



**CITY OF LEON VALLEY
CITY COUNCIL REGULAR MEETING**
Leon Valley City Council Chambers
6400 El Verde Road, Leon Valley, TX 78238
Tuesday, April 16, 2019

MINUTES

6:00 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	Present	
David Edwards	City of Leon Valley	Council Place 1	Excused	
Catherine Rodriguez	City of Leon Valley	Council Place 2	Present	
Benny Martinez	City of Leon Valley	Council Place 4	Present	
David Jordan	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 Denise Frederick, Public Works Director Melinda Moritz, Finance Director Vickie Wallace, Planning & Zoning Director Brandon Melland, Special Events/Community Center Manager Maribel Mendoza, LVFD Fire Chief Michael Naughton, LVPD Chief Joseph Salvaggio, LVPD Assistant Chief Ruben Saucedo, and various LVPD staff.

Mayor Riley announced that we were experiencing technical difficulties and apologized for the delay. Mayor informed everyone that staff was working on resolving the issue.

Mayor Riley welcomed everyone and announced that there was a quorum of City Council members with the exception of Councilor David Edwards who was excused due to a family emergency. Mayor Riley led the Pledge of Allegiance.

Mayor Riley asked for all cell phones to be silenced. Mayor Riley also asked that all conversations in the audience be taken outside as the meeting is being recorded and talking can be distracting.

Lastly, Mayor Riley reminded everyone that local rules allow citizen input on agenda items where you will be given three (3) minutes with the exception of Citizens to be Heard where you will be given five (5) minutes to speak.

PRESENTATIONS

Our Home Our Decision Presentation (Melinda Moritz, Public Works Director)

Public Works Director Melinda Moritz gave the presentation, Our Home Our Decision. Mayor Riley asked that an additional slide be added to the presentation that will go onto the City's website showing citizens what they can do. City Manager Kelly Kuenstler said that slide iii-s needed to be changed to Senate Bill 2 and not 1. Mayor Riley also wants to include an "Action" slide. Councilor Monica Alcocer asked that the slide with the City Council picture but updated to show the current council.

Presentation and City Council Guidance to Appoint a Charter Review Committee (M&C # 2019-04-16-01 D. Frederick)

City Attorney Denise Frederick presented this item seeking direction from the City Council on how they would like to move forward on appointing the Charter Review Committee. City Attorney Frederick provided the language on the issue as stated in the Charter to the City Council in their packet. The Charter states the following: The City Council shall appoint a Charter Review Committee in the second (2nd) year after the Charter is adopted and every fourth (4th) year thereafter. The City of Leon Valley Home Rule Charter was adopted December 5th 2017. The Charter Review Committee shall consist of two (2) appointments by each council member and three (3) appointments by the Mayor. The term of office shall be for not more than nine (9) months.

Staff is requesting direction from City Council on whether it wants to receive applications or make appointments from the dais.

There was a consensus among members of City Council to bring the item back for consideration at the second meeting in May; and to begin accepting applications which the City Secretary was directed to provide. Appointments would be made by applications and by Council appointment.

Monthly Financial Report March 2019 (Vickie Wallace, Finance Director)

Finance Director Vickie Wallace presented the monthly Financial Report March 2019.

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) gave an update on Summer 2019 Pool Membership saying that the wristbands have been ordered, the applications are ready, and the article is on the City's website notifying citizens that the application process has begun. The Pool Season begins Memorial Day weekend for both residents and non-residents. Passes will be available for purchase at City Hall beginning May 1st. b) House Bill 2 is scheduled to be read April 24th which is the ad-valorem tax bill, the budget bill if you will. The Red-Light Camera Bills are also on the floor. c) The property on Poss Road that the City was hoping to purchase is no longer available for purchase. d) Update was provided for Early Voting dates and times.

Mayor Riley spoke about an email she received about Leon Valley not having a swim team this year. Public Works Melinda Moritz said this is correct but if anyone knows a certified

swim team instructor willing to do the job, please contact her.

