



**CITY OF LEON VALLEY
CITY COUNCIL REGULAR MEETING**
Leon Valley City Council Chambers
6400 El Verde Road, Leon Valley, TX 78238
Tuesday, June 15, 2021

MINUTES

5:30 PM Call to Order; Determine a Quorum is Present, Pledge of Allegiance.

Attendee Name	Organization	Title	Status
Chris Riley	City of Leon Valley	Mayor	Present
Benny Martinez	City of Leon Valley	Council Place 1	Present
Josh Stevens	City of Leon Valley	Council Place 2	Present
Jed Hefner	City of Leon Valley	Council Place 3	Present
Rey Orozco	City of Leon Valley	Council Place 4	Present
Will Bradshaw	City of Leon Valley	Mayor Pro-Tem, Council Place 5	Present

Mayor Chris Riley welcomed everyone and then announced a quorum of City Council was present.

Mayor Riley asked Councilor Josh Stevens to lead the Pledge of Allegiance.

The City Council Shall Meet In Executive Session To Discuss The Following:

Mayor Chris Riley read the caption for Agenda Items 2.1; 2.2; 2.3; and 2.4 out loud; and announced that the City Council would go into Executive Session at 5:32 PM

Pursuant to Texas Government Code, Chapter 551, Section 551.071 Consultation with Counsel on Legal Matters: To Receive Legal Advice and an Update on the Opioid Litigation. (M&C # 2021-06-15-01)

RESULT: NO ACTION TAKEN

Pursuant to Texas Government Code, Chapter 551, Section 551.071 Consultation with Counsel on Legal Matters: To Receive Legal Advice Regarding the Lease Agreement between Ms. Bania Artiaga and the City of Leon Valley (M&C # 2021-06-15-02)

RESULT: NO ACTION TAKEN

Pursuant to Texas Government Code, Section 551.071 Consultation with Counsel on Legal Matters: To Receive Legal Advice with Respect to Pending Litigation Regarding - Cause No. 2018-CV-00594, Robert and Gail Tribble v City of Leon Valley Board of Adjustment (M&C # 2021-06-15-03)

RESULT: NO ACTION TAKEN

Pursuant to Texas Government Code, Chapter 551, Section 551.071 Consultation with Counsel on Legal Matters: To Receive Legal Advice Regarding the 30-Day Status of the Rule 11 Agreement Between the City of Leon Valley and the San Antonio Aquarium (M&C # 2021-06-15-04)

RESULT: NO ACTION TAKEN

Reconvene Into Regular Session and Take Action On Issues Discussed In Executive Session If Necessary

The City Council reconvened into Open Session at 6:26 PM

There was no action was taken on any of the four (4) items

Mayor Chris Riley took this time to welcome everyone and briefly go over the recently amended Rules of Decorum.

CITIZENS TO BE HEARD

Those who spoke at this time were: Kimberly Bohl (Leon Valley); Rita Burnside (Leon Valley); and Erick Matta (Leon Valley)

Councilor Benny Martinez read an e-mail submitted by: Bob Page

Councilor Josh Stevens read an e-mail submitted by: Chuck Haugan

Councilor Jed Hefner read an e-mail submitted by: Justin Pulliam

Councilor Rey Orozco read an e-mail submitted by: Kathy Hill

Mayor Chris Riley read an e-mail submitted by: Ruth Obel-Jorgensen

Before moving to Agenda Item 5.1, Councilor Jed Hefner called a Point of Order.

Councilor Jed Hefner motioned to move Agenda Item 11.8 to immediately follow Agenda Item 5.1 since they go together. The motion was seconded by Councilor Josh Stevens.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jed Hefner, Council Place 3
SECONDER:	Josh Stevens, Council Place 2
AYES:	Benny Martinez, Josh Stevens, Jed Hefner, Rey Orozco, Will Bradshaw

REGULAR AGENDA

Discussion and Possible Action on a Resolution Granting a Variance to Section 3.05.005 of the City of Leon Valley Code of Ordinances to Allow for an 8-Foot-Tall Fence in the Side and Rear Yard at 6703 Forest Haven Street, Generally Located on the North Side of Forest Haven Street at Forest Leaf Street (As Requested by Councilor Josh Stevens and Councilor Jed Hefner) (M&C # 2021-06-15-05 Councilor Josh Stevens and Councilor Jed Hefner)

Mayor Chris Riley introduced this item and then explained her position on it. Mayor Riley concluded by making a suggestion to members of City Council that an item be added to the July 24th Coffee with the Mayor & City Council to discuss this issue further.

Councilor Josh Stevens read an e-mail submitted by: Dr. Jay Chaudhuri (applicant)

Councilor Benny Martinez read a statement he had prepared which included a suggestion to "table this item for ninety (90) days while City Council reviews and possibly makes changes to allow 8-foot fences with some regulations and/or requirements. I also recommend any enforcement action be stopped while we address this matter."

A motion was made by Councilor Will Bradshaw to approve the variance. The motion was seconded by Councilor Jed Hefner.

Those who spoke were: Olen Yarnell (Leon Valley); Erick Matta (Leon Valley); Larry Proffitt (Leon Valley); Rita Burnside (Leon Valley); Yvonne Orozco (Leon Valley); and Larry Proffitt (Leon Valley) again; Pat Martinez (Leon Valley); Olen Yarnell (Leon Valley) again

Mayor Riley asked City Secretary Sandra Passailaigue to take a roll call vote.

City Secretary Passailaigue proceeded with a roll call vote to which the City Council replied: Councilor Benny Martinez - Nay; Councilor Josh Stevens - Aye; Councilor Jed Hefner - Aye; Councilor Rey Orozco - Nay; and Councilor Will Bradshaw - Aye

Mayor Riley announced the motion carried.

