



**CITY OF LEON VALLEY
CITY COUNCIL REGULAR MEETING**
Leon Valley City Council Chambers
6400 El Verde Road, Leon Valley, TX 78238
Tuesday, February 18, 2020

MINUTES

6:04 PM Call to Order; Determine a Quorum is Present, Pledge of Allegiance.

Attendee Name	Organization	Title	Status	Arrived
Chris Riley	City of Leon Valley	Mayor	Present	
Monica Alcocer	City of Leon Valley	Mayor Pro-Tem, Council Place 3	Present	
Donna Charles	City of Leon Valley	Council Place 1	Present	
Catherine Rodriguez	City of Leon Valley	Council Place 2	Present	
Matthew Hodde	City of Leon Valley	Council Place 4	Present	
Will Bradshaw	City of Leon Valley	Council Place 5	Present	

Also present was City Manager Kelly Kuenstler, ACM/HR Director Crystal Caldera, City Secretary Sandra Passailaigue, City Attorney Habib H. Erkan Jr., LVFD Fire Chief Michael Naughton, Business Relations Specialist William Cox, Public Works Director Melinda Moritz, Planning & Zoning Director Brandon Melland, Associate Planner Erick Del Angel, LVPD Chief Joseph Salvaggio, LVPD Assistant Police Chief David Gonzales, Library Director Rosie Amaya, Finance Director Vickie Wallace, Assistant Finance Director Floyd Messick and various LVPD staff.

Mayor Riley made announced that “the City Council Chambers is a place where all people are treated with respect and dignity. Citizens, Councilors, staff, and visitors alike. Anyone desiring to speak shall be first recognized by the presiding officer. City Councilors, staff and members of the public shall not shout, display unruly behavior, distract with side conversations, use profanity, threat of violence, or disrupt the orderly conduct of the meeting. This includes speaking or commenting from your seat or using foul language as you exit the chambers. I would suggest if you feel you may have a difficult time controlling yourself, please sit in the foyer. That might be the place for you to. No personal attacks on Councilors, staff or members of the public shall be allowed. The presiding officer will warn the person that he or she will be required to leave the meeting if the disruption continues. Unfortunately, I cannot hear and see all that goes on in the Council Chambers but the Rules of Decorum allow any Councilor to help monitor the situation by calling a Point of Order. So I hope we do not have to go there. Let’s again be civil and treat each other with respect and dignity. Thank you and let’s begin with presentation 2.1.”

PRESENTATIONS

Sign Code Update Advisory Committee - Annual Update (Committee Chair - Heather Riddle)

Board member Heather Riddle presented this item and provided information to the City Council concerning current Sign Code Update Advisory Committee. Ms. Riddle said that Council's feedback is important so that the committee remains efficient, productive, and meets the needs of the community.

- Leslie Bacon spoke and asked Ms. Riddle where the signs can be located and how did the business owners react to the code.
 - Business Relations Specialist William Cox said that his office makes sure to go out to the field and meet with each business that comes to Leon Valley to explain the sign code ordinance and what a business can and cannot have in reference to signage. Mr. Cox explained the purpose of updating the sign code and how important sign permits are.
- Mary Francis spoke and made a suggestion for the City to work on handicap signs located at City Hall. Ms. Francis noticed authorized people parking on handicap parking spots.

Councilor Donna Charles thanked Ms. Riddle for all the work she did with the sign code.

Councilor Matthew Hodde agreed and thanked Ms. Riddle as well for the hard work and dedication.

Mayor Chris Riley thanked Ms. Riddle, the entire committee and staff liaisons.

RESULT:	PRESENTED
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Monthly Financial Report Ending January 31, 2020 (Floyd Messick, Assistant Finance Director)

Finance Assistant Director Floyd Messick presented the Monthly Financial Report ending January 31, 2020.

RESULT:	PRESENTED
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CITY MANAGER'S REPORT

City Manager Kelly Kuenstler reminded everyone that the City Manager's Report is posted on the website as well as placed on the table in the foyer for all interested. City Manager Kuenstler then supplemented that report with new information with: a) I have the employment agreement that the body approved last meeting but for transparency sake- I know there was a concern about using the word interim vs. acting. I have added the word acting to every place in the agreement where it says interim so now it says both. I am hopeful that this will alleviate any previous concerns about the use of the word acting. Furthermore, I have changed the effective date to March 2nd to address concerns about

paying an interim for too lengthy of a time. This pays the interim for the 60-day notice that the CM is required to give under her contract. No substantive changes but I believe these two (2) edits will be more palatable. b) The potholes in Bandera Heights Shopping Center have finally been repaired/ patched. c) I received the official notification on letterhead today that our library was awarded the 2019 Texas Achievement in Library Excellence. This year only 53 libraries out of 571 Texas public library systems were awarded this honor. d) We have been in meetings with the construction company doing demolition on John Marshall High School, the demolition company needs to close off parts of the street in front of and on the west side of the buildings. This road closure will be for several months but it is not permanent. It will begin tomorrow. Our apologies for the late notice but Brandon was not notified until today. Melinda will be giving a presentation on the March 3rd City Council meeting concerning the short term and long-term traffic control plans.

