



**CITY OF LEON VALLEY
CITY COUNCIL REGULAR MEETING**
Leon Valley City Council Chambers
6400 El Verde Road, Leon Valley, TX 78238
Tuesday, August 7, 2018

MINUTES

1. **6:00 PM** Call to Order (* Councilor David Edwards will SKYPE into this meeting), Determine a Quorum is Present, Pledge of Allegiance.

Attendee Name	Title	Status	Arrived
Chris Riley	Mayor	Excused	
Monica Alcocer	Mayor Pro Tem	Present	
David Edwards	Council Place 1	Remote	
Catherine Rodriguez	Council Place 2	Present	
Benny Martinez	Council Place 4	Present	
David Jordan	Council Place 5	Present	

Also present was City Manager Kelly Kuenstler, ACM/HR Director Crystal Caldera, City Secretary Sandra Passailaigue, City Attorney Denise Frederick, Library Director Sandy Underwood, Planning & Zoning Director Brandon Melland, Public Works Director Melinda Moritz, Deputy Fire Marshal Eric Burnside, Special Events/Community Center Manager Maribel Mendoza, LVFD Assistant Chief Blake Wade, LVFD Lisa Martin, LVPD Chief Joseph Salvaggio, and LVPD staff.

Mayor Pro Tem Monica Alcocer welcomed everyone and asked Mr. Pedro Esquivel to lead the Pledge of Allegiance.

Mayor Pro Tem Alcocer asked for all cell phones to be silenced.

Mayor Pro Tem Alcocer announced that today was City Manager Kelly Kuenstler's birthday. Everyone sang Happy Birthday to her.

Mayor Pro Tem Alcocer moved Item 4 up on the agenda; and Councilor Benny Martinez asked to have Item 8.1 moved to immediately follow. There was a consensus to oblige.

Citizens to Be Heard

Pedro Esquivel stepped to the podium and gave a heartfelt thank you to the City of Leon Valley and its staff. Mr. Esquivel asked the City Council to "be proud of the people you hire and give them the support they deserve."

Mary Esquivel, daughter of Pedro Esquivel, thanked everyone for all of the support the City

and staff have provided their father and family with over the years.

Presentations

Presentation, Discussion and Workshop on an Ordinance Approving and Adopting Fiscal Year 2018-2019 Budgets and Associated Capital Acquisition Plans and Ratifying Fiscal Year 2018-2019 General Fund Budget (City Manager Kelly Kuenstler)

City Manager Kelly Kuenstler led a discussion and a Workshop on an ordinance approving and adopting Fiscal Year 2018-2019 Budgets and Associated Capital Acquisition Plans and ratifying the Fiscal Year 2018-2019 General Fund Budget.

There was some discussion during the presentation with some importance on the following:

Councilor David Edwards stated that he would like to see the budget include an economic development director. Mayor Pro Tem Alcocer said that the current process works and did not see the need.

Councilor Benny Martinez stated that he “liked the idea of a business relations specialist; and in favor of giving that person the responsibility of health inspector. However, that he viewed the economic development director as someone with more skills. This person needs to be more of a cheerleader, somebody outgoing that will go out and beat the bushes; the mind set of these two are like night and day, these two positions are not compatible.”

Councilor Catherine Rodriguez stated that she felt it would be more feasible to have a single person within the City than to contract out or train another individual.

Mayor Pro Tem Alcocer requested that \$50,000-\$60,000 be reserved as a placeholder for possible future development of the “park” at Poss and Peachtree.

Councilor Benny Martinez spoke cost of the street sweeper and would like rental to be considered. Public Works Director Melinda Moritz commented on a mechanical sweeper.

- Evan Mosqueda asked if there had been any studies done by the City on whether or not the cost of those studies would offset the cost of an economic development director.
 - City Manager Kuenstler replied.
- Councilor David Edwards (via video conferencing) asked if there had been a 5:30 p.m. Executive Session this evening and if so, why was he not brought into it.
 - City Manager Kuenstler replied.
 - City Attorney Denise Frederick asked that this conversation stop as it was off topic. Ms. Frederick said it could be discussed after the meeting or when he returns.