Committee Minutes:

Upcoming Important Events

CITIZENS TO BE HEARD

- City Manager Kuenstler read aloud a letter that was submitted by citizen Olen Yarnell. Mr. Yarnell asked that the letter be read during the meeting. The letter was on the subject of "Texas Dual Office Holding & Incompatibility Laws". The letter referenced Councilor David Jordan.
- Councilor David Jordan asked if he could respond to this since it was directed at him. - Councilor Jordan stated that he made certain through the Texas Attorney General's Office that his service as Interim City Manager was not a public office but an employee of the city; and in no way is it a violation of the City of Leon Valley's Charter. Councilor Jordan added that during his work as Interim City Manager in Dilley, TX., he has gained much knowledge in City Administration and feels that will make him a better City Councilman and that is why he is running for City Council again.

Mayor Riley said by the next meeting it would be too late but she would work with the City Manager on this one.

ANNOUNCEMENTS BY THE MAYOR AND COUNCIL MEMBERS

- Councilor David Jordan told everyone he was running for re-election; reminded everyone of the dates of Early Voting, and that May 4th is Election Day; asked them vet your candidate and choose the right one; then thanked everyone for coming out tonight; and wished everyone a blessed evening.
- Councilor Benny Martinez thanked everyone for coming out tonight; for the support he has been receiving; and wished everyone a good evening.
- Councilor Monica Alcocer reminded everyone that Spring is all around us; spoke about the Hummingbirds; complimented the new Library marquee sign but questioned the location as she has received some complaints regarding visibility from one side of it; congratulated the John Marshall Band on their new trailer and spoke highly of the Jazz Band performance last Friday at Movies in the Park; kudos to Heather Rodriguez, Code Enforcement on communication with a Spanish speaking citizen; spoke about an elderly woman that was lost and ended up in her driveway - Officer Chad Mandry stopped along the way to do a good deed; lastly....Go Spurs Go!
- Councilor Catherine Rodriguez thanked everyone for coming out tonight; to our police and fire department for allowing her to take part in Bowling for Badges and the collecting in the boot this past week; and lastly, thank you Maribel Mendoza for the good job she is doing - she put together in conjunction with Marshall High School an excellent program Friday night.
- Mayor Chris Riley wished everyone a happy Easter, happy Passover and happy Fiesta and told everyone she hoped they enjoy their time with family and wished them safety; Go-Spurs-Go; John Marshall Mighty Band raised \$25,000 for that trailer so congratulations to them; shout out to Henry Diecker for his efforts to get crossing signs on Bandera Road;

thank Sandra Passailaigue and her team for their efforts putting together the Volunteer Appreciation Dinner this year.

City Manager Kuenstler added that Mr. Henry Diecker's efforts have also helped her get TxDOT install sidewalks across the street by Walgreens.

CONSENT AGENDA

A motion was made by Councilor Monica Alcocer and seconded by Councilor Benny Martinez to adopt Consent Agenda Item 6.1 as presented.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Monica Alcocer, Mayor Pro Tem
SECONDER:	Benny Martinez, Council Place 4
AYES:	Alcocer, Rodriguez, Martinez, Jordan

Quarterly Investment Report March 31, 2019 (M&C # 2019-04-16-02 V. Wallace)

ORDINANCE

Discussion and Possible Action on an Ordinance Amending Section 3.05.005, of the City of Leon Valley Code of Ordinances Regarding Residential Fences in the Front Yard (1st Read was held 03-19-2019) (M&C # 2019-04-16-03 B. Melland)

Planning & Zoning Director Brandon Melland presented this 2nd read ordinance to amend Section 3.05.005, of the City of Leon Valley Code of Ordinances regarding Residential Fences in the Front Yard.

Planning & Zoning Director Melland informed the Council that there were many changes since the 1st reading and reported out on the most notable:

The first being materials: Masonry. Building materials consisting of native stone, cut stone, cast stone; brick, decorative concrete masonry units, or stucco.; and adding Stucco. A fine cement plaster typically made of cement sand and lime, applied using a three-step process to form a hard, durable covering for exterior walls or similar structural elements.

Planning & Zoning Director Melland stated they were very clear that chain link fences would not be allowed in the front yard.

Residential Fences in the RE-1 District and lots within the R-1 District that have a minimum lot size of one (1) acre, shall not exceed six (6) feet in the height in the side, rear, and front yards; with the following restrictions: If constructed within the required front-yard, portions of residential fences higher than forty-four (44) inches above the natural surface of the ground, shall be constructed of open ornamental steel or ornamental iron; with the following exception: Pilasters, columns, or similar vertical elements may be constructed of masonry, provided they are spaced at regular intervals no less than fifteen (15) feet apart; with the exception of vertical elements at pedestrian gates, which may be spaced closer than fifteen (15) feet apart.; No chain-link fence of any size shall be permitted in the front yard.; and Residential Fences existing prior to the adoption of this ordinance, not in conformance with

these regulations, shall be permitted to remain, but shall not be permitted to expand.

