

**CITY COUNCIL MEETING OF THE CITY OF LEON VALLEY, TEXAS
JUNE 4, 2013**

City Council of the City of Leon Valley, Texas met on the 4th day of June, 2013 at 5:30 p.m. at the Leon Valley City Council Chambers, at 6400 El Verde Road, Leon Valley, Texas, for the the purpose of the following business, to-wit:

SPECIAL MEETING OF THE CITY OF LEON VALLEY CITY COUNCIL, 5:30 P.M.

1. **Call the Leon Valley Special City Council Meeting to Order, and Determine a Quorum is Present.** Mayor Riley called the Special City Council Meeting to order at 5:30 p.m. with the following City Council Members in attendance: Ruiz, Reyna, Diaz, Dean, and Bieber.

City staff in attendance: City Manager Longoria and City Secretary Willman.

2. **Executive Session in Accordance with the Texas Government Code**
 - A. The City Council convened in Executive Session at 5:30 p.m., pursuant to Section 551.074, Personnel Matters – To conduct Interviews with prospective board candidates for the Leon Valley Economic Development Corporation (LVEDC), M&C 06-01-13.
 - B. The City Council reconvened into Open Session at 6:48 p.m. and considered action resulting from the Executive Session;
 - 1) Action on an ordinance regarding the appointment of a member to the LVEDC, M&C # 06-01-13.1.

Motion by Councilman Reyna and second by Councilman Diaz to appoint Rudy Garcia in Place 2 of the Leon Valley Economic Development Corporation Board of Directors. Voting Aye: Ruiz, Reyna, Diaz, Dean, and Bieber. Voting Nay: None. Mayor Riley announced the motion carried.

Adopted Ordinance No. 13-023 - An Ordinance of the City Council of the City of Leon Valley Providing for the Appointment of a Member to the Board of Directors of the Leon Valley Economic Development Corporation (LVEDC). [(Section 2. That the following individual is appointed as a Member of the Board of Directors to the Leon Valley Economic Development Corporation as follows by Place Number: Place 2 – Rodolfo "Rudy" Garcia) who shall serve in Place 2 until September 30, 2014.]

- 2) Authorize the staff to take action as directed in the Executive Session.
- 3) Take no action at this time.

3. **Adjourn.** Mayor Riley adjourned the meeting at 6:49 p.m. without objection.
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REGULAR MEETING OF THE CITY OF LEON VALLEY CITY COUNCIL, 7 P.M.

1. **Call the City of Leon Valley Regular City Council Meeting to Order, Determine a Quorum is Present, and Pledge of Allegiance.** Mayor Riley called the Regular City Council Meeting to order at 7p.m. with the following City Council Members in attendance: Ruiz, Reyna, Diaz, Dean, and Bieber.

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City staff in attendance: City Manager Longoria, City Attorney Zech, City Secretary Willman, Economic Development Director Mora, Interim Fire Chief Valdez, Interim Assistant Fire Chief Lawson, Police Chief Wallace, and Public Works Director Vick.

Councilman Ruiz led the assembly in the Pledge of Allegiance.

2. **Firewise Communities USA Designation and Presentation.** Interim Fire Chief Valdez introduced Mr. Patrick Allen, Firewise Coordinator, Texas A&M University Forest Service), and Will Bettner, the Project Manager with Texas A&M University Forest Service,

Councilman Dean thanked Interim Fire Chief Valdez for completing the Defensible Space Project at the Natural Area and qualifying the City in obtaining its designation as a Firewise Community USA Designation. Mr. Allen presented Interim Fire Chief Valdez with a sign that will be erected along the City's right-of-way and Mr. Bettner presented the Interim Fire Chief with a framed poster related to the Firewise Community designation.

3. **Citizens to be Heard and Time for Objections to the Consent Agenda.** There were no objections to the Consent Agenda.