City Manager's Report

Approved Committee Minutes for City Council Review

Upcoming Important Events

- Next Regular City Council Meeting August 21, 2018, at 6:00 p.m.
- The City of Leon Valley Crime Control & Prevention Board of Directors will conduct a public hearing on the proposed budget for fiscal year 2018-2019, Tuesday, August 21, 2018 - 5:30 p.m., City Council Chambers
- The City of Leon Valley City Council will conduct a public hearing on the proposed budgets for fiscal year 2018-2019, Tuesday, August 21, 2019 - 6:00 p.m., City Council Chambers
- City Offices will be Closed, Monday, September 03, 2018 in observance of Labor Day
- Miscellaneous other events and announcements

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) there was a consensus by members of City Council to hold the annual performance evaluation of the City Manager at 5:30 p.m. on September 17, 2018; and B) The Leon Valley On-It Program is being featured in Texas Town and Country Magazine.

Announcements by the Mayor and Council Members

- Councilor Catherine Rodriguez thanked everyone for coming to tonight's meeting; and said "hello" to the Citizens Emergency Response Team (CERT) students in the room and said last night's session was a "good experience".
- Councilor Benny Martinez had no comment at this time.
- Councilor David Jordan thanked everyone for coming tonight and spoke briefly about the new businesses and the Sign & Facade Program improvements.
- Councilor David Edwards had no comment at this time.
- Mayor Pro Tem Monica Alcocer reminded everyone to be kind to one another.

CONSENT AGENDA

Councilor Benny Martinez asked to pull Item 6.1.e. from the Consent Agenda.

A motion was made by Councilor David Jordan and seconded by Councilor Catherine Rodriguez to accept Consent Agenda Items 6.1.a. b. c. d. and f. as presented.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	David Jordan, Council Place 5
SECONDER:	Catherine Rodriguez, Council Place 2
AYES:	Alcocer, Edwards, Rodriguez, Martinez, Jordan

1. Consideration of the Following City Council Minutes:

- a. Council - Manager Retreat- June 16, 2018 9:00 AM
- b. Special Meeting for Executive Session- June 19, 2018 5:30 PM
- c. Regular Meeting- June 19, 2018 6:00 PM
- d. Special Meeting- July 9, 2018 6:30 PM
- e. Coffee with the Mayor and City Council- July 21, 2018 9:00 AM
- f. Council - Manager Retreat- July 21, 2018 11:30 AM

Discuss and Consider Possible Action to Reschedule the Tuesday, October 02, 2018, 6:00 p.m. Regular City Council Meeting to Monday, October 01, 2018, at 6:00 p.m. in Consideration of National Night Out which is Tuesday, October 02, 2018 (M&C # 2018-08-07-01 S. Passailaigue)

Discussion and Possible Action on a Resolution of the City of Leon Valley City Council Extending the Current Terms of Jesse Barrera, Richard Blackmore, Donna Charles, Lelani Mercado, Heather Riddle, Susan Hillje, and Karen Seiffert by One (1) Year to the Leon Valley Police Department Citizen's Police Advisory Committee (M&C # 2018-08-07-02 S. Passailaigue)

Pulled From Consent

Consideration of the Following City Council Minutes:

- a. Special & Regular Meeting- July 17, 2018 5:30 PM

Councilor Benny Martinez asked why the items requested by Olen Yarnell were not inserted into the minutes. Mayor Pro Tem deferred to City Secretary Sandra Passailaigue who responded. City Secretary Passailaigue stated that City Council minutes are a documentation of City Council action; and that as always when a member of the public submits to the City Secretary a document for the record, that document is always attached behind the official record.

A motion was made by Councilor David Jordan and seconded by Councilor Catherine Rodriguez to accept the minutes as presented and with it being noted that the requested items be attached to the official record as requested by Olen Yarnell.

- Lyn Joseph asked how citizens could get comments into the minutes.
 - Multiple people responded saying "through citizens to be heard."

RESULT:	ACCEPTED [3 TO 2]
MOVER:	David Jordan, Council Place 5
SECONDER:	Catherine Rodriguez, Council Place 2
AYES:	Alcocer, Rodriguez, Jordan
NAYS:	Edwards, Martinez

Ordinance

Presentation, Public Hearing, Discussion and Possible Action on an Ordinance, on a Request by Jonathan Keller, Granting a Specific Use Permit for Motorcycle Sales, Repair, and Service, at 5405 Bandera Road, Suite 117, Leon Valley, Bexar County, Texas. (1st Read was held on 06-19-2018) (M&C # 2018-08-07-03 B. Melland)

A motion was made by Councilor David Jordan and seconded by Councilor Catherine Rodriguez to adopt as presented.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	David Jordan, Council Place 5
SECONDER:	Catherine Rodriguez, Council Place 2
AYES:	Alcocer, Edwards, Rodriguez, Martinez, Jordan

Discussion and Possible Action on an Ordinance Establishing a Tobacco 21 Program for the City of Leon Valley (1st Reading was held on 06-19-2018) (M&C # 2018-08-07-04 K. Kuenstler)

Councilor Benny Martinez stated that he could not support this item.

