

**NOTICE OF PUBLIC MEETING
LEON VALLEY CITY COUNCIL
MONDAY, JANUARY 13, 2014**

REGULAR MEETING OF THE CITY COUNCIL-7:00 P.M.

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

MINUTES

At 7:00 P.M. Mayor Riley called the meeting to order, determined a quorum of Council was in attendance, and led the Pledge of Allegiance.

COUNCIL PRESENT: Ricardo Ruiz, Art Reyna, Abraham Diaz, Jack Dean, Paul Biever

STAFF PRESENT: Manuel Longoria, City Manager; Crystal Caldera, HR Director; Leticia Callanen, Interim City Secretary; Kristie Flores, Community Development Director; Claudia Mora, Economic Development Director; Melinda Moritz, Public Works Director; Luis Valdez, Fire Chief; Randall Wallace, Police Chief; Vickie Wallace, Finance Director; Charlie Zech, City Attorney.

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***Item 1* Citizens to Be Heard and Time for Objections to the Consent Agenda**

Mr. Al Uvietta, 6923 Sunlight Drive, read a letter into the record regarding the Mayor's Op-ed piece in the Northwest weekly.

Ms. Liz Maloy, 7411 Chenal Pt., spoke to the limitation to of public input. Spoke to the role of Board of Adjustment to approve variances. M&C quorum issues, notice issues, topic.

Ms. Kathy Hill, 6323 Mary Jameson, spoke to her concern with limiting public participation at business meetings.

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CONSENT AGENDA

Councilman Biever made a motion to approve the Consent Agenda. Councilman Dean seconded the motion. The Motion passed by consensus vote.

3. Approval of the December 9, 2013 and December 16, 2013 Regular & Special City Council Meeting Minutes, and Minutes from the December 14, 2013 Coffee with Mayor and Council. (Callanen)
4. An ordinance designating the Commercial Recorder, the San Antonio Express News, and The Echo as the Official Newspapers to publish required legal notices for the City of Leon Valley for FY 2014, pursuant to Local Government Code section 52.04. (Callanen)

AN ORDINANCE 2014-01-13-01

AN ORDINANCE AMENDING CHAPTER 1, ARTICLE 1.02, SECTION 1.02.001 "OFFICIAL NEWSPAPERS" OF THE LEON VALLEY CODE OF ORDINANCES TO DESIGNATE THE SAN ANTONIO EXPRESS NEWS, THE DAILY COMMERCIAL RECORDER, AND THE ECHO AS "OFFICIAL NEWSPAPERS" OF THE CITY OF LEON VALLEY; PROVIDING A CUMULATIVE CLAUSE AND AN EFFECTIVE DATE.

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REGULAR AGENDA

Item 5 Report by Mr. Jess Swaim, P.E., VP of IDS Engineering Group, on the public input meeting held January 9, 2014, for the Proposed Huebner Creek Hike and Bike Trail, and any appropriate action arising out of citizen input. (Moritz)

Ms. Melinda Moritz, Director of Public Works, provided a PowerPoint presentation as an overview of the discussions held at the public meeting on January 9th. (A copy of the PowerPoint presentation is made part of the official documents for this meeting.) The presentation summarized citizen comments that were received on the comment cards handed out at the meeting, including five (5) additional emailed comments. Mr. Jess W.

Swaim, P.E., briefly thanked the Mayor and Council for the opportunity to conduct the public forum.

There being no citizens signed up to speak to this item, Mayor Riley opened the floor to Council comments.

Mayor Riley referred to previous comments regarding the timing of funding by the MPO and asked Mr. Longoria to sit down and discuss the funding options before the next city council meeting.

In response, Mr. Longoria stated that he would coordinate with all Councilmembers. Mr. Longoria further stated that there is a certain expectation that once a grant is received, you must follow up accordingly, so as not to jeopardize future grant funding opportunities.

