



**CITY OF LEON VALLEY
CITY COUNCIL REGULAR MEETING**
Leon Valley City Council Chambers
6400 El Verde Road, Leon Valley, TX 78238
Tuesday, August 3, 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 Will Bradshaw to lead the Pledge of Allegiance.

Mayor Riley then briefly announced the Rules of Decorum.

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

Mayor Chris Riley read the caption for Agenda Item 2.1; and announced that the City Council would go into Executive Session at 5:33 PM

Pursuant to Texas Government Code, Chapter 551, 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. Leon Valley Board of Adjustment

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

The City Council reconvened into Open Session at 6:53 PM

A motion was made by Councilor Benny Martinez to allow the city manager to negotiate a settlement on the Tribble case. The motion was seconded by Councilor Josh Stevens.

RESULT: **APPROVED [UNANIMOUS]**
MOVER: Benny Martinez, Council Place 1
SECONDER: Josh Stevens, Council Place 2
AYES: Benny Martinez, Josh Stevens, Jed Hefner, Rey Orozco, Will
 Bradshaw

CITIZENS TO BE HEARD

Those who spoke at this time were: Justin Pulliam (no location mentioned); Erick Matta (Leon Valley)

Mayor Chris Riley read comments submitted via e-mail from the following: Gloria Crawford (no location noted); and Bob Page (no location noted)

Councilor Jed Hefner called a Point of Order and motioned to move Agenda Items 9.1, 9.5, and 9.6 up on the agenda with the reason being that these items were carried over from the July 20, 2021 meeting and considered "Urgent". 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

ORDINANCES

Discussion and Possible Action on an Ordinance of the City of Leon Valley, TX, City Council Accepting the Southwest Texas Regional Advisory Council Trauma System Grant in the amount of \$14,069.50; and Amending the General Fund Budget of The City of Leon Valley, Texas Municipal Budget for The Fiscal Year 2020-2021 to be Increased in the Amount of \$14,069.50, to Provide Funding to Purchase Supplies and Equipment Used for Providing Emergency Medical Care in Leon Valley (1st Read was Held on 07-20-2021) (M&C # 2021-08-03-08 M. Naughton)

A motion was made by Councilor Josh Stevens to approve the item as presented. The motion was seconded by Councilor Benny Martinez.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Josh Stevens, Council Place 2
SECONDER:	Benny Martinez, Council Place 1
AYES:	Benny Martinez, Josh Stevens, Jed Hefner, Rey Orozco, Will Bradshaw

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 # 2021-08-03-03 B. Melland)

Councilor Benny Martinez stated that the ordinance says that they alleyway is twenty-feet (20') but that the Tribble's alleyway is sixteen-feet (16') or less. Councilor Martinez requested that this be corrected A motion was made by Councilor Benny Martinez to adopt with the amendment to the alleyway. The motion was seconded by Councilor Rey Orozco.

Brandon Melland, Planning and Zoning Director replied that he would go back and look at the survey that was done by LNV that he would go back and confirm that and if necessary, he would go back and change that wording in the ordinance.

A motion was made by Councilor Benny Martinez to accept the ordinance with that change. The motion was seconded by Councilor Rey Orozco.

Councilor Josh Stevens responded that he feels it is unnecessary to make such a change because Item B of the ordinances qualifies for their (the Tribbles') specific property.

Mayor Riley asked Roxana Stevens, City Attorney if this was correct. Attorney Stevens replied that as long it fits that minimum of ten-feet (10') from the nearest structure, it should.

Councilor Jed Hefner asked if the effective date would need to be changed as well. City Attorney Stevens agreed that it would need to be changed.

The previous motion by Councilor Stevens as well as the second by Councilor Orozco were withdrawn.

A motion was made by Councilor Benny Martinez to adopt the ordinance as presented with a change to the effective date to reflect August 03, 2021. The motion was seconded by Councilor Rey Orozco.

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

Discussion and Possible Action on an Ordinance Amending Article 3.03 Flood Damage Prevention (1st Reading was Held 07-20-2021) (M&C # 2021-08-03-07 B. Melland)

Councilor Josh Stevens asked for clarification from Director Brandon Melland, saying that there are no properties that will be subject to this today that were detrimentally affected by the flood that are in the process of rebuilding?

Director Melland responded that he did not have the appropriate data with him right now to give an answer.

A motion was made by Councilor Josh Stevens to adopt as presented. The motion was seconded by Councilor Jed Hefner.

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

PRESENTATIONS

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

Floyd Messick, Assistant Finance Director presented the Quarterly Finance Report ending June 30, 2021.

Those who spoke on this item were: Justin Pulliam (Fort Bend County)

RESULT:	PRESENTED
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Presentation of the 2021 4th of July Event Wrap-Up (M. Mendoza, Special Events Coordinator)

Maribel Mendoza, Special Events Coordinator presented trophies for the winning parade entries. The entry that was awarded the 1st Place trophy was awarded to Jubilee Sendero and the 2nd Place trophy was awarded to the American Legion Post 336.

