



**CITY OF LEON VALLEY
CITY COUNCIL REGULAR MEETING
Leon Valley Conference Center**

6421 Evers Road, Leon Valley, Texas 78240
Tuesday, July 07, 2015

AGENDA

REGULAR CITY COUNCIL MEETING AGENDA

1. **7:00 P.M.** Call to order, Determine a Quorum is Present, Pledge of Allegiance.
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 during the meeting. Council may direct staff to contact the requestor or ask 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. Approval of City Council Minutes. **(S. Passailaigue)**
 - a) June 02, 2015 Regular City Council Meeting
 - b) June 10, 2015 Special City Council Meeting
 - c) June 16, 2015 Special City Council Meeting
 - d) June 16, 2015 Regular City Council Meeting
4. Discussion and possible action on Ordinance No. 15-009 amending the City of Leon Valley's Code of Ordinances, Chapter 1 "General Provisions", Article 1.10 "Public Gatherings", Division 2, "Parades". **M&C #2015-07-07-01 (S. Passailaigue)**
5. Discussion and possible action on Resolution No. 15-019R appointing and removing individuals to and from the Leon Valley Economic Development Corporation; the 2012 Bond Oversight Committee; the Park Commission; the Library Board; and the Tree Advisory Committee. **M&C #2015-07-07-02 (S. Passailaigue)**

6. City Manager's Report:
 - a) Leon Valley – Firewise Community
 - b) Approved Minutes from Boards, Commissions and Committees
 - c) Future Agenda Items:
 - o Funding Request by the Tree Advisory Committee for repurposing the wood from LC17 Project
 - o Beautification Committee Report, July 21, 2015

REGULAR AGENDA

7. Discussion and possible action accepting or rejecting bids submitted for the Leon Valley Huebner Creek Greenway Hike & Bike Trail. **M&C #2015-07-07-03 (M. Moritz)**
8. Discussion and possible action on Resolution No. 15-020R authorizing the filing of an application with the San Antonio-Bexar County Metropolitan Planning Organization FY 2017-2020 Transportation Improvement Program and authorizing the City Manager to act on behalf of the City Council in all matters related to the application; and pledging that if a grant is received, the City of Leon Valley will comply with grant requirements. **M&C #2015-07-07-04 (M. Moritz)**
9. Discussion and possible action on the Interlocal Agreement between the City of Leon Valley and VIA Metropolitan Transit granting the City of Leon Valley \$205,208.94 for curb ramps and bus pads at thirteen (13) locations within the city limits. **M&C #2015-07-07-05 (C. Caldera)**
10. Discussion and possible action on a variance request by Alpaben Gajena, owner of New Friends Learning Center, to Chapter 3.05.02 Permit: to install a fence that is located at 7500 Eckhert Road, Suite 140. **M&C #2015-07-07-06 (E. Carol)**
11. Discussion and possible action to authorize Suspension of Execution on the judgment in Cause No. 2011-CI-17823 on the docket of the 37th District Court of Bexar County, Texas styled *Larry Little v. City of Leon Valley Economic Development Corporation*. **M&C #2015-07-07-07 (C. Mora)**

DISCUSSION AGENDA

12. Upcoming Important Events:
 - a) LC17 Presentation by Bobby Mengden, PE, CFM, Leon Valley Conference Center, July 8, 2015 from 6:30 p.m. - 8:30 p.m.
 - b) Coffee with the Mayor and City Council, July 25, 2015 from 9:00 a.m. – 11:00 a.m. at the Leon Valley Conference Center. Topic: CPS Energy Discussion of a Community Solar Program.
 - c) Texas Municipal League (TML) Newly Elected City Officials Orientation – Round Rock, August 13th-14th
 - d) Texas Municipal League 103rd Annual Conference and Exhibition – San Antonio, September 22-25, 2015.

13. Citizens to be Heard.

14. Announcements by the Mayor and Council Members. At this time, reports about items of community interest, 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 City Council or a City official.

15. Adjournment.

Executive Session. 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).

Attendance by Other Elected or Appointed Officials: It is anticipated that members other City boards, commissions and/or committees may attend the meeting in numbers that may constitute a quorum. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of any other boards, commissions and/or committees of the City, whose members may be in attendance in numbers constituting a quorum. These members of other City boards, commissions, and/or committees may not deliberate or take action on items listed on the agenda. [Attorney General Opinion – No. GA-0957 (2012)].

I hereby certify that the above **NOTICE OF PUBLIC MEETING(S) AND AGENDA OF THE LEON VALLEY CITY COUNCIL** was posted on the Bulletin Board at Leon Valley Public Library, 6425 El Verde Road, Leon Valley, Texas, on July 03, 2015 at 9:45 a.m. and remained posted until after the meeting(s) hereby posted concluded. This notice is posted on the City website at www.leonvalleytexas.gov. This building is wheelchair accessible. Any request for sign interpretive or other services must be made 48 hours in advance of the meeting. To make arrangements, call (210) 684-1391, Extension 216.



SAUNDRA PASSAILAIGUE, TRMC
City Secretary





**CITY OF LEON VALLEY
CITY COUNCIL REGULAR MEETING**

Leon Valley Conference Center
6421 Evers Road, Leon Valley, Texas 78238
Tuesday, June 02, 2015

MINUTES

The City Council of the City of Leon Valley, Texas met on the 2nd day of June, 2015 at the Leon Valley Conference Center located at 6421 Evers Road, Leon Valley, Texas for the purpose of the following business:

REGULAR CITY COUNCIL MEETING

Mayor Riley called the Regular City Council Meeting to order at 7:03 p.m. and led the Pledge of Allegiance.

Mayor Riley asked that the minutes reflect that the following members of City Council were present: Council Members Carmen Sanchez, Monica Alcocer, Benny Martinez and David Jordan; and that Council Member David Edwards went to City Hall instead of the Conference Center so he would be a little late.

Also in attendance were:

Interim City Manager Hank Brummett, ACM/Human Resources Director Crystal Caldera, ACM/Randall Wallace, City Secretary Sandra Passailaigue, Fire Chief Luis Valdez, Assistant Public Works Director David Dimaline, Assistant Police Chief Ray Lacy, Economic Development Director Claudia Mora and Communications Director Darrick Green.

Mayor Riley asked for a moment of silence in honor of the recent flood victims and their families.

Mayor Riley re-introduced Interim City Manager Hank Brummett who is serving for the third time since 2006 and served as Leon Valley City Manager for eleven years. Mayor Riley thanked staff for all their work on the temporary meeting set up.

Mayor Riley asked if any of the Councilmembers wished to pull Items 4, 5, 6 or 7 from the Consent Agenda for discussion. There being no comment from the Council, Mayor Riley moved to Citizens to be Heard.

Citizens to be Heard

- Tony Westrich, 6100 Forest Wood, thanked the outgoing council members for their service and congratulated the new council members. Mr. Westrich reminded the council that the citizens are their customers.
- Kim Crawford, 7007 Forest Mont, spoke in regards to the formation of the Home Rule Charter Committee and asked that next time the committee be made up of citizens and not ex-politicians; and questioned how long the City had to wait to revisit the Home Rule Charter.
- Richard Blackmore, 6639 Forest Haven, spoke in opposition of a Home Rule Charter; and asked why the newly paved Evers Road is being dug up when he said it should have been done before it was paved.
- Belinda Ealy, 7314 Canterfield Road, urged Council and staff to recycle during the July 4th Spectacular.

There being no further comments from citizens, Mayor Riley asked for a motion to accept the consent agenda.

CONSENT AGENDA

Approval of City Council Minutes. (ACM C. Caldera/S. Passailaigue)

a) May 19, 2015 Regular City Council Meeting

Consider approval of a resolution authorizing the filing of a partnership with the Bexar County Community Development Block Grant Program for Fiscal Year 2015. M&C #2015-06-02-01 (ACM R. Wallace/M. Moritz)

Consider approval of a waiver of related fees for the use of the Leon Valley Conference Center by the Bexar County Flood Control. M&C #2015-06-02-02 (ACM C. Caldera/S. Passailaigue)

Consider approval of a waiver of related fees for the use of the large pavilion with BBQ pit at Raymond Rimkus Park for Northside Independent School District (NISD) Business Office. M&C #2015-06-02-03 (ACM C. Caldera/S. Passailaigue)

A motion was made by Council Member Monica Alcocer seconded by Council Member Carmen Sanchez, to approve Consent Agenda Items #4 (May 19th City Council Minutes), #5 (Resolution No. 15-013R), #6 (Conference Center Fee Waiver) and #7 (Pavilion Waiver) as presented. Upon a unanimous vote, Mayor Riley announced the motion carried.

REGULAR AGENDA

Presentation, discussion and update on the lawsuit Larry Little vs. City of Leon Valley Economic Development Corporation. (As requested by Mayor Riley)

Leon Valley Economic Development Corporation (LVEDC) attorney Mr. Gaines Griffin gave a brief update on the lawsuit between Larry Little and the LVEDC. Mr. Griffin said he was limited on what he could discuss in open session. This was followed by a brief discussion.

No action was taken on this item.

Consider approval of a budget adjustment and related ordinance to add up to \$200,000 of previously unbudgeted LVEDC Funds from the LVEDC's Money Market account to the Professional Services line item of the current fiscal year budget. M&C #2015-06-02-04 (C. Mora)

Leon Valley Economic Development Director Claudia Mora presented this item for the purpose of approval of a budget adjustment to the LVEDC Fiscal Year 2015 budget. The Leon Valley Economic Development Corporation is seeking City Council approval to add up to \$200,000 of previously unbudgeted LVEDC funds from the LVEDC's Money Market account to the Professional Services line item of the FY 2015 budget. Ms. Mora continued to say that the LVEDC wants to have funds budgeted to pay the increasing legal fees, court costs, and any costs associated with the current lawsuit appeal, in addition to consultant services to continue with the promotion of economic development for Leon Valley. Earlier in the fiscal year, the LVEDC reallocated \$118,680 from the EDC Project Fund line item to the Professional Services line item. This increased the Professional Services line item to \$168,680 and reduced the EDC Project Fund line item to \$184,628. Adding \$200,000 would increase the total LVEDC FY 2015 budget to \$640,000.

A motion was made by Council Member Monica Alcocer seconded by Council Member Benny Martinez, to postpone this item until the June 16th City Council meeting when more information is available to make a proper decision. Upon a unanimous vote, Mayor Riley announced the motion carried.

Conduct the Second of Two Public Hearings and Readings to Receive Public Comment, and Consider Action on a Resolution Approving the Expenditure of LVEDC Funds and the LVEDC Co-Sponsorship of the City of Leon Valley 4th of July Celebration/Spectacular. M&C #2015-06-02-05 (C. Mora)

Leon Valley Economic Development Director Claudia Mora presented this item which is intended to conduct the second of two public hearings and readings of the resolution approving expenditure of LVEDC funding and to receive comment from Leon Valley citizens regarding LVEDC's co-sponsorship of the 4th of July Celebration/Spectacular. Article IV Functional Corporate Duties and Requirements, Section 4.5 Expenditure of Corporate Money, Subsection (c) of the Bylaws of the City of Leon Valley Economic Development Corporation (LVEDC) requires that expenditures approved by the LVEDC Board of Directors for project funding in excess of \$10,000 have at least two separate readings of the approving City Council resolution and two public hearings. LVEDC Director Mora added that at the April 22, 2015 meeting, the LVEDC Board of Directors approved the funding of \$15,000 in LVEDC funds to co-sponsor the City of Leon Valley 4th of July Celebration/Spectacular. The City Council held the first public hearing and reading on May 19, 2015. If approved by the City Council, the co-sponsorship will allow the LVEDC to promote Leon Valley and attract patrons to area businesses to help increase sales tax revenue for the City. In addition, the co-sponsorship of \$15,000 enhances the city's identity, and enables the City of Leon Valley to build a special event that increases the city's visibility to the San Antonio area and South Texas region.

Mayor Riley opened the public hearing at 8:22 p.m. There being no public comment, Mayor Riley closed the public hearing at 8:22 p.m.

A motion was made by Council Member Benny Martinez seconded by Council Member David Jordan, to accept Resolution No. 15-015R as presented. Upon a unanimous vote, Mayor Riley announced the motion carried.

Discussion and possible action requesting that the Alamo Area Metropolitan Planning Organization amend its Transportation Improvement Program to move the Huebner Creek Greenway Hike and Bike Trail Project and Funding from Fiscal Year 2015 to Fiscal Year 2017. (As requested by Mayor Riley)

Mayor Riley presented Resolution No. 15-016R saying that this resolution would direct City staff to work with the Alamo Area MPO and the Texas Department of Transportation to amend the region's Transportation Improvement Program to move the Huebner Creek Greenway Hike and Bike Trail project and funding from Fiscal Year 2015 to Fiscal Year 2017 to align with the completion of the LC 17 Bexar County Flood Control Project. Mayor Riley added that the staff would be directed to work with the City Council and the public to design an alternate route that would fulfill the original intent of the project and connect Raymond Rimkus Park with Crystal Hills Park. Route, timeline for development, and cost analysis should be discussed at the town hall meeting currently scheduled for January, 2016.

This was followed by a brief discussion.

A motion was made by Council Member Benny Martinez seconded by Council Member Monica Alcocer, to accept Resolution No. 15-016R as presented. Upon a unanimous vote, Mayor Riley announced the motion carried.

- Irene Baldrige, 6368 Parsley Hill, spoke about working together to use the funds to complete the trail and make everyone happy.
- Kim Crawford, 7007 Forest Mont, questioned whether or not any trees had been removed or concrete poured.

Election of the Mayor Pro-Tem. M&C #2015-06-02-06 (ACM C. Caldera/S. Passailaigue)

A motion was made by Council Member Benny Martinez, seconded by Council Member David Jordan, to nominate Council Member Carmen Sanchez to the position of Mayor Pro Tem. Upon a unanimous vote, Mayor Riley announced the motion carried.

