



**CITY OF LEON VALLEY
CITY COUNCIL REGULAR MEETING**
Leon Valley Conference Center
6421 Evers Road, Leon Valley, Texas 78238
Tuesday, August 18, 2015

MINUTES

The City Council of the City of Leon Valley, Texas met on the 18th 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:

REGULAR CITY COUNCIL MEETING

Mayor Riley called the Special City Council Meeting to order at 7:19 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, Benny Martinez; David Jordan; David Edwards and Monica Alcocer.

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, Library Director Sandy Underwood and Communications Director Darrick Green.

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, or 5 from the Consent Agenda for discussion.

Council Member Monica Alcocer requested that Item 3a be pulled and postponed to the next Council meeting in order to get clarification on a matter noted in those minutes. Mayor Riley moved to citizens to be heard.

- Tom and Laurie Kelly, Forest Oaks Community Association, spoke about an idea to have the City of Leon Valley take on the responsibility of the Forest Oaks Swimming Pool.
- Vicky Jamvold, 7203 Poss Road, asked the City for assistance and Council consideration of amending the City Code of Ordinances to allow up to 8 animals like the City of San Antonio allows.

CONSENT AGENDA

Approval of City Council Minutes. (S. Passailaigue)

- a) **August 04, 2015 Special City Council Meeting**
- b) **August 10, 2015 Special City Council Meeting**
- c) **August 11, 2015 Special City Council Meeting**

Consideration and possible action of Resolution No. 15-027R appointing members to boards, commissions, and committees. M&C 2015-08-18-03 (S. Passailaigue)

Consideration and approval of an ordinance repealing and replacing Chapter 3 "Building Regulations," Article 3.03, "Flood Damage Prevention". M&C 2015-08-18-04 (E. Carol)

A motion was made by Council Member Benny Martinez and seconded by Council Member Monica Alcocer, to approve Consent Agenda Items #3b and #3c (August 10th and August 11th City Council Minutes) as presented, #4 (Resolution No. 15-027R) and Item #5 (Ordinance No. 15-011). Upon a unanimous vote, Mayor Riley announced the motion carried.

A motion was made by Council Member Monica Alcocer and seconded by Council Member Carmen Sanchez, to move Item #3a from tonight's meeting agenda to the September 1, 2015 City Council meeting to allow more time to resolve some issues with the assistance of the city attorney. Upon a unanimous vote, Mayor Riley announced the motion carried.

DISCUSSION AGENDA

Consideration and possible action on the agreement with the United States Department of Justice, Drug Enforcement Administration to have an Officer assigned to the State and Local Task Force. M&C 2015-08-18-05 (R. Wallace)

Police Chief Randall Wallace presented the item saying in May of 2002, the City of Leon Valley entered into a cooperative agreement between the San Antonio District Office of the Drug Enforcement Administration (DEA) and the City of Leon Valley. This agreement places a Leon Valley Police Officer into the State and Local Task Force of the local DEA office. In the event the City decides to withdraw its participation in the Task Force during the one-year period the agreement is in effect, the agreement contains a "30 day opt out" provision. The Police Officer assigned to the State and Local Task Force is involved in the investigation of both national and international distributors of illegal narcotics. By having this person in the Task Force, Leon Valley is attacking the higher echelons of narcotics distribution organizations, instead of the street level dealers in Leon Valley. By doing this, we are attacking the source of the problem, not a small portion of it. Chief Wallace concluded the presentation saying staff is recommending that the City continue the agreement with the Drug Enforcement Administration keeping our Officer in the State and Local Task Force.

A motion was made by Council Member Benny Martinez and seconded by Council Member David Jordan, to allow the Police Chief to enter into the agreement with the United States Department of Justice, Drug Enforcement Administration as presented. Upon a unanimous vote, Mayor Riley announced the motion carried.