Mayor Riley asked what street will be closed for the John Marshall High School demolition project. Planning & Zoning Director Brandon Melland said that the street is Thunderbird Street. Mayor Riley asked if the street right in front of the school was going to close too. Director Melland said yes. LVPD Chief Joseph Salvaggio clarified that the school buses will be able to make that loop and go back and front of the building. They will not be closing both lanes. Buses will be able to make that loop and go over to the light at Eckhert.

e) City Manager Kuenstler reminded everyone about the free community workout with first responders. It is a 60-minute workout, this Saturday, February 22nd at 9:00am at Raymond Rimkus Park. f) I will start having Assistant City Manager Chief Salvaggio sit here at the dais, especially for Brandon's presentations as he oversees that department so we can start working on the transition a little bit.

- Leslie Bacon spoke and asked City Manager Kuenstler if she was aware that Councilor Will Bradshaw has a poll on NextDoor and 85% of the citizens don't want Police Chief Joseph Salvaggio as City Manager. Almost 300 people voted already.
 - City Manager Kuenstler said that she was not aware of that poll.
- Benny Martinez spoke regarding the check register and said that he noticed over \$100,000 in attorney fees for last month, Mr. Martinez asked for an explanation.
 - Councilor Monica Alcocer called a Point of Order as the check register was not part of the City Manager's report.
 - Mayor Riley agreed and said Mr. Martinez' comment will be noted and they will look into it.

Upcoming Important Events:

- Next Regular City Council Meeting Tuesday, March 3, 2020, at 6:00 p.m. in Council Chambers
- AARP Foundations Tax-Aide Services, services provided every Tuesday and Thursday. This service runs Tuesday, February 4, 2020, through Thursday, April 9, 2020, at the Leon Valley Community Center located at 6427 Evers Road.
- 26th Annual Basura Bash Waterways Cleanup, Saturday, February 15, 2020, from 8:00 a.m. to 12:00 p.m. (Meet at 6501 Bandera Road near Zarzamora Creek).

- Earthwise Living Day, Saturday, March 7, 2020, from 9:30 a.m. to 1:30 p.m. at the Leon Valley Community Center.
- Northwest Senior Citizens - Trash & Treasure Sale, Saturday, March 14, 2020, from 9:00 a.m. to 2:00 p.m.
- Volunteer Appreciation Dinner, Thursday, April 2, 2020, at 6:00 p.m., at the Leon Valley Conference Center.
- Movies in the Pool featuring "Finding Dory", Saturday, May 23, 2020, begins at dusk at the Leon Valley Community Pool, 6600 Strawflower Street.
- Miscellaneous other events and announcements.

RESULT:	PRESENTED
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CITIZENS TO BE HEARD

- Evan Bohl spoke in opposition to Benny Martinez being on the general election ballot.
- Benny Martinez spoke and said that the action taken by City Council to remove him from City Council was done by "bad legal advice."
- Johnny Garrett spoke and asked if Ryan Henry is still on the payroll.
 - City Manager Kelly Kuenstler replied and said, "you pay an attorney by the hour and this attorney received a letter of engagement from Council to defend the City in the Benny Martinez v. City of Leon Valley case so he's just completing the case".
- Kimberly Bohl spoke on eavesdropping on Councilor Donna Charles' private home.
- Rita Burnside spoke and congratulated Rosie Amaya for the great work. Ms. Burnside also invited the entire community to "Tai Chi" every Saturday at the Leon Valley Library at 8:00 for 30 minutes. Ms. Burnside also informed everyone regarding destructions on her property and her neighborhood. Ms. Burnside said that she emailed City Manager and Council and the only answers she received were from Councilor Matthew Hodde and Councilor Will Bradshaw.
 - LVPD Joseph Salvaggio informed Ms. Burnside that he also responded to her email and would like to speak to her about this issue.
 - Mayor Chris Riley said that she saw a police officer catching people running the stop sign on her street, Mayor Riley stopped and waved "thank you" to the officer.
- Ray Orozco spoke and announced his candidacy for City Council against Mr. Benny Martinez.
- Linda Cevallos spoke regarding trash issues on the side and back of the Bowling Alley. Ms. Cevallos said she tried calling City Hall several times but staff has not called her back.
 - City Manager Kuenstler said that this problem has been on On-It several times now, "staff takes care of it but it continues to happen", she said.
 - Chief Salvaggio stated that it is the property owner's responsibility to take care of the problem. Chief Salvaggio also said that the property owner does take care of the issue; however, their problem is having the wind blow toward their property, which causes trash to accumulate over time. Chief Salvaggio clarified to City Council that staff takes care of the situation the minute a complaint is received. Chief Salvaggio added that the property owner is also frustrated and that they are not the offenders. "Again, the problem is not someone throwing trash in that location, the problem is

trash blowing in the property's location", Chief Salvaggio said.