Citizens to be Heard. Amanda Kyle, 6430 Huebner Road, reported the flooding that occurs since 2006 when a Buddhist temple did landscaping; moving trees, digging holes in which to put the trees and landscaping debris, and built an asphalt parking lot on their land which changed the topography of the land leading to flooding issues for a number of homes located at Huebner Road near Sawyer Road. Ms. Kyle noted that due to the flooding that started after the improvements made by the Buddhists in 2007, she installed gutters and improved drainage in her backyard because she lives in a low area. She stated that Mary Hale, a neighbor, brought the matter to the attention of the Buddhists. Since then, trenches were dug behind the fencing but reported that the trenches have become filled with debris. She noted further that with the May 25 flooding that occurred from the significant rainfall, she had taken photos of the affected properties. She concluded that the homeowners don't know what to do. The affected homeowners decided to address the City Council asking for assistance or guidance as to what can be done. She noted that she had checked with persons who have lived in the neighborhood for 30 plus years who affirmed that the flooding problem started after the Buddhists made landscaping improvements in 2006 – 2007. She noted that she had emailed Community Development Director Flores and Public Works Director Vick just a recently as the Friday preceding tonight's City Council Meeting. She distributed photos of the flooding.

Carol Hardy addressed the City Council on behalf of her mother, Mary Hale, 6422 Huebner, who was in the City Council Chambers. Ms. Hardy also noted that the flooding issues resulted since the improvements were made in the 2006 timeframe. She detailed the history of the property before it was acquired by the Buddhist monks for a temple and the landscaping improvements that were made including ripping up trees, leveling the land, and building a parking lot at the top of the hill which changed the topography of the land leading to the natural runoff of water creating a storm drainage water flow

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directly down the hill off the parking lot onto the five houses in the neighborhood. She reported that flooding occurred in 2007, in October 2011, in February 2012, and on May 25, 2013. She noted that there are civil laws that say that people are liable for the natural runoff they create; that they have a responsibility. She noted that several of the neighbors had written letters to the Mayor and City Council Members. She reported that some of the affected property owners had spoken with the head of the Buddhist order in Austin. The response was to dig the trenches without opening at either end. Now that the trenches are filled with debris, the water runs over the top through the fencing and onto backyards of neighboring homes. She noted that Ms. Hale has had several thousands of dollars in damages resulting from the flooding each time it occurs. She stated that the City Council has a responsibility to enforce the natural runoff of the water. She concluded by stating that the Buddhists should be made to do some repairs or changes that will positively impact the natural runoff. Ms. Hardy distributed photos of the flooding.

Vernon Shettle, 6426 Huebner, noted he has lived in Leon Valley at the same address for 32 ½ years. For the first 25 years, there was no water buildup to speak of. After the Buddhists made the landscaping improvements in 2006, flooding has occurred in an enclosed patio/porch on his property although there has not been any flooding in his home. He confirmed knowledge that Ms. Hale's home has continually flooded as the previous speaker noted. He noted that he and the neighbors tried to bring the flooding to the attention of the City Council in 2007 and that only Councilman Reyna had responded. He reported that he did not hear from anyone else on the City Council or from the City Manager at the time. He concluded his remarks by asking for assistance and that the neighbors are turning to the City Council first.

Cindy Shenk, 5713 El Verde, addressed the City Council noting that she has lived on El Verde Road her entire life. She referenced that she lives towards the end of the street. She reported concerns with the fact that no sirens went off with such a heavy rainfall as occurred on May 25 and May 26. She called the Leon Valley Police Department at 9:34 a.m. for what she regarded as an emergency because she and her husband were cut off from evacuating from their home on El Verde towards Bandera Road. She repeated what she reported was the conversation she had with the Police Dispatcher about the gate at the end of El Verde Road being locked blocking off their only other evacuation route. Ms. Shenk stated that the Police Dispatcher informed her unlocking the gate was at the discretion of the Fire Department to take care of. Ms. Shenk stated that she repeated that some of the neighboring homes had water in them with no way out El Verde Road and that they would have to evacuate through the locked gate. Ms. Shenk stated the Police Dispatcher repeated the statement about the Fire Department adding it sounded to her that there seemed a lack of concern. Ms. Shenk asked for the telephone number for the Fire Department so she could convey her emergency directly and was told she could not have the telephone number. She addressed the City Council stating that it was not for the Police Dispatcher to determine what the emergency was. She concluded her remarks reporting that she met with Police Chief Wallace on Tuesday, May 28 and had a very nice conversation with him. She was informed that the recording devices were broken. She stated that she doesn't understand why the City doesn't have equipment that is working and that she does not think the Police Dispatcher's tone was appropriate. Ms. Shenk shared some pictures of the flooding.

