



**CITY OF LEON VALLEY  
CITY COUNCIL REGULAR MEETING**  
Leon Valley City Council Chambers  
6400 El Verde Road, Leon Valley, TX 78238  
Tuesday, September 20, 2022

**MINUTES**

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

Attendee Name	Organization	Title	Status
Chris Riley	City of Leon Valley	Mayor	Present
Rey Orozco	City of Leon Valley	Mayor Pro Tem, Council Place 4	Present
Benny Martinez	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
Will Bradshaw	City of Leon Valley	Council Place 5	Present

Mayor Chris Riley called the meeting to order announced that a quorum of City Council was present in Council Chambers.

Mayor Chris Riley asked Councilor Benny Martinez to lead the Pledge of Allegiance.

**THE CITY COUNCIL SHALL MEET IN EXECUTIVE SESSION TO DISCUSS THE FOLLOWING:**

**Section 551.071: Consultation with the Attorney Regarding Pending or Contemplated Litigation, or Settlement Offer; or on a Matter in which the Duty of the Attorney to the Governmental Body Under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas Clearly Conflicts with the Texas Open Meetings Act, Re: City of Leon Valley v. 5622 Equity DE LLC, a Delaware Limited Liability Company D/B/A Vista Del Rey Apartments Located at 5622 Evers Road**

Mayor Riley read aloud the agenda caption for Item 2.1

The City Council went into Executive Session at 6:01 PM

**RESULT:      PRESENTED**

### **RECONVENE INTO REGULAR SESSION**

The City Council reconvened into Open Session at 6:40 PM

### **CITIZENS TO BE HEARD**

Those who spoke were Michelle Rawls (Leon Valley) and grandsons who presented \$405.00 to Leon Valley Police Chief Gonzalez to contribute to the Blue Santa Program. The boys earned the money at a lemonade/hot dog/sausage stand that they held.

### **POSSIBLE ACTION ON ISSUES DISCUSSED IN EXECUTIVE SESSION IF NECESSARY**

No action taken at this time.

### **PRESENTATIONS**

#### **Presentation, Discussion, and Possible Action on City of Leon Valley Jazz Music Festival (M&C # 2022-09-20-4926 C. Miranda)**

Crystal Miranda, Community Relations Director presented options for a Jazz Festival. David Munoz from Balcones Heights was also present and answered questions.

There was a consensus among members of City Council to hold the event on a Saturday in March of 2023.

**RESULT:      PRESENTED**

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

Announcements were made by members of City Council.

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

#### **Upcoming Important Events:**

- a. Regular City Council Meeting, Tuesday, September 20, 2022, at 6:30 PM, in Council Chambers.
- b. Regular City Council Meeting, Tuesday, October 04, 2022, at 6:30 PM, has been rescheduled to Monday, October 03, 2022, at 6:30 PM, in Council Chambers.
- c. Trash and Treasure Day, Saturday, October 01, 2022, at the Leon Valley Community Center.
- d. National Night Out, Tuesday, October 04, 2022, from 4:00 PM to 6:00 PM, city-wide.
- e. Miscellaneous other events and announcements.

**RESULT:       PRESENTED**

### **CONSENT AGENDA**

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

**RESULT:       ADOPTED [UNANIMOUS]**  
**MOVER:**       Jed Hefner, Council Place 3  
**SECONDER:**   Rey Orozco, Mayor Pro Tem, Council Place 4  
**AYES:**        Rey Orozco, Benny Martinez, Josh Stevens, Jed Hefner, Will  
                  Bradshaw

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

#### **a.       Regular Meeting- September 6, 2022 6:00 PM**

**Discussion an Action to Consider Approval of an Ordinance Repealing and Replacing the Leon Valley Code of Ordinances, Chapter 10 Subdivision Regulations (1st Read Held on September 4, 2022) (M&C # 2022-09-20-4971 M. Moritz)**

**Presentation on the Monthly Financial Report Ending August 31, 2022 (M&C # 2022-09-20-4976 K. Rule)**

### **ORDINANCE**

**Discussion and Possible Action on an Ordinance Approving and Adopting Fiscal Year 2023 Annual Budget (1st Read was Held on 8-16-22) (M&C # 2022-09-20-4964 K. Rule)**

City Manager Crystal Caldera presented the item. The presentation was followed by a lengthy discussion.

