



**CITY OF LEON VALLEY**  
**CITY COUNCIL REGULAR MEETING**  
Leon Valley City Council Chambers  
6400 El Verde Road, Leon Valley, TX 78238  
Tuesday, December 5, 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	Present	
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, Community Development Director Nina Nixon-Mendez, Director of Special Events Maribel Mendoza, Director of Public Works Melinda Moritz, Assistant Director of Public Works David Dimaline, Assistant Finance Director Ashley Wayman, Police Chief Joseph Salvaggio, LVPD Captain Ruben Saucedo, Fire Chief Luis Valdez and LVFD Captain Todd Morgan.

Mayor Riley asked that everyone silence their cell phones.

Mayor Riley led everyone in the Pledge of Allegiance.

**Presentations**

**Citizens Police Advisory Committee Annual Report (Marianna Sanchez, Chair)**

Citizens Police Advisory Committee Chair Marianna Sanchez presented the annual report.

**Citizens to Be Heard**

None

**City Manager's Report**

**Upcoming Important Events**

- Next City Council Meeting December 19, 2017, at 6:00 p.m.
- December 22, 2017 - January 1, 2018, City Offices are closed in observance of Christmas/New Years
- December 9, 2017, at 9:00 a.m., Community Workshop at City Hall regarding proposed development at Poss & Peachtree
- January 02, 2018, Regular City Council Meeting - Cancelled due to New Year's Holiday
- January 04, 2018, at 5:30 p.m., Special City Council Joint Workshop with the Leon Valley Historical Society Board of Directors at City Hall to discuss the possible City acquisition of the Huebner Onion Homestead; possible cooperative agreement with the Leon Valley Historical Society; Tricentennial celebration at the Homestead in May, 2018 and other related matters.
- January 27, 2018, Town Hall Meeting, Conference Center
- Miscellaneous other events and announcements

City Manager Kuenstler reminded everyone that the City Manager's Report is posted on the City's 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) the City has seen a 10% increase in EMS recovery in the last ten (10) months; and b) Citizens Police Advisory Committee, Zoning Commission and the Library Board of Trustees Meetings have cancelled their December meeting.

Councilor Benny Martinez asked City Manager Kuenstler why "Don't Block the Intersection" signs were being placed instead of "Don't Block the Box" signs. City Manager Kuenstler replied that she would look into it and email him a response.

### **Announcements by the Mayor and Council Members**

- Council David Edwards thanked everyone for coming to tonight's meeting.
- Council Monica Alcocer also thanked everyone for coming to tonight's meeting; thanked the Citizens Police Advisory Committee Members for their hard work; and congratulated all for a wonderful Tree Lighting Event.
- Councilor David Jordan spoke about Breakfast with Santa and the auction. Wished everyone a Merry Christmas and a Happy New Year.
- Councilor Belinda Ealy also spoke about the Tree Lighting Event; and then reminded everyone of the upcoming LV Vegan Society meeting at the Fire Station on the 16<sup>th</sup>.
- Mayor Riley mentioned that Community Development Director, Nina Nixon-Mendez spoke with her regarding Item 6.2 and she would like to pull that item from this agenda and bring it back at the December 19<sup>th</sup> agenda.

**CONSENT AGENDA**

A motion was made by Council Monica Alcocer and seconded by Councilor David Jordan to approve Consent Agenda Items 6.1 as amended to indicate total number of votes cast on the Home Rule Charter item; and Item 6.3; and 6.4 as presented.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Monica Alcocer, Council Place 3
<b>SECONDER:</b>	David Jordan, Council Place 5
<b>AYES:</b>	Martinez, Edwards, Ealy, Alcocer, Jordan

1. Consideration of the Following City Council Minutes:
  - a. Regular Meeting- November 21, 2017 6:00 PM

**Discuss and Consider Possible Action on Appointments to the Zoning Commission - *Withdrawn* (M&C # 2017-12-05-01 S. Passailaigue)**