- Mary Franics Uptain spoke and proposed for the Bowling Alley to build a wooden fence around the garbage collection area.
- Johnny Garrett spoke and shared her experience with litter around her neighborhood.
- Leslie Bacon spoke and asked if the City can establish an "Adopt-A-Highway" to help reduce the litter.
 - City Manager Kuenstler informed Council that the City does have an Adopt-A-Spot program which Council approved about a year or two ago.
- Linda Cevallos spoke and expressed her concern about the speed limit around her neighborhood (Timberhill and Huebner). Ms. Cevallos advised to place better speed bumps.

ANNOUNCEMENTS BY THE MAYOR AND COUNCIL MEMBERS

- Councilor Donna Charles thanked Ms. Bohl for her comments and assured her that the story she was told did not have facts.
- Councilor Catherine Rodriguez thanked everyone for attending tonight's meeting and to all the volunteers that were able to come out for *Basura Bash*.
- Councilor Monica Alcocer said "it's nice to see a large crowd attend tonight's City Council meeting". Councilor Alcocer shared her experience attending a Philippine concert this past weekend. The concert was to fundraise for the Leon Valley Philippine community.
- Councilor Matthew Hodde thanked everyone for attending tonight's City Council meeting and said that he was able to attend *Basura Bash* for the first time.
- Councilor Will Bradshaw thanked everyone for attending tonight's City Council meeting and informed everyone he got to represent the City of Leon Valley at the NSISD PTA Founders Day Celebration and encouraged everyone to get involved with the PTA Organization.
- Mayor Chris Riley announced that the 31st Annual Earth Wise Living Day will take place this Saturday, March 7th from 9:30 a.m. to 1:30 p.m. at the Community and Conference Centers- it's a free event.

CONSENT AGENDA

A motion was made by Councilor Catherine Rodriguez and seconded by Councilor Donna Charles to adopt Consent Agenda Items 6.1 and 6.2 as presented.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Catherine Rodriguez, Council Place 2
SECONDER:	Donna Charles, Council Place 1
AYES:	Monica Alcocer, Donna Charles, Catherine Rodriguez, Matthew Hodde, Will Bradshaw

Acceptance of Committee Minutes:

- 10-22-2019 Zoning Commission Minutes
- 11-12-2019 Zoning Commission Minutes
- 11-18-2019 Sign Code Update Advisory Committee Minutes
- 01-08-2020 Earthwise Living Committee Minutes
- 01-09-2020 Park Commission Minutes
- 01-09-2020 Library Board of Trustees Meeting Minutes

Discussion and Possible Action on a Resolution Appointing Yvonne Orozco to the Earthwise Living Committee (M&C # 2020-02-18-01 S. Passailaigue)**ORDINANCE****Discussion and Possible Action on an Ordinance on a Request by Alfonso Diez Gutierrez, for a Specific Use Permit for Manufacturing at 5405 Bandera Road; Generally Located on the North Side of Bandera Road, approximately 1/2 Mile East of Loop 410 (1st Reading was Held on 02-04-2020) (M&C # 2020-02-18-02 B. Melland)**

Planning & Zoning Director Brandon Melland presented the proposed ordinance to grant a Specific Use Permit for manufacturing at 5405 Bandera Road; generally located on the North Side of Bandera Road, approximately 1/2-mile East of Loop 410.

Planning & Zoning Director Melland gave a brief background by saying that the property was constructed in the early 1980's and was designed for office, warehouse, and commercial uses. The property is approximately 8 acres and consists of one linear building that is approximately 145,000 square feet with 20 separate lease spaces. The property spans the length of land between Bandera Road and Evers Road and has frontage on both roads.

Mr. Melland shared that the applicant is Alauplast LLC. They manufacture and wholesale plastic containers and water bottles throughout the state, through a blow molding process that is classified by the zoning code as "manufacturing." They are planning to locate in the end-cap suite of the facility which abuts Evers Road, as illustrated in Exhibit A. However, the property is zoned B-3, Commercial District, with Commercial Industrial Overlay Zoning, which requires a Specific Use Permit for Manufacturing.

Additionally, Director Melland informed Council that staff has reviewed this request and does not have any concerns for the following reasons:

1. **Surrounding Uses:** Uses to the west consist of the West Loop Business Center, the Sendero Assembly of God and Evers Road Christian Churches to the North, the West Loop Distribution Center to the East, and McCoy's and Intertek to the South. Thus, surrounding land uses are diverse.
Staff does not have any concerns with the compatibility of Manufacturing at the subject property, provided all activities are conducted indoors. Furthermore, the subject property is located within the Commercial/Industrial Overlay. Therefore, considering surrounding uses and zoning policy previously established of this area, staff believes that these uses are appropriate for the area.

2. **Noise:** Manufacturing uses are typically considered to be higher noise producing uses than other less intensive commercial uses. However, the City Code already has noise provisions in place which govern noise production during daytime and nighttime hours.

Planning & Zoning Director Melland concluded his presentation by saying that the Zoning Commission voted unanimously to recommend approval at their January 14, 2020, meeting, subject to the following conditions:

1. That manufacturing be conducted entirely indoors.
2. That manufacturing be limited to the tenant suite labeled as 133 as illustrated in the attached Exhibit A.