Those who spoke on this item were: Erick Matta (Leon Valley)

A motion was made by Councilor Josh Stevens to adopt the Ordinance approving the budget for the City of Leon Valley, Texas for the fiscal year 2023 with the adjustment to include one (1) new police officer and a two percent (2%) cost of living adjustment (CoLA) for all employees January 01, 2023 to be funded out of the anticipated American Rescue Plan (ARP) Funds. The motion was seconded by Councilor Jed Hefner.

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 Benny Martinez - Nay; Councilor Josh Stevens - Aye; Councilor Jed Hefner - Aye; Councilor Rey Orozco - Aye; and Councilor Will Bradshaw - Aye.

Mayor Riley announced the motion carried.

<b>RESULT:</b>	<b>ADOPTED [4 TO 1]</b>
<b>MOVER:</b>	Josh Stevens, Council Place 2
<b>SECONDER:</b>	Jed Hefner, Council Place 3
<b>AYES:</b>	Rey Orozco, Josh Stevens, Jed Hefner, Will Bradshaw
<b>NAYS:</b>	Benny Martinez

A motion was made by Councilor Jed Hefner to adopt the Ordinance approving the budget for the City of Leon Valley, Texas for the fiscal year 2023. The motion was seconded by Councilor Will Bradshaw.

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 Benny Martinez - Nay; Councilor Josh Stevens - Nay; Councilor Jed Hefner - Aye; Councilor Rey Orozco - Nay; and Councilor Will Bradshaw - Aye.

Mayor Riley announced the motion failed.

<b>RESULT:</b>	<b>DEFEATED [2 TO 3]</b>
<b>MOVER:</b>	Jed Hefner, Council Place 3
<b>SECONDER:</b>	Will Bradshaw, Council Place 5
<b>AYES:</b>	Jed Hefner, Will Bradshaw
<b>NAYS:</b>	Rey Orozco, Benny Martinez, Josh Stevens

**Discussion and Possible Action of an Ordinance Ratifying the Fiscal Year 2023 Budget that will Raise the Same Amount of Revenue from Property Taxes as Last Year's Budget. (1st Read was Held on 8-16-2022) (M&C # 2022-09-20-4965 K. Rule)**

A motion was made by Councilor Jed Hefner to adopt the Ordinance ratifying the Fiscal Year 2023 Budget that will raise the same amount of revenue from property taxes as last year's budget. The motion was seconded by Councilor Rey Orozco.

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 Benny Martinez - Nay; Councilor Josh Stevens - Aye; Councilor Jed Hefner - Aye; Councilor Rey Orozco - Aye; and Councilor Will Bradshaw - Aye.

Mayor Riley announced the motion carried.

**RESULT:**       **ADOPTED [4 TO 1]**  
**MOVER:**       Jed Hefner, Council Place 3  
**SECONDER:**   Rey Orozco, Mayor Pro Tem, Council Place 4  
**AYES:**        Rey Orozco, Josh Stevens, Jed Hefner, Will Bradshaw  
**NAYS:**        Benny Martinez

## **REGULAR AGENDA**

### **Conduct A Public Hearing on the Proposed 2023 Tax Rate (M&C # 2022-09-20-4967 K. Rule)**

Mayor Chris Riley opened the Public Hearing at 7:55 PM

There being no public comment; Mayor Riley closed the Public Hearing at 7:55 PM

### **Discussion and Possible Action on an Resolution Approving and Adopting the Tax Year 2023 Tax Rate for the Maintenance and Operations at \$0.438304/\$100 and the Interest and Sinking Fund at \$0.046435/\$100 for a Total Tax Rate of \$0.484739/\$100 (M&C # 2022-09-20-4966 K. Rule)**

A motion was made by Councilor Jed Hefner to adopt a total property tax rate of \$0.484739 for Maintenance and Operations and Interest and Sinking that is allocated as follows: \$0.438304 for Maintenance and Operations; \$0.046435 for Interest and Sinking Fund. The motion was seconded by Councilor Will Bradshaw.