RESULT:	ADOPTED [3 TO 2]
MOVER:	Will Bradshaw, Mayor Pro-Tem, Council Place 5
SECONDER:	Jed Hefner, Council Place 3
AYES:	Stevens, Hefner, Bradshaw
NAYS:	Martinez, Orozco

Discussion and Direction to Staff Regarding Amendments to Chapter 3, Building Code and Chapter 15, Code Regarding Residential Fence Height, Special Exceptions for Fence Height, and the Responsibility of Multi-Family Uses and Commercial Uses to Construct Vision-Proof Fences when Adjacent to One Another (As Requested by Councilor Josh Stevens and Councilor Jed Hefner) (M&C # 2021-06-15-18 Councilor Josh Stevens and Councilor Jed Hefner)

Brandon Melland, Planning & Zoning Director presented the item to receive Council feedback regarding the following three topics: 1. As previously directed by Council, Exhibit A proposes to amend Section 3.05.005(a) Residential Fences, to allow private property owners to construct up to 8-foot-tall fences between two pieces of privately owned property, as long as: a. The private property owner obtains written consent from the property owner(s) abutting the edge(s) of the property where the taller fence is to be placed; and b. Fences taller than 6 feet are not facing a public street made of asphalt unless a variance or special exception is granted.

Director Melland added that staff seeks Council direction regarding the responsibility of Multi-Family Uses and Commercial Uses to construct vision-proof fences when adjacent to one another.

Director Melland concluded by saying that Council previously proposed to amend Section 15.02.722 (s) of the City's Zoning Code to establish a process for granting special exceptions for fence height under specific circumstances.

Councilor Josh Stevens gave a presentation of the results of a survey he conducted on social media where eighty-seven (87) people responded. Councilor Steven's presentation covered proposed options such as a Special Exception which would: have a lower threshold; special circumstances in lieu of variances; could have a simple, streamlined process; could go before the Board of Adjustment or the City Council; could have a criterion as simple or as complex as the City Council wants; could require 8-foot fences be constructed of another material such as half stone, half concrete border; and could require 8-foot fences blend in to 6-foot fences if requested on arterial roadways.

Councilor Stevens also proposed an EZ Exception for fences that are not facing a public (asphalt) street; for fences that are less than 15-feet long and not facing a public arterial roadway; could be a simple, streamlined process that can all be done online; would be administratively approved with no discretion (either you meet criteria or you not); and would require signature forms or affidavits from all abutting property owners.

Following a brief discussion, staff was given direction to bring back a draft ordinance for a first and second read but to also place a discussion item on the Coffee with the Mayor & Council Agenda to get citizen input.

RESULT: PRESENTED

A motion was made by Councilor Will Bradshaw to move Agenda Item 11.2 to follow Agenda Item 11.8 on the agenda as the applicant is present. Councilor Jed Hefner 2nd the motion.

RESULT: APPROVED [UNANIMOUS]
MOVER: Will Bradshaw, Mayor Pro-Tem, Council Place 5
SECONDER: Jed Hefner, Council Place 3
AYES: Martinez, Stevens, Hefner, Orozco, Bradshaw

Discussion and Possible Action on an Ordinance Granting a Specific Use Permit for Temporary Placement and Occupancy of a Recreational Vehicle During Renovation and Construction of the Permanent Residence on the Property at 7710 Stebbins; Generally Located at the Southeast Corner of Stebbins Drive and Thunderbird Lane; and a Public Hearing on Said Request (1st Reading was Held on 06-15-2021) (M&C # 2021-07-07-__ B. Melland)

Brandon Melland, Planning & Zoning Director presented on behalf of the applicant who recently purchased the property and is planning to renovate the existing residence. In order to conserve money during the construction for housing expenses, the applicant would like to place and occupy their recreational vehicle on the property during construction. The City's zoning code classifies such an activity as a temporary land use and assigns the Specific Use Permit (SUP) process for such approval. Therefore, the applicants are requesting approval of an SUP.

Mayor Chris Riley read an e-mail submitted by: Jacque Conrad (Leon Valley)

Those who spoke on this item were: John Saenz (Leon Valley); and Olen Yarnell (Leon Valley)

The item will come back on July 20th for a second reading.

RESULT: FIRST READ

Presentation and Discussion Regarding Potential Amendments to Article 3.04, Sign Code of The City of Leon Valley Code of Ordinances; as Recommended by the Sign Code Update Advisory Committee (M&C # 2021-06-15-06 B. Melland)

Brandon Melland, Planning & Zoning Director presented this item at the request of Councilor Rey Orozco who wanted an update on the potential amendments to Article 3.04, Signage, of the City's Building Code.

Director Melland recalled that last year the City Council established the Sign Code Update Advisory Committee to consider amendments to the City's existing signage regulations. These amendments and the committee were originally initiated due to citizen complaints regarding temporary signage and political signage.

There was a lengthy discussion.

There was a consensus among members of City Council to have Councilors Orozco and Hefner work with Director Melland with input from business owners to draft an amendment to be brought back to City Council at a later date.

Councilor Rey Orozco called a Point of Order.

RESULT: PRESENTED

A motion was made by Councilor Rey Orozco to move Agenda Item 11.1 up on the agenda at this point now as the applicant is present. The motion was seconded by Councilor Will Bradshaw.

RESULT: APPROVED [UNANIMOUS]
MOVER: Rey Orozco, Council Place 4
SECONDER: Will Bradshaw, Mayor Pro-Tem, Council Place 5
AYES: Martinez, Stevens, Hefner, Orozco, Bradshaw

Discussion and Possible Action on a Resolution Authorizing the Northwest Little League to Reconstruct a Sign on the City Owned Property at 6916 Poss Road (M&C # 2021-07-07-__ B. Melland)

Brandon Melland, Planning & Zoning Director presented this item for the City Council to approve a resolution authorizing the Northwest Little League (NWLL) to Reconstruct a Directional Sign at the corner of Poss Road and Andres Salazar Road.

The original sign was constructed in the early 1960's, but was recently demolished by a vehicle. The NWLL now wishes to reconstruct the sign as illustrated in the attached power point. However, Andres Salazar is located on City owned property, which requires Council authorization and potential legal agreement due to liability issues.

Those who spoke on this item were: Erick Matta (Leon Valley)

Councilor Benny Martinez suggested having a Memorandum of Understanding (MOU) drawn up between the Northwest Little League and the City of Leon Valley.

City Attorney Roxana Stevens said she would need to do a legal review on the survey results and suggested tabling the item to the next meeting.

A motion was made by Councilor Jed Hefner to table the item to the next meeting to allow the city attorney to do the necessary legal review and we can provide better guidance to the applicant on where they can place their sign; and to direct staff to develop a Memorandum of Understanding (MOU) partnership with Northwest Little League and to develop opportunities where we have similar activities that are taking place and we can leverage their facility to partner with the City in ongoing activities and really bring them into the community. The motion was seconded by Councilor Benny Martinez.