A motion was made by Councilor Monica Alcocer and seconded by Councilor Catherine Rodriguez to adopt the ordinance as recommended.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Monica Alcocer, Mayor Pro-Tem, Council Place 3
SECONDER:	Catherine Rodriguez, Council Place 2
AYES:	Monica Alcocer, Donna Charles, Catherine Rodriguez, Matthew Hodde, Will Bradshaw

Presentation and Discussion 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 2019-2020 in the Amount of \$62,821 to Provide Funding for Assistance to the Office of the City Secretary; Providing for Repealer, Severability and Savings Clauses; and Providing for an Effective Date (1st Read was Held on 02-04-2020) (M&C # 2020-02-18-03 K. Kuenstler)

City Manager Kelly Kuenstler presented this 2nd read ordinance to amend the General Fund Budget of the City of Leon Valley, Texas Municipal Budget for the Fiscal Year 2019-2020 in the amount of \$62,821 to provide funding for assistance to the Office of the City Secretary.

City Manager Kuenstler informed the Council that there were no changes since the 1st reading. City Manager Kuenstler said however, that she would like to follow up on a request from City Council asking staff to itemize who the requests were coming from. City Manager Kuenstler informed Council that City Secretary Sandra Passailaigue itemized the list into the City Manager's report which was sent out over the weekend. City Manager Kuenstler added that there's a good possibility that next budget year "we will continue to ask for this position, but don't be surprised if we come back asking for two".

Mayor Riley asked if we already have someone identified for this position. City Manager Kuenstler said that we have somebody in the position right now but as explained last time, it was temporally filled but she can only fill it up to a certain number of hours and then it needs to become a permanent position.

A motion was made by Councilor Donna Charles and seconded by Councilor Monica Alcocer to adopt the ordinance as presented.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Donna Charles, Council Place 1
SECONDER:	Monica Alcocer, Mayor Pro-Tem, Council Place 3
AYES:	Monica Alcocer, Donna Charles, Catherine Rodriguez, Matthew Hodde
NAYS:	Will Bradshaw

REGULAR AGENDA

Discuss and Consider Possible Action on the Approval of the Comprehensive Annual Financial Report (Audit) for Fiscal Year 2019-Deborah Fraser, CPA (M&C # 2020-02-18-04 V. Wallace, D. Fraser)

Deborah Fraser presented the Comprehensive Annual Financial Report (Audit) for Fiscal Year 2019.

- Benny Martinez spoke and thanked Ms. Fraser for the audit and said, “we are going to miss Mrs. Vickie Wallace as the Finance Director.”
- Josh Stevens spoke and asked regarding the net position being down 1.6 million over the year and asked Ms. Fraser what that was attributed to.
 - Ms. Fraser explained that the City had projects of off Evers Road and received governmental funds and over the course of that year it reduces as it is spent and that is why it decreased.

Mayor Riley asked if the City ended up with more money than what was spent. Ms. Fraser said that it depends if you want to know fund statements vs statements of net position. For statement of net position, you have \$1.1 million which was expected and on the fund statements, you have an increase overall in your general fund of \$1.4 million.

A motion was made by Councilor Monica Alcocer and seconded by Councilor Donna Charles to approve the Comprehensive Annual Financial Report for Fiscal Year 2019.

RESULT:	PRESENTED
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Discussion and Possible Action on an Ordinance Amending Chapter 10 Subdivision Ordinance; Renaming the Zoning Commission and Establishing a Planning and Zoning Commission, as Provided by the Local Government Code; and Establishing Associated Rules, Authority, and Procedures (1st Reading as Required by City Charter) (M&C # 2020-02-18-05 B. Melland)

Planning & Zoning Director Brandon Melland presented the proposed ordinance to amend Chapter 10 Subdivision Ordinance; rename the Zoning Commission and establish a Planning and Zoning Commission, as provided by the Local Government Code; and establish associated rules, authority, and procedures.

Director Melland explained that “technically” this is a 1st read but this item was previously presented to Council without ordinance language. Mr. Melland said that ordinance language is now presented and is also included in the packet for this meeting; no changes were made since the 1st presentation.

Mayor Chris Riley asked Mr. Melland to please present the high points of the item so that those who probably missed the 1st presentation can know what the item is about and perhaps ask questions.

Planning & Zoning Director Melland gave a brief history on the item by explaining that the City has a Zoning Commission, which is only authorized to consider zoning matters, but may not approve plats or consider comprehensive planning matters. The governing body may elect to have a Planning Commission and delegate these authorities to that commission if they wish.

Most cities have a Planning and Zoning Commission, which are combined into one commission. Large cities, such as the City of San Antonio, have both a Zoning Commission and Planning Commission which are kept separate. They typically keep them separate due to the quantity of requests and to allow commissioners to be more specialized in the requests they review.

Smaller and mid-sized cities combine these two commissions due to smaller quantities of business to consider and because their business is so interrelated.

As a reminder, Mr. Melland explained that Council asked staff to prepare ordinance language that would reflect granting the Planning Commission permission to approve plats and re-plats unless there is a variance request associated with the plat; in which case the variance request and plat are approved by the City Council.

