



**CITY OF LEON VALLEY**  
**CITY COUNCIL REGULAR MEETING**  
Leon Valley City Council Chambers  
6400 El Verde Road, Leon Valley, TX 78238  
Tuesday, September 19, 2017

**MINUTES**

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1. **6:00 PM** Call to Order, Determine a Quorum is Present, Pledge of Allegiance.

Attendee Name	Title	Status	Arrived
Chris Riley	Mayor	Present	
Benny Martinez	Mayor Pro Tem	Present	
David Edwards	Council Place 1	Present	
Belinda Ealy	Council Place 2	Present	
Monica Alcocer	Council Place 3	Excused	
David Jordan	Council Place 5	Present	

Also in attendance were:

City Manager Kelly Kuentler, ACM/HR Director Crystal Caldera, City Secretary Sandra Passailaigue, City Attorney Denise Frederick, Finance Director Vickie Wallace, Finance Clerk Ashley Wayman, Interim Community Development Director Melinda Moritz, Community Development Planning Technician Christina Garcia, Community Development Planning Technician Ana Federico, LVPD Captain Ruben Saucedo and LVFD Chief Luis Valdez.

Mayor Riley asked Council Member David Edwards to lead everyone in the Pledge of Allegiance.

Mayor Riley announced to all in attendance that at the last City Council meeting there was a review of the 90 day trial period. The City Council did vote and the Regular City Council meeting start time will remain at 6:00 p.m. Mayor Riley added that she was not in favor of a 6:00 pm start time, but rather a compromise to starting our meetings at 6:30 pm. due to the extra time needed for executive sessions prior to the start of the regular city council meeting as demonstrated through the 90 day trial period.

Mayor Riley asked that everyone silence their cell phones.

### **Presentations**

**Presentation of Scenic City Grant Awarded to the City of Leon Valley (Christina Garcia, Community Development Planning Technician)**

Christina Garcia, Community Development Planning Technician presented this item and explained to all present how the City of Leon Valley was designated a Certified Scenic City. Ms. Garcia also explained the next steps and offered special thanks to Interim Director of Community Development, Melinda Moritz, the Code Enforcement Officers and Captain Todd Morgan for assisting her in this effort.

### **Citizens to Be Heard**

- Lyn Joseph, 6423 Trotter Lane, thanked everyone for everything that was done to prepare for a flood.

### **City Manager's Report**

- Next City Council Meeting October 2, 2017, at 6:00 p.m.
- Movies in the Park, "Beauty and The Beast", Raymond Rimkus Park, September 29, 2017, at dusk.
- 40<sup>th</sup> Anniversary of the Leon Valley Public Library, September 20, 2017
- Coffee with the Mayor & Council, Conference Center, October 21, 2017, 9:00 a.m. to 11:00 a.m.
- Library Halloween Party, October 28, 2017, from 10 a.m. to Noon
- Trash & Treasure, October 28, 2017
- Neighborhood Renewal Project, November 4, 2017, from 8:00 a.m. to Noon (unknown location, possibly continue Old Mill Subdivision)
- Miscellaneous other events and announcements

City Manager 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 such as: a) we have entered into a contract with LNV Engineering Services as of yesterday; b) new Swap Spot Signs have been installed outside of City Hall for safe child custody exchanges, internet purchases and other transactions. These locations have cameras 24/7; c) the blue call box has been installed. This can be used if someone feels like they are in danger. The box will automatically contact the on duty patrol supervisor. d) On October 17<sup>th</sup>, staff is prepared to present new flags in front of City Hall to celebrate Leon Valley's 65<sup>th</sup> birthday. e) The new Leon Valley Code of Ordinances books have been distributed; and f) New City Hall hours will take affect beginning the first week of October. The new hours will be 7:30 .m. to 6:00 p.m. Monday through Thursday and 8:00 a.m. to 5:00 p.m. on Friday. Fridays will be open for citizens to pay bills, obtain permits and obtain police reports.

