



**CITY OF LEON VALLEY
CITY COUNCIL REGULAR MEETING**
Leon Valley City Council Chambers
6400 El Verde Road, Leon Valley, TX 78238
Tuesday, December 17, 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, 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 Erkan, Jr., Public Works Director Melinda Moritz, Special Events/Community Center Manager Maribel Mendoza, Finance Director Vickie Wallace, Assistant Finance Director Floyd Messick, LVFD Fire Chief Michael Naughton, LVPD Chief Joseph Salvaggio, LVPD Assistant Chief Ruben Saucedo, Utility Billing Clerk Yvonne Acuna and various LVPD staff.

Mayor Chris Riley welcomed everyone and asked James Hampton from Troop 228 to lead the Pledge of Allegiance.

Mayor Riley asked for all cell phones to be silenced; asked that if anyone in the audience needed to speak with their neighbor, they take it to the foyer so they don't disturb the meeting; and lastly that our local rules do allow for citizen comments on any of the agenda items after staff presentation and City Council discussion. Please raise your hand to be recognized, come up to the podium and state your name for the record before speaking.

PRESENTATIONS

Presentation of the Monthly Financial Report Ending November 30, 2019 (Vickie Wallace, Finance Director)

Finance Director Vickie Wallace presented the monthly Financial Report ending November 30, 2019.

RESULT:	PRESENTED
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Discussion and Possible Action on the Leon Valley Historical Society Public/Private Partnership (M&C # 2019-12-17-01 K. Kuenstler)

City Manager Kelly Kuenstler presented an update to the Mayor and Council on the progress of the Leon Valley Historical Society Public/Private Partnership.

City Manager Kuenstler said that the original purpose of the MOU was to form a partnership to work together on the restoration and eventual opening of a museum at the Huebner-Onion Homestead & Stagecoach Stop. Ms. Kuenstler then provided a brief background.

City Manager Kuenstler concluded her presentation by saying that staff would like Council direction on whether to extend, modify or terminate the expired MOU.

- Kathy Hill: Spoke on the MOU and how it has been a tremendous asset to the Leon Valley Historical Society since it was originally signed and would like to renew or draft a new MOU.

Mayor Riley asked how we would draft a new MOU. City Manager Kuenstler said that she would be happy to draft a new memo and recommended to reword the current MOU so that it's set up for both sides to be more successful.

Councilor Donna Charles said that she agreed with City Manager Kuenstler, the MOU should consider not using tax payers money and look for other funding sources. "The memorandum with the City is helpful, taking care of the property is helpful and anything else we can do will be helpful [...]", Councilor Charles said.

City Manager Kuenstler added that the EDCD Grant is what helped with the flooring and the conduits project.

City Manager Kuenstler said she will prepare and submit a revised MOU and will place it on the consent agenda in order to move forward with this item.

RESULT:	PRESENTED
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Citizens Police Advisory Committee 2019 Annual Report (Karen Seiffert, Chair)

Karen Seiffert presented the Citizens Police Advisory Committee 2019 Annual Report. Ms. Seiffert gave a quick history; who the members are; the purpose of the committee and the year in review report.

Councilor Will Bradshaw asked how the crime reduction statistics were being compiled. Chief Joseph Salvaggio replied and said that the only thing that changed from one year to the next is the amount of officers that were put on and the fact that officers are now allowed to go into neighborhoods. The information is compiled through police reports.

Councilor Bradshaw made a recommendation for next year's Boots and Badges event to include a banner that would alert the community and inform about the event to avoid any confusion. City Manager Kelly Kuenstler said that the event was advertised on social media and that a banner was made but that they will advertise some more for next year.

Councilor Donna Charles thanked the entire Police Department for the community involvement and everything they do.

- Sarah Smart spoke and agreed that the officers are in fact circulating around the neighborhood as they knocked on her door one day at 3:00 a.m. to notify her that her garage door was open. Her concern however is regarding Bexar County 911 Dispatch; Ms. Smart previously had trouble getting an officer to her neighborhood to check on a house party around 2:00 a.m. She also said that an officer arrived 45 minutes later and she now fears that there's miscommunication between Bexar County 911 Dispatch and Leon Valley PD.
 - Chief Salvaggio said that this is unusual to happen but he asked Ms. Smart to provide him with some times and dates so that he can conduct some research on this incident.
- Phillip Riddle said that he as well received a visit from Leon Valley PD at 3:00 a.m. to notify him about his garage door being left open. Mr. Riddle made a recommendation to avoid any confusion and said to notify dispatch that the call is being made from the City of Leon Valley.

RESULT:	PRESENTED
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Presentation on Proposed Amendments to the Home Rule Charter (Chairman Jordan and Member Smart)

Chairman David Jordan and Member Sarah Smart introduced a presentation on the proposed amendments to the Home Rule Charter.

