



**CITY OF LEON VALLEY
CITY COUNCIL SPECIAL, JOINT AND REGULAR MEETING**
Leon Valley Conference Center
6421 Evers Road, Leon Valley, Texas 78238
Tuesday, September 15, 2015

MINUTES

The City Council of the City of Leon Valley, Texas met on the 15th day of September, 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 Regular City Council Meeting to order at 5:36 p.m.

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

Also in attendance were:

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

The City Council shall meet in Executive Session under Texas Government Code §551.074 *Personnel Matters* to negotiate a contract for the position of city manager. M&C #2015-09-15-01 (C. Caldera)

Mayor Riley read the item caption aloud and then the City Council went into Executive Session at 5:37 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 6:07 p.m. No action was taken.

Adjournment.

Mayor Riley announced the meeting adjourned at 6:07 p.m.

SPECIAL JOINT CITY COUNCIL AND CITY OF LEON VALLEY ECONOMIC DEVELOPMENT JOINT MEETING

Mayor Riley called the Special Joint City Council and CoLVEDC Meeting to order at 6:07 p.m.

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

Leon Valley Economic Development Corporation Members present were Board Chairman Stephen Ynostrosa, and Board Members – Mike McCarley, Rudy Garcia, David Gannon, and Patty Manea.

A) Discussion and possible action on the appointment of Council Members to the City of Leon Valley Economic Development Corporation (LVEDC) to include discussion of the parameters for conflicts of interest under State law. M&C #2015-09-15-02 (C. Mora and City Attorney Patrick Bernal)

The purpose of this item is to support a joint meeting of the City Council and the LVEDC Board of Directors. Items of discussion will include the possible action on the appointment of Council Members to the LVEDC.

In addition, an update, timeline and mediation of the lawsuit and appeal in *Larry Little vs. City of Leon Valley Economic Development Corporation*, and related items impacted will be provided.

CoLVEDC Board Chairman Stephen Ynostrosa began the discussion along with other Board Members who expressed their concerns with City Council members serving as members of the CoLVEDC Board.

City Attorney Patrick Bernal informed all in attendance that from a legal standpoint there is no problem with members of City Council serving as CoLVEDC Board members and that there is no conflict of interest in doing so.

There was a lengthy discussion between City of Leon Valley members of City Council and the Economic Development Corporation regarding the CoLVEDC Bylaws, Article of Incorporation and having City Council members serve on the Board.

A motion was made by Council Member Benny Martinez to suspend this item for thirty (30) days and come back at a later meeting for discussion and action. The motion died for lack of a second.

B) Update on timeline of lawsuit.

City Attorney Patrick Bernal gave an update on the Larry Little lawsuit.

A motion was made by Council Member David Jordan and seconded by Council Member Benny Martinez, to appoint one (1) member of City Council to the City of Leon Valley Economic Development Corporation for a one (1) year term. Upon a vote of three (3) for and two (2) against, with Council Member Monica Alcocer and David Edwards casting the negative votes, Mayor Riley announced the motion carried.

A motion was made by Council Member Benny Martinez to appoint Council Member Monica Alcocer to the City of Leon Valley Economic Development Corporation.

Interim City Manager Hank Brummett reminded Council that an item for appointment is in the Regular City Council Agenda. Council Member Benny Martinez withdrew his motion.

Adjournment.

Mayor Riley announced the meeting adjourned at 7:14 p.m. and that there would be a five (5) minute recess before calling the Regular City Council Meeting to order.

REGULAR CITY COUNCIL MEETING

Mayor Riley called the Regular City Council Meeting to order at 7:25 p.m. and asked that Boy Scout Troop 228 of NW Hills United Methodist Church led the Pledge of Allegiance.

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

Also in attendance were:

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

Mayor Riley asked if any of the Council Members wished to pull Items 11, 12, 13, or 14 from the Consent Agenda for discussion.

Council Member Benny Martinez requested that Item #12 be pulled; and Council Member David Edwards requested that Item #13 be pulled. Mayor Riley moved to citizens to be heard.