RESULT:	FIRST READ
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Discussion and Possible Action on an Ordinance Amending Chapter 15, Zoning Ordinance; Renaming the Zoning Commission and Establishing a Planning and Zoning Commission, as Provided by the Local Government Code; and Establishing Associated Rules, Authority, and Procedures (1st Reading as Required by City Charter) (M&C # 2020-02-18-06 B. Melland)

Planning & Zoning Director Brandon Melland presented the proposed ordinance amending Chapter 15, Zoning Ordinance; renaming the Zoning Commission and establishing a Planning and Zoning Commission, as provided by the Local Government Code; and establishing associated rules, authority, and procedures.

Mayor Riley asked what’s different about this item from the previous one that was just presented. Planning & Zoning Director Melland explained that the previous one is to make amendments to the Subdivision Code and this amendment is to make changes to the Zoning Code. Mayor Riley asked if it’s the same information and Mr. Melland replied yes.

RESULT: FIRST READ**Presentation and Discussion on and Ordinance on a Request by Fernando O'Horan, for a Specific Use Permit for a Funeral Home at 6401 El Verde Road; Generally Located on the North Side of El Verde Road, approximately 400 feet West of Bandera Road; and a Public Hearing on Said Request (1st Reading as Required by City Charter) (M&C # 2020-02-18-07 B. Melland)**

Planning & Zoning Director Brandon Melland presented the proposed ordinance on a request by Fernando O'Horan, for a Specific Use Permit (SUP) for a funeral home at 6401 El Verde Road; generally located on the North Side of El Verde Road, approximately 400 feet West of Bandera Road; and a Public Hearing on said request.

Planning & Zoning Director Melland gave a brief background by saying that Mr. Fernando O'Horan is the applicant for an SUP for a funeral home facility at the vacant office building across the street from City Hall on El Verde Road. The facility was previously operated as a doctor's office and has been vacant for some time.

Funeral Caring (currently located at Seneca Plaza) is planning to purchase the facility on El Verde Road and relocate their business there. Funeral Caring has several locations in San Antonio.

The property is zoned B-2, Retail District and is located within the Sustainability District. However, the B-2 District requires an SUP for funeral homes. Although the applicants plan to only use the facility for office and consultation services (no embalming or cremation will occur at the facility), staff thinks that the SUP process is advisable because the Zoning Code does not provide a definition for a "funeral home."

Staff has reviewed this request and does not have any concerns for the following reasons:

1. Surrounding Uses: Uses to the West are residential; automotive repair to the North and East; and civic (City Hall) to the South. Staff does not have any concerns with the compatibility of a funeral home (that only conducts office activities) with surrounding uses. Additionally, a funeral home is a very low intensity use and would provide for a good land use transition from the higher intensity uses along Bandera, into the low-density residential properties West of City Hall.

Director Melland concluded his presentation by informing Council that the Zoning Commission voted unanimously to recommend approval, at their February 11, 2020, meeting subject to the condition that activities be limited to office, consultation, retail, and viewings.

Applicant Mr. Fernando O'Horan spoke and introduced himself. Mayor Riley asked him to clarify regarding the "viewings" that he was proposing to have at this location. Mr. O'Horan replied and said that the funeral home across the street is a traditional funeral home and that his funeral home is non-traditional, meaning that they specialize in fast and simple

funerals with very small crowds. Most of the funerals do cremation, 98% of the work in that location is going to be administrative. People will come in to make arrangements and pick up their urn. The gathering area is going to be a living room style. The building is about 1800 square feet. Mr. O'Horan said that he knows that they will not be able to get a lot of people. The families that come in will also know that.

Mayor Riley asked regarding signage. Mr. O'Horan said that they will go by what the City requires for signage. Mayor Riley asked if they plan to have a sign-up front on El Verde. Mr. O'Horan said "yes, we will need to have a sign, we will follow the rules."

Mayor Riley asked if they sell products and if it's taxable. Mr. O'Horan said yes, they sell urns and caskets but clarified that when a casket or urn is included with a funeral, then there's no sales tax included. However, they do wholesale to the general public.

Councilor Donna Charles asked if they planned to do façade upgrades. Mr. O'Horan said yes, they are planning to remodel the exterior of the building.

Councilor Monica Alcocer asked how much staff he would have. Mr. O'Horan said that the office will run with 2-3 people; two (2) full-time and (1) part-time person. Gatherings will not be more than six (6) people.

Councilor Will Bradshaw asked if he plans to expand the parking lot. Mr. O'Horan said they can work with what they have.

Mayor Riley opened the Public Hearing at 7:40 p.m. There being no public comment; Mayor Riley closed the Public Hearing at 7:40 p.m.

RESULT:	FIRST READ
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Discussion and Possible Action on an Ordinance Amending Section 15.02.113, Zoning Code, of the City of Leon Valley Code of Ordinances, Regarding Noticing and Scheduling Requirements for Public Hearings (1st Reading as Required by City Charter) (M&C # 2020-02-18-08 B. Melland)

Planning & Zoning Director Brandon Melland presented the proposed ordinance to amend Section 15.02.113, Zoning Code, of the City of Leon Valley Code of Ordinances, regarding noticing and scheduling requirements for public hearings.

