



**CITY OF LEON VALLEY  
CITY COUNCIL REGULAR MEETING**  
Leon Valley City Council Chambers  
6400 El Verde Road, Leon Valley, TX 78238  
Tuesday, February 2, 2021

**MINUTES**

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**5:15 PM** Call to Order; Determine a Quorum is Present, Pledge of Allegiance.

<b>Attendee Name</b>	<b>Organization</b>	<b>Title</b>	<b>Status</b>
Chris Riley	City of Leon Valley	Mayor	Present
David Edwards	City of Leon Valley	Council Place 1	Present
Josh Stevens	City of Leon Valley	Council Place 2	Present
Jed Hefner	City of Leon Valley	Council Place 3	Present
Rey Orozco	City of Leon Valley	Council Place 4	Present
Will Bradshaw	City of Leon Valley	Mayor Pro-Tem, Council Place 5	Present

Mayor Chris Riley welcomed everyone and asked Councilor Josh Stevens to lead the Pledge of Allegiance.

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

Mayor Chris Riley announced that the City Council would not be able to hold an executive session as planned this evening as the attorney for the City is not available. Instead, there would be an informational presentation, no legal aspects.

ACM/HR Director Crystal Caldera informed everyone that there would be no discussion or citizen item and that the presentation is only for informational purposes.

Councilor Josh Stevens stated that he believed that by Texas legislature requires that City Council allow citizens comments.

ACM/HR Director Caldera replied that because this item is currently pending litigation we can wait until the 16<sup>th</sup> when the city attorney is present to discuss and go over anything and just wait for an executive session.

Acting/Interim City Manager Hank Brummett replied that City Council should probably allow citizens to speak but just not discuss the matter.

Mayor Chris Riley agreed and repeated that after the presentation, the City Council would not discuss the item but would allow anyone to come up and speak on the item.

**Pursuant to Section 551.071 Consultation with Attorney, to Discuss the Lawsuit, Rule 11 Agreement and Continued Patterns of Code Violations Found at 6320 Bandera Road (M&C # 2021-02-02-01 B. Melland)**

Brandon Melland, Planning & Zoning Director gave the informational presentation on the current situation at 6320 Bandera Road.

The business owner, Mr. Ammann Covino, spoke briefly on the matter.

Those who spoke on this item were: Evan Bohl; Erick Matta; Benny Martinez; and Richard Blackmore.

**RESULT:       PRESENTED**

**Reconvene Into Regular Session and Take Action on Issues Discussed In Executive Session if Necessary**

Mayor took this time to go over the Rules of Decorum and asked that everyone please use their microphone; please keep masks over face to include nose but you may lower them while speaking at the podium.

**PRESENTATIONS**

**Presentation, Discussion and Possible Action on Possible Projects and, Refunding Existing Debt and the Issuance of New Debt (M&C # 2021-02-02-02 V. Wallace, M. Moritz, and A. Burger, Hilltop Securities)**

Melinda Moritz, Public Works Director presented this item in an effort for City Council and citizens to explore the possibility of refunding (refinancing) the 2009 Public, Private Financial Contractual Obligations which were issued to purchase a fire ladder truck and the 2012 General Obligation Bonds which were issued for the municipal complex. Council has also asked about the issuance of new debt for various projects, the City's debt capacity and the impact the new debt would have on the tax rate as well as the impact the refunding of debt would have on the tax rate.

Director Moritz concluded her presentation saying that refunding existing debt would save interest costs and thereby save amount for annual debt payments.

Those who spoke on this item were: Richard Blackmore

Mayor Riley read an e-mail that was submitted by Bob Page

There was a discussion among members of City Council which lead to the next presentation by Anne Burger Entrekin, Regional Managing Director with Hilltop Securities who gave a presentation on Refunding Opportunity and Sample New Money Tax Rate

Impact.

There was a consensus to discuss the composition of the committee at the March 9<sup>th</sup> meeting.