Ms. Mendoza went on to present a re-cap of the 2021 July 4th event.

There was a consensus among members of City Council to direct staff to move forward with the planning of the 2022 July 4th event.

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

RESULT: PRESENTED

Presentation and Direction on the Soap Box Derby Event (M. Mendoza, Special Events Coordinator)

Maribel Mendoza, Special Events Coordinator presented this item seeking City Council direction on planning the event and choosing a date.

There was a consensus among members of City Council to hold the event the week of Spring Break 2022.

RESULT: PRESENTED

Discussion and Possible Action to Provide Direction to Staff Regarding an Ordinance Amending Sections 15.02.306 and 15.02.324, Zoning Code, Regarding Setbacks for Carports in the R-1, Single Family Dwelling Zoning District (M&C # 2021-08-17-17 B. Melland)

Brandon Melland, Planning and Zoning Director presented this item seeking City Council feedback and direction regarding potential amendments to Chapter 15 of the City's Code regarding setbacks for carports in the R-1, Zoning District.

Director Melland stated that the zoning code currently requires that carports adhere to the standard setback requirements of the zoning code which pertain to primary structures such as the main dwelling and accessory structures such as detached garages or sheds.

Director Melland presented pros and cons to potentially amending this code: Pro's: An unknown number of Leon Valley residents - that for whatever reason, are not able to utilize their garages for vehicular storage - will be able to provide outdoor shelter for their vehicles; and Leon Valley residents will be able to utilize more of their property for built structures. Cons: This city will be making a policy change without comprehensive feedback from citizens: and the City will be amending previous code requirements established for the purpose of maintaining open space between building setbacks in residential zoning districts.

Director Melland concluded the presentation saying that this code amendment is being considered at the request of Councilor Jed Hefner and Rey Orozco at the June 1, 2021; council meeting based on a citizen concern. Since this meeting he has received additional request.

There was a consensus among members of City Council to have staff bring back options for consideration.

RESULT: PRESENTED

A motion was made by Councilor Josh Stevens to have Planning and Zoning Director create some potential amendments or draft some potential amendments that allow for more flexibility with regards to carports and bring them back for Council to go from there. The motion was seconded by Councilor Rey Orozco.

RESULT: APPROVED [UNANIMOUS]
MOVER: Josh Stevens, Council Place 2
SECONDER: Rey Orozco, Council Place 4
AYES: Benny Martinez, Josh Stevens, Jed Hefner, Rey Orozco, Will
 Bradshaw

ANNOUNCEMENTS BY THE MAYOR AND COUNCIL MEMBERS

- Councilor Benny Martinez said he hoped to get control of the agenda to make it more concise and better for the audience viewing us.
- Councilor Josh Stevens thanked everyone for attending; mentioned to all to reach out to any Council member if there is something they want to discuss, also that CPS energy is starting disconnects and encouraged anyone that is struggling to pay their bill to contact CPS Energy so they can work together and that if they have trouble, to reach out to him.
- Councilor Jed Hefner said his daughter turned seven (7) this past weekend; was reminded that National Night Out is coming up.
- Councilor Rey Orozco announced that he registered his dog (Norm) with the City and encouraged everyone to get their pets registered.
- Councilor Will Bradshaw thanked everyone for attending or watching online; condolences to the Phoenix Suns.
- Mayor Chris Riley announced that it was a pleasure to be invited to the Next Gen Cafe soft opening which will open on Monday, August 16th; Elaine Valdez passed out bumper stickers at the Coffee with the Mayor & Council; National Night Out is October 4th. Please notify the LVPD if you plan to host a party; Thanked everyone for participation with the TxDOT meetings regarding Bandera Road; Thanking TxDOT for sidewalks.

CITY MANAGER'S REPORT

Upcoming Important Events:

City Manager Gilbert Perales supplemented his report which can be found on the City's website by saying that even though the Phoenix Suns lost, Chris Ball did end up with a four (4) year contract; the American Rescue Plan (ARP) Funds will be available mid-August and that the amount has increased slightly to a little over three-million dollars; that the meeting City Council wanted him to have with Judge Morales went very well. Judge Morales will be revising his Standard Order regarding Court Decorum and redefining the area where

photography, audio and video is not permitted without his consent. The area defined are the court room and the prosecutor's area. This will possibly be effective August 15, 2021 once we have the materials to build an office type area for the prosecutor but everything else will be open to anyone coming into the City; Cha Cha's New Gen held a soft-opening; and reminded the City Council of the City's effort to promote the Back-to-School Supply Drive. There are several bins located at City Hall and at the library.