**Discuss and Consider Possible Action to Appoint Members to the Leon Valley Pool Advisory Committee (M&C # 2017-12-05-02 S. Passailaigue)**

**Discuss and Consider Possible Action on an Ordinance Declaring the Charter of the City of Leon Valley Adopted (M&C # 2017-12-05-03 D. Frederick)**

7. **REGULAR AGENDA**

**Presentation, Discussion and Possible Action to Accept the Lowest Responsive Bid and Awarding a Construction Contract in an Amount Not To Exceed \$2,302,290.98, With a Contingency Not to Exceed Five Percent (5%), To J3 Company, LLC for the Purpose of Constructing the Evers Road Huebner Creek Bridge (M&C # 2017-12-05-04 M. Moritz)**

Director of Public Works Melinda Moritz seeking Council approval of an ordinance authorizing the City Manager to enter into a contract with J3 Construction, LLC, in the amount of \$2,302,290.98, with a contingency of up to five percent (5%), for the construction of the Evers Road/Huebner Creek bridge. A bid for this project was advertised in September and October. Eight contracting companies responded to the Request for Proposal.

This is a joint bid project, as City Public Service (CPS) has an 8" and a 24" gas main, along with electrical utilities, that must be moved. This project is a reimbursement program approved by the Alamo Area Metropolitan Planning Organization (MPO), and funded by the Federal Highway Administration (FHA), through the Texas Department of Transportation (TxDOT). The bids were examined by TxDOT and they concur with the engineer's contractor selection.

The estimated timeline for this project is as follows: Dec 2017 - Award contract; Jan 2018-Apr 2018 - Evers Road closed (weather permitting); May - Aug 2018 -Remaining construction (weather permitting). This is a reimbursement program, so the City will pay all costs, and then be reimbursed by CPS and by FHA/TxDOT. This project is funded in this fiscal year budget.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Monica Alcocer, Council Place 3
<b>SECONDER:</b>	Benny Martinez, Mayor Pro Tem
<b>AYES:</b>	Martinez, Edwards, Ealy, Alcocer, Jordan

**Discuss and Consider Possible Action Awarding a Contract to Provide Solid Waste Services for Residential and Commercial Customers of the City of Leon Valley and Authorizing the City Manager to negotiate a contract with Tiger Sanitation, Inc. (M&C # 2017-12-05-05 D. Dimaline)**

City Manager Kelly Kuenstler stepped in before the next item was presented to quickly introduce the City's new Director of Special Events, Maribel Mendoza.

Assistant Director of Public Works, David Dimaline presented this item to present the Request for Proposal evaluation process, and to ask City Council to consider authorizing the City Manager to enter into a contract with Tiger Sanitation, Inc. to provide the City of Leon Valley municipal solid waste collection services.

The monthly solid waste fee would be paid directly from residential and commercial customers to the solid waste Provider. Both firms propose a 4% franchise fee to the City which generates approximately \$50,000 annually in revenue to the City.

Staffs is recommending that City Council award the solid waste services contract to Tiger Sanitation, Inc.; and authorize the City Manager to negotiate a contract with Tiger Sanitation, Inc.

Tiger Sanitation, General Manager, Lee Kuhn was present for questions.

- Kelly Cowan, Public Works Director, Hollywood Park, spoke in favor of Tiger Sanitation and the transition he and Hollywood Park just experienced with them.
- Donna Charles, 6546 Charles Field, Shadow Mist HOA President, asked about a hazardous waste program.
- Irene Baldrige asked what color the bins would be and when told “brown” she responded that she did not like it.
- Richard Blackmore, 6639 Forest Haven, spoke against having two bins; and

wanted to know who owned the company.

- Justin Renteria, 6646 Grist Mill, spoke about Oak Wilt education
- Albert Perez, Waste Management, spoke about hazardous waste pick up and previous donations made to the City for special events
- David Smith, 7034 Mill Stream, spoke about the seven (7) year length of the contract.
- Chuck Hawsey, 6118 Sun Dial, spoke about continuing the holiday schedule that the citizens have had. Mr. Kuhn replied that there would be service except on New Year's, Thanksgiving and Christmas.