- Ana Ramon, Texas Grassroots Manager with the American Cancer Society Cancer Action Network spoke in favor of this item.
- Richard Blackmore spoke in opposition of this item.
- Lyn Joseph spoke about potential lawsuits if passed.
- Pat Martinez spoke in opposition of this item.
- Casey Rowse suggested getting more input from Leon Valley citizens.
- Heather Riddle spoke in opposition of this item.

Councilor Catherine Rodriguez agreed with Mr. Blackmore.

A motion was made by Councilor Benny Martinez and seconded by Councilor David Edwards to table the item indefinitely. Upon a three (3) for and two (2) opposed vote with Councilors David Jordan and Catherine Rodriguez casting the negative votes, the motion carried.

RESULT:	TABLED [3 TO 2]
MOVER:	Benny Martinez, Council Place 4
SECONDER:	David Edwards, Council Place 1
AYES:	Alcocer, Edwards, Martinez
NAYS:	Rodriguez, Jordan

Discussion to Approve an Ordinance Granting Two Permanent Easements on Huebner Creek at the Evers Road Bridge to the San Antonio Water System (SAWS) (1st Read was held on 07-17-2018) (M&C # 2018-08-07-05 M. Moritz)

A motion was made by Councilor David Jordan and seconded by Councilor Catherine Rodriguez to adopt as presented. (Councilor Benny Martinez was not at the dais for this vote).

RESULT:	ADOPTED [4 TO 0]
MOVER:	David Jordan, Council Place 5
SECONDER:	Catherine Rodriguez, Council Place 2
AYES:	Alcocer, Edwards, Rodriguez, Jordan
AWAY:	Martinez

Discussion and Possible Action on the Dedication of an Approximately 1.81 Acre Pocket Park in the 6200 Block of El Verde Road, being Portions of Lots 45, 45A, 51, 52, and 53, CB 5955, Leon Valley Ranches Subdivision, Upon Deeded Ownership of the Land (1st Read was held on 07-1-2018) (M&C # 2018-08-07-06 M. Moritz)

- Irene Baldridge spoke in favor of this item.

A motion was made by Councilor Benny Martinez and seconded by Councilor Catherine Rodriguez to adopt as presented.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Benny Martinez, Council Place 4
SECONDER:	Catherine Rodriguez, Council Place 2
AYES:	Alcocer, Edwards, Rodriguez, Martinez, Jordan

Discussion and Possible Action on an Ordinance Amending Section 15.02.721(o)(1) of the City of Leon Valley Code of Ordinances, regarding times and requirements for regular meetings of the Zoning Commission (1st Read was held on 07-17-2018) (M&C # 2018-08-07-07 B. Melland)

A motion was made by Councilor David Jordan and seconded by Councilor Catherine Rodriguez to adopt as presented.

Mayor Pro Tem Monica Alcocer called a recess at 8:30 p.m. to allow Barcom to work on improving the video conferencing link with Councilor David Edwards.

Mayor Pro Tem Monica Alcocer reconvened the meeting at 8:46 p.m.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	David Jordan, Council Place 5
SECONDER:	Catherine Rodriguez, Council Place 2
AYES:	Alcocer, Edwards, Rodriguez, Martinez, Jordan

9. **REGULAR AGENDA**

Discuss and Consider Possible Action on an In Kind Grant Request by the American Legion Post No. 336 for use of the Leon Valley Conference Center at 6421 Evers Road for 9/11 Remembrance Event (M&C # 2018-08-07-08 M. Mendoza)

This item was moved up on the agenda to follow the first Citizens to be Heard at 6:31 p.m.

Special Events/Community Center Manager Maribel Mendoza presented this item and requestor, Walter Geraghty was present to answer questions.

Special Events/Community Center Manager Mendoza added that she would be bringing proposed changes to the City Council on August 21st for final approval but this request needed to be addressed now.

District Commander Walter Geraghty introduced the new Post Commander Spencer Spriesterbach to all present.