Discussion and possible action on an ordinance amending the City Of Leon Valley's Code Of Ordinances, Chapter 1 "General Provisions", Article 1.10 "Public Gatherings", Division 2, "Parades". M&C #2015-06-02-07 (City Attorney C. Rodriguez)

City Attorney Clarissa Rodriguez presented the item which is on the agenda due to a request of a citizen. City Council asked staff to review the Code of Ordinances as it pertains to Public Gatherings and bring back a proposed amendment. The Code of Ordinances defined a parade as any parade, demonstration, march, ceremony, show, exhibition, pageant or procession of

any kind or any similar display, in or upon any street, park, or other place in the City. The Code required the hiring of police officers due to the inherent risks involved regarding traffic and other safety issues at a number to be determined by the Chief of Police. This number is dependent upon the specific route, number of participants, whether such parade is pedestrian or vehicular and other safety concerns. A concern brought forth from a resident was the possibility that an undue amount of Officers would be required, at a cost to the applicant, if the parade was one the Police Chief was not in favor of. On December 8, 2014, the City Council modified the Ordinance, allowing for an appeal process if the applicant felt the number of Officers requested was an undue amount. City Attorney Rodriguez said that the amendment would now define a parade as a group of persons moving along, by whatever means, in an orderly, formal manner on any street, alley, or public thoroughfare. A parade is also defined as a group of persons moving along, by whatever means, in an orderly, formal manner anywhere else in the City from a point of origin to a point of termination in such a way as to impede the normal flow or regulation of pedestrian or vehicular traffic. This change removes the City's enforcement from private property, unless there is an impediment to the normal flow or regulation of pedestrian or vehicular traffic. The appeal changes incorporated on December 8, 2014 have been incorporated into the proposed ordinance as well. The proposed ordinance removed the exceptions to the requirement for a permit, these being a funeral procession, students going to and from school or a school activity, or if the applicant was a government agency. The proposed ordinance removes the issuance of the permit from the City Secretary and places it with the Chief of Police, and shortens the time limit required for an applicant to file the permit application. The current ordinance allows for an application to be turned in from forty seven (47) – sixty (60) prior to the event, and the proposed Ordinance changes this to thirty (30) – one hundred and fifty (150) days. The proposed ordinance continues to allow for City staff to work with the applicant on alternate parade routes if the original application is denied. Lastly, the proposed ordinance provides regulations that are narrowly tailored to serve a significant government interest yet leaves open ample alternative channels of communication of information.

Council Member Monica Alcocer suggested changes to the wording on Part II. §1.10.072 (3) to help it make sense.

- Greg Price, 6815 Connie Mack, spoke in favor of the proposed amendment.
- Olen Yarnell, 7230 Sulky Lane, questioned the allowed locations of public gatherings.

A motion was made by Council Member Carmen Sanchez, seconded by Council Member David Jordan, to accept Ordinance No. 15-006 as presented but to bring back a proposed amendment to Part II. §1.10.072 (3) at the next Council meeting. Upon a unanimous vote, Mayor Riley announced the motion carried.

DISCUSSION AGENDA

Discussion on the flying of drones in residentially zoned areas of the City. M&C #2015-06-02-08 (City Attorney C. Rodriguez)

Mayor Riley presented the item which was placed on the agenda in response to citizen concerns about drones flying over citizen backyards and taking photos.

City Attorney Clarissa Rodriguez presented information on the regulation of drones which she added would be the first in Texas to be passed by the City of Leon Valley.

This was followed by a discussion and citizen comments.

- Vicky Jamvold, 7203 Poss Road, spoke in favor of the proposed ordinance pointing out the safety and well-being of the citizens of Leon Valley.
- Richard Blackmore, 6639 Forest Haven, spoke in favor of the ordinance but getting more information.
- Kim Crawford, 7007 Forest Mont, questioned if this ordinance would regulate the height of helicopters flying over.

No action was taken on this item.

City Manager's Report:

a) Approved Minutes from Boards, Commissions and Committees

b) Future Agenda Items:

- **Funding Request by the Tree Advisory Committee for repurposing the wood from LC17 Project**
- **LC17 Update (Bobby Mengden, PE, CFM)**
- **Discussion on hiring of a new city manager (Executive Session)**

Interim City Manager Hank Brummett mentioned that the City Council would need to meet to discuss the process for hiring a new city manager and suggested that they do this on June 16th.

Upcoming Important Events:

a) Boards/Commission/Committee Appointments, June 16th

b) 4th of July Spectacular at Raymond Rimkus Park

Mayor Riley asked that everyone please note the upcoming events.

Citizens to be Heard

- Olen Yarnell, 7230 Sulky Lane, spoke about security issues involved with the move of the police department from the old area to the new area.

Announcements by the Mayor and City Council Members

Council Member Carmen Sanchez welcomed the new members of City Council

Council Member Monica Alcocer thanked everyone for attending tonight's meeting and encouraged them to continue to participate.

Council Member Benny Martinez echoed Council Member Alcocer's comment and said that he would like the new Council Chambers to allow the City Council meetings to be video recorded for citizens who are unable to attend to view.

Council Member David Jordan reminded everyone that the City Council needs volunteers to serve on the various boards and committees.

Mayor Riley introduced new hire, Assistant Police Chief Ray Lacy.

Adjournment

Mayor Riley announced the meeting adjourned at 9:25 p.m.

These minutes approved by the Leon Valley City Council on the 7th of July, 2015.

APPROVED

CHRIS RILEY
MAYOR

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
CITY SECRETARY



**CITY OF LEON VALLEY
CITY COUNCIL AND LVEDC SPECIAL JOINT MEETING**

Leon Valley Public Library
6425 Evers Road, Leon Valley, Texas 78238
Wednesday, June 10, 2015

MINUTES

The City Council of the City of Leon Valley, Texas met on the 10th day of June, 2015 at the Leon Valley Public Library located at 6425 Evers Road, Leon Valley, Texas for the purpose of the following business:

SPECIAL CITY COUNCIL MEETING

Mayor Riley called the Special City Council Meeting to order at 6:38 p.m.

Mayor Riley asked that the minutes reflect that the following members of City Council were present: Council Members Carmen Sanchez, Monica Alcocer, Benny Martinez and David Jordan. Council Member David Edwards was absent.

Leon Valley Economic Development Corporation Members present were Board Chairman Stephen Ynostrosa, Board Vice-Chairman Claude Guerra, III and Board Members – Dr. Georgia Zannaras, Mike McCarley, Rudy Garcia, and David Gannon.

Also in attendance were:

Interim City Manager Hank Brummett, ACM/Human Resources Director Crystal Caldera, City Secretary Sandra Passailaigue, Public Works Director Melinda Moritz, Assistant Public Works Director David Dimaline, Economic Development Director Claudia Mora and Economic Development Assistant Ana Federico.

Discussion and Presentation by the City Attorney on the legal relationship between the City Council and the Leon Valley Economic Development Corporation.

City Attorney Charles Zech gave a presentation on the legal relationship between the City Council and the Leon Valley Economic Development Corporation. Mr. Zech added that he felt it important for everyone in attendance to see what the statute says in the Local Government Code with respect to the authority of City Council and its obligations under the statute.

The presentation was followed by discussion.

The City Council shall meet in Executive Session under Texas Government Code §551.071 *Consultation with Attorney* to discuss the following:

a) Consultation with Attorney regarding the Town Center Project, and Pending Litigation, Larry Little v. City of Leon Valley Economic Development Corporation Civil Cause No. 2011-C1-17823.

Mayor Riley announced that the Leon Valley City Council would convene into Executive Session Pursuant to Section 551.071 Consultation with Attorney regarding the Town Center Project, and Pending Litigation, Larry Little v. City of Leon Valley Economic Development Corporation Civil Cause No. 2011-C1-17823 and at 7:23 p.m. the Council went into Executive Session.

Reconvene into Regular Session and take action on issues discussed in Executive Session if necessary.

The City Council reconvened into Open Session at 8:40 p.m. No action was taken.

Discussion and possible action to construct a new well and to line the existing Huebner Well.

Public Works Director Melinda Moritz gave a presentation on the current conditions of the Huebner Well, possible funding, engineering, design, and construction of a new well.

A motion was made by Council Member Benny Martinez seconded by Council Member David Jordan, to authorize the Interim City Manager to pursue revenue bonds or certificates of obligations regarding the wells; go out for request for proposals/qualifications (RFP/Q); and to come back on Tuesday, June 16th with an actual specific dollar amount that will transfer from the Enterprise Fund to the General Fund with an explanation of why. Upon a vote of four (4) for and none (0) opposed with Council Member David Edwards being absent, Mayor Riley announced the motion carried.

Adjournment

Mayor Riley announced the meeting adjourned at 9:30 p.m.

These minutes approved by the Leon Valley City Council on the 7th of July, 2015.

APPROVED

CHRIS RILEY
MAYOR

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
CITY SECRETARY



**CITY OF LEON VALLEY
CITY COUNCIL REGULAR MEETING**
Leon Valley Conference Center
6421 Evers Road, Leon Valley, Texas 78238
Tuesday, June 16, 2015

AGENDA

The City Council of the City of Leon Valley, Texas met on the 16th day of June, 2015 at the Leon Valley Conference Center located at 6421 Evers Road, Leon Valley, Texas for the purpose of the following business:

REGULAR CITY COUNCIL MEETING

Mayor Riley called the Regular City Council Meeting to order at 8:25 p.m. and led the Pledge of Allegiance.

Mayor Riley asked that the minutes reflect that the following members of City Council were present: Council Members Carmen Sanchez, Monica Alcocer, Benny Martinez, David Jordan and David Edwards.

Also in attendance were:

Interim City Manager Hank Brummett, City Attorney Charles Zech, ACM/Human Resources Director Crystal Caldera, City Secretary Sandra Passailaigue, Fire Chief Luis Valdez, Assistant Public Works Director David Dimaline, and Economic Development Director Claudia Mora.

Citizens to Be Heard and Time for Objections to the Consent Agenda.

Mayor Riley asked if any of the Council Members wished to pull Items 3, 4, 5, 6, 7 or 8 from the Consent Agenda for discussion. Council Member Benny Martinez requested that Item 4 be pulled and move to be discussed after Item 11. Council Member Monica Alcocer requested that Item 5 be pulled. Mayor Riley moved onto citizens to be heard.

- Henry Diecker, 6114 Britania Court, spoke in opposition to regulating the use of drones.
- Jose, (*inaudible name and no address stated*), spoke in opposition to regulating the use of drones.
- Robert Jarzombeck, 7210 Grass Valley, spoke in opposition to regulating the use of drones.

There being no further citizens to be heard Mayor Riley moved onto the Consent Agenda.

CONSENT AGENDA

Approval of City Council Minutes. (S. Passailaigue)

- a) May 21, 2015 Special City Council Meeting**
- b) May 22, 2015 Special City Council Meeting**

Consideration and action of Ordinance No. 15-007 authorizing a budget adjustment to the general, water, and stormwater funds, in order for the City to have adequate funds to cover the cost of the Severance Agreement with Manuel Longoria Jr. enacted on May 21, 2015. M&C #2015-06-16-05 (ACM C. Caldera)

Consider approval for a waiver of related fees for the use of the Leon Valley Conference Center for Representative Justin Rodriguez to hold a Town Hall Meeting on June 25, 2015. M&C 2015-06-16-06 (S. Passailaigue)

A motion was made by Council Member Monica Alcocer seconded by Council Member Benny Martinez, to approve Consent Agenda Items #3 (May 21st and May 22nd City Council Minutes), #6 (Ordinance No. 15-007), and #7 (Conference Center Waiver) as presented. Upon a unanimous vote, Mayor Riley announced the motion carried.

Consideration of an ordinance granting Grey Forest Utilities a non-exclusive natural gas franchise relating to the distribution and sale of gas in the City of Leon Valley. M&C #2015-06-16-04 (M. Moritz)

Assistant Public Works Director David Dimaline presented this item saying that Grey Forest Utilities has had a Natural Gas Franchise Agreement with the City of Leon Valley for the past 20 years. When the new City Secretary took her position with the City of Leon Valley this past year, she discovered that the original agreement had expired back in 2012. The proposed ordinance would once again grant Grey Forest Utilities the right to distribute and sell natural gas within the City of Leon Valley city limits for the next 20 years. This agreement has been reviewed and is acceptable to the Grey Forest Utilities company. The area serviced by their company includes portions of the Linkwood Addition and Pavona Place neighborhoods.

This presentation was followed by a discussion.

A motion was made by Council Member Monica Alcocer seconded by Council Member Benny Martinez, to adopt the ordinance as with the amendment to Section 2:2.2 changing the term of the agreement from twenty (20) years to ten (10) years. Upon a unanimous vote, Mayor Riley announced the motion carried.

City Manager's Report:

- a) **Update on the Police Department's scheduled move into the new facility**
- b) **Leon Valley Dispatch moving from Metro 9-1-1 to Helotes Dispatch**
- c) **Leon Valley Water Well Funding**
- d) **Department Reports**
- e) **Approved Minutes from Boards, Commissions and Committees**
- f) **Future Agenda Items:**
 - o **Funding Request by the Tree Advisory Committee for repurposing the wood from LC17 Project**

Interim City Manager Hank Brummett said that the only other item he wanted to mention was that TML will be holding their Newly Elected Officials Orientation training in San Antonio in July and that any Council Member that plans to attend should notify the City Secretary as soon as possible so they may be registered.

REGULAR AGENDA**Consideration and action on a variance request by Seth Thomas, owner of Diamond Shine Carwash, to Chapter 3.04.013, "Temporary Signs, to display two (2) temporary banners for six (6) months generally located at 7210 Bandera Road. M&C #2015-06-16-07 (E. Carol)**

Community Development Director Elizabeth Carol presented this item in order for the City Council to consider a variance which would allow Diamond Shine Carwash to utilize two (2) vinyl banners for six (6) consecutive months at 7210 Bandera Road. Ms. Carol explained that on November 10, 2014, the Leon Valley City Council approved a variance allowing the applicant to install a temporary sign for six (6) months which expired May 10, 2015. The owner has applied for a second variance indicating that with the construction of the adjacent storage facility in the near future; the banners will help promote the carwash and support membership sales. The City of Leon Valley Code of Ordinance allows one (1) banner for a period of thirty (30) days, once every six (6) months. This is a limit of two (2) banners total per year. The Sign Code allows consideration of variances for seasonal signs up to 120 days/4months. Ms. Carol concluded her presentation stating that the variance approval is at the discretion of the City Council. However, Ms. Carol provided Council two (2) alternatives: 1) approve the sign variance as requested for six (6) months, or 2) be consistent with the sign code allowance for variances in regard to seasonal signs and allow the banners for only 120 days or four (4) months.

The presentation was followed by discussion.

A motion was made by Council Member Benny Martinez seconded by Council Member David Jordan, to grant the variance as requested. The City Council voted four (4) for and one (1) against with Council Member Monica Alcocer casting the negative vote. Mayor Riley announced the motion carried.

Consideration and action of Ordinance No. 15-008 regulating the flying of drones in residentially zoned areas of the City. M&C #2015-06-16-08 (City Attorney C. Rodriguez)

City Attorney Charles Zech presented the proposed ordinance which would prohibit the flying of drones in any airspace below 400 feet within or over any residentially zoned area in the City, unless otherwise exempt under the ordinance. For instance, the proposed ordinance would exempt the use of drones in residential areas by any law enforcement agency of the City, State or Federal government for lawful purposes and in a lawful manner. In addition, drones will be permitted to make visual recordings of a single residence, with the owner's written consent, provided the owner and/or operator of the subject drone obtains a validly issued drone permit from the City. This is intended to accommodate the practice of some realtors who use drones to advertise properties for sale or lease. However, Government Code 423 makes misuse of drones a Class C Misdemeanor and the City could use this statute to regulate the use of drones within the City limits.