RESULT:	TABLED [UNANIMOUS]	Next: 7/7/2021 5:30 PM
MOVER:	Jed Hefner, Council Place 3	
SECONDER:	Benny Martinez, Council Place 1	
AYES:	Martinez, Stevens, Hefner, Orozco, Bradshaw	

PRESENTATIONS

Discussion and Direction to Change Our Permitted Use Table to Allow Religious Type Facilities In "Nearly All" Zoning Districts (M&C # 2021-06-15-07 Councilor Josh Stevens and Councilor Will Bradshaw)

Councilor Josh Stevens presented saying that he does "not think there is an option but something we, as a governing body has to do. We need to change our laws in some form or fashion to both comply with the Texas Supreme Courts and with what the Federal Courts have said." Councilor Stevens concluded his presentation saying the "simple solution is to change the Permitted Use Table to allow churches and religious type facilities in all or almost all zoning areas, including residential areas."

There was a lengthy discussion on this item.

City Attorney Roxana Stevens will conduct some research to see if the City is required to allow religious institutions in all residential areas as she works with Director Melland; and then they will bring something back to the Planning & Zoning Commission to review before coming back to City Council with a recommendation.

Those who spoke on this item were: Elaine Valdez (Leon Valley); Olen Yarnell (Leon Valley); Yvonne Orozco (Leon Valley)

Mayor Chris Riley read an e-mail submitted by: Liz Maloy (Leon Valley)

RESULT:	PRESENTED
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A motion was made by Councilor Jed Hefner to continue the meeting tonight taking Agenda Items 6.2; 6.3; 7; 8; 10.1; 11.3; 11.4; 11.5 and Consent Agenda Item 9.1; 9.2; 9.3; and 9.4. Councilor Hefner continued the motion saying he would also like to table Agenda Items 11.4; 11.5; 11.6 and Consent Agenda Items 9.4 and 9.6 to the next City Council meeting. The motion was seconded by Councilor Will Bradshaw.

City Council discussed the motion further and there was a consensus to move forward with brief first readings of Agenda Items 11.3, 11.4 and 11.5

Mayor Riley repeated the now amended motion that Council would continue tonight's meeting addressing Agenda Items 6.2, 10.1, 11.3, 11.4, 11.5 and approve the Consent Agenda with the exception of Items 9.4 and 9.6 which will be pulled to the next meeting. We will also postpone to the next meeting Agenda Items 11.6, 11.7, 11.9, and 11.10.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jed Hefner, Council Place 3
SECONDER:	Will Bradshaw, Mayor Pro-Tem, Council Place 5
AYES:	Benny Martinez, Josh Stevens, Jed Hefner, Rey Orozco, Will Bradshaw

Presentation on an Update for the 4th of July Event (M. Mendoza, Special Events Coordinator)

Maribel Mendoza, Special Events Coordinator gave a final presentation on the upcoming July 4th event.

RESULT:	PRESENTED
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May 2021 Monthly Financial Report (F. Messick, Assistant Finance Director)

A motion was made by Councilor Jed Hefner to table this item and move it to the consent agenda on the next agenda. The motion was seconded by Councilor Will Bradshaw.

RESULT:	TABLED [UNANIMOUS]	Next: 7/7/2021 5:30 PM
MOVER:	Jed Hefner, Council Place 3	
SECONDER:	Will Bradshaw, Mayor Pro-Tem, Council Place 5	
AYES:	Benny Martinez, Josh Stevens, Jed Hefner, Rey Orozco, Will Bradshaw	

CONSENT AGENDA

A motion was made by Councilor Jed Hefner to approve Consent Agenda Items 9.1; 9.2; 9.3; and 9.5. The motion was seconded by Councilor Benny Martinez.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Jed Hefner, Council Place 3
SECONDER:	Benny Martinez, Council Place 1
AYES:	Benny Martinez, Josh Stevens, Jed Hefner, Rey Orozco, Will Bradshaw

Consideration of the Following City Council Minutes:

- a. Regular Meeting- May 18, 2021 6:00 PM
- b. Regular Meeting- June 1, 2021 6:00 PM
- c. Workshop- June 5, 2021 9:00 AM

Acceptance of Board/Committee/Commission Minutes:

- a. 06-08-2020 Planning & Zoning Commission Minutes
- b. 09-22-2020 Planning & Zoning Commission Minutes
- c. 10-13-2020 Planning & Zoning Commission Minutes
- d. 11-24-2020 Planning & Zoning Commission Minutes
- e. 12-08-2020 Planning & Zoning Commission Minutes
- f. 03-24-2021 Planning & Zoning Commission Minutes
- g. 04-08-2021 Park Commission Minutes
- h. 04-12-2021 Tree Advisory Committee Minutes
- i. 04-13-2021 Planning & Zoning Commission Minutes

Presentation of the Monthly Financial Report Ending April 30, 2021 (F. Messick, Assistant Finance Director)

Presentation, Discussion, and Possible Action to Authorize the City Manager to Enter into a Contract for Banking Services with Frost Bank to serve as the Depository for the City of Leon Valley from October 1, 2021 to September 30, 2026 - *Item Removed from Consent* (M&C # 2021-06-15-08 F. Messick)

Presentation of a 2021 Winter Weather Event - FEMA/TDEM Grant (William Cox, Business Relations Director)

Discussion and Possible Action on a Resolution Appointing Members and Alternate Members to the Leon Valley Public Library Board of Trustees - *Item Removed from Consent* (M&C # 2021-07-07-__ S. Passailaigue)

ORDINANCE

Presentation, Discussion and Possible Action on an Ordinance Authorizing a Budget Adjustment in the Amount of \$45,000 to the FY 2020-2021 General Fund Budget to Provide Funding for replacing 3 of 8 of the HVAC units and repairing one of them (Emergency Reading - 1 Read) (M&C # 2021-06-15-10 R. Reed)

A motion was made by Councilor Jed Hefner to declare this an emergency ordinance and adopt it with one reading. The motion was seconded by Councilor Will Bradshaw.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jed Hefner, Council Place 3
SECONDER:	Will Bradshaw, Mayor Pro-Tem, Council Place 5
AYES:	Benny Martinez, Josh Stevens, Jed Hefner, Rey Orozco, Will Bradshaw

Regina Reed, Library Director presented the item to request approval of an Ordinance authorizing a budget adjustment in the amount of \$45,000, to replace the following AC units: AC Unit Number One, which is a 2013 needs to be completely replaced; AC Unit Number Two, which is a 2013 needs to completely replaced; AC Unit Number Six, which is a 2010 has a leak and due to the cost of the refrigerant needs to be replaced; AC Unit Number, Four which is 2009 is still working and can be fixed; Number Three is a 2009 and will need to be replaced in the near future; Number Five is a 2005 and will need to be replaced in the near future; Number Seven is a 2000 and will need to be replaced in the near future; and Number Eight is a 2020 and is the last unit that was replaced.