Upcoming Important Events:

- a. **Tuesday, August 17, 2021, at 6:00 PM, Regular City Council Meeting in Council Chambers.**
- b. **Tuesday, August 17, 2021, at 5:30 PM, Crime Control & Prevention Board of Directors Meeting in Council Chambers.**
- c. **Wednesday, August 04, 2021, at 12:00 PM, Monthly Siren Testing (weather permitting).**
- d. **Wednesday, September 22, 2021, at 6:00 PM, Volunteer Appreciation Dinner, at the Leon Valley Conference Center.**
- e. **Tuesday, September 14, 2021, at 6:00 PM, Special City Council Meeting in Council Chambers.**
- f. **Saturday, October 30, 2021, Northwest Seniors Trash & Treasure Event, at the Leon Valley Community Center.**
- g. **Saturday, October 30, 2021, City-Wide Garage Sale (more details to come).**
- h. **Miscellaneous other events and announcements.**

RESULT: PRESENTED

CONSENT AGENDA

Councilor Benny Martinez asked to pull Agenda Item 8.3 from the Consent Agenda for discussion.

A motion was made by Councilor Jed Hefner to approve Consent Agenda Items 8.1 and 8.2. The motion was seconded by Councilor Josh Stevens.

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

Consideration of the Following City Council Minutes:

- a. **Regular Meeting- July 20, 2021 5:30 PM**
- b. **Coffee with the Mayor and City Council- July 24, 2021 9:00 AM**

Acceptance of Board/Committee/Commission Minutes:

a. 06-28-2021 Tree Advisory Board Minutes

Discussion and Possible Action on a Resolution Amending the Lease Agreement with Cha Cha's Cafe by Removing One of the Lessee's from the Agreement - *Item Removed from Consent* (M&C # 2021-08-03-02 C. Caldera)

Crystal Caldera, ACM/HR Director presented this item. Restaurant owner Margarita Bania Ruiz also spoke on this item and answered questions from City Council members.

Those who spoke on this item were: Justin Pulliam (Fort Bend County); and Evan Bohl (Leon Valley)

ORDINANCES CONTINUED

Discussion and Possible Action on an Ordinance for a Request by Hank Daughtry for a Zone Change from B-3, Commercial District with SO, Sustainability Overlay District Zoning, to B-3, Commercial District, with No Overlay Zoning on Approximately 4-acres Located Between Poss Road and Grissom Road, approximately 1,000 Feet West of Bandera Road; and a Public Hearing on Said Request (1st Reading was Held 07-20-2021) (M&C # 2021-08-03-04 B. Melland)

Mayor Riley opened the Public Hearing at 8:52 PM

Those who spoke on this item were: Cassie Rowse (Leon Valley); Evan Bohl (Leon Valley); Justin Pulliam (Fort Bend County); Erick Matta (Leon Valley); and Justin Pulliam again (Fort Bend County)

Councilor Josh Stevens read an e-mail submitted by: Steven Pett who forwarded a letter from Larry Little, Jr. and Darren Kuyrkendall of Kuyrkendall and Company, Inc.

Councilor Will Bradshaw read an e-mail submitted by: Samir Chehade

Mayor Chris Riley read an e-mail submitted by: Daniel Earl, DVM (Leon Valley Veterinarian)

Hank Daughtry, Leon Valley Storage who is the applicant, also spoke at this time.

There being no further public comment; Mayor Riley closed the Public Hearing at 10:00 PM

A motion was made by Councilor Benny Martinez to pass the ordinance as presented with the removal of the Sustainability Overlay. The motion was seconded by Councilor Will Bradshaw.

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 - Aye; Councilor Josh Stevens - Nay; Councilor Jed Hefner - Nay; Councilor Rey Orozco - Aye; and Councilor Will Bradshaw - Aye.

Mayor Riley announced the motion carried.

RESULT:	ADOPTED [3 TO 2]
MOVER:	Benny Martinez, Council Place 1
SECONDER:	Will Bradshaw, Mayor Pro-Tem, Council Place 5
AYES:	Benny Martinez, Rey Orozco, Will Bradshaw
NAYS:	Josh Stevens, Jed Hefner

At this time, Mayor Riley announced that City Attorney Stevens had a concern about agenda item 9.1

Roxana Stevens, City Attorney asked that Item 9.1 be reopened to hold the Public Hearing, and then take action again on the motion.

A motion was made by Councilor Jed Hefner to re-open Agenda Item 9.1. The motion was seconded by Councilor Josh Stevens.

Mayor Chris Riley opened the Public Hearing at 10:03 PM.

There being no public comment; Mayor Riley closed the Public Hearing at 10:03 PM

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

At the advice of the city attorney, the City Council would now need to “re-vote”.

A motion was made by Councilor Josh Stevens to approve Item 9.1 as presented with the date changed to August 03, 2021. The motion was seconded by Councilor Jed Hefner.