This presentation was followed by discussion.

- Tina Chasan, 6006 Forest Ridge, spoke in opposition of the proposed ordinance.
- Robert Jarzombek, 7210 Grass Valley, spoke in opposition of the proposed ordinance.
- Olen Yarnell, 7230 Sulky Lane, spoke in opposition of the proposed ordinance.

There was a consensus among the members of City Council to take no further action on this item.

Discussion and action to repeal Ordinance No. 2014-01-13-02, policy for the appointment of city boards and commissions. M&C #2015-06-16-09 (Council Members Benny Martinez and Carmen Sanchez)

A motion was made by Council Member Benny Martinez and seconded by Council Member Carmen Sanchez to repeal Ordinance No. 2014-01-13-02. Upon a unanimous vote Mayor Riley announced the motion carried.

Consideration of Resolution No. 15-017R appointing members to boards, commissions, and committees in accordance with Ordinance No. 2014-01-13-02. M&C 2015-06-16-03 (S. Passailaigue)

A motion was made by Council Member Monica Alcocer and seconded by Council Member David Edwards to approve Resolution No. 15-017R appointing Phyllis McMillan, Olen Yarnell, Pedro Esquivel, and Alex Jenicek to the Leon Valley Zoning Commission. Upon a unanimous vote Mayor Riley announced the motion carried.

There was a consensus among the members of City Council to look over the applications submitted for the other boards to include possible Council members serving on the Leon Valley Economic Development Corporation Board. This will be discussed at a future meeting.

Discussion and action authorizing the City Manager to negotiate an interlocal agreement between the City of Leon Valley and Bexar County for the flood improvement project in the Huebner Creek Enhanced Conveyance NWWC Segment 3(LC-17). M&C #2015-06-16-10 (E. Carole)

Community Development Director Elizabeth Carol presented this item to request City Council to authorize the Interim City Manager to execute an Interlocal Agreement (ILA) between the City of Leon Valley and Bexar County for the Flood Control Project known as the Huebner Creek Enhanced Conveyance NWWC Segment 3(LC-17). Ms. Carol said that this project is part of the Bexar County Flood Control Program and this project consists of widening and realigning the channel in order to reduce the floodplain limits in surrounding residential areas. The Tree Advisory Board has worked with Bexar County Public Works to identify 18 trees that can be repurposed. In addition, the route will need to be redesigned to preserve a significant Heritage Red Oak Tree (Tag #7143) that is 39 inches in diameter. The \$11,000,000 project will be managed by the Bexar County's Flood Control Capital Project and is projected to be completed by April 2017. Once complete, the improvements will be turned over to the City of Leon Valley.

A motion was made by Council Member Monica Alcocer and seconded by Council Member Benny Martinez to approve Resolution No. 15-018R with the removal of Article XI – 11.01. Upon a unanimous vote Mayor Riley announced the motion carried.

DISCUSSION AGENDA

Upcoming Important Events:

- a) 4th of July Spectacular at Raymond Rimkus Park
- b) City Office Closed, Monday, July 6th in observance of Independence Day.
- c) LC17 Presentation by Bobby Mengden, PE, CFM

d) Coffee with the Mayor and City Council, July 25, 2015 from 9:00 a.m. – 11:00 a.m. at the Leon Valley Conference Center. Topic: CPS Energy Discussion of a Community Solar Program.

Mayor Riley asked that everyone please note the upcoming events.

Citizens to be Heard.

- Olen Yarnell, 7230 Sulky Lane, questioned Item 8b wanting to know why dispatch moved from Bexar Metro 911 to Helotes.

Announcements by the Mayor and Council Members.

Council Member Carmen Sanchez wished all the fathers a Happy Father's Day.

Council Member Monica Alcocer thanked everyone for attending the meeting.

Council Member Benny Martinez reminded everyone of the Leon Valley Area Chamber of Commerce luncheon tomorrow at Henry's Puffy Taco at 11:30 a.m. and about next Thursdays LVEDC mixer.

Adjournment

Mayor Riley announced the meeting adjourned at 9:58 p.m.

These minutes approved by the Leon Valley City Council on the 7th of July, 2015.

APPROVED

CHRIS RILEY
MAYOR

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
CITY SECRETARY



**CITY OF LEON VALLEY
CITY COUNCIL SPECIAL MEETING**

Leon Valley Public Library
6425 Evers Road, Leon Valley, Texas 78238
Tuesday, June 16, 2015

MINUTES

The City Council of the City of Leon Valley, Texas met on the 16th day of June, 2015 at the Leon Valley Public Library located at 6425 Evers Road, Leon Valley, Texas for the purpose of the following business:

SPECIAL CITY COUNCIL MEETING

Mayor Riley called the Special City Council Meeting to order at 5:34 p.m.

Mayor Riley asked that the minutes reflect that the following members of City Council were present: Council Members Carmen Sanchez, Monica Alcocer, Benny Martinez, David Jordan and David Edwards.

Also in attendance were:

Interim City Manager Hank Brummett, ACM/Human Resources Director Crystal Caldera, City Secretary Sandra Passailaigue, and City Attorney Charles Zech.

The City Council shall meet in Executive Session under Texas Government Code §551.074 *Personnel Matters* to discuss the following:

A. Interviews for Tier I Board Appointments:

- **Zoning Commission – Tier I; and 2012 Bond Oversight Committee**
 - **5:30 p.m. – Alex Jenicek**

B. Discussion on the procedures necessary to hire a new City Manager. M&C 2015-06-16-01 (ACM/HR Director Crystal Caldera)

C. Review, discussion and action on the City Attorney contract. M&C 2015-06-16-02 (Council Member Carmen Sanchez and Council Member Benny Martinez)

Mayor Riley announced that the Leon Valley City Council would convene into Executive Session Pursuant to Section 551.074 Personnel Matters regarding A. Interview for Tier I Board Appointments; and B. Discussion on the procedures necessary to hire a new City Manager. Mayor Riley announced that City Attorney Charles Zech request that Item 2C be discussed in open session.

The Council went into Executive Session at 5:35 p.m.

Reconvene into Regular Session and take action on issues discussed in Executive Session if necessary.

The City Council reconvened into Open Session at 6:50 p.m.

A motion was made by Council Member Monica Alcocer seconded by Council Member Carmen Sanchez, to appoint Mr. Alex Jenicek to Zoning Commission. Upon a unanimous vote, Mayor Riley announced the motion carried.

The City Council continued into the Special City Council meeting to discuss item 2C at 6:55 p.m.

Review, discussion and action on the City Attorney contract. M&C 2015-06-16-02 (Council Member Carmen Sanchez and Council Member Benny Martinez)

Council Member Carmen Sanchez presented the item which was followed by a discussion.

A motion was made by Council Member Carmen Sanchez, seconded by Council Member David Edwards, to terminate the current contract between the City of Leon Valley and the City Attorney.

Mayor Riley called for a roll call vote to which the City Council replied: Council Member Edwards - Aye; Council Member Monica Alcocer – Abstain; Council Member Carmen Sanchez – Aye; Council Member Benny Martinez – Nay; and Council Member David Jordan – Nay.

The City Council voted two (2) for, two (2) opposed with Council Member Martinez, and Council Member Jordan casting the negative votes. Council Member Monica Alcocer abstained and this caused a tie vote. Mayor Riley was then required to cast the final and deciding vote to which she voted – Nay. The City Council voted two (2) for and three (3) against with Council Member Monica Alcocer casting the negative vote. Mayor Riley announced the motion to terminate failed.

Mayor Riley added that she wanted to add a caveat that a) the City Council, Interim City Manager and City Attorney Zech work out whom the attorney from the current firm would be (since Mr. Zech is not available on Tuesdays) for the City to the Council’s liking; and b) that we have a review in three (3) months.

Adjournment

Mayor Riley announced the meeting adjourned at 8:12 p.m.

These minutes approved by the Leon Valley City Council on the 7th of July, 2015.

APPROVED

CHRIS RILEY
MAYOR

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
CITY SECRETARY

MAYOR AND COUNCIL COMMUNICATION

DATE: July 7, 2015 **M&C # 2015-07-07-01**

TO: Mayor and Council

FROM: Sandra Passailaigue, City Secretary

THROUGH: Hank Brummett, Interim City Manager

SUBJECT: Discussion and possible action on Ordinance No. 15-009 amending the City of Leon Valley’s Code of Ordinances, Chapter 1 “General Provisions”, Article 1.10 “Public Gatherings”, Division 2, “Parades”.

PURPOSE

To consider Council Member Monica Alcocer’s suggested changes to the wording on Part II. §1.10.072 (3) “to help it make sense”. This suggestion was made at the June 2, 2015 City Council meeting when Ordinance No. 15-006 was being considered and eventually adopted with direction to staff to bring back an amendment to the wording in Part II. §1.10.072 (3).

S.E.E. LEON VALLEY

Social – Will provide our residents and visitors alike a mechanism to allow for public gatherings while keeping the impact on the rest of the community at a minimum.

Economic – N/A

Environmental –N/A

FISCAL IMPACT

None

RECOMMENDATION

Staff recommends the approval of the amendment.

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
 City Secretary

ORDINANCE No. 15-009

AN ORDINANCE AMENDING THE CITY OF LEON VALLEY'S CODE OF ORDINANCES, CHAPTER 1 "GENERAL PROVISIONS", ARTICLE 1.10 "PUBLIC GATHERINGS", DIVISION 2, "PARADES"

WHEREAS, the City of Leon Valley is authorized to adopt ordinances for the purpose of good government, peace, or order of the municipality pursuant to Chapter 51 of the Local Government Code;

WHEREAS, the City Council of the City of Leon Valley, Texas (the "City Council") recognizes that all activities related to the First Amendment should be regulated without reference to content, should be narrowly tailored to serve a significant governmental interest, and leave open ample alternative channels of communication of information; and

WHEREAS, the City Council has reviewed the Public Gatherings Ordinance and instructed staff to review the said ordinance for purposes of ensuring First Amendment compatibility; and

WHEREAS, the City Council hereby finds and determines that the regulations adopted herein are narrowly tailored to serve a significant governmental interest and leave open ample alternative channels of communication of information.

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

SECTION I. That the statements above are found to be true and correct and are hereby incorporated herein.

SECTION II. Chapter 1 "General Provisions", Article 1.10, Division 2, "Parades" is hereby amended as follows:

Part II. Permit

Sec. 1.10.072 Application; fee

(a) Filing. A person seeking issuance of a parade permit shall file an application with the chief of police on forms approved by the chief of police as follows:

(3) The chief of police, may consider a parade permit application filed less than thirty (30) calendar days, but not less than two (2) calendar days, before the proposed procession date if:

i. where the applicant(s) began planning organization of the parade began more than thirty (30) calendar days before the proposed parade date; and

ii. so long as there is adequate time for the Leon Valley Police Department to process the application and plan for the parade.

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SECTION III. All provisions of the Code of Ordinances of the City of Leon Valley codified or uncodified, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Leon Valley codified or uncodified, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

SECTION IV. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance. .

SECTION V. The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this Ordinance.

SECTION VI. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 7th day of July, 2015.

A P P R O V E D

CHRIS RILEY
MAYOR

Attest:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form:

City Attorney

MAYOR AND COUNCIL COMMUNICATION

DATE: July 07, 2015 **M&C# 2015-07-07-02**
TO: Mayor and City Council
FROM: Sandra Passailaigue, City Secretary
THROUGH: Hank Brummett, Interim City Manager
SUBJECT: Discussion and possible action on Resolution No. 15-019R appointing and removing individuals to and from the Leon Valley Economic Development Corporation; the 2012 Bond Oversight Committee; the Park Commission; the Library Board; and the Tree Advisory Committee.

PURPOSE

During the June 16, 2015 meeting, there was a consensus among the members of City Council to look over the applications submitted for the boards to include possible Council members serving on the Leon Valley Economic Development Corporation Board.

The following applications reflect requests to serve on the City of Leon Valley various boards/committees/commissions.

We currently have the following vacancies:

The Library Board of Trustees – One (1) Trustee vacancy and Two (2) Alternate vacancies. New applicants are: Heather Haskin and Rebecca Cooley with current members Horace Staph and Barbara Owen re-applying.

The Stormwater Advisory Committee – One vacancy. We received no applicants for this committee.

Board of Adjustment – Three (3) Alternate vacancies. We received no applicants for this committee.

Zoning Commission – Place - 7 and three (3) Alternate vacancies. New applicant is Alex Jenicek with current members Phyllis McMillan, Olen Yarnell and Pedro Esquivel re-applying.

Park Commission – Two vacancies. New applicant: Steve Parker

Tree Advisory Board – One (1) Alternate vacancy. No new applicant to fill vacancy but current members Diana Sarfin, Richard Sarfin, Melinda Dawson, Thomas

Benavides, Denise Berger and Irene Baldrige have all re-applied.

Leon Valley Economic Development Corporation – One (1) vacancy. No new applicant to fill vacancy but current members Stephen Ynostrosa and Rudy Garcia have all re-applied.

2012 Bond Oversight Committee – No vacancies. New applicant: Alex Jenicek

SEE LEON VALLEY

Social – Residents, business owner/operators, and other stakeholders volunteer to actively participate in the decision-making processes affecting the City.

Economic – Not applicable

Environmental – Not applicable

FISCAL IMPACT

Not applicable

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

RESOLUTION No. 15-019R

A RESOLUTION OF THE CITY OF LEON VALLEY CITY COUNCIL APPOINTING MEMBERS TO THE LEON VALLEY ECONOMIC DEVELOPMENT CORPORATION, 2012 BOND OVERSIGHT, PARK COMMISSION, LIBRARY BOARD OF DIRECTORS, AND THE TREE ADVISORY COMMITTEE; AND REMOVING ONE MEMBER FROM THE LEON VALLEY ECONOMIC DEVELOPMENT CORPORATION BOARD AND ONE MEMBER FROM THE 2012 BOND OVERSIGHT COMMITTEE.

WHEREAS, The City of Leon Valley deemed it necessary to create boards, commissions and committees composed of volunteers from the community to perform specific functions for the City.

WHEREAS, these boards, commissions and committees are invaluable to the City Council for their expertise, insight, and dedication to the City of Leon Valley.

WHEREAS, the City Council of Leon Valley empowers these boards, commissions and committees to make decisions affecting the citizens and the future of the City.

WHEREAS, the individuals currently filling the boards, commissions and committees have performed admirably and honestly for the benefit of the City of Leon Valley and its citizens.

WHEREAS, the City Council formally appoints and sets the term for the following individuals to their respected board or commission:

LEON VALLEY ECONOMIC DEVELOPMENT CORPORATION – Removing member Rudy Garcia and appointing Steven Ynostrosa, Council Member Monica Alcocer and Council Member Benny Martinez.

2012 BOND OVERSIGHT COMMITTEE – Removing member Al Uvietta and Council Liaison Abraham Diaz and appointing Alex Jenicek (member) and Council Member Monica Alcocer (Council Liaison).

