



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

Leon Valley Conference Center
6421 Evers Road, Leon Valley, Texas 78238
Tuesday, August 4, 2015

MINUTES

The City Council of the City of Leon Valley, Texas met on the 4th day of August, 2015 at the Leon Valley Conference Center located at 6421 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 7:01 p.m. and asked Council Member Monica Alcocer to lead the Pledge of Allegiance.

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

Also in attendance were:

Interim City Manager Hank Brummett, ACM/Human Resources Director Crystal Caldera, City Secretary Sandra Passailaigue, City Attorney Patrick Bernal, Fire Chief Luis Valdez, Police Chief Randall Wallace, Assistant Police Chief Ray Lacy, Planning Manager Elizabeth Carol, Economic Development Director Claudia Mora, Finance Director Vickie Wallace and Communications Director Darrick Green.

A workshop will be conducted on the Proposed Fiscal Year 2016 Budgets. During the workshop the Interim City Manager will present a PowerPoint Presentation on the following Proposed Fiscal Year 2016 Budgets: M&C #2015-08-04-01 (H. Brummett)

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|-------------------|----------------|-------------------|
| a) Administration | e) Development | g) Special Events |
| b) Police | Services | h) Parks |
| c) Fire | f) Economic | i) Library |
| d) Public Works | Development | |

A motion was made by Council Member Monica Alcocer and seconded by Council Member Carmen Sanchez to postpone Item 1 of this agenda (budget workshop) to August 18, 2015. Upon a vote of four (4) for and zero (0) against, with Council Member Edwards being excused, Mayor Riley announced the motion carried.

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 4, 5, 6, 7, 8 or 9 from the Consent Agenda for discussion.

Council Member Benny Martinez requested that Item 6 be pulled for discussion. Mayor Riley moved to citizens to be heard.

Walter Geraghty, 7315 Ellerby Point, on behalf of the American Legion Post 336, thanked the City Council for the Audie L. Murphy signs. Mr. Geraghty also expressed his pleasure with the July 4th Spectacular.

CONSENT AGENDA

Approval of City Council Minutes. (S. Passailaigue)

- a) **July 21, 2015 Regular City Council Meeting**
- b) **July 25, 2015 Coffee with the Mayor and Council**
- c) **July 29, 2015 Special City Council Meeting**

Consideration and possible action of Resolution No. 15-024R appointing members to boards, commissions, and committees. M&C 2015-08-04-02 (S. Passailaigue)

Consideration and possible action of a request for partnership with the City of Leon Valley and approval of a waiver for related fees for the use of the Leon Valley Community Center by the American Legion Post No. 336 as requested by Mr. Walter Geraghty. M&C #2015-08-04-04 (E. Carol)

Consideration and approval of a waiver for the deposit and rental fees related to the use of the Leon Valley Community Center as requested by Congressman Joaquin Castro for a town hall meeting. M&C #2015-08-04-05 (E. Carol)

Consideration and possible action of Resolution No. 15-025R creating a potted plant beautification program for the City of Leon Valley and authorizing expenditures therefor. M&C #2015-08-04-06 (S. Passailaigue)

A motion was made by Council Member Monica Alcocer and seconded by Council Member Carmen Sanchez, to approve Consent Agenda Items #4 (July 21st, July 25th and July 29th City Council Minutes) as presented, #5 (Resolution No. 15-024R), Item #7 (American Legion Waiver), Item #8 (Congressman Waiver), and Item #9 (Resolution No. 15-025R) Upon a vote of four (4) for and zero (0) against, with Council Member Edwards being excused, Mayor Riley announced the motion carried.

Consideration and possible action of Ordinance No. 15-010 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 unemployment benefits for Manuel Longoria Jr. and Janie Willman. M&C #2015-08-04-03 (ACM C. Caldera)

ACM/HR Director Crystal Caldera was present to answer questions.

A motion was made by Council Member Benny Martinez and seconded by Council Member Monica Alcocer, to approve Consent Item 6 (Ordinance No. 15-010) as presented. Upon a vote of four (4) for and zero (0) against, with Council Member Edwards being excused, Mayor Riley announced the motion carried.

City Manager's Report:

- a) Stage I Water Restrictions**
- b) Emergency Shelter Exercise**
- c) Department Reports**
- d) Approved Minutes from Boards, Commissions and Committees**

Interim City Manager Hank Brummett informed every one of his declaration of Stage I Water Restrictions effective July 31st. Fire Chief Luis Valdez and Council Member Carmen Sanchez thanked all participants of the Emergency Shelter Exercise saying it was a huge success.