A motion was made by Councilor Benny Martinez to approve the emergency ordinance as presented. The motion was seconded by Councilor Rey Orozco.

Those who spoke on this item were: Erick Matta (Leon Valley); and Olen Yarnell (Leon Valley); Erick Matta (Leon Valley) again; and Olen Yarnell (Leon Valley) again.

Councilor Jed Hefner offered an amendment to give direction to staff to proceed with a plan to correct the problem which Director Regina Reed stated she could add to her evaluation of the building. Councilor Josh Stevens seconded the amendment.

Mayor Riley repeated the motion to include the amendment and Director Reed's acknowledgment of adding this request to her evaluation of the Library Building's electrical and air conditioning needs and then to come back with a prioritized budget request to City Council.

Councilor Benny Martinez accepted the amendment and then they all voted.

Councilor Jed Hefner asked Acting City Manager Caldera to make sure that Emergency Ordinances do not become a "trend".

RESULT: **ADOPTED [UNANIMOUS]**
MOVER: Benny Martinez, Council Place 1
SECONDER: Rey Orozco, Council Place 4
AYES: Benny Martinez, Josh Stevens, Jed Hefner, Rey Orozco, Will
 Bradshaw

REGULAR AGENDA (CONTINUED)

Discussion and Possible Action on an Ordinance Amending Chapter 15, Zoning Code, Regarding Rear and Side Yard Setbacks for Accessory Buildings in the R-1, Single Family Dwelling District; and a Public Hearing on Said Request (1st Reading was Held on 06-15-2021) (M&C # 2021-07-07-__ B. Melland)

Brandon Melland, Planning & Zoning Director announced the item which was placed in the packet for the purpose of this item is to consider amendments to Chapter 15 of the City's Code, which is the Zoning Code. The specific amendments are with regard to building setbacks for accessory buildings in the R-1, Single-Family Residential District.

Mayor Riley stated that all questions and discussion would be reserved for the second reading on July 7, 2021.

City Attorney Roxana Stevens advised the Mayor Riley to allow for public comment. Mayor Riley asked if there was any public wanting to speak to which there was none.

RESULT: **FIRST READ**

Discussion and Possible Action on an Ordinance Granting a Specific Use Permit for a Bar, at 4700 Timco West Road; Generally Located at the Intersection of Timco West Road and Timco East Road; and a Public Hearing on Said Request (1st Reading was Held on 06-15-2021) (M&C # 2021-07-07-__ B. Melland)

Brandon Melland, Planning & Zoning Director announced the item which was placed in the packet for the purpose of a Specific Use Permit is generally to ensure that a use is compatible with surrounding uses with regard to development considerations such as traffic impact, the intensity of the use, and parking.

Mayor Riley asked if there was any public wanting to speak to which there was none.

RESULT: **FIRST READ**

Discussion and Possible Action on an Ordinance Granting Approval for a Specific Use Permit for a Mobile Food Unit, at 5902 Bandera Road; Generally Located at the Intersection of Bandera Road and IH 410 W; and a Public Hearing on Said Request (1st Reading Held June 15, 2021) (M&C # 2021-07-07-__ B. Melland)

Brandon Melland, Planning & Zoning Director announced the item which was placed in the packet for the purpose of a Specific Use Permit is generally to ensure that a use is

compatible with surrounding uses with regard to development considerations such as traffic impact, the intensity of the use, and parking.

Mayor Riley asked if there was any public wanting to speak to which there was none.

RESULT: FIRST READ

Councilor Jed Hefner took this opportunity to say that if Director Melland and the City Council could keep up the momentum shown on the last three items, he recommends proceeding to Agenda Items 11.6 and 11.7. Councilor Josh Stevens asked if that was a motion to which Councilor Hefner said "Yes", then Councilor Stevens replied, "I second that."

RESULT: APPROVED [UNANIMOUS]
MOVER: Jed Hefner, Council Place 3
SECONDER: Josh Stevens, Council Place 2
AYES: Benny Martinez, Josh Stevens, Jed Hefner, Rey Orozco, Will Bradshaw

Presentation and Discussion to Amend Chapter 1 "General Provisions, Article 1.06 Boards, Commissions, and Committees", Section 1.06.03, "Capital Facilities Oversight Committee", Number 4. b) to Allow the Committee Members to Meet to Investigate Capital Improvements Projects that are Located Outside the Leon Valley City Limits (1st Read as Required by City Charter). (M&C # 2021-06-15-16 M. Moritz)

Crystal Caldera, Acting City Manager presented the item for the purpose of this item is to revise Section 4. b) of the recently created Capital Facilities Oversight Committee (CFOC) Ordinance that states "All Committee meetings shall be held within the City of Leon Valley geographical boundaries.", to allow the Committee to meet outside the city limits for the purpose of investigating other like facilities. The Committee would like to visit the City of Kyle, City of New Braunfels, the City of San Antonio, and other places to see new facilities and ask how they operate and find out what the owners of such facilities think could have been done differently, and if any other obstacles or opportunities came about as a product of the design. The current Ordinance prohibits them meeting as a group at these facilities. While subcommittees within the Committee are expected, they may wish to meet as a whole at one or more of these facilities.

ACM Caldera concluded the presentation saying that the new language would state: "4. b) Committee meetings shall generally be held within the City of Leon Valley's geographical boundaries, but meetings may take place outside the City boundaries after proper posting of an agenda, with the place, date, and time of meeting."

Mayor Riley asked if there was any public wanting to speak to which there was none.