Consideration and possible action on Ordinance No. 15-012, approving an Evers Road Bridge Engineering Study, with Related Budget Adjustment M&C 2015-08-18-06 (M. Moritz)

Public Works Director Melinda Moritz presented the item to consider authorizing the City Manager to sign a contract with IDS Engineering for the purpose of performing an engineering study of the Evers Road bridge crossing at Huebner Creek. The study will be a planning and design effort to establish a crossing that will allow for greater frequency storm event to pass under Evers Road on the creek. This design would be presented to the City Council for approval, and then submitted to the MPO in November for their FY 2017-2020 Surface Transportation Program – Metropolitan Mobility (STP-MM) Call for Projects. The MPO has released their notification for their FY 2017-2020 STP-MM Call for Projects. One of the projects that had been suggested was the redesign of the Evers Road bridge over Huebner Creek. In order to submit the project for consideration, the City must supply a detailed cost estimate for construction, along with the application. Once the design has been completed, the results would be submitted to the City Council for their consideration. If approved, the application could then be submitted to the MPO. If approved by the MPO, the City would be responsible for paying 20% of the construction costs. These costs will not be known until an Opinion of Probable Costs is developed by the engineer. Cost for the preliminary design is \$73,870. This can be taken from the Stormwater Fund balance, which is \$803,937. Public Works Director Moritz and staff is recommending authorization be given to the City Manager to enter into a contract with IDS Engineering to perform an engineering study of the Evers Road bridge Huebner Creek crossing.

Fire Chief Luis Valdez informed Council and guest that the Evers Road bridge has been closed 14 times this year due to flooding.

A motion was made by Council Member Benny Martinez and seconded by Council Member Monica Alcocer, to approve Ordinance No. 15-012 allowing for the budget adjustment as presented. Upon a unanimous vote, Mayor Riley announced the motion carried.

Consideration and possible action authorizing the City Manager to sign a Contract with IDS Engineering to Perform the Evers Road Bridge Study. (M. Moritz)

A motion was made by Council Member David Jordan and seconded by Council Member Monica Alcocer, to authorize the City Manager to enter into a contract with IDS engineering to perform the Evers Road Bridge Study. Upon a unanimous vote, Mayor Riley announced the motion carried.

Consideration and possible action on Ordinance No. 15-013, granting permanent and temporary easements along Huebner Creek, from Bandera Road to the City limits, to SAWS for the Huebner Creek LC-17, Phase III & W-2 Huebner Creek projects. M&C 2015-08-18-07 (M. Moritz)

Public Works Director Melinda Moritz presented the item to consider a request from SAWS to grant several permanent and temporary recycled water main and sewer main easements along Huebner Creek; and to consider a request to purchase a parcel of property, located in the 6500 block of Bandera Road, being Lot 101, CB 5955, and grant permanent easements to

