintenance in November 2010. Our regional Forestry Partner Paul Johnson often uses Leon Valley as an example for other cities to follow in regard to preservation, permitting and licensing. The City is presently being evaluated for the Tree City USA Program.

#### **FISCAL IMPACT**

None.

#### **RECOMMENDATION**

None. The Tree Preservation requirements appear to be adequate for the City. Any changes to the ordinance are at the discretion of the City Council.

#### **S.E.E IMPACT STATEMENT**

*Social Equity* – the tree preservation policy ensures natural resource preservation while allowing reasonable development of land.

*Environmental Stewardship* – tree preservation protects trees within the City and also requires replacement or mitigation of trees.

*Economic Development* – tree preservation assists in maintaining beautification of an area and can influence economic development and relocation of businesses into the City.

APPROVED: \_\_\_\_\_

DISAPPROVED: \_\_\_\_\_

APPROVED WITH THE FOLLOWING COMMENTS: \_\_\_\_\_

---

ATTEST:

\_\_\_\_\_  
Janie Willman, City Secretary

## Chapter 14.02.501, “Landscaping,” Subsection (j), “Tree Preservation”

### (j) Tree preservation.

(1) Purpose. It is the policy of the City of Leon Valley to preserve existing trees and habitat to the greatest extent possible and add to the tree population of the city, while allowing reasonable development of land. The terms and provisions of this section are intended to accomplish the following public purposes:

(A) Establish rules and regulations governing the protection and preservation of native and established trees within the City of Leon Valley and achieve the maximum preservation of trees;

(B) Preserve trees as an important public resource that enhances the quality of life, protects habitat and the general welfare of the city, its unique character and physical, historical and aesthetic environment;

(C) Protect healthy trees and provide for the replacement and/or replanting of trees that are necessarily removed during construction, development or redevelopment; and

(D) Prevent the clear-cutting of land.

### (2) Permit required.

(A) The removal or replanting of any trees shall require the issuance of an approved tree removal or planting permit, with the exception of the following:

(i) In the event that any tree is determined by the city to be in a hazardous or dangerous condition so as to endanger the public health, welfare or safety, and requires immediate removal without delay, written authorization for removal may be given by the zoning administrator, and such tree may then be removed without obtaining a written permit as herein required.

(ii) With the recommendation of a certified arborist, a tree determined by the city to be diseased, dying or dead may be removed.

(iii) During the period of an emergency, such as a tornado, storm, flood or other act of God, the requirements of this section may be waived as may be deemed necessary by the city council.

(iv) All licensed plant or tree nurseries shall be exempt from the terms and provisions of this section only in relation to those trees planted and growing on the premises of said licensee, that are so

## **Chapter 14.02.501, “Landscaping,” Subsection (j), “Tree Preservation”**

planted and growing for the sale or intended sale to the general public in the ordinary course of said licensed business.

(v) Utility companies franchised or otherwise authorized to provide utility service may remove trees that endanger public safety and welfare by interfering with utility service provided that the applicant demonstrates to the zoning administrator and public works director that the removal is the minimum necessary for the utilities to function properly and no other alternative is available.

(vi) The partial mowing, clearing and grubbing of brush located within or under the drip lines of trees shall be allowed, provided such mowing, clearing or grubbing is accomplished by hand or by mowers. The use of bulldozers, loaders or other construction or earth-moving equipment for this purpose shall not be allowed.

(vii) The zoning administrator may exempt certain easements and rights-of-way included on an approved plat, provided that the applicant, or city engineer in the case of a city project, demonstrates that the removal is necessary for the rights-of-way and easements to function properly and no other alternative is available.

(viii) Platted lots occupied by an occupied single-family residence designated as a homestead and located in an area zoned residential are exempted from these requirements except for provisions pertaining to the protection of heritage trees. However, builders, contractors and owners are subject to all requirements established herein for all new construction prior to any person moving into and living on the homestead.

(ix) The regulations in this division shall not apply to the clearing of understory necessary to perform boundary surveying of real property or to conduct tree surveys or inventories. Clearing for surveying may not exceed a width of two (2) feet for general survey (i.e. of easement boundary, etc.) and eight (8) feet for survey of property boundary lines. Except for surveys done in connection with residential development, no tree ten (10) inches or larger may be removed in any manner during such boundary or general surveying.

