



**CITY OF LEON VALLEY
CITY COUNCIL REGULAR MEETING**

Leon Valley City Council Chambers
6400 El Verde Road, Leon Valley, TX 78238
Tuesday, January 17, 2023 at 6:00 PM

AGENDA

The City of Leon Valley City Council Shall Hold an In-Person Meeting with A Quorum of Members of City Council to Be Physically Present in The Leon Valley City Council Chambers, 6400 El Verde Road, Leon Valley, Texas 78238. Some Members of City Council May Appear and Participate in The Meeting by Videoconference Pursuant to The Requirements Set Forth in The Texas Open Meetings Act.

Citizens May E-Mail Public Comments To citizenstobeheard@leonvalleytexas.gov. All Other Citizen Participation May Be Provided In-Person at City Council Chambers.

1. Call to Order; Determine a Quorum is Present, Pledge of Allegiance
2. **The City Council Shall Meet in Executive Session to Discuss the Following:**
 1. The City Council Shall Meet in Executive Session Under Texas Government Code §551.074 Personnel Matters to Deliberate Personnel Action Regarding the Finance Director Position
 2. 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
3. **Reconvene into Regular Session**
4. **Citizens to be Heard**
5. **Possible Action on Issues Discussed in Executive Session If Necessary**
6. **Presentations**
 1. Presentation of a Certificate of Appreciation Given to Police Officer Carlos Carrillo for 25 years of Service - Mayor C. Riley

- [2.](#) Presentation, Discussion and Possible Action on Concerns Related to 5504 Shadow Mist Leon Valley, TX 78238 - Dr. Caldera, City Manager
 - [3.](#) Presentation, Discussion and Possible Action on an Ordinance regarding short-term rentals - Mayor, C. Riley
 - [4.](#) Presentation, Discussion and Possible Action on the Hiring Process for Department Director Positions - Dr. Caldera, City Manager
7. **Announcements by the Mayor and Council Members.** At this time, reports about items of community interest, which no action will be taken may be given to the public as per Chapter 551.0415 of the Government Code, such as: expressions of thanks, congratulations or condolence, information regarding holiday schedules, reminders of social, ceremonial, or community events organized or sponsored by the governing body or that was or will be attended by a member of the Leon Valley City Council or a City official.

8. **City Manager's Report**

1. **Upcoming Important Events:**

Regular City Council Meeting, Tuesday, February 7, 2023, at 6:30 PM, in Council Chambers.

Filing for a Place on the May 06, 2023 City of Leon Valley, General Election for Council Place 1, Council Place 3, and Council Place 5, Wednesday, January 18, 2023 through 5:00 PM on Friday, February 17, 2023.

Annual Town Hall Meeting, Saturday, January 28, 2023, at the Leon Valley Conference Center.

Miscellaneous other events and announcements.

9. **Consent Agenda**

- [1.](#) Discussion and Possible Action Approving of the Following City Council Minutes:
 - a. 12-20-2022 Regular City Council Meeting Minutes
 - b. 01-11-2023 Special City Council Meeting Minutes
- [2.](#) Discussion and Possible Action Accepting of the Following Board/Commission Minutes:
 - a. 12-05-2019 Bandera Road Groundwater Plume Superfund Site Community Advisory Group (CAG) Meeting Minutes
 - b. 11-22-2022 Park Commission Meeting Minutes
- [3.](#) Discussion and Possible Action of an Ordinance Authorizing the City Manager to Execute a Contract Amendment and Accept an Additional \$400,000 from Bexar County, and Authorize a Budget Adjustment From the Stormwater Fund Reserve in the Amount of \$400,000 to Provide Additional Funding for the Construction of the Seneca West Drainage Project (1st Read was Held on 12/20/22) - M. Moritz, Public Works Director

4. Discussion and Possible Action of an Ordinance Amending the Leon Valley Code of Ordinances, Chapter 13 Tree Preservation, Article 13.02 Tree Preservation Ordinance to Remove Some Definitions and Add a Definition, Direct the Park Commission to Assume the Duties of the Tree Advisory Board, Correct the Responsible Department References, and Give Variance Hearing Duties Directly to the City Council (1st Read was Held on 12/20/22) - M. Moritz, Public Works Director
5. Discussion and Possible Action on an Ordinance Authorizing a Zoning Change from B-1 Small Business District, with SO, Sustainability Overlay District Zoning to R-3 Multi-Family Dwelling District of a 0.854-Acre Tract of Land Located in the 7500 Block of Huebner Road Between Hoofs and Evers (1st Read was held on 12-20-22) - M. Moritz, Public Works Director
6. A Resolution of the City of Leon Valley City Council Appointing Members to the Park Commission, Planning & Zoning Commission, and the Library Board of Trustees - S. Passailaigue, City Secretary
7. Presentation, Discussion and Possible Action of Councilor Hefner's Excused Absences for January 17, 2023, City Council Meetings as Provided in the Charter Section 3.08, Subsection B, Part 3. - Councilor Jed Hefner

10. Regular Agenda

1. Presentation and Discussion to Consider Approval of an Ordinance Amending Chapter 3 Building Regulations, Article 3.02 Technical and Construction Codes, Division 1 Generally, Section 3.02.001 to Create a New Section 3.02.001 and Revising Appendix A Fee Schedule, Article A8.000 Building and Construction Related Fees, Section A8.015 Renter's Registration to Require Registration of Vacant Structures and Assign Appropriate Fees (1st Read as Required by City Charter) - M. Moritz, Public Works Director
2. Presentation, Discussion and Possible Action on a Resolution Continuing the Utility Assistance Program Agreement with Ascension De Paul for Calendar Year 2023 or Until Funds are Depleted - R. Salinas, Economic Development Director
3. Discussion and Consider Possible Action on In-Kind Grant Application from Project SMASH

11. Citizens to be Heard

12. Requests from Members of City Council to Add Items to Future Agendas

1. Presentation, Discussion, and Possible Action on City Manager's Future Agenda Items

13. Adjournment

Executive Session. The City Council of the City of Leon Valley reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on the posted agenda, above, as authorized by the Texas Government Code, Sections 551.071

(consultation with attorney), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations), 551.074 (personnel matters), 551.076 (deliberations about security devices), and 551.087 (economic development).

Sec. 551.0411. MEETING NOTICE REQUIREMENTS IN CERTAIN CIRCUMSTANCES: (a) Section does not require a governmental body that recesses an open meeting to the following regular business day to post notice of the continued meeting if the action is taken in good faith and not to circumvent this chapter. If an open meeting is continued to the following regular business day and, on that following day, the governmental body continues the meeting to another day, the governmental body must give written notice as required by this subchapter of the meeting continued to that other day.

Attendance by Other Elected or Appointed Officials: It is anticipated that members other City boards, commissions and/or committees may attend the open meeting in numbers that may constitute a quorum. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of any other boards, commissions and/or committees of the City, whose members may be in attendance in numbers constituting a quorum. These members of other City boards, commissions, and/or committees may not deliberate or act on items listed on the agenda. [Attorney General Opinion – No. GA-0957 (2012)].

I hereby certify that the above **NOTICE OF PUBLIC MEETING(S) AND AGENDA OF THE LEON VALLEY CITY COUNCIL** was posted at the Leon Valley City Hall, 6400 El Verde Road, Leon Valley, Texas, and remained posted until after the meeting(s) hereby posted concluded. This notice is posted on the City website at . This building is wheelchair accessible. Any request for sign interpretive or other services must be made 48 hours in advance of the meeting. To plan, call (210) 684-1391, Extension 216.



SAUNDRA PASSAILAIGUE, TRMC
City Secretary
January 13, 2023 at 4:00 PM



CERTIFICATE OF APPRECIATION

WHEREAS, in recognition of outstanding service, this Certificate of Appreciation is awarded to:

Carlos Carrillo

WHEREAS, in recognition of the excellent record you have compiled during your 25 years of service with the City of Leon Valley, it is a pleasure to present this certificate;

WHEREAS, Carlos Carrillo has completed twenty-five years of service with the Leon Valley Police Department serving the City of Leon Valley and its citizens;

WHEREAS, Carlos Carrillo has been with the City of Leon Valley Since July of 1997 and has distinguished himself as a leader among his fellow officers and community members;

NOW, THEREFORE, by the authority vested in me as Mayor, and on behalf of our governing body and all citizens, I do hereby present this Certificate of Appreciation to you as a testimonial to the loyal and dedicated service which you have contributed, with our best wishes for continued success and happiness in the future.

Signed by my hand on this the 17th day of January 2023.

Mayor Chris Riley



Concerns

5504 Shadow Mist (Soccer Complex)

Crystal Caldera, PhD
City Manager
City Council Meeting
January 17, 2023

Summary

- Statement
 - Action regarding the concerns related to 5504 Shadow Mist (Soccer Complex)
- Options
 - Provide some direction
- Declaration
 - The City Council's Discretion

Purpose

- Is to provide guidance on concerns related to 5504 Shadow Mist

Concern #1

- Parking along El Verde Road

El Verde Road. The parking, standing, or stopping of any vehicle, whether attended or unattended, upon any part of the right-of-way of El Verde Road, from its junction with Bandera Road west to its junction with Jeff Loop, is hereby prohibited. Also, all parking, standing or stopping of any vehicle, whether attended or unattended, upon any part of the right-of-way of Jeff Loop from its junction with El Verde Road south, a distance of 150 feet, is likewise prohibited.



Concern #2

- Parking in the Shadow Mist subdivision

Shadow Mist. The parking, standing, or stopping of any motor vehicle, whether attended or unattended, at any time, on the southeast side of Shadow Mist Drive, from Grissom Road to the Shadow Mist Park at 5487 Shadow Mist, and the northwest side of Shadow Mist Drive, from Grissom Road to a point 50 feet south and opposite of Avedisian Street, is prohibited.

Avedisian. The parking, standing, or stopping of any motor vehicle, whether attended or unattended, at any time, on Avedisian Street, between Shadow Mist and Charles Field Road, is prohibited.



{Section}.62.

- [illegible]

Concern #4

- Trash in the neighborhoods
 - The owner has been notified of the violation of the agreed-upon rule 11 requirements
 - He stated that they went to clean up the areas after the event.



Concern #5

- Parking at 5617 El Verde

Sec. 12.03.053 - Parking on vacant lots (a)No vehicle whatsoever, as defined in section 12.01.001 of this Code, shall be parked on any vacant lot under any circumstances except as follows:(1)Such vehicle or vehicles must be confined to the rear one-third of such vacant lot;(2)Such vehicle or vehicles located on the one-third of such vacant lot must be completely screened from view on all four sides by permanent fencing to a height of six feet.(b)Each violation of this section shall be punished by a penalty of a fine in accordance with section 1.01.009 of this Code. Each day such violation continues shall constitute a separate offense.

Sec. 12.03.052 - Parking in front or side yard

(a)No vehicle whatsoever shall be parked in the front yard or side yard of any property zoned R-1, R-2, R-4, or R-6, except in the driveway thereof, in a garage or in a carport. This section does not apply to vehicles when they are in the process of loading or unloading property or to street parking regulations as defined in other parts of this chapter or code.(b)Each violation of this section shall be punished by a penalty of a fine in accordance with section 1.01.009 of this Code. Each day such violation continues shall constitute a separate offense.

(1972 Code, secs. 14.702, 14.702.1; 2008 Code, sec. 12.03.052; Ordinance adopting 2017 Code)



Pending Items

- Building Parking Lot – They currently have 24 spaces the plans will add 97 additional spaces giving them a total of 121 spots.
 - They are required to have two peace officers for events until this done
- Building the restrooms
 - They have paid for their building permits we are just waiting for them to construct.
 - They are required to have two Port- a-Potties until the restrooms are constructed

Recommendation

- City Council's Discretion



SHORT TERM RENTALS ORDINANCE

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FACT SHEET

San Antonio's City Council approved this ordinance on Nov. 1, 2018 and affects only properties within San Antonio city limits. **Short term rentals (STR) permits will be required on Feb. 11, 2019.** Below is a summary and some frequently asked questions to help you navigate through the requirements and key points of this new ordinance.

WHAT IS AN STR? ARE THERE TYPES?

An STR is defined in the ordinance as a residential dwelling unit, apartment, condominium or accessory dwelling where sleeping areas are rented to overnight guests for a period of less than 30 consecutive days (but not less than 12 hours). There are two types of STRs:

- * In Type 1, the owner or operator resides on the property and it is their primary residence.
- * In Type 2, the property is not occupied by either the owner or operator.

PERMITS

The ordinance is effective immediately, but you have until Feb. 11, 2019, to get your permit through the Development Services Department (DSD). For more information on the ordinance, application, checklist and more, visit us at:

www.sanantonio.gov/DSD
(under "Resources," "Codes and Ordinances")

HOW TO APPLY FOR A PERMIT

1. Set up an account with the City's Finance Department to pay the Hotel Occupancy Tax (HOT). You will need the customer account number in order to apply for your permit.
2. Download, fill out, and submit your application to DSD for our review. The fee is \$100.00 per application. Applications are available online at www.sanantonio.gov/DSD (under "Resources," "Codes and Ordinances").

Permits are valid for three years and are not transferable. A separate permit is required per individual unit.

FINANCE HOTEL OCCUPANCY TAX

If you own or operate a short term rental (STR), you should already be paying your HOT. If you are new to STRs, you will need to set up an account with the City's Finance Department in order to pay the HOT. For more information on setting up an account, HOT, or back taxes, visit: www.sanantonio.gov/Finance (under "Taxes, Licenses & Fees").

WHERE ARE THEY ALLOWED?

They are allowed in any residential zoning district, as well as in O-1, O-1.5, O-2, NC, C-1, C-2, and D commercial zoning districts.

ARE THERE ANY DENSITY LIMITATIONS?

- * Type 1 STRs have no density limitation.
- * Type 2 STRs are allowed by right, up to 12.5% of the units on a block face. If the STR is in a multi-family building, no more than 12.5% of the total number of units can be a Type 2 STR by right. When the 12.5% density limitation is met or exceeded, a special exception is needed from the Board of Adjustment in order to operate a Type 2 STR.

If you had a HOT account set up on or prior to Nov. 1, 2018, for the property you want to register and are current in all your taxes, your property may be grandfathered for the purpose of a Type 2 density requirement. You will still need to register your STR with DSD. Density requirements do not apply for Type 1 STRs.

HOW TO GET A SPECIAL EXCEPTION

If it is determined, at the time of review, that a special exception is required, you will need apply through DSD's Zoning Section for one. The application fee is \$400.00 and is available at: www.sanantonio.gov/DSD/BuildSA.

OPERATING WITHOUT A PERMIT

Each day a violation of this ordinance continues may be considered a separate offense. Each day a unit is occupied in violation of the ordinance may be considered a separate offense and, upon conviction, may be subject to a minimum fine of \$500.00 per violation, per day.

WHO TO CONTACT

City staff is available and ready to assist you with any questions and information you may need.

Permit Information - Tony Felts at 210.207.0153

HOT Accounts - Finance Department at 210.207.8667

Board of Adjustment (special exceptions) - Logan Sparrow at 210.207.8691



CITY OF SAN ANTONIO
DEVELOPMENT SERVICES
DEPARTMENT



ORDENANZA DE ALQUILERES VACACIONALES (SHORT TERM RENTALS-STR) HOJA DE DATOS

{Section}.63.

El Ayuntamiento de San Antonio aprobó esta ordenanza el 01 de noviembre de 2018 afectando solo a propiedades dentro de los límites de la ciudad de San Antonio. Los alquileres vacacionales necesitarán obtener permisos a partir del 11 de febrero de 2019. A continuación hay un resumen y preguntas para ayudarle a navegar los requisitos y puntos claves de esta nueva ordenanza.

¿QUÉ ES UN STR? ¿HAY VARIOS TIPOS?

Un STR se define en la ordenanza como una unidad de vivienda residencial, apartamento, condominio o vivienda accesoria donde se alquilan áreas para dormir a huéspedes por un período de menos de 30 días consecutivos (pero no menos de 12 horas). Hay dos tipos de alojamientos vacacionales:

- * En Tipo 1, el propietario o usuario reside en la propiedad y es su residencia principal.
- * En Tipo 2, la propiedad no está ocupada por el dueño o el operador.

PERMISOS

La ordenanza entro en vigor inmediatamente, pero tiene hasta el 11 de febrero de 2019, para obtener su permiso a través del Departamento de Servicios de Desarrollo (DSD). Para más información sobre la aplicación, lista de verificación y más, visítenos en:

www.sanantonio.gov/DSD
(bajo "Recursos," "Códigos y Reglamentos")

CÓMO SOLICITAR UN PERMISO

1. Abrir una cuenta con el Departamento de Finanzas de la Ciudad para pagar el Impuesto de Ocupación Hotelera (HOT). Usted necesitará el número de esta cuenta para solicitar su permiso.
2. Descargar, llenar y enviar la solicitud a DSD para nuestra revisión. El costo es de \$100.00 por aplicación. Las aplicaciones están disponibles en línea en www.sanantonio.gov/DSD (bajo "Recursos," "Códigos y Ordenanzas locales").