RESULT: FIRST READ**Discussion and Possible Recommendation on an Ordinance Amending Section 4.05.049, Business Regulations, Regarding Ice Cream Trucks (1st Reading as Required by City Charter) (M&C # 2021-06-15-17 B. Melland (As Requested by Councilor Jed Hefner and Councilor Josh Stevens))**

Brandon Melland, Planning & Zoning Director announced the item which was placed in the packet for the purpose of seeking City Council consideration of an amendment to Section 4.05.049, Business Regulations, to exempt ice cream trucks from permitting requirements provided their sales are limited entirely to prepackaged goods.

Mayor Riley asked if there was any public wanting to speak to which there was none.

RESULT: FIRST READ**Discussion and Possible Action to Allow City Council Members to be Reimbursed for City Related Expenses up to \$1,000.00 (M&C # 2021-07-07-__ C. Caldera)**

A motion was made by Councilor Jed Hefner to continue the meeting tonight taking Agenda Items 6.2; 6.3; 7; 8; 10.1; 11.3; 11.4; 11.5 and Consent Agenda Item 9.1; 9.2; 9.3; and 9.4. Councilor Hefner continued the motion saying he would also like to table Agenda Items 11.4; 11.5; 11.6 and Consent Agenda Items 9.4 and 9.6 to the next City Council meeting. The motion was seconded by Councilor Will Bradshaw.

City Council discussed the motion further and there was a consensus to move forward with brief first readings of Agenda Items 11.3, 11.4 and 11.5

Mayor Riley repeated the now amended motion that Council would continue tonight's meeting addressing Agenda Items 6.2, 10.1, 11.3, 11.4, 11.5 and approve the Consent Agenda with the exception of Items 9.4 and 9.6 which will be pulled to the next meeting. We will also postpone to the next meeting Agenda Items 11.6, 11.7, 11.9, and 11.10.

RESULT:	TABLED [UNANIMOUS]	Next: 7/7/2021 5:30 PM
MOVER:	Jed Hefner, Council Place 3	
SECONDER:	Will Bradshaw, Mayor Pro-Tem, Council Place 5	
AYES:	Benny Martinez, Josh Stevens, Jed Hefner, Rey Orozco, Will Bradshaw	

Discussion and Possible Action Regarding the 2021 City-Wide Garage Sale (M&C # 2021-06-15-20 Mayor Chris Riley)

A motion was made by Councilor Jed Hefner to continue the meeting tonight taking Agenda Items 6.2; 6.3; 7; 8; 10.1; 11.3; 11.4; 11.5 and Consent Agenda Item 9.1; 9.2; 9.3; and 9.4. Councilor Hefner continued the motion saying he would also like to table Agenda Items 11.4; 11.5; 11.6 and Consent Agenda Items 9.4 and 9.6 to the next City Council meeting.

The motion was seconded by Councilor Will Bradshaw.

City Council discussed the motion further and there was a consensus to move forward with brief first readings of Agenda Items 11.3, 11.4 and 11.5

Mayor Riley repeated the now amended motion that Council would continue tonight's meeting addressing Agenda Items 6.2, 10.1, 11.3, 11.4, 11.5 and approve the Consent Agenda with the exception of Items 9.4 and 9.6 which will be pulled to the next meeting. We will also postpone to the next meeting Agenda Items 11.6, 11.7, 11.9, and 11.10.

RESULT:	TABLED [UNANIMOUS]	Next: 7/7/2021 5:30 PM
MOVER:	Jed Hefner, Council Place 3	
SECONDER:	Will Bradshaw, Mayor Pro-Tem, Council Place 5	
AYES:	Benny Martinez, Josh Stevens, Jed Hefner, Rey Orozco, Will Bradshaw	

CITIZENS TO BE HEARD

None

CITY MANAGER'S REPORT

Crystal Caldera, Acting City Manager thanked the City Council and the community for allowing her the opportunity to serve as Acting City Manager for the last six (6) months.

Upcoming Important Events:

- Tuesday, July 20, 2021, at 6:00 PM, Regular City Council Meeting in Council Chambers.
- Wednesday, July 7, 2021, at 5:30 PM, Special City Council Budget Workshop in Council Chambers.
- Sunday, July 4, 2021, at 7:30 AM, Pioneer Firecracker 5K Run/Walk, Check-In at 6:30 AM at the Northwest Little League located at 6828 Poss Road.
- Sunday, July 4, 2021, at 7:30 PM, the 27th Annual July 4th Parade, "Celebrate America; the Red, White and Blue".
- Sunday, July 4, 2021, at 9:15 PM, July 4, 2021 Fireworks Spectacular, at Raymond Rimkus Park.
- Saturday, July 24, 2021, from 9:00 AM to 11:00 AM, Coffee with the Mayor and City Council, at the Leon Valley Conference Center.
- Miscellaneous other events and announcements.

RESULT:	PRESENTED
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ANNOUNCEMENTS BY THE MAYOR AND COUNCIL MEMBERS

- Councilor Benny Martinez announced the next Chamber meeting.

- Councilor Josh Stevens said he had a long list that he would reserve to the next meeting.
- Councilor Jed Hefner mentioned a gift card scam; Bandera Road Virtual Meeting; and the AAMPO results.
- Councilor Rey Orozco thanked Crystal Caldera, Acting City Manager for her help.
- Councilor Will Bradshaw said “Crystal has been great”; spoke about the flag retirement ceremony; and congratulated the Phoenix Suns.
- Mayor Chris Riley thanked Crystal Caldera, Vickie Wallace, and the staff for the budget cuts; thanked Saundra Passailaigue for the Fiesta decorations and announced that Fiesta runs June 17th through June 27th, 2021; spoke about Judge Nelson Wolfe and vaccinations; and lastly, thanked Crystal Caldera, Acting City Manager.


REQUESTS FROM MEMBERS OF CITY COUNCIL TO ADD ITEMS TO FUTURE AGENDAS

ADJOURNMENT


Mayor Riley announced that the meeting adjourned at 11:42 PM.

These minutes approved by the Leon Valley City Council on the 30th of June, 2021.

APPROVED



CHRIS RILEY
MAYOR

ATTEST: 
SAUNDRA PASSAILAIGUE, TRMC
CITY SECRETARY



On March 23, 2021, the Leon Valley City Council unanimously voted to adopt Ordinance No. 2021-13, amending the Leon Valley Code of Ordinance, Section 1.04.001 (d) (2) saying that “All written comments shall be included in the meeting minutes.”