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Consent Agenda

Motion by Councilman Reyna and second by Councilman Biever to approve the Consent Agenda Items 4, 5, and 6. Voting went as follows: Ayes: Ruiz, Reyna, Diaz, Dean, and Biever. Voting Nay: None. Mayor Riley announced the motion carried.

4. Consider Approval of the Special and Regular City Council Meeting Minutes of May 21, 2013.

- A. Special City Council Meeting of May 21, 2013, 5:30 p.m.
- B. Special City Council Meeting of May 21, 2013, 6:15 p.m.
- C. Regular City Council Meeting of May 21, 2013, 7:00 p.m.

Approved the City Council Meeting Minutes of May 21, 2013, for both Special and one Regular City Council Meetings.

5. Consider Action on City Board, Commission, and Committee Appointments, M&C # 06-02-13.

Appointed Herman Segovia to the Branding/Identity Subcommittee and appointed Kathy Hill to the Festivals Subcommittee, by minute order.

6. Consideration Action Approving an Ordinance Adopting the Texas Department of Transportation's (TxDOT) Quality Assurance Program for Consideration (QAP) for the Purpose of Obtaining Future Transportation Related Grant Funds from TxDOT, M&C # 06-03-13.

Approved the ordinance adopting the Texas Department of Transportation's (TxDOT) Quality Assurance Program for the purpose of obtaining future transportation related grant funds from TxDOT.

Adopted Ordinance No. 13-024 - Approving and Adopting the Texas Department of Transportation's (TxDOT) Quality Assurance Program for Construction for the Purpose of Entering Into Future TxDOT Federal Highway Grant Programs

Regular Agenda

7. Election of the Mayor Pro Tem, M&C 06-04-13. Motion by Councilman Dean and second by Councilman Diaz to elect Councilman Reyna as the Mayor Pro Tem for 2013-2014 effective June 5, 2013. Voting went as follows: Ayes: Ruiz, Reyna, Diaz, Dean, and Biever. Nays: None. Mayor Riley announced the motion carried.

8. Consider Action Amending Ordinance 12-008 that Established the 2012 Bond Program Oversight Committee, Amending the Committee Structure and Membership, Appointing Two City Council Liaisons to the Bond Oversight Committee, and Appointing a Chairperson to the Bond Oversight Committee, M&C # 06-05-13. Following a presentation by City Manager Longoria, which detailed that the amendment is needed to update the City Council liaisons following the changes in the City Council after the May General Elections, the City Council considered action, as follows.

The City Council asked if staff had inquired if there was any interest by other Committee Members in serving in the leadership position. The City Manager noted that the

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question had not been asked. He suggested that the Bond Oversight Committee meet and perhaps bring back the item. There was some City Council discussion about called meetings and the need to appoint a chair in the event that something the Bond Oversight Committee needs to attend to occurs. Mr. Longoria noted that the Bond Oversight Committee has a vice-chair, Olen Yarnell, if the need arises.

Councilman Dean noted that Pedro Esquivel had said he would take the chairman position and therein placed Mr. Esquivel's nomination for consideration by the City Council. Councilman Reyna seconded the nomination of Pedro Esquivel. Voting Aye: Ruiz, Reyna, Diaz, Dean, and Bieber. Mayor Riley announced the motion carried.

Motion by Councilman Reyna and second by Councilman Bieber to adopt an ordinance amending Ordinance No. 12-008, Chapter 1 "General Provisions, Article 1.06 "Boards, Commissions and Committees" of the City of Leon Valley Code of Ordinances, Section, 1.06.02, 2012 Bond Program Oversight Committee; amending the Committee Structure and Membership, Appointing Two City Council Liaisons, and Appointing a Chairperson [Councilmembers Jack Dean and Abraham Diaz, and Pedro Esquivel as Chairperson.]