Los permisos son válidos por tres años y no son transferibles. Se requiere un permiso por cada unidad individual.

IMPUESTO DE OCUPACIÓN HOTELERA

Si tiene u opera un alquiler a corto plazo (STR), usted debe ya estar pagando el Impuesto de Ocupación Hotelera (HOT). Si es usted nuevo en esta industria, necesitará abrir una cuenta con el Departamento de Finanzas de la Ciudad para comenzar a pagar este impuesto. Para más sobre cómo abrir una cuenta, y este impuesto visite: www.sanantonio.gov/Finance (debajo de "Impuestos, Lincencias y Cuotas").

¿DÓNDE SE PERMITEN LOS STR?

Se permiten en cualquier propiedad con zonificación residencial (R), así como con las zonificaciones comerciales O-1, O-1.5, O-2, NC, C-1, C-2 y D.

¿HAY ALGUNA LIMITACIÓN DE DENSIDAD?

- * STRs de Tipo 1 no tienen limitación de la densidad.
- * Las STRs de Tipo 2 son permitidos por derecho, hasta el 12.5% de las unidades en una cara del bloque. Si el STR está en un edificio multifamiliar, no más de 12.5% del número total de unidades puede ser Tipo 2 por derecho. Cuando se llega o se excede el límite de densidad de 12.5%, una excepción especial es necesaria de la Junta de Ajuste para operar un STR Tipo 2.

Si ya tiene una cuenta establecida para el pago de este impuesto en o antes del 01 de noviembre de 2018 para la propiedad que desea registrar, y está vigente en todos sus pagos, su propiedad puede recibir una exención para el requisito de densidad del Tipo 2. Aun tendrá que registrar su propiedad con DSD. Requisitos no se aplican para el Tipo 1.

CÓMO OBTENER UNA EXCEPCIÓN ESPECIAL

Si se determina, al momento de revisión de la solicitud, que una excepción especial es requerida, necesitara someter una solicitud a través de la sección de zonificación de DSD. El costo de solicitud es \$400.00 y está disponible en: www.sanantonio.gov/DSD/BuildSA.

OPERANDO SIN UN PERMISO

Cada día en violación de esta ordenanza puede ser considerado un delito individual. Cada día en una unidad está ocupada en violación de la ordenanza, puede ser considerado un delito individual y, al ser convicto, puede estar sujeto a una multa mínima de \$500.00 por violación, por día.

CONTACTOS

Tenemos personal disponible y listo para ayudarle con cualquier pregunta y la información que necesite.

Información sobre los permisos - Tony Felts, 210.207.0153

Cuentas para Impuestos de Ocupación Hotelera (HOT) -

Departamento de Finanzas, 210.207.8667

Junta de Ajuste (para excepciones especiales) - Logan Sparrow, 210.207.8691





PERMIT APPLICATION CHECKLIST:

- ____ Completed and signed application form
- ____ Approved Special Exception for a Short Term Rental from the City of San Antonio's Board of Adjustments (**if applicable**). Includes noticing to all property owners within 200 feet of the property. An STR license will not be issued until the special permit is approved.
Additional fees for a Special Exception apply. The granting of any special exception may be revoked if the conditions specified for each special exception are not maintained.
- ____ A list of all owners, operators, and agents (if applicable) of the short term rental including names, addresses, current email address of owner/operator, and telephone numbers.
- ____ A sketch or narrative describing the location of the available parking spaces
- ____ A sketch of the floor plan, which identifies sleeping areas, proposed maximum number of guests, evacuation route(s), location of fire extinguisher(s),
- ____ The name, address and 24-hour telephone numbers of a contact person, who is the owner, operator, or designated agent and who shall be responsible and authorized to respond to complaints concerning the use of the short term rental.



CITY OF SAN ANTONIO
**DEVELOPMENT SERVICES
DEPARTMENT**

APPLICATION FOR SHORT TERM RENTAL (STR) PERMIT

Cliff Morton Development and Business Services Center • 1901 South Alamo Street • San Antonio, TX 78204

{Section}.63.



This application is for Short-Term Rentals and is required for rentals where rooms are occupied for less than thirty (30) consecutive days. For the purposes of this application, neither a Hotel nor Extended stay hotel/motel shall be considered an STR.

A separate application is required for each STR unit

A unit is defined as having a kitchen, bathroom, and sleeping area

Items that MUST be submitted with the application:

- Application fee of \$100 (non-refundable if application is not approved)
- A sketch or narrative describing the location of the available parking spaces.
- A sketch of the floor plan, which identifies sleeping areas, proposed maximum number of guests, evacuation route(s), and location of fire extinguisher(s).
- Either a Customer Account Number OR written confirmation from the City of San Antonio Finance Department showing proof of an account for Hotel Occupancy Tax collection. Please visit the webpage for more information on obtaining the customer number or confirmation:
<http://www.sanantonio.gov/Finance/taxeslicensesfees/hoteltax>
- Special Exception from Board of Adjustment – if required

Submitting the application:

By Mail - Completed applications may be mailed to:

Development Services Department
1901 S. Alamo Street
San Antonio, TX 78204

In person: Completed applications may be submitted in person. Business hours are from 7:45 am – 4:30 pm Monday- Friday. After your application has been received, DSD staff will review the application. STR Permits will expire three (3) years after the date of issuance. If you have questions please contact (210) 207-1111.

A Short Term Rental (STR) is a residential dwelling unit, apartment, condominium, or accessory dwelling where sleeping areas are rented to overnight guests for a period of not less than 12 hours and for less than 30 consecutive days. Additionally, regulations for operating an STR within the city of San Antonio are located in Chapter 16, Article XXII of the City Code and Sec. 35-374.01 of the UDC outlines the. These regulations can be found at:

<https://library.municode.com/tx/sanantonio>.

FOR STAFF USE ONLY

Payment Method _____
 Check Number _____
 APPROVED _____ NOT APPROVED _____
 NEED SPECIAL EXCEPTION _____

{Section}.63.



**CITY OF SAN ANTONIO
 DEVELOPMENT SERVICES
 DEPARTMENT**



APPLICATION FOR SHORT TERM RENTAL (STR) PERMIT

Cliff Morton Development and Business Services Center • 1901 South Alamo Street • San Antonio, TX 78204

1. TYPE OF SHORT TERM RENTAL BEING APPLIED FOR

 STR TYPE 1.

STR Type 1 property is owner or operator occupied or associated with an owner or operator occupied principal residential unit.

 STR TYPE 2.

STR Type 2 is not owner or operator occupied and is not associated with an owner-occupied principal residential unit.

2. APPLICANT INFORMATION

Applicant Identity:

Owner ☐

Tenant ☐ (If tenant, written permission to operate STR from the owner must be attached)

Applicant's Name:

Applicant's Address:

Telephone:

Email:

OWNER INFORMATION Same as Applicant ☐

Owner's Name:

Type of Ownership:

Corporation ☐ LLC ☐ Single Member-LLC Partnership ☐ Individual-Sole Proprietor ☐

Owners' Address:

Telephone:

Email:

DESIGNATED OPERATOR'S INFORMATION Same as Applicant ☐

Designated Operator's Name:

Designated Operator's Address:

24 Hour Telephone:

Email:

3. HOTEL OCCUPANCY TAX ACCOUNT INFORMATION

Provide the Hotel Occupancy Tax Account Number for the property _____

For more information: <https://www.sanantonio.gov/Finance/taxeslicensesfees/hoteltax>

4. PREMISES INFORMATION

Physical address of short term rental (*only one unit per application*) :

Street Address _____

Unit Number (if applicable) _____

Legal Description: NCB _____ Block _____ Lot _____

BCAD Parcel ID: _____

Legal Description and Parcel ID available at: <http://www.bcad.org/>

Type of Structure:

Residential (Single Family) ☐ Residential (Two Family/Multi) ☐ Accessory Dwelling ☐
Apartment or Unit in Multi-Family/Multi-Unit Building ☐

Optional: Has the property been purchased within the last six months? Yes ☐ No ☐

Optional: If yes, was the property purchased with intended use as a STR? Yes ☐ No ☐

Optional: If yes, what was the purchase price: _____

What is the BCAD Appraised Value? _____

BCAD Appraised Value available at: <http://www.bcad.org/>

Zoning District: _____

Total number of units located on property: _____

Number of Off-Street Parking Spaces: _____

(Minimum vehicle spaces = 1 per unit)

List of short term rental platforms the property will be advertised through (ex. AirBnB, HomeAway, VRBO, etc):

IMPORTANT NOTICE

The City of San Antonio does not enforce private covenants or deed restrictions. It is the responsibility of property owner or applicant to verify the existence of any covenants or deed restrictions that may be applicable to your project. The City does not require, create, amend or enforce covenants or deed restrictions.

Applicant/Owner states that to the best of their knowledge, the property meets the requirements for a Short Term Rental:

(Please initial each applicable statement as evidence of fact and compliance)

- _____ The designated operator shall be available by phone at all times the Short Term Rental is in use.
- _____ The unit has a working smoke detector and carbon monoxide detector in or outside of sleeping areas, and on all habitable floors.
- _____ The unit has a properly maintained and charged "2A:10B:C" fire extinguisher.
- _____ The unit provides a posting which provides emergency contact information and a floor plan indicating fire exits and escape routes, which shall be posted in a prominent location
- _____ The unit provides a posting which provides all required tenant notifications required by Section 16-1108(f) of the San Antonio City Code
- _____ The unit has a posting which indicates that the maximum number of adults occupying the short term rental is two per room
- _____ Every sleeping area has at least one operable emergency escape and rescue opening per all applicable city-adopted codes, regulations, and ordinances
- _____ There is no overnight sleeping in outdoor areas
- _____ The short term rental complies with all requirements of Chapter 16, Article XXII of the City Code of San Antonio
- _____ The permit number shall be included in all advertisements and/or online listings for the short term rental.

I hereby certify under penalty of perjury that the information included in this application is true to the best of my knowledge, and I have checked to determine that no deed restrictions apply to this property that conflict with this request.

Applicant's Name Printed

Applicant's Signature

Designated Operator's Name Printed

Designated Operator's Signature

Owner's Name Printed

Owner's Signature



Tenant Indoor Notification Template

24-hour contact person and phone number:

- _____
- _____

Evacuation Routes:

- All exits are located at _____
- In the event of flooding please take _____

Fire Extinguishers:

- Fire extinguishers are located in the _____

Emergency numbers:

- 911- Emergency
- 311- City Code issues
- _____
- _____

Maximum number of occupants.

- Only two occupants are allowed per sleeping area.
- Maximum occupancy of this rental unit is _____ (2 x number of sleeping areas)

Location of required off-street parking, other available parking and prohibition of parking on landscaped areas.

- Parking is only permitted in the driveway and is not allowed on or in the front yard.
- Failure to conform to the occupancy and parking requirements is a violation of the City Code and occupant or guest can be cited.

Quiet hours and noise restrictions as defined per Chapter 21, Article III of the Code of Ordinances:

- Quiet hours shall be between the hours of 11pm and 8am on weekdays, and 11pm and 11am on weekends.
- During these hours, tenants may not play loud music, operate heavy machinery, or make any loud noises which may disturb their neighbors.
- Parties or special events are not allowed at any time.

Restrictions of outdoor facilities:

- No overnight sleeping outdoors or outdoor sleeping spaces for rent.

- Guests may not play loud music, operate heavy machinery, or make any loud noises which may disturb neighbors at any time while outdoors.
- Adequate protections for hot tubs and pool areas

Property cleanliness requirements:

- Leashes are required for any pet taken off property and pet waste must be cleaned up immediately —*City Code, Ch. 5 Sec. 5-19 Leash and pooper scooper required*

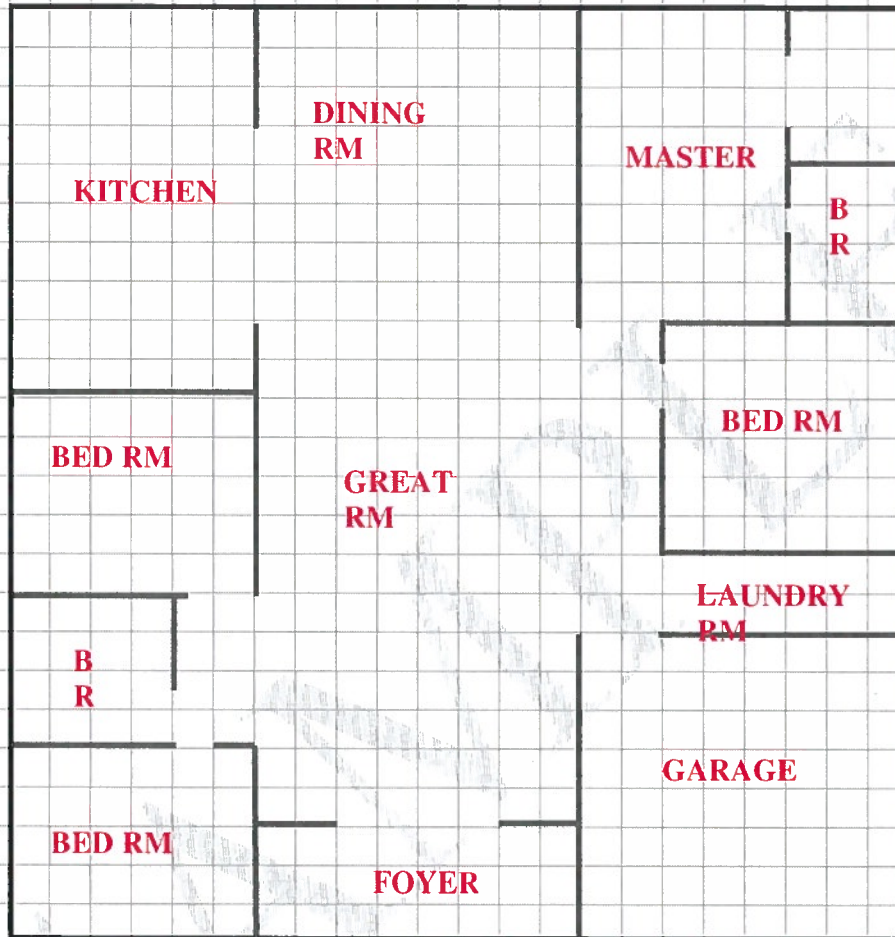
- _____
- _____

Trash pick-up requirements, including location of trash cans:

- Garbage pick-up is on _____
- Recycling pick-up is on _____
- Household trash and recycling should be tied up securely in bags and placed in the associated City of San Antonio collection carts.
- Do not throw garbage out the windows into the yard. The yard is to be kept clear of garbage and debris at all times.
- Primary guests are responsible for the behavior of any invited guests. A violation by an invited guest will be treated as a violation by the primary guest as listed in the agreement.

Short Term Rental permit, Health Department permit, and/or any other required permits, if applicable: _____

Hotel Occupancy Tax registration: _____



Please provide a sketch of the floor plan, which identifies sleeping areas, proposed maximum number of guests, evacuation route(s), location of fire extinguisher(s) and parking spaces.



HOTEL OCCUPANCY TAX (HOT)

{Section}.63.

FACT SHEET

Below is a summary and some frequently asked questions to help you navigate through the **Hotel Occupancy Tax (HOT)** requirements. All short term rentals located in Bexar County are required to pay HOT.

WHAT IS HOT?

The City of San Antonio collects HOT for the City and Bexar County. The revenue derived from the Hotel Occupancy Tax is used to support tourism, convention activities, arts and cultural programming across the City, and the Convention Center expansion.

DEFINITIONS

Hotel includes hotel, motel, tourist homes, houses or courts, lodging houses, inns, **short term rentals**, bed and breakfasts, rooming houses, trailer houses, trailer motels, parked railroad Pullman cars used for sleeping accommodations not involving the transportation of travelers, dormitories where bed space is rented, apartments not occupied by permanent residents, and all other facilities or space are furnished for consideration.

Occupancy is the use or possession, or the right to the use or possession, of any room or rooms in a hotel if the room is one which is ordinarily used for sleeping and if the occupant is other than a permanent resident.

A **permanent resident** is defined as an occupant who has fully prepaid for thirty (30) consecutive days for the exclusive right to occupy a particular sleeping room.

WHO MUST PAY HOT?

You must file this report if you are a sole owner, partnership, corporation or other organization that owns, operates, manages, and/or controls any **Hotel** offering sleeping rooms for periods of less than 30 days in Bexar County. **This includes short term rentals.**

TAX AMOUNT

The City of San Antonio's HOT rate is 9%, comprised of a 7% general occupancy tax and an additional 2% for the Convention Center expansion. The City also collects 1.75% for Bexar County.

The State of Texas collects an additional 6%, which is paid directly to the State.

REPORTING PERIOD

The month that receipts for sleeping rooms were collected from the guest.

RECORDS YOU NEED TO KEEP

The City must have access to books and records to enable it to determine the correctness of any report filed and the amount of taxes due to include any exemptions granted. Records must be retained for not less than 4 years and need to be available for inspection by the City's Deputy Chief Financial Officer, or his designee.