(B) Trees to be removed, replanted or planted in a right-of-way and/or easement shall require prior approval from the city, state or utility agency having authority of or in said right-of-way or easement.

## Chapter 14.02.501, “Landscaping,” Subsection (j), “Tree Preservation”

(C) Permit fees shall be as set forth in Leon Valley City Code, [appendix A](#), Fee Schedule.

(3) Tree removal or planting permit process.

(A) The permit application for tree removal or planting shall state or depict the following information:

(i) Location of all existing or proposed structures, improvements such as streets, alleyways, etc. and site uses, properly dimensioned and referenced to property lines, setback and yard requirements.

(ii) Date, scale, north point, and the names, addresses and telephone numbers of both property owner and the person preparing the plan.

(iii) Location of existing and proposed utility easements and drainage easements on the lot.

(iv) Location and dimensions of visibility triangles on the lot.

(v) Point of contact information/responsible party information to include address, telephone number and any state registration or license numbers in the event of a violation (i.e., P.E. RPLS).

(vi) A survey identifying the building footprint, buildable area, existing topographical information, easements, rights-of-way, setbacks, property lines and all trees over four inches (4") in diameter shall be submitted. Trees to remain shall be designated by a circle. Trees to be removed shall be designated by an “X”. Each tree shall be numbered referencing a legend specifying the caliper or diameter, common name, and whether it is small, medium, large or “heritage.” Drip lines shall be indicated for trees to remain. The number of small trees shall be provided at the end of the legend by species. Tree information required above shall be summarized in legend form on the plan and shall include the reason for any removals.

(vii) Tree relocation plan. The plan shall exhibit the current location of all small, medium, large and heritage trees proposed for replanting and indicate the proposed replanting location for each. The plan shall include the proposed building footprint, driveways, parking lots, topographical information, easements, rights-of-way, setbacks, and property lines.

**Chapter 14.02.501, “Landscaping,” Subsection (j), “Tree Preservation”**

(viii) Tree replacement plan. The plan shall exhibit the location of proposed replacement trees and remaining small, medium, large and heritage trees. It shall include a legend indicating the common name, caliper or diameter size and height of proposed replacement trees. Replacement trees shall be designated by a square. Remaining small, medium, large and heritage trees shall be designated by a circle. Species to be removed and/or remain shall be designated with the same symbols. The plan shall include the proposed building footprint, driveways, parking lots, topographical information, easements, rights-of-way, setbacks, and property lines.

(B) Application review. Upon receipt of proper application, the zoning administrator shall review for compliance with the provisions of this division. Said review will include a field inspection of the site by the zoning administrator prior to the issuance of a permit. The application may be referred to the city engineer and/or city manager as deemed appropriate for review and recommendations.

(i) An application for a tree planting or removal permit will not be accepted until the following is submitted, with the application, to the zoning administrator:

- a. Application fee; and
- b. An amount sufficient to recover all of the city's costs for the services of a contract professional, that are directly incurred by the city for review of the application.
- c. The original tree survey for a tract that is provided with the original application for a tree removal permit shall be the reference by which all subsequent tree removal permits for the tract or portions of the tract shall be considered. An applicant may not circumvent the minimum preservation requirements set forth in this ordinance for the tract through the filing of multiple tree removal applications.

(4) Tree pruning restrictions.

(A) No tree shall be pruned in such a manner that would reasonably lead to the death of the tree.

(B) The city may approve pruning of a large or heritage tree in cases where it must be strategically pruned to allow construction or demolition of a structure. All pruning of trees by franchise utility companies to insure the safe operation of utility services shall be allowed. When

## Chapter 14.02.501, "Landscaping," Subsection (j), "Tree Preservation"

allowed, all pruning shall be by approved arboricultural techniques. This section is not intended to require a permit for reasonable pruning performed by the owner of the tree when unrelated to construction activity.

(C) The city shall have the right to prune trees overhanging which interfere with visibility of any traffic-control device or sign or as necessary to preserve the public safety.