Discussion ensued related to the timing and delays associated with Bexar County's LC 17 Project; the opposition by residents on El Verde to that portion of the City's plan; and the next steps to move forward with the Huebner Creek Hike and Bike Trail planning efforts.

Mr. Longoria explained staff's recommendation to have the consultants complete the trail analysis of Option 1 and 3, develop the cost of construction, and come back to City Council for approval of a final trail route on February 10th.

Councilman Dean made a motion to direct staff to proceed as staff recommended, to include a meeting with stakeholders and all interested parties as per Mayor's request, and to include parking concerns, and to include a path toward the Onion House. Councilman Bieber seconded the motion. The motion passed by consensus vote.

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Item 6 An ordinance adopting revisions to the Boards and Commissions Appointment Process and Procedure Policy. (Callanen)

Ms. Leticia Callanen, Interim City Secretary, presented a PowerPoint presentation highlighting the areas of the proposed policy that have been modified as a result of City Council input at the meeting held on December 9th.

At this time, Mayor Riley obliged citizen comments.

Mr. Hodde, 5813 El Verde, spoke in opposition to the application and to the interview process.

Mr. Olen Yarnell, 7230 Sulky Lane expressed his opinions with regard to the description of tiers as well as his concerns with attendance requirements.

Mr. Mike Adams, 6031 Walking Gate, spoke in opposition of Item 6 regarding volunteers.

Ms. Liz Maloy, 7411 Chenel Pt., expressed her opposition to the policy.

Ms. Kim Crawford, 7007 Forest Mont, spoke to the application process being simpler for Ad Hoc committees and spoke in support of the application process for Tier I, including background checks.

Mr. Al Uvietta, 6923 Sunlight Drive, spoke in favor of the application process and background checks.

Council discussion ensued regarding the process and its applicability to Zoning Commission, LVEDC, and the application itself being modified.

Mayor Riley suggested that the deadline for submission should be modified to receive electronic submissions through midnight.

Mr. Hubert Lange, 6018 Forest Bend, spoke to his experience of serving as a board member, and voiced his concerns with the current selection process, and expressed the need to raise volunteer participation based on knowledge over politics.

Council discussion ensued related requirements for Tier I applicants versus Tiers II and III.

Ms. Kathy Hill, 6326 Mary Jamison Street, discussed the need for consideration of those who work during the day and may need to send in their applications after hours.

Ms. Irene Baldrige, 6368 Parsley Hill, stated that a background check isn't required to run for City Council.

Councilman Reyna made a motion to approve with the change that we remove the any residency requirements, and evaluate in six months. Councilman Dean seconded the motion. The Motion passed by consensus vote. Vote: aye: All. Consensus.

Councilman Dean spoke to residency requirements and business owners or managers being included. City Attorney Zech explained that residency and other requirements will be driven by what's already on the books for those particular Boards and this wouldn't be applicable.

AN ORDINANCE 2014-01-13-02

AN ORDINANCE AMENDING THE CITY'S CODE OF ORDINANCES BY ADOPTING A POLICY FOR THE APPOINTMENT OF CITY BOARDS AND COMMISSIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A SAVINGS CLAUSE AND EFFECTIVE DATE.

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Item 7 Public Hearing and possible action on an Amendment to the City Zoning regulations moving Section 14.02.501, "Landscaping," Subsection (j), "Tree Preservation", from the zoning regulations to a new Chapter 15 titled "Tree Preservation." (Flores)

Ms. Kristie Flores, Director of Community Development, presented an overview of the proposed action.

Ms. Wendy Phelps, Zoning Commission, discussed the Zoning Commission's actions last week, where they decided to approve the zoning amendment, creating a new chapter, vote was 5 in favor and two opposed.

Ms. Flores discussed other city practices in Balcones Heights which has "article 7" with their landscaping regulations; City of New Braunfels has a vegetation ordinance; and Castle Hills has a similar regulation. Ms. Flores stated that the meeting was held properly, in accordance with the zoning code, and all established protocols were followed.