Planning & Zoning Director Melland gave a brief background by saying that Chapter 211 of the local Government Code is the state law that governs the zoning authority of Texas municipalities. It requires public hearings before a Zoning Commission and City Council regarding all zoning actions; both zone changes and changes to zoning regulations. Additionally, it requires that the public receive adequate notice of these hearings.

State law requires that written notice be provided to all property owners within 200 feet of a property proposed for rezoning not less than 10 days before the date of the hearing by the zoning commission.

State Law further requires that notice be published in a local newspaper not less than 15 days before any public hearing before city council for a zone change or a change to a zoning regulation.

However, the City of Leon Valley code goes a step further and requires that published notice be required for all public hearings before the Zoning Commission as well; although this is not required by state law.

Staff believes this additional notice is extraneous and serves no benefit to the City's customers or the community. It makes scheduling items for the Zoning Commission more difficult and less flexible, because deadlines for having all issues resolved must occur earlier.

Additionally, staff is not aware of any other local cities that require published notice for zoning commission hearings and does not consider this a typical practice.

The Zoning Commission voted unanimously at their December 10, 2019, meeting to recommend the proposed amendment. The amendment was subject to the condition that the code be further amended to require that signage be placed at the property subject to a public hearing for a possible zone change 10 days before the public hearing before the Zoning Commission.

Councilor Donna Charles said she noticed an objection posted on the packet and asked if staff had reached out to the person. Mr. Melland said that he has not reached out to the person but informed Council that the person was able to attend the meetings and his questions were answered.

Councilor Will Bradshaw asked if the Helotes Echo is charging a monthly fee for publications. Councilor Bradshaw also asked if staff has calculated how much would the City save by not doing it this way. Mr. Melland nodded "no" to the charge being a monthly fee and said that he has not made calculations but explained that each time a publication is made through the Helotes Echo it is done as a dual notice, always including both publications/dates; one from the Zoning Commission and a second one from City Council. Councilor Bradshaw asked to please calculate the potential savings and provide an update for the next City Council meeting.

Councilor Monica Alcocer asked if that cost is billed into the fees to the applicant and Mr. Melland said, yes.

Councilor Matthew Hodde said the sign is a great idea compared to seeing it on the newspaper. Councilor Hodde asked if the signs can be re-usable and Mr. Melland said that he can definitely look into it and see how the City can re-use them.

Councilor Donna Charles asked if he ever foresee those publications be posted on the electronic sign for all the community see. Mr. Melland said that if that's the desire of the Council then staff can definitely look into it.

Mayor Riley asked Councilor Charles if she's referring to the electronic sign on Evers Road and Councilor Charles replied yes.

RESULT:	FIRST READ
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Presentation and Discussion to Consider Amending Chapter 12 Traffic and Vehicles, Article 12.03 Parking, Stopping and Standing, Section 12.03.006 Parking Restrictions on Specific Streets, to Designate Shadow Mist Drive, From Grissom Road to a point 100 Feet South of Avedisian Street, and All of Avedisian Street, as No Parking Zones (1st Read as Required by City Charter) (M&C # 2020-02-18-09 M. Moritz)

Public Works Director Melinda Moritz presented this 1st read ordinance to amend Chapter 12 Traffic and Vehicles, Article 12.03 Parking, Stopping and Standing, Section 12.03.006 Parking Restrictions on Specific Streets, to designate Shadow Mist Drive, from Grissom Road to a point 100 feet South of Avedisian Street, and all of Avedisian Street, as No Parking Zones.

Public Works Director Moritz gave a brief history on the item by saying that the property owners and residents of Shadow Mist have voiced their concerns of vehicle operators parking along the sides of both streets, which blocks vision and causes unsafe traffic conditions as the residents attempt to drive in and out of their subdivision. They are requesting that Shadow Mist, from Grissom Road to the entrance of their subdivision, and all of Avedisian Street, be designated as no parking zones. Furthermore, the City has entered into a Rule 11 Agreement whereby the Soccer Field owners agree there will be no parking in the requested area.

The cost for purchasing and installing No Parking signs is approximately \$75.00 each. We will need to purchase 26 signs for a total of \$1,950.00 which can be taken from existing funds in the Red-Light Camera fund.

Director Moritz concluded her presentation by saying that the residents of the subdivision are requesting this assistance and the Police, Fire, and City Engineer have no objections to this request. The City Manager is requesting this item pursuant to the Rule 11 Agreement signed with ARCA LV, LLC (soccer fields).

Staff recommends amending the Ordinance to prohibit parking along all of Avedisian Street and along Shadow Mist, from Grissom to approximately 100 feet below the entrance to the subdivision.

- Phillip Riddle spoke and asked if the soccer field has parking space available within the soccer field so they wouldn't need to park on the street.
 - Director Moritz said that ARCA LV, LLC is currently working on parking inside the soccer field and that eventually the City will be building a parking lot across the street. The City already has an agreement with ARCA LV, LLC, allowing them to park in that parking area.