(D) It shall be unlawful as a normal practice for any person, firm or city department to severely cut back limbs to stubs larger than three inches (3") in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other acts of God, or certain trees under obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the zoning administrator.

(E) All broken branches and exposed roots one-half inch (1/2") in diameter or greater of small, medium, large, heritage and relocated and replacement trees shall be cut cleanly. In the case of oak species, in order to prevent infection by oak wilt spores, wounds must be painted with an acceptable wound dressing within thirty (30) minutes of any cutting.

(F) When roots of a tree planted within the planting area damage city curbs, gutters and sidewalks (including driveway ramps), the city shall be responsible for appropriate corrective measures which are least damaging to the tree.

(G) Where sidewalk or curb damage due to tree roots occurs, every effort shall be made to correct the problem without removing or damaging the tree. The public works director shall be responsible for developing or approving corrective measures in consultation with the city engineer. Corrective actions taken shall be reported to the zoning administrator.

(5) Preservation requirements. The minimum tree preservation requirements below establishes the minimum diameter inches of small, medium, large and heritage trees that must be preserved or mitigated. For single-family dwellings, developers and builders may elect to preserve trees at the platting or permitting stage; if a developer or builder elects to preserve at the platting stage, this method must be used throughout completion of the project. Exceptions, where authorized, may be granted and variances to the city's development regulations may be recommended to maximize the preservation of existing trees.

**Chapter 14.02.501, “Landscaping,” Subsection (j), “Tree Preservation”**

Type of Tree	Regulation
Small trees	For each tree removed, at least two trees of three (3") or more inches in diameter must be planted within each platted lot, excluding street rights-of-way and easements.
Medium trees	For each tree removed, at least two trees of six (6) or more inches in diameter must be planted within each platted lot, excluding rights-of-way and easements.
Large trees	For each tree removed, at least three trees of eight (8") inches or more in diameter must be planted within each platted lot, excluding rights-of-way and easements.
Heritage trees	None can be removed.
100-year floodplain(s)	50% of small, medium and large trees and 100% of all heritage trees within the floodplain must be preserved, which shall not apply toward preservation requirements on the remainder of the lot.
Mitigation maximum	Up to 20% of medium and large trees may be mitigated rather than preserved. Up to 25% of small trees may be mitigated.

(Ordinance 07-034, sec. 3, adopted 8/8/07)

(6) Removal, replacement, relocation of small, medium, and large trees.

(A) Residential properties are exempted from these requirements except for provisions pertaining to the protection of heritage trees and letter “(C)” and “(D)” as specified hereafter in this subsection (6). However, builders, contractors and owners are subject to all requirements established herein for all new construction prior to any person moving into and living on the homestead.

(B) No person, directly or indirectly, shall cut down, destroy, remove or effectively destroy through damaging, any small, medium or large tree on any real property within the City of Leon Valley without first obtaining a permit, except as permitted herein.

(C) Under no circumstances shall the clear-cutting of small, medium or large trees on any real property within the City of Leon Valley be allowed prior to the issuance of a tree removal permit for said tree(s). Clear-cutting is herein defined as the indiscriminate cutting or removal of more than 25 percent of all living trees on the subject property. The definition does not include dead trees or oak trees with severe oak wilt

**Chapter 14.02.501, "Landscaping," Subsection (j), "Tree Preservation"**

disease or other readily discernable diseased trees. Notwithstanding the foregoing percentages, property owners may remove up to two trees which are not heritage trees on the subject property without permit as long as the subject property remains in compliance with the two tree minimum.

(D) No more than 20% of small, medium or large trees may be removed in the 100-year floodplain as defined by FEMA.

(E) Site plans should accommodate medium and large trees six inches (6") in diameter or greater by: providing islands in parking lots; grading and landscaping to allow preservation of more such trees; and, reasonable revision of the location of planned structures, driveways and parking lots so as to preserve as many trees of this size as possible.

(Ordinance 08-006, sec. 1, adopted 2/5/08)

(7) Replacement trees required. It shall be the responsibility of any person obtaining a tree removal permit for a tree to provide replacement tree(s).