Chairman Jordan introduced the purpose and said that per Section 7.05 of the Home Rule Charter, the City Council shall appoint a Charter Review Committee in the second (2nd) year after this Charter is adopted and every fourth (4th) year thereafter. The Charter Review Committee shall consist of thirteen (13) citizens of the City. The citizens appointed shall consist of two (2) appointments by each council member and three (3) appointments by the Mayor.

Chairman Jordan also said that the Committee shall: Inquire into the operation of the City government under the Charter and determine whether any provision requires revision. To this end public hearings may be held. The Committee may request the attendance of any officer or employee of the City and the production of any City records that may be needed; propose any recommendations it deems desirable to ensure compliance with the Charter; report its findings and present its recommendations to the City Council in the form of a report; file a copy of its report with the Office of the City Secretary where it shall be a public record. The term of office of the Charter Review Committee shall be for not more than nine (9) months. Upon finalization of the Charter Review Committee's report, the City Council

shall receive the report. Notice shall be published in the official newspaper of the City that a copy of the report is available in the Office of the City Secretary. The City Council shall consider any recommendations made and may order any recommendations be submitted to the voters of the City in the manner provided by state law. Nothing in this section prohibits the City Council from forming a Charter Review Committee at any time or from submitting any amendments to the Charter to election on its own initiative at any time in compliance with state law.

Chairman Jordan provided a brief background by saying that at the April 16, 2019 City Council meeting former City Attorney Denise Frederick requested guidance from the Council on committee appointments. At the August 20, 2019 City Council meeting the final 2019 Charter Review Committee was appointed. The first 2019 Charter Review Committee meeting was held on September 16, 2019.

Member Smart asked for all Committee members to please stand to be recognized.

Member Smart reminded Council that they have the authority to accept all the recommended amendments; accept some of the recommended amendments; accept none of the recommended amendments or add amendments.

City Attorney Charlie Zech notified Council that if Council wished to have amendments on the May ballot, then they must order the election by February 14th, 2020. City Council would need to decide how this can get accomplished.

Mayor Riley asked if this would take two readings. Mr. Zech replied and asked if the City orders the election by resolution or ordinance to which Mayor Riley replied, by resolution. Mr. Zech said that it will require only one reading.

City Attorney Zech informed Council that the Committee came up with thirty-five (35) measures and clarified that this doesn't necessarily mean that they had 35 amendments. Mr. Zech used the same Power Presentation to presented all 35 measures.

There was a consensus among City Council to the following: a 1st workshop on Saturday, January 11th, 2020 at 9:00 a.m.; a 2nd workshop on Tuesday, January 21st, 2020 at 4:00 p.m.; 1st presentation of what the ballot is going to look like will be held on Saturday January 25th, 2020 at the Town Hall meeting; and a resolution will get adopted during the regular City Council meeting on Tuesday, February 4th, 2020.

Chairman Jordan thanked all the committee members for their time.

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) The Library Board will not meet for the month of December. b) City Hall will be closed from December 23rd, 2019 to January 1st, 2020 for the upcoming Holidays. c) Blue Santa donations have met

and exceeded our expectations this year thanks to the generosity of so many citizens and staff not only in Leon Valley but beyond our borders. A sincere thank you to each Councilor, staff member, citizen volunteer and contributors that assisted with this worthy cause. We have left over toys and we will be able to share them with other suburban cities that weren't able to do what we were able to do. d) Census 2020 Complete Count is April 1st, 2020; community service and complete education, it's really important for everyone to complete these questionnaires. You can do this online, by phone or through the mail. e) Melinda, Brandon and William Cox have located the records for 40 of Certificates of Occupancy (CO) that were considered missing. These were the longstanding businesses that we knew they had them but they weren't displayed. We have located them and are in the process of getting everyone to display them over the next couple of months.

Upcoming Important Events:

- Next Regular City Council Meeting Tuesday, January 07, 2019, at 6:00 p.m. in Council Chambers City Offices will be closed on Monday, December 23, 2019, through Tuesday, December 31, 2019, in observance of the Christmas Holiday.
- City Offices will be closed on Wednesday, December 31, 2019, in observance of the New Year's Day Holiday.
- Annual Town Hall Meeting, Saturday, January 25, 2020, from 8:30 a.m. to 12:30 p.m. at the Leon Valley Conference Center.
- Earthwise Living Day, Saturday, March 7, 2020, from 9:30 a.m. to 1:30 p.m. at the Leon Valley Community Center.
- Volunteer Appreciation Dinner, Thursday, April 2, 2020, at 6:00 p.m., at the Leon Valley Conference Center.
- Miscellaneous other events and announcements