Mayor Riley called the Public Hearing to order at 8:40 p.m.

There being no citizens appearing to speak, Mayor Riley closed the Public Hearing at 8:41 p.m.

Councilman Reyna made a motion to approve the amendment. Councilman Dean seconded the motion. The motion was approved by consensus vote.

AN ORDINANCE 2014-01-13-03

REMOVING THE CITY'S TREE PRESERVATION REGULATIONS FROM THE CITY'S ZONING REGULATIONS AND CREATING CHAPTER 15, "TREE PRESERVATION; PROVIDING FOR A CUMLUATIVE CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

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Item 8 An ordinance amending the City Code of Ordinances Chapter 15 Tree Preservation to provide a variance process for political subdivisions of the state to serve a public purpose. (Longoria)

City Manager Longoria presented an overview of the proposed action as a companion piece to adopt a variance process, for political subdivisions. Mr. Longoria explained that the impetus for this item was a meeting held with Bexar County staff to discuss the tree preservation ordinance and learned that they wanted a less onerous process. The proposed procedure for variances flows to the Tree Advisory Board with the City Council being the final authority. The tree preservation ordinance would remain intact; however, the only change would be for the handling of variance procedure for political subdivisions, such as Bexar County. The City Manager would serve as the reviewer of appeals and would confer with the City Council with projects of this nature.

In response to questions raised by the Mayor, Mr. Zech provided clarification of the variance and appeal process.

Councilman Dean stated his understanding that if Council does not agree with the City Manager, then he would be held accountable. He further stated that he has full confidence in his ability and integrity, and understands the Manager will not make a decision without conferring with City Council.

Councilman Biever spoke to perception as a potential problem area, and discussed his time serving on the Zoning Commission, where it was ultimately the City Council who would make any final decisions. He also spoke in favor of the item in order to get projects done with the County.

Mr. Zech discussed the removal of the tree preservation from the existing chapter in the Code are not related to the hike and bike trail project. Mr. Zech offered his opinion that the tree preservation Ordinance has a better chance of being challenged if it were left under the

Zoning Chapter. Mr. Zech discussed the item from a legal perspective, from which he drafted the ordinance to address concerns in a narrow fashion, to clearly state that it would apply with political subdivisions.

Mr. Mike Davis explained that he raised the issue about it being a properly called meeting and discussed these concerns with the item.

Mr. Olen Yarnell, 7230 Sulky Lane, read from the draft ordinance related to the provision concerning the City Manager's authority.

Ms. Liz Maloy, 7411 Chenal Pt., spoke to her concern that this isn't being handled by the Board of Adjustment.

Mr. Zech provided a brief explanation of provisions under Chapter 211 under the Texas Government Code related to zoning regulations, which provides authority to board of adjustments to hear only those related to Zoning issues, to which, Tree Preservation is not a listed purpose under zoning. Mr. Zech stated that the City could better defend the tree preservation ordinance outside of the zoning chapter.

Ms. Liz Maloy, 7411 Chenal Pt., raised a question about how to appeal a decision from the City Manager.

Mr. Esquivel spoke to his experience of working within government and following legal counsel advice.

Councilman Biever made a motion to approve the item. Councilman Reyna seconded the motion. The Motion passed by unanimous vote.

AN ORDINANCE 2014-01-13-04

AMENDING CHAPTER 15 OF THE CITY'S CODE OF ORDINANCE PROVIDING FOR ALTERNATIVE VARIANCE PROVISIONS FOR PUBLIC ENTITIES; PROVIDING FOR A CUMLUATIVE CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

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Item 9 Discussion regarding the Open Meetings Act application to the monthly Coffee with the Mayor and Council and possible direction to the City Attorney for a legal opinion, as requested by Mayor Chris Riley

At this time, the Council moved to executive session for consultation regarding policy issues with the City Attorney, as authorized by the Texas Government Code, Sections 551.071 (consultation with attorney).