WHEN ARE TAX REPORTS DUE?

Reports must be filed on or before the **20th of each month**, following the last day of the standard Reporting Period by submitting the report and full payment. Reports must be filed even if the receipts for the month are \$0.00.

PENALTIES AND INTEREST

Beginning the first day of the second month following the Reporting Period, delinquent taxes accrue a 5% penalty. An additional 5% penalty accrues on the first day of the third month following the Reporting Period. The penalty shall never be less than \$5.00.

Beginning the second month following the Reporting Period, delinquent taxes accrue interest on the first day of each month at the rate of 10% annually or a monthly interest rate of 0.833%.

REPORTING FORMS

The instruction and HOT forms are available at:

www.sanantonio.gov/Finance
(under "Taxes, Licenses & Fees")

WHO TO CONTACT

City staff is available and ready to assist you with any questions and information you may need.

Finance Department (Revenue Collections) - 210.207.8667 or
HotelMonthlyReport@sanantonio.gov
State HOT - 1.800.252.1385





HOTEL OCCUPANCY TAXES (HOT)

{Section}.63.

HOJA DE DATOS

A continuación encontrará un resumen y algunas preguntas frecuentes para ayudarlo a navegar a través de los requisitos del Impuesto de Ocupación del Hotel (HOT). Todos los alquileres vacacionales en el condado de Bexar están sujetos a pagar el HOT.

¿QUÉ ES ESTE IMPUESTO?

La Ciudad de San Antonio recolecta HOT para la Ciudad y el Condado Bexar. Los ingresos derivados de este impuesto se utilizan para respaldar el turismo, las actividades de convenciones, la programación artística y cultural en toda la ciudad, y la expansión del Centro de Convenciones.

DEFINICIONES DE TÉRMINOS

Hotel incluye hoteles, moteles, casas de turismo, casas o canchas, casas de hospedaje, posadas, **alquileres vacacionales**, casas de huéspedes, casas de remolque, moteles de remolques, vagones Pullman estacionados que se utilizan para dormir y que no implican el transporte de viajeros, dormitorios en donde camas son alquiladas, apartamentos que no están ocupados por residentes permanentes y todas las demás instalaciones o espacios están amueblados para este uso.

La **ocupación** es el uso o posesión, o el derecho al uso o posesión, de cualquier habitación o habitaciones de un hotel si la habitación se usa normalmente para dormir y si el ocupante no es un residente permanente.

Un **residente permanente** se define como un ocupante que ha pagado por completo por treinta (30) días consecutivos por el derecho exclusivo de ocupar un dormitorio en particular.

¿QUIÉN DEBE PAGAR EL HOT?

Cualquier persona que es propietario único, sociedad, corporación u otra organización que posee, opera, administra y/o controla cualquier **Hotel** que ofrezca habitaciones para dormir por períodos de menos de 30 días en el condado de Bexar. **Esto incluye alquileres vacacionales.**

TAX AMOUNT

La tasa HOT de San Antonio es 9%, compuesta de un impuesto general de ocupación del 7% y un 2% adicional para la expansión del Centro de Convenciones. La ciudad también cobra 1.75% para el Condado de Bexar. El Estado de Texas recauda un 6% adicional, lo cual es pago directamente al Estado.

PERÍODO DE INFORMACIÓN

El mes en que se recogieron los recibos de los dormitorios de los huéspedes.

REGISTROS QUE NECESITA MANTENER

La Ciudad debe tener acceso a libros y registros para permitirle determinar la exactitud de cualquier informe presentado y la cantidad de impuestos debidos para incluir cualquier exención otorgada. Los registros deben ser retenidos por no menos de 4 años y deben estar disponibles para inspección por el Director de Finanzas Adjunto de la Ciudad, o su representante.

¿CADA CUANTO SE REPORTAN?

Los informes deben presentarse a más tardar el día 20 de cada mes, después del último día del período de informe estándar mediante la presentación del informe y el pago completo. Estos deben ser presentados aunque el período de informe para el mes sea de \$0.00.

SANCIONES E INTERESES

A partir del primer día del segundo mes posterior al período de informe, los impuestos morosos acumulan una multa del 5%. Se acumulará una multa adicional del 5% el primer día del tercer mes posterior al período de informe. La multa nunca será inferior a \$ 5.00 por cada multa.

A partir del segundo mes posterior al Período de Informe, los impuestos morosos acumulan intereses el primer día de cada mes a una tasa del 10% anual o una tasa de interés mensual de 0.833%.

FORMAS NECESARIAS

Los formularios de instrucción y HOT están disponibles en:

www.sanantonio.gov/Finance
(bajo "Taxes, Licenses & Fees")

CONTACTOS

City staff is available and ready to assist you with any questions and information you may need.

Finance Department (Recaudación de Ingresos) - 210.207.8677 o
HotelMonthlyReport@sanantonio.gov
State HOT - 1.800.252.1385



GENERAL INSTRUCTIONS FOR REPORTING AND REMITTING HOTEL OCCUPANCY TAXES

See City of San Antonio Ordinances for Details.

WHO MUST FILE

Every person owning, operating, managing or controlling any hotel shall collect the tax imposed, complete a Hotel Occupancy Tax Report and remit both to the City Tax Collector. A Hotel Occupancy Tax Report must be filed for each calendar month or 30 days after the end of an alternative reporting period even if there are no Taxable Room Receipts.

WHEN TO FILE

Hotel Occupancy Tax Reports are considered timely if received by the twentieth (20) day after the end of the Reporting Period. Reports must be received on or before the last day of the calendar month following the Reporting Period or 30 days after the end of an alternate reporting period. Should the last day to file fall on a weekend or City of San Antonio official holiday, the report must be received no later than the next scheduled City workday.

HOTEL DEFINITION

The term shall include hotels, motels, tourist homes, houses or courts, lodging houses, inns, rooming houses, trailer houses, trailer motels, parked railroad Pullman cars used for sleeping accommodations not involving the transportation of travelers, dormitories where bed space is rented, apartments not occupied by permanent residents, and all other facilities where rooms or sleeping facilities or space are furnished for consideration. The term hotel does not include hospitals, sanitariums or nursing homes.

REPORTING PERIOD

Reporting periods are regular calendar months of the year. Any alternate Reporting Period must be approved by the City's Finance Director upon written request by the hotel. Do not combine more than one month on a single form.

SLEEPING ACCOMMODATIONS LOCATION

The physical location of the hotel.

TOTAL ROOM RECEIPTS

All charges for sleeping accommodations including any sleeping accommodations claiming an exemption. Total Room Receipts includes items or services (other than personal services or the use of a telephone), that are furnished in connection with the occupancy of the room. Charges for pets, pet cleaning fees, rollaway beds, refrigerators and safe charges should be included. Revenue received from a Rewards Program should also be included in Total Room Receipts. If a hotel pays specifically into a Rewards Program, then receipts which exceed these payments are taxable and should be included in Total Room Receipts

The following charges should not be included:

1. Receipts for sleeping accommodations rented for less than two dollars (\$2.00) per day;
2. Charges received from the use of meeting and/or banquet space.

EXEMPT ROOM RECEIPTS

Receipts for sleeping accommodations which qualify for an exemption. Exemptions granted by the City of San Antonio and Bexar County are listed below:

1. Permanent resident defined as an occupant who has fully prepaid for thirty (30) consecutive days for the exclusive right to occupy a particular sleeping room;
 2. Federal government employees traveling on government business (Texas Hotel Occupancy Tax Exemption Certificate required);
 3. Texas State employees who present a State Hotel Exemption Photo ID Card (Texas Hotel Occupancy Tax Exemption Certificate required);
 4. Foreign diplomats who present a tax exemption card issued by the U.S. Department of State, Office of Foreign Missions (Texas Hotel Occupancy Tax Exemption Certificate required);
 5. Electric cooperatives formed under the Electric Cooperative Corporation Act (Letter of Exemption from the State Comptroller and Texas Hotel Occupancy Tax Exemption Certificate required);
 6. Telephone cooperatives formed under the Telephone Cooperative Act (Letter of Exemption from the State Comptroller and Texas Hotel Occupancy Tax Exemption Certificate required);
 7. Housing Finance Corporations (Letter of Exemption from the State Comptroller and Texas Hotel Occupancy Tax Exemption Certificate required);
 8. Housing Authorities (Letter of Exemption from the State Comptroller and Texas Hotel Occupancy Tax Exemption Certificate required);
 9. Health Facilities Development Corporations engaged exclusively in the performance of charitable functions (Letter of Exemption from the State Comptroller and Texas Hotel Occupancy Tax Exemption Certificate required); and
 10. Public Facility Corporations engaged exclusively in the performance of charitable functions (Letter of Exemption from the State Comptroller and Texas Hotel Occupancy Tax Exemption Certificate required).
 11. When on federal service, Texas National Guardsmen traveling on official business are exempt. Proof is a federal government ID or federal travel orders.
- Any individual or organization requesting an exemption from hotel occupancy taxes must provide a Texas Hotel Occupancy Tax Exemption Certificate (Texas Comptroller of Public Accounts, Form 12-302). Hotels are required to retain these certificates for not less than 4 years in order to validate exemptions claimed if audited.

NON EXEMPT ROOM RECEIPTS

Receipts for sleeping accommodations which do not qualify for an exemption are listed below:

1. Educational Organizations, including independent school districts, public or private colleges and universities; junior colleges, technical institutes and medical and dental schools of Texas and other states;
2. Religious Organizations formally organized and operated with the primary purpose of engaging in religious worship;
3. Charitable Organizations formed to alleviate poverty, disease, pain and suffering by providing food, medicine or other help to persons in need;
4. City and County employees.

TOTAL TAXABLE ROOM RECEIPTS

Calculated by subtracting Exempt Room Receipts from Total Room Receipts.

HOTEL OCCUPANCY TAX RATES

City of San Antonio - 9.00%

Bexar County - 1.75%

PENALTY CALCULATION

Beginning the first day of the second month following the Reporting Period, delinquent taxes accrue a five percent (5%) penalty. An additional five percent (5%) penalty accrues on the first day of the third month following the Reporting Period. The penalty shall never be less than five dollars (\$5.00) for each penalty.

INTEREST CALCULATION

Beginning the second month following the Reporting Period, delinquent taxes accrue interest on the first day of each month at the rate of ten percent (10%) per annum or a monthly interest rate of 0.833%.

AFFIDAVIT

The signature of the hotel's local manager or person in control of business operations shall sign a statement that the Hotel Occupancy Tax Report is accurate to the best of his/her knowledge and belief.

RECORDS

Each person required to collect Hotel Occupancy Tax must make their records available for inspection by the City's Finance Director or his designated representative at the hotel where the tax is collected. The City must have access to books and records to enable it to determine the correctness of any reports filed and the amount of taxes due to include any exemptions granted. Records must be retained for not less than 4 years.

SUIT TO ENJOIN HOTEL OPERATIONS

The City's Finance Director shall refer any account that has a delinquent balance older than sixty (60) days to the City Attorney for the purpose of filing a suit to enjoin the hotel owner, operator, manager or other person in control from operating any hotel until the tax is paid and/or report filed.

MAILING ADDRESS

City of San Antonio
Department of Finance
Revenue Division
P.O. Box 839975
San Antonio, TX 78283-3975

PHYSICAL ADDRESS

City of San Antonio
Department of Finance
Riverview Towers, 4th Floor
111 Soledad
San Antonio, TX 78205

CONTACT INFORMATION

Telephone: 210-207-8677
FAX: 210-207-8676

REV: 12/2011

SG/ml
11/01/2018
Item No. 04

AN ORDINANCE 2018-11-01-0858

AMENDING CHAPTER 16 OF THE CITY CODE OF SAN ANTONIO, TEXAS, AND CHAPTER 35, UNIFIED DEVELOPMENT CODE OF SAN ANTONIO, TEXAS, BY PROVIDING FOR REGULATIONS FOR THE OPERATION AND USE OF SHORT TERM RENTALS, AND PROVIDING FOR PUBLICATION.

* * * * *

WHEREAS, on February 1, 2017, former City Councilman Gallagher issued a City Council Consideration Request directing staff to consider regulations for Short Term Rentals; and

WHEREAS, on March 22, 2017, the City Council Governance Committee directed city staff to take action on the City Council Consideration Request; and

WHEREAS, city staff convened a diverse taskforce to research and debate Short Term Rental regulations and held multiple taskforce meetings, general public meetings, and stakeholder meetings; and

WHEREAS, the Board of Adjustment, Planning Commission and Zoning Commission held public hearings on January 8, 2018, January 10, 2018, and February 6, 2018 and each made a recommendation of approval; and

WHEREAS, the Zoning Commission after notice and publication held a public hearing at which time parties in interest and citizens were given an opportunity to be heard; and

WHEREAS, the Zoning Commission has submitted a final report to the City Council regarding the amendments to the zoning regulations of the City of San Antonio; **NOW THEREFORE; NOW THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 16 of the City Code of San Antonio, Texas, is hereby amended by adding language that is underlined (added) and deleting the language that is stricken (~~deleted~~) to the existing text as set forth in this Ordinance.

SECTION 2. Chapter 16 of the City Code of San Antonio, Texas, is hereby amended by adding **ARTICLE XXII – SHORT TERM RENTALS:**

ARTICLE XXII. – SHORT TERM RENTALS **DIVISION I – GENERAL**

Sec. 16-1100. – Purpose.

The purpose of this article is to establish regulations for the protection of the health and safety of occupant(s) of short term rental properties, and to protect the integrity of the neighborhoods in which short term rental properties operate.

Sec. 16-1101. – Definitions.

As used in this article the following words and phrases shall have the definitions ascribed to them by this section:

Agent means a person designated by the short term rental operator in lieu of themselves as the 24-hour emergency contact for a lawfully operating short term rental

Bed and Breakfast shall be as defined in City Code of San Antonio, Texas, Chapter 35, Appendix 'A'.

City Housing Incentive means any monetary payment or concession provided by the City of San Antonio which has the expressed purpose of spurring or encouraging the development of housing, whether affordable or not, or redevelopment in the City of San Antonio.

Occupant means the person(s) who have lawfully obtained the exclusive use and possession of the short term rental property or portion thereof from its operator, and the guest(s) of such person(s).

Operator means any person who operates a short term rental, as defined in this Article. For purposes of this Article, a lessee of a Unit, when expressly permitted in writing by Owner, may serve as Operator of a short term rental.

Owner means the person or entity that holds legal and/or equitable title to the private property. **Owner Occupied** means a property owner, as reflected in title records, who makes his or her legal residence at the site or in the unit, as evidenced by homestead exemption, voter registration, vehicle registration, or similar means.

Operator Occupied means a property lessee, as reflected in a valid lease agreement, and with the express permission of the property owner, who makes his or her legal residence at the site or in the unit, as evidenced by voter registration, vehicle registration, or similar means.

Short term rental shall be as defined in City Code of San Antonio, Texas , Chapter 35, Appendix 'A'.

Short term rental permit means the permit issued by the city that identifies the subject property as a lawful short term rental, the short term rental permit number, the names and contact information of the owner, operator, and agent if applicable, and 24-hour emergency contact phone for at least one of the preceding.

Sleeping area means a room within a dwelling designed or used for sleeping, including a bedroom. Tents, hammocks, recreational vehicles and/or other vehicles and outdoor areas shall not be considered a sleeping area.

Sec. 16-1102. - Authority of the director.

The director of Development Services (the "Director") shall implement and enforce this chapter and may by written order establish such procedures, not inconsistent with this chapter or other city ordinances, rules, or regulations, or any county, state, or federal laws or regulations, as the director determines are necessary to discharge any duty under this chapter.

Sec. 16-1103. - Permit required.

- (a) No short term rental shall operate within the city of San Antonio without a current valid short term rental permit.
- (b) All individual units having cooking, sleeping, and bathing facilities, within common buildings, regardless of ownership, shall require a separate, individual permit for each unit intended to be used as a short term rental.
 - (1) On residential properties which are not multi-family buildings (e.g., duplex, four-plex), a single individual unit, which is not owner occupied, but which is located on the same land parcel as an owner-occupied unit of common ownership as the non-owner occupied units shall be considered a (Type 1) short term rental unit. Additional non-owner occupied units in excess of this allowance on the same land parcel shall be considered (Type 2) short term rental units.
 - (2) In a multi-family building, a single individual unit, which is not owner occupied, but which is located on the same land parcel as an owner-occupied unit of common ownership as the non-owner occupied units shall be considered a (Type 1) short term rental unit. Additional non-owner occupied units in excess of this allowance on the same land parcel shall be considered (Type 2) short term rental units.

Sec. 16-1104. - Short term rental permit.