CITIZENS TO BE HEARD

- Olen Yarnell: Thanked Leon Valley staff for the wonderful Christmas decoration at the Veterans Park, outside the Leon Valley Public Library. Mr. Yarnell also asked regarding The Lion's Roar Newsletter. Mr. Yarnell expressed concern as he has been receiving the newsletter right after events occur. Mr. Yarnell asked who's responsible for the production, content and why citizens are not receiving the newsletter on time.
 - City Manager Kelly Kuenstler replied and said that Litho Press is the producer of the Lion's Roar; department directors, Council members, the Mayor and the City Manager can submit content to the Lion's Roar Newsletter, one factor that is causing the Newsletter not to arrive on time is "late submissions, submissions that are not factual submission and those that we have to keep correcting" is what holds up the production and distribution. City Manager Kuenstler added that this Newsletter delivery was interesting as two residents said that they never received it and another resident said they received it on the next day. City Manager Kuenstler is not sure why this problem keeps happening but reminded citizens that all Newsletters are available at City Hall, at the Leon Valley Public Library and on the City's website.
- Richard Blackmore: Wished a Merry Christmas to Councilor Donna Charles, Councilor Catherine Rodriguez, Councilor Monica Alcocer and Councilor Matthew Hodde and thanked City Manager Kuenstler for her service to the City of Leon Valley and said her

salary is well deserved.

- Lyn Joseph: Said that the articles from the Lion's Roar seemed to be very political and asked if the articles met the standards.
 - City Manager Kelly Kuenstler replied and said that in her opinion both articles she referred to, met the standards and also said that she read the policy with the City's Attorney before production.
- Benny Martinez: Asked when City Council as a body met to discuss Ryan Henry's hire.
- Josh Stevens: Read aloud the City of Leon Valley's Policy for the Lion's Roar Newsletter and also added a comment about the recall petitions and read aloud a section from the City's Charter.

ANNOUNCEMENTS BY THE MAYOR AND COUNCIL MEMBERS

- Councilor Donna Charles wished everyone a Merry Christmas.
- Councilor Catherine Rodriguez gave best wishes to everyone during this Christmas Season. Councilor Rodriguez informed about her contribution to Blue Santa and also attending the Grand Opening of "Elevate Our Veterans" and believes it to be a great addition to the City.
- Councilor Monica Alcocer wished a Happy New Year to everyone and informed about her participation at the Boots and Badges event- "Success is the ability to move from one failure to another without loss of enthusiasm" by Winston Churchill. "Guess why I smile a lot, because it's worth it" by Marcel the Shell.
- Councilor Matthew Hodde shared his experience working for the US Census and also informed everyone that he attended the Beautification Meeting and the Grand Opening for "Elevate Our Veterans." "Merry Christmas and Happy New Year" he said.
- Councilor Will Bradshaw wished everyone a Merry Christmas, Happy Hanukkah and Happy New Year. "There is no limit to the amount of good you can do if you don't care who gets the credit" by Ronald Reagan.
- Mayor Chris Riley clarified that "Elevate Our Veterans" is also for active military and shared Vote411.org as a guide to voters based on zip code. Mayor Riley also informed that the Los Leones event will not be held in Leon Valley like every year because John Marshall High School is under construction. Mayor Riley said that once renovations get done, they will begin having this even at John Marshall High School again. Mayor Riley informed everyone that she was able to do some Blue Santa. "Merry Christmas, Happy Hanukkah and Happy New Year" she said.

CONSENT AGENDA

A motion was made by Councilor Monica Alcocer and seconded by Councilor Donna Charles to adopt Consent Agenda Items 6.1, 6.2, 6.3, and 6.4 as presented.

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

Acceptance of Committee Minutes:

- 10-23-2019 Ethics Review Board Minutes

Discussion and Possible Action on a Resolution to Dissolve the Beautification Committee (M&C # 2019-12-17-02 V. Wallace)

Presentation, Discussion, and Possible Action for Partial Reimbursement for Flagpole. Knapheide Truck Equipment, Located at 6324 Bandera. William Cox, Business Relations Director (M&C # 2019-12-17-03 W. Cox)

Presentation, Discussion, and Possible Action for Funding Commercial Dumpster Graffiti Abatement Program. William Cox, Business Relations Director (M&C # 2019-12-17-04 W. Cox)

ORDINANCE

Discussion and Possible Action on an Ordinance Authorizing an Amendment to the Leon Valley City Code, Chapter 8 Offenses and Nuisances, Amending Article 8.07.003 Prohibited Noise to Specify Length and Time Durations for Animal Noise Nuisances (1st Reading Held on 09-30-19) (M&C # 2019-12-17-05 J. Salvaggio)

Police Chief Joseph Salvaggio presented this 2nd read ordinance to authorize an amendment to the Leon Valley City Code, Chapter 8 Offenses and Nuisances, Amending Article 8.07.003 Prohibited Noise to Specify Length and Time Durations for Animal Noise Nuisances.

Chief Salvaggio informed everyone that this amendment is still part of the Animal Ordinance. In our ordinances, the noise is in two places; Nuisance section of the Animal Ordinance and in Chapter 8.07.003 of the Leon Valley Code for Offenses and Nuisances. Chief Salvaggio explained how he originally planned to present everything together but about a year ago when the item was first presented, the City Attorney made the recommendation to pull this item and have a second reading so that it is very clear that two separate ordinances are being changed.