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

Mayor Riley asked members of City Council what they wanted to do with the other items since it was now after 10:00 PM

Councilor Will Bradshaw motioned to move everything to the next meeting but not to add anymore.

A motion was made by Councilor Josh Stevens to take Citizens to be Heard next and move all the other items to the next meeting. The motion was seconded by Councilor Rey Orozco.

RESULT:	APPROVED [4 TO 1]
MOVER:	Josh Stevens, Council Place 2
SECONDER:	Rey Orozco, Council Place 4
AYES:	Josh Stevens, Jed Hefner, Rey Orozco, Will Bradshaw
NAYS:	Benny Martinez

CITIZENS TO BE HEARD

Those who spoke at this time were: Erick Matta (Leon Valley); Justin Pulliam (Fort Bend County); Jack Miller (Fort Bend County); Evan Bohl (Leon Valley); Cassie Rowse (Leon Valley); Andy Guerra (Helotes); and Jack Miller (Fort Bend County) again.

A motion was made by Councilor Jed Hefner to move all remaining items to the August 17, 2021 agenda. The motion was seconded by Councilor Rey Orozco.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Jed Hefner, Council Place 3
SECONDER:	Rey Orozco, Council Place 4
AYES:	Benny Martinez, Josh Stevens, Jed Hefner, Rey Orozco, Will Bradshaw

ORDINANCE CONTINUED

Discussion and Possible Action on an Ordinance Amending the Leon Valley Code of Ordinances, Chapter 1 General Provisions, Article 1.06 Boards, Commissions, and Committees, to Create a New Article 1.06.006 Board Appointments and Succession (1st Read was Held on 07-20-2021) (M&C # 2021-08-17-07 S. Passailaigue)

A motion was made by Councilor Josh Stevens to take Citizens to be Heard next and move all the other items to the next meeting. The motion was seconded by Councilor Rey Orozco.

RESULT:	TABLED [4 TO 1]	Next: 8/17/2021 5:45 PM
MOVER:	Josh Stevens, Council Place 2	
SECONDER:	Rey Orozco, Council Place 4	
AYES:	Josh Stevens, Jed Hefner, Rey Orozco, Will Bradshaw	
NAYS:	Benny Martinez	

Discussion and Possible Action on an Ordinance Awarding a Bid to Clark Construction of Texas, Inc. in the Amount of \$916,179, with 15% for Contingency; Authorizing the City Manager to Enter into a Contract with Clark Construction of Texas for the Year 4 Street Maintenance Program; Authorizing a Fiscal Year 2020-2021 Street Maintenance Fund Budget Adjustment in the Amount of \$895,540; and Authorizing an Enterprise Fund Budget Adjustment in the Amount of \$313,190 (1st Read was Held on 07-07-2021) (M&C # 2021-08-17-04 D. Dimaline)

A motion was made by Councilor Josh Stevens to take Citizens to be Heard next and move all the other items to the next meeting. The motion was seconded by Councilor Rey Orozco.

RESULT:	TABLED [4 TO 1]	Next: 8/17/2021 5:45 PM
MOVER:	Josh Stevens, Council Place 2	
SECONDER:	Rey Orozco, Council Place 4	
AYES:	Josh Stevens, Jed Hefner, Rey Orozco, Will Bradshaw	
NAYS:	Benny Martinez	

REGULAR AGENDA

Discussion and Possible Action on a Resolution of the City Council of the City of Leon Valley, Texas, Appointing an Alternate Member to the City of Leon Valley Capital Facilities Oversight Committee (M&C # 2021-08-17-12 S. Passailaigue)

A motion was made by Councilor Josh Stevens to take Citizens to be Heard next and move all the other items to the next meeting. The motion was seconded by Councilor Rey Orozco.

RESULT:	TABLED [4 TO 1]	Next: 8/17/2021 5:45 PM
MOVER:	Josh Stevens, Council Place 2	
SECONDER:	Rey Orozco, Council Place 4	
AYES:	Stevens, Hefner, Orozco, Bradshaw	
NAYS:	Martinez	

Presentation and Discussion on an Ordinance Amending Chapter 15, Zoning Code, Regarding Specific Use Permit Approval for Short-Term Rentals and Review Short Term Rental Hotel Motel Tax Collection (1st Reading as Required by City Charter) (M&C # 2021-08-17-13 B. Melland)

A motion was made by Councilor Josh Stevens to take Citizens to be Heard next and move all the other items to the next meeting. The motion was seconded by Councilor Rey Orozco.