Citizens to Be Heard

- Gail Tribble, 6003 Forest Bend, spoke about the Leon Valley Chamber of Commerce Ribbon Cutting and Grand Opening to be held on September 16, 2015 at 10:30 a.m. at 6233 Evers Road. Ms. Tribble also discussed the changes to the Chamber's logo.
- Walter Geraghty, 7315 Ellerby Point, September 18th is National POW Day and visit by National Commander Dale Barnett to Leon Valley.

Proclamation declaring October as Diaper Need Awareness Month in the City of Leon Valley, Texas.

Mayor Riley presented a proclamation to Emilio of the Diaper Bank declaring October as Diaper Need Awareness Month in the City of Leon Valley.

Council Member Monica Alcocer requested that Mayor Riley move up Item #15 to be discussed at this time. Mayor Riley obliged.

Consideration and possible action to hire a new city manager.

A motion was made by Council Member Benny Martinez seconded by Council Member Monica Alcocer, accept the Employment Agreement that Mayor Chris Riley and Council Member Carmen Sanchez worked on, to Kelly Kuenstler hiring her as our new city manager; effective September 21, 2015. Upon a unanimous vote, Mayor Riley announced the motion carried.

Mayor Riley thanked Interim City Manager Hank Brummett and Assistant City Manager/HR Director Crystal Caldera, former Mayors Irene Baldrige and Marcus Semmelmann for all their hard work in interviewing all forty (40) applicants. Mayor Riley then introduced Ms. Kelly Kuenstler.

CONSENT AGENDA

Approval of City Council Minutes. (S. Passailaigue)

- a) **August 18, 2015 Special City Council Meeting**
- b) **August 18, 2015 Regular City Council Meeting**
- c) **August 29, 2015 Special City Council Work Session**
- d) **August 31, 2015 Special City Council Meeting**

Consideration and possible action to approval of a budget adjustment and related ordinance in the amount of \$7,500 for the Community Development Department to provide additional funds due to increased production of the Lion's Roar and permitting activity. M&C #2015-09-15-05 (E. Carol)

A motion was made by Council Member Monica Alcocer and seconded by Council Member David Jordan, to approve Consent Agenda Items #11(August 18th, August 29th and August 31st City Council Minutes) as presented, and Item #14 (Ordinance No.15-018). Upon a unanimous vote, Mayor Riley announced the motion carried.

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 Senator José Menendez for a Move San Antonio Forward Meeting. M&C #2015-09-15-03 (E. Carol)

A motion was made by Council Member Benny Martinez and seconded by Council Member David Jordan, to extend the use of the Leon Valley Community Center to Senator José

Menendez on October 08, 2015 at no charge as requested. Upon a unanimous vote, Mayor Riley announced the motion carried.

Consideration and possible action of Resolution No. 15-031R appointing members to boards, commissions, and committees. M&C #2015-09-15-04 (S. Passailaigue)

Council Member Benny Martinez withdrew his consideration on serving on the City of Leon Valley Economic Development Corporation Board.

A motion was made by Council Member David Jordan and seconded by Council Member Carmen Sanchez, to appoint one (1) member of City Council for a one (1) year to the City of Leon Valley Economic Development Corporation (CoLVEDC) Board until City Council feels that the City Council and CoLVEDC can work efficiently together. 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 Jean Johnson to the Beatification Committee. Upon a unanimous vote, Mayor Riley announced the motion carried.

DISCUSSION AGENDA

Conduct a Public Hearing and consider action on the attached Ordinance approving and adopting Fiscal Year 2015-2016 Budgets and associated Capital Acquisition Plans. M&C #2015-09-15-06 (H. Brummett)

Interim City Manager Hank Brummett presented the Proposed Fiscal Year 2016 Budgets and associated Capital Acquisition Plans for the City of Leon Valley, Texas.

Mayor Riley opened the Public Hearing at 8:57 p.m. There being no public comment, Mayor Riley closed the Public Meeting at 8:58 p.m.

A motion was made by Council Member Monica Alcocer and seconded by Council Member Carmen Sanchez, to approve Ordinance No. 15-019 as presented. Upon a unanimous vote, Mayor Riley announced the motion carried.