SAWS through that property, along with accepting ownership of Lot 100, CB 5955, in the 6500 block of Bandera Road, recognizing the existing SAWS easement. As a part of their W-2 Huebner Creek sewer and recycled water main replacement project, SAWS is requesting we grant several permanent and temporary easements for replacement and relocation of sewer & recycled water mains. These easements are to be located in Huebner Creek, from the NW Little League, down Poss Rd, and then in the creek bed to the city limits. SAWS is willing to pay the City for the easements in the amount of \$82,274. The proposed easements along Huebner Creek would not hinder future development or flood remediation, as they are to be bored underground and run under the small pavilion on Poss Road, and under the bleachers in Raymond Rimkus Park, then cross under Evers Road to run in the creek bed to the city limits. SAWS would draft an agreement reflecting the fact that there are existing encroachments and that the City would have the right to rebuild these improvements if they were to be destroyed. The document would also state that any future flood remediation of Huebner Creek would be allowed, with coordination between the City, SAWS, San Antonio River Authority, and Bexar County Flood Control. As a part of the Bexar County Flood Control (BCFC) LC-17 Phase III project, SAWS needs an easement in Lot 101 in 6500 block of Bandera Rd., owned by Jester Investments, Inc, located adjacent to an existing SAWS property (see exhibits 2 and 3). The lot fronts Bandera Road on the southwest side of the Bandera Road bridge and is 1.002 acres in size. The property owner has refused to grant an easement to SAWS and has stated that SAWS would have to purchase the entire property. The list price of the property is \$216,053 and the assessed value of the property is \$49,800. SAWS has no use for the property other than the easement, and their staff had mentioned that we might want an easement through that property for the purpose of the Hike & Bike Trail. If SAWS purchases the whole property and then wants to sell it, they will have to request permission from City of San Antonio ("COSA"), and if COSA has no use for the property, then SAWS would be required to offer it for sale to the general public in a sealed bid process, which can take upwards of 6 months or longer. The BCFC LC-17 Phase III project is scheduled to start in the fall of this year. SAWS is offering to let the City purchase the property, using funds that would have been paid for the Huebner Creek easements, increasing the payment for savings in time and potential litigation costs, then both parties would pay the difference. In addition to this property, SAWS would also deed their existing Lot 100 property to the City (0.293 acres), which would bring the total acreage to 1.295 acres. The City's plan was to obtain easements for the proposed Hike & Bike Trail through both of these lots, in order to bring the trail out from under the Bandera Road bridge at an acceptable ADA slope; however the property owner of Lot 101 refused to grant an easement. The engineer for the Hike & Bike Trail project had put this segment of trail on hold, until BCFC finalized their plans, to determine the second best alternative for trail placement. At the time, the County had not determined where a proposed drop structure would be placed. With the receipt of the BCFC's 95% plans, it has been determined that the City could consider placing the trail between the proposed drop structure and the parcel edge, then re-grade a portion of the County's channel. There is an 11' gap between the parcel and the drop structure. The proposed trail is 10' wide and would fit, but the engineer feels this option is a huge risk, as there's very little room to accommodate any trail alignment/grading as needed around the drop structure. Additionally, the lines (drop structure, excavation limits) are not the actual construction as-built plans and as such, they don't have total confidence that those limits would stay the same after construction. The engineer is of the opinion that purchasing the property is the safer option. This would allow the trail to stay out of the graded channel

area, and also allows maneuverability/flexibility for the trail alignment, while adhering to TxDOT criteria. Both properties are located within the floodplain, will remain in the floodplain even after the BCFC LC-17 Phase III project, and are not suitable for development.

Staff is recommending the following options: 1. To grant permanent and temporary easements along Huebner Creek, from Bandera Road to the city limits, to SAWS for the Huebner Creek LC-17, Phase III & W-2 Huebner Creek projects; 2. If the City intends to eventually construct a Hike and Bike Trail through this portion of Huebner Creek, then agree to the purchase terms of Lot 101, accept ownership of Lot 100, in the 6500 block of Bandera Road, in exchange for granting easements on both of those lots, and fund this purchase with proceeds from the Stormwater Fund Balance, with attached budget adjustment ordinance; or 3. Wait until SAWS acquires the property and then request easements from them.

This presentation was followed by discussion.

A motion was made by Council Member David Edwards to table the item or postpone the item. There being no second to the motion, the motion died.

A motion was made by Council Member Monica Alcocer to grant SAWS the easement and take Option 3 and wait until SAWS condemns the easement or present options on purchasing the property. There being no second to the motion, the motion died.

A motion was made by Council Member Carmen Sanchez and seconded by Council Member David Jordan, to go into Executive Session to consider Ordinance No. 15-013, granting permanent and temporary easements along Huebner Creek, from Bandera Road to the City limits, to SAWS for the Huebner Creek LC-17, Phase III & W-2 Huebner Creek projects under Texas LGC § 551.072 *Real Estate*. Upon a unanimous vote, Mayor Riley announced the motion carried.