Chief Salvaggio noted the changes: Sec. 8.07.003 Prohibited Noise currently reads:

(c) It shall be unlawful to keep any animal, fowl, or bird which, by causing frequent or long-continued noise, shall disturb, injure, or endanger the comfort, repose, health, peace, or safety of others.

And will be changed to:

(c) The owner or keeper of an animal shall not allow animals being held on their property to create a noise disturbance in such a manner, to annoy, distress or disturb within the vicinity of hearing thereof. For the purpose of this chapter, an animal noise nuisance shall be defined as a minimum of ten minutes of noise events over a period of one hour any time during the day or night where the animal can be heard continuously one hundred (100) yards away, or behind the wall of a livable structure.

Mayor Riley asked if a resident hears a dog bark for 10 minutes, will the officer wait to hear the dog barking or will the officer simply take the resident's word for it. Chief Salvaggio said the officers would do both.

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

RESULT:	ADOPTED AS AMENDED [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

Discussion and Possible Action on an Ordinance Authorizing a Budget Adjustment for the Community Center Fund in the Amount of \$179,240 and a Budget Adjustment for the General Fund Economic Development Project Funding in the Amount of \$179,240 to Provide the Funding Source for the Remodel of the Community Center (Senior Center). (1st Read was Held on 12-03-19) (M&C # 2019-12-17-06 M. Mendoza)

Special Events/ Community Center Manager Maribel Mendoza presented this 2nd read ordinance authorizing a budget adjustment for the Community Center Fund in the Amount of \$179,240 and a budget adjustment for the General Fund Economic Development Project Funding in the Amount of \$179,240 to provide the funding source for the remodel of the Community Center (Senior Center).

Special Events/ Community Center Manager Mendoza said there were no changes since the 1st read.

- Lyn Joseph: Asked if the weekly events will be interrupted during renovation.
 - Ms. Mendoza explained that all activities will continue and that the weekly events be moved to a different location when the time comes to renovate the restrooms.

A motion was made by Councilor Monica Alcocer and seconded by Councilor Matthew Hodde to adopt as presented.

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

Discussion and Possible Action on an Ordinance Authorizing a Budget Adjustment in the Amount of \$1,659,482, with 15% for Contingency For the Stormwater Fund and the General Fund Economic Development Fund Reserve in the amount of \$313,482, and to Authorize the City Manager to Enter Into an Interlocal Agreement with Bexar County to Accept a \$1,346,000 Reimbursement Grant for the Seneca West Subdivision Drainage Project (1st Read was Held on 12-03-2019) (M&C # 2019-12-17-07 M. Moritz)

Public Works Director Melinda Moritz presented this 2nd read ordinance to authorize a budget adjustment in the amount of \$1,659,482, with 15% for contingency for the Stormwater Fund and the General Fund Economic Development Fund Reserve in the amount of \$313,482, and to authorize the City Manager to enter into an Interlocal Agreement with Bexar County to Accept a \$1,346,000 reimbursement grant for the Seneca West Subdivision Drainage Project.

Public Works Director Moritz clarified the following two items: the changes to the caption of the ordinance in order to make it clear for the auditors clarifying that the money is coming from the Stormwater Reserve and from the General Fund Economic Development and Community Development Reserve and going to the Stormwater Fund. The second clarification that Ms. Moritz made was that she had previously said in a Council Meeting that the property was already zoned R-E 1 and she later realized that this information is incorrect, this property is zoned R-1. Ms. Moritz said that there is a pending zoning case that has not been brought to City Council yet.

Planning & Zoning Director Brandon Melland made a clarification and said that the case went to the Zoning Commission some time at the end of 2018 which also was presented to City Council for a 1st reading. However, there was a consensus to bring the property's plat to the 2nd reading but at that time the plat did not have a legal description and it was a preliminary plat only. Mr. Melland explained that the 2nd reading at City Council never occurred because of all the extra items that came up throughout the process. Director Melland also said that once the plat is ready to be presented again, it will need to be taken to the Zoning Commission again and then Council for a 1st reading. He explained that the 1st reading that took place expired after 90 days.

Mayor Riley asked if there's a timeline for the project and if these improvements would get completed first before the development of the property.

Public Works Director Moritz said that the property needs to get platted first.

There was continued discussion.

A motion was made by Councilor Donna Charles and seconded by Councilor Catherine Rodriguez to adopt as presented.

Councilor Monica Alcocer stated that she had a personal interest in the property so she would recuse herself from this vote. She also stated that prior to this evening's meeting; she had filled the appropriate Conflict of Interests forms with the City Secretary.