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 Benny Martinez - Nay; Councilor Josh Stevens - Aye; Councilor Jed Hefner - Aye; Councilor Rey Orozco - Aye; and Councilor Will Bradshaw - Aye.

Mayor Riley announced the motion carried.

**RESULT:**       **ADOPTED [UNANIMOUS]**  
**MOVER:**       Jed Hefner, Council Place 3  
**SECONDER:**   Will Bradshaw, Council Place 5  
**AYES:**        Orozco, Martinez, Stevens, Hefner, Bradshaw

### **Discussion and Possible Action of an Ordinance Granting the Rezoning of an Approximately 9.174 acre Tract of Land from R-3 Multiple Family, B-1 Small Business, and B-2 Retail Zoning, with Sustainability Overlay Zoning, to Planned Development District with R-6 Garden Home Base Zoning and no Sustainability Overlay, on an Unplatted Parcel Generally Located at the Corner of Evers and Seneca Roads, Being P-4A, Abstract 530, CB 4432 (1st Read was Held on 8-2-2022) (M&C # 2022-09-20-4981 M. Teague)**

Mindy Teague, Planning and Zoning Director presented this item. Applicant Samir Chehade was also present and before he began to give his presentation, he pledged to match up to \$1000 of what the grandchildren of Ms. Rawls donate to the Leon Valley Blue Santa Program.

A motion was made by Councilor Benny Martinez to approve as presented with the ten percent (10%) adjustment as discussed. The motion was seconded by Councilor Rey Orozco.

**RESULT:** ADOPTED [UNANIMOUS]  
**MOVER:** Rey Orozco, Mayor Pro Tem, Council Place 4  
**SECONDER:** Benny Martinez, Council Place 1  
**AYES:** Orozco, Martinez, Stevens, Hefner, Bradshaw

Councilor Jed Hefner offered an amendment to include criteria that they average lot size be 1906 square feet as presented; and that the side backing up to Evening Sun and the side backing up to Summit Creek homes be limited to 2.5 stories. The motion was seconded by Councilor Will Bradshaw.

Those who spoke on this item were: Rudy Garcia (Leon Valley); and Sharon Gomez (Leon Valley)

**RESULT:** APPROVED [UNANIMOUS]  
**MOVER:** Jed Hefner, Council Place 3  
**SECONDER:** Will Bradshaw, Council Place 5  
**AYES:** Orozco, Martinez, Stevens, Hefner, Bradshaw

**Discussion and Possible Action on a Resolution Granting Mr. Samir Chehade, STS Partners, LP, a Variance to the City of Leon Valley Code of Ordinances, Chapter 13, Tree Preservation on a 9.174 Acre Tract of Land, Generally Located in the 6300 Block of Evers Road at the Corner of Evers and Seneca Roads, Being P-4A, ABS 530, CB 4432 Subdivision (M&C #2022-08-02-4980 M. Moritz)**

Melinda Moritz, Public Works Director presented this item A variance to Chapter 13 Tree Preservation, Article 13.02 Tree Preservation Ordinance, Division 3. Requirements and Restrictions, Sec. 13.02.074 Preservation requirements; penalties, (1) and (2), Section 13.02.076 Replacement trees required (b), Sec. 13.02.077 Mitigation in lieu of replacement (b) and (d), to allow the removal of 70 medium, 148 large, and nine (9) Heritage trees, for a total of 190 trees.

A motion was made by Councilor Jed Hefner to approve the resolution with the recommendation to change to a ten-gallon tree. The motion was seconded by Councilor Rey Orozco.