RESULT:	TABLED [4 TO 1]	Next: 8/17/2021 5:45 PM
MOVER:	Josh Stevens, Council Place 2	
SECONDER:	Rey Orozco, Council Place 4	
AYES:	Stevens, Hefner, Orozco, Bradshaw	
NAYS:	Martinez	

Discussion, Presentation, and Direction to Staff to Substantiate Red Light Camera Statements Made in the Public Meeting on July 24th, 2021 with Verifiable Raw Data for All Traffic Crashes Occurring in the Past 10 Years in Leon Valley (M&C # 2021-08-17-16 Councilor Josh Stevens and Councilor Will Bradshaw)

A motion was made by Councilor Josh Stevens to take Citizens to be Heard next and move all the other items to the next meeting. The motion was seconded by Councilor Rey Orozco.

RESULT:	TABLED [4 TO 1]	Next: 8/17/2021 5:45 PM
MOVER:	Josh Stevens, Council Place 2	
SECONDER:	Rey Orozco, Council Place 4	
AYES:	Stevens, Hefner, Orozco, Bradshaw	
NAYS:	Martinez	

Discussion and Possible Action to Allow City Council Members to be Reimbursed for City Related Expenses up to \$1,000.00 (M&C # 2021-08-17-15 C. Caldera)

A motion was made by Councilor Josh Stevens to take Citizens to be Heard next and move all the other items to the next meeting. The motion was seconded by Councilor Rey Orozco.

RESULT:	TABLED [4 TO 1]	Next: 8/17/2021 5:45 PM
MOVER:	Josh Stevens, Council Place 2	
SECONDER:	Rey Orozco, Council Place 4	
AYES:	Stevens, Hefner, Orozco, Bradshaw	
NAYS:	Martinez	

Discussion and Possible Action on an Ordinance of the City of Leon Valley, TX, City Council Amending the General Fund Budget of the City of Leon Valley, Texas Municipal Budget for the Fiscal Year 2020-2021 in the Amount of \$39,413 and the Enterprise Fund Budget of the City of Leon Valley, Texas Municipal Budget for the Fiscal Year 2020-2021 in the Amount of \$39,413 to Provide Funding for the Leon Valley General Fund for \$78,826; For the Purpose of Funding Payment to Two (2) City Manager Salaries at the same time; Moving Expenses per Contract That Were Not Budgeted; ICMA for Kelly Kuentler; This includes FICA and Retirement; Providing for Repealer, Severability and Saving Clauses; and Providing for an Effective Date (1st Reading as Required by City Charter) (M&C # 2021-08-17-11 S. Passailaigue)

A motion was made by Councilor Josh Stevens to take Citizens to be Heard next and move all the other items to the next meeting. The motion was seconded by Councilor Rey Orozco.

RESULT:	TABLED [4 TO 1]	Next: 8/17/2021 5:45 PM
MOVER:	Josh Stevens, Council Place 2	
SECONDER:	Rey Orozco, Council Place 4	
AYES:	Stevens, Hefner, Orozco, Bradshaw	
NAYS:	Martinez	

Presentation and Discussion on an Ordinance Amending Chapter 15, Zoning Code, Regarding Certificate of Occupancy Requirements (1st Reading as Required by City Charter) (M&C # 2021-08-17-14 B. Melland)

A motion was made by Councilor Josh Stevens to take Citizens to be Heard next and move all the other items to the next meeting. The motion was seconded by Councilor Rey Orozco.

RESULT:	TABLED [4 TO 1]	Next: 8/17/2021 5:45 PM
MOVER:	Josh Stevens, Council Place 2	
SECONDER:	Rey Orozco, Council Place 4	
AYES:	Stevens, Hefner, Orozco, Bradshaw	
NAYS:	Martinez	


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

ADJOURNMENT

Mayor Riley announced that the meeting adjourned at 10:36 PM.

These minutes approved by the Leon Valley City Council on the 13th of August, 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 August 03, 2021 Leon Valley Regular City Council Meeting Minutes by Mayor Chris Riley.

From: [Gloria Crawford](#)
To: [Citizens to be heard](#)
Subject: Mask Mandate
Date: Saturday, July 31, 2021 1:39:34 AM

Will there be any effort to enforce indoor mask requirements with LV businesses. I have noticed convenience stores have signs posted but customers do not comply and bring their small unmasked children in too. We seem to have a vagrant problem and some convenience stores cater to products used for drugs. I feel it is unsafe to enter convenience stores that are not enforcing their mask policy posted. I am also concerned about the poor children being exposed to Covid by irresponsible parents who are not forced to wear masks and mask their children. Convenience stores are enabling the spread of Covid for their own selfish gain.