### **Upcoming Important Events**

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- Movies in the Park, "Beauty and The Beast", Raymond Rimkus Park, September 29, 2017, at dusk.
- 40<sup>th</sup> Anniversary of the Leon Valley Public Library, September 20, 2017
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**Announcements by the Mayor and Council Members**

**CONSENT AGENDA**

Mayor Chris Riley and Council Member Benny Martinez both requested that Item 6.1.b be pulled for discussion.

A motion was made by Council Member Belinda Ealy and seconded by Council Member David Edwards to adopt the Consent Agenda as presented.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Belinda Ealy, Council Place 2
<b>SECONDER:</b>	David Edwards, Council Place 1
<b>AYES:</b>	Martinez, Edwards, Ealy, Jordan
<b>EXCUSED:</b>	Alcocer

1. Consideration of the Following City Council Minutes:
  - a. Regular Meeting- September 5, 2017 6:00 PM
  - b. Special Meeting- September 12, 2017 6:00 PM

Council Member Benny Martinez

**Presentation, Discussion and Possible Action on an Ordinance Amending the City of Leon Valley Code of Ordinances, Chapter 1, Article 1: Emergency Management; Creating Division 3. Hazard Mitigation Plan (M&C # 2017-09-19-01 L. Valdez)**

**Presentation, Discussion, and Possible Action to Approve an Ordinance Amending Ordinance #2017-53, to Correct a Legal Description. (M&C # 2017-09-19-02 M. Moritz)**

**7. REGULAR AGENDA**

**Presentation and Discussion of the 2017 Tax Rate for the Maintenance and Operations Fund at \$0.478752/\$100 and the Interest and Sinking Fund at \$0.077847/\$100 for a Total Tax Rate of \$0.556599/\$100, Which is 4.243150 Percent Higher Than the Effective Tax Rate of \$0.533943/\$100 (M&C # 2017-09-19-03 V. Wallace)**

Finance Director Vickie Wallace presented the item with a staff recommendation to adopt the tax rate of \$.556599/\$100 for the 2017 Tax Year.

**Consider Action on the Attached Ordinance Approving and Adopting the Tax Year 2017 Tax Rate (M&C # 2017-09-19-04 V.Wallace)**

A motion was made by Council Member Benny Martinez and seconded by Council Member David Jordan that the Property Tax Rate be increased by the adoption of a Tax Rate of \$0.556599, which is effectively a 4.24315% percent increase in the Tax Rate. The Maintenance and Operations Tax Rate portion being \$0.478752 and the Interest and Sinking Tax Rate portion being \$0.077847 for a total Tax Rate of \$0.556599.

Mayor Riley requested a call vote to which the City Council replied: Council Member Edwards - Aye; Council Member Alcocer - Absent; Council Member Martinez - Aye; Council Member Jordan - Aye; and Council Member Ealy - Aye. Upon a unanimous vote, Mayor Riley announced the motion carried.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Benny Martinez, Mayor Pro Tem
<b>SECONDER:</b>	David Jordan, Council Place 5
<b>AYES:</b>	Martinez, Edwards, Ealy, Jordan
<b>EXCUSED:</b>	Alcocer

**Discussion, Presentation, and Possible Action to Approve an Ordinance Amending Leon Valley Code of Ordinances Chapter 14 Utilities, Article 14.10 Telecommunications, to Create a Division 3 Small Wireless Facility, to Regulate Small Cell Node Wireless Facilities in Public Rights of Way and Appendix A Fee Schedule, Article A2.000 Administrative Fees, Section A2.010 Use of Public Rights-of-Way by Telecommunications Facilities, to Add (c) Small Wireless Facility Permit Fees (M&C # 2017-09-19-05 M. Moritz)**

Interim Director of Community Development Melinda Moritz presented the item to amend the Leon Valley Code of Ordinances, Chapter 14 Utilities, Article 14.10 Telecommunications, to create a Division 4 Small Wireless Facility, to regulate Small Cell Node Wireless Facilities in public right of ways and Appendix A Fee Schedule, Article A2.000 Administrative Fees, Section A2.010 Use of Public Rights-of-Way by Telecommunications Facilities, to add (c) Small Wireless Facility Fees, along with the adoption of an accompanying design manual to allow, collect fees, and uniformly regulate small cell node wireless facilities in our public right of ways.