A motion was made by Councilor David Jordan and seconded by Councilor Benny Martinez to approve as requested.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	David Jordan, Council Place 5
SECONDER:	Benny Martinez, Council Place 4
AYES:	Alcocer, Edwards, Rodriguez, Martinez, Jordan

Presentation and Discussion of an Ordinance, on a Request by Keller Custom Signs, on Behalf of TRT HEB Marketplace, LP, for Approval of a Master Sign Plan, at 5601 Bandera Road (1st Reading as Required by City Charter) (M&C # 2018-08-07-09 B. Melland)

Planning & Zoning Director Brandon Melland presented an ordinance in response to a request by Keller Custom Signs, on behalf of TRT HEB Marketplace, LP, for approval of a Master Sign Plan, at 5601 Bandera Road.

Councilor Benny Martinez requested that the address be placed on the sign.

RESULT:	FIRST READ
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Presentation, Public Hearing and Discussion of an Ordinance, on a Request by John David Saenz, Granting a Specific Use Permit for a Guest House, at Lot 5, Block A, Monte Robles Park Subdivision, Leon Valley, Bexar County, Texas. (1st Reading as Required by City Charter) (M&C # 2018-08-07-10 B. Melland)

Planning & Zoning Director Brandon Melland presented this item to conduct the Public hearing and seek City Council consideration of an ordinance, in response to a request by John David Saenz for a Specific Use Permit for a Guest House at Lot 5, Block A, Monte Robles Park Subdivision; generally located on the west side of Thunderbird Drive, approximately 620 feet west of Chaparral Lane.

Mayor Pro Tem Alcocer opened the Public Hearing at 9:29 p.m.

- Irene Baldrige asked about the notification of the neighbors.
- Mayor Pro Tem Alcocer read aloud a letter that was submitted from the Mr. and Mrs. Conrad who were both in favor.

Mayor Pro Tem Alcocer closed the Public Hearing at 9:36 p.m.

RESULT:	FIRST READ
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Presentation and Discussion to Consider Approval of an Ordinance Authorizing the City Manager to Enter into a Lease Agreement with VIA Transit for the Use of a Portion of City Property at 6425 and 6440 Evers Road for Next Generation Bus Shelters (1st Read as Required by City Charter) (M&C # 2018-08-07-11 M. Moritz)

Public Works Director Melinda Moritz presented this item seeking City Council consideration of an ordinance authorizing the City Manager to enter into a Lease Agreement with VIA Transit for the Use of a Portion of City Property at 6425 and 6440 Evers Road for Next Generation Bus Shelters.

RESULT:	FIRST READ
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Presentation and Discussion on an Ordinance Creating a Sign Code Update Advisory Committee (1st Reading as Required by City Charter) (M&C # 2018-08-07-12 B. Melland)

Planning & Zoning Director Brandon Melland presented this item as a follow up from the July 21, 2018, Coffee with Mayor and Council Meeting, where Staff was directed to initiate the creation of a Sign Code Update Advisory Committee, to guide the signage component of the City's on-going process to update its development regulations.

RESULT:	FIRST READ
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Presentation and Discussion on an Ordinance Approving and Adopting the Tax Year 2018 Tax Rate for the Maintenance and Operations Fund at \$0.478277/\$100 and the Interest and Sinking Fund at \$0.067600/\$100 for a Total Tax Rate of \$0.545877/\$100 (1st Read as Required by City Charter) (M&C # 2018-08-07-13 V. Wallace)

Finance Director Vickie Wallace presented this item by saying that last year the City of Leon Valley Property Tax Rate was \$0.556599/\$100. This year the City of Leon Valley is proposing a Property Tax Rate of \$0.545877/\$100, which is the calculated effective tax rate and is lower than the calculated rollback tax rate.

The Property Tax Code, Chapter 26 requires a governing body to conduct two public hearings if the proposed tax rate exceeds the lower of the rollback tax rate or the effective tax rate, whichever is lower. The 2018 proposed Tax Rate of \$0.545877/\$100 does not exceed the effective tax rate of \$0.545877 or rollback tax rate of \$0.574637/\$100. Therefore no public hearings are required to adopt the 2018 tax rate.

The 2018 Tax Rate is for the calendar year 2018 and is based on property values as of January 1, 2018. It funds the General Fund and Debt Service Fund budgets for FY 2019.