PARK COMMISSION – Appointing Steven Parker

LIBRARY BOARD – Re-appointing Horace Staph, Barbara Owen and appointing Heather Haskin and Rebecca Cooley.

TREE ADVISORY COMMITTEE – Re-appointing Diana Sarfin, Richard Sarfin, Melinda Dawson, Thomas Benavidez, Denise Berger and Irene Baldrige.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS:

That the appointments of the aforementioned individuals to their respected board, commission or committee and term for each individual become effective immediately.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 7th day of July, 2015.

A P P R O V E D

CHRIS RILEY
MAYOR

Attest: _____
SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Proposed



**MINUTES OF THE MEETING OF THE
LEON VALLEY ECONOMIC DEVELOPMENT CORPORATION
Friday, April 17, 2015**

I. Call to Order and Determine If Quorum is Present

Board President Stephen Ynostrosa called the meeting to order at 3:12 p.m. Board Vice President Claude Guerra, Board Treasurer Mike McCarley, Board Secretary Dave Gannon, Board Member Rudy Garcia, Board Member Georgia Zannaras and Board Member Joe Sanchez were present, constituting a quorum. Also in attendance was Staff Liaison Claudia Mora, acting as recording secretary. Representing the Board Attorney was Gaines Griffin.

II. Closed Session in Accordance with the Texas Government Code

The City of Leon Valley Economic Development Corporation Board will Convene in Closed Session:

- A. Pursuant to Tex. Gov't Code Ann. § 551.071 (1),(2) consultation with attorney regarding *Larry Little v. Leon Valley EDC*;
- B. The City of Leon Valley Economic Development Corporation Board will Reconvene into Open Session and may take action on the Closed Session Items.

The LVEDC Board convened in closed session at 3:03 p.m. The Board reconvened into open session at 3:40 p.m. No action was taken in closed session.

III. Adjournment

Board Member Garcia moved to adjourn the meeting. Board Secretary Gannon seconded the motion. The motion carried by voice vote. The meeting was adjourned at 3:41 p.m.

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Stephen Ynostrosa
Board President

A handwritten signature in blue ink, appearing to read "D Gannon", written over a horizontal line.

David Gannon
Board Secretary



**MINUTES OF THE MEETING OF THE
LEON VALLEY ECONOMIC DEVELOPMENT CORPORATION
Wednesday, April 22, 2015**

- I. Call to Order and Determine If Quorum is Present**
Board President Stephen Ynostrosa called the meeting to order at 6:35 p.m. Board Vice President Claude Guerra, Board Treasurer Mike McCarley, Board Member Rudy Garcia, and Board Member Georgia Zannaras were present, constituting a quorum. Board Secretary David Gannon and Board Member Joe Sanchez were not present and were excused. Also in attendance were Board Attorney Steven Peña, Staff Liaison Claudia Mora, acting as recording secretary, and Economic Development Administrative Assistant Ana Federico.
- II. Public Hearing – 6:30 P.M. Public Hearing, Presentation, Discussion and Consideration of Action on a Resolution by the Leon Valley Economic Development Corporation (LVEDC) Regarding the Expenditure of LVEDC Funds for the S. A. West Loop Investors, Ltd. For up to \$1,275.88 under the Façade and Signage Program.**
The public hearing was opened at 6:36 p.m. Staff Liaison Mora presented the application, providing information on the project. The applicant is the owner and property manager of West Loop Business Center, a business park located south of HEB Market Place. The project is to power wash and paint. The estimated project cost is \$2,551.75. The grant would be for half or \$1,275.88.

Board Vice President Guerra moved to approve the S. A. West Loop Investors, Ltd. Application. Board Treasurer McCarley seconded the motion. The motion carried by voice vote.

Public hearing was closed at 6:42 p.m.
- III. Citizens to be Heard**
There were none.
- IV. Consider LVEDC Minutes – March 25, 2015**
Board Member Garcia moved to approve the minutes of March 25, 2015. Board Member Zannaras seconded the motion. The motion carried by voice vote.
- V. Financial Report by LVEDC Treasurer and Consideration**
Board Treasurer McCarley reported that as of the meeting date, the funds in the bank totaled \$616,112.82. Of that figure, \$45,384.67 was in the checking account, and \$570,728.15 was in the money market account. Mr. McCarley reported that he transferred \$35,000 into the checking account to cover the obligations for the month; the \$45,384.67 figure includes the transfer amount.

There was a brief discussion on the State audit and how the LVEDC funds were affected. Staff reported that the LVEDC may not see a deposit for about two months because the City's Finance Director was waiting to hear back from the State on how the over payment to the City of Leon Valley would be corrected.
- VI. Presentation, Discussion and Possible Action on a Request for \$15,000 in Sponsorship of the Leon Valley 4th of July Spectacular**
Staff Liaison Mora presented the request and provided information on the scheduled event. A \$15,000 contribution to the City of Leon Valley would be used to promote and co-sponsor the event. The LVEDC made a contribution towards last year's event. Ms. Mora mentioned that she had stressed to City staff that the funds could not be used for a fireworks display. Discussion ensued regarding the event's organization and promotion.
Board Vice President Guerra moved to approve the co-sponsorship and contribution. Board Member Garcia seconded the motion. The motion carried by voice vote.
- VII. Presentation, Discussion and Possible Action on the LVEDC Website Concept**
Ms. Mora and Economic Development Administrative Assistant Ana Federico presented the LVEDC website concept developed by ED Suite. Staff identified elements of the concept that they liked including color and organization.



Board comments included removing the picture of the water tower and using pictures of the monuments along Bandera Road. Ideas for pictures to include were provided. The Board stressed the importance of using the demographics from The Retail Coach reports and marketing materials. In addition, the Board suggested that the website be presented at a future quarterly meeting with the City Council and the Leon Valley Area Chamber of Commerce.

Board Vice President Guerra moved to approve the design concept. Board Treasurer McCarley seconded the motion. The motion carried by voice vote.

At this point in the meeting, the Board opted to proceed to agenda item IX. Future Agenda Items. For the minutes, the items will remain in numerical order.

VIII. Update on Economic Development Projects

The LVEDC Board was briefed on prospective projects.

IX. Future Agenda Items

Staff was directed to research the strategic plans of other EDCs and present a draft to the committee.

Board Vice President Guerra stated that he would like for the LVEDC to develop a business retention program with the input of the Leon Valley Area Chamber of Commerce. He also mentioned that the LVEDC put together a redevelopment plan for empty buildings and buildings needing repairs or improvements. Board Member Garcia added that the LVEDC promote programs that redevelop or assist property owners improve their facilities. A few of the properties along Bandera Road were cited as examples of properties needing attention like Seneca Plaza and Bandera North.

A report was requested for the next meeting.

X. Announcements

Staff reminded the Board that Places 2, 4 and 6 were up for reappointment. Board members interested in being reappointed needed to submit their application by May 31, 2015. Staff also reminded the Board that they would be getting a draft of the FY 2016 budget and should be prepared to review and discuss the budget. The Board was also reminded of the next round of Façade and Signage Program applications being accepted from June 1 through July 15. Staff reported that interest from five businesses has been identified and that each business anticipated requesting funding in the maximum amount of the grants available.

XI. Adjourn

Board Treasurer McCarley moved for adjournment. Board Member Garcia seconded the motion. The motion carried by voice vote. The meeting was adjourned at 8:24 p.m.

A handwritten signature in blue ink, appearing to read "S Ynostrosa", written over a horizontal line.

Stephen Ynostrosa
Board President

A handwritten signature in blue ink, appearing to read "D Gannon", written over a horizontal line.

David Gannon
Board Secretary



**MINUTES OF THE MEETING OF THE
LEON VALLEY ECONOMIC DEVELOPMENT CORPORATION
Wednesday, April 29, 2015**

I. Call to Order and Determine If Quorum is Present

Board President Stephen Ynostrosa called the meeting to order at 6:32 p.m. Board Vice President Claude Guerra, Board Treasurer Mike McCarley, Board Member Rudy Garcia, Board Member Georgia Zannaras and Board Member Joe Sanchez were present, constituting a quorum. Board Secretary Dave Gannon was absent. Also in attendance was Staff Liaison Claudia Mora, acting as recording secretary. The Board Attorney was not present but was excused.

II. Budget Work Session to Discuss FY 2016 Budget to include All Items Related to Contractual Services and Personnel Expenses

Staff Liaison Mora presented information regarding the proposed amounts for the Contractual Services budget. This section includes Professional Services, Contractual Services (a separate line item and not the within the budget section of the same name), Utilities, Advertising, Travel, Membership Dues, and EDC Project Funding. Ms. Mora also provided information on the LVEDC's personnel expenses with regard to the amount to be designated for the administrative services agreement between the City of Leon Valley and the LVEDC. Staff reminded the Board that the amount for the Contractual Services line item funded the Economic Development Administrative Assistant position. Staff also clarified that the Board attorney's fees were paid for under the Professional Services line item in the budget. In addition, consultant contract fees like those for Patterson & Associates and The Retail Coach are paid from the Professional Services Line item.

Discussion ensued regarding the status of consultant contracts and projected payments for those contracts. In addition, the Board discussed pending project funding.

III. Presentation, Discussion and Possible Action on a Budget Adjustment to add up to \$200,000 of Previously Unbudgeted LVEDC Funds from the LVEDC's Money Market Account to the Professional Services Line Item of the Current Fiscal Year Budget

Staff reported that the current Fiscal Year budget is \$440,000. Approximately 80% of the budget is made up of funding for Professional Services and EDC Project Funding. Staff estimated that the Professional Services line item would be short approximately \$69,000 by the end of the current fiscal year.

Staff projected that some expenses could be covered by moving money from other line items but that amount would not meet the projected figure. Ms. Mora provided an explanation of how she arrived at \$200,000 -- \$20,000 per month for six months on legal fees, payments to consultants approximately \$24,000 over the next six months, and the possible influx of applications for the Façade and Signage Program at approximately \$50,000. Staff rounded the figure up to \$200,000.

Discussion ensued regarding the estimate on the budget adjustment. Feeling comfortable with proposed amount, the Board decided to support the budget adjustment for Professional Services and/or Contractual Services. Board Member Sanchez moved to accept the budget adjustment. Board Member Garcia seconded the motion. The motion carried by voice vote.



IV. Discussion and Possible Action on Issuing Requests for Proposal for Any and All Contractual Services

Staff presented a draft request for proposal (RFP) borrowed from the City of Leon Valley. Discussion ensued on the uses for the RFP. Also discussed was a request for qualifications (RFQ) process. Staff explained that the modifications to the document would include asking for specific qualifications from firms. Staff was asked whether an RFP or RFQ process has to be done for all contractual services. Ms. Mora did not know the answer but said she would contact Mr. Russell Gallahan at the Comptroller's Office. Staff was also asked to check on special certification needs for firms providing services to the LVEDC.

No action was taking on this agenda item.

The Board asked for a Special Meeting be set up in May for a closed session to get an update from the attorneys on the lawsuit.

V. Adjournment

Board Vice President Guerra moved to adjourn the meeting. Board Member Zannaras seconded the motion. The motion carried by voice vote. The meeting was adjourned at 9:27 p.m.

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Stephen Ynostrosa
Board President

A handwritten signature in blue ink, appearing to read "DG", is written over a horizontal line.

David Gannon
Board Secretary



**MINUTES OF THE MEETING OF THE SPECIAL JOINT MEETING
LEON VALLEY ECONOMIC DEVELOPMENT CORPORATION
AND CITY OF LEON VALLEY CITY COUNCIL
Wednesday, June 10, 2015**

I. Call to Order and Determine if Quorum is Present

Board President Stephen Ynostrosa called the meeting to order at 6:38 p.m. Board Vice President Claude Guerra, Board Secretary Dave Gannon, Board Treasurer Mike McCarley, Board Member Rudy Garcia, and Board Member Georgia Zannaras were present, constituting a quorum. Board Member Joe Sanchez was absent and excused. Also in attendance was Staff Liaison Claudia Mora, acting as recording secretary. Representing the Board Attorney was Gaines Griffin. Mr. Dan Pozza, attorney, was present.

As this was a special joint meeting, the City Council had a quorum present along with Interim City Manager Hank Brummett, Assistant City Manager Crystal Caldera and City Secretary Sandra Passailaigue. The City Attorney, Charlie Zech was also present.

II. Discussion and Presentation by the City Attorney on the legal relationship between the City Council and the Leon Valley Economic Development Corporation

City Attorney Zech presented the Texas statutes and general information relating to the creation and operations of EDCs. In addition, Mr. Zech discussed the role of the City Council in relation to the EDC.

LVEDC Board President Ynostrosa provided a handout to the LVEDC Board and City Council which outlined a timeline of events which occurred that lead up to the lawsuit and trial. Mr. Ynostrosa took time to introduced the LVEDC's litigating attorney, Gaines Griffin, and the appellate attorney that the LVEDC was planning to hire for the appeal, Dan Pozza

III. Closed Session in Accordance with the Texas Government Code.

The City of Leon Valley Economic Development Corporation Board will Convene in Closed Session:

- A. Pursuant to Tex. Gov't Code Ann. § 551.071 (1),(2) consultation with attorney regarding *Larry Little v. Leon Valley EDC*;
- B. The City of Leon Valley Economic Development Corporation Board will Reconvene into Open Session and may take action on the Closed Session Items

The LVEDC and City Council went into closed session at 7:23 p.m.

The LVEDC and City Council returned to open session at 8:40 p.m. No action was taken in closed session

The LVEDC reconvened for the remainder of their meeting at the Kinman House, 6417 Evers Road at 8:50 p.m.

IV. Consideration of Action to Approve a Contract with Dan Pozza, J.D. to Represent the LVEDC in the Lawsuit *Larry Little v. City of Leon Valley EDC*

Board President Ynostrosa introduced Mr. Pozza to the LVEDC Board. After a brief discussion, Board Secretary Gannon moved to approve the contract with Mr. Pozza to represent the LVEDC during the appeal



processes in the lawsuit *Larry Little v. City of Leon Valley EDC*. Board Member Garcia seconded the motion. The motion carried by voice vote.

V. **Presentation, Discussion, Review and Consideration of Action to Approve Final Performance Agreement between the LVEDC and the Leon Valley Area Chamber of Commerce**

Staff reviewed the changes to the agreement requested by the LVACC and the changes made by Board Attorney Pena. She explained that Mr. Pena did not make all the changes submitted by the LVACC because the changes were to standard, boilerplate language in the agreement.

After some discussion, Board Secretary Gannon moved to approve the final agreement. Board Vice President Guerra seconded the motion. The motion was carried by voice vote.

VI. **Adjournment**

Board Member Garcia moved to adjourn the meeting. Board Secretary Gannon seconded the motion. The motion carried by voice vote. The meeting was adjourned at 9:20 p.m.