Councilor Donna Charles asked if it's still being considered not allowing them to park on the subdivision side of Shadow Mist. Ms. Moritz said that they made it where it's 100 feet South of Avedisian so that residents can have clearance and vision. Councilor Charles asked if the No Parking Zones can go all the way down on Shadow Mist, all the way till the end of the street. Councilor Charles added that neighbors don't mind people parking across the street on Shadow Mist but not behind the subdivision. Ms. Moritz said "we can certainly move that to be all the way down to where the parking area will be."

LVPD Chief Joseph Salvaggio explained that it becomes a problem when they have big games and people are parking on both sides of the street. Allowing them to park on one side of the street will make it safer for everyone.

Councilor Monica Alcocer asked what difference it makes to allow them to park on the other side of the street, neighbors will still be able to see cars and how far along Grissom can they park.

Chief Salvaggio explained that it wasn't meant to prevent neighbors from seeing cars; it was meant as a safety issue.

RESULT:	FIRST READ
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Presentation and Discussion to Consider Approval of an Ordinance Authorizing a Budget Adjustment in the Amount of \$54,700, from the Stormwater Fund Balance, to Supply Materials for the Construction of a Parking Lot at Shadow Mist Park (1st Read as Required by City Charter). (M&C # 2020-02-18-10 M. Moritz)

Public Works Director Melinda Moritz presented this 1st read ordinance to authorize a budget adjustment in the amount of \$54,700, from the Stormwater Fund Balance, to supply materials for the construction of a parking lot at Shadow Mist Park.

Public Works Director Moritz gave a background by saying that in November of 2018, the City Council approved a budget adjustment in the amount of \$100,000 to provide funding for the construction of a paver parking lot at Shadow Mist Park. The City and the LC-17 Flood Control project contractor, Oscar Renda Construction, signed an agreement that, in exchange for the use of the lot for soils storage, they would construct the lot, with the City providing the materials needed.

Oscar Renda Construction expected to have the flood control project completed by the end of January or February of 2019, so staff prepared and advertised bids for the acquisition of the pavers. The pavers were purchased in April of 2019 and are being stored at the site. Remaining materials to be purchased are the aggregate to be installed under the pavers, concrete for the drainage swale, sidewalk, and curbs, and asphalt for the drive areas. None of these items could be stored on-site, so the City delayed any further purchases for this project. The contractor stated that as they neared the end of their project and the soils on-site were removed, they would begin the construction - at the time, they expected that time frame to be August.

Since then, the contractor experienced numerous engineering setbacks, unforeseen site conditions, and rain delays with the project, which extended their completion date past the end of the City's fiscal year. Since Staff was not sure when the project would actually be completed, the funding was not included in the capital projects carry over Ordinance that was approved in October. Oscar Renda states that they are now nearing the end of the flood control project and have communicated with the City that they will begin the construction of the parking lot this spring, weather permitting.

The money that was allocated to this project, but not spent, was placed back into the Stormwater Fund Balance. The unaudited Stormwater Fund balance, as of 9/30/19, was \$1,182,974.

Public Works Director Melinda Moritz concluded her presentation by recommending the City Council to approve a budget adjustment in the amount of \$54,700, from the Stormwater Fund Balance, for the purchase of materials to construct a parking lot at the Shadow Mist Park, 5487 Shadow Mist Drive.

- Josh Stephens spoke and asked Council to consider not prohibiting cars from parking along the street of Shadow Mist, at least while the parking lot project gets completed. Prohibiting cars from parking along Shadow Mist might be a problem for everyone having to go to the fields as cars will be parking along Grissom Road, causing another safety problem.
- Johnny Garrett spoke and asked how often they have soccer games.
 - Councilor Donna Charles replied and said that there's practice all week and games on weekends.

LVPD Chief Joseph Salvaggio said that there's a difference between having 1-2 cars parking on the street vs hundreds of cars parking on the street. Chief Salvaggio explained that there have been hundreds of cars parking on the street blocking off everything.

Mayor Riley asked what the budget adjustment would cover. Director Moritz said that the budget adjustment would cover the remaining of the material needed to complete the project; this excludes the pavers as those have already been purchased.

Mayor Riley asked what the Fund Balance would be. Ms. Moritz said she will have to ask Finance Director Vickie Wallace.

Councilor Charles asked if trees could be planted along the neighbor's fence line. Director Moritz said that there is definitely room to plant some trees between the back fence and the parking lot itself; the City can definitely plant some trees, Ms. Moritz said.

Mayor Riley asked if the budget adjustment would cover the expense for the trees and Ms. Moritz said that she can attack Tiger Sanitation for some trees.

RESULT: FIRST READ**Presentation and Discussion 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 2019-2020 in the Amount of \$15,000 to Provide Funding for the 2020 Texas Census Grant Received from the Communities Foundation of Texas; Providing For Repealer, Severability and Savings Clauses; and Providing for an Effective Date (1st Read as Required by City Charter) (M&C # 2020-02-18-11 R. Amaya)**

Library Director Rosie Amaya presented this 1st read ordinance to amend the General Fund Budget of the City of Leon Valley, Texas Municipal Budget for the Fiscal Year 2019-2020 in the Amount of \$15,000 to provide funding for the 2020 Texas Census Grant received from the Communities Foundation of Texas.