(A) Such replacement trees shall:

(i) Have a minimum diameter of three inches (3");

(ii) Have a minimum height of at least four feet (4') when planted;

(iii) When mature shall have a crown of at least fifteen feet (15') in diameter or substituted by a grouping of smaller species so as to create at maturity a crown of at least fifteen feet (15'); and,

(iv) Be planted in locations shown on the approved tree replacement plan.

(B) No more than thirty-five (35%) percent of replacement trees may be of the same species.

(C) A replacement tree that dies within two (2) years of the date it was planted must be replaced by another tree in compliance with this ordinance. A new two-year warranty period starts for a tree used to replace a dead replacement tree.

(D) Replacement trees shall be dispersed throughout the site, particularly in parking lots.

**Chapter 14.02.501, “Landscaping,” Subsection (j), “Tree Preservation”**

(E) Small trees that meet the specifications of replacement trees may and are encouraged to be used in lieu of new plantings.

(F) Only those tree species found on in appendix “A” of this article shall satisfy the tree planting and replacement standards and requirements of this section.

(8) Mitigation in lieu of replacement. Money may be paid to the City of Leon Valley instead of providing the replacement trees required by this section.

(A) This provision is limited to twenty percent (20%) of the required tree replacement.

(B) Any such payments shall be deposited to the tree mitigation and replacement fund.

(C) The per-diameter-inch cash value for replacement trees and planting is \$50.00 per caliper inch tree. The city shall maintain a record of the current cash value of replacement trees and planting.

(9) Penalties for unauthorized removal of small, medium and large trees. If any small, medium, or large trees are removed from any real property, or injured due to failure to follow required tree protection measures such that the tree(s) die or may reasonably be expected to die, the city shall have the authority to enact any or all of the following administrative and civil penalties on the developer and/or owner of the property:

(A) A monetary penalty of one hundred dollars (\$100.00) per diameter inch of tree removed, payable to the City of Leon Valley. Funds paid to the City of Leon Valley as tree removal penalties shall be deposited in the tree mitigation and replacement fund.

(B) Requirement to replace trees. Replacement trees shall have a minimum of at least a diameter width of three inches (3") and a minimum height of five feet (5'). All other replacement requirements for medium and large trees shall apply.

(C) If the precise diameter of a tree cannot be determined, the cost of replacement shall be established by a certified arborist based on the arborist's estimate of the caliper of the removed or damaged tree.

(10) Replanting of protected trees. No person, directly or indirectly, shall replant, relocate, transfer or move from one location to another any tree on any real property within the City of Leon Valley without first obtaining a permit, except as otherwise provided herein.

**Chapter 14.02.501, “Landscaping,” Subsection (j), “Tree Preservation”**

(A) Only trees that meet and are replanted in compliance with appendix A of this article and the American National Standards Institute A300 guidelines, shall satisfy the tree replanting requirements contained herein.

(B) Any person replanting, relocating, transferring or moving from one location to another any trees on any real property within the City of Leon Valley, without first obtaining a permit, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in this ordinance.

(11) Heritage tree removal not allowed. No person, directly or indirectly, shall cut down, destroy, remove or effectively destroy through damaging a heritage tree on any real property within the City of Leon Valley.

(A) Penalties for removal of heritage trees. If any heritage trees are removed from any real property, or if a heritage tree is injured because of failure to follow required tree protection measures such that the tree dies or may reasonably be expected to die, the city shall have the authority to enact the following administrative and civil penalties on the developer and/or owner of the property:

(i) A monetary penalty of one hundred dollars (\$100.00) per caliper inch of heritage tree(s) removed, payable to the City of Leon Valley. Funds paid to the City of Leon Valley as tree removal penalties shall be deposited in the tree mitigation and replacement fund; and/or

(ii) Replacement with tree(s) having a total tree caliper equal to that of the removed tree(s). Such replacement trees shall have a minimum diameter of three inches (3") and a minimum height of at least five feet (5'). All other replacement requirements for trees shall apply.

(12) Tree protection measures. The following tree protection measures shall be required:

(A) Prior to construction or land development, the developer shall establish and maintain a root protection zone and install four-foot-high (4') plastic (or equivalent) safety fencing outside the drip line of existing and replacement trees for the duration of the construction and development. Warranty for the survival of the trees may not be accepted in lieu of a root zone that is less than the area within the dripline. Trees may not be pruned to reduce the root zone.