- (a) **Application.** Application for a short term rental permit shall be made either in writing or electronically. Upon submission of a complete application, the Director of Development Services, or his designee, shall determine whether a unit is to be considered a (Type 1) or (Type 2). Application for a short term rental permit shall be accompanied by a one-time application fee of one hundred dollars (\$100.00) and shall include the following information, at a minimum:
 - (1) A list of all owners, operators, and agents (if applicable) of the short term rental including names, addresses, current email address(es) of owner/operator, and telephone numbers.
 - (2) A sketch or narrative describing the location of the available parking spaces as required by subsection 16-1108 (b) Parking.

- (3) A sketch of the floor plan, which identifies sleeping areas, proposed maximum number of guests, evacuation route(s), location of fire extinguisher(s).
- (4) The name, address and 24-hour telephone numbers of a contact person, who is the owner, operator, or designated agent and who shall be responsible and authorized to respond to complaints concerning the use of the short term rental.
- (5) Written confirmation from the City of San Antonio Finance Department showing proof of registration with the City of San Antonio Finance Department for Hotel Occupancy Tax collection will be need to be provided before permit is granted.
- (6) A sworn, self certification that the owner of the short term rental has met and will continue to comply with the standards and other requirements of this Article including, but not limited to: maintenance of insurance coverage of the unit or portions thereof in accordance with this Article and obtaining annual independent inspections of required fire extinguishers in compliance with the city's current fire code.
- (b) Completeness of application. Applications shall not be considered complete until all documentation required under this Article has been submitted, and until the full application and permit fees have been paid. Incomplete applications will not be accepted.
- (c) Acknowledgement by Applicant. In connection with submission of the application, each applicant shall acknowledge that any permit granted by Director under this Article does not supersede any property-specific restrictions against short term rentals that may exist under law, agreement, lease, covenant or deed restriction.

Sec. 16-1105. - Expiration and renewal of permit.

- (a) Unless revoked by Director earlier pursuant to this Article, a permit to operate a short term rental expires, as follows:
 - (1) (Type 1) permits expire three (3) years after the date of issuance
 - (2) (Type 2) permits expire three (3) years after the date of issuance
- (b) A permit holder shall apply for renewal prior to the expiration of the permit on a form provided by the director. The permit holder shall update the information contained in the original permit application required under Section 16-1104 of this article or any subsequent renewals under this section, if any of the information has changed. The permit holder shall sign a statement affirming that there is either no change in the information contained on the original permit application and any subsequent renewal applications, or that any information that has been updated is accurate and complete. Complete applications for renewal received after the expiration of a current permit shall be treated as applications for a new permit, as described in Section 16-1104.

- (c) The director shall follow the procedures set forth in this article when determining whether to renew a permit.
- (d) The fee for the renewal of a permit to operate a short term rental is one hundred dollars (\$100.00).

Sec. 16-1106. – Non-transferability.

A permit to operate a short term rental is not transferable to another Owner, Operator, unit or location.

Sec. 16-1107. – Tiers

- (a) Short Term Rental (Type 1) Regulations: This subsection applies to a short term rental use that is rented for periods of less than 30 consecutive days; and property is Owner or Operator Occupied

A short term rental use under this section may include the rental of less than an entire dwelling unit, if the following conditions are met:

- (1) a sleeping area must at a minimum include the shared use of a full bathroom;
- (2) the owner is generally present at the licensed short term rental property;
- (3) may not operate without a permit as required by Section 16-1103 Permit Required.

- (b) Short Term Rental (Type 2) Regulations. This subsection applies to a short term rental that is rented for periods of less than 30 consecutive days; and is not Owner or Operator Occupied

A short term rental use under this section may not:

- (1) include the rental of less than an entire dwelling unit;
- (2) operate without a permit as required by Section 16-1103 Permit Required

If a permit for a short term rental (Type 2) use meets the requirements for renewal under Section 16-1105 (Expiration and renewal of permit) and the property received a city-issued notice of violation related to the life, health, or public safety of the structure, the property is subject to an inspection by the building official to determine if the structure poses a hazard to life, health, or public safety.

Sec. 16-1108. – General Standards

All short term rentals permitted pursuant to this chapter are subject to the following standard requirements:

- (a) **Occupancy.** The maximum number of persons allowed to reside in a short term rental shall be defined by the San Antonio Property Maintenance Code.
- (b) **Parking.** Shall comply with City Code Chapter 35, Unified Development Code with respect to required parking (see Section 35-526). No required parking shall be permitted within public right-of-way or access easements as defined by city code (see Section 35-526) and state regulations regarding parking. The yard(s) shall not be utilized to provide the necessary parking.
- (c) **Insurance.** The applicants shall keep, at a minimum, an insurance policy sufficient for personal injury liability of guests.
- (d) **Life safety.**
 - (1) Short Term Rentals and structures where they are located shall conform to all applicable city-adopted codes, regulations, and ordinances.
 - (2) A 2A:10B:C type fire extinguisher (a standard five-pound extinguisher) shall be properly mounted within 75 feet of all portions of the short term rental on each floor.
 - (3) Smoke and Carbon Monoxide detectors shall be installed and conform to all applicable city-adopted codes, regulations, and ordinances.
 - (4) Every sleeping area shall have at least one operable emergency escape and rescue opening per all applicable city-adopted codes, regulations, and ordinances.
 - (5) An evacuation plan shall be posted conspicuously in each unit or permitted sleeping area.
 - (6) Every bedroom/sleeping area in a short term rental that does not comply with this section shall not be used as a sleeping area and where equipped with a door, shall remain locked at all times when the dwelling is being used as a short term rental. Such a non-compliant sleeping area shall not be included in the maximum occupancy calculation as defined by the San Antonio Property Maintenance Code for the short term rental. The owner/operator shall notify every occupant, in writing, that the non-compliant sleeping area may not be used for sleeping.

(d) Conduct on premises.

- (1) Short term rental Operators shall be responsible for informing their occupants of all relevant city codes and occupants' liability for violations of same.
- (2) Excessive noise or other disturbance outside the short term rental is prohibited per Chapter 21, Article III of the Code of Ordinances. This includes, but is not limited to, decks, portals, porches, balconies, patios, hot tubs, pools, saunas or spas.
- (3) No overnight sleeping outdoors or outdoor sleeping spaces for rent.

(e) Signage.

1. Signage shall be in compliance with the city's current sign code as well as any design, design review, and/or approval requirements for the zoning district in which the property is located.
2. All advertisements, including online or proprietary (website, app, or other technology) will include the short term rental permit number within the description or body for public reference.

(f) Tenant indoor notification. The Operator shall post in a conspicuous location of the dwelling the following minimum information:

- (1) Maximum number of Occupants.
- (2) Location of required off-street parking, other available parking and prohibition of parking on landscaped areas.
- (3) Quiet hours and noise restrictions as defined per Chapter 21, Article III of the Code of Ordinances.
- (4) Restrictions of outdoor facilities.
- (5) 24-hour contact person and phone number.
- (6) Property cleanliness requirements.
- (7) Trash pick-up requirements, including location of trash cans.
- (8) Flooding hazards and evacuation routes.
- (9) Emergency numbers.

- (10) Notice that failure to conform to the occupancy and parking requirements is a violation of the City Code and occupant or visitor can be cited.
- (11) Short Term Rental permit, Health Department permit, and/or any other required permits, if applicable.
- (12) Hotel Occupancy Tax registration.
- (g) **Hotel Occupancy Tax.** Owner or Operator must remit all applicable state, county, and city Hotel Occupancy Taxes in a timely manner, pursuant to applicable laws and this Article.

Sec. 16-1109. – Inspections.

To ensure continued compliance with the requirements of this section a short term rental may be inspected in the following methods:

- (a) *Inspections* upon complaint or suspicion of a violation. The city may perform inspections when a violation is reported or suspected in accordance with established code enforcement procedures.

Sec. 16-1110. - Enforcement/penalty.

- (a) A person commits an offense under this chapter if that person owns or operates a short term rental in the city without a valid permit.
- (b) Emergency contact. The Owner/Operator of the short term rental shall provide the city with a 24-hour contact number for the operator or a designated agent per Sec. 16-1104, and shall provide timely updates to city of any changes thereto. Should a law enforcement officer respond to the short term rental and issue a citation for any violation of city ordinances, the operator or their agent shall be called by the officer. The Operator or their agent shall attempt to contact the Occupants within one hour of the call to address the occupants about the complaints. Should a second complaint be filed and citation issued to any part of the occupants or guests, the owner/operator must take appropriate steps, in accordance with the individual rental agreement, to assure future complaints do not occur. Short Term Rental Permits shall be revoked if three or more confirmed citations are issued at a permitted property within any six month period, whether issued to the operator or any occupants. Failure to provide updated information to the city regarding designated agent or responsible party shall be a violation of this section.
- (c) Violation of any section of this article shall constitute an offense resulting in permit revocation in accordance with subsection 16-1111, Revocation Procedures.
- (d) Failure to timely pay any applicable Hotel Occupancy Tax is a violation of this section, and shall result in permit revocation if arrearage is not paid within ninety (90) days of

the issuance of a delinquency notice, in accordance with subsection 16-1111, Revocation Procedures.

- (e) Failure to successfully complete the renewal process of a short term rental permit is considered a violation of this section.
- (f) The provisions of this subsection are in addition to and not in lieu of any criminal prosecution or penalties as provided by city ordinances, county, or state law.
- (g) Violation of the terms and conditions of a short term rental permit under this article shall be punishable by a fine of not less than \$200.00 but not more than \$500.00 per occurrence. Penalties for other violations of the city code shall be as applicable. Each day a violation of this article continues shall be considered a separate offense. Each day that a unit is occupied in violation of this ordinance shall be considered a separate offense, and, upon conviction, shall be subject to a minimum fine of \$200.00 to a maximum fine of \$500.00 per violation, per day.
- (h) For each day any violation of this section occurs it shall constitute a separate offense and is separately punishable, but may be joined in a single prosecution.

Sec 16-1111. - Revocation Procedures.

The Director is authorized to suspend or revoke a short term rental permit issued under the provisions of this chapter wherever the permit is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building, structure, unit, or portion thereof is in violation of any ordinance or regulation or any of the provisions of this Article. In addition, if any violations have been committed and not corrected within the time specified, the Director shall begin the procedures to revoke the short term rental permit in accordance with the following:

- (a) The Director shall give written notice to the owner/operator regarding the revocation.
- (b) If a short term rental permit is revoked, the owner/operator may not reapply for the same property for a period of 12 months.

Sec. 16-1112. - Appeals.

If the Director denies issuance or renewal of a permit or suspends or revokes a permit issued under this article, the action is final unless the permit holder files a written appeal within ten (10) business days to the Director, or his/her designee. Appeals regarding technical matters will be reviewed by the appropriate advisory board.

Sec. 16-1113. - Other Restrictions on Use of Premises.

This Article does not create any right to operate a short term rental in violation of any lease, license, deed restriction, covenant, easement, or other legal encumbrance. Unless expressly

authorized by the city, any property which has received a City Housing Incentive is ineligible to receive a permit to operate a (Type 2) short-term rental during the period of time that the property Owner (or third party beneficiary, as the case may be) is eligible to receive a City Housing Incentive.

Sec. 16-1114. - Nonconforming Rights.

Short Term Rentals (Type 2) in Existence as of date of ordinance. Properties which are used as Short Term Rental (Type 2) establishments as of date of ordinance adopting this Article that can also provide written confirmation from the City of San Antonio Finance Department showing proof of registration and proof that their account is not in arrears with the City of San Antonio Finance Department for Hotel Occupancy Tax collection, may be registered as Short Term Rental (Type) establishments at the Department of Development Services and upon such registration will be granted a permit, subject to compliance with requirements under this Article. Registration of the Short Term Rental (Type 2) establishment shall be complete with receipt of applicable permit. Registration is not transferable to another owner, operator, or location. Nonconforming rights shall not transfer with change of Owner, and any short term rental permit shall be revoked by Director. Notwithstanding the foregoing, for purposes of this subsection, the conveyance or transfer of a unit or property ownership to a legal entity controlled by or providing equitable ownership of the prior Owner shall not constitute a change in Owner. It shall be the obligation of any new property Owner to apply for a new short term rental permit under this Article, and to provide evidence satisfactory to Director that ownership did not change, in order to maintain nonconforming rights hereunder.

SECTION 3. Chapter 35 of the City Code of San Antonio, Texas, the Unified Development Code, is hereby amended by adding language that is underlined (added) and deleting the language that is stricken (~~deleted~~) to the existing text as set forth in this Ordinance.

SECTION 4. Chapter 35 of the City Code of San Antonio, Texas, is hereby amended as follows:

Chapter 35, Article III, Section 35-311, Table 35-311-1 is amended as follows:

Section 35-311

TABLE 311-1 Residential Use Matrix

TABLE 311-1 RESIDENTIAL USE MATRIX	RP	PRE	R-20	NP-15	NP-10	NP-8	R-6	RM-6	R-5	RM-5	R-4	RM-4	MF-18	MF-25	MF-33	MF-40	MF-50 & MF-65	ERZD
PERMITTED USE																		
Short Term Rental (Type 1) and (Type 2)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
See Section 35-374.01 for Supplemental Requirements related to Short Term Rentals, (Type 1) and (Type 2)																		

TABLE 311-2 Non-Residential Use Matrix

TABLE 311-2 NONRESIDENTIAL USE MATRIX	O-1 & O-1.5	O-2*	NC	C-1	C-2	C-3	D	L	I-1	I-2	ERZD
PERMITTED USE											

Service	Short Term Rental (Type 1) and (Type 2)												
	See Section 35-374.01 for Supplemental Requirements related to Short Term Rentals. (Type 1) and (Type 2)	P	P	P	P	P		P					P

Chapter 35, Article III, is amended to add Section 35-374.01 as follows:

Section 35-374.01 Short Term Rentals

A Short Term Rental is a property that rents out all or a portion of a residential dwelling unit, apartment, condominium, or accessory dwelling (as each of the preceding is defined by this Chapter), for a period of less than thirty (30) consecutive days, and not less than twelve (12) hours, to a particular occupant. A Short Term Rental shall not be considered as a hotel, extended stay hotel, motel, corporate apartment, or bed and breakfast, as defined in this Chapter.

(a) Short Term Rentals are divided into two (2) types:

(1) Short Term Rental (Type 1). A Short Term Rental (Type 1) is a residential dwelling unit, or a portion thereof, which is either occupied by the owner, as reflected in title records, or an operator as reflected in a valid lease agreement, and with the express permission of the property owner. The owner or operator shall make his or her legal residence on the same property, as evidenced by homestead exemption, voter registration, vehicle registration, or similar means.

- i. On residential properties which are not multi-family buildings (e.g. duplex, four-plex), a single individual unit, which is not owner occupied, but which is located on the same land parcel as an owner-occupied unit of common ownership as the non-owner occupied units shall be considered a (Type 1) short term rental unit. Additional non-owner occupied units in excess of this allowance on the same land parcel shall be considered (Type 2) short term rental units.
- ii. In a multi-family building, a single individual unit, which is not owner occupied, but which is located on the same land parcel as an owner-occupied unit of common ownership as the non-owner occupied units shall be considered a (Type 1) short term rental unit. Additional non-owner occupied units in excess of this allowance on the same land parcel shall be considered (Type 2) short term rental units and shall be subject to the density limitations in Table 374.01-1.

(2) Short Term Rental (Type 2). A Short Term Rental (Type 2) is a residential dwelling unit, or a portion thereof, which is either not occupied by the owner or operator, or the owner or operator does not occupy another dwelling unit, or portion thereof, on the same property, as reflected in title records.

(b) Limitations on other activities at Short Term Rentals. The following activities or uses may not occur as part of the operation of a Short Term Rental, either (Type 1) or (Type 2):

(1) The Operator shall not provide prepared food or beverage, directly or indirectly (e.g., using caterer), for consumption for a fee. This subsection shall not prohibit an Operator from providing prepackaged food or beverages either as a gift or for a fee.

(2) Short term rentals in residential zoning districts shall not include venues for weddings, events, restaurants, meeting halls, or any other uses otherwise described in the Tables of Permitted Uses (Table 311-1 and Table 311-2) either as an accessory use or a primary use.

(c) Density Limitations for Short Term Rentals (Type 2) in Residential Areas. In order to preserve the essential character of residential areas, the following density limitations are established:

(1) Short Term Rentals (Type 2) shall be limited to no more than one-eighth (12.5 percent) of the total number of single-family, duplex, triplex, or quadraplex units on the block face, as defined in Appendix A of this Chapter, in residential zoning districts. At least one (Type 2) short term rental shall be permitted per block face, regardless of density. Authorized Bed and Breakfast establishments shall be considered in the calculation of these density requirements.

(2) Short Term Rentals (Type 2) within multi-family (e.g. 5 or more units) buildings or groups of buildings on the same land, lot or parcel, regardless of zoning district, shall be limited to the density requirements in Table 374.01-1. Authorized Bed and Breakfast establishments shall be considered in the calculation of these density requirements.