A motion was made by Councilor Monica Alcocer and seconded by Councilor David Jordan to approve Item 7.1 as revised and presented.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Monica Alcocer, Mayor Pro Tem
SECONDER:	David Jordan, Council Place 5
AYES:	Alcocer, Rodriguez, Martinez, Jordan
EXCUSED:	Edwards

Discussion and Possible Action on an Ordinance Amending Article 15.02, Zoning Ordinance, of the City of Leon Valley Code of Ordinances, Regarding Procedures and Requirements for Certificates of Occupancy. (1st Read was held 04-02-2019) (M&C # 2019-04-16-04 B. Melland)

Planning & Zoning Director Brandon Melland presented this 2nd read ordinance to amend Section 15.02.103 of the City's Zoning Code regarding procedures and requirements for Certificates of Occupancy.

Planning & Zoning Director Melland informed the Council that there only two minor changes since the 1st reading. Those changes were as follows: the addition of (6) Business Ownership name change; and (7) Property Ownership name change.

A motion was made by Councilor Monica Alcocer and seconded by Councilor Catherine Rodriguez to approve Item 7.2 as presented.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Monica Alcocer, Mayor Pro Tem
SECONDER:	Catherine Rodriguez, Council Place 2
AYES:	Alcocer, Rodriguez, Martinez, Jordan
EXCUSED:	Edwards

Discussion and Possible Action on an Ordinance Amending the Leon Valley Code of Ordinances, Chapter 12 Traffic and Vehicles, Article 12.03 Parking, Stopping and Standing, Section 12.03.006 Parking Restrictions on Specific Streets, to Designate Both the Northern and Southern First Eighty-five Feet (85') of Adair Drive West of the West Curb Line of Evers Road as No Parking Zones (1st Read was held 04-02-2019) (M&C # 2019-04-16-05 M. Moritz)

Public Works Director Melinda Moritz presented this 2nd read ordinance amending the Leon Valley Code of Ordinances, Chapter 12 Traffic and Vehicles, Article 12.03 Parking, Stopping and Standing, Section 12.03.006 Parking Restrictions on Specific Streets, to designate both the northern and southern curb lines of Adair Drive eighty-five feet (85') west of the west curb line of Evers Road as no parking zones.

Public Works Director Moritz said there were no changes since the 1st read.

A motion was made by Councilor Monica Alcocer and seconded by Councilor Benny Martinez to approve Item 7.3 as presented.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Monica Alcocer, Mayor Pro Tem
SECONDER:	Benny Martinez, Council Place 4
AYES:	Alcocer, Rodriguez, Martinez, Jordan
EXCUSED:	Edwards

Discussion and Action to Consider an Ordinance Dedicating a 1.05 Parcel of Land , Being P-7B, ABS 432, CB 4430, Located on Poss Road and Directly Adjacent to the Large Parking Lot at Raymond Rimkus Park, as Parkland (1st Read was held 04-02-2019) (M&C # 2019-04-16-06 M. Moritz)

Public Works Director Melinda Moritz presented this 2nd read ordinance dedicating a 1.05-acre parcel of land, being P-7B, ABS 432, CB 4430, located on Poss Road and directly adjacent to the large parking lot at Raymond Rimkus Park, as parkland. This property was purchased in 2017, as a part of the future erosion control project for Huebner Creek and is vacant. While located entirely in the floodway, it can still be used as a recreational resource. The vacant lot has not been dedicated as parkland, but is already being used by park-goers as a part of the park. Dedicating this property as parkland will not affect the future erosion control project and will subject the parcel to the rules and regulations of the park system.

Public Works Director Moritz said there were no changes since the 1st read.