The presentation and citizen comments were followed by a discussion. Councilor David Jordan informed Mayor Riley that he was ready to make a motion; and then City Attorney Denise Frederick asked for a Point of Order to confer with Councilor Jordan regarding the motion due to an error in the contract. Ms. Frederick stated that she believed the contract was for two (2) years and that is what she drafted into the ordinance. Ms. Frederick stated that this was an error and should have read seven (7) years.

A motion was made by Councilor David Jordan and seconded by Councilor Monica Alcocer to award a seven (7) year Contract to Provide Solid Waste Services for Residential and Commercial Customers of the City of Leon Valley and Authorizing the City Manager to negotiate and execute a contract with Tiger Sanitation, Inc.

Councilor Benny Martinez stated that in order "to make this equal, the City should require Tiger Sanitation to pick up appliances, hazardous waste, etc. like we are getting Waste Management to do." Councilor Martinez stated that he would like to see this amendment added to the contract.

City Manager Kuenstler responded to Councilor Martinez and members of City Council that she would certainly keep that in mind during negotiations but that she would have to go back to what our original RFP stated.

Councilor Monica Alcocer called a Point of Clarification saying that Waste Management was really doing it for Bexar County.

Mayor Riley called for the vote.

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	David Jordan, Council Place 5
<b>SECONDER:</b>	Monica Alcocer, Council Place 3
<b>AYES:</b>	Edwards, Ealy, Alcocer, Jordan
<b>NAYS:</b>	Martinez

**Presentation, Discussion and Possible Action on an Ordinance Selecting Phipps Anderson Deacon, LLP for the Negotiation and Execution of a Professional Services Agreement for the Investigation and Prosecution of a Lawsuit Against the Manufacturers, Distributors and Prescribers of Prescription Opiates (M&C # 2017-12-05-06 K.Kuenstler)**

City Manager Kelly Kuenstler presented this item saying that before 1980, "Opioids were prescribed only for short-term, post-surgical, trauma or cancer-related pain". "In 1980, The New England Journal of Medicine (NEJM) published a letter to the editor titled: "Addiction Rare in Patients Treated with Narcotics." By 1996, "pharmaceutical companies began selling their opioid products through aggressive and false marketing tactics. Annual sales of OxyContin reached \$3 billion in 2009." "In 2015, there were at least 1,186 deaths related to opioids in Texas." By 2017, "...the letter has been cited over 1,000 times as a way to downplay the addictive nature of opioids. "This citation pattern contributed to the North American opioid crisis by helping to shape a narrative that allayed prescribers' concerns about the risk of addiction associated with long-term opioid therapy."

This investigation and lawsuit will not be about the deaths resulting from opioid use, but about the negligence, fraud, misrepresentation, violations of Deceptive Trade Practice Act and Consumer Protection Act, nuisance, civil RICO violations, violations of the Controlled Substance Act, mislabeling and any and all other causes of action arising from the manufacturers, distributors and prescribers of prescription opiates in and to the City of Leon Valley. These causes of action arise from their role in the creation of the opioid epidemic that exists in the City of Leon Valley, the substantial economic harm by way of direct and indirect costs incurred and the harm to the health, safety and welfare of the citizens of Leon Valley.

It is necessary to hire this firm because of its expertise in the areas of pharmaceutical, negligence and consumer protection litigation. The firm may seek injunctive relief, damages, civil penalties, pecuniary damages, costs and attorney's fees. The estimated amount that may be recovered from the litigation may exceed \$100,000.00.

Meagan Talafuse and Simon Purnell of Phipps Anderson Deacon LLP were present to answer questions.