Table 374.01-1

<u>Total Number of Units within the Building</u>	<u>(Type 2) Permit Density Threshold</u>
<u>Five (5) to Seven (7) Units</u>	<u>One (1) (Type 2) Short Term Rental Unit</u>
<u>Eight (8) Units or more</u>	<u>One-eighth (12.5%) of the Total number of units on than same land lot or parcel</u>

In order to establish and operate a Short Term Rental (Type 2) which exceeds the density limitations of this Section, approval of a special exception from the Board of Adjustment shall be required in addition to the requirements of Article XXII of Chapter 16 of the City Code. See Section 35-399.03. of this Chapter.

(d) Nonconforming Rights for Short Term Rentals (Type 2) lawfully in existence as of the effective date of ordinance. Short Term Rental (Type 2) establishments shall be considered lawfully in existence for the purposes of deriving non-conforming rights from Section 35-702 of this Chapter if all of the following criteria are met:

(1) The owner shall provide written confirmation from the City of San Antonio Finance Department showing proof of registration for the specific location for the Short Term

Rental establishment for payment of the Hotel Occupancy Tax required by Chapter 31 of the City Code of San Antonio, Texas.

(2) The owner shall provide written confirmation from the City of San Antonio Finance Department showing proof that their Hotel Occupancy Tax Account with the City of San Antonio is not in arrears.

(3) The Hotel Occupancy Tax confirmation from the City of San Antonio Finance Department indicates that the that the registration occurred prior to the effective date of this ordinance for the specific location for which the Short Term Rental establishment seeking nonconforming rights indicates.

Chapter 35, Article III, Section 35-399 is amended as follows:

Sec. 35-399.03. – Short Term Rentals (Type 2) Establishments.

Short Term Rentals (Type 2) establishments may be permitted to exceed the density limitations described in Section 35-374.01(c) subject to the following limitations, conditions and restrictions:

(a) **Short Term Rental Permit.** A Short Term Rental Permit shall be required for all Short Term Rental (Type 2) establishments.

(b) **Parking Space Requirements.** Parking requirements must comply with the parking tables described in Section 35-526.

(c) A site plan shall be submitted indicating the size and location of all structures on the property. In addition, photographs of the structure in which the Short Term Rental (Type 2) is to be located shall be submitted.

(d) The residential architectural appearance of the structure shall not be changed to that of commercial, although a separate entry for the short term rental (Type 2) may be permitted.

(e) Signs advertising the Short Term Rental (Type 2) are not permitted, except that a name plate not exceeding one (1) square foot is permitted when attached flat to the main structure. All applicable sign regulations and/or design review provisions in Chapter 28 and Chapter 35 shall be adhered to.

(f) Granting of the permit for a Short Term Rental (Type 2) is to be for a definite period of time not to exceed three (3) years and only after notice and hearings as provided in this chapter to the board of adjustment. Applications for subsequent permits must be submitted prior to the expiration of the previous permit. Granting of the permit is non-transferable to another owner, operator, or location.

(g) The Board of Adjustment, after all required notices have been made as required by this Chapter and the Texas Local Government Code, makes an affirmative finding of fact for the conditions in this Section and Section 35-482(i) of this Chapter.

(h) A special exception approval to operate a Short Term Rental (Type 2) on a block face which exceeds the density limitations described in Section 35-374.01(c) may be granted for the following structures:

(1) Distressed Structure. The applicant must demonstrate, and the board of adjustment must find:

- The restoration of a historic landmark or structure is a valuable addition to the quality and the character of the city; or
- There is proof that a Short Term Rental (Type 2) is the only economically feasible way to finance the preservation of the structure; and
- The granting of a Board of Adjustment approval will not adversely impact the residential quality of the neighborhood in which the structure is located.

(2) Non-Distressed Structure. The applicant must demonstrate, and the board of adjustment must find the public welfare and convenience will be served, as demonstrated by subsections (a) (b) and (c) below.

(a) That nearby streets will not be substantially impacted by the proposed Short Term Rental (Type 2). To make this determination, the Board of Adjustment shall consider input from the city traffic engineer.

(b) The residential character of the neighborhood will not be disrupted in a manner to prevent the adjacent owners from the quiet enjoyment of their property.

(c) The neighboring property will not be substantially injured by such proposed use.

Chapter 35, Article IV-Procedures is amended as follows:

Sec. 35-482. - Zoning Variances.

(h) **Special Exceptions.** The zoning board of adjustment must find that a request for a special exception meets each of the five (5) following conditions:

- A. The special exception will be in harmony with the spirit and purpose of the chapter.
- B. The public welfare and convenience will be substantially served.
- C. The neighboring property will not be substantially injured by such proposed use.

D. The special exception will not alter the essential character of the district and location in which the property for which the special exception is sought.

E. The special exception will not weaken the general purpose of the district or the regulations herein established for the specific district.

The above findings of the board shall be incorporated into the official minutes of the board meeting in which the special exception is authorized.

(i) **Special Exceptions for Short Term Rentals (Type 2) in Residential Districts.** The zoning board of adjustment must find that a request for a special exception for a short term rental (Type 2) in a residential district meets each of the six (6) following conditions:

A. The special exception will not materially endanger the public health or safety.

B. The special exception does not create a public nuisance.

C. The neighboring property will not be substantially injured by such proposed use.

D. Adequate utilities, access roads, storm drainage, recreation, open space, and other necessary facilities have been or are being provided.

E. The applicant or owner for the special exception does not have any previously revoked short term rental licenses, confirmed citations, or adjudicated offenses convictions for violations of Chapter 16, Article XXII of the City Code within the one year prior to the date of the application.

F. The special exception will not alter the essential character of the district and location in which the property for which the special exception is sought.

Chapter 35, Article V, Section 35-526 is amended as follows:

TABLE 526-3a
Parking in Residential Use Districts

Permitted Use	Minimum Vehicle Spaces	Maximum Vehicle Spaces
SCHOOL - PUBLIC (includes all ISD schools K-12, open enrollment charter schools, public college or university)	according to use	according to use
SHORT TERM RENTAL (TYPE 1) AND (TYPE 2)	1 per unit	N/A
URBAN FARM	2 spaces	N/A

TABLE 526-3b
Parking in Nonresidential Use Districts

	Permitted Use	Minimum Vehicle Spaces	Maximum Vehicle Spaces
GOV.	CORRECTION INSTITUTION	1 per employee on maximum shift, 1 per service vehicle	1 per employee on maximum shift, 1 per service vehicle
HOUSING	HOUSING - extended stay hotel or timeshares <u>or short term rental (Type 2)</u>	1 per unit	1.9 per unit
HOUSING	HOUSING - group day care limited to 12 individuals	0.3 per room	1 per room

Chapter 35, Appendix A, Section 35-A101 is amended as follows:

Sec. 35-A101. Definitions and Rules of Interpretation

(b) **Definitions.** Words with specific defined meanings are as follows:

Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Extended stay hotel/motel or corporate apartment. A building containing rooms intended or designed to be used or which are used, rented, or hired out to be occupied temporarily for an extended period of time by guest and where a kitchen and dining area are provided within the room or complex of rooms rented by the tenant. An extended stay hotel/motel or corporate apartment shall not be considered a Short Term Rental.

Hospital. An institution providing health services, primarily for in-patients, and medical or surgical care of the sick or injured, including as an integral part of the institution, such related facilities as laboratories, out-patient departments, training facilities, central service facilities and staff offices.

Hotel. A building/buildings containing rooms intended or designed to be used or which are used, rented or hired out to be occupied or which are occupied for sleeping purpose by guests. A hotel shall not be considered a Short Term Rental.

Rooming house. A facility where lodging is provided for definite periods thirty (30) days or longer, for compensation, pursuant to previous arrangements. Lodging for less than thirty (30) days is classified as a different use, such as hotel, bed and breakfast, or short term rental.

Short-lived species. Includes all Hackberry (all species), Cottonwood, Ash (all species) Mulberry (all species) and Catalpa.

Short Term Rental. A property that rents out all or a portion of a residential dwelling unit, apartment, condominium, or accessory dwelling (as each of the preceding is defined by this Code), for a period of not less than 12 hours and for a maximum of 30 consecutive days to a particular occupant and the operator does not provide food or beverage for consumption for a fee. A Short Term Rental shall not be considered as a hotel, extended stay hotel, motel, or corporate apartment, as defined in this Chapter. Short term rentals shall not include venues for weddings, events, restaurants, meeting halls, or any other uses otherwise described in the Table of Permitted Uses either as an accessory use or a primary use.

Short Term Rental (Type 1) establishment. A residential dwelling unit which is occupied by the owner, as reflected in title records, or an operator as reflected in a valid lease agreement, and with the express permission of the property owner. The owner or operator shall make his or her legal residence at the site, as evidenced by homestead exemption, voter registration, vehicle registration, or similar means, and which supplies temporary accommodations to overnight guests for a fee.

Short Term Rental (Type 2) establishment. An residential dwelling unit which is not occupied by the owner, as reflected in title records, or an operator as reflected in a valid lease agreement, and with the express permission of the property owner, and which supplies temporary accommodations to overnight guests for a fee.

SECTION 5. All other provisions of Chapter 16 and Chapter 35 of the City Code of San Antonio, Texas, shall remain in full force and effect.

SECTION 6. Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this ordinance, for any reason be held illegal, inoperative, or invalid, or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

SECTION 7. The City Clerk is directed to publish notice of this ordinance amending City Code, Chapter 16, and Chapter 35. Publication shall be in a newspaper in the City in accordance with Section 17 of the City Charter.

SECTION 8. The publishers of the City Code of San Antonio, Texas are authorized to amend said Code to reflect the changes adopted herein and to correct typographical errors and to index, format and number paragraphs to conform to the existing code.

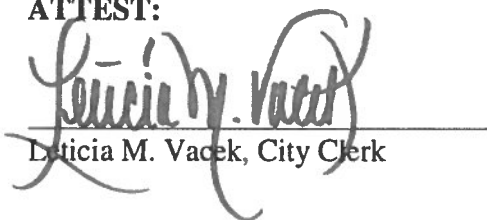
SECTION 9. This ordinance shall become effective immediately on passage with eight affirmative votes; otherwise it shall become effective on November 11, 2018.

SECTION 10. These newly adopted City Code amendments shall become effective in accordance with Section 9 of this Ordinance with the exception of Chapter 16, Section 16-1110(a), which shall become effective on February 11, 2019.

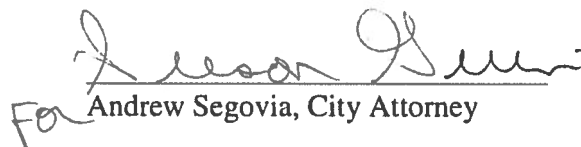
PASSED AND APPROVED this 1st day of November, 2018.


M A Y O R
Ron Nirenberg

ATTEST:


Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:


For Andrew Segovia, City Attorney

Agenda Item:	4						
Date:	11/01/2018						
Time:	11:50:17 AM						
Vote Type:	Motion to Approve						
Description:	Ordinance amending Chapter 16 and Chapter 35 of the San Antonio City Code relating to Short Term Rentals, establishing fees, and providing for publication. [Roderick Sanchez, Assistant City Manager; Michael Shannon, Director, Development Services]						
Result:	Passed						
Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ron Nirenberg	Mayor		x				
Roberto C. Treviño	District 1		x			x	
William Cruz Shaw	District 2	x					
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Greg Brockhouse	District 6			x			
Ana E. Sandoval	District 7		x				
Manny Pelaez	District 8		x				
John Courage	District 9			x			
Clayton H. Perry	District 10		x				x

Home Rule Charter Article V. Administrative Organization, Section 5.01 City Manager, Part C Powers and Duties, Subsection 9:

The City Manager shall appoint department heads, including but not limited to, the city secretary, police chief, fire chief, planning and zoning director, library director, human resources director, public works director, economic development director, finance director and assistant city manager(s) upon consent of the majority of the City Council.

Purpose

It is the objective of the City of Leon Valley to find and recruit the best-qualified Department Directors for job vacancies.

Responsibilities

City Manager

- 1) The City Manager is responsible for notifying the City Council of a budgeted Department Director vacancy.
- 2) The City Manager is responsible for providing fair and equal opportunity to all qualified persons seeking employment with the City.
- 3) The City manager is responsible for following all local, state, and federal regulations for hiring.
- 4) The City Manager may delegate the administrative hiring process to the City's Human Resources Department, such as the distribution and receiving of applications, job advertisements, background checks, and application record keeping.
- 5) The City Manager is responsible for creating the job notice and advertising for the position. In the event the City Manager is not satisfied that a sufficient quantity or quality of qualified persons have applied, the position may be reopened to public recruitment for an extended period.
- 6) The City Manager is responsible for scheduling, setting up and developing the interview process of the applicants.
- 7) The City Manager must place his/her recommendation on a regular City Council agenda for a vote.

City Council

- 1) It is the responsibility of the City Council to select two members of the City Council to sit on the interview board
- 2) It is the responsibility of the City Council to reject or approve by vote the City Manager's appointment

Procedure

- 1) The City Manager will notify the City Council of the job vacancy in their City Manager's Report.
- 2) The City Manager will advertise for the position within 30 days of the job vacancy.

- 3) The City manager will review all applications and select the top candidates to interview for the position.
- 4) The City Council will select two council members to sit on the interview board.
- 5) After the interview process, the City Council members authorized to sit on the interview board will make their recommendations to the City Manager.
- 6) The City Manager will place their recommendation at the next regular City Council Meeting.
- 7) The City Council will vote on the City Manager's recommendation.



Hiring Process for Department Directors

Crystal Caldera, PhD
City Manager
City Council Meeting
January 17, 2023

Summary

- Statement
 - Adopting a hiring process for filling Department Director Positions
- Options
 - Approve Policy
 - Approve policy with amendments
 - Decide not to have a policy
- Declaration
 - The City Council's Discretion

Purpose

- Is to provide guidance in hiring Department Director Positions

Background

- The Citizens voted for the following Charter amendment:

Article V. Administrative Organization, Section 5.01 City Manager, Part C Powers and Duties, Subsection 9:

The City Manager shall appoint department heads, including but not limited to, the city secretary, police chief, fire chief, planning and zoning director, library director, human resources director, public works director, economic development director, finance director and assistant city manager(s) upon consent of the majority of the City Council.

Policy

{Section}.64.

City Manager Responsibilities

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- 7) The City Manager must place his/her recommendation on a regular City Council agenda for a vote.

Policy

City Council Responsibilities

- 1) It is the responsibility of the City Council to select two members of the City Council to sit on the interview board
- 2) It is the responsibility of the City Council to reject or approve by vote the City Manager's appointment

Procedure

- 1) The City Manager will notify the City Council of the job vacancy in their City Manager's Report.
- 2) The City Manager will advertise for the position within 30 days of the job vacancy.
- 3) The City manager will review all applications and select the top candidates to interview for the position.
- 4) The City Council will select two council members to sit on the interview board.
- 5) After the interview process, the City Council members authorized to sit on the interview board will make their recommendations to the City Manager.
- 6) The City Manager will place their recommendation at the next regular City Council Meeting.
- 7) The City Council will vote on the City Manager's recommendation.

Fiscal Impact

- none

Recommendation

- City Council's Discretion



**CITY OF LEON VALLEY
CITY COUNCIL REGULAR MEETING**

Leon Valley City Council Chambers
6400 El Verde Road, Leon Valley, TX 78238
Tuesday, December 20, 2022 at 6:00 PM

MINUTES

The City of Leon Valley City Council Shall Hold an In-Person Meeting with A Quorum of Members of City Council to Be Physically Present in The Leon Valley City Council Chambers, 6400 El Verde Road, Leon Valley, Texas 78238. Some Members of City Council May Appear and Participate in The Meeting by Videoconference Pursuant to The Requirements Set Forth in The Texas Open Meetings Act.

Citizens May E-Mail Public Comments To citizenstobeheard@leonvalleytexas.gov. All Other Citizen Participation May Be Provided In-Person at City Council Chambers.

1. Call to Order; Determine a Quorum is Present, Pledge of Allegiance

PRESENT

Mayor Chris Riley
Council Place 1 Benny Martinez
Council Place 2 Josh Stevens
Council Place 3 Jed Hefner
Mayor Pro Tem, Council Place 4 Rey Orozco
Council Place 5 Will Bradshaw

Mayor Chris Riley called the meeting to order at 6:01 PM and announced that a quorum of City Council was present in Council Chambers.

Mayor Riley asked the very festive Councilor Will Bradshaw to lead the Pledge of Allegiance.

2. The City Council Shall Meet in Executive Session to Discuss the Following:

1. Pursuant to Texas Government Code, Chapter 551, Section 551.071, Consultation with Counsel on Legal Matters: To Receive Legal Advice Regarding the Lease Agreement between Ms. Bania Artiaga and the City of Leon Valley

Mayor Riley read aloud the agenda caption for Item 2.1 and Item 2.2.

The City Council went into Executive Session at 6:03 PM

3. Reconvene into Regular Session

The City Council reconvened into Open Session at 6:56 PM

Mayor Chris Riley introduced and welcomed Troop 515 out of St. Thomas Episcopal Church.