Consideration and possible action to ratify the General Fund Fiscal Year 2016 Budget that will raise more total property taxes than last year's budget by \$366,325 or 11.2041% and of that amount \$15,699 is tax revenue to be raised from new property added to the roll this year. M&C #2015-09-15-07 (V. Wallace)

A motion was made by Council Member Monica Alcocer and seconded by Council Member David Jordan, to approve Ordinance No. 15-020 to ratify the General Fund Fiscal Year 2016 Budget.

Mayor Riley requested a call vote to which the City Council replied: Council Member Edwards – Aye; Council Member Sanchez – Aye; Council Member Alcocer – Aye; Council Member

Martinez – Aye; and Council Member Jordan – Aye. Upon a unanimous vote, Mayor Riley announced the motion carried.

Consideration and possible action on Ordinance No. 15-021 setting the 2015 Tax Rate for the Maintenance and Operations Fund at \$0.471173 and the Interest and Sinking Fund at \$0.090442 for a total Tax Rate of \$0.561615, which is 6.641451 percent higher than the Effective Tax Rate of \$0.526647. M&C #2015-09-15-08 (V. Wallace)

Finance Director Vickie Wallace presented this item saying that the Council must adopt the new fiscal year budget for the General Fund and set the tax rate to support the approved budget. The Ordinance sets the Tax Rate for the Fiscal Year 2016 Budgets for the Maintenance and Operations Fund and the Interest and Sinking Fund. The following tax rate is required to support the General Fund Fiscal Year 2016 Budget for Maintenance and Operations and the Interest and Sinking Fund: Maintenance and Operations \$0.471173, Interest and Sinking \$0.090442 for a total of \$0.561615.

Council Member Benny Martinez moved that the Property Tax Rate be increased by the adoption of a Tax Rate of \$0.561615, which is effectively a 6.641451 percent increase in the Tax Rate. The Maintenance and Operations Tax Rate portion being \$0.471173 and the Interest and Sinking Tax Rate portion being \$0.090442 for a total Tax Rate of \$0.561615. Council Member Carmen Sanchez seconded the motion.

Mayor Riley requested a call vote to which the City Council replied: Council Member Edwards – Aye; Council Member Sanchez – Aye; Council Member Alcocer – Aye; Council Member Martinez – Aye; and Council Member Jordan – Aye. Upon a unanimous vote, Mayor Riley announced the motion carried.

Consideration and possible action regarding the adoption of the City of Leon Valley Economic Development Corporation (LVEDC) Proposed Fiscal Year 2015-2016 Budget. M&C #2015-09-15-09 (C. Mora and Stephen Ynostrosa, LVEDC Board President)

A motion was made by Council Member Carmen Sanchez and seconded by Council Member Monica Alcocer, to table this item to September 29, 2015 after some expectations have been developed. Upon a unanimous vote, Mayor Riley announced the motion carried.

Stephen Ynostrosa, CoLVEDC Board President informed the Council that their next meeting would be held on September 23rd and asked that these expectations be forwarded to him prior to the meeting for the members to discuss.

Council Member Monica Alcocer said that there are many discrepancies in the minutes as well as the expenditures and that she would like those corrected.

City Manager Kelly Kuentler offered to create some measurable objectives with the CoLVEDC to get these corrections made.

Conduct a public hearing to consider Specific Use Permit #2015-893, to allow operation of a “coffee shop,” generally located at 7050 Bandera Road, in a B-2 (Retail) zoning district within the Sustainability Overlay District. M&C #2015-09-15-10 (E. Carol)

Community Development Director Elizabeth Carol presented the item in response to Specific Use Permit #2015-893 by Fertitta Reality Inc., to operate a “coffee shop” at the above noted location within a B-2 (Retail) zoning district in the Sustainability Overlay District.

Zoning Commission Chairman Olen Yarnell spoke on behalf of the Zoning Commission who is recommending approval of the request.

Mayor Riley opened the Public Hearing at 9:25 p.m.

- Maria Gamboa, 6815 Forest Meadow, voiced her concerns with a drive thru and parking in general.

There being no further comments from the public, Mayor Riley closed the Public Hearing at 9:26 p.m.