The Presiding Chair, the Mayor, has sole discretion on the appropriateness of which comments are and are not allowed.

The following comments have been reviewed and approved as “appropriate” to be included in the June 15, 2021 Leon Valley Regular City Council Meeting Minutes by Mayor Chris Riley.

From: [Elizabeth Maloy](#)
To: [Saundra Passailaigue](#)
Subject: agenda item 6.1 June 15, 2021
Date: Tuesday, June 15, 2021 3:45:16 PM

TO: City Council and Mayor,

A couple years ago we had a real battle concerning the request brought by St John Baptist Church to rezone their property (on Huebner at Evers) to B-2 and/or B-3 zoning.

The owners of the 3 surrounding residential neighborhoods, zoned R-1 and R-6, petitioned to deny the change in zoning. The uses allowed in B2 and B3 by right are extremely intense and incompatible with the surrounding residential uses. . The zoning change to B-2 or B-3 is also not compatible with the Leon Valley master plan

The Leon Valley property owners representing the surrounding 3 neighborhoods had/have no issue with a potential rezone of the St Johns property to other transitional R districts i.e. apartments, 2 plex, or four plex residential and allowing a church to be built on land thus rezoned.

The Church, to my knowledge, has not chosen to rezone to an "R" zone compatible to the surrounding residential uses and the building of a church.

The president of the Pavona Place HOA, Elaine Valdez, has been actively promoting on behalf of the church. It should be understood she is acting in her personal interest and is not speaking on behalf of the Pavona Place HOA members.

Liz Maloy

Resident of Pavona Place
210-684-5751

From: [anacondahaugan](#)
To: [Saundra Passailaigue](#)
Subject: Citizens to be heard comment for June 16, 2021
Date: Tuesday, June 15, 2021 4:22:58 PM

Dear Mayor Riley and Councilmen,

Recently, I watched a video of James Springer collecting his property from the Leon Valley Police Department. He was an individual scooped up by Joe Salvaggio's press conference, mass arrest. It seemed to me, as I watched James finally retrieve family photos, personal vids, and lost work, that LVPD was finally owning their mistakes and moving beyond Joe Salvaggio. It felt as though the world is righted from it's wobbling spin, and we can all move along with life. Then it dawned upon me, about a month before his dismissal, Joe Salvaggio presented to Council property room fees and their justification. He stood there and assured Council, and the citizens, the fee IS discretionary, rarely used, and would never be used against victims or those wrongfully charged.

I noticed that the City of Leon Valley had the audacity to charge James a \$25 per incident, both happened as a result of a single arrest, to receive his property. I believe the total fees were over \$55. Please note, all charges were dropped, no conviction as none of the charges even made it to a hearing, as the DA dismissed the cases for "lack of evidence of a crime." I think it's important to state, the man went without his property for almost three years and didn't receive all of it back, as the LVPD decided to dispose of two items. I understand Joe Salvaggio claimed more charges pending but, it's clear to anyone who's read the depositions, warrant applications, and courts denial of said warrants, of the Federal lawsuit, that pipe dream evaporated about a year and half ago. LVPD also charged fees to Jack Miller, David Warren, and probably all the rest of the people who were falsely arrested by the LVPD, due to the misconduct of Joe Salvaggio.

I do understand returning their property is lawful and the ethical result, but should have taken place much sooner, as we probably all agree. However, charging people for their property, they were denied, is not only spiteful, it's the reason people do not respect police or many municipalities across this nation. This cannot be the new normal of municipal governance OR even considered lawful for police to confiscate property, hold property, and then charge the owner for the misconduct, or honest mistake, of a governmental organization.

But, believe it or not, that's not my point. My point is Chief Gonzalez didn't understand, when James made a comment referring to the fee and time his property was unlawfully held by LV, as he stated, "Well, it will only hurt the City more.... It will cost the City more." To which Mr. Gonzalez stated, "It wouldn't," and looked at James as though he were crazy and asked, "How?".

Being a principal of business for 15 years, I was stunned. How does anyone, in a management position, not understand limiting organizational risk? What Mr. Gonzalez stated is the very philosophy that creates disconnect of government agencies between citizens: Cost of harm to citizens is not a concern since the taxpayer is the unlimited source of settlement. It is the very thing that resulted in Joe Salvaggio's termination: Joe didn't misconduct by the police results in potential cost to the City financially and by reputation.

But further, as famously stated by Kelly Kuentler, "We have insurance for that," when speaking of claims made due to police misconduct, isn't a solution to this problem. Sorry Leon Valley, that doesn't eliminate the need of best practices, risk management, human resources screening of officers, training, or the ethics of the department. Mr. Gonzalez seems not to understand misconduct resulting in potential loss to the City he's supposed to serve. You all do understand how insurance and surety works, I hope? Lawsuits of this nature do not help surety or underwriting rates.

Removing Joe didn't solve the underlying problem of this department. Being polite and smiling, as the LVPD continues to engage in unethical behavior, isn't change. A lack of basic understanding that a police department is a cog in the machine of a business (the city) is unbelievable. The departments actions have financial impact upon the city. A chief of police who doesn't understand that simple fact does not belong in leadership.

I hope Leon Valley entertains contracting with another agency rather than maintaining or downsizing the dysfunction that is the Leon Valley PD. Bexar County or San Antonio would save the City a fortune compared to lawsuits, tarnished city reputation, citizen frustration and confidence of the LVPD. It's just sad.

So sorry council and the mayor were ever duped into that city charter and the previous council was filled with those who allowed Joe and Kelly to run your City. What a disaster..... Movies will be made.

Chuck Haugan
Anaconda, Montana

From: [bob page](#)
To: [Citizens to be heard](#)
Subject: Rules of Decorum
Date: Tuesday, June 15, 2021 4:07:37 PM

A few months ago I decided to continue observing but not participate in the council meetings citizens to be heard until if or when I became a Leon Valley citizen.

However something that I saw/heard that kinda disappointed me with the council members & I felt a need to contribute one last time.

In particular I am a bit disappointed with Mayor Riley who's fondness for everyone following the rules of decorum I have the upmost respect for!