A handwritten signature in blue ink, appearing to read "Synat", written over a horizontal line.

Stephen Ynostrosa
Board President

A handwritten signature in blue ink, appearing to read "DG", written over a horizontal line.

David Gannon
Board Secretary



**MINUTES OF THE MEETING OF THE
LEON VALLEY ZONING COMMISSION**

May 26, 2015

The meeting of the Leon Valley Zoning Commission convened at 6:32 p.m. on Tuesday, May 26, 2015, in City Council Chambers at 6400 El Verde Road, Leon Valley, Texas.

I. Poll for Attendance, Determination of a Quorum, Call Meeting to Order

Present were Chairman Claude Guerra III, 1st Vice-Chair Olen Yarnell, 2nd Vice-Chair Phyllis McMillan and Members Pedro Esquivel, Hal Burnside, Larry Proffitt and Tony Westrich. Also present was Elizabeth Carol, Planning Manager of Community Development Department, acting as recording secretary.

II. Approval of the April 28, 2015 Zoning Commission Minutes

1st Vice-Chair Olen Yarnell made a motion to approve as written, seconded by Commissioner Pedro Esquivel. The motion passed unanimously.

III. Update and Discussion of the Master Plan Amendments process

City Staff presented an updated timeline of the Master Plan Amendment process and there was some discussion related to the timeline and when the final version of the Master Plan will be presented to City Council. Staff advised the Commission that the completed version of the Master Plan will be presented to Zoning Commission at its December 2015 meeting. Staff also advised the Commission that the timeline will be updated throughout the Master Plan process.

City Staff provided an update to the list of proposed neighborhood projects identified in the Master Plan Public Hearing process. Staff reported that the updated list was further sorted by City Department focusing on Public Works, Police, Code Compliance, Animal Control and Fire Department issues. The list was forwarded to each of the applicable departments and they were advised to address the items that were routine and to begin to develop a budget for the more substantive items.

1st Vice-Chair Yarnell suggested that given that the public hearings were held in 2012, staff should focus on the need to eliminate the projects that have been completed and to identify those that would require City Council consideration. 2nd Vice-Chair McMillan then raised the concern regarding projects that were identified during the public hearing process however; they were located outside the boundaries of a specific neighborhood. The Commission reached a consensus that they should remain in the report. The Commission also noted that it

appeared that Centrefield was not included in the assessment, however it was recommended that staff review past concerns raised by citizens with the Public Works Department, and see if there were ways they could be added to overall list of projects.

City Staff presented a summary of the Matrix to the Zoning Commission, noting the emphasis on the need for greater Code Compliance and drainage related concerns. Staff went on to note that the City has recently hired a new Code Compliance/Animal Control Officer, which should resolve some of these items. Commissioner Westrich recommended that the list of projects be passed on to City Council, to ensure that they are made aware of these items and for possible inclusion into next year's budget. Chair Guerra III, recommended that staff also meet with the Interim City Manager and review the list of projects with him, to further expedite the process.

IV. Texas Open Government Training Requirements

The Planning Manager provided a brief overview of the Open Government and Public Information Act training required by the State of Texas. Most importantly, that the training is required only one time, and refresher courses are not needed. Commissioner Westrich went on to indicate that he has recently completed the courses and found them to be very helpful. The Commission requested staff email them the link of the Texas Attorney General's web page, where the course material can be found.

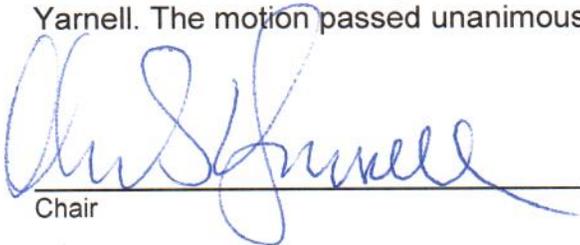
V. Executive Session in Accordance with the Texas Government Code.

There was neither item, nor action necessary for this session.

VI. Adjourn

Zoning Chair Guerra III, announced that he would not be reapplying to continue his service on the Zoning Commission. He noted that he was not resigning, but just not reapplying. He indicated that he has been on the Commission for ten years, and it was time to hand the responsibility to someone else. Commissioner Esquivel noted that he had learned a great deal from the Chair, and that this was a loss for Leon Valley. 1st Vice-Chair Olen Yarnell echoed Esquivel sentiments and that the Chairman has provided an excellent example for future leaders to follow. Lastly, the Chair recommended that future Zoning Commission meetings be held at the Fire Department, and asked staff to explore the possibilities.

Commissioner Pedro Esquivel made a motion to adjourn, seconded by 1st Vice-Chair Olen Yarnell. The motion passed unanimously and the meeting was adjourned at 7:20 p.m.



Chair



Staff

MAYOR AND COUNCIL COMMUNICATION

DATE: July 07, 2015

M&C #2015-07-07-03

TO: Mayor and City Council

FROM: Melinda Moritz, Public Works Director

THROUGH: H. B. Brummett, City Manager

SUBJECT: Discussion and Possible Action Accepting or Rejecting Bids Submitted for the Leon Valley Huebner Creek Greenway Hike & Bike Trail

Purpose

At the June 6, 2015 City Council meeting, the City Council resolved to delay construction of the proposed Hike & Bike Trail until after the Bexar County Flood Control LC-17 project has been completed. Bids for this project had been solicited and received, but no bid has been awarded to date. Due to the action of the City Council it is necessary to formally reject all bids received for this project.

The resolution indicates that the trail plan will be revisited at the January 2016 Town Hall meeting. After the project plan revisions receive City Council and Texas Department of Transportation (TxDOT) approval, new bids will be sought and submitted for approval. A request has being forwarded to the Alamo Area Metropolitan Planning Organization (MPO) to move the project to the MPO's FY 2017 Transportation Improvement Program.

Fiscal Impact

The project was funded in the amount of \$975,972. Engineering, design, and review fees in the amount of \$185,837.67 have been paid to date, with some additional review fees still due to TxDOT.

S.E.E Statement

Social Equity – Allows the public to give their opinion of preferred trail alignment.

Environmental Stewardship – Preserves and protects flood prone areas, by careful and minimal construction activities.

Economic Development – Trails are attractive to future residents and businesses.

APPROVED: _____DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS: _____

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Resolution No. 15-016R

WHEREAS, The City of Leon Valley formally submitted the Huebner Creek Greenway Hike and Bike Trail project through the Alamo Area Metropolitan Planning Organization's (MPO) Call for Surface Transportation Program – Metropolitan Mobility (STP-MM) Projects in December, 2011 and the project was approved for STP-MM funding by the MPO's Transportation Policy Board in April, 2012; and

WHEREAS, The official submittal included project limits from The City of San Antonio's Crystal Hills Park to the City of Leon Valley's Raymond Rimkus Park (Evers Road) at a total construction cost of \$933,000 (80% federal and 20% City of Leon Valley local match); and

WHEREAS, The project application described the project as "Construction of hike and bike trail along the Huebner Creek corridor to provide access for transportation, recreation and linkage to San Antonio's Leon Creek Greenway Trail System"; and

WHEREAS, Bexar County was scheduled to complete a drainage project in 2014 along Huebner Creek (LC 17) that would convey greenway and parkland to the City of Leon Valley that is integral to this project. The LC 17 project has been delayed and is not expected to be completed until 2017; and

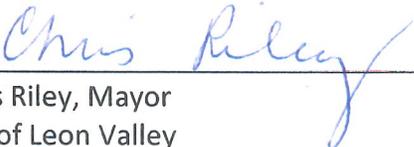
WHEREAS, Due to the LC 17 project delay, the City of Leon Valley City Council instructed staff to essentially cut the project in half and only construct the portion of the project from Raymond Rimkus Park to Bandera Road. The portion from Bandera Road to Crystal Hills Park would be delayed indefinitely since all of the funding would be used for the first half of the project (which now includes costly items that were not part of the original conceptual plans); and

WHEREAS, The citizens of Leon Valley deserve the entire project as originally planned and developed and the City of Leon Valley needs to honor the commitment made in the original project application and submittal to the Alamo Area MPO.

NOW THEREFORE BE IT RESOLVED that this resolution directs the staff of the City of Leon Valley to work with the Alamo Area MPO and the Texas Department of Transportation to amend the region's Transportation Improvement Program to move the Huebner Creek Greenway Hike and Bike Trail project and funding from Fiscal Year 2015 to Fiscal Year 2017 to align with the completion of the LC 17 Bexar County Flood Control Project.

NOW THEREFORE BE IT FURTHER RESOLVED that City of Leon Valley staff work with the City Council and the public to design an alternate route that fulfills the original intent of the project and connects Raymond Rimkus Park with Crystal Hills Park. Route, timeline for development, and cost analysis should be discussed at the town hall meeting currently scheduled for January, 2016.

PASSED AND APPROVED this 2nd day of June 2015.


Chris Riley, Mayor
City of Leon Valley



Leon Valley Huebner Creek
Greenway Hike & Bike Trail
Bid Rejection

City Council Meeting

July 07, 2015

Purpose

- Consider action rejecting all bids submitted for the Leon Valley Huebner Creek Greenway Hike & Bike Trail

Background

- June 6, 2015 - City Council resolved to delay construction of proposed Hike & Bike Trail until after Bexar County Flood Control LC-17 project is complete
- Bids for project had been received, but not awarded
- Due to Council action, it is necessary to formally reject all bids for this project
- After project plan revisions, new bids to be sought

Fiscal Impact

- Formal request for delay was forwarded to the Alamo Area Metropolitan Planning Organization to move the project to FY 2017
- The project was funded in the amount of \$975,972, from Federal and State funds
- Engineering, design, and review fees in the amount of \$185,837.67 have been paid to date, with some additional review fees still due to TxDOT

Recommendation

- Recommend formal rejection of all bids for the Leon Valley Huebner Creek Greenway Hike & Bike Trail

S.E.E. Statement

- Social Equity – Allows the public to give their opinion of preferred trail alignment.
- Environmental Stewardship – Preserves and protects flood prone areas, by careful and minimal construction activities.
- Economic Development – Trails are attractive to future residents and businesses.

Leon Valley Huebner Creek
Greenway Hike & Bike Trail Bid
Rejection

City Council Meeting

July 07, 2015

MAYOR AND COUNCIL COMMUNICATION

M&C # 2015-07-07-04

DATE: July 7, 2015
TO: Mayor and City Council
FROM: Melinda Moritz, Public Works Director
THROUGH: H. B. Brummett, Interim City Manager
SUBJECT: Consider Action on a Resolution Authorizing the Filing of an Application with the San Antonio-Bexar County Metropolitan Planning Organization FY 2017-2020 Transportation Improvement Program and Authorizing the City Manager to Act on Behalf of the City Council in All Matters Related to the Application; and Pledging That if a Grant is Received, the City of Leon Valley Will Comply with Grant Requirements.

Purpose

To allow the City Council to consider approving a Resolution that would authorize the City Manager to file an application with the MPO FY 2017-2020 TIP program for the purpose of funding the continuation of the proposed Hike & Bike Trail, from the Bandera Road bridge to Shadow Mist Drive, along Huebner Creek.

The MPO granted funds for the construction of a Hike & Bike Trail, from Evers Road to Shadow Mist, but due to the costs of constructing the trail, the portion that would connect the City of San Antonio's Leon Creek Greenway Trail system to the City of Leon Valley's Hike & Bike Trail is not funded. Current trail plans end the trail at the Bandera Road bridge. By applying for this grant, the remaining portion of the trail, from the Bandera Road bridge to Shadow Mist, could be funded.

Fiscal Impact

The design and engineering have already been funded. It is estimated that the remaining section of trail will cost approximately \$1,000,000 to construct. The City's portion would be \$200,000, with an additional \$15,000 in review fees due to Texas Department of Transportation, for a total of \$215,000.

S.E.E Statement

Social Equity – The City of Leon Valley's commitment to social equity is demonstrated through its continued efforts to promote a superior quality of life for all its citizens, through the provision of recreational infrastructure. Utilizing public funding for a hike & bike trail will not only benefit residents and other community members, but will provide linkage between other infrastructural improvements in the City of Leon Valley and the City of San Antonio's Leon Creek Greenway Trail system.

Environmental Stewardship – Healthy, sustainable, and viable cities plan for multiple means of transportation, including opportunities for walking and biking. Obtaining and complying with grant funding requirements for recreational, transportation, and linkage to other jurisdictional trail systems is a demonstration of the City’s commitment to environmental stewardship.

Economic Development – The City of Leon Valley’s commitment to exhibiting a distinctive and welcoming identity throughout the community would be greatly enhanced with a hike and bike trail system, affording pedestrian friendly and people-powered connectivity.

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS: _____

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary



June 12, 2015

Metropolitan Planning Organization
Sid Martinez
Transportation Policy Board
825 South St. Mary's St.
San Antonio, Texas 78205

RE: Leon Valley Huebner Creek Greenway Hike & Bike Trail
STP- MM Project CSJ: 0915-12-514

Dear Mr. Martinez,

This letter is to respectfully request a TIP revision at your November revision cycle, to move the above named project from Fiscal Year 2015 to Fiscal Year 2017.

The City Council, at their regular City Council meeting of June 6, 2015, passed a Resolution (see attached), directing staff to work with the Alamo Area Metropolitan Planning Organization and the Texas Department of Transportation to amend the Region's Transportation Improvement Program in moving the Huebner Creek Greenway Hike & Bike Trail project and associated funding to FY 2017, to align with Bexar County Flood Control's LC-17 project completion.

This move will allow the City and the public to design an alternate trail route that fulfills the original intent of the project to connect Raymond Rimkus Park on Evers Road with Crystal Hills Park off of Shadow Mist Drive. The revised route, timeline for development, and cost analysis will be discussed at their 2016 Town Hall Meeting.

Thank you in advance for your time and consideration of our request. Please let me know if any further documentation is necessary for this transfer, or if you have any questions. I may be reached at (210) 684-1391.