4. Citizens to be Heard

None

5. Possible Action on Issues Discussed in Executive Session If Necessary

No action was taken.

6. Presentations

1. Presentation, Discussion, and Staff Direction on Budget and Procurement Method for Proposed Skate Park - M. Moritz, Public Works Director

Melinda Moritz, Public Works Director along with Yann Curtis, Co-Owner and Co-Founder of SPA Skateparks gave a brief presentation on a proposed skate park. This item will be presented and discussed at the January 28, 2023 Annual Town Hall Meeting.

7. Announcements by the Mayor and Council Members. At this time, reports about items of community interest, which no action will be taken may be given to the public as per Chapter 551.0415 of the Government Code, such as: expressions of thanks, congratulations or condolence, information regarding holiday schedules, reminders of social, ceremonial, or community events organized or sponsored by the governing body or that was or will be attended by a member of the Leon Valley City Council or a City official.

Announcements were made by members of City Council.

8. City Manager's Report

Crystal Caldera, City Manager reminded everyone that the City Manager's report was printed out on the table and could also be found on the City's website.

City Manager Caldera polled the members of City Council about a date and time for a groundbreaking at the Hike and Bike Trails. There was a consensus to hold the groundbreaking on January 05, 2023 at 2:00 PM at the trail head. More information is to come.

City Manager Caldera also gave information on available warming centers. The nearest warming center will have kennels available for animals. Via is also available for free transportation to the warming centers.

1. Upcoming Important Events:

Regular City Council Meeting, Tuesday, February 7, 2023, at 6:30 PM, in Council Chambers.

Filing for a Place on the May 06, 2023 City of Leon Valley, General Election for Council Place 1, Council Place 3, and Council Place 5, Wednesday, January 18, 2023 through 5:00 PM on Friday, February 17, 2023.

Annual Town Hall Meeting, Saturday, January 28, 2023, at the Leon Valley Conference Center.

Miscellaneous other events and announcements.

2. Presentation, Discussion and Possible Action on the Draft, January 28, 2023 Annual Town Hall Agenda

City Manager Caldera stated that she would add an item for pickle ball and skate park to the Annual Town Hall Meeting agenda. This will be the only voting item on that agenda. Councilor Josh Stevens asked that demographics be added to that survey.

9. Consent Agenda

A motion was made by Councilor Josh Stevens to approve the Consent Agenda as presented. The motion was seconded by Councilor Rey Orozco.

Voting Yea: Council Place 1 Martinez, Council Place 2 Stevens, Council Place 3 Hefner, Mayor Pro Tem, Council Place 4 Orozco, Council Place 5 Bradshaw

1. Discussion and Possible Action Approving of the Following City Council Minutes:

a. 12-06-2022 Regular City Council Meeting Minutes

b. 11-16-2022 Planning & Zoning Commission Meeting Minutes

2. Discussion and Possible Action Accepting of the Following Board/Commission Minutes:

a. 10-13-2022 Park Commission Meeting Minutes

b. 11-16-2022 Planning & Zoning Commission Meeting Minutes

c. 11-09-2022 Earthwise Living Committee Meeting Minutes

3. Presentation, Discussion and Possible Action on a Resolution Approving the Tax Roll for the City of Leon Valley, Texas for the 2022 Tax Year - Y. Acuna, Assistant Finance Director

4. Presentation, Discussion and Possible Action on a Resolution Approving the City of Leon Valley Investment Policy for Fiscal Year 2023 - Y. Acuna, Assistant Finance Director

10. Regular Agenda

1. Presentation, Public Hearing, and Discussion on an Ordinance Authorizing a Zoning Change from B-1 Small Business District, with SO, Sustainability Overlay

District Zoning to R-3 Multi-Family Dwelling District of a 0.854-Acre Tract of Land Located in the 7500 Block of Huebner Road Between Hoofs and Evers (1st Read as Required by City Charter) - M. Teague, Planning and Zoning Director

Melinda Moritz, Public Works Director presented this item as a first read.

Those who spoke on this item were: Erick Matta (Leon Valley); and Samir Chehade (Canada/Developer)

Mayor Chris Riley opened the Public Hearing at 7:48 PM; there being no public comment, Mayor Riley closed the Public Hearing at 7:48 PM.

There was a consensus among members of City Council to place this item on the January 17, 2023 Consent Agenda.

2. **Presentation and Discussion on an Ordinance Authorizing the City Manager to Execute a Contract Amendment and Accept an Additional \$400,000 from Bexar County, and Authorize a Budget Adjustment From the Stormwater Fund Reserve in the Amount of \$400,000 to Provide Additional Funding for the Construction of the Seneca West Drainage Project (1st Read as Required by City Charter) - M. Moritz, Public Works Director**

Melinda Moritz, Public Works Director presented this item. There was a consensus among members of City Council to place this item on the January 17, 2023 Consent Agenda.

City Manager Caldera request that Agenda Item 10.4 be moved up now on this agenda.

3. **Presentation and Discussion on an Ordinance Amending the Leon Valley Code of Ordinances, Chapter 13 Tree Preservation, Article 13.02 Tree Preservation Ordinance to Remove Definitions and Add a Definition, Direct the Park Commission to Assume the Duties of the Tree Advisory Board, Correct the Responsible Department References, and Give Variance Approval Duties Directly to the City Council (1st Read as Required by City Charter) - M. Moritz, Public Works Director**

Melinda Moritz, Public Works Director presented this item for a first read.

There was a consensus among members of City Council to place this item as well as appointments to the Park Commission on the January 17, 2023 Consent Agenda.

4. **Presentation, Discussion, and Possible Action on an Ordinance Authorizing the City Manager to Enter into an Agreement Between the City of Leon Valley and Meritage Homes of Texas, LLC For Real Property Consisting of Approximately 21.35 Acres Identified as 6503 Samaritan Drive, Leon Valley, Texas, 78238, (CB 4430 P-15: 2.137 acres, P-16: 6.391 acres & P-16A: 1.0 acre, ABS432), Various Parcels located William Rancher, Grass Hill, Samaritan, and Aids Drive BCAD Parcel Identification No.'s 217816, 217817, 217818, 217819, 217820, 217281,**

217838, 217840, 217843 - City Manager Dr. Caldera (1st Read as Required by City Charter)

City Manager Caldera presented this item and stated that this would be discussed in Executive Session at the end of this meeting.

11. Citizens to be Heard

Those who spoke at this time were: Samir Chehade (Canada/Developer)

12. Requests from Members of City Council to Add Items to Future Agendas**1. Presentation, Discussion, and Possible Action on City Manager's Future Agenda Items**

City Manager Caldera and Mayor Chris Riley sought input from members of City Council to pare down the list.

13. The City Council Shall Meet in Executive Session to Discuss the Following:**1. Pursuant to Texas Government Code, Chapter 551, Section 551.071, Consultation with Counsel on Legal Matters: To Receive Legal Advice Regarding the Purchase and Sales agreement between Meritage Homes and the City of Leon Valley**

Mayor Riley read aloud the agenda caption for Item 2.2 once again.

The City Council went into Executive Session at 8:17 PM

14. Reconvene into Regular Session

The City Council reconvened into Open Session at 9:00 PM

15. Possible Action on Issues Discussed in Executive Session If Necessary

No action was taken.

16. Adjournment

Mayor Riley announced that the meeting adjourned at 9:01 PM.

These minutes approved by the Leon Valley City Council on the 17th of January, 2023.

APPROVED

CHRIS RILEY
MAYOR

ATTEST: _____
SAUNDRA PASSAILAIGUE, TRMC
CITY SECRETARY

DRAFT



**CITY OF LEON VALLEY
SPECIAL CITY COUNCIL MEETING**

Leon Valley City Council Chambers
6400 El Verde Road, Leon Valley, TX 78238
Wednesday, January 11, 2023 at 7:30 AM

MINUTES

The City of Leon Valley City Council Shall Hold an In-Person Meeting with A Quorum of Members of City Council to Be Physically Present in The Leon Valley City Council Chambers, 6400 El Verde Road, Leon Valley, Texas 78238. Some Members of City Council May Appear and Participate in The Meeting by Videoconference Pursuant to The Requirements Set Forth in The Texas Open Meetings Act.

Citizens May E-Mail Public Comments To citizenstobeheard@leonvalleytexas.gov. All Other Citizen Participation May Be Provided In-Person at City Council Chambers.

1. Call to Order; Determine a Quorum is Present, Pledge of Allegiance

PRESENT

Mayor, Chris Riley
Council Place 1 Benny Martinez
Council Place 2 Josh Stevens
Council Place 3 Jed Hefner
Mayor Pro Tem, Council Place 4 Rey Orozco
Council Place 5 Will Bradshaw

Mayor Chris Riley called the meeting to order at 7:30 AM and announced that a quorum of City Council was present in Council Chambers.

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

2. Citizens to be Heard

None

3. Regular Agenda

- 1. Discussion and Possible Action on a Resolution Relating to Establishing the City's Intention to Reimburse Itself for the Prior Lawful Expenditure of Funds Relating to Capital Acquisitions from the Proceeds of Tax-Exempt Obligations to be Issued by the City for Authorized Purposes; Authorizing Other Matters Incident**

and Related thereto; and Providing an Effective Date - V. Wallace, Finance Director and Anne Burger Entrekin

Crystal Caldera, City Manager, Anne Burger Entrekin, and Vickie Wallace, Finance Director presented this item.

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

Voting Yea: Council Place 1 Martinez, Council Place 2 Stevens, Council Place 3 Hefner, Mayor Pro Tem, Council Place 4 Orozco, Council Place 5 Bradshaw

Councilor Benny Martinez requested a second to his request to add an item for the next City Council Executive Session to discuss a "personnel matter" to address a recent action taken by a committee member. Mayor Riley replied that it was too late to add an item to the January 17th meeting. City Manager Caldera also replied saying that this particular matter was not a personnel matter.

Councilor Benny Martinez and Councilor Rey Orozco both requested that this item be added to the Regular Agenda, on the February 7th City Council Agenda.

4. Adjournment

Mayor Riley announced that the meeting adjourned at 7:44 AM.

These minutes approved by the Leon Valley City Council on the 17th of January, 2023.

APPROVED

**CHRIS RILEY
MAYOR**

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

MEETING MINUTES
For
BANDERA ROAD GROUNDWATER PLUME SUPERFUND SITE
COMMUNITY ADVISORY GROUP (CAG)
Meeting of: December 05, 2019
(Approved by CAG December 14, 2022)



The CAG met Thursday, December 05, 2019 at 6:00 p.m. in the City of Leon Valley Conference Center, 6421 Evers Road, Leon Valley, Texas. The CAG met for the purpose of the following business:

1. Call to Order and Roll Call

Chairman John Hoyt called the meeting to order at 6:05 p.m. and welcomed all in attendance.

CAG members in attendance:

NAME:

Andrew Winter
Roger Andrade
Kyle Cunningham
John Hoyt
Terry Casey
Georgia Zannaras

REPRESENTING:

Bexar County
Edwards Aquifer Authority
San Antonio Metropolitan Health District
Leon Valley resident
Area resident (retired from NISD)
Area resident (retired from Alamo Area COG)

Six of the 10 members were present; a quorum of the CAG was present.

CAG Resource/Support members in attendance:

NAME:

David Dimaline
Stephen Tzhone
Jason McKinney
Pat Appel

REPRESENTING:

City of Leon Valley – City staff Liaison
U.S. Environmental Protection Agency Project Manager
EPA Community Involvement Coordinator
EPA Contractor (EA Engineering)

2. Public Comment

No public comment was received.

3. Approval of Minutes for the February 12, 2019 CAG Meeting

Chairman Hoyt asked members if they had any corrections or additions to the draft minutes. No corrections were recommended and the minutes were approved as written.

CAG MEETING MINUTES (contd.)
Meeting of: December 05, 2019



4. Receive Report from U.S. Environmental Protection Agency (EPA) Staff on Site Remedial Design (RD) including plan overview, completed, and pending activities

Mr. Stephen Tzhone (EPA) and Mr. Pat Appel (EA Engineering) made a presentation that included an overview of the RD and discussed completed and pending RD activities. The presentation addressed Agenda Items 4, 5, and 6 with the following general information:

- A review of the Record of Decision Selected Remedies that guide the RD.
- A review of completed RD activities including:
 - Four groundwater sampling events have been conducted; one each in years 2016 and 2017 and two in 2019. The most recent groundwater monitoring event (August 2019) results were generally consistent with those of previous years. No contaminants of concern (COC) were detected at City of Leon Valley water supply wells. **Note:** Project related groundwater and vapor monitoring has been conducted in the site area since 2004.
 - Four Vapor monitoring events have been conducted; two in 2017 and two in 2019. The most recent vapor monitoring (October 2019) results were generally consistent with those of previous years. Primary COC (tetrachloroethylene or PCE) concentrations in all vapor samples were below the Industrial Air Risk Screening Level of 47 µg/m³.
 - Three 30-foot deep vertical soil vapor extraction (SVE) wells were installed at the Pilgrim Cleaners site.
 - One horizontal SVE well was installed 6 to 8 feet below ground level (BGL) at the Pilgrim Cleaners site. The well contains three 15-foot screen sections .
 - Two Austin Chalk in-situ bioremediation (ISB) injection wells were installed at the Pilgrim Cleaners Site.
 - Two horizontal SVE wells were installed at the Savings Square Site. One horizontal well extends 6 to 8 feet BGL and contains two 20-foot screen sections. The second horizontal well extends 32 to 34 feet BGL and contains one 120-foot screen section.
 - Two Austin Chalk ISB injection wells were installed at the Savings Square site.
 - SVE pilot testing was performed on the horizontal wells and surrounding vertical wells. Pilot testing indicated encouraging results from the horizontal wells.
 - Injection capacity testing was performed on the ISB wells. Injection well testing indicated the wells will readily accept injected fluids.

5. Receive Report from EPA Staff on the status of well abandonment activities

In their presentation, Mr. Tzhone and Mr. Appel indicated the following regarding well abandonment activities:

- With assistance from the Edwards Aquifer Authority (EAA), eight old water wells have been located and properly closed. **Note:** An additional eight old wells were closed in the site area prior to these RD work activities, therefore, a total of 16 old wells have been properly closed during project activities.
- Historic records indicate a domestic water well (Dean well) was located immediately east of the Savings Square site in what is now a little league baseball field. EPA and EAA will work to gain access to the property to search for and evaluate this well . Surface geophysics will be required to locate the well because it was covered before or during development of the baseball field.

CAG MEETING MINUTES (contd.)

Meeting of: December 05, 2019

6. Receive Report from EPA staff on the Path Forward and address related questions

Mr. Tzhone and Mr. Appel indicated the following:

- EA Engineering's contract with EPA for work on the site will expire in November 2020. EPA wishes to have EA Engineering complete as much of the RD field and reporting work as possible before their contract expires. Remedial actions resulting from the RD will occur under a future contract or contracts under timelines yet to be determined.
- Additional SVE wells will be installed and tested in 2020.
- An SVE pilot testing report is expected prior to November 2020.
- No comprehensive groundwater and air monitoring events are planned for 2020.
- EPA will update the CAG as needed or requested.

7. Discuss Items for Future CAG Meetings

- Chairman Hoyt indicated that additional CAG members are needed and that any help recruiting additional members would be appreciated.
- Election of CAG Chair and Secretary will required at the next meeting.
- CAG Bylaws need to be updated at the next meeting to better reflect the ad hoc nature of CAG operations.

8. Adjournment.

Chairman Hoyt adjourned the meeting at 7:15 p.m.

Minutes Prepared by:

John Hoyt
CAG Chair





Leon Valley Park Commission Meeting Minutes

The Park Commission of the City of Leon Valley, Texas met on the 10th day of November 2022, at 7:00 p.m., at the Leon Valley Conference Center, 6421 Evers Road, Leon Valley, Texas, 78238 for the purpose of the following business, to-wit:

1. Call to Order, Pledge of Allegiance, and Determine if Quorum is Present.

Park Commission Chairman Roger Christensen called the meeting to order at 7:00 p.m., with the following members in attendance: Vice-Chairwoman Danielle Bolton and Commissioners Elaine Valdez, Evan Bohl, Julie Carreon-Martinez, and Nancy Marrufo. Absent was Commissioner Diane Frazier.

Also present at the meeting was Staff Liaison Melinda Moritz and resident Mr. Sawyer.

2. Review and Approval of the October 13, 2022, Park Commission Minutes – (Commissioners)

Vice-Chair Bolton moved to approve the minutes with a correction to the spelling of Commissioner Marrufo's name. Commissioner Valdez seconded the motion, and the motion carried unanimously.

3. Citizens to Be Heard

There were no citizens wishing to speak at the meeting. Chairman Christensen asked each of the members to introduce themselves and give the other members a brief autobiography, which they did.