The City recently received a request from Mobilitie, LLC to install a small cell network node wireless infrastructure throughout the City, by placing small cell nodes, and related equipment, on the City Public Service poles and on three 50 foot tall free-standing poles in the right of ways throughout the City. These poles are to be located on Daughtry Drive at the HEB shopping center, on Wurzbach across from the SAWS water plant, and one on Huebner in front of the DPS facility (across from the entrance to Pavona Place subdivision). These small cell facilities will provide high-speed, high capacity bandwidth, and increased mobile connectivity to service the residents, businesses, and visitors to the City.

The Federal Communications Commission (FCC) is an independent government agency

responsible for regulating the radio, television and phone industries. The FCC regulates all interstate communications, such as wire, satellite and cable, and international communications originating or terminating in the United States. These small cell nodes pass along the cell or wireless signal, but they can't be used as a phone and they don't broadcast - they just boost the signal. Small cell network nodes are standalone individual items, like miniature cell towers but without the tower. Like towers, a small cell requires both an antenna and equipment. Unlike towers though, the wireless industry likes to place the transmission equipment on the utility or other support structures. In effect, this means that the installation of small cells must either increase the visual blight of the pole or increase the diameter of the pole if the equipment is put inside.

The state legislature recently updated Texas Local Government Code; Chapter 284 to include these small cell facilities and the law allows cities to regulate the providers and to collect an inspection, review, and annual fee per network node. The new language also states that the city may not give exclusive rights to any one provider for the use of the right of way. Since the receipt of Mobilitie, LLC's applications, the City has received an additional request from ATT for these same facilities. The Texas Local Government Code, Chapter 284. "Deployment of Network Nodes in Public Right-of-Way" supports the legislative intent that Ch. 284 is to be the statewide, uniform application for installations of wireless network nodes in the right of ways, controlling over any other common-law or statutory authority.

Interim Director of Community Development Moritz concluded saying that the ordinance establishes policies and procedures, based on the newly updated law. The attached manual gives design standards for these facilities.

The City will collect \$500 for the first five nodes, and then \$250.00 for each additional node in the same application, and a fee of \$1000 for each node support pole, and finally a charge of \$250 annually per network node installed.

- Irene Baldrige wanted to know if this would affect all Leon Valley citizens.
- Michael Lockwood of Mobilitie, LLC was present for questions.

There was a lengthy discussion followed by a motion that was made by Council Member Benny Martinez and seconded by Council Member David Edwards to table this item until the next meeting in order for Council to digest the ordinance and have the language added that these nodes will not interfere with licensed radio service.

<b>RESULT:</b>	<b>TABLED [UNANIMOUS]</b>
<b>MOVER:</b>	Benny Martinez, Mayor Pro Tem
<b>SECONDER:</b>	David Edwards, Council Place 1
<b>AYES:</b>	Martinez, Edwards, Ealy, Jordan
<b>EXCUSED:</b>	Alcocer

**Discussion, Presentation, and Possible Action to Approve an Ordinance Amending Chapter 13 Tree Preservation, Article 13.01 General Provisions, Article 13.02 Tree Preservation Ordinance, Division 3. Requirements and Restrictions, Section 13.02.074 Preservation Requirements, 1) Small Trees, 2) Medium Trees, 3) Large Trees; and 6) Mitigation maximum; Section 13.02.077 Mitigation in Lieu of Replacement (b) and (d); and Section 13.02.078 Penalties for Unauthorized Removal of Small, Medium, and Large Trees. (M&C # 2017-09-19-06 M. Moritz)**