**RESULT:**       **ADOPTED [UNANIMOUS]**  
**MOVER:**       Jed Hefner, Council Place 3  
**SECONDER:**   Rey Orozco, Mayor Pro Tem, Council Place 4  
**AYES:**        Orozco, Martinez, Stevens, Hefner, Bradshaw

**Presentation and Discussion of an Ordinance Amending the Leon Valley Code of Ordinances, Appendix A, Article A11.000 Water and Sewer Fees to Allow a Retroactive Adjustment to a Water Bill for a Verifiable Water Leak That Occurred Prior to November 2021 (1st Read as Required by City Charter) (M&C # 2022-09-20-4968 M. Moritz)**

Melinda Moritz, Public Works Director presented this item seeking City Council approval of an Ordinance amending the Leon Valley Code of Ordinances, Appendix A, Article A11.000 Water and Sewer Fees to allow a one-time adjustment to a water bill for a verifiable water leak that occurred prior to November 2021.

In November of 2021, City Council passed Ordinance 2021-50, which allows a Leon Valley Water System customer to apply for a water bill adjustment once per year upon verification of a leak. The Ordinance doesn't allow persons that may have had a leak prior to its passage to obtain relief. This amendment would allow a one-time retroactive water bill adjustment for a leak that occurred prior to the passage of the Ordinance, upon receipt of verifiable proof of such leak.

This item will be brought back at the October 3rd City Council meeting for a second read.

**RESULT:**       **FIRST READ**

**Presentation and Discussion of an Ordinance Amending the Leon Valley Code of Ordinances, Chapter 14 Utilities, Article 14.11 Water Conservation and Drought Management, Division 2. Landscape Watering to Add a New Section 14.11.038 Conservation Programs (1st Read as Required by City Charter) (M&C # 2022-09-20-4969 M. Moritz)**

Melinda Moritz, Public Works Director presented this item seeking City Council approval consider approving an Ordinance amending Chapter 14 Utilities, Article 14.11 Water Conservation and Drought Management, Division 2. Landscape Watering to add a new Section 14.11.038 Conservation Programs. This amendment will establish the existing water conservation programs and add a one-time rebate for prior conservation efforts.

The City has water conservation rebate programs: Replacement of regular toilets with low flow toilets - \$50 per toilet, 2 toilets per household; Replacement of older washing machines with high efficiency washing machines - \$100, 1 machine per household; Installation of rain barrel - \$40, 1 rain barrel per household; and Xeriscape landscape - \$100 per 200 sq ft of xeriscape area, twice a year

Rain barrel and xeriscape rebates were added to our policies last November, but they were never placed into the Utilities Ordinance. In the past year, the City has received two requests for retroactive rebates - one for rain barrels and one for a xeriscaped area. The City does not have a rebate for persons who installed a rain barrel or xeriscape area prior to November of last year.

Those who spoke on this item were: Pat Martinez (Leon Valley)

This item will be brought back at the October 3rd City Council meeting for a second read.

**RESULT: FIRST READ**

**Discussion and Direction Regarding the Huebner Creek Channel Improvement Project Segment 1 Estimated Engineering Costs (M&C #2022-09-20-4947 M. Moritz)**

Melinda Moritz, Public Works Director presented this item to inform the Council of the estimated engineering costs for the Huebner Creek Channel Improvement Project Segment 1 and to obtain direction from the City Council on how they would like to proceed.

The City Council requested costs for the engineering and design of a channel improvement project that would widen Huebner Creek, reducing the threat of damage from flooding events. The scope of work would be from the Bandera Road bridge to Poss at Cherryleaf and the length of project is 2,600 linear feet.

**RESULT: PRESENTED**

**CITIZENS TO BE HEARD**

None

**REQUESTS FROM MEMBERS OF CITY COUNCIL TO ADD ITEMS TO FUTURE AGENDAS**

**Attachment: (M&C # 2022-09-20-4978 C. Caldera)**

Councilor Jed Hefner wanted to confirm that the JMHS item was on the next agenda. City Manager Caldera confirmed.

There was a brief discussion about the Beethoven Concert. Erick Matta spoke on this topic.

**RESULT: PRESENTED**

**ADJOURNMENT**

Mayor Riley announced that the meeting adjourned at 9:59 PM.