A citizen stood up to make a comment during the discussion on the height of fences. He called out 2 neighborhoods in a way that to me appeared to be a racist & derogatory observation about the make-up of those 2 neighbors. And the facial expressions on the council members faces when he said it made me even more suspicious that was his intent! When "The San Antonio Naked Cowboy" got up to speak, he confirmed my suspicion that those 2 areas were made up of mostly African American &/or lower income Hispanic residents!

My point is the "rules of decorum" that the mayor enforces with an iron fist were obviously not observed by the speaker .

Although he did not curse or call out a specific person, he was obviously skirting the corners of proper decorum!

The expressions on numerous faces on the dais showed they obviously knew he was making a stereotyped racist statement & said NOTHING about it.

This person already has numerous strikes against him & even asked to leave the council room at least once.

He already has 3 strikes & should have been thrown out or at least called out on that obvious breach of the rules of decorum!!

p.s. The Naked cowboy nickname was meant to slip a little humor into an otherwise very serious e-mail. Not everyone will get it outside his YouTube/Facebook fans.

Thanks for the opportunity to participate in this meeting,

BOB PAGE
RICHWOOD, TX

From: [Mayor Riley](#)
To: [Saundra Passailaigue](#)
Cc: [Crystal Caldera](#)
Subject: Fw: Lion's Roar June-July
Date: Saturday, June 12, 2021 9:09:14 PM

Ms. Obel-Jorgensen has given me permission to read this letter on Tuesday during Citizens to Be Heard.

Sincerely,

Chris Riley

Mayor, City of Leon Valley
6400 El Verde Rd.
Leon Valley, TX. 78238
(210) 618-2092 - (cell)
(210) 684-1391, Ext. 218

From: Ruth Obel-Jorgensen [REDACTED]
Sent: Tuesday, June 8, 2021 6:20 PM
To: Mayor Riley; Benny Martinez; josh.stephens@leonvalleytexas.gov; Jed Hefner; Rey Orozco; Will Bradshaw
Subject: Lion's Roar June-July

Hello Mayor and Council Members -

Thank you for the updates provided in the June-July issue of the Lion's Roar. I find the updates on the status of City Council, ordinances, and development initiatives very informative. It's also nice to see the values of city leadership reflected through the stories of city employees, lives lost, and upcoming activities such as the pool and 4th of July festivities.

As such, I was disheartened to not read any mention of LGBTQ Pride festivities or at minimum a recognition of unity with the LGBTQ community. In addition, I did not see any mention of Juneteenth, an important event, especially in the history of Texas and for our Black community. Not seeing these events recognized sends a message to residents that either inclusion of these communities is not important or that they are forgotten. With the polarization in our communities, every small act of inclusion has a significant impact.

I ask that you consider uplifting the diversity of the community in the Lion's Roar by recognizing important events. It is one small way to reflect values of inclusion and belonging in our city. As a resident of Leon Valley, if I can be of any support, please let me know.

Many thanks in advance for your consideration,

Ruth

Ruth Obel-Jorgensen

she/her/hers

78238

From: [Crystal Caldera](#)
To: [Saundra Passailaigue](#)
Subject: FW: Leon Valley City Council Meeting 6/15 rDr Jay Fence vote
Date: Monday, June 14, 2021 11:41:25 AM

FYI

From: Josh Stevens <josh.stevens@leonvalleytexas.gov>
Sent: Monday, June 14, 2021 11:39 AM
To: Jayanta <jayanta911@yahoo.com>
Cc: Mayor Riley <mayorriley@leonvalleytexas.gov>; Jed Hefner <jed.hefner@leonvalleytexas.gov>; Crystal Caldera <c.caldera@leonvalleytexas.gov>
Subject: RE: Leon Valley City Council Meeting 6/15 rDr Jay Fence vote

Greetings Dr. Chaudhuri,

Thanks for sending in your comments. I'll make sure these are read during the meeting tomorrow night.

For the people,
Josh Stevens

(note: I intentionally removed Councilor Bradshaw from my response to avoid violating Texas' laws on quorums in the Texas Open Meetings Act.)

-----Original Message-----

From: "Jayanta" [REDACTED] >
Sent: Monday, June 14, 2021 11:33am
To: "Mayor Riley" <mayorriley@leonvalleytexas.gov>, "Josh Stevens" <josh.stevens@leonvalleytexas.gov>, "Jed Hefner" <jed.hefner@leonvalleytexas.gov>, will.bradshaw@leonvalleytexas.gov, "Crystal Caldera" <c.caldera@leonvalleytexas.gov>
Subject: Leon Valley City Council Meeting 6/15 rDr Jay Fence vote

Dear City Council of Leon Valley

Thank you Mayor Riley and all for putting my fence issue as first issue to be discussed at the meeting tomorrow. I greatly appreciate your flexibility in this, unfortunately I will not be able to attend the meeting tomorrow at 6 pm due to work obligations. I feel I already made my points at the first meeting and nothing has changed in my opinion. I would like to outline and reiterate a few of the obvious reasons I should be allowed to keep the 8 feet fence.

1. It does not cause the city to lose aesthetic beauty. In fact the few people arguing against the fence described it as beautiful many times at the meeting. It was very counterintuitive to me why they wanted it cut.
2. It replaced a 40 year old dilapidated chain link fence. I don't feel like I should be punished for improving the appearance of our neighborhood. The cost of a 8 feet fence was \$5000 more compared to 6 feet fence.
3. Precedents were set by past approvals of 8 feet fence. My fence is no different from other cases that were approved before me. In fact I argue my fence satisfies same issues and more from prior cases. I have one of the largest slopes in the city. From the back of property to front of property the slope requires larger fence to help with privacy. The same reason prior 8 feet fence was allowed for another citizen. Again I am no different from other citizens. We are all equals regardless of income, race, ethnic

background or any other differences we might have.

4. A few times in last weeks meeting comments were made that it would be easy for me to cut the fence. Nothing could be further from the truth. I would not be cutting a 5 yard stretch, I would have to cut over 100 yard of fencing. Cutting would be straight across the top eliminating the beautiful beveled edges of the fence. No contractor can cut bevel edges by saw. It is done by machines at factories. Thus we would create an "Ugly structure" for the city and neighborhood.