Interim Director of Community Development Melinda Moritz presented this item for Council consideration to amend Chapter 14 Tree Preservation, Article 13.01 General Provisions, Article 13.02 Tree Preservation Ordinance, Division 3. Requirements and Restrictions, Section 13.02.074 Preservation requirements, 1) Small trees, 2) Medium trees, 3) Large trees; and 6) Mitigation maximum; Section 13.02.077 Mitigation in lieu of replacement (b) and (d); and Section 13.02.078 Penalties for Unauthorized Removal of Small, Medium, and Large Trees, to allow a lesser number of replacement trees, allow a higher percentage of tree mitigation by “fee in lieu of”, to increase the diameter of trees that are to be preserved; and to correct a conflict in the Code.

Interim Director of Community Development Moritz concluded the presentation adding that the fiscal impact would be that the per-diameter-inch cash value for replacement trees would be \$100.00 per caliper inch tree. The amount collected will depend on how many and what size of tree is being mitigated. The funds must be used to: Pay for the planting and maintenance of trees, the funding of tree preservation and planting programs within the city; and/or to support supplemental landscape plantings in public areas of the city; and/or acquire wooded property that shall remain in a naturalistic state in perpetuity.

A motion was made by Council Member Belinda Ealy and seconded by Council Member David Jordan to approve the ordinance Amending Chapter 13 Tree Preservation, Article 13.01 General Provisions, Article 13.02 Tree Preservation Ordinance, Division 3. Requirements and Restrictions, Section 13.02.074 Preservation Requirements, 1) Small Trees, 2) Medium Trees, 3) Large Trees; and 6) Mitigation maximum; Section 13.02.077 Mitigation in Lieu of Replacement (b) and (d); and Section 13.02.078 Penalties for Unauthorized Removal of Small, Medium, and Large Trees as presented.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	David Edwards, Council Place 1
<b>SECONDER:</b>	David Jordan, Council Place 5
<b>AYES:</b>	Martinez, Edwards, Ealy, Jordan
<b>EXCUSED:</b>	Alcocer

### **Discuss and Consider Possible Action to Revise the In Kind Grant Policy (M&C # 2017-09-19-07 C. Caldera)**

ACM/HR Director Crystal Caldera presented the item that was first presented on September 5, 2017. At that time, City Council requested that the procedure for the In Kind Grant Application be brought back for review.

The City Council requested that staff come back with some recommendations on policy amendments. ACM/HR Director Caldera reported that to date, the City has waived an estimated \$10,979. The amount that is waived varies among events; however, in rental fees alone the City Council has waived \$5,466.

ACM/HR Director Caldera concluded the presentation saying staff recommends that the policy be changed to the following: require a deposit; no longer waive cleanup cost; no longer waive security; and add a setup fee which would be the same as the cleanup fee and do not waive the fee.

A motion was made by Council Member David Jordan and seconded by Council Member Belinda Ealy to approve the amendment to In Kind Grants policy to change to the following: require a deposit; no longer waive cleanup cost; no longer waive security; and add a setup fee which would be the same as the cleanup fee and do not waive the fee at the discretion of each application coming to Council. Council having the discretion to modify as each situation warrants.

### **Park Commission Annual Report 2017 (Roger Christensen, Chairman)**

Park Commission Chairman Roger Christensen presented the annual report which included a list of accomplishments and their next steps. Council Member Benny Martinez asked Chairman Christensen to have the committee discuss an area where park visitors could park for no more than 15 minutes to unload. Chairman Christensen said he would do that. Council thanked Chairman Christensen for his report and to all of the Park Commission members for all they do.

### **Citizens to be Heard**

- Lyn Joseph asked about the increase in airplane traffic and telephone pole clutter.

### **Adjournment**

Mayor Riley announced that the meeting adjourned at 8:10 PM.

**These minutes approved by the Leon Valley City Council on the 10th of October, 2017.**

APPROVED



**CHRIS RILEY**  
MAYOR

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