## Chapter 14.02.501, “Landscaping,” Subsection (j), “Tree Preservation”

(B) During construction, the developer shall prohibit the cleaning of equipment or materials and/or the disposal of any waste material, including, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, etc., under the canopy or drip line of any existing or replacement tree or group thereof.

(C) No attachments or wires of any kind, other than those of a protective nature, shall be attached to any tree.

(D) With major grade changes of six inches (6") or greater, a retaining wall or tree well of rock, brick, landscape timbers or other approved materials shall be constructed around the tree no closer than the drip line of the tree. The top of the retaining wall or tree well shall be constructed at the new grade. The area contained within the first one thousand five hundred feet (1500') of the root zone must be left in a pervious condition after construction and development is completed.

(E) Unless otherwise approved by the city, no construction or construction-related activity shall occur under the drip line of any existing or replacement tree or group thereof. Furthermore, if a foundation, street or alley pavement, utility line, on-site sewerage facility, pool, tennis court, patio, sidewalk, drive or parking lot must be constructed within the drip line of said trees, it shall be constructed no closer than five feet (5') from the trunk of such trees; and, provided further, that the portion of any driveway or parking lot constructed within the drip line of any existing or replacement tree or group thereof shall be constructed of pervious materials, such as pervious paverstone or ecrete, approved by both the zoning administrator and city engineer.

(F) Any trees removed during land development, construction, or construction-related activities are encouraged to be chipped or hauled off-site.

(13) Approved tree lists. Appendix A, “Landscape Plantings” attached hereto, will be periodically updated by the zoning administrator. The list shall be maintained and distributed to the public as guides for the identification and selection of tree species that meet the various standards and requirements of this section. Trees included on these tree species lists are selected on the basis of one or more of the following criteria or factors: hardiness, resistance to disease, suitability relative to local climate and soil conditions, adaptability for transplantation, longevity, adaptability to various landscape conditions, resistance to drought, aesthetic qualities, shade provision, windbreak provision, screening qualities, improvement of the city tree canopy, and/or contribution to the diversity of the city forest.

## Chapter 14.02.501, “Landscaping,” Subsection (j), “Tree Preservation”

(14) Enforcement. The zoning administrator is hereby charged with the responsibility for the enforcement of this ordinance and may serve notice to any person in violation thereof or institute legal proceedings as may be required, and the city attorney is hereby authorized to institute appropriate proceedings to that end.

(15) Tree mitigation/replacement fund.

(A) The city manager will maintain a dedicated account to be entitled tree mitigation and replacement fund (hereinafter the “fund”). Civil penalties collected pursuant to these regulations shall be recorded in the fund created pursuant to this section, unless expressly prohibited by law. Likewise, all funds received from the payment of mitigation fees pursuant to these regulations shall be recorded in the fund.

(B) Use of funds. The funds collected from civil penalties and mitigation fees in the fund shall be utilized solely to pay for the planting and maintenance of trees, the funding of tree preservation and planting programs within the City of Leon Valley and/or to support supplemental landscape plantings in public areas of Leon Valley and/or acquiring wooded property that shall remain in a naturalistic state in perpetuity, to be administered by the public works director who shall report annually to the city council with respect to the balance of the fund and the expenditures that have been made from the fund.

(C) Funds to be kept separate. The balance of this fund shall not be transferred to the general fund at the end of each budget year, but rather, the balance remaining in the fund at the close of the city's fiscal year shall roll over and become the beginning balance for the next fiscal year. The balance within the fund shall be recorded and accounted for in a manner that distinguishes them from other general funds of the city and shall be disbursed in a manner that is consistent with the purposes for which this fund has been established.

(16) Variances, appeals and special exceptions.

(A) Variances to the terms of this ordinance may be granted by the board of adjustment where a literal enforcement of the provisions of this ordinance will result in unnecessary hardship. A variance request must be submitted to the zoning administrator in writing setting out the basis for the request along with the payment as set forth in L.V.C.C., appendix A, Fee Schedule. No variance can be granted unless:

(i) Such variance will not be contrary to public interest;

**Chapter 14.02.501, “Landscaping,” Subsection (j), “Tree Preservation”**

(ii) Such variance will be in harmony with the spirit and purposes of this ordinance;

(iii) The variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial; and

(iv) The variance will not substantially weaken the general purposes of this ordinance.