The Council meeting reconvened at 10:00 p.m., at which time the Mayor advised that no action was taken during the Executive Session.

Councilman Reyna made a motion to direct the City Attorney to prepare a proposed policy and procedure guideline for conducting Coffee with Mayor and City Council monthly events. Councilman Biever seconded the motion. The motion passed by consensus vote.

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Item 10 Discussion and possible action on amendment to Resolution No. 10-016 related to the rules of conduct for the City Council and rules of parliamentary procedures for City Council meetings, as requested by Councilmember Art Reyna and Councilmember Abraham Diaz

Councilman Reyna clarified his intent for bringing this item. The reason the citizens didn't stay for their item at a previous meeting is that it got late. When a citizen apologized for having to leave the meeting, he proposed to the manager that we approach the public speaking, provided an overview of the proposal.

Councilman Biever concerned with having a representative of a group speaking, and Councilman Reyna agreed that the policy would be fine without that component.

Mayor Riley expressed concern with cutting the time for individuals speaking down from 5 minutes to 3, and from 3 minutes to 2 minutes.

Councilman Reyna explained that this is not the only way citizens can voice their concerns to the City Council.

Council Discussion ensued related the number of public opportunities citizens and the Council have in order to discuss issues, participate in policy matters effectively, and fairly.

Ms. Kim Crawford, 7007 Forest Mont, spoke in opposition of the proposed item.

Ms. Liz Maloy, 7411 Chenal Pt., spoke in opposition to these proposed amendments.

Councilman Reyna discussed his observation of being in attendance at other public meetings whereby citizen input had limits of some sort.

Councilman Reyna made a motion to adopt the proposed amendments to the resolution with the exception of group participation, and leave the time limit at 3 minutes only, and instead of 10 minutes total, the citizen comment period would have a 21 minute total time limit. Councilman Diaz seconded the motion. The motion passed by consensus vote.

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Item 11 City Manager's Report

- a. Annual Town Hall Meeting/Update of 2010 Strategic Plan, scheduled Saturday, February 1, 2014, at the Leon Valley Conference Center. (8:30 a.m.-12:30 p.m.)
- b. Monthly Departmental Reports.
- c. Approved Minutes from Boards, Commission and Committees.
- d. Future Agenda Items:
 - City Council Decision on Final Huebner Creek Hike & Bike Trail Route (February)
 - Consideration of CPS Franchise Agreement.
 - Meeting of Leon Valley Crime Control & Prevention District declaring that the City Council shall be the Crime Control and Prevention District (CCPD) Board of Directors. (February)
 - Resolution of City Council approving the City Council to serve as CCPD Board of Directors. (February)
 - Approval of Maximum Price Guarantee with Bartlett-Cocke General Contractors for the Municipal Facilities Project. (February)
 - Call for General Election. (February/March)

Item 12 Citizens to be Heard.

Mr. Hubert Lange, 6018 Forest Bend, shared his concerns with the conduct of the City Council meetings which could be made more efficient. He also spoke to his concerns with Evers Road.

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Item 13 Announcements by the Mayor and Council Members.

Councilman Diaz voiced concern over the microphone issues in the chamber and asked for the Manager to explore something to enhance the equipment in preparation for our move into a new facility.

City Manager Longoria stated that he is aware of the concern, but explained that the renovation includes an upgrade to the AV equipment, thus cautions making any new expenditure before then.

Mayor Riley clarified the concern that at the zoning commission parts of the discussion was not recorded.

City Attorney Zech announced the change in the name of his firm to include Zech. The new name of the firm is Denton Navarro Rocha Bernal Hyde & Zech.

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The meeting adjourned at 10:35 p.m.



Chris Riley

Mayor Riley

Crystal Caldera

Crystal Caldera, Interim City Secretary