From: [Samir Chehade](#)
To: [Mayor Riley](#); [Benny Martinez](#); [Josh Stevens](#); [Jed Hefner](#); [Rey Orozco](#); [Will Bradshaw](#); [Gilbert Perales](#); [Crystal Caldera](#); [Brandon Melland](#); [Saundra Passailaigue](#)
Cc: [Azim Fancy](#)
Subject: Owners of 6758 Poss Rd: Comments on August 3, 2021 Regular Council Meeting, Agenda item 9.2
Date: Monday, August 2, 2021 12:28:30 PM

The Honorable Mayor Riley;

The Honorable Council Members Bradshaw, Hefner, Martinez, Orozco and Stevens;

City Manager Perales;

Assistant City Manager Caldera; and

Planning and Zoning Director Melland

Re: August 3, 2021 Regular Council Meeting, Agenda item 9.2.

This letter concerns our PDD rezoning application for our land parcel with municipal address 6758 Poss Road in the City of Leon Valley, located in the block west of Bandera Rd, between Poss Rd and Grissom Rd. This letter also concerns Mr. Daughtry's Zone Change application from B-3 with SO, to B-3 with No SO on approximately 4-acres of adjacent land located in the same block.

Our group has made a substantial investment to date to present our plans for a mixed-use/residential project that fits within the City's revitalization plan and the spirit of the Sustainability Overlay's ("SO") zoning objectives. Mr. Daughtry's Zone Change application is made with the view of building a storage facility with a retail front. The approval of such application by Council substantively impacts our current plans for our parcel, and the potential viability of our proposed mixed-used/residential project in that block.

Mr. Daughtry's application has been preceded by at least one other application to waive the SO requirements, which has been approved by Council. In the last Council meeting held on July 20, 2021, Council decided that there is merit to Mr. Daughtry's application which passed the 1st reading. Other land owners in the block, such as Mr. Rubio and Mr. King, submitted letters in support of Mr. Daughtry's application. Our group decided not oppose it. Instead, and in lieu of granting Mr. Daughtry an exception waiver of the SO zoning requirements only for the parcel subject to his application, may we respectfully request that Council consider moving to vote on August 3, 2021 in favor of dispensing with the SO Zoning requirements for the entire block delimited by Bandera Rd, Poss Rd, and Grissom Rd. This approach creates a uniform and equitable solution that allows property owners in that block, such as our group, to reassess the use of their land.

We respectfully submit this request for your consideration, and sincerely hope that you find it to be reasonable. We also respectfully ask the administration that this letter be read in session.

On behalf of STS Partners LP.
Samir Chehade and Azim Fancy

Samir Chehade
403-561-2425

From: [Stephen Pett](#)
To: [Mayor Riley](#); [Will Bradshaw](#); [Benny Martinez](#); [Josh Stevens](#); [Jed Hefner](#); [Rey Orozco](#)
Cc: [Gilbert Perales](#); [Crystal Caldera](#); [Saundra Passailaigue](#)
Date: Thursday, July 29, 2021 6:56:49 PM
Attachments: [Larry Little SO Leon Valley Storage 2021 7 26.pdf](#)
[Poss Use Letter from Darren Kuyrkendall.pdf](#)

July 29, 2021

To the Honorable Mayor and City Council of Leon Valley, Texas:

I have attached two letters on a matter of import to the council and the City of Leon Valley. One from Mr. Larry Little and one from Mr. Darren Kuyrkendall. Mr. Little requests that these letters be read aloud at the City Council Meeting on August 3, 2021 and entered into the Public Records.

Thank You,

Stephen M. Pett o.b.o. Larry Little, Jr.

Larry Little, Owner, **Poss Rd, LLC**
6737 Poss Rd, Leon Valley, TX 78238

July 26, 2021

Dear Honorable Mayor & Council Members,

RE: Leon Valley Storage Project & Sustainability Overlay-Negative Impacts to My Business

Introduction & Support for the Leon Valley Storage Project:

Allow me to introduce myself, I'm Larry Little, owner of Poss Rd, LLC, located at 6737 Poss Road, a set of three Warehouse Buildings with Retail fronts in Leon Valley. My Warehouses are directly in front of the backside of the proposed Leon Valley Storage Project, which has frontages on Poss & Grissom Roads.

I am generally in favor of the proposed Leon Valley Storage project; however, would like the backside of the project to have Retail fronts on Poss Road, similar to those proposed for Grissom Road, so my tenants aren't facing a stone wall, but rather other Retail businesses. This would enhance Poss Road and allow for more Retail spaces in the area, which is the City's goal.

Sustainability Overlay (SO) - Negative Impacts on My Business:

The issue of the restrictiveness and negative impacts of the Sustainability Overlay (SO) on businesses came up at the City Council Meeting held on July 20, 2021. The City has allowed SO exceptions for Paradise Car Wash, U-Haul, Miracle Paint & Body (twice) and now possibly for Leon Valley Storage, a project I support.