4. Reports - Activities or Events that Impact Parks and/or Access to Parks:

A. Discussion and Action – Park Commission Meeting Time and Day (R. Christensen)

Chairman Christensen opened the conversation by noting that for many years, the Park Commission had met on the second Thursday of each month at 6:00 pm. He noted that when one member of the Commission had a conflict with another Board meeting time, the Commissioners voted to move the time of the meeting to 7:00 pm. He then explained that the conflict no longer existed and asked if the Commissioners would be amenable to moving the meeting time back to 6:00 pm.

Vice-Chair Bolton stated that she may not be able to meet at that time, as it conflicted with her children's school activities schedule. A general discussion was held, with Vice-Chair Bolton stating that the Commissioners could go ahead and move the time, but that she would let the Chairman know if she was unable to attend any of the meetings. By consensus, the time was changed from 7:00 pm to 6:00 pm on the second Thursday of each month.

B. Discussion and Recommendation – Skate Park Design at Shadow Mist Park (Commissioners)

Ms. Moritz continued the discussion from the previous meeting, explaining the purchasing procedures of the city to the Commissioners, and noting that for a facility like a skate park, she recommended using the design-build method, as this would allow the public to give their ideas on the design of the park. After a general discussion, Vice-Chair Bolton made a motion to use the design-build method and to set a budget of between \$300,000 and \$500,000 for the construction of a skate park. The motion was seconded by Commissioner Marrufo, and the motion carried unanimously.

C. Discussion and Recommendation – Holiday Meeting Schedule (Commissioners)

Chairman Christensen explained that the Park Commission typically cancelled their December meeting, as everyone was getting ready for vacations and the holidays. He further explained that the Commission also typically cancelled a meeting during the summer months for the same reason. He noted that they had trouble gathering a quorum during these times. Chairman Christensen stated that if all Commissioners agreed, they would cancel the December meeting and revisit a summer cancellation in the spring. He also noted that meetings in the spring are typically held at one of the parks. A motion was made by Commissioner Valdez to cancel the December meeting, which was seconded by Commissioner Marrufo. The motion carried unanimously.

D. Discussion – Holiday Lighting Events (M. Moritz)

Ms. Moritz explained the holiday events planned for December in the Veteran's Park area, the Community and Conference Centers, and at the library, and encouraged everyone to attend.

5. Commissioner and Staff Comments.

Vice-Chair Bolton noted that John Marshall High School was holding a hygiene drive for kids care bags and asked that anyone wishing to donate drop the items off at the school or to call her and she would pick them up.

Commissioner Bohl explained that the City Council had decided not to dedicate the Veteran's Park area as an official park.

Chairman Christensen thanked everyone for their time and commitment to the Commission and wished everyone a happy holiday.

8. Adjourn.

Chairman Christensen asked for a motion to adjourn. Commissioner Bohl made a motion to adjourn the meeting, which was seconded by Vice-Chair Bolton. The motion carried unanimously. The meeting was adjourned at 7:48 p.m.



Roger Christensen, Chairman



Date

MAYOR AND COUNCIL COMMUNICATION

DATE: January 17, 2023

TO: Mayor and Council

FROM: Melinda Moritz, Public Works Director

THROUGH: Crystal Caldera, City Manager

SUBJECT: Consider Approval of an Ordinance Authorizing the City Manager to Execute a Contract Amendment and Accept an Additional \$400,000 from Bexar County, and Authorize a Budget Adjustment From the Stormwater Fund Reserve in the Amount of \$400,000 to Provide Additional Funding for the Construction of the Seneca West Drainage Project (1st Read Held on December 20, 2022)

SPONSOR(S): None

PURPOSE

This item is to consider approval of an Ordinance authorizing the City Manager to execute a contract amendment accepting an additional \$400,000 from Bexar County and authorizing a budget adjustment from the Stormwater Fund Reserve in the amount of \$400,000 for the purpose of providing additional funds for the construction of drainage improvements to Drain 1 in the Seneca West neighborhood.

BACKGROUND

- 2016 – City performed study of this creek (Drain 1) & receives OPC \$1,346,000 estimate for construction project to relieve flooding & reclaim land
- 2019 – Bexar County awarded City reimbursement funds for project \$1,346,000
- 2019 – City Council approved a budget adjustment \$1,659,482 for engineering and construction
- Dec. 2022 - Bid awarded to J3 Construction, but over estimated costs
- Dec. 2022 – City Council approved budget adjustment in the amount of \$832,498.50
- Dec. 2022 – City requests additional funding from Bexar County and received contract amendment for \$400,000

FISCAL IMPACT

Item	Cost
Previously Budgeted	
Engineering	\$ 313,482.00
Construction	\$ 1,346,000.00
Total	\$ 1,659,482.00
Bid	
Construction	\$ 1,815,415.50
Contingency (20%)	\$ 363,083.00
Remaining engineering	\$ 122,550.00
Total	\$ 2,301,048.50
Previously budgeted remaining	\$ 1,468,550.00
Budget adjustment approved 12/6/22	\$ 832,498.50
Summary	
Total Cost	\$ 2,491,980.50
New County portion	\$ 1,746,000.00
Net cost to city	\$ 745,980.50
Net cost City w/o contingency	\$ 382,897.50

The additional funds will be taken from the Stormwater Fund Reserve and placed in the Stormwater Capital Project line item.

SEE LEON VALLEY

Social Equity – Flooding and erosion affect all citizens and should be prevented where possible.

Economic Development – Improving the creek in the Seneca West area will reclaim land that could not previously be developed, which may increase ad valorem taxes in the future.

Environmental Stewardship – Erosion control provides for environmental stewardship of the floodway by improving water quality.

STRATEGIC GOALS

This initiative is specifically listed in the 2018 Strategic Goal (4) - Infrastructure/Capital Plan: Objective D - Continue to mitigate flooding through capital improvement planning and mandatory stormwater reduction in new and redeveloped commercial properties.

RECOMMENDATION

Approve as presented.

APPROVED: _____ **DISAPPROVED:** _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

AN ORDINANCE OF THE CITY OF LEON VALLEY, TX, CITY COUNCIL AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AMENDMENT AND ACCEPTING \$400,000 FROM BEXAR COUNTY AND AMENDING THE STORMWATER FUND BUDGET OF THE CITY OF LEON VALLEY, TEXAS MUNICIPAL BUDGET FOR THE FISCAL YEAR 2022-2023 IN THE AMOUNT OF \$400,000.00, TO PROVIDE ADDITIONAL FUNDING FOR THE LEON VALLEY STORMWATER FUND FOR THE CONSTRUCTION OF THE SENECA WEST DRAINAGE PROJECT; PROVIDING FOR REPEALER, SEVERABILITY AND SAVING CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the city desires to construct a flood and erosion control project in the Seneca West neighborhood along Drain 1, from Grass Hill Street to Aids Drive into Huebner Creek; and

WHEREAS, the fees previously budgeted for this construction were not sufficient to fund the entire project; and

WHEREAS, Bexar County has agreed to provide additional funding for this project in the amount of \$400,000.00; and

WHEREAS; in order to accept this additional funding the City Manager will execute a contract amendment; and

WHEREAS, the City of Leon Valley has already approved their FY 2022-2023 Budget on September 20, 2022; and

WHEREAS, City Council approved the budget for the Stormwater Fund for FY 2022-2023; and

WHEREAS, it has been determined that funding should be added to the FY 2022-2023 Stormwater Fund Budget; and

WHEREAS, it is necessary to adjust the Stormwater Fund Budget by a total amount of \$400,000.00 for FY 2022-2023; and

WHEREAS, Texas Local Government Code Section 102-0120 provides that a municipality is not prohibited from making changes to a budget for municipal purposes; and

WHEREAS, the Leon Valley City Council now desires to authorize the City Manager to execute a contract amendment, accepting an additional \$400,000 from Bexar County and amending the Stormwater Fund Budget for FY 2022-2023 in a total amount \$400,000.00, to provide additional funds for the flood and erosion control project on Drain 1 in the Seneca West neighborhood;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, THAT:

SECTION 1. The City Manager is authorized to execute a contract amendment accepting additional funding in the amount of \$400,000.00 from Bexar County.

SECTION 2. The FY 2022-2023 Stormwater Fund Budget of the City of Leon Valley is hereby amended to increase the budget by the amount of \$400,000.00 to provide additional funding for the construction of the Seneca West Drainage Project. Funding for this project will be taken from the Stormwater Reserve Fund.

SECTION 3. The financial allocations in this Ordinance are subject to approval by the Finance Director. The Finance Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations as necessary to carry out the purpose of this Ordinance.

SECTION 4. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph, or section of this Ordinance.

SECTION 5. The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this Ordinance.

SECTION 6. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 17th day of January 2023.

APPROVED

CHRIS RILEY

MAYOR

Attest :

SAUNDRA PASSAILAIGUE, TRMC

City Secretary

Approved as to Form:

NICOLE WARREN

City Attorney

Consider Approval of an Ordinance
Executing a Contract Amendment
Approving an Additional Budget Adjustment
Seneca West Drainage Project

Melinda Moritz
Director of Public Works
City Council Meeting
January 17, 2023

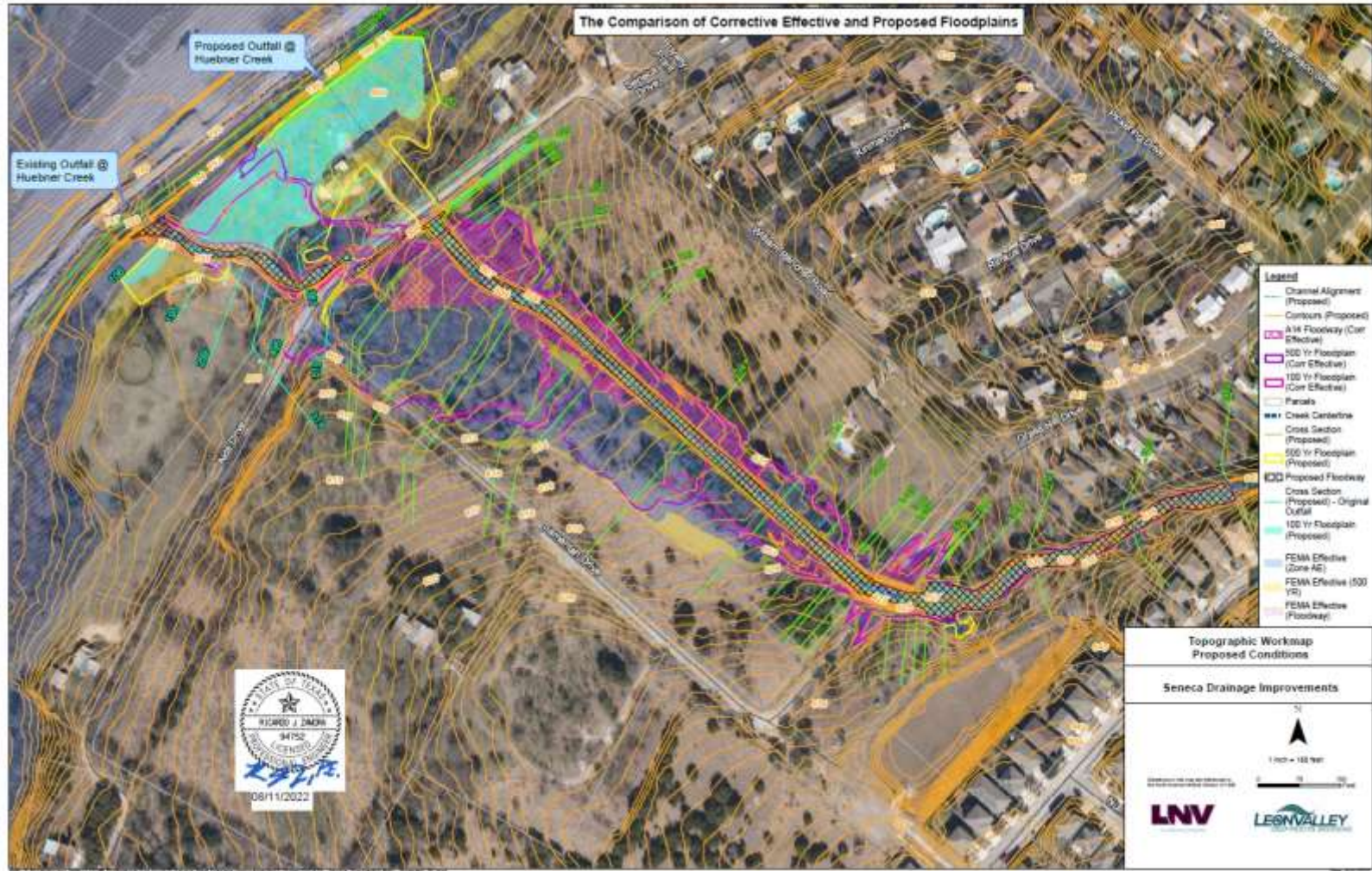
Summary

- Question
 - Should the City Council approve an Ordinance authorizing the City Manager to execute a contract amendment and accept an additional \$400,000 from Bexar County and approve a budget adjustment in the same amount for the construction of drainage improvements in the Seneca West neighborhood; and
- Options
 - Approve the Ordinance authorizing the City Manager to execute the contract amendment and the subsequent budget adjustment in the amount of \$400,000
 - Deny
 - Other
- Declaration
 - Recommend approval of the Ordinance

Purpose

- To consider approving an Ordinance authorizing the City Manager to execute a contract amendment and accept an additional \$400,000 from Bexar County for the Seneca West Drainage Project
- To approve a budget adjustment in the amount of \$400,000.00 for the same project

Seneca West Drainage Project



Background

- 2016 – City performed study of this creek (Drain 1) & receives OPC \$1,346,000 estimate for construction project to relieve flooding & reclaim land
- 2019 – County awarded City reimbursement grant for project \$1,346,000

Background

- 2019 – City Council approved a budget adjustment \$1,659,482 for engineering and construction
- Dec. 2022 - Bid awarded to J3 Construction, but over estimated costs
- Dec. 2022 – City requests additional funding from Bexar County and received contract amendment for \$400,000

Fiscal Impact

Item	Cost
Previously Budgeted	
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Budget adjustment approved	\$ 832,498.50
Summary	
Total Cost	\$ 2,491,980.50
County portion	\$ 1,746,000.00
Net cost to city	\$ 745,980.50
Net cost City w/o contingency	\$ 382,897.50

Recommendation

- Recommend approving an Ordinance authorizing the City Manager to execute a contract amendment to accept an additional \$400,000 from Bexar County and approve a budget adjustment in the same amount for the Seneca West Drainage Project
- Funds will be deposited into the Stormwater Capital Projects line item

S.E.E. Statement

- Social Equity – Providing improvements to our existing floodways adds to the general quality of life for all citizens
- Economic Development – Improved infrastructure helps to increase property values which may encourage relocation
- Environmental Stewardship – Reducing flooding reduces erosion, which preserves wildlife and vegetation

MAYOR AND COUNCIL COMMUNICATION

DATE: January 17, 2023

TO: Mayor and Council

FROM: Melinda Moritz, Public Works Director

THROUGH: Crystal Caldera, City Manager

SUBJECT: Presentation and Discussion to Consider Approval of an Ordinance Amending the Leon Valley Code of Ordinances, Chapter 13 Tree Preservation, Article 13.02 Tree Preservation Ordinance to Remove Some Definitions and Add a Definition, Direct the Park Commission to Assume the Duties of the Tree Advisory Board, Correct the Responsible Department References, and Give Variance Hearing Duties Directly to the City Council (1st Read Held on 12/20/22)

SPONSOR(S): Mayor and City Council

PURPOSE

This item is to consider amending Article 13.02 Tree Preservation Ordinance to remove unnecessary definitions, move a definition from the body to the definitions section, direct the Park Commission to perform duties such as educating the public on trees, remove references to the Community Development Director, and assign variance requests directly to the City Council.

At the December 6, 2022 City Council meeting, the Council approved an Ordinance dissolving the Tree Advisory Board and reassigning those duties to the Park Commission. The Council also expressed a desire to remove the duty of hearing tree variance requests and assign this directly to the City Council. Because of these changes, the Tree Preservation Code also needs to be amended, as it directly refers to the Tree Advisory Board as being responsible for these items and not the Park Commission.

While reviewing the code, Staff noted several other miscellaneous revisions that, if made, would make the code faster and easier to read/interpret for both staff and the public. These include:

- Removing definitions that are not referenced in any part of this code
- Moving the definition of oak wilt disease from the Oak Wilt Prevention section to the Definitions section
- Changing the name of the responsible city department from Community Development to the Planning and Zoning Department
- Removing references to small sized trees in certain sections, as those had been previously removed from preservation requirements

- Removing application review from the City Manager, as this action can be undertaken by the City Manager at any time and does not need to be referenced in this code

SEE LEON VALLEY

Social Equity – Reducing the number of boards, commissions, and committees reduces the possibility of not having enough volunteers and assures all citizens that city business continues smoothly and efficiently.

Economic Development – The efficient management of city business assures the development community that their requests for variances will be heard and decided timely, which may result in more economic development.

Environmental Stewardship – Having a committee that supports the El Verde by 2025 tree planting challenge will assure the city's goal is met on time and continues to improve the environment.