RESULT:	ADOPTED [4 TO 0]
MOVER:	Donna Charles, Council Place 1
SECONDER:	Catherine Rodriguez, Council Place 2
AYES:	Donna Charles, Catherine Rodriguez, Matthew Hodde, Will Bradshaw
ABSTAIN:	Monica Alcocer

Discussion and Possible Action on an Ordinance Amending Ordinance No. 2018-08 to Amend the Future Land Use Plan of the City of Leon Valley Comprehensive Master Plan; Modifying Approximately 2.4 acres, Generally Located on the North Side of Grissom Road, Approximately 900 feet West of Poss Road, from Retail to Multiple Family. (1st Reading was Held on 12-03-2019) (M&C # 2019-12-17-08 B. Melland)

Planning & Zoning Director Brandon Melland presented this 2nd read ordinance to amend Ordinance No. 2018-08 to amend the future Land Use Plan of the City of Leon Valley Comprehensive Master Plan; modifying approximately 2.4 acres, generally located on the North side of Grissom Road, approximately 900 feet West of Poss Road, from Retail to Multiple Family.

Planning & Zoning Director Melland said there were no changes since the 1st read.

A motion was made by Councilor Will Bradshaw and seconded by Councilor Matthew Hodde to adopt the ordinance as presented.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Will Bradshaw, Council Place 5
SECONDER:	Matthew Hodde, Council Place 4
AYES:	Monica Alcocer, Donna Charles, Catherine Rodriguez, Matthew Hodde, Will Bradshaw

Discussion and Possible Action on an Ordinance on a Request by Bill Craig, on Behalf of the Lutheran Church of the Resurrection, Granting a Zone Change From B-2, Retail District, With SO, Sustainability Overlay District Zoning, To R-3, Multi-Family District, With SO, Sustainability District Overlay District Zoning at 6011 Grissom Road; Generally Located on the North Side of Grissom Road, Approximately 900 feet West of Poss Road. (1st Reading Held on December 3, 2019) (M&C # 2019-12-17-09 B. Melland)

Planning & Zoning Director Brandon Melland presented this 2nd read ordinance on a request by Bill Craig, on behalf of the Lutheran Church of the Resurrection, granting a zone change from B-2, Retail District, with Sustainability Overlay (SO) District Zoning, to R-3, Multi-Family District, with SO District Zoning at 6011 Grissom Road; generally located on

the North side of Grissom Road, approximately 900 feet West of Poss Road.

Planning & Zoning Director Melland said there were no changes since the 1st read.

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Monica Alcocer, Mayor Pro-Tem, Council Place 3
SECONDER:	Will Bradshaw, Council Place 5
AYES:	Monica Alcocer, Donna Charles, Catherine Rodriguez, Matthew Hodde, Will Bradshaw

Discussion and Possible Action on Ordinance on a Request by Kim Webster, on Behalf of a Place for Kids Child Care, granting a Specific Use Permit for a Child Care Facility, at 6011 Grissom Road; Generally Located on the North Side of Grissom Road, approximately 900 Feet West of Poss Road; and a Public Hearing on Said Request (1st Reading was Held on 12-03-2019) (M&C # 2019-12-17-10 B. Melland)

Planning & Zoning Director Brandon Melland presented this 2nd read ordinance on a request by Kim Webster, on behalf of a Place for Kids Child Care, granting a Specific Use Permit (SUP) for a child care facility, at 6011 Grissom Road; generally located on the North side of Grissom Road, approximately 900 feet West of Poss Road; and a Public Hearing on said request.

Planning & Zoning Director Melland said there were no changes since the 1st read.

- Lyn Joseph asked if this is an existing child care facility.
 - Director Melland said yes, this is an existing child care facility but it is unlawfully operating under a zoning that is not permitted in that area, so we are proposing a zone change so that the church can continue operating under a permitted zone.

A motion was made by Councilor Will Bradshaw and seconded by Councilor Monica Alcocer to adopt the ordinance as read.

Mayor Riley announced that Public Works Director Melinda Moritz requested that Item 8.5 be pulled from tonight's agenda. Mayor Riley also asked that with the consent of Council, she would like to move Item 8.6 up on the agenda to follow Item 8.3.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Will Bradshaw, Council Place 5
SECONDER:	Monica Alcocer, Mayor Pro-Tem, Council Place 3
AYES:	Monica Alcocer, Donna Charles, Catherine Rodriguez, Matthew Hodde, Will Bradshaw

REGULAR AGENDA

Discussion and Possible Action on an Ordinance on a Request by Henry S. Daughtry, granting a Specific Use Permit for Outside Storage, at 6360 Grissom Road; Generally Located on the East Side of Grissom Road Approximately 1/4-mile South of Bandera Road (1st Reading was Held on 12-03-2019) (M&C # 2019-12-17-11 B. Melland)

Planning & Zoning Director Brandon Melland presented the proposed ordinance on a request by Henry S. Daughtry, granting a Specific Use Permit (SUP) for outside storage, at 6360 Grissom Road; generally located on the East side of Grissom Road, approximately 1/4-mile South of Bandera Road.