Library Director Amaya informed the City Council that the City of Leon Valley received a grant in the amount of \$15,000 from the Communities Foundation of Texas, a Texas nonprofit organization to support educational and engagement activities for the 2020 Texas Census.

Director Amaya concluded her presentation by recommending Council to approve the General Fund Budget Adjustment in the amount of \$15,000.

Councilor Monica Alcocer asked why Leon Valley was chosen to receive the grant. Ms. Amaya explained that the City received the grant because our City is a hard to count community and we also have a mental health shortage within our community and because of those factors, we were chosen as one of the cities to receive the funds.

RESULT: FIRST READ**Discussion and Possible Action on the Lion's Roar Newsletter Policy – sponsored by Mayor Riley and Councilor Hodde (M&C # 2020-02-18-12 Mayor Chris Riley and Councilor Matthew Hodde)**

City Manager Kelly Kuentler presented some of her suggestions/additions that would go along with Councilor Matthew Hodde's ideas. City Manager Kuentler directed Council to review page 8.9b of the meeting packet; "Councilor Hodde Version Ideas" and asked if everyone could please get on the same page.

- Evan Bohl asked if there's a plan to improve the timely delivery of the Lion's Roar Newsletter.
 - City Manager Kuentler said "no, we have only done bulk mail because it's outrageously expensive to do it the other way."
- Drew Power asked if the listing of the new businesses be incorporated with the list of the existing type of businesses. Also, by allowing businesses to enter coupons into the Lion's Roar would give an unfair advantage to a business.

Councilor Donna Charles shared a recommendation from a citizen, which is to limit a publication to be one page instead of counting the words. City Manager Kuenstler said that she is for that. Councilor Charles proposed adding a Director as one of the reviewers, especially if they are familiar with the topic. City Manager Kuenstler informed Council that, that's exactly how she's working on each publication.

Councilor Will Bradshaw said that some members of the public have reached out to him to let him know that those who live in apartment complexes are not receiving a copy of the newsletter. City Manager Kuenstler informed Council that staff takes stacks of newsletters to each apartment complex so that management can distribute them to their tenants. Interim City Manager/HR Director Crystal Caldera added that the City stopped inserting the newsletter to each individual mailbox within apartment complexes because tenants tend to move and mailboxes were overfilling. She recommends for tenants to pick up a newsletter directly from the leasing office.

Additionally, Councilor Bradshaw asked to add an item to the last paragraph of the policy which allows an author (whoever writes the article) to have the final say after "facts" have been checked. City Manager Kuenstler said that, it's a policy decision and added that she personally has an issue with that because she has been asked to publish an article where the numbers and the facts were completely wrong. Councilor Bradshaw said that he understands, and shared his personal experience wiring an article for the Lion's Roar and said that more than half of the content was changed, including the title. He also said that he never got to see those changes until the article got published. Councilor Bradshaw would like the opportunity to see the final version and decide if he wants to keep the article with any proposed changes and decide if he wants to publish or just withdraw the article. City Manager Kuenstler clarified that the changes were communicated through an email; Councilor Bradshaw confirmed that they were not. City Manager Kuenstler said that she will look into it.

Mayor Riley asked if the newsletter is available for businesses and City Manager said that it is only available to Leon Valley residents.

Mayor Riley also asked what the cost for publication is; City Manager Kuenstler said that it all depends on the number of pages.

There was continued discussion.

City Manager Kuenstler received feedback from Council. There was a consensus to allow City Manager to work on a draft and come back to Council and present all the feedback given.

Executive Session: Pursuant to Texas Government Code Section 551.074 (entitled "Consultation with Attorney") City Council shall convene in Executive Session to receive legal advice from the City Attorney on contemplated litigation and a matter the Texas Disciplinary Rules of Professional Conduct require confidentially relating to Ordinance Number 2019-11 and an agreement with CEIS, LLC for the placement of Gateway Signs along Bandera Road

The City Council went into Executive Session at 8:45 PM

Reconvene in Open Session. At the Conclusion of The Executive Session City Council Shall Reconvene in Open Session and May Deliberate and Take Action on Any Matter Lawfully Discussed in Closed Session

The City Council reconvened into Open Session at 9:42 PM. No action was taken on either item.

CITIZENS TO BE HEARD

- Evan Bohl spoke and requested for City Council to consider removing Benny Martinez from the election ballot.


City Secretary Sandra Passailaigue believed the audio did not record an important statement from City Manager Kelly Kuentler; therefore, City Manager Kuentler made a point of clarification and made it clear for the record that she advised Council to change a policy as they wish, they have a right as City Council.


ADJOURNMENT

Mayor Riley announced that the meeting adjourned at 9:45 PM.

These minutes approved by the Leon Valley City Council on the 4th of December, 2020.

APPROVED


CHRIS RILEY
MAYOR

ATTEST: 
SAUNDRA PASSAILAIGUE, TRMC
CITY SECRETARY