**RESULT:      PRESENTED**

**Presentation and Discussion on Phishing Awareness (Councilor Jed Hefner and Councilor Will Bradshaw)**

Councilor Jed Hefner gave a presentation on Security Awareness Phishing in an effort to inform all employees about a potential cyber security threat and how to mitigate it; to ensure all employees understand how to protect data and information while conducting their day-to-day responsibilities; and to ensure all employees know who they can contact when they have an Information Security question or Incident.

Those who spoke on this item were: Benny Martinez

**RESULT:      PRESENTED**

**Update on the Annual Town Hall Meeting Topics, Moderator, Etc. (Mayor Chris Riley)**

Mayor Riley presented this item and asked members of City Council and the public for suggested items of discussion for the March 06, 2021 Annual Town Hall Meeting.

Those who spoke on this item were: Catherine Rowse; Benny Martinez; and Erick Matta

There was a consensus to have the following topics on the Annual Town Hall Agenda: Welcome; Introduction to and Procedures for Town Hall; Update on Progress from 2020 Town Hall; Citizens to be Heard; Capital Facilities to include some financials; presentation from Google Fiber; presentation from the Historical Society; item regarding Home Rule Charter; Update on the Bandera Road Project; Planning Events; and one last Citizens to be Heard.

**RESULT:      PRESENTED**

**Presentation of the City Manager Application Timeline (C. Caldera, ACM/HR Director)**

ACM/HR Director Crystal Caldera presented the City Manager Application Timeline. The only change was that City Council changed the 1<sup>st</sup> round of interviews from February 16<sup>th</sup> to February 15<sup>th</sup> at 5:15 PM.

**RESULT:      PRESENTED**

**Presentation - Murals on Elevated Water Tanks & Silos (Melinda Moritz, Public Works Director)**

Melinda Moritz, Public Works Director presented this item seeking City Council direction for the placing of the City logo and/or other art on the Grass Hill and John Marshall elevated water storage tanks, on the ground storage tank at Grass Hill, and on the Silos.

Director Moritz added that the Taylor elevated water tank on Huebner near the Post Office is to be rehabilitated next fiscal year and will also be available for a design. The City has rehabilitated the Grass Hill elevated water tank and is preparing to perform the work on the Marshall elevated water tank. There has been some discussion from City Council about placing some type of art work on the tank, but no formal decision was made.

Director Moritz continued by saying that a mural contest was advertised this past summer, but there were no submissions received. Also, that the Park Commission recommended approval of a mural design on the Silos, but the City Council was not in favor.

Director Moritz added that tank rehabilitation includes painting the entire surface, but does not include a logo or any other artwork. If a logo or other artwork is desired, it would have to be brought to City Council for budget adjustment. Tank painting would come from the Enterprise Fund Reserve to Water. Silo painting would come from the General Fund to Parks. The type of paint used would last for 10-15 years. Staff researched vendors for such projects and received 3 quotes: One estimate for one water tank was \$100,000 to \$110,000 - no rendering offered, but the artist is willing to work with the City; One estimate for one water tank was \$61,832 - no rendering offered, but the artist is willing to work with City; Another estimate for one water tank and both Silos was \$73,000, and the artist provided some renderings; This artist stated he would be glad to come and speak with City Council. The City would pay for airfare, meals, and hotel \$2500; There are no funds currently budgeted for these projects. Grass Hill elevated and ground storage tanks are ready for painting from rehabilitation work. Marshall elevated tank will be ready by the summer. The lowest quote was \$36,000 for elevated tank (logo only). This would require a budget adjustment. The City can request another design, but may it cost more. The lowest quote was \$37,000 for both structures. The silos will need to be cleaned first and then we will get estimates. This would also require a budget adjustment from General Fund.

Those who spoke on this item were: Evan Bohl; and Matthew Hodde

Staff was given direction to bring back a turnkey price.