Voting Aye: Ruiz, Reyna, Diaz, Dean, and Bieber. Nay: None. Mayor Riley announced the motion carried.

Adopted Ordinance No. 13-025 - An Ordinance amending Ordinance No. 12-008, Chapter 1 "General Provisions, Article 1.06 "Boards, Commissions and Committees" of the City of Leon Valley Code of Ordinances, Section 1.06.03, 2012 Bond Program Oversight Committee; Amending the Committee Structure and Membership, Appointing Two City Council Liaisons, and Appointing a Chairperson. [Committee Structure and Membership, Section 2) Council Member Jack Dean and Council Member Abraham Diaz are hereby appointed to serve as the BOC Committee Liaisons, Section 3) Effective with the adoption of this ordinance amendment, the Chairperson shall be Pedro Esquivel.]

Discussion Agenda

9. **City Manager's Report (Longoria)**
 - A. Presentation Reporting on the Weekend Flooding in the City of Leon Valley and Discussion of Drainage Problems. The City Manager acknowledged that as the citizens discussed during the Citizens to be Heard component of the agenda, the City experienced some serious flooding over the weekend. He scheduled a report from the Fire Department, the Police Department, and the Public Works Department, so the City staff could report on what happened, and how the situation was handled. Interim Fire Chief Valdez reported the rainfall officially for the area was 9.87 inches, the second most rainfall in the area's history. It is the largest rainfall incurred in May. In 1998, the rainfall was 11.26 inches of rain. There were four homes evacuated, no loss of life or injury reported. We had 12 incidents during the time of the flood, to assist the public, to activate alarms, provide emergency management services, and do welfare checks. We had five homes confirm water inside the living area; we had several homes with water in garages throughout the City. The flooding resulted in a joint disaster area declaration by Bexar County and San Antonio. What this means to Leon Valley

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is that we've done a damage assessment. We're submitting that loss with them to try to recuperate some federal funds for reimbursement for any loss. In monitoring the weather, the floodgates at Poss and Evers were closed right before 6 p.m. Between 6 p.m. and 7 p.m., Poss Road flooded from the Little League entrance to Evers Road including Alley Kinman Road including Public Works. Mr. Valdez detailed the timeline relating activities that the Fire Department took. He noted that the gate at El Verde was opened right before 10 a.m. When the Fire Department responded, the gate was closed; with some debris that had washed up against the chain link fence backing-up the water. He stated the Fire Department immediately opened the gate and called for a full crew to bring some water vacuums and equipment to get the water out of the homeowner's house. He noted that from that point on, the Fire Department monitored the gates until everything was opened. Photos were shown that reflected the flooding in various parts of the City. The amount of the water and the intensity with which rainfall came down resulted in the flooding problems. He reported that the Fire Department met with Bexar County Flood Control. The Fire Department removed the chain link from the fence and erected a sign on the gate to indicate its location. Police Chief Wallace reported that two officers came in at 6 a.m. One of the officers drove down Poss Road about 5:30 a.m. She was able to make the route at that time. He noted further that two officers on duty with help from the Fire Department and from the Public Works Department handled the situation. Chief Wallace reported that some residents called in about deer going down the creek during the flooding in addition to concerns about animals in backyards as well. Public Works Director Vick reported that rain during the preceding weeks that saturated the ground and runoff from streets contributed to the flooding. He noted that the Public Works Department did what it could when it could. He detailed damage at Raymond Rimkus Park and in the surrounding area. He noted that the Park had to be closed for an entire week due to the water still on Park grounds. He reported that the Park was restored. There were \$5,636 in repair materials. The Public Works staff hours amounted to 408 staffing hours of on-duty time with 6 hours of overtime. The City Council asked where the staff costs were absorbed. Mr. Vick stated the City is hoping to be part of the reimbursement from FEMA funding. He noted that the Public Works also monitored the weather conditions on Friday afternoon. The City Council asked if there were other parks damaged for which the Public Works Department is responsible. Mr. Vick acknowledged that the Public Works Department is aware of the problem caused by the Buddhist monks' [changes]. He noted that the City has tried over the years to work through the situation, including having the ditches dug as a preventative measure. He noted that at the time the City of Leon Valley did not have a Stormwater Program in place. Since that time, the City now has a Stormwater Program in place which will allow the City to address the situation resulting from the changes to the land that allows water to runoff and impact someone else. He noted that his hope is to get some engineering to resolve the runoff. He noted that there are some homes that are affected that short of digging up an alley to create a swell, there is nothing the City can do. The City Council asked if the flooding count included the homes flooded on Huebner. Staff responded that it did not include the homes on Huebner. It was noted that the City is impacted by apartment units built in the City of San Antonio along Huebner Creek to some extent. Mr. Vick noted there