5. Home Owners and people's rights as citizens. It is a slippery soap to impose the will of the city by forcing an ordinance on a citizen that is clearly outdated. Councilman that voted against my 8 feet fence stated after the vote he would support new ordinance to allow for 8 feet fence. I was perplexed by his actions but supported his thoughts nonetheless.

6. The city has wasted enough tax payor dollars fighting cases like this before. This is a great little city that does not need to waste its citizen's time or hard earned dollars fighting its citizens. No one wins at the end with litigation only the lawyers.

Again, great thanks to Mayor Riley and all Councilmen for allowing me to be heard and putting my case at the top to allow me to go back to work early. I know all of you do the work you do as a volunteers for the city. I greatly appreciate the sacrifice you all make for the city and it's citizens doing the job that you do. I hope you reconsider my situation and decide on a fair outcome for all. Thank you for your time. Hoping for the best tomorrow.

Sincerely

Jay Chaudhuri MD

Sent from my iPhone please disregard iPhone typos and spellcheck issues.

From: [Jacque Conrad](#)
To: [Citizens to be heard](#)
Subject: Stebbins residence
Date: Tuesday, June 15, 2021 12:18:31 PM

Wish to add our support for Lynn and Cynthia Kimble. We welcome them and are happy to have them in Monte Robles Park. They have already done a great deal to improve the property. We have no problems with their parking and living in their RV while working on the house.

Scott & Jacque Conrad
6522 Thunderbird Dr.

Sent from my iPhone

Fence height, Please have Councilor Stevens read

From: Tina Chasan [REDACTED]

Sent: Tue, Jun 15, 2021 at 2:51 pm

To: citizenstobeheard@leonvalleytexas.gov

Cc: Josh.stevens@leonvalleytexas.gov

Good evening Mayor Riley and Councilors,

On the topic of fence heights, I would like to impart some knowledge garnered by decades of experience in animal rescue. As most know, the nextdoor app has a prolific amount of lost dogs posted. A good many of those dogs are Huskies and German Shepherds.

These breeds of dogs need a job to do, otherwise they look to make their own kind of fun. Usually this involves their native ability to easily clear a 6 foot fence in their search for adventure. If pet owners were allowed to have an 8 foot fence they would then be able to safely secure their animals as well as their home. Not many people can look over an 8 ft fence!

Having this height of fence could certainly free up the ACO and other members of the Leon Valley Police, allowing them to turn their attention to other city concerns. Also this would reduce the safety concerns of the citizens from roaming dogs.

My final comment for your consideration, rescues utilise an 8 ft fence as a secure way of containing their dogs. So for the safety of the citizens, the dogs and the families that love them, I ask you to amend the 6 ft to an 8 ft height of the fences in chapter 15, of the Leon Valley code.

Respectfully,

Tina Chasan

First Oaks / Canterfield

From: [Mayor Riley](#)
To: [Saundra Passailaigue](#)
Cc: [Crystal Caldera](#)
Subject: Fw: Mike Nesmith is coming to San Antonio
Date: Tuesday, June 15, 2021 2:39:09 PM

I will read this during Citizens to Be Heard this evening. Thank you.

Chris Riley

Mayor, City of Leon Valley
6400 El Verde Rd.
Leon Valley, TX. 78238
(210) 618-2092 - (cell)
(210) 684-1391, Ext. 218

From: Mayor Riley
Sent: Friday, June 11, 2021 1:36 PM
To: Kathy Hill
Cc: Will Bradshaw; Crystal Caldera
Subject: Re: Mike Nesmith is coming to San Antonio

Thanks Kathy - I really like the idea and will bring this up at the next city council meeting. Take care and continue to be safe.

Sincerely,

Chris Riley

Mayor, City of Leon Valley
6400 El Verde Rd.
Leon Valley, TX. 78238
(210) 618-2092 - (cell)
(210) 684-1391, Ext. 218

From: Kathy Hill <[REDACTED]>
Sent: Friday, June 11, 2021 11:46 AM
To: Mayor Riley
Subject: Mike Nesmith is coming to San Antonio

Hi Mayor,

I see that The Monkeys are doing a farewell tour and San Antonio is one of the stops. The City should

reach out and invite him to come see his street. A little good PR for Leon Valley. I think the request to his agent would be strongest coming from the City. His visit is at the end of September. Attached is a screenshot of the notice from The Tobin.

Best,

Kathy Hill

From: [Justin Pulliam](#)
To: [Mayor Riley](#); [Will Bradshaw](#); [Josh Stevens](#); [Rey Orozco](#); [Jed Hefner](#); [Saundra Passailaigue](#); [Benny Martinez](#)
Subject: Citizens to be Heard June 15, 2021 (first citizen to be heard session)
Date: Tuesday, June 15, 2021 3:57:59 PM

Dear Mayor Riley and Councilors:

One of the foundational principles of American governance is the right of the governed to elect peers so that the people may be fairly represented. Rather than a monarch, military dictator, or a single influential do-gooder running the city, the residents have elected councilors.

I was disappointed to learn that the Mayor exercised her authority to break a tie and voted against the position of an absent councilor. I was confused why the mayor would make such a strong political stand, especially since registering a negative vote did not change the outcome.

While the actions were technically legal, it was against the spirit of democracy. It was against what we stand for as Americans. And it's probably not the outcome that would occur with all members present.

Not too long ago, Leon Valley was disrupted by an unelected city staffer who did whatever she wanted, despite the will of the people. We cannot allow tyranny to repeat itself. The leaders of Leon Valley should remember that they are simply a vote at the table. Through these votes, the will of the people is enacted into city policy. It's not a perfect system, but it's better than having no voice at all. However, when those in power use special circumstances to cleverly get what they want--even when it's not the majority position of all elected leaders--it corrupts the council and erodes trust in government.

For those who voted against the reasonable request to build a suitable fence, please put yourself in the resident's shoes. How would you like it if the city made you reduce the height of your radio antenna? What if your employer was unable to put up a tall sign--would you still have as many people visit the car lot? How many of you placed political signs up on others' fences?

Why isn't the fence variance on the agenda for tonight? Are there even more games being played to block a full vote on this matter?

Please discuss placing this item on the agenda--or the reasons for why it is not on the agenda. It is my understanding that such discussion is specifically permitted by state statute.

Sincerely,

Justin Pulliam
Fort Bend County, Texas