**RESULT:      PRESENTED**

**CITIZENS TO BE HEARD**

Councilor David Edwards read an e-mail from: Tina Chasan

Councilor Josh Stevens read an e-mail from: Lady Monica Greeno; Loretta Hodde; and Jack Miller

Councilor Jed Hefner read an e-mail from: Bob Page

Citizens who spoke at this time where: Evan Bohl; Benny Martinez; Richard Blackmore; and Erick Matta

### **ANNOUNCEMENTS BY THE MAYOR AND COUNCIL MEMBERS**

- Councilor David Edwards thanked everyone for coming tonight; and encouraged everyone to get their COVID vaccine.
- Councilor Josh Stevens thanked everyone for coming tonight; issued his thoughts and prayers to the five FBI agents that lost their lives today in Florida; thanked the good officers and reminded everyone that any day could be their last day.
- Councilor Jed Hefner spoke about water bills and said he would like to look into the spike in water bill increases and asked that citizens let him know if they are on SAWS or on CoLV water so he can do a data analysis.
- Councilor Rey Orozco thanked everyone for joining whether in person or on-line; and spoke about getting the COVID vaccine.
- Councilor Will Bradshaw spoke about the FBI agents in Miami; and about the level of support during the loss of his mother.
- Mayor Chris Riley announced that Earthwise Living Committee and Northside School District is partnering with the theme (S.A.V.E.) Sustainable Artist for a Viable Environment and there is prize money for the kids; March is Leon Valley Earthwise Month and every day will have a different theme and there will be give-a-ways; Mayor Riley thanked Melinda Moritz and Yvonne Acuna from Public Works for thinking outside the box with these projects; Mayor Riley spoke about COVID next and about the positivity rate going down for the 4<sup>th</sup> week; various openings on the City's boards, committees and commissions with the application being available on-line or by contacting her; spoke about adding "News of the City" to ENews mentioning ways to update articles, the website and asked that everyone speak into their mics; and lastly told everyone to contact her and "let's meet in the park."

### **CITY MANAGER'S REPORT**

Acting/Interim City Manager Hank Brummett supplemented the report by adding that there seventeen (17) new businesses joined Leon Valley in January; and that he was getting his second COVID vaccination this Friday.

### **Upcoming Important Events:**

- Next City Council Meeting, Tuesday, February 16, 2021, at 6:00 p.m. in Council Chambers.
- May 01, 2021 General Election Filing Period closes at 5:00 PM on February 12, 2021.
- Annual Town Hall Meeting, Saturday, March 06, 2021 (more details to come)
- Miscellaneous other events and announcements.

**RESULT:       PRESENTED**

**CONSENT AGENDA**

Councilor Josh Stevens pulled Consent Agenda Item 8.3 for discussion.

A motion was made by Councilor Josh Stevens to adopt Consent Agenda Items 8.1, 8.3, and 8.4 as presented. The motion was seconded by Will Bradshaw.

**RESULT:       ADOPTED [UNANIMOUS]**  
**MOVER:**       Josh Stevens, Council Place 2  
**SECONDER:**   Will Bradshaw, Mayor Pro-Tem, Council Place 5  
**AYES:**        David Edwards, Josh Stevens, Jed Hefner, Rey Orozco, Will Bradshaw

**Consideration of the Following City Council Minutes:**

- a.   **Regular Meeting- January 12, 2021 6:00 PM**
- b.   **Regular Meeting- January 19, 2021 5:15 PM**

**Discussion and Possible Action on a Resolution Re-Appointing Presiding Municipal Court Judge Lawrence Morales and Municipal Court Judge Leslie Kassahn (M&C # 2021-02-02-04 S. Passailaigue)**

**Discussion and Possible Action on a Resolution of the City Council of the City of Leon Valley Ordering and Establishing Procedures for a General Election in the City of Leon Valley, Texas to Elect Three Council Members: (Places 1, 3 and 5) by the Qualified Voters of the City of Leon Valley; Authorizing the Acting/Interim City Manager to Sign a Joint Election Agreement with the Bexar County Elections Administrator for the Conduct of Said Elections, and Providing Details Relating to the Conduct of holding the Election, Authorizing the Use of the Leon Valley Conference Center on the 1st Day of May, 2021, for Election Day Voting, and the Use of the Leon Valley Conference Center, Located at 6421 Evers Road, Leon Valley, Texas, 78238, for Early Voting (April 19, 2021 through April 27, 2021)**