Planning and Zoning Director Melland gave a brief background on the item by saying that the applicant Mr. Daughtry has two locations on Grissom Road - the original location at 6200 Grissom Road and the subject property at 6360 Grissom Road; which is an annex and was recently developed in 2016. Both properties are zoned B-3, Commercial District with Commercial/Industrial Overlay District Zoning as well. Both facilities are classified by the Zoning Code as "Self-Storage" with outside storage.

Most recently, Mr. Daughtry placed several prefabricated storage buildings/units at the 6360 Grissom Road location. These units are labeled on the attached Exhibit A as "A" through "J", and further illustrated on Exhibit B. He placed these units with the desire to have them permitted for use as self-storage units.

These storage units are not permanent structures, nor are they constructed to International Building Code (IBC) Standards (they could be picked up and moved away). Therefore, staff is considering these units as equipment, rather than permissible buildings. Furthermore, staff is considering them "Outside Storage" similar to the boats and RV's which are currently being stored on the property; they just happen to be outside storage [equipment] that will also be used to store things in.

Outside Storage is permitted in the B-3, Commercial District only with an SUP. As the property is currently being used primarily for the outside storage of boats and RV's these new containers are conceptually consistent with the current activities on the property.

However, neither this annex facility, nor his primary facility ever received an SUP for Outside Storage. This came to current Planning and Zoning staff's attention at the time Mr. Daughtry submitted for approval of his storage units.

Therefore, Outside Storage is considered a legally non-conforming use at the original storage facility and is technically not permitted at the annex. This SUP request has the potential to resolve this issue and allow for the permanent placement of the new storage units.

Planning and Zoning Director Melland concluded his presentation by saying that the Zoning Commission recommended unanimous approval of this request at their November 25, 2019 meeting, subject to the following condition:

That the development of the property be limited to the extent illustrated on the site plan labeled as Exhibit A.

- Mr. Daughtry explained how his property has been engineered three separate times and thanked Director Melland for his assistance with his project.

Councilor Monica Alcocer asked Mr. Daughtry if he “put them without the City’s permission”. Mr. Daughtry explained that he was under the impression that permission was not necessary because of the language on his Certificate of Occupancy and because of the “determination letter” he received from City staff back in 1996.

Councilor Monica Alcocer also asked Mr. Daughtry if he did not know the setbacks from the road issue. Mr. Daughtry clarified that “they are not sitting on the fence line; they are sitting back from the fence line.”

There was continued discussion.

RESULT:	FIRST READ
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Presentation, Discussion, and Possible Action on a Resolution granting a Request by Henry Daughtry, for a Variance to Section 3.05.006 of the City of Leon Valley Code of Ordinances, Regarding Required Front Yard Setback For a Screening Fence, at 6200 Grissom Road, Generally Located on the South Side of Grissom Road, Approximately 300 Feet West of Poss Road (M&C # 2019-12-17-12 B. Melland)

Planning & Zoning Director Brandon Melland presented the proposed Resolution granting a request by Henry Daughtry, for a Variance to Section 3.05.006 of the City of Leon Valley Code of Ordinances, regarding required front yard setback for a screening fence, at 6200 Grissom Road, generally located on the South side of Grissom Road, approximately 300 feet West of Poss Road.

Planning and Zoning Director Melland gave a brief background on the item by saying that since 2014 when City Council removed the Sustainability Overlay (SO) designation on Mr. Daughtry’s property, Mr. Daughtry began working with the City to improve his property.

Among the improvements that Mr. Daughtry is planning for his property, is replacing the existing chain-link fence (with razor-wire) on his property line, with a screening wall, similar to that which he installed at the annex. The screening wall at the annex is masonry composite and is 8 feet tall.

Similarly, the City's Building Code requires screening fences for commercial uses (such as Mr. Daughtry's) when adjacent to the residential uses and public areas such as streets. The code also specifically requires that properties with outside storage provide screening walls to shield the view of the storage from public areas.

The code does not restrict height for required screening walls for outside storage; it simply states the following:

"No land shall be used for or as a storage area for any material or storage units until a vision-proof fence is constructed and is sufficient height to conceal the storage materials and/or storage units."

The code also states:

"The fence shall also meet the setback requirements of the zoning district and the percentage of storage allowed for that zoning district."

Thus, in order to replace the chain-link fence, Mr. Daughtry would have to construct the new masonry wall approximately 25 feet from his front property line in order to comply with the code. He cannot do this however, because his property is completely built out with buildings and drive lanes located within the setbacks.

The only place that a new screening wall could be placed without disrupting his facilities operations is where the existing chain-link fence is located - on the front property line at the street. Just like location of the annex facility.

Therefore, Mr. Daughtry will need a variance in order to replace the chain-link fence with a more aesthetically pleasing fence which will enhance the Grissom Road corridor.

City Attorney Habib H. Erkan, Jr. advised Council for their findings to be legally supportive; to what the findings were: (1) the land has been built out; (2) the need for privacy; (3) it has already been articulated by the City's Planner.