In all cases, these exemptions are needed to help the businesses flourish so they can bring additional Sales Tax dollars to the City. About 50% of the Tax Revenues the City receives are from businesses in Leon Valley. These business taxes ease the property tax burden for the City's residents, so the more business sales taxes can contribute, the more residents can enjoy a lower tax rate. I, too, am in need of an exemption of the SO for my business Warehouses on Poss Road, to have my business flourish and to bring additional Sales Tax dollars to the City's coffers.

Here are the negative impacts of the SO on my business, that have resulted in reducing Sales Tax Revenues to the City:

I can not rent my Warehouses, built in 1984 (pre SO) as traditional Warehouses, to certain types of businesses, even though those businesses are appropriate for Warehouse facilities. Here are some examples of what has happened to legitimate businesses in Leon Valley, that were tenants in my Warehouses and opportunities missed for not only for my business, but Sales Tax dollars to the City, as these businesses were (are) not acceptable under SO regulations:

In the Spring of 2019, two of my tenants were given 24 hours to vacate by the City, as they did not meet the SO regulations, yet were appropriate for Warehouse facilities. This caused an extreme hardship on

Larry Little, Owner, **Poss Rd, LLC**
6737 Poss Rd, Leon Valley, TX 78238

these two businesses, and on my business, as well as lost Sales Tax Revenue to the City. These businesses are now located outside the City of Leon Valley, and have vowed never to return to the City of Leon Valley, after maltreatment by the City. Referrals and “word of mouth” are a powerful thing, and one only hopes they do not spread the negative word about their abrupt and unfair treatment by the City of Leon Valley. The City’s goal is to be “business friendly”; however, the reality is that it is not.

On numerous occasions, me and my Realtor, have had to reject potential tenants as they did not fit within the confines of the SO; yet, were viable businesses which could have yielded Sales Tax dollars to the City, such as a cabinet company, a landscape company, a plumbing business and two mechanic repair shops and a furniture storage company, just to name a few of the many, many viable tax generating businesses turned down due to the restrictiveness of the SO.

Conclusion:

I support the Leon Valley Storage project, with Retail on the back side (facing Poss Road) if possible, and the exception of the Sustainability Overlay District regulations for the Leon Valley Storage project and for my Warehouses on Poss Road.

Thank you for your consideration not only to help the Leon Valley businesses, such as Leon Valley Storage and Poss Road, LLC, and others; but, also to help grow your Sales Tax Revenues for the City to ease the tax burden on City residents. This would be a “win-win” for Leon Valley businesses and residents alike. Please vote yes to the Leon Valley Storage Project for the benefit of all.

Sincerely,



Larry Little, Owner

Poss Road, LLC

RE: 6737 Poss Road

Mr Little,

I wanted to write this letter in regards to your building on Poss Road that I am in charge of leasing. As you already know, the City of Leon Valley has overlayed the property with a SO use guideline that continues to make it very difficult to lease your property. This building was not designed for a retail use that the SO Overlay is trying to impose nor will it ever be suitable for that kind of use when you look at parking requirements, ingress-egress and items that retail buildings are typically designed for. We have lost multiple leases to uses like HVAC Repairman, Electricians and others that are looking for a good home for their business. It is imperative that we get the city to work with us on removing the SO Overlay so we can fill your building and the others like it....

Darren R. Kuyrkendall

Kuyrkendall and Company Inc.

From: [bob page](#)
To: [Citizens to be heard](#)
Subject: TO MAYOR & MS. Passailaigue
Date: Tuesday, August 3, 2021 6:23:18 PM

Mayor & Ms. Passailaigue, THANK YOU VERY MUCH for wearing masks tonight! So happy to see there are at least 2 members of the administration who take the health of others around them into consideration!

From: [Gilbert Perales](#)
To: [Will Bradshaw](#); [Benny Martinez](#); [Josh Stevens](#); [Jed Hefner](#); [Rey Orozco](#)
Cc: [Saundra Passailaigue](#)
Subject: Fwd: Henry Daughtry
Date: Tuesday, August 3, 2021 9:10:23 PM

FYI

Sent from my iPhone

Begin forwarded message:

From: Mayor Riley <mayorriley@leonvalleytexas.gov>
Date: August 3, 2021 at 1:53:49 PM CDT
To: "Dr. Daniel Earl" <dearl@sanantoniopetcare.com>
Cc: Leigh Earl <learl@sanantoniopetcare.com>, [REDACTED], Gilbert Perales <g.perales@leonvalleytexas.gov>, Crystal Caldera <c.caldera@leonvalleytexas.gov>, Brandon Melland <b.melland@leonvalleytexas.gov>
Subject: Re: Henry Daughtry

Thank you Dr. Earl for your email with the background information shared on your experiences with our planning and zoning department and the building of your veterinary hospital. I know the council has expressed its intention to revisit the Sustainability Overlay requirements for development in the near future. I realize this does not help you with your veterinary clinic which you have already completed.