A motion was made by Councilor Monica Alcocer and seconded by Councilor Catherine Rodriguez to approve Item 7.4 as presented.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Monica Alcocer, Mayor Pro Tem
SECONDER:	Catherine Rodriguez, Council Place 2
AYES:	Alcocer, Rodriguez, Martinez, Jordan
EXCUSED:	Edwards

REGULAR AGENDA

Presentation, Discussion and Possible Action on the City of Leon Valley's July 4th Festival and Soap Box Derby Event (M&C # 2019-04-16-07 M. Mendoza)

Special Events/Community Center Manager Maribel Mendoza presented an update to on the City of Leon Valley's 4th of July Festival and to discuss and take possible action on the Soap Box Derby Event date.

- Irene Baldrige spoke asked that the City work with the Seniors.

There was a consensus to move the Soap Box Derby to October 12, 2019.

Mayor Riley asked for a budget presentation and also informed everyone that she approached the John Marshall Mighty Band about marching in the parade. They are looking into it and will get back to her.

Presentation and Discussion on the Proposed Contract Amendment of the Current Contract Dated May 24, 2017, Between American Traffic Solutions and the City of Leon Valley for the Photographic Traffic Signal Enforcement System Program (1st Reading as Required by City Charter)

LVPD Chief Joseph Salvaggio presented the proposed ordinance to amend the current contract dated May 24, 2017, between the City of Leon Valley and American Traffic Solutions (Verra Mobility) for the photographic traffic control systems currently in place in Leon Valley. The ordinance approving an amendment would change the contract to expire after a term of twenty years after the first citation was issued from the last camera installed, which would be May 2038.

Mayor Riley asked why this did not come to City Council for approval prior to signing. Chief Salvaggio replied that on March 07, 2017 City Council authorized the City Manager to negotiate this contract. City Manager Kuenstler interrupted the discussion and replied that she had the authority to sign the contract and that she wanted to lock in the rate for the citizens while she could. City Manager Kuenstler continued by saying the reason it is on the agenda for approval is because our Charter calls for two readings for ordinances and she felt the citizens should see it, but if the Council does not think it is in the best interest of the citizens it is their decision but she wanted to lock in that rate. Chief Salvaggio added that at the last Town Hall meeting 94% of the attendees voted in support of the program. City Attorney Frederick reminded the Mayor that she has the right to not sign the ordinance that would negate the contract and that the contract can be cancelled at any time and without cause. The termination clause allows for the City to step out of the contract. Mayor Riley said she knows that citizens do support it but there are also citizens out there that don't and they have contacted her. Mayor Riley asked that a definition for "no longer supportable technology" as a way of getting out of the contract. City Attorney Frederick said we could certainly add that.

Councilor David Jordan that we, the Council gave the city manager the authority but if we don't want to approve it, we don't have to approve it. The statistics show this program works and it makes our streets safer and that has been proven.

Councilor Benny Martinez said he tends to agree with the Mayor on this subject and he "thinks it shows how upside-down the City is with the city manager signing a multi-million-dollar contract without coming to City Council prior. This could have been brought back at the next Council meeting and then we could have allowed her to sign it."

Councilor Monica Alcocer told Councilor Martinez that she personally felt this was nitpicking with technicalities but that he was entitled to his opinion. Councilor Alcocer added that she remembers it being discussed at the Annual Town Hall meeting back in January that because the governor was trying to pull red-light cameras, we would renew this but that it

could be cancelled just as quickly.

Mayor Riley said, "again, this is not how we usually do things."

Councilor Catherine Rodriguez said that she understood the city manager to say there was a loophole that we could get out of the contract if we wanted to but again, we needed to lock in the rate while we can. If the program proves not to be beneficial then we pull it

There was continued discussion.

- Lyn Joseph needed assistance understanding contract vs amendment stating that it took her into two different directions.
- Catherine Rowse asked about the cameras if the boulevard happens; and in the studies, is there ever a plateau where people get used to the cameras and they are no longer needed?
- Darby Riley said he sues people over contract all the time and would caution Council to look at this one really good to make sure the City can get out.
- Will Bradshaw asked if there were any maintenance fees; and what happens when the cameras are obsolete?

CITIZENS TO BE HEARD

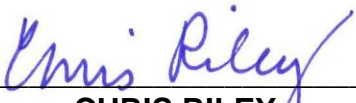
None

ADJOURNMENT

Mayor Riley announced that the meeting adjourned at 8:21 PM.

These minutes approved by the Leon Valley City Council on the 8th of May, 2019.

APPROVED



CHRIS RILEY
MAYOR

ATTEST: 
SAUNDRA PASSAILAIGUE, TRMC
CITY SECRETARY