DISCUSSION AGENDA

Discussion and possible action authorizing the Interim City Manager to negotiate a contract with an engineering firm to provide services for the engineering and design of the 2015 well project. M&C #2015-08-04-11 (M. Moritz)

ACM/HR Director Crystal Caldera presented on behalf of Public Works Director Melinda Moritz. Staff requested that the City Council consider authorizing the City Manager to negotiate a contract with an engineering firm for the engineering and design of a water well, the lining of two existing wells, an interconnection with the San Antonio Water System, and all related equipment and materials. In June of 2015, the City Council authorized the City Manager to solicit Requests for Proposals (RFP's) for an engineering firm to provide services for the engineering and design of the well project. RFPs for engineering and design services were solicited, and seven (7) responses were received. A committee was formed to evaluate the responses and selected the highest scoring firms. The firms were interviewed on Thursday and Friday, July 30th and 31st. The Committee scored the finalists and presented their recommendation to the City Manager. After City Council approval, the City Manager will enter into negotiations with the selected firm. If an agreement cannot be reached, the City Manager would then enter into negotiations with the next scored firm, and so on until an agreement can be reached.

A motion was made by Council Member Benny Martinez and seconded by Council Member David Jordan to authorize the City Manager to enter into negotiations with the selected firm (Southwest Engineering or runner up) and bring back a draft contract August 18, 2015 for City Council consideration. Upon a vote of four (4) for and zero (0) against, with Council Member Edwards being excused, Mayor Riley announced the motion carried.

Discussion and possible action on a vote for the placement of a proposal to adopt the City's 2015 tax rate on the agenda of September 15, 2015, Council meeting at a rate of

\$0.561624/\$100 valuation, which is \$0.013883 lower than last year's tax rate of \$0.575507, 6.641451% higher than the effective tax rate of \$0.526647 and is equal to the rollback tax rate. M&C #2015-08-04-07 (V. Wallace)

Finance Director Vickie Wallace presented the item first by saying that at the time this agenda was posted the numbers in the caption were correct, but between the posting of the agenda and this meeting the State Comptroller's Office made changes which changed the numbers.

Finance Director Wallace proceeded to present the item proposing the adoption of a tax rate of \$0.561615 per \$100 of property valuation for the tax year 2015, which is \$0.013892 lower than last year's tax rate of \$0.575507. Finance Director Wallace explained that when a proposed tax rate exceeds the rollback tax rate or the effective tax rate, whichever is lower, Chapter 26 of the Texas Property Tax Code requires the City Council to vote to place a proposal to adopt the tax rate on the agenda of a future meeting as an action item. For the 2015 tax year, the proposed tax rate of \$0.561615 exceeds the effective tax rate of \$0.526647 by 6.641451% and is equal to the rollback tax rate.

A motion was made by Council Member Monica Alcocer and seconded by Council Member David Jordan to place the proposal to adopt the City's 2015 tax rate on the agenda of September 15, 2015.

As required, Mayor Riley took a roll call vote to which the City Council replied: Council Member Alcocer - Aye; Council Member Sanchez - Aye; Council Member Jordan - Aye; Council Member Martinez - Aye; and Council Member Edwards - Absent.

The City Council voted four (4) for and zero (0) against, with Council Member Edwards being excused, Mayor Riley announced the motion carried.

Discussion and possible action to call for two public hearings on the Proposed 2015 tax rate of \$0.561624 per \$100 valuation, which is \$0.013883 lower than last year's tax rate of \$0.575507, 6.641451% higher than the effective tax rate of \$0.526647 and is equal to the rollback tax rate. The first public hearing will be on Tuesday, September 1, 2015, at 7:00 p.m. at the Leon Valley Conference Center, 6421 Evers Road, Leon Valley, Texas 78238 and the second public hearing will be on Tuesday, September 8, 2015, at 7:00 p.m. at the Leon Valley Conference Center, 6421 Evers Road, Leon Valley, Texas 78238. M&C #2015-08-04-08 (V. Wallace)

A motion was made by Council Member Carmen Sanchez and seconded by Council Member Monica Alcocer to call for two public hearings with the first public hearing being held on Tuesday, September 1, 2015 and the second public hearing being held on Tuesday, September 8, 2015. Upon a vote of four (4) for and zero (0) against, with Council Member Edwards being excused, Mayor Riley announced the motion carried.