Sincerely,

Chris Riley
Mayor

Att: Resolution No. 15-016R

Resolution No. 15-016R

WHEREAS, The City of Leon Valley formally submitted the Huebner Creek Greenway Hike and Bike Trail project through the Alamo Area Metropolitan Planning Organization's (MPO) Call for Surface Transportation Program – Metropolitan Mobility (STP-MM) Projects in December, 2011 and the project was approved for STP-MM funding by the MPO's Transportation Policy Board in April, 2012; and

WHEREAS, The official submittal included project limits from The City of San Antonio's Crystal Hills Park to the City of Leon Valley's Raymond Rimkus Park (Evers Road) at a total construction cost of \$933,000 (80% federal and 20% City of Leon Valley local match); and

WHEREAS, The project application described the project as "Construction of hike and bike trail along the Huebner Creek corridor to provide access for transportation, recreation and linkage to San Antonio's Leon Creek Greenway Trail System"; and

WHEREAS, Bexar County was scheduled to complete a drainage project in 2014 along Huebner Creek (LC 17) that would convey greenway and parkland to the City of Leon Valley that is integral to this project. The LC 17 project has been delayed and is not expected to be completed until 2017; and

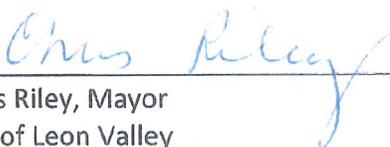
WHEREAS, Due to the LC 17 project delay, the City of Leon Valley City Council instructed staff to essentially cut the project in half and only construct the portion of the project from Raymond Rimkus Park to Bandera Road. The portion from Bandera Road to Crystal Hills Park would be delayed indefinitely since all of the funding would be used for the first half of the project (which now includes costly items that were not part of the original conceptual plans); and

WHEREAS, The citizens of Leon Valley deserve the entire project as originally planned and developed and the City of Leon Valley needs to honor the commitment made in the original project application and submittal to the Alamo Area MPO.

NOW THEREFORE BE IT RESOLVED that this resolution directs the staff of the City of Leon Valley to work with the Alamo Area MPO and the Texas Department of Transportation to amend the region's Transportation Improvement Program to move the Huebner Creek Greenway Hike and Bike Trail project and funding from Fiscal Year 2015 to Fiscal Year 2017 to align with the completion of the LC 17 Bexar County Flood Control Project.

NOW THEREFORE BE IT FURTHER RESOLVED that City of Leon Valley staff work with the City Council and the public to design an alternate route that fulfills the original intent of the project and connects Raymond Rimkus Park with Crystal Hills Park. Route, timeline for development, and cost analysis should be discussed at the town hall meeting currently scheduled for January, 2016.

PASSED AND APPROVED this 2nd day of June 2015.



Chris Riley, Mayor
City of Leon Valley



A RESOLUTION TO APPLY FOR A GRANT FROM THE ALAMO AREA METROPOLITAN PLANNING ORGANIZATION (MPO) FOR THE PURPOSE OF CONSTRUCTING A HIKE AND BIKE TRAIL, FROM BANDERA ROAD TO SHADOW MIST, ALONG HUEBNER CREEK.

Whereas, the City of Leon Valley wishes to expand its existing trail system to link neighborhoods and other trail systems; and

Whereas, the MPO has announced a call for projects for the FY 2017 to 2020 Surface Transportation Program – Metropolitan Mobility (STP-MM) program to provide funding for such projects; and

Whereas, the City has already requested funding for a trail from Evers Road to the Bandera Road bridge from the MPO, and this project would complete such trail to the City of San Antonio’s proposed Hike and Bike Trail, linking the two trails in each City and providing alternative mobility.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, that this resolution directs City staff to apply for grant funding from the MPO for the purpose of constructing a Hike and Bike Trail extension, from the Bandera Road bridge to Shadow Mist.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 7th day of July, 2015.

A P P R O V E D

CHRIS RILEY
MAYOR

Attest: _____
SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Affirm: _____
City Attorney

Resolution – MPO Grant Hike & Bike Trail

City Council Meeting
July 7, 2015

Purpose

- To consider approving a Resolution authorizing the City Manager to file an application with the Metropolitan Planning Organization (MPO) FY 2017-2020 TIP program
- To fund the remaining section of the proposed Hike & Bike Trail, from the Bandera Road bridge to Shadow Mist, along Huebner Creek

Background

- MPO granted funds for the construction of a Hike & Bike Trail, from Evers Road to Shadow Mist
- Costs prohibited constructing portion of trail that would connect the City of San Antonio's Leon Creek Greenway Trail system to the City of Leon Valley's Hike & Bike Trail
- Current trail plans end the trail at the Bandera Road bridge
- By applying for this grant, the remaining portion of trail, from Bandera Rd to Shadow Mist, could be funded

Fiscal Impact

- The design and engineering have already been funded
- Remaining section of trail construction will cost approximately \$1,000,000:
 - \$900,000 Trail
 - \$100,000 10% Contingency (steel/concrete testing)
- Total cost to City \$215,000
 - City portion \$200,000
 - TxDOT review fees \$15,000

Recommendation

- To approve a Resolution authorizing the City Manager to file an application with the Metropolitan Planning Organization (MPO) FY 2017-2020 TIP program
- To fund the remaining section of the proposed Hike & Bike Trail, from the Bandera Road bridge to Shadow Mist, along Huebner Creek

S.E.E. Statement

- **Social Equity** – The City’s commitment to its continued efforts to promote a superior quality of life for all its citizens, through the provision of recreational infrastructure. Utilizing public funding for a hike & bike trail will not only benefit residents and other community members, but will provide linkage between other infrastructural improvements in the City of Leon Valley and the City of San Antonio’s Leon Creek Greenway Trail system.
- **Environmental Stewardship** – Healthy, sustainable, and viable cities plan for multiple means of transportation, including opportunities for walking and biking. Obtaining and complying with grant funding requirements for recreational, transportation, and linkage to other jurisdictional trail systems is a demonstration of the City’s commitment to environmental stewardship.
- **Economic Development** – The City of Leon Valley’s commitment to exhibiting a distinctive and welcoming identity throughout the community would be greatly enhanced with a hike and bike trail system, affording pedestrian friendly and people-powered connectivity.

Resolution – MPO Grant Hike & Bike Trail

City Council Meeting
July 7, 2015

MAYOR AND COUNCIL COMMUNICATION

M&C # 2015-07-07-05

DATE: July 7, 2015
TO: Mayor and City Council
FROM: Melinda Moritz, Public Works Director
THROUGH: H.B. Brummett, Interim City Manager
SUBJECT: Discussion and possible action on the Interlocal Agreement between the City of Leon Valley and VIA Metropolitan Transit granting the City of Leon Valley \$205,208.94 for curb ramps and bus pads at thirteen (13) locations within the city limits.

Purpose

To consider authorizing the City Manager to enter into an agreement with VIA for reimbursing costs associated with the construction of bus pads and ADA compliant curb ramps along Evers Road.

Background

The City of Leon Valley has resurfaced Evers Road, with plans for the construction of bus pads and ADA compliant curb ramps. In communications with VIA, they have agreed to pay for the construction of bus pads and ADA compliant curb ramps along the roadway, from funds they have allocated to the City of Leon Valley.

In August of 2014, VIA received a \$2,000,000 Surface Transportation Program – Metropolitan Mobility (STP-MM) grant from the Alamo Area Metropolitan Planning Organization (MPO). The VIA Board approved allocating this funding to suburban cities within the VIA service area. The funds must be spent on improvements that will benefit riders of the VIA transit system. In order for VIA to transmit the funds to Leon Valley, the agreement must be completed and submitted to VIA.

Fiscal Impact

Bus pads	\$150,139.44
Curb ramps	\$55,069.50
Total	\$205,208.94

VIA will reimburse the total amount.

Recommendation

Authorize the City Manager to enter into an agreement with VIA Metropolitan Transit (VIA) for the purpose of reimbursing funds for bus pads and curb ramps along Evers Road.

STRATEGIC GOALS STATEMENT

Item 2 - Continue Work on Capital and Planning Projects

The project will provide bus pads and ADA compliant curb ramps along Evers Road to enhance pedestrian mobility and improve overall safety. Plans to provide ADA compliant sidewalks along Evers Road are to be presented to the City Council during the next fiscal year budget.

S.E.E Statement

Social Equity – Adds to general quality of life for all citizens.

Environmental Stewardship – This may encourage more people to use the transit system, which will reduce pollution from single use vehicles.

Economic Development – Improved pedestrian mobility may encourage more people and businesses to locate within the City.

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS: _____

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

THE STATE OF TEXAS §
§ FUNDING FOR TRANSIT INFRASTRUCTURE
THE COUNTY OF BEXAR §

THIS AGREEMENT IS MADE BY AND BETWEEN the City of Leon Valley, Bexar County, Texas, acting by and through its duly authorized representative, hereinafter referred to as "City", and VIA Metropolitan Transit, hereinafter referred to as "VIA", acting by and through its duly authorized representative.

WITNESSETH

WHEREAS, VIA owns and operates a municipal bus system within the jurisdictional limits of the City; and

WHEREAS, in August 2014, VIA received a \$2,000,000 Surface Transportation Program-Metropolitan Mobility (STP-MM) grant award which is administered by the Alamo Area Metropolitan Planning Organization (MPO); and

WHEREAS, the VIA Board of Trustees approved allocating this funding to the suburban cities within the VIA service area; and

WHEREAS, the City, which is located within VIA's service area, has requested a portion of the grant funds to fund eligible improvements along Evers Road from Forest Dell to Huebner Road a location within the corporate city limits of the City in an amount not to exceed \$205,208.94 (the Project); and

WHEREAS, the Project is inclusive of certain transit infrastructure in the form of 29 American With Disabilities Act (ADA) compliant curb ramps and bus pads at 13 locations (Transit Infrastructure) which will serve to extend the life of the roadway as well as better serve VIA's patrons; and

WHEREAS, the Project, inclusive of the transit infrastructure, is a permissible expenditure under the STP-MM suburban cities program; and

WHEREAS, the City and VIA believe it to be in the best interest of the public if they combine their resources to provide transit amenities along Evers Road by including transit infrastructure with the resurfacing of the roadway;

NOW, THEREFORE, in consideration of the premises above stated and the mutual covenants and agreements of the parties hereto, to be by them respectively kept and performed as hereinafter set forth, the City and VIA agree as follows:

Article 1. Time Period Covered

This Agreement becomes effective when signed by the last party who's signing makes this Agreement fully executed and shall continue in full force and effect, unless sooner terminated as

hereinafter provided, until the Project described herein has been completed and accepted by all parties or unless sooner terminated, as hereinafter provided.

Article 2. Work Responsibilities and Project Funding

a. City agrees to deliver to VIA the Project schedule, design plans and specifications upon approval of this Agreement to allow for the coordination and identification of transit infrastructure that fall within the Project parameters. The City and VIA agree to meet prior to the start of construction work to ensure the curb ramps and bus pads to be installed meet VIA's construction standards as required for each site. VIA agrees to electronically deliver to the City all general notes, schematics, specifications, etc. ("construction documents") and City agrees to and shall adhere to the construction documents as provided unless the City determines a problem related to the construction requirements exists within the parameters of the construction documents. If a problem does arise, City agrees to timely notify VIA and the Parties shall discuss and work through any such issues or problems in good faith. City agrees to notify VIA no less than thirty (30) days before the construction documents are needed.

b. The transit infrastructure constructed or modified under this Agreement by City for VIA is subject to VIA's standards as provided and shall be placed in accordance with the Americans With Disabilities Act ("ADA") requirements and all applicable Code requirements, including but not limited to the Building Code. City warrants and represents that all work performed under the Project and this Agreement shall be performed to applicable industry standards.

c. City, at City's expense, shall comply with all laws, rules, orders, ordinances, directions, regulations, and requirements of federal, state, county and municipal authorities, now in force or which may hereafter be in force pertaining to the construction performed under this Agreement including but not limited to, any and all sidewalks, transit infrastructure and roadwork. City shall not allow any lien to be placed on any property owned by VIA and if one is placed, City shall, at its sole cost and expense, promptly have such lien removed.

d. VIA shall have the right to oversee and inspect the construction of the transit infrastructure during its construction to ensure compliance with VIA's requirements. If VIA finds that the work is not in compliance with its requirements, a "stop-work order" may be issued by VIA to City and the City will halt all work on the transit infrastructure at issue immediately and the two Parties shall work together in good faith and expediently to resolve the matters at issue. If issues are not resolved to the satisfaction of both Parties within two working days, the City will proceed with completing the City's project and will exclude the transit infrastructure at the location in question.

e. Upon completion of any transit infrastructure at a particular site and its acceptance by VIA, City may submit an invoice, inclusive of the as-built plans and all other supporting documentation verifying the cost and construction standards, to VIA. Within thirty (30) days of receipt of an acceptable invoice, VIA agrees to and shall pay City the amount verified as due and payable on the submitted invoice. Payment shall be by company check made payable to "The City of Leon Valley, Texas" and mailed to the address provided in Article 8 of this Agreement.

f. It is agreed and understood that any and all transit infrastructure placed by City under this Agreement shall belong to and is the sole property of the City and City has sole responsibility for future maintenance and repair.

Article 3. Right of Access

City shall be solely responsible for obtaining legal access to any site where transit infrastructure is to be constructed under this Agreement. If such access does not exist at any specific location when the location is slated for construction, City shall be under no obligation to provide the improvements at that location. It is agreed and understood that VIA has legal access under this Agreement to any and all City right-of-way.

Article 4. Relationships of the Parties

The City and VIA agree that neither party is an agent, servant, or employee of the other party and each party agrees it is responsible for its individual acts and deeds as well as the acts and deeds of its employees, representatives, and agents.

Article 5. Costs

a. VIA will pay the City the amount agreed to and actually expended for construction of transit infrastructure under the Project. Any other costs shall be the sole responsibility of the City.

b. It is agreed and understood by the Parties that under no circumstances shall VIA be required to pay nor shall it pay more than \$205,208.94 under this Agreement.

c. The Parties agree to allocate sufficient funds for the salaries, supplies, equipment, capital expenditures and all other expenses necessary for the effective operation and administration of this Agreement. To the extent this Agreement extends beyond the current fiscal year, this Agreement shall terminate in the event sufficient funds are not appropriated by the Parties to meet their obligations herein in any subsequent fiscal year. It is agreed and understood that payment for the performance of governmental functions or services under this Agreement must only be made from current revenues available to the paying Party. If this Agreement is terminated under this paragraph, each Party agrees to give the other Party sixty (60) days written notice prior to termination.

Article 6. Termination

a. This Agreement may be terminated in any of the following ways:

1. by mutual consent of the parties;
2. by either party upon the failure of the other party to fulfill the obligations set forth herein;
3. by either Party if it determines that the performance of the Project is not in the best interest of that Party;

b. If this Agreement is terminated in accordance with this Article 6, each party will be responsible for the payment of its own Project costs up to the time of termination.

Article 7. Notices

All notices to either party by the other required under this Agreement shall be delivered personally or sent by certified or U.S. mail, postage prepaid or sent by electronic mail, (electronic notice being permitted to the extent permitted by law but only after a separate written consent of the parties), addressed to such party at the following addresses:

City of Leon Valley Attention:	VIA Metropolitan Transit Attention: Jeff Arndt, President/CEO 123 Medina San Antonio, Texas 78207
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All notices shall be deemed given on the date so delivered or so deposited in the mail, unless otherwise provided herein. Either party may change the above address by sending written notice of the change to the other party. Either party may request in writing that such notices be delivered personally or by certified U.S. mail and such request shall be honored and carried out by the other party.

Article 8. Sole Agreement

This Agreement constitutes the entire agreement between the Parties.