(17) Liability.

(A) Nothing in this ordinance shall be deemed to impose any liability for damages or a duty of care and maintenance upon the city or upon any of its officers or employees. The person in possession of public property or the owner of any private property shall have a duty to keep the trees upon the property and under their control in a safe, healthy condition. Any person who feels a tree located on property possessed, owned or controlled by them is a danger to the safety of themselves, others or structural improvements on-site or off-site shall have an obligation to secure the area around the tree or support the tree, as appropriate to safeguard both persons and improvements from harm.

(18) Informational assistance.

(A) In furtherance of the purposes and provisions hereof, the city may develop, distribute to persons making application for permits, and make available to the general public an informational pamphlet identifying appropriate the spirit and purposes of this ordinance; and useful facts, guidelines and how-to information relative to the preservation, protection and replanting of trees, on the Leon Valley city website.

(B) The city may also develop, maintain and make available to applicants for permits and to the general public a tree species reference book to provide more detailed information concerning tree care in general and the characteristics, soil and growth requirements and other traits of specific tree species identified in appendix A.

(C) A current edition of the American Standard for Nursery Stock as published by the American Nursery and Landscape Association, as applicable to the tree species in appendix A, shall be maintained by the city and made available to applicants for building permits, tree removal permits or tree replanting permits and to the general public, as only those trees meeting and planted or replanted compliance with the American Nursery and Landscape Association, “American Standard for Nursery

**Chapter 14.02.501, “Landscaping,” Subsection (j), “Tree Preservation”**

Stock” and ANSI Z60.1-2004 and ANSI A300 “Tree Care Standards” guidelines shall satisfy the tree planting, replanting and/or replacement standards and requirements contained herein.

(Ordinance 07-034, sec. 3, adopted 8/8/07)

**Secs. 14.02.502–14.02.550 Reserved**



# City of Leon Valley City Council

Presentation and Discussion on the  
City's Tree Preservation Policy

January 8, 2013



# Purpose

- Review the Tree Preservation regulations and how they are applied to tree removal requests



# Purpose

*“It is the policy of the City of Leon Valley to preserve existing trees and habitat to the greatest extent possible and add to the tree population of the city, while allowing reasonable development of land.”*

(Chapter 14.02.501, “Landscaping,” Subsection (j), “Tree Preservation”)



# Purpose

- Basic Requirements
  - Permit
  - Exceptions: dangerous situations, diseased trees, utility companies, certain easements and rights-of-way



# Purpose

- Permitting Process
  - Permit Application
  - Review



# Purpose

- Other Regulations
  - Tree pruning
  - Tree Replacement w/table
  - Mitigation in Lieu of Replacement
  - Penalties for Violations
  - Variance Procedures