Planning and Zoning Director Melland concluded his presentation by saying that staff recommends approval of the variance with the following conditions:

1. The fence be constructed entirely of masonry or prefabricated masonry wall system of similar appearance as traditional masonry.
2. That the height of the wall at the grade of the property line shall not be limited provided at no point shall the height of the wall exceed 8 feet as measured from the grade of the surface of the roadway immediately in front of the wall.
3. The wall shall be placed behind the existing shrubs, so as to provide a vegetative buffering of the wall itself. In areas where shrubs do not currently exist, similar vegetative screening shall be provided that shall reach a mature height taller than

the height of the wall.

A motion was made by Councilor Monica Alcocer and seconded by Councilor Will Bradshaw to adopt the resolution along with the additional legal supplemental findings as provided by the City Attorney.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Monica Alcocer, Mayor Pro-Tem, Council Place 3
SECONDER:	Will Bradshaw, Council Place 5
AYES:	Alcocer, Charles, Rodriguez, Hodde, Bradshaw

Presentation and Discussion on a Request by Tamala McClennan, granting a Specific Use Permit for Entertainment Indoor Use, at 6400 Bandera Road; Generally Located at the Northwest Corner of Grass Hill Drive and Bandera Road; and a Public Hearing on Said Request (1st Reading as Required by City Charter) (M&C # 2019-12-17-13 B. Melland)

Planning & Zoning Director Brandon Melland presented the proposed request by Tamala McClennan, granting a Specific Use Permit (SUP) for Entertainment Indoor Use, at 6400 Bandera Road; generally located at the Northwest corner of Grass Hill Drive and Bandera Road; and a Public Hearing on said request.

Planning and Zoning Director Melland gave a brief background on the item by saying that the applicant is the owner of the Reserve Event Venue, a business offering event planning services and event space for small events such as weddings, birthdays, and civic meetings. They are planning to locate at 6400 Bandera Road, into a 1,500 square foot tenant suite labeled 6412 Bandera Road. The location of this space on the premises is illustrated in the attached Exhibit A. Such a use is classified by the zoning code as "Entertainment - Indoor."

Due to the property being zoned B-2; Retail District with Sustainability Overlay District Zoning, Entertainment Indoor requires approval of an SUP, before a Certificate of Occupancy may be issued. The Reserve also plans to acquire a TABC license and guarantees to offer security at events in which alcohol will be served.

Planning and Zoning Director Melland concluded his presentation by saying that the Zoning Commission recommended unanimous approval of this request at their September 24, 2019 meeting; with the following conditions:

1. The specific use permit shall be limited to the approximate 1,500 square foot tenant space illustrated in "Exhibit A" - Site Plan.
2. That at least one (1) certified peace officer be present at each event in which alcohol will be served.

Mayor Riley asked regarding the hours of operation.

- Applicant Tamala McClennan said the noise wouldn't be an issue as Rita's closes at 3:00 p.m.; she will not have live bands but DJ only for small events.

Councilor Monica Alcocer asked if this is the second entertainment type of business going into that shopping center. Planning & Zoning Director Melland said no, he explained that this is the only entertainment type of business that would be going into that shopping center. Director Melland also explained that the applicant previously went to the Zoning Commission and during that time, the Fire Marshall Justin Garcia advised that the facility would need a fire sprinkler system. Applicant McClennan worked along with Fire Marshal Garcia and Assistant Fire Chief Eric Burnside on this requirement and came to the conclusion to expand the storage within the facility to decrease the total square footage/occupancy load that would also exempt them from the fire sprinkler system requirement.

Police Chief Joseph Salvaggio asked the applicant if she planned to obtain her Texas Alcoholic Beverage Commission License (TABC) and also offer Bring Your Own Bottles services (BYOB). Applicant said that she is planning to obtain her TABC license and in the meantime will allow BYOB. Chief Salvaggio advised to change the language from the conditions where it reads "alcohol will be served" to "anytime alcohol is present" so that the conditions can also apply to BYOB services.

Mayor Riley opened the Public Hearing at 9:55 p.m. There being no public comment; Mayor Riley closed the Public Hearing at 9:55 p.m.

RESULT:	FIRST READ
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Presentation and Discussion on an Amendment to Section 1.04.001 of the Code of Ordinances to Consolidate the Meeting Date and Time Rules with the Rules of Conduct and Decorum for Public Meetings and Hearings Held by the City Council as Adopted in Ordinance No. 2019-48 and by Amending the Rules of Conduct and Decorum to Allow Councilors to Appeal the Presiding Officer's Determination Regarding Violations of Rules of Conduct and Decorum for Public Meetings and Hearings Held by the City Council and by Making Non-Substantive Organizational Revisions to the Rules of Conduct (1st Read As Required By Charter) (M&C # 2019-12-17-14 K. Kuenstler)

City Attorney Habib H. Erkan, Jr. presented the proposed amendment to Section 1.04.001 of the Code of Ordinances to consolidate the meeting date and time rules with the Rules of Conduct and Decorum for public meetings and hearings held by the City Council as adopted in Ordinance No. 2019-48 and by amending the Rules of Conduct and Decorum to allow councilors to appeal the presiding officer's determination regarding violations of Rules of Conduct and Decorum for public meetings and hearings held by the City Council and by making non-substantive organizational revisions to the Rules of Conduct.