RESULT:	FIRST READ
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Presentation and Discussion on an Ordinance Authorizing and Allowing, Under The Act Governing The Texas Municipal Retirement System, "Updated Service Credits; Providing For Increased Prior And Current Service Annuities For Retirees And Beneficiaries Of Deceased Retirees of the City; To Increase The Rate Of Deposits To The Texas Municipal Retirement System By The Employees Of The City; And Establishing an Effective Date For the Ordinance (1st Read as Required by City Charter) (M&C # 2018-08 -07-14 C. Caldera)

ACM/HR Director Crystal Caldera presented this item seeking City Council consideration to increase the deposit rate for all employees of the City, who are members of the Texas Municipal Retirement System, will make deposits to the System at the rate of 7% of their individual earnings effective 1st day of January, 2019. This ordinance also reauthorizes the 100% updated service credits, including transfers and 70% of CPI increases to annuitants and repeating annually.

RESULT:	PRESENTED
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Presentation and Discussion, to consider approval of an Ordinance Amending Section 3.2 of the City of Leon Valley "Wireless Services (Small Cells) Design Manual," Regarding the Permitting Process for the Installation of New Poles. (1st Reading as Required by City Charter) (M&C # 2018-08-07-15 B. Melland)

Planning & Zoning Director Brandon Melland presented this item amending Section 3.2 of the City of Leon Valley "Wireless Services (Small Cells) Design Manual," Regarding the Permitting Process for the Installation of New Poles, in order to take out the requirement for a Commercial Building Permit, in addition to Utility Construction Permits for work within the right-of-way.

RESULT:	FIRST READ
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Presentation and Discussion on an Amendment to the City Of Leon Valley Code of Ordinances, Chapter 1, General Provisions, Article 1.06 BOARDS, COMMISSIONS, AND COMMITTEES, Section 1.06.003 Leon Valley Police Department Citizens Police Advisory Committee to Delete and Replace Language in the Current Ordinance and Code, and Add Additional Language to the Same Ordinance and Code (1st Reading as Required by City Charter) (M&C # 2018-08-07-16 J. Salvaggio)

LVPD Chief Joseph Salvaggio presented this item proposing an amendment to the City of Leon Valley Code of Ordinances, Chapter 1, General Provisions, Article 1.06 BOARDS, COMMISSIONS, AND COMMITTEES, Section 1.06.003, Leon Valley Police Department Citizens Police Advisory Committee to accomplish the following: Update the code to allow for member extensions; Provide mechanism for removal of member; Solidify Council Members rotation after 2 years; Detail election process annually in September; Correct chair report to annual versus quarterly; and to amend the Committee name.

There was a discussion to only have one liaison which was rotated annually.

Presentation and Discussion on an Amendment to add additional streets to the Codified Code of Ordinances of the City of Leon Valley, Texas, Chapter 12, Traffic and Vehicles, Article 12.04 Truck Traffic, Division 2 Through Truck Traffic, Section 12.04.032 Through Truck Traffic Prohibited on Certain Streets (First Reading to City Council) (M&C # 2018-08-07-17 J. Salvaggio)

LVPD Chief Joseph Salvaggio presented this amendment seeking City Council approval to add additional neighborhood streets to Article 12.04.032 through truck traffic prohibited.

RESULT:	FIRST READ
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Discuss and Consider Possible Action on a Resolution of the City of Leon Valley, TX., City Council Ordering a Special Election to be held on November 6, 2018 in the City of Leon Valley for the Purpose of Submitting to the Voters a Proposition Relating to the Continuation of the Leon Valley Crime Control and Prevention District and the Continuation of a Local Sales and Use Tax at a Rate of One-Eighth of One Percent Pursuant to Chapter 363 of the Texas Local Government Code (M&C # 2018-08-07-18 J. Salvaggio)

A motion was made by Councilor Benny Martinez and seconded by Councilor David Jordan to approve as presented.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Benny Martinez, Council Place 4
SECONDER:	David Jordan, Council Place 5
AYES:	Alcocer, Edwards, Rodriguez, Martinez, Jordan

Citizens to be Heard

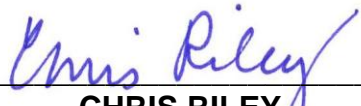
None

Adjournment

Mayor Riley announced that the meeting adjourned at 10:31 PM.

These minutes approved by the Leon Valley City Council on the 4th of September, 2018.

APPROVED



CHRIS RILEY
MAYOR

ATTEST: 
SAUNDRA PASSAILAIGUE, TRMC
CITY SECRETARY