# Purpose

- Other Updates to Existing Code

- February 2008

- Clear-cutting (indiscriminate cutting of 25% or more)*

- April 2010

- Oak Wilt policies*

- November 2010

- Public Tree Care & Maintenance*



# Purpose

## Murchison-Huebner Property

-approx. 8 acres

-387 trees inventoried

-64 trees removed: 51 hackberry, 10 mesquite and 3 huisache

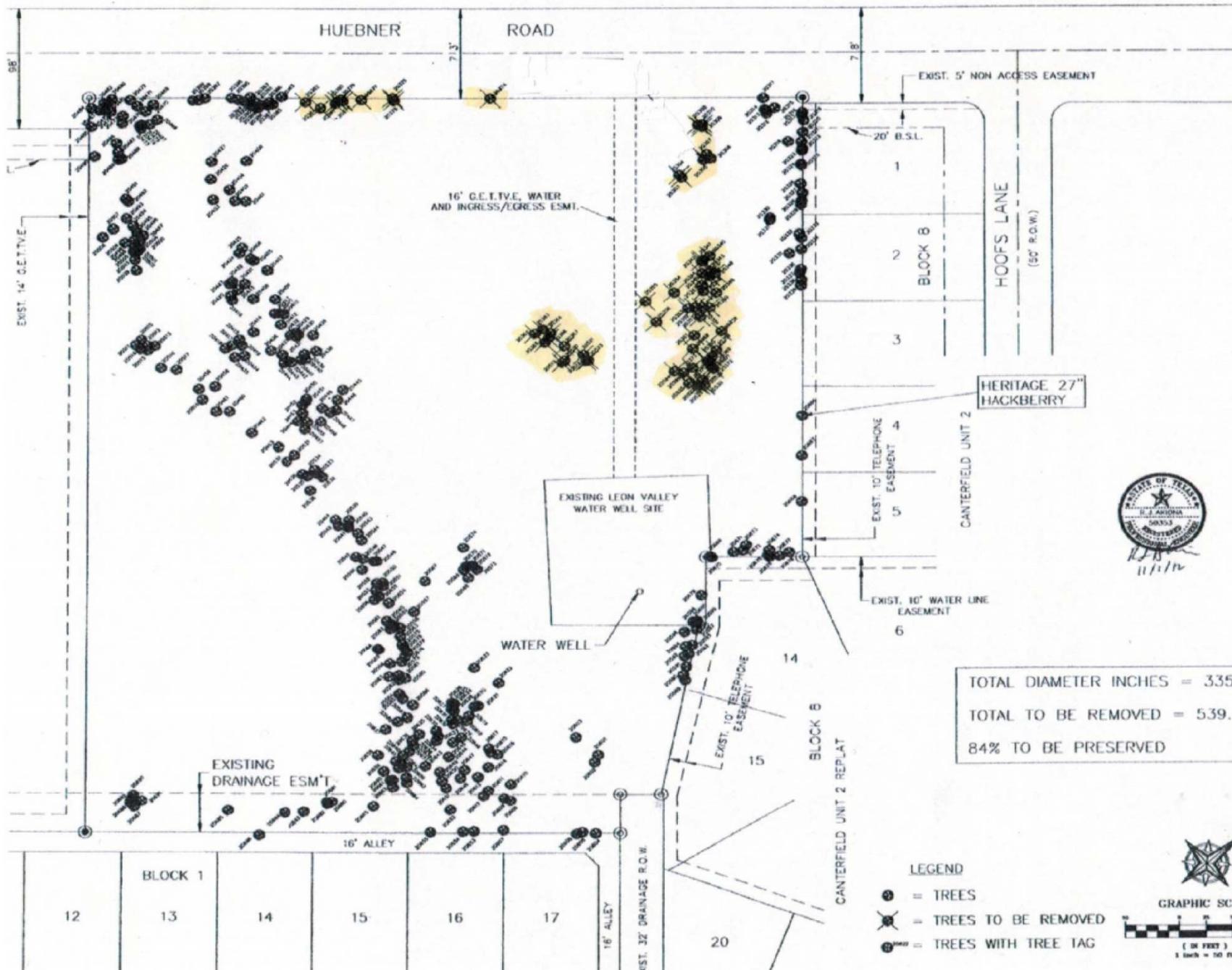
-323 trees remain: hackberries, mesquites, cherry, and chinaberry



# Purpose

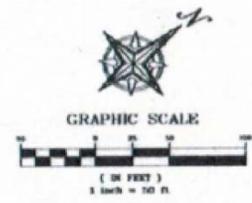
## Murchison-Huebner Property

- Development will require landscaping and streetscaping
- + Overlay Requirements



TOTAL DIAMETER INCHES = 3350.3  
 TOTAL TO BE REMOVED = 539.4  
 84% TO BE PRESERVED

- LEGEND**
- = TREES
  - ✕ = TREES TO BE REMOVED
  - (with tag) = TREES WITH TREE TAG



**San Antonio Design Group Inc.**  
 CONSULTING ENGINEERS  
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 PHONE: (214) 491-7000 FAX: (214) 491-7001 WWW.SADGROUP.COM



GINGER SUBD #1

JEBNER RD

HOOFS LN

PACER TRAIL

TROT

CP

Perspective from tree line  
along the east side of the  
property looking towards  
LDS