I respectfully request the city manager to please forward your email to the entire council prior to tonight's meeting for their information. I appreciate you taking time out of your very busy day to send this communication. Thank you.

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: Dr. Daniel Earl <dearl@sanantoniopetcare.com>
Sent: Tuesday, August 3, 2021 1:28 PM
To: Mayor Riley

Cc: Leigh Earl; [REDACTED]
Subject: Henry Daughtry

Dear Mayor Riley,

I hope this letter finds you well. As you know, a year ago this past weekend we moved into our veterinary hospital on the corner of Poss and Grissom Roads in Leon Valley. We have been very successful relocating to Leon Valley from just down the street in San Antonio.

I don't know how involved you were with our specific project but, at the time we built, we were forced by Leon Valley to comply with the Sustainable Overlay District restrictions. We were told on numerous occasions that there would be no way to rezone or to remove these restrictions, These restrictions were very severe but we complied. Leon Valley afforded us absolutely very little grace during our project and these restrictions literally added over a million dollars to the cost of our project. There is no other building in our area that even comes close to complying with these restrictions.

That being said, I know that Mr. Henry Daughtry is seeking to have the property adjacent to us rezoned out of the Overlay District for his project. I totally understand Mr. Daughtry's intent and, even though we were not given any consideration, I am in favor of his request and wish him well.

Please feel free to contact me if you have any specific questions or if I can be of help in any way.

Sincerely,

Danny Earl, DVM

dearl@sanantoniopetcare.com



CovenantCare
Animal Hospital

June 20, 2021

Mayor Riley
City of Leon Valley
SAT 78238

Received by
CITY SECRETARY
Date: 07-20-2021
Time: 11:30 Am SP
in my mailbox

Mayor Riley,

I am writing to you out of grave concern for the direction you are taking the city. I have been following the antics of the prior council and more so the antics and complete disregard your current council has for the financial well being of the city you have long represented. I find it really interesting that you were so harsh and vindictive with prior council members and city staff and worried about every nickel and dime they spent at the expense of the city "tax payers" and now you have your head in the clouds with the decisions this council is being allowed to make. I have read the agenda for the meeting tonight and I am just repulsed at the fact that you want "your" council to be paid for any expenses they make up to \$1,000.00. Is this going to be brought before the entire city for them to decide if that is how they want their tax dollars spent after you so graciously ensured Bradshaw cleaned the city of about \$30,00.00 again at the expense of the tax payers. How can you allow such frivolous and not to mention fiscally irresponsible acts to take place with a clear conscious?

These actions make me wonder where your "transparency" is and your responsibility to the inane citizens you continue to deceive? I can only hope that this will be your last stint as mayor.

Sincerely,

Annabelle Schmidt-Johnson
Old Mill Resident

From: [Loretta Hodde](#)
To: [Saundra Passailaigue](#)
Subject: Citizens to Be Heard
Date: Tuesday, August 3, 2021 4:13:02 PM

To Mayor and City Council:

I am not in favor of an extra \$6,000 item in the city budget, allowing each city councilor \$1,000 per year for expenses.

The temptation to spend every budgeted dollar before the year ends is universally common.

If the money is there, they will spend it.

in addition, the proposed administration of the plan concerns me.

Quote "Reimbursements to Council member must be approved by the the Mayor. Reimbursements to the Mayor must be approved by the Mayor Pro-Tem."

The fact that a majority of the Council, including the Mayor, campaigned for office as a "team" explains why I am uneasy about the whole undertaking.

Loretta Hodde
Citizen of Leon Valley

August 3, 2021

From: [MinuteTrag Notifications](#)
To: [Ana Federico](#); [Angela Trejo](#); [Brandon Melland](#); [Benny Martinez](#); [Crystal Caldera](#); charles.zech@rampage-sa.com; [Gilbert Perales](#); [Jed Hefner](#); [Josh Stevens](#); [Kasey Burleson](#); [Mayor Riley](#); [Rey Orozco](#); ristevens@rampagelaw.com; [Saundra Passailaigue](#); [Will Bradshaw](#)
Subject: A new comment has been posted to your Web Portal
Date: Tuesday, July 20, 2021 6:14:19 PM

The user Matthew Hodde has posted a comment on [Legislative File 3303: Discussion and Possible Action to Allow City Council Members to be Reimbursed for City Related Expenses up to \\$1,000.00](#).

Comment: What would council members possibly need to purchase and then be reimbursed for? Would there be a dollar limit on a single purchase or would you be able to buy a single item for \$500? Seems like this would be ripe for abuse if the mayor and mayor pro-tem, now or in the future, were friends or political allies. Has city council been hindered in the past because they could not make reimbursable purchases? Where in the agenda packet are there reasons and examples of why this would be necessary?

Link to the Discussion: http://LeonvalleyTX.ig2.com/Citizens/Detail_LegiFile.aspx?ID=3303