There was a lengthy discussion followed by a motion that was made by Councilor David Edwards and seconded by Councilor Monica Alcocer to select Phipps Anderson Deacon, LLP for the Negotiation and Execution of a Professional Services Agreement for the Investigation and Prosecution of a Lawsuit Against the Manufacturers, Distributors and Prescribers of Prescription Opiates as presented.

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	David Edwards, Council Place 1
<b>SECONDER:</b>	Monica Alcocer, Council Place 3
<b>AYES:</b>	Edwards, Ealy, Alcocer, Jordan
<b>NAYS:</b>	Martinez

**First Public Hearing on Amending the City of Leon Valley Comprehensive Master Plan (M&C # 2017-12-05-07 N. Nixon-Mendez)**

Director of Community Development Nina Nixon-Mendez presented this item as the first public hearing on amending the City of Leon Valley Comprehensive Master Plan.

Mayor Riley opened the Public Hearing at 9:18 p.m.

- Justin Renteria and his father spoke in favor and with appreciation over this item.

There being no further comments from the public, Mayor Riley closed the Public Hearing at 9:20 p.m.

<b>RESULT:</b>	<b>PRESENTED</b>
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**Presentation, Discussion and Possible Action to Approve an Ordinance Amending the City of Leon Valley Code of Ordinances, by Adding Article 3.12 Substandard Buildings to Enact Regulations for Substandard, Unsecured or Dangerous Buildings or Structures. (M&C # 2017-12-05-08 N. Nixon-Mendez)**

Director of Community Development, Nina Nixon-Mendez presented this item seeking City Council consideration of an ordinance amending the City of Leon Valley Code of Ordinances by adding Article 3.12 Substandard Buildings to enact regulations for substandard, unsecured or dangerous buildings or structures, specifying the remedies available to the city to obtain compliance with those regulations.

A motion was made by Councilor Belinda Ealy and seconded by Councilor David Jordan to adopt the ordinance amending the City of Leon Valley Code of Ordinances, by adding Article 3.12 Substandard Buildings to enact regulations for substandard, unsecured or dangerous buildings or structures as presented.

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Belinda Ealy, Council Place 2
<b>SECONDER:</b>	David Jordan, Council Place 5
<b>AYES:</b>	Martinez, Edwards, Ealy, Alcocer, Jordan

**Presentation, Discussion, and Possible Action on a Resolution to Approve an Initiative to Conduct a Public Education Awareness Campaign on the Hazards of Misusing Pesticides and Other Chemicals, Which May Reduce Hazardous and Toxic Waste in Our Environment (M&C # 2017-12-05-09 B. Ealy and M. Moritz)**

Director of Public Works, Melinda Moritz and Councilor Belinda Ealy presented this item to discuss and possibly approve an initiative to conduct a public education awareness campaign on the hazards of misusing pesticides and other chemicals, which may help to reduce potentially hazardous and toxic waste in our environment.

It is suggested that the City begin an awareness campaign of the hazards and toxicity of these types of products and what our citizens can do to reduce the use of these types of products, or use an alternative product to get the same results, by developing a refrigerator type magnet for distribution to the public. These magnets would be handed out at various public events (Earthwise Living Day, Texas Recycles Day, Arbor Day).

Councilor Benny Martinez expressed his opposition which was followed by a brief discussion.

A motion was made by Councilor Benny Martinez and seconded by Councilor David Edwards to refer this item to the Earthwise Living Day Committee to review and bring back their recommendation to City Council.

<b>RESULT:</b>	<b>MOTION CARRIED [UNANIMOUS]</b>
<b>MOVER:</b>	Benny Martinez, Belinda Ealy
<b>SECONDER:</b>	David Edwards, Council Place 1
<b>AYES:</b>	Martinez, Edwards, Ealy, Alcocer, Jordan

**Citizens to be Heard**

None

**Adjournment**

Mayor Riley announced that the meeting adjourned at 10:05 PM.

**These minutes approved by the Leon Valley City Council on the 19th of December, 2017.**

APPROVED



*Chris Riley*

**CHRIS RILEY**  
MAYOR

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