**Una Resolución Del Consejo Municipal De La Ciudad De Leon Valley Para Ordenar Y Establecer Los Procedimientos Para Una Elección General En La Ciudad De Leon Valley, Texas, Para Elegir Tres Miembros Del Consejo: (Posiciones 1, 3 Y 5) Por Parte De Los Votantes Habilitados De La Ciudad De Leon Valley; Autorizando Al Administrador De La Ciudad Interino A Firmar Un Acuerdo De Elección Conjunto Con El Administrador De Elecciones Del Condado De Bexar Para La Celebración De Dicha Elección, Y Proporcionando Detalles Relativos A La Celebración De Dicha Elección, Autorizando El Uso Del Centro De Conferencias De Leon Valley El Primer Día De Mayo De 2021 Para La Votación Del Día De Elección, Y El Uso Del Centro De Conferencias De Leon Valley, Ubicado En 6421 Evers Road, Leon Valley, Texas, 78238, Para La Votación Anticipada (Del 19 De Abril De 2021 Hasta El 27 De Abril De 2021, Inclusive) (M&C # 2021-02-02-05 S. Passailaigue)**

## **REGULAR**

**Discussion and Possible Action on Resolution Re-Appointing Members to the Leon Valley Board of Adjustment; Leon Valley Library Board of Trustees; Leon Valley Park Commission; and to the Leon Valley Tree Advisory Board - *Item Removed from Consent* (M&C # 2021-02-02-03 S. Passailaigue)**

City Secretary Sandra Passailaigue presented the item as these appointments that are coterminous with the mayor but due to the election being moved to November, the terms were extending. This item is merely to get the terms back in line.

Councilor Josh Stevens stated that the Council needs to think about the members of the Board of Adjustment and whether they are the right fit for the City, would the citizens that elected us, would they want that.

City Attorney Charlie Zech informed the members of City Council that “the Council can only appoint new board members as they come up as their terms end. State Law actually prohibits you from removing these board members except for cause. It’s the only board that the State Law requires the members do remove for cause. So, you couldn’t just wholesale remove these members and replace them with others without giving them a proper hearing, and reason, and finding cause for their removal.”

Councilor Stephens asked that the dates of their appointment be provided. Councilor Will Bradshaw agreed and asked about how the vacancies were advertised as well.

Mayor Riley replied that she will advertise all available vacancies in ENews, the Lion’s Roar and by asking around.

Those who spoke on this item were: Evan Bohl

A motion was made by Councilor Will Bradshaw to table this item until the next Council meeting to get more information. The motion was seconded by Councilor Orozco.

<b>RESULT:</b>	<b>TABLED [UNANIMOUS]</b>
<b>MOVER:</b>	Will Bradshaw, Mayor Pro-Tem, Council Place 5
<b>SECONDER:</b>	Rey Orozco, Council Place 4
<b>AYES:</b>	David Edwards, Josh Stevens, Jed Hefner, Rey Orozco, Will Bradshaw

**ORDINANCE**

**Discussion and Possible Action on an Ordinance on a Request by Camille De los Reyes - Sari Sari Filipino Restaurant Market & Bakery, for a Specific Use Permit for Outdoor Seating, at 5700 Wurzbach Road; Generally Located on the South Side of Wurzbach Road Approximately 600 Feet East of the Intersection of Bandera and Wurzbach Road (1st Reading was Held 01-19-21) (M&C # 2021-02-02-06 E. del Angel)**

Eric Del Angel, Associate Planner presented the item with no changes.

A motion was made by Councilor Jed Hefner to adopt the ordinance as presented. The motion was seconded by Councilor Rey Orozco.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jed Hefner, Council Place 3
<b>SECONDER:</b>	Rey Orozco, Council Place 4
<b>AYES:</b>	David Edwards, Josh Stevens, Jed Hefner, Rey Orozco, Will Bradshaw

**Discussion and Possible Action on an Ordinance Countermanding Ethics Review Board Opinions, Decisions, and Dispositions in Years 2019 and 2020 (1st Reading was Held 01-19-2021) (M&C # 2021-02-02-07 Councilors J. Stevens and W. Bradshaw)**

Councilor Josh Stevens presented the item with no changes.

Those who spoke on this item were: Richard Blackmore

A motion was made by Councilor David Edwards to adopt the ordinance as presented. The motion was seconded by Councilor Josh Stevens who added that he would like a roll call vote.