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are retention ponds but with the level of rain that fell, the retention ponds overflowed. Councilman Diaz noted he received an email the day of the flooding from a resident on El Verde Road related to flooding and that the gate was not opened. Councilman Diaz noted that he asked in his email if there was a protocol to open the gate. He acknowledged the situation involving the gate which belongs to Bexar County and asked if the situation with the gate being locked had been resolved as heavy rains can occur within an eight hour period in Texas at any time. He noted concern about an evacuation route on El Verde Road and a protocol plan to open the Bexar County gate when flooding results in flood gates in other parts of the City to be closed. Councilman Diaz continued his inquiry asking if Bexar County had been called regarding maintenance on the surrounding land so that the water flows through faster. He noted that the City's right-of-way had been overgrown as well. He noted there was a lot of debris along El Verde Road following the flooding. He asked if there was a way to get the citizens' lives back to normalcy by cleaning up their areas first before cleaning up the City's park. Mr. Longoria reported that the 38 acres surrounding the Bexar County gate on El Verde needed is owned, maintained, and controlled by Bexar County. The Fire Department in a typical situation with rain will go out and open the gate, that is part of the protocol. He noted that what happened is that this was a flood that compares to the 1998 flood, with persons stranded in the water. Mr. Longoria noted that the City's Fire Department was deployed with high water rescues and evacuating homes. Mr. Longoria stated that it helps to keep in context that there was severe flooding and the City's resources were deployed. He reported that the City has met with Bexar County to clean-up the area and get the gate situation resolved. He noted the priorities are always with evacuating citizens from their homes. He indicated the City's response in terms of priority was proper; with evacuating persons first, the flood receded, then the City got into clean-up mode. He noted that part of the clean-up included the Fire Department helping citizens who had water in their home. Councilman Diaz asked if it is possible to split the crews up. Mr. Longoria asked that the discussion about the matter be done off-line. Councilman Ruiz asked if there were any businesses affected. He reported that his business was flooded. Mr. Vick noted that that possibly one other business was affected. There was brief discussion about changes by private property owners who have made changes to their land which may be impacting Councilman Ruiz' business as well as possibly another business in the area.

- B. Report on Upcoming Training Opportunities. Mr. Longoria reported on the various training opportunities conducted by the Alamo Area Council of Governments, the Texas Municipal League and the Hogwild 2013, an annual legal work session conducted by Denton, Navarro, Rocha, and Bernal on June 28 by professionals. He noted that this year's event features amongst others, Jeff Chapman related to public construction procurement. There will be other legal topics included as well.

- C. Report on City Branding. Mr. Longoria noted that he reported to the City Council on Friday at the City Council – City Manager Retreat about the progress on branding. He noted he emailed the logos and seals to the City Council. He noted that the timeframe for bringing back information to include a public

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component during a City Council Meeting in June or July. He noted also that the next Branding Subcommittee Meeting will be posted in the event that a quorum or more of City Council Members want to attend on June 12. He also noted that the City Council is scheduled to have a formal picture taken on June 18 at 5:30 p.m. as well as individual photos for the new City Council Members for placement on the City Council's webpage.

D. Future Agenda Items.

- 1) Next Quarterly Update and Dialogue between the City Council the Leon Valley Economic Development Board of Directors, June.
- 2) Bandera Road Site – CAG Presentation, June 18.
- 3) Appointments to the 2012 Bond Oversight Committee and the Leon Valley Economic Development Corporation Board of Directors, June.
- 4) Report on the Pilot Recycling Project from The Ridge Homeowners Association, June – July.