Article 9. Successors and Assigns

The City and VIA each binds itself, its successors, executors, assigns, and administrators to the other party to this Agreement and to the successors, executors, assigns, and administrators of such other party in respect to all covenants of this agreement.

Article 10. Amendments

No amendment, modification, or alteration of the terms of this Agreement shall be binding unless the same be in writing, dated subsequent to the date hereof, and duly executed and agreed to by all the Parties hereto.

Article 11. Signatory Warranty

The Parties hereby represent and assure that the person signing this Agreement on their behalf possesses the legal authority, pursuant to any proper, appropriate, and official motion, ordinance, resolution or action passed or taken, to enter into this Agreement, legally obligate the Party for whom they sign, and to perform the responsibilities and incur the obligations herein set out.

Article 12. Severability

Should any term or provision of this Agreement be held invalid or unenforceable in any respect, the remaining terms and provisions shall not be affected and this Agreement shall be construed as if the invalid or unenforceable term of or provision had never been included.

IN WITNESS WHEREOF, THE CITY AND VIA have executed duplicate counterparts to effectuate this Agreement.

VIA METROPOLITAN TRANSIT

By: _____ Date: _____
Jeff Arndt, President/CEO

CITY OF LEON VALLEY, BEXAR COUNTY, TEXAS

By: _____ Date: _____
City Manager

Agreement – Bus Pads/Curb Ramps VIA Metropolitan Transit

City Council Meeting
July 7, 2015

Purpose

- To consider allowing the City Manager to enter into an agreement with VIA
- For reimbursing costs associated with construction of bus pads and ADA compliant curb ramps, along Evers Road

Background

- City has resurfaced Evers Road, with plans for the construction of bus pads and ADA compliant curb ramps
- VIA has agreed to pay for the construction of bus pads and ADA compliant curb ramps along the roadway, from funds allocated to the City

Background

- August of 2014 - VIA received a \$2,000,000 Surface Transportation Program – Metropolitan Mobility (STP-MM) grant from the Alamo Area Metropolitan Planning Organization (MPO)
- VIA Board approved allocating this funding to suburban cities within the VIA service area
- Funds must be spent on improvements that will benefit riders of the VIA transit system
- In order for VIA to reimburse funds to Leon Valley, the agreement must be completed and submitted to VIA

Fiscal Impact

- Bus Pads \$150,139.44
- Curb Ramps \$ 55,069.50
- Total \$205,208.94
- VIA will reimburse the City for the total amount

Recommendation

- Authorize the City Manager to enter into agreement with VIA, for the purpose of reimbursing funds used to construct bus pads and ADA compliant curb ramps along Evers Road

Strategic Goals Statement

- **Item 2 – Continue Work on Capital and Planning Projects**
 - Project will provide bus pads and ADA compliant curb ramps along Evers Road to enhance pedestrian mobility and improve overall safety
 - Plans to provide ADA compliant sidewalks along Evers Road are to be presented to the City Council during the next fiscal year budget

S.E.E. Statement

- **Social Equity** – Adds to general quality of life for all citizens.
- **Environmental Stewardship** – May encourage more people to use the transit system, reducing pollution from single use vehicles
- **Economic Development** – Improved pedestrian mobility may encourage more people and businesses to locate within the City

Agreement – Bus Pads/Curb Ramps VIA Metropolitan Transit

City Council Meeting
July 7, 2015

MAYOR AND COUNCIL COMMUNICATION

DATE: July 7, 2015 **M&C # 2015-07-07-06**

TO: Mayor and Council

FROM: Elizabeth Carol, Community Development Director

THROUGH: Hank Brummett, Interim City Manager

SUBJECT: Consideration and action on two variance requests by Alpaben Gajena, owner of New Friends Learning Center, to maintain their existing sign and fence that are located at 7500 Eckhert Road, Suite 140.

PURPOSE

To consider a variance which would allow New Friends Learning Center (NFLC) to maintain their existing sign which is on an unpermitted six (6) foot privacy fence that is located in the front yard of their storefront and provides an enclosure for the children's play area at 7500 Eckhert Road, Suite 140. The fence and sign are 6'x138' which is an 828 square foot logo.

Chapter 3.04 of the Leon Valley Code of Ordinances, regarding signs does not list painted fences as an allowable sign. In addition, the size of the sign and the area of the fence painted with information on the business are not addressed in the Code. The size of the NFLC sign and the elements of it are not in compliance with Chapter 3.04.

Section. 3.05 of the Leon Valley Code of Ordinances, state that no fence shall hereafter be erected within the city unless the person erecting the fence obtains a permit for construction of the fence.

April 20, 1999, the Leon Valley City Council approved a variance allowing the previous applicant, Enrichment Academy, to install a four (4) foot fence in the front yard to accommodate an outdoor play area.

October 2014, the City received a complaint from another childcare owner/operator in the area who requested that other facilities in Leon Valley have their existing sign's reviewed. A second request was received in January 2015, and a citation was issued to the NFLC.

The applicant submitted a variance request for their sign which was considered at the February 8, 2015 City Council meeting, and during the discussion it was noted that the applicant did not have an updated permit on behalf of their six (6) foot fence. Their existing fence permit allows for a four (4) foot fence in the front yard. City Council requested staff to resolve the issues of the sign and fence and bring them back for consideration.

April 22, 2015, Code Compliance followed up and issued a warning to the NFLC for the installation of a sign on an unpermitted six (6) foot privacy fence. The applicant was notified that their sign and fence were not in compliance and they were given until April 30, 2015 to

modify their sign, and fence, submit a sign and/or fence permit or request a variance to these requirements.

On May 5, 2015 the applicant was formally cited by Code Compliance for the installation of a sign and fence that are not in compliance, and were installed without a permit. On May 21, 2015 the applicant submitted a variance request to the Leon Valley Code of Ordinances (LVCO) fence standards. The applicant has indicated that the six (6) foot tall fence was installed to protect the privacy and safety of their children.

S.E.E. LEON VALLEY

Social – It is equitable for the City to assist the applicant in resolving this matter.

Economic – N/A

Environmental –The fence height will not have an adverse impact on the environment.

FISCAL IMPACT

The applicant paid \$100 for consideration of each of their variance requests. If the requests are approved the applicant will pay \$45 for the fence permit and \$75.00 for their sign permit.

RECOMMENDATION

Staff recommends that the sign be removed and the fence restored to four (4) feet. Variances are at the discretion of the City Council, and Staff has noted several alternatives:

1. Grant a temporary variance, not to exceed 60 days, to allow the applicant to submit a permit that complies with the existing Leon Valley Code of Ordinances; or
2. Approve the sign and/or fence variance as requested; or
3. Be consistent with the variance approved by City Council in 1999, and allowance for the continuous usage of the four feet high fence, without the sign.

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Sec. 3.05.002 Permit required

No fence shall hereafter be erected within the city unless the person erecting the fence obtains a permit for construction of the fence. The cost of the permit is prescribed in appendix A of this code. Such permit shall specify the approved height, length, material or materials, style and location of the fence.

Sec. 3.05.007 Variances

(a) The city council may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the council shall prescribe only conditions that it deems necessary to or desirable in the public interest. In making the findings below required, the council shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the probable effect of such variance on surrounding property, and the probable effect of such variance on the public health, safety, convenience and welfare in the vicinity. No variance shall be granted unless the council finds:

(1) There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of this land;

(2) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and

(3) The granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area.

(b) Such findings of the council, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the council meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this article so that the public health, safety and welfare may be secured and substantial justice done. Pecuniary hardship to the applicant, standing alone, shall not be deemed to constitute undue hardship.



CITY OF LEON VALLEY

6400 EL VERDE ROAD • LEON VALLEY, TEXAS 78238

TELEPHONE 210-684-1391 • FAX 210-684-6988

MAILED
5-10-99

May 5, 1999

Ms. Carole Minton
The Enrichment Academy
9055 Hetherington
San Antonio, TX 78240

Re: Variance to Chapter 14, Section 14.203 "Dimension"

Dear Ms. Minton:

On April 20, 1999, Leon Valley City Council approved M&C No. 990408, a request for a variance to Chapter 14, "Lots, Yards, and Fences", Section 14.203 "Dimensions." The request was for a variance to the maximum three-foot fence height allowable in a front yard area, permitting placement of a four-foot fence in the front yard area across 7500 Eckhert Road, Suite 140, being Lot 22, Block C, CB 4446A, Linkwood Addition Subdivision.

Should you require further information, please contact me at 684-1391 ext. 226.

Sincerely,

Catherine Moreno
Development Assistant

enclosure

ATTACHMENT A

New Friends Learning Center
Alpabent Gajera-Owner
7500 Eckhert Road #140
San Antonio Texas 78240
(210) 272-0376

Mayor/Council
6400 El Verde RD
Leon Valley TX 78238

January 29, 2015

Dear Mayor/Council,

I am writing this letter to inform the Leon Valley Mayor/Council of a recent complaint towards our business in regards to the art that is on our fence. At this time our fence expresses the highlights of our business, such as the name, phone number and hours of operations along with beautiful children's handprints art. Our main goal is to create a child centered welcoming entrance by the painted fence. We wanted our children to arrive and relate the outside art on our building to a place where they know they will be happy and safe. The fence was painted seven months ago and it has never been an issue before until recently. We have even gotten compliments about the art as it was painted by a professional.

In effort to keep our center a welcoming home away from home setting for our children we would like to request that the owner of New Friends Learning Center be allowed to keep its art on the fence.

Enclose you will also find some of the center's tour log and pictures of the fence. The tour logs are signed by parents and indicate that the fence was what got their attention to this loving caring center.

We appreciate your prompt attention to this matter. Thank-You for your service to our community

Sincerely,


Aneyda Mejia- Director

New Friends Learning Center
7500 Eckhert Rd Ste.140
210-272-0376

May 4, 2015

City of Leon on Valley

Dear Mayor and council,

This letter is to request the permission to keep the 6ft fence that we currently have up at our business. This fence was build and installed for the safety of our children while they play. In order to have children grow healthy and be able to accomplish large motor gross skills it is required that children have outdoor play time daily. Unfortunately we are located in a very busy environment where there is a huge traffic flow. Both motor vehicles and a variety of people (high school students, other business customers, people riding the bus etc.) pass by our daycare on a daily basis. Having a four foot fence would allow all these stranger to view the children at which the safety of our children becomes compromised. Also with the fence being four feet this will also be an easier access for an upset child to jump the fence running into the oncoming traffic.

Here are a few accidents that have occurred due to improper fencing:

In Raleigh, NC, November 12, 2002 two 3 year olds climbed a 5-foot fence and escaped from a major child care center. They were found 35 minutes after being reported missing — after they crossed a four-lane road. Supervision was not the problem. Lack of proper fencing was.

MEMPHIS, TN (WMC) - *Posted: Apr 22, 2015 4:33 PM CDT*

A car crashed into a fence surrounding a day care playground on Wednesday afternoon. The crash happened at a day care in the 2700 block of North Highland Street. No children were hurt when the car hit the fence. Picture has been attach.

In January 1, 2011 a descriptive study was carried among 1,871 child care centers regarding the study of incidence and the environment around the building of child care centers. The study showed that in 2010 the incidence of injury in children was 7.17 per 100 persons. The places mostly reported for the accidents were outside the building and the playground instruments. Most of these childcare centers were located on the street side and little or no fence near water sources and trees. The conclusion of the study stated "Environment around the child care centers building may be the cause of many accidents. If the child care centers comply the convention instructions, children will be safe during their stay."

The list goes on and on....

We hope that you will take into consideration all these points and as you review allow the approval of our six foot fence. It is not harming anyone in fact it's there to save and protect the lives of the children in our very own community that hold our future.

Thank you,

A handwritten signature in black ink, appearing to read 'Alpa Gajera', is written over a horizontal line. The signature is stylized and cursive.

Alpa Gajera

New Friends Learning Center
7500 Eckhert Rd Ste.140
210-272-0376

May 4, 2015

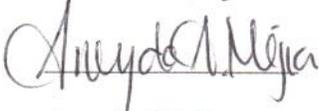
City of Leon on Valley

Dear Mayor and Council,

This letter is to inform you that we have brought the matter of our fence to our licensing rep as well. She also had concerns for the children's safety as well as our staff. Her concerns were easy access to children from strangers that were walking out in the street. Also the privacy of the staff that would be outdoors with the children. She asked for us to try our best to keep the fence at 6ft high for the safety ness of the children.

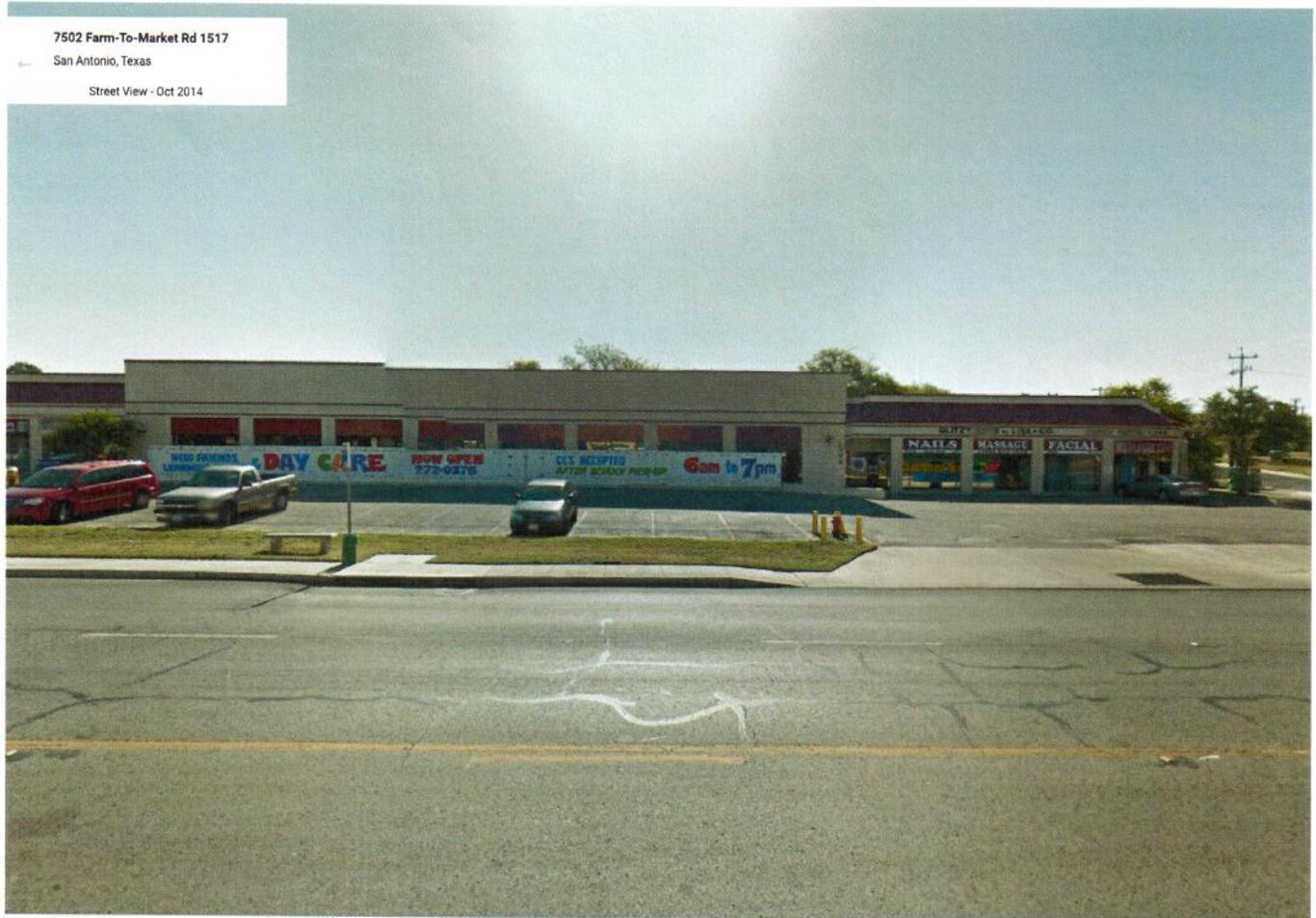
If you have questions you may contact our licensing representation Guadalupe McWilliams (210)748-1070 or email: Guadalupe.Mcwilliams@dfps.state.tx.us

Thank You,



Aneyda Mejia

7502 Farm-To-Market Rd 1517
San Antonio, Texas
Street View - Oct 2014



Division 2, Outdoor Space Requirements

§746.4301 How many square feet of outdoor activity space must I have?