A motion was made by Council Member Monica Alcocer and seconded by Council Member David Jordan, to approve Specific Use Permit #2015-893 as requested by Fertitta Reality Inc., to allow operation of a “coffee shop,” generally located at 7050 Bandera Road, in a B-2 (Retail) zoning district within the Sustainability Overlay District; with the addition of the second handicapped parking place as requested of the Zoning Commission. Upon a unanimous vote, Mayor Riley announced the motion carried.

Zoning Commission Chairman Yarnell asked the Council to give the Zoning Commission guidance on how to proceed on improvements to bus pads. Interim City Manager Hank Brummett said staff would find out what needed to be done through TxDOT.

Conduct a public hearing to consider a preliminary Replat #2015-950, to replat Lot 5, 6 and 7, Block 1 CB 4446B out of the Bandera Heights Subdivision generally located at 7050 Bandera Road, and within the Sustainability Overlay District. M&C #2015-09-15-11 (E. Carol)

Community Development Director Elizabeth Carol presented the item in response to a request by Fertitta Reality Inc., on behalf of Starbucks to replat and shift the property lines between lots 5, 6, and 7, Block 1 CB 4446B. The replat is designed to support the development of a “coffee shop” at 7050 Bandera Road. As a courtesy, fifteen notices were mailed to adjacent property owners advising them of the proposed replat.

Mayor Riley opened the Public Hearing at 9:36 p.m.

There being no comments from the public, Mayor Riley closed the Public Hearing at 9:36 p.m.

A motion was made by Council Member Monica Alcocer and seconded by Council Member David Jordan, to grant preliminary approval of Replat #2015-950, to replat Lot 5, 6 and 7, Block 1 CB 4446B out of the Bandera Heights Subdivision generally located at 7050 Bandera

Road, and within the Sustainability Overlay District. Upon a unanimous vote, Mayor Riley announced the motion carried.

Consideration and possible action re-scheduling upcoming Council events. M&C #2015-09-15-12 (S. Passailaigue)

City Secretary Sandra Passailaigue presented City Council with the dates of upcoming Regular City Council meeting dates in an effort for consideration of any changes they would like to make due to upcoming holidays. It was pointed out to the Council that National Night Out is scheduled the same night as a Regular City Council meeting which is October 6th. This is presented in order to give the public advance notice of any date or time changes if the Council chooses to make any such changes.

A motion was made by Council Member Monica Alcocer and seconded by Council Member Benny Martinez, to reschedule the October 6, 2015 Regular Meeting to a Special City Council Meeting to be held on October 5, 2015 at 7:00 p.m.; and cancel the January 5, 2016 Regular City Council Meeting; and keep all of the others as planned. Upon a unanimous vote, Mayor Riley announced the motion carried.

City Manager's Report:

- a) Department Reports
- b) Approved Minutes from Boards, Commissions and Committees
- c) Upcoming Important Events:
 - Texas Municipal League's 103rd Annual Conference – San Antonio, September 22nd-25th
 - National Night Out, October 6th

Police Chief Randall Wallace informed everyone that Stand for Law Enforcement was an event that occurred on September 4th in honor of Deputy Goforth of Houston. Chief Wallace thanked the City Council and Fire Department for their support.

Fire Chief Luis Valdez updated every one of the September 11th Tower Climb and thanked Mr. Craig Ferrell of 6300 Stirrup Lane for cooking breakfast for both the Fire and Police Departments.

Citizens to be Heard.

None

Announcements by the Mayor and Council Members.

Council Member Carmen Sanchez attended the Patriot's Day Event with the American Legion and reminded everyone of how lucky we are to live in a safe country.

Council Member Monica Alcocer thanked City Manager Kelly Kuentler for choosing the City of Leon Valley.

Council Member Benny Martinez reminded everyone of the Ribbon Cutting and Grand Opening Ceremony of the Leon Valley Chamber of Commerce to be held on September 16, 2015 at 10:30 a.m. at 6233 Evers Road.

Council Member David Jordan thanked the staff and the City Council for all their hard work on putting together a good budget for Fiscal Year 2016.

Adjournment.

Mayor Riley announced the meeting adjourned at 10:06 p.m.

These minutes approved by the Leon Valley City Council on the 17th of November, 2015.

APPROVED



**CHRIS RILEY
MAYOR**

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