There was brief discussion.

Councilor Jed Hefner said he would like to get a legal opinion from City Attorney Zech. Councilor Hefner asked Attorney Zech the following question. "Is a finding from the Ethics Review Board under our current Charter, something to disqualify an individual from candidacy?"



City Attorney Zech replied that "There are no findings by the Ethics Review Board that would prohibit somebody from being on the ballot."

Mayor Riley asked City Secretary Sandra Passailaigue to take a roll call vote.

City Secretary Passailaigue proceeded with a roll call vote to which the City Council replied: Councilor David Edwards - Aye; Councilor Josh Stevens - Aye; Councilor Jed Hefner - Nay; Councilor Rey Orozco - Aye; and Councilor Will Bradshaw - Abstained.

Mayor Riley announced the motion carried.

Mayor Riley then moved on to the Regular Agenda but first asked members of City Council which items they wanted to move to another meeting and which they would like to address this evening.

<b>RESULT:</b>	<b>ADOPTED [4 TO 0]</b>
<b>MOVER:</b>	David Edwards, Council Place 1
<b>SECONDER:</b>	Josh Stevens, Council Place 2
<b>AYES:</b>	David Edwards, Josh Stevens, Jed Hefner, Rey Orozco
<b>ABSTAIN:</b>	Will Bradshaw

## **REGULAR AGENDA**

### **Public Hearing, Public Presentation(s), Discussion, and Possible Action on Status of Businesses in Leon Valley and Factors Harming Leon Valley Businesses (M&C # 2021-02-02-08 Councilors J. Stevens and W. Bradshaw)**

Consensus was to move this item to the February 16, 2021 meeting.

### **Discussion and Possible Action on Hiring a Third-Party Forensic Accounting Firm to Conduct a Forensic Investigation Over Leon Valley's Financial Records, Accounts, and Purchases Over Past 3 Years (M&C # 2021-02-02-09 Councilors J. Stevens and W. Bradshaw)**

There was a consensus to remove this item from the agenda indefinitely.

### **Presentation and Discussion on an Ordinance Authorizing the City Manager to Enter into A Non-Exclusive License Agreement Between the City of Leon Valley & Google Fiber Texas LLC, A Delaware Limited Liability Company for Use of the Public Rights-of-Way (1st Reading as Required by City Charter) (M&C # 2021-02-02-12 C. Caldera)**

ACM/HR Director Crystal Caldera presented the item seeking City Council consideration of an ordinance authorizing the Acting/Interim City Manager to enter into an Agreement with Google Fiber, allowing the company to use the City's public right-of-way to install, operate, and maintain certain communications equipment. The term of the agreement is for 20 years. The agreement will automatically renew for successive five-year terms, unless one party provides at least 6 months written notice with the intention not renew. Google Fiber agrees to pay the city 3% of gross revenues. Google Fiber agrees to pay the City 3% of

gross revenues.

<b>RESULT:</b>	<b>FIRST READ</b>
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**Discussion and Action to Approve a Resolution Accepting a Bid, in the Amount of \$311,600.00, with 15% for Contingency, and Authorizing the City Manager to Enter into a Contract with Viking Painting, LLC for the Marshall Elevated Tank Rehabilitation Project (M&C # 2021-02-02-13 M. Moritz)**

Melinda Moritz, Public Works Director presented the item seeking City Council consideration of a resolution accepting a bid in the amount of \$311,600.00, with 15% for contingency, and authorizing the City Manager to enter into a contract with Viking Painting, LLC, for the Marshall Elevated Tank Rehabilitation Project, located at 8000 Lobo Lane.

Director Moritz added that all four of the City's water tanks are inspected annually, as mandated by the Texas Commission on Environmental Quality (TCEQ). At its last inspection, both the interior and exterior of this tank were found to be in poor condition. The Marshall elevated water storage tank was last rehabilitated in 2001. Water tank rehabilitations typically last fifteen to twenty years. A bid package was developed and advertised for 30 days, with the advertisement being placed in the Express News on two consecutive Sundays, and the bid documents and plans were placed on the City's web site and the Public Purchase website. The bid opening was held on January 5, 2021 at 2:00 pm, with a total of seven companies submitting timely bids.