City Attorney Erkan explained that the purpose of this item is to propose an amendment to the Rules of Conduct and Decorum with substantive and non-substantive changes. The purpose of the substantive revisions and the purpose for non-substantive re-organizational

revisions are noted in comments in the right-hand margin of the rules. Mr. Erkan also explained that some definitions were added to make the ordinance more understandable.

City Attorney Erkan shared with Council how this item could have a positive fiscal impact to the City regarding attorneys' fees. If meetings are run more efficiently, they could be less costly in attorneys' fees.

Mayor Riley made a recommendation to add the following under # 3 (a): "a member of the Council should raise their hand first to be recognized by the Chair before speaking". Mayor Riley asked for her recommendation to go before "a member who has spoken should refrain from speaking again until each member has had an opportunity to speak."

- Josh Stevens: Thanked City Attorney for his efforts with this amendment to the Code of Ordinances.

RESULT:	FIRST READ
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Presentation and Discussion to Consider an Ordinance authorizing a Budget Adjustment in the Amount of \$46,231, from the General Fund Reserve, for the Purpose of Constructing Electric Vehicle Charging Stations, and Authorizing the City Manager to Negotiate and Execute a Contract with ChargePoint for the Operation of the Stations (1st Read as Required by City Charter) - *Withdrawn* (M&C # 2019-12-17-15 M. Moritz)

This item was pulled from the agenda per Public Works Director Melinda Moritz.

Presentation and Discussion to Consider Approval of an Ordinance Authorizing Budget Adjustments for the General Fund and Community Center Fund in the Amount of \$23,646 From the Economic and Community Development Project Funding for the Purchase of New Software for Online Applications and Reservations for City Amenities (1st Read as Required by City Charter) (M&C # 2019-12-17-16 Y. Acuna)

Utility Billing Clerk Yvonne Acuña presented the proposed ordinance to authorize budget adjustments for the General Fund and Community Center Fund in the amount of \$23,646 from the Economic and Community Development Project Funding for the purchase of new software for online applications and reservations for city amenities.

Utility Billing Clerk Acuña informed the Mayor and Council that the budget adjustment proposal is to purchase software for online reservations and rentals for the Community and Conference Centers, City pools, parks, and special event vendors, and to amend Leon Valley City Code, Appendix A Schedule of Fees, Article A2.000 Administrative Fees, Section A2.002 Return Check Charges, to allow collection of a 5.52% and 2.52% convenience fee to offset the cost of the online and in person transaction fees.

Utility Billing Clerk Acuña gave a brief background on the item by saying that currently, all park, Community and Conference Center rental, and swimming pool season pass applications may only be submitted in person at City Hall. Ms. Acuña said that staff has received numerous requests from the community, requesting the ability to reserve or rent City facilities online or at the pool facilities.

This software will allow users to view a booking calendar, and then rent City amenities or pay for pool passes at any time of the day. Pool passes will also be available for purchase at the pool facilities. This will allow City operations to become more efficient and streamlined, while also generating community goodwill through accessibility and mobility.

Utility Billing Clerk Acuña concluded her presentation by saying that the ActiveNet software system requires a payment of 5.52% of the total fees per transaction for the processing of such payments. In order to offset the cost of the transactions, it is proposed that the City place the burden of this cost on the renter or purchasers. In order to collect those fees, Appendix A Schedule of Fees, Article A2.000 Administrative Fees, Section A2.002 Return Check Charges should be amended as follows:

“Article A2.002 Returned Check and Online Reservation/Rental Fees

- | | |
|--|---------------------|
| (a) Returned check charge, per check: | \$25.00 |
| (b) Online rental, reservation, membership,
and special event vendor fee convenience charge | 5.52% of total fee |
| (c) In person cash, check, or money order convenience fee | 2.52% of total fee” |

The Economic and Community Development Advisory Committee recommended approval of the budget adjustment at their November 20, 2019 meeting.

Councilor Will Bradshaw asked if the price quoted is based on a set price or based on the usage. Utility Billing Clerk Acuña said the price is based on the size of the City and the what the revenues were for the specific amenities.

RESULT:	FIRST READ
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CITIZENS TO BE HEARD


- Lyn Joseph: Spoke on a budget adjustment and the money the City spent on the 312 Hearing.
- Olen Yarnell: Spoke on the renovation for the Civic Centers.
- Drew Power: Wished everyone a Merry Christmas and Happy New Year.

ADJOURNMENT

Mayor Riley announced that the meeting adjourned at 11:59 PM.

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

APPROVED



CHRIS RILEY
MAYOR

ATTEST:


SAUNDRA PASSAILAIGUE, TRMC
CITY SECRETARY