Discussion and possible action on Leon Valley Economic Development Corporation (LVEDC) FY 2015 Budget Adjustment to add \$160,000 of Previously Unbudgeted LVEDC Funds from the LVEDC's Fund Balance to the Contractual Services Budget of the Current Fiscal Year Budget. M&C #2015-08-04-09 (Stephen Ynostrosa, LVEDC Board President)

Leon Valley Economic Development Corporation (LVEDC) Chairman Stephen Ynostrosa presented the item with a PowerPoint detailing the LVEDC Funds. The LVEDC seeks City Council approval to add \$127,136.00 of previously unbudgeted LVEDC funds from the LVEDC's fund balance to the Contractual Services budget of the FY 2015 budget.

A motion was made by Council Member Carmen Sanchez and seconded by Council Member David Jordan to approve the budget adjustment. Upon a vote of four (4) for and zero (0) against, with Council Member Edwards being excused, Mayor Riley announced the motion carried.

Discussion and possible action on two (2) variance requests by Alpaben Gajena, owner of New Friends Learning Center, to maintain their existing sign and an existing fence that are located at 7500 Eckhert Road, Suite. 140. M&C #2015-08-04-10 (E. Carol)

Planning Manager Elizabeth Carol presented this item for consideration of 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 include painted fences on its list of allowable signs. The largest single tenant sign allowed in the code is 375 feet, which was designed for locations abutting the highway. Section. 3.05 of the Leon Valley Code of Ordinances states that no fence shall hereafter be erected within the city unless the person erecting the fence obtains a permit for construction of the fence. Planning Manager Carol went on to say that on 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. NFLC opened August 2014. In 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 was cited in January and submitted a variance request for their sign which was considered at the February 8, 2015 City Council meeting. During the discussion it was noted that the applicant did not have an updated permit for 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. May 21, 2015, the applicant

met with the prosecutor who recommended that they proceed with the permitting process and advise the Court of any action. The Leon Valley Economic Development Corporation (LVEDC) Board has considered and approved the NFLC request for a grant to install a sign provided it is in conformance with the code.

A motion was made by Council Member Monica Alcocer for denial of the sign variance as requested but move for the approval of a fence variance not to exceed four feet (4') in height; and that the letters as well as verbal statements submitted by the applicant shall be entered into the minutes of this meeting as the factual basis of this Council's findings subject to a four foot (4') maximum height; and special circumstances or conditions exist affecting the land involved such that the strict application of the provisions of the City's fence regulations would deprive the applicant of reasonable use of this land; and the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and the granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area. There being no second for the motion, the motion died.

A motion was made by Council Member Benny Martinez and seconded by Council Member Carmen Sanchez to deny the request for a sign variance but to grant a variance for a six foot (6') fence; and that the letters as well as verbal statements submitted by the applicant shall be entered into the minutes of this meeting as the factual basis of this Council's findings subject to a six foot (6') maximum height; and special circumstances or conditions exist affecting the land involved such that the strict application of the provisions of the City's fence regulations would deprive the applicant of reasonable use of this land; and the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and the granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area. Upon a vote of three (3) for and one (1) against with Council Member Monica Alcocer casting the negative vote; and with Council Member Edwards being excused, Mayor Riley announced the motion carried.

Upcoming Important Events:

- a) Texas Municipal League's Newly Elected City Officials Orientation – Round Rock, August 13th-14th**
- b) Legislative Update – San Marcos, August 20th-21st**
- c) Texas Municipal League's 103rd Annual Conference – San Antonio, September 22nd-25th**

Mayor Riley announced the upcoming events.

Citizens to be Heard.

- Mike K. Davis, 6002 Forest Shadow, spoke about the enforcement of the City Code of Ordinances and against the granting of the fence variance this evening.
- Vickie Jamvold, 7203 Poss Road, spoke about graffiti, the trimming of her hedges, accessibility by volunteers to the Library Annex, and lastly about her neighbor placing audio and video of her front and back yard.

Announcements by the Mayor and Council Members.

Council Member Monica Alcocer thanked everyone for attending the meeting tonight.

Council Member Benny Martinez wished his wife, Pat Martinez, a "Happy Birthday".

Council Member David Jordan thanked the Fire Chief for all the emergency preparedness training that he and Assistant Chief Billy Lawson were doing.

Mayor Riley announced that City Council would begin interviewing for the position of city manager next week.

Adjournment

Mayor Riley announced the meeting adjourned at 8:55 p.m.

These minutes approved by the Leon Valley City Council on the 1st of September, 2015.

APPROVED



**CHRIS RILEY
MAYOR**

ATTEST:



**SAUNDRA PASSAILAIGUE, TRMC
CITY SECRETARY**