Director Moritz concluded the presentation by informing members of City Council that the city engineer reviewed the bids, checked company references and experience, and has recommended that the City award the bid to Viking Painting, LLC, in the amount of \$311,600.00, with 15% for contingencies. The project is scheduled to start in mid-March. The project was budgeted in the Water & Sewer Fund for FY 2020-2021 in the amount of \$400,000.00.

A motion was made by Councilor Will Bradshaw to approve the resolution accepting the bid from Viking Painting, LLC 10.6 as presented. The motion was seconded by Councilor Jed Hefner.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Will Bradshaw, Mayor Pro-Tem, Council Place 5
<b>SECONDER:</b>	Jed Hefner, Council Place 3
<b>AYES:</b>	Edwards, Stevens, Hefner, Orozco, Bradshaw

**Discussion and Possible Action on Repealing Fees / Requirements for Residents Conducting Garage Sales (M&C # 2021-02-02-10 Councilor Jed Hefner)**

Councilor Jed Hefner presented this item seeking City Council consideration to remove the garage sale permit fee,

Councilor Rey Orozco stated his opposition to this pointing out that people can abuse this by bringing in items from the outside; we need some kind of control. Councilor Rey Orozco offered to meet Councilor Hefner halfway who added that this was “reasonable”.

Melinda Moritz, Public Works Director gave some input on this item saying that “the reason this ordinance was put into place was because of citizen complaints of multiple sales, multiple weekends where people would go to Good Will, Salvation Army or wherever they could, buy it and then sale it from their driveway. We got complaint after complaint, after complaint and on top of that, there were bandit signs EVERYWHERE!”

Councilor Orozco suggested a “Trade Day” or “Market Day”.

A motion was made by Councilor Will Bradshaw to have the City Manager instruct the IT person to come up with a permitting process through e-mail to be incorporated into the ordinance; and to have Councilor Hefner prepare a first read ordinance to be brought back for consideration. The motion was seconded by Councilor Rey Orozco.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Will Bradshaw, Mayor Pro-Tem, Council Place 5
<b>SECONDER:</b>	Rey Orozco, Council Place 4
<b>AYES:</b>	Edwards, Stevens, Hefner, Orozco, Bradshaw

**Presentation and Discussion on an Ordinance Amending the City of Leon Valley Code of Ordinances, Article 8.08 Junked Vehicles to Make It Match the Texas Transportation Code Section 683.07 (1st Reading as Required by City Charter) (M&C # 2021-02-02-11 Councilors W. Bradshaw and J. Stevens)**

Councilor Will Bradshaw presented the item pointing out the proposed changes. The changes presented were made to get the City's Code of Ordinances to match the Texas Transportation Code.

Those who spoke on this item were: Evan Bohl

<b>RESULT:</b>	<b>FIRST READ</b>
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**Discussion of Citizen's Idea of Appointing a Veteran's Representative - "The Voice of Our Veterans" (M&C # 2021-02-02-14 Mayor Chris Riley)**

Mayor Riley moved this item to a date uncertain.

**Presentation, Discussion and Possible Action on a Contract and/or Provide Direction Regarding Updating the City's Comprehensive Master Plan (M&C # 2021-02-02-15 B. Melland)**

**Requests From Members Of City Council To Add Items To Future Agendas**

A motion was made by Councilor Will Bradshaw to move Agenda Items 10.1, 10.3, 10.5,

10.6, and 10.8 to the February 16, 2021 Agenda. The motion was seconded by Councilor Rey Orozco.

**CITIZENS TO BE HEARD**

Mayor Chris Riley read an e-mail submitted by: Bob Page

**ADJOURNMENT**

Mayor Riley announced that the meeting adjourned at 10:15 PM.

**These minutes approved by the Leon Valley City Council on the 22nd of February, 2021.**

APPROVED



**CHRIS RILEY**  
MAYOR

ATTEST:   
**SAUNDRA PASSAILAIGUE, TRMC**  
CITY SECRETARY