Subchapter T, Physical Facilities
Division 2, Outdoor Space Requirements
September 2003

- Medium (a) You must have 80 square feet of outdoor activity space for each child using the outdoor activity area at one time, unless you are licensed to provide only:
- (1) An alternate care program; or
 - (2) A get-well care program.
- Medium (b) You must have enough square footage in the outdoor activity space to equal at least 25% of your licensed indoor capacity.
- Low (c) If you were licensed before September 1, 2003, you do not have to comply with the outdoor activity space requirements specified in subsection (b) of this section unless the permit issued prior to September 1, 2003, is no longer valid.

- *The National Association for the Education of Young Children affirms that adequate outdoor space for play is necessary for the development of gross motor (large muscle) skills and to provide children with fresh air and sunshine.*
- *Exposure to sun is needed, but children should be protected from excessive exposure so shaded areas should be provided by means of open space and tree plantings or other cover in outdoor spaces.*

§746.4305 Must I fence the outdoor activity space?

Subchapter T, Physical Facilities
Division 2, Outdoor Space Requirements
September 2003

- Medium-High Yes. A fence or wall at least four feet high must enclose the outdoor activity space unless you meet one of the following:
- (1) You are licensed to provide only an after-school care program in a classroom facility owned, operated, and administered by and located in a public school as defined by the Texas Education Agency;
 - (2) You are licensed to provide only an alternate care program;
 - (3) You are licensed to provide only a get-well care program; or
 - ✓ (4) The only children using the outdoor activity space are five years old or older.

Enclosed outdoor areas keep pre-kindergarten age and younger children in a controlled area for their safety and ease of supervision.

we have kids in daycare more than 10 hours and they are ~~over~~ over five years.....
we have kids play outside, there are all 2 years, 3 years, 4 years, 5 years and 8 and 9 years too....

PubMed

Abstract

J Med Assoc Thai. 2012 Aug;95(8):1098-104.

The incidence of accidents in child care centers of the local government organizations.

Intraratsamee J¹, Ratanasiri A, Kanato M.

Author information

Abstract

OBJECTIVE: To study the incidence of accidents and the environment around the building of child care centers of the local government organizations under the Health Promoting Center 6.

MATERIAL AND METHOD: This was a descriptive study carried out among 1,871 child care centers of the local government organizations under the Health Promoting Center 6 within eight Northeastern provinces. The self administered questionnaires were handed out in the process of this study and data were collected between January 1 and February 28, 2011.

RESULTS: One thousand eight hundred seventy one child care centers answered the questionnaires. The ratio of children per caregiver was found to be 17:1. In 2010 the incidence of injury in children was 7.17 per 100 persons. Ratio of injury between boys and girls was 1.9:1. The places mostly reported for the accidents were outside the building, the playground instruments, and inside the classrooms. Most child care centers were located on the street side and had no fence near the water sources (pool, pond) and trees. Only 22.9% had children water closets and those with adult water closet provided no support for holding. Most (93.3%) of the toilets had water containers inside.

CONCLUSION: Environment around the child care center building may be the cause of many accidents. If the child care centers comply the convention instructions, children will be safe during they stay.

PMID: 23061316 [PubMed - indexed for MEDLINE]

Publication Types, MeSH Terms

LinkOut - more resources

PubMed Commons

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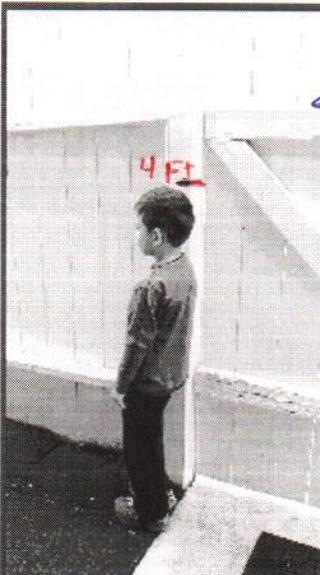
play ground

The privacy of our staff is unsafe.



← playground

This is 2 different size of children in our 3-5 year classroom the child in green is 4ft tall. Outside strangers can call children up to the fence and pull them out.



← playground

This child is in the 3-5 year classroom and he measures 4ft tall. So it would be unsafe from him to jump out the fence and run into traffic.

Daycare Center in Memphis, TN



City of Leon Valley City Council

Fence Variance Request
M&C #2015-07-07-06

July 7, 2015

Leon Valley Code of Ordinances

- 03.04 Signs Permit of the Leon Valley Code of Ordinances
 - Sign painted on Fence
 - Non-conforming sign
 - Installed without a permit
- Variances and Appeals
 - Applicant must demonstrate a hardship
 - Written Request must be submitted

Leon Valley Code of Ordinances

- 03.05.02 Fence Permit
 - Application
 - Fee \$45.00
 - Site inspection
- 3.04.008 Variances and Appeals
 - Applicant must demonstrate a hardship
 - Written Request must be submitted

Project History

- City Council approved May 20, 1999
 - Requested by previous owner
 - Accommodate an outdoor play area
 - Allowed a four (4) foot fence
- A sign complain was filed with City Hall
 - Applicant applied for a sign variance
 - Council Considered February 2015
 - Item postponed due to fence violation

Project History

- Additional Research
 - Installed six (6) foot fence without permit
- Code Compliance
 - Cited January 2015
 - Warning April 2015
 - Cited May 2015
- Applicants Options
 - Modify fence
 - Apply for permit
 - Submit a variance

Applicant's Request:

- Applicant/Owner: Alpaben Gajena
- Location: 7500 Eckhert Road, Suite 140
- Allow a sign and six foot unpermitted fence to remain
- Hardship: Safety of the children

Existing Conditions



Fiscal Impact

- Sign Variance
 - \$100 variance consideration
 - \$75/ sign permit if variance is approved
- Fence Variance
 - \$100 variance consideration
 - \$45/ fence permit if variance is approved

Recommendation

- Staff recommends that the sign be removed and the fence be restored to four (4) feet.
- Other options:
 - Grant a temporary variance to allow permits
 - Approve variance(s)
- Fence variances are at the discretion of City Council.

City of Leon Valley City Council

Fence Variance Request

M&C #2015-07-07-06

July 7, 2015

MAYOR AND COUNCIL COMMUNICATION

DATE: July 7, 2015 **M&C # 2015-07-07-07**

TO: Mayor and City Council

FROM: Claudia Mora, Economic Development Director

THROUGH: Henry Brummett, Interim City Manager

SUBJECT: Consideration of and Possible Action to Authorize Suspension of Execution on the Judgment in Cause No. 2011-CI-17823 on the Docket of the 37th District Court of Bexar County, Texas styled *Larry Little v. City of Leon Valley Economic Development Corporation*

PURPOSE

The purpose of this M&C is for the City Council to consider and approve a resolution that will authorize the Leon Valley Economic Development Corporation (LVEDC) and its attorneys to suspend the execution on the judgment against the LVEDC in the lawsuit *Larry Little v. City of Leon Valley Economic Development Corporation*. The manner in which the suspension will be done will be in the posting of a supersedeas bond or making of a deposit in lieu of bond.

A supersedeas bond is a type of surety bond that a court requires from an appellant who wants to delay payment of a judgment until the appeal is over. This is also known as a defendant's appeal bond. The supersedeas bond replaces the need for collateral.

The LVEDC and its attorneys plan to appeal the judgment from the 37th District Court of Bexar County.

BACKGROUND

In April 2015, the lawsuit *Larry Little v. City of Leon Valley Economic Development Corporation* went to trial. The judgment was in favor of the plaintiff, Mr. Little. The LVEDC decided it would appeal the judgment. As part of the appellate process, the LVEDC wants to delay the payment of the judgment from the trial. In order to do that, the LVEDC must post a supersedeas bond or make a deposit in lieu of bond. The bond's value is for half of the LVEDC's net worth. The CPA firm of Rodriguez Holland & Co., P.C. Certified Public Accountants and Consultants calculated the current net worth to be \$158,250.

The bond or deposit in lieu of bond will be paid to the 37th District Court of Bexar County, Texas to demonstrate the LVEDC's good faith, intention and commitment to meeting the ruling if it loses the appeal.

At a special meeting of the LVEDC on Thursday, July 2nd, the Board approved

authorization to suspend the execution on the judgment in Cause No. 2011-CI-17823 on the Docket of the 37th District Court of Bexar County, Texas styled *Larry Little v. City of Leon Valley Economic Development Corporation* and the use of the current net worth figure as calculated by Rodriguez Holland & Co., P.C.

FISCAL IMPACT

There is no fiscal impact to the General Fund. The supersedeas bond, or deposit in lieu of bond, value will be paid out of the LVEDC fund balance. If successful in its appeal, the LVEDC will recover the bond funds.

S.E.E. IMPACT

Social – None.

Economic – To provide a diverse and versatile business environment that supports a healthy economy by engaging in open dialogue on issues and matters which affect the conduct of economic development in Leon Valley.

Environmental – Not applicable.

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY AUTHORIZING THE SUSPENSION OF EXECUTION ON THE JUDGMENT IN CAUSE NO. 2011-CI-17823 ON THE DOCKET OF THE 37TH DISTRICT COURT OF BEXAR COUNTY, TEXAS STYLED LARRY LITTLE V. CITY OF LEON VALLEY ECONOMIC DEVELOPMENT CORPORATION.

WHEREAS, the City Council has established a Type B (formerly 4B) Economic Development Corporation Board, to review project applications and administer the Type B sales tax receipts specifically earmarked for eligible economic development projects as described in the Official ballot language; and

WHEREAS, the LVEDC Board has worked to fund projects which attract, retain and expand businesses in Leon Valley; and

WHEREAS, the LVEDC is involved in litigation and will pursue an appeal in the judgement in Cause No. 2011-CI-17823 on the Docket of the 37th District Court of Bexar County, Texas styled *Larry Little v. City of Leon Valley Economic Development Corporation*; and

WHEREAS, authorizing the suspension of the execution on the judgment in Cause No. 2011-CI-17823 on the Docket of the 37th District Court of Bexar County, Texas styled *Larry Little v. City of Leon Valley Economic Development Corporation* is part of the appellate process; and

WHEREAS, the LVEDC must post a supersedeas bond or make a deposit in lieu of bond in an amount equal to 50 percent of its current net worth as part of the appellate process;

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

1. The City Council approves and authorizes the suspension of the execution on the judgment in Cause No. 2011-CI-17823 on the docket of the 37th District Court of Bexar County, Texas styled *Larry Little v. City of Leon Valley Economic Development Corporation*.
2. The supercedeas bond or deposit in lieu of bond will be in an amount equal to 50 percent of the LVEDC's current net worth.
3. The City Council finds that the Resolution is in the public interest and is necessary for the good governance of the City.
4. If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held to be unconstitutional or illegal, such decision shall not affect the validity of the remaining sections of this Resolution. The City Council hereby declares that it would have passed this Resolution, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared void; and that in lieu of each clause or provision of this Resolution that is invalid, illegal, or

RESOLUTION No. 15-021R

unenforceable there be added as a part of the Resolution a clause or provision as similar in terms to such invalid, illegal or unenforceable clause or provision as may be possible, legal, valid and enforceable.

5. This Resolution shall be effective upon approval and signature of the Mayor.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 7th day of July, 2015.

A P P R O V E D

CHRIS RILEY
MAYOR

Attest: _____
SAUNDRA PASSAILAIGUE, TRMC
City Secretary



Suspension of Execution on Judgment in
Larry Little v.
City of Leon Valley Economic
Development Corporation

July 7, 2015

Consideration and Action

- Suspend the execution on the judgment against the LVEDC in the lawsuit *Larry Little v. City of Leon Valley Economic Development Corporation*
- Post supersedeas bond or make a deposit in lieu of bond with 37th District Court of Bexar County, Texas

Supersedeas Bond

- A type of surety bond that a court requires from an appellant who wants to delay payment of a judgment until the appeal is over
- Also known as a “defendant’s appeal bond”
- Demonstrates appellant’s good faith, intention and commitment to meeting the ruling if it loses appeal

Background

- April 2015 – Lawsuit went to trial
- Judgment in favor of Plaintiff – Larry Little
- LVEDC plans to appeal
- Appeal process includes posting bond to suspend judgment until appeal process is over
- Value of bond is half of LVEDC’s net worth
- Current Net worth = \$158,250
 - Determined by CPA firm of Rodriguez Holland & Co., PC Certified Public Accountants and Consultants

LVEDC Net Worth

As of June 30, 2015

- **Assets: Cash in Bank = \$522,435**
- **Liabilities: \$364,185**
 - Grant Programs Funds Payable = \$147,989
 - Sales Tax Overpayment to be Refunded to State of Texas = \$61,196
 - Estimate Professional Fees on Larry Little Lawsuit = \$155,000
 - Contingent Liability on Larry Little Lawsuit = ?
- **Net Worth = \$158,250**

Supplemental Information

- LVEDC approved action at special meeting on July 2nd
- No impact to General Fund
- Bond paid out of LVEDC Fund Balance
- If successful in appeal, LVEDC will recover bond funds
- LVEDC Board of Directors requests City Council approval of action

Suspension of Execution on Judgment in
Larry Little v.
City of Leon Valley Economic
Development Corporation

July 7, 2015