Consideration and possible action on a sign variance request by Debbie Stellar, owner of Starlite Signs on behalf of Hobby Lobby at 7058 Bandera Road. M&C 2015-08-18-08 (E. Carol)

Community Development Director Elizabeth Carol presented the item to consider a sign variance which would allow the owner of Hobby Lobby to update their sign as part of a remodeling project to enhance the storefront facing Bandera Road. The store was originally built in 1996. Chapter 3.04.011(b) of the Leon Valley Code of Ordinances states that wall signs for each occupant may not exceed 25% of the total square footage of the exterior wall, not to exceed 200 square feet per occupant. The applicant was denied their permit. As part of their variance request, the applicant noted that their proposed sign will be 437 square feet out of 9223.5 square feet of storefront. This represents 4.7% of the overall wall area, which is less than the 25% requirement, but greater than the allowable amount of 200 square feet. The applicant went on to note that they are located more than 300' from the public right of way, which reduces the readability of their sign from Bandera Road. In addition, the proposed request will reduce their existing sign area by 30%. Community Development Director Carol added that staff recommends that the applicant be granted a variance due to the proposed reduction in sign area. Variances are at the discretion of the City Council, and Staff has noted

several alternatives: 1) Grant a variance; 2) Approve an alternative size for the sign; or 3) Deny the sign variance.

The presentation was followed by a brief discussion which included comments from Vanessa of Southwest Texas Sign Service and property manager Bob Robley.

A motion was made by Council Member Benny Martinez and seconded by Council Member David Jordan, to grant the sign variance request by Debbie Stellar, owner of Starlite Signs on behalf of Hobby Lobby at 7058 Bandera Road. Upon a unanimous vote, Mayor Riley announced the motion carried.

Consideration and action on a sign variance request by Enrique L. Perales, owner of Fruit Mix, at 7007 Bandera Road, Suite 14. M&C 2015-08-18-09 (E. Carol)

Community Development Director Elizabeth Carol presented this item to consider a sign variance(s) which would allow the owner of Fruit Mix to utilize an "arrow-dancer" and wind-waver flag signs to advertise their new business. Chapter 3.04.014 of the Leon Valley Code of Ordinances identifies signs that are prohibited in Leon Valley, and "wind-waver flags" has been identified as a type of sign that is not allowed. In addition, Chapter 14, Appendix C(G)(2)(j) the Sustainability Overlay District also prohibits all animated, moving or similar signs. The applicant recently submitted a request for a sign permit, and was denied. They recently opened their business in Leon Valley, at the Cedar Creek Plaza. The applicant has indicated that they lack visibility because their establishment is located behind Churches Fried Chicken, and he anticipates that the sign will increase his business by 18 to 20%. They have already made an investment of \$120,000 in our community. They are requesting a six to twelve month temporary variance to allow the "arrow-dancer" and wind-waiver flags. Evidence documenting an increase in business activity should be required with any future variance request. Community Development Director Carol added that staff recommends that the applicant be granted a six month temporary sign variance to allow the prohibited sign, due to the lack of visibility and require documentation demonstrating an increase in business activity for future request. Variances are at the discretion of the City Council, and Staff has noted several alternatives: 1) Grant a temporary variance, not to exceed 12 month; 2) Grant a temporary variance, for a different length of time; or 3) Deny the sign variance.

A motion was made by Council Member Carmen Sanchez and seconded by Council Member David Jordan, to grant the sign variance request by Enrique L. Perales, owner of Fruit Mix, at 7007 Bandera Road, Suite 14 for a period of six (6) months. Upon a unanimous vote, Mayor Riley announced the motion carried.

The Council added that after the six month period Mr. Perales could come back if needed for another variance and show Council that the signs did increase sales.

City Manager's Report:

- a) **Nomination Phase of selection process for election of Bexar Appraisal District Board of Directors for 2016-2017**
- b) **Budget Award**
- c) **Department Reports**
- d) **Approved Minutes from Boards, Commissions and Committees**

e) Future Agenda Items:

- Consideration of a proposed budget adjustment for the Municipal Bond Program.
- Consideration of a contract for the purpose of designing and engineering a new well; and related services for the 2015 Water Well Project.
- ~~Special Joint City Council and Historical Society Meeting to discuss establishing a Public Private Partnership between the two entities – August 29th~~

f) Upcoming Important Events:

- Texas Municipal Clerks Association Legislative Update – San Marcos, August 20th-21st
- Texas Municipal League Region 7 Meeting – Balcones Heights, August 28th
- Texas Municipal League's 103rd Annual Conference – San Antonio, September 22nd-25th
- City Offices and Municipal Court closure Monday, September 7, 2015 in observance of Labor Day.