- 10. Citizens to be Heard.** Matthew Hodde, 5813 El Verde, noted his disappointment with hearing about the Police Dispatcher's response. He noted that he had similar response in the past, like why are you bothering me. He said he was not sure about the recording because every news show has recordings from 9-1-1 dispatch calls. He noted it is very important to figure out what the issue is with the recording not working here but that we need to get that fixed. He noted the 8 inch lowering of the bridge that was mentioned was great for persons upstream but that allows more water to flow in downstream. He reported that the Interim Assistant Fire Chief Lawson came down twice to listen to his and a former resident's concerns regarding what has happened through the years. They were counting on what Bexar County being well on their way or finished with their portion of the flood control project. He indicated he understands that sometimes projects stretch out and there is little that can be done. He also thanked the City Council Members who have expressed an interest in the flooding. He invited those who want to come down the street to see what is going on and he will answer questions about what happens when we do get a rain like this.

Paul Carter, 5709 El Verde, reported he came home from vacation to find his home full of water. He noted that his neighbor was present in the City Council Chambers this evening. He reported that her husband and son cleared the debris so the water would travel freely. He stated he understood that the City's Fire Department had a key to the gate to the Bexar County fence. He asked if that was not true. No siren went off despite the very heavy rainfall. He noted that although the problem with the runoff being inhibited from the overgrown vegetation is not the responsibility of the City of Leon Valley, it is the responsibility of the City of San Antonio. He noted that is their drainage easement. He acknowledged that he lives in a valley but that he is tired of trying to deal with the situation. He asked that the City of San Antonio be approached about keeping the drainage easements clean. He noted that his property has been flooded three times since 2008. He noted that he lives in the 100 year flood plain not an every year flood zone. There has to be a way to clear it so that one should be able to drive a car through it. He asked for the City's assistance with the matter.

Pedro Esquivel, 7207 Forest Meadow, thanked the Mayor and City Council for the opportunity to continue serving the citizens of Leon Valley. He noted that it will be difficult to follow the leadership of Councilman Abraham Diaz on the Bond Oversight

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Committee. But he noted that with the support of the fantastic members on the 2012 Bond Oversight Committee, he will learn and assured the Committee will do what is best for the citizens of Leon Valley.

11. Announcements by the Mayor and Council Members.

Councilman Reyna announced that the City's legislative initiative, Senate Bill 475, is still sitting on Governor Perry's desk and has not been vetoed. He congratulated Mr. Rudy Garcia and Mr. Pedro Esquivel on their respective appointments. He thanked the City Council for their vote of confidence in his selection as Mayor Pro Tem.

Councilman Diaz thanked the City Manager and the City's directors who conducted an orientation for the two new City Council Members. He acknowledged that he is glad the City staff is in charge and the City is running well because of staff. He issued a challenge after tonight's meeting to shake the hands of the firefighters for what they do. It was related to the City Council and citizens that persons go down and thank firefighters. He asked that thanks be sent to police officers through Chief Wallace as they patrol the City and are not housed at the Police Station. He thanked both the Police and Interim Fire Chiefs for their work.

Councilman Dean noted that he thought that Councilman Diaz' remarks were well said.

Mayor Riley read that on June 8 at Jefferson High School from noon to 4 p.m. in the cafeteria there will be an immigration forum conducted by Congressman Joaquin Castro. Mayor Riley asked that an agenda item be placed on the next City Council Meeting regarding flooding and what the City can do so that the dialogue can be continue.

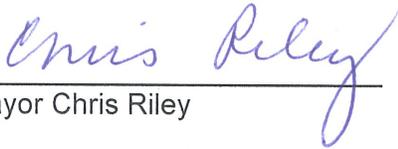
Executive Session

- 12.** 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).

There was no Executive Session conducted under this agenda item.

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13. **Adjourn.** Mayor Riley adjourned the meeting at 8:09 p.m. without objection.



Mayor Chris Riley

ATTEST:



Janie Willman, City Secretary