Perspective on the west side  
of the property towards Hoofs  
Lane



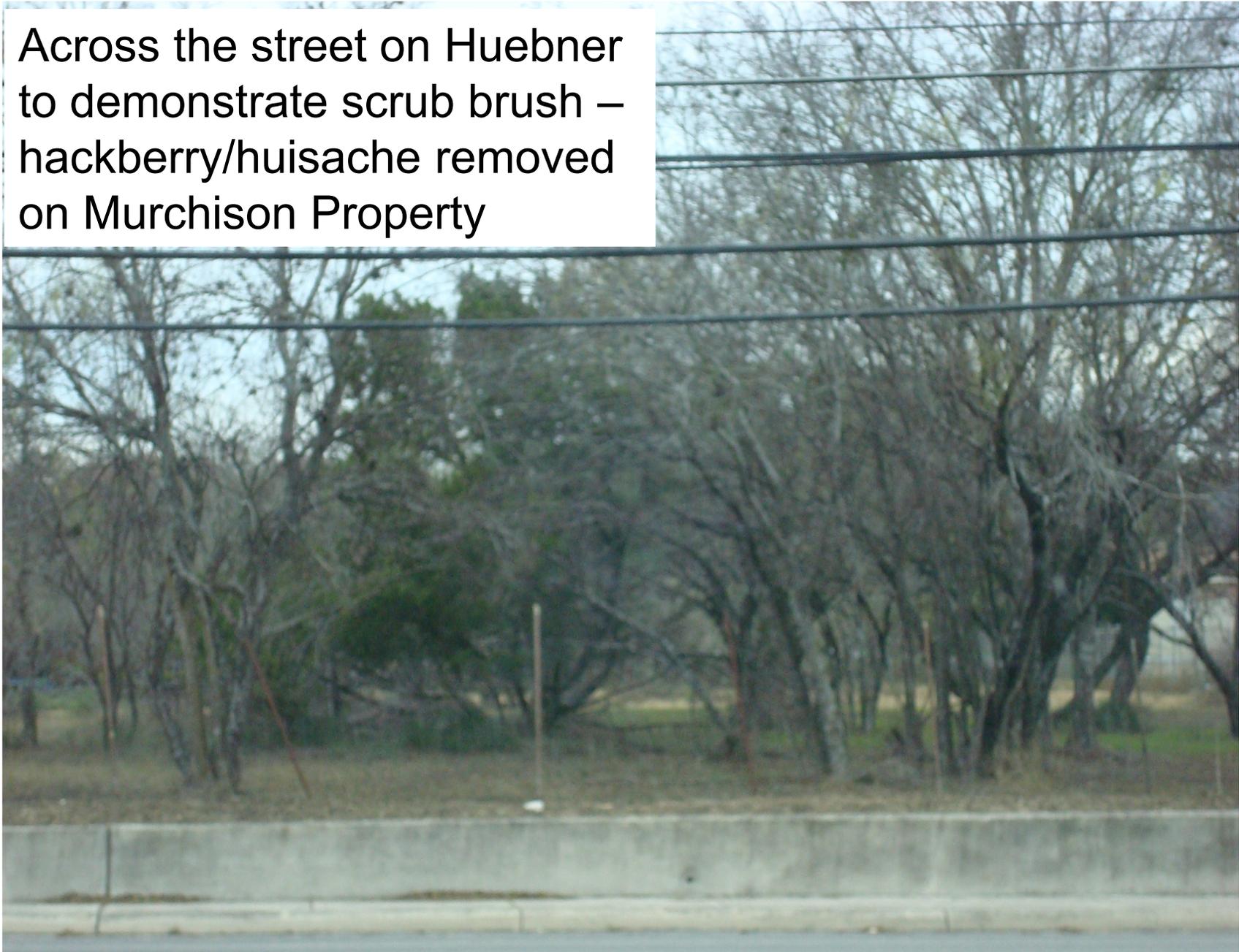




# Rear of Property



Across the street on Huebner  
to demonstrate scrub brush –  
hackberry/huisache removed  
on Murchison Property





# Fiscal Impact

- None



# Recommendation

- None. The Tree Preservation regulations appear to be adequate for the City.
- Any changes to the ordinance are at the discretion of the City Council.



# City of Leon Valley City Council

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