Interim City Manager Hank Brummett reminded the Council that the Bexar Appraisal District is looking for nominees to serve on their board. Mr. Brummett asked that nominations be sent in right away if interested; the City has received the GFOAT budget award for the 16th year in a row; and Stage II Water Restrictions are now in effect. Mr. Brummett asked Fire Chief Luis Valdez to step forward to give an update on the presentation made to the San Antonio Development Task Force.

Citizens to be Heard.

- Olen Yarnell, 7230 Sulky Lane, spoke about the timing of the traffic light at Reindeer Trail and Bandera Road as well as the need for lighting in the parking lot at the Conference Center.
- Vicky Jamvold, 7203 Poss Road, asked for help in resolving matters with her neighbor.

Announcements by the Mayor and Council Members.

Council Member David Edwards said it was “good to be back” from his recent vacation.

Council Member Monica Alcocer told everyone how educational her recent training by TML in Round Rock was.

Council Member Benny Martinez announced that the next Chamber of Commerce meeting would be held at Outback Steakhouse on August 19th at 11:30 a.m.

Council Member David Jordan also spoke about the TML training in Round Rock.

Mayor Riley told everyone that the Phase II portion of the San Antonio Aquarium would be opening soon; reminded everyone of the upcoming Fall Clean-up which begins August 31st through September 4th; and asked for volunteers to serve on the various committees.

The City Council shall meet in Executive Session at the Kinman House located at 6417 Evers Road, Leon Valley, Texas, under Texas Tax Code §321.3022(i) to receive confidential information from the Texas Comptroller's Office to the Mayor and City Council. M&C 2015-08-18-10 (C. Mora)

Mayor Riley announced that the Leon Valley City Council would convene into Executive Session Pursuant to Texas, under Texas Tax Code §321.3022(i) to receive confidential information from the Texas Comptroller's Office to the Mayor and City Council; and under Texas LGC § 551.072 *Real Estate* to discuss granting permanent and temporary easements along Huebner Creek, from Bandera Road to the City limits, to SAWS for the Huebner Creek LC-17, Phase III & W-2 Huebner Creek projects or options of purchasing the property.

The Council went into Executive Session at 9:18 p.m.

The City Council shall reconvene into Regular Session at the Leon Valley Conference Center located at 6421 Evers Road, Leon Valley, Texas and take action on issues discussed in Executive Session if necessary. M&C 2015-08-18-11 (C. Mora)

The City Council reconvened into Open Session at 10:35 p.m.

A motion was made by Council Member Monica Alcocer and seconded by Council Member Benny Martinez, to grant permanent and temporary easements along Huebner Creek, from Bandera Road to the City limits, to SAWS for the Huebner Creek LC-17, Phase III & W-2 Huebner Creek projects for \$82,274. Upon a unanimous vote, Mayor Riley announced the motion carried.

Consideration and approval of a budget adjustment to the Economic Development Department Fiscal Year 2014-2015

Economic Development Director Claudia Mora presented this item for City Council consideration of an ordinance amending to the Economic Development Department Fiscal Year 2014-2015 budget. The Economic Development Department seeks City Council approval to add \$43,200.00.

A motion was made by Council Member Benny Martinez and seconded by Council Member David Jordan, to approve of a budget adjustment to the Economic Development Department Fiscal Year 2014-2015 in the amount of \$43,200. Upon a unanimous vote, Mayor Riley announced the motion carried

Adjournment.

Mayor Riley announced the meeting adjourned at 10:41 p.m.

These minutes approved by the Leon Valley City Council on the 15th of September, 2015.

APPROVED



**CHRIS RILEY
MAYOR**

ATTEST: 
**SAUNDRA PASSAILAIGUE, TRMC
CITY SECRETARY**