FISCAL IMPACT

This will reduce staff time and preparations, from two meetings to one.

STRATEGIC GOALS

N/A.

RECOMMENDATION

Staff recommends approval of the amendments to this code.

ATTEST :

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Exhibit A**CHAPTER 13 TREE PRESERVATION ORDINANCE AMENDMENTS****ARTICLE 13.01 GENERAL PROVISIONS (Reserved)****ARTICLE 13.02 TREE PRESERVATION ORDINANCE****Division 1. Generally****Sec. 13.02.001 Title**

These regulations shall be known as article 13.02 of the city code and will be referred to herein as “this article.”

Sec. 13.02.002 Purpose and effect

It is the policy of the city to preserve existing trees and habitat to the greatest extent possible and add to the tree population of the city, while allowing reasonable development of land. The terms and provisions of this article are intended to accomplish the following public purposes:

- (1) Establish rules and regulations governing the protection and preservation of native and established trees within the city and achieve the maximum preservation of trees;
- (2) Preserve trees as an important public resource that enhances the quality of life, protects habitat and the general welfare of the city, its unique character, and its physical, historical, and aesthetic environment;
- (3) Protect healthy trees and provide for the replacement and/or replanting of trees that are necessarily removed during construction, development, or redevelopment;
- (4) Prevent the clear-cutting of land; and
- (5) Address oak wilt disease and its prevention.

Sec. 13.02.003 Scope

- (a) The provisions of this article shall apply to the construction, alteration, moving, repair and use of any building or parcel of land within this jurisdiction.
- (b) Where, in any specific case, different sections of this article specify different requirements, the more restrictive shall govern. Where there is conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- (c) The provisions of this article shall not apply to property belonging to the city; or to property used to provide public utilities; or work located primarily in or on a public way, public utility towers and poles, or public utility easements, unless specifically mentioned in this article.

(d) If any portion of this article is held invalid for any reason, the remaining portions herein shall not be thereby affected.

Sec. 13.02.004 Compliance

Except as provided for in this article, no person, agency, corporation, company, or firm shall remove trees of any type or species from any land within the city limits without prior permission from the City.

Sec. 13.02.005 Rules of construction

- (a) Words, phrases, and terms defined in this article shall be given the defined meaning.
- (b) Words, phrases, and terms not defined in this article but defined in the building code found in chapter 3 of the city code shall be construed as defined in the building code.
- (c) Words, phrases, and terms defined neither in this article nor in the building code adopted in chapter 3 shall be given their usual and customary meanings except where the context clearly indicates a different meaning.
- (d) The text of this article shall control captions, titles, and maps.
- (e) The word “shall” is mandatory and not permissive; the word “may” is permissive and not mandatory.
- (f) Words used in the singular include the plural, and words used in the plural include the singular.
- (g) Words used in the present tense include the future tense, and words used in the future tense include the present tense.

Sec. 13.02.006 Definitions

Arborist, certified. An individual who has a current and valid designation of “ISA Certified Arborist” by the International Society of Arboriculture.

Buildable area. The area of a lot remaining after the minimum yard and open space requirements of this code and article 10.02 (subdivision ordinance) have been met. For recreational property or uses such as golf courses and baseball, soccer, football or similar athletic facilities, and public works projects such as water or wastewater treatment plants, pump stations, storage tanks, and public streets and drainage improvements, the buildable area of the property shall include that portion of the property necessary for the construction of such recreational and public works improvements, including sufficient adjacent area to allow the normal operation of construction equipment.

Building. Any structure used or intended for supporting or sheltering any use or occupancy. The word “building” includes the word “structure.”

Building code.

- (1) Article 3.02, division 2 of city code, which incorporates the International Building Code.
- (2) The International Building Code, promulgated by the International Code Council and adopted by the city.

Caliper. The diameter of a tree four feet (4') above the natural grade measured with a tree caliper instrument or a flexible tape. If a tape is used, the circumference of the tree is measured, and the result divided by 3.14 to determine diameter.

Caliper of multi-trunk trees. The caliper of the largest trunk at a point four feet (4') above the natural grade added to half of the sum of the calipers of the remaining trunks measured at the same height. If branching occurs less than four feet (4') above the natural grade, the diameter of the trunk may be measured below the branching for a single measurement.

Canopy tree. A self-supporting woody plant with one (1) well-defined trunk and a distinct and definite formed crown, which attains a height of at least twenty-five (25) feet.

Commercial. Relates to or relates to trade and traffic or commerce in general; occupied with business and commerce.

Curb. A stone or concrete or alternative edge asphalt boundary usually marking the edge of a roadway or paved area. Refer to article 10.02 (subdivision ordinance) for further details.

Curb line. A line differentiating between the street and the edge of real property, marking the edge of the roadway, and contiguous to the roadway, not intended for normal vehicular traffic. Such property may include a berm but may or may not be built up or raised.

Dripline. The area of ground surrounding the trunk of the tree considered essential to protecting the root structure of a tree. For the purposes of this article, the dripline shall be calculated at one foot (1') for every one-inch (1") of caliper width measured at four feet (4') above natural grade level, i.e., a twelve-inch (12") tree would require a dripline with a twelve-foot (12') radius (producing an area twenty-four feet (24') in diameter).

Driveway. A private road giving access from a public way to a building on abutting grounds.

Easement. That portion of a lot or lots reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement may be for use under, on, or above said lot or lots.

Extended dripline. An imaginary line on the ground equal to one point three (1.3) times the distance from the tree trunk to the dripline. In no case shall the dripline be less than fifteen (15) feet from the trunk of the tree.

Grade. The average elevation of the land around a building, or the percent rise or descent of a sloping surface.

Grade, finished. The final elevation of the average ground level adjoining a building at all exterior walls after development.

Grade, level. Roads, buildings, or structures built on the ground.

Grade, natural. The elevation of the ground level in its natural state, before construction, filling, or excavation.

Ground cover. Plants, other than turf grass, normally reaching an average maximum height of not more than twenty-four (24") inches at maturity. Horticulture. The science of growing fruits, vegetables, flowers, or ornamental plants.

Landscaped area. Areas of a lot, land parcel or building site devoted to and consisting of plant material, including but not limited to turf grasses, grasses-bunch, trees, shrub forms, flowers, vines and other ground cover, native plant materials, planters, brick pavers, stone, natural forms, water forms, public art forms, stone aggregate and other landscape features, but excluding smooth concrete, asphalt or paving for vehicular traffic; provided that the use of brick, stone aggregate or other inorganic materials shall not be greater in total area than that of organic plant material.

Landscaping. The modification or ornamentation of a natural landscape by altering the plant cover. Landscaping shall consist of any of the following, or combination thereof: material such as, but not limited to, grass, ground covers, shrubs, vines, hedges, trees, or palms; and nonliving durable material commonly used in landscaping, such as, but not limited to, rocks, pebbles, sand, walls, or fences - but excluding paving.

Lot. Any portion, piece, division or parcel of land, fractional part, or subdivision of block, according to a plat or survey. A single parcel of land. A measured parcel of land having fixed boundaries. The word "lot" includes the word "plot."

Maintenance. To preserve from failure or decline.

Native plant. A plant species with a geographic distribution indigenous to the Bexar County region which is capable of sustaining growth and reproduction under local climatic conditions.

Naturalized plant. A plant species introduced to the region which is capable of sustaining growth and reproduction under local climatic conditions.

Oak wilt disease. A tree disease caused by the fungus *Ceratocystis fagacearum*. The fungus infects the vascular system of a tree. The vascular system contains vessels which transport moisture throughout the tree. The vessels of an infected tree effectively become blocked by the infection of the fungus and cannot transport adequate moisture to sustain a healthy or living tree and the result is often the death of the tree.

Open space. A land area that is not occupied by a building, structure, parking area, street, alley or required yard.

Park. A public or private area of land, with or without buildings, intended for outdoor active or passive recreational uses.

Planter. A raised area containing plant material defined by a hard edge such as walls, large pots, and other similar physical containment design.

Plat/plot. A plat of a lot, drawn to scale, showing the actual measurements, the size and location of any existing buildings or buildings to be erected, the location of the lot in relation to abutting streets, and other such information.

Public trees. Any trees, shrubs, bushes and all woody vegetation on city-owned property and rights-of-way, city parks, and in all areas owned by the city to which the public has access.

Public way. Any street, alley, or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated, or otherwise permanently appropriated to the public for public use.

Screening. A method of visually shielding or obscuring one abutting or nearby structure or use from another by a barrier or device constructed of metal, wood, brick, stone, block, or other suitable materials, singly or in combination. See also article 3.05 of the city code.

Setback. See “Building line.”

Site plan. A plan which outlines the use and development of any tract of land.

Street. Any street, avenue, boulevard, road, parkway, viaduct, drive, or other roadway in a city, town, or village, generally paved, and lined or intended to be lined by structures on each side. It includes all urban ways which can be and are generally used for travel but does not normally include service entrances or driveways leading off from the street onto adjoining premises.

Street, private. A right-of-way or easement in private ownership not dedicated or maintained as a public street, which affords the principal means of access to two (2) or more sites.

Structure. Any construction, or any production or piece of work artificially built up or composed of parts joined together in some definite manner. That which is built or constructed; an edifice or building of any kind.

Subdivision. The division of a tract, lot, or parcel of land into two (2) or more lots, plats, sites, or other divisions of land. Tree, heritage. Any tree that has been designated by the city council, after public hearing and due notice to the owner of the tree, as a tree of notable interest and value to the city because of its location, size, age, or historical association with the community or having a diameter of twenty-four inches (24") or greater.

Tree, large. Trees of any species that are twelve inches (12") or larger in diameter.

Tree, living. Trees having at least fifty percent (50%) of the total normal canopy intact and in a healthy condition.

Tree, medium. Trees that are eight inches (8") in diameter or larger, up to twelve inches (12"). Tree, multi-trunk. A tree having two (2) or more trunks arising from the root collar or main trunk.

Tree, small. Trees that are four to seven inches (4" to 7") in diameter, sometimes providing an underlying layer of tree canopy for medium to large and heritage trees.

Trees, shrub forms, vines, ground covers, turf grasses and grasses-bunch. Shall be defined as any of the above, and those listed within article 15.02 (zoning ordinance). The tree diameter must be determined from a single trunk.

Understory tree. A self-supporting wood plant with one (1) or more trunks which attains a height of no taller than fifteen (15) feet.

Unnecessary hardship. Special circumstances applicable to a piece of property, whereby a property owner may be deprived of privileges commonly enjoyed by other properties in the same vicinity and zone, and which may result in a disparity of privileges. Also known as "undue hardship."

Variance. An authorization to a property owner to depart from literal requirements of code regulations in utilization of his property in cases in which strict enforcement of the code regulations would cause undue hardship because of special circumstances applicable to it, where the property owner is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone, and which adjustment remedies disparity in privileges.

Xeriscape. A landscaping method that employs drought-resistant plants and landscaping arrangements to conserve resources, especially water. Yard. An open, unoccupied space on a lot, other than a court, which is unobstructed from the ground upward by buildings or structures except as otherwise provided in article 15.02 (zoning ordinance).

Sec. 13.02.007 Penalty

Each violation of this article shall be punishable by a fine in accordance with section 1.01.009 of this code, unless some other fine is specifically prescribed for a particular violation. Each day any violation occurs or continues to occur shall be considered a separate offense.

Sec. 13.02.008 Oak wilt prevention

(a) Purpose and scope. The purpose of the oak wilt prevention regulations is to identify measures that city staff, hired contractors, and their subcontractors and property owners who remove or trim trees shall take to prevent the spread of oak wilt.

(b) Prevention policy.

(1) Anyone causing a wound to an oak tree, whether from ground maintenance equipment, trimming, cutting, or pruning at any time of the year, shall paint the wounded tree with permanent sealant or nonphytotoxic tree wound dressing within thirty (30) minutes to prevent contact with contaminated nitidulid beetles. Any wound to an oak tree caused by weather conditions, such as a windstorm, is also to be painted with permanent sealant or nonphytotoxic tree wound dressing as soon as possible after a weather incident.

(2) Any person who discovers or suspects the presence of oak wilt should report the infected oak tree to the community development department to be examined by a member of the state forest service for proper diagnosis and subsequent care.

(3) Whenever possible, persons should avoid trimming or pruning live oaks and red oaks (Spanish, Shumard, Texas Red and Blackjack oaks) from March 1 to June 1.

(4) An annual permit with proof of liability insurance and two (2) hours of professional training is required for commercial contractors providing tree cutting or pruning services. See the tree preservation requirements of this article for additional permit requirements, tree removal guidelines and any applicable exemptions.

(c) Disposal of oak trees.

(1) Red oaks.

(A) Removal or disposal of red oaks with oak wilt disease must be taken more seriously because they can form highly contagious fungal mats. Their quick and proper disposal is important and necessary to prevent other oaks from being exposed or infected.

(B) If a red oak tree is diagnosed with oak wilt, the diseased red oak tree shall be promptly removed and disposed as recommended by the state forest service.

(2) Other oaks. Other oaks do not require special disposal (i.e., live oaks and white oaks).

(d) Education and management program

(1) The Park Commission is directed to implement, as resources permit, measures aimed at education and prevention of oak wilt.

(2) The Park Commission shall use the “Eight Step Program to Oak Wilt Management” by the state forest service to promote oak wilt prevention.

(3) The code enforcement officer shall be responsible for enforcement of this article and for checking all tree trimming and/or cutting performed in the city.

Secs. 13.02.009–13.02.040 Reserved

Division 2. Administration and Enforcement

Sec. 13.02.041 Enforcement

The Planning and Zoning Director is hereby charged with the responsibility for the enforcement of this article and may serve notice to any person in violation thereof or institute legal proceedings as may be required, and the city attorney is hereby authorized to institute appropriate proceedings to that end.

Sec. 13.02.042 Tree mitigation/replacement fund

(a) Generally. The city manager will maintain a dedicated account to be entitled “tree mitigation and replacement fund” (hereinafter the “fund”). Civil penalties collected pursuant to these regulations and [all funds received from the payment of mitigation fees](#) shall be recorded in the fund created pursuant to this section, unless expressly prohibited by law.

(b) Use of funds. The funds collected from civil penalties and mitigation fees in the fund shall be utilized solely 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 acquiring wooded property that shall remain in a naturalistic state in perpetuity, to be administered by the public works director, who shall report annually to the city council with respect to the balance of the fund and the expenditures that have been made from the fund.

(c) Funds to be kept separate. The balance of this fund shall not be transferred to the general fund at the end of each budget year, but rather, the balance remaining in the fund at the close of the city’s fiscal year shall roll over and become the beginning balance for the next fiscal year. The balance within the fund shall be recorded and accounted for in a manner that distinguishes it from other general funds of the city and shall be disbursed in a manner that is consistent with the purposes for which this fund has been established.

Sec. 13.02.043 Variances

Variances to the terms of this article may be granted after approval by the city council where a literal enforcement of the provisions of this article will result in unnecessary hardship. A variance request must be submitted to the Planning and Zoning Department in writing setting out the basis for the request along with the payment as set forth in the fee schedule in appendix A of this code as amended or revised by ordinance from time to time. No variance can be granted unless:

- (1) Such variance will not be contrary to public interest;
- (2) Such variance will be in harmony with the spirit and purposes of this article;

- (3) The variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial; and
- (4) The variance will not substantially weaken the general purposes of this article.

Sec. 13.02.044 Liability

Nothing in this article shall be deemed to impose any liability for damages or a duty of care and maintenance upon the city or upon any of its officers or employees. The person in possession of public property or the owner of any private property shall have a duty to keep the trees upon the property and under their control in a safe, healthy condition. Any person who feels a tree located on property possessed, owned, or controlled by them is a danger to the safety of themselves, others or structural improvements on-site or off-site shall have an obligation to secure the area around the tree or support the tree, as appropriate to safeguard both persons and improvements from harm.

Sec. 13.02.045 Informational assistance

(a) In furtherance of the purposes and provisions hereof, the city may develop, distribute to persons making application for permits, and make available to the public an informational pamphlet identifying appropriately the spirit and purposes of this article, and useful facts, guidelines, and how-to information relative to the preservation, protection and replanting of trees.

(b) The city may also develop, maintain, and make available to applicants for permits and to the public a tree species reference book to provide more detailed information concerning tree care in general and the characteristics, soil and growth requirements and other traits of specific tree species identified in appendix A of article 15.02.

Secs. 13.02.046–13.02.070 Reserved

Division 3. Requirements and Restrictions

Sec. 13.02.071 Permit required for removing or replanting trees

(a) The removal or replanting of any trees shall require the issuance of an approved tree removal or planting permit, except for the following:

- (1) In the event that any tree is determined by the city to be in a hazardous or dangerous condition so as to endanger the public health, welfare, or safety, and requires immediate removal without delay, written authorization for removal may be given by the zoning administrator, and such tree may then be removed without obtaining a written permit as herein required.
- (2) With the recommendation of a certified arborist, a tree determined by the city to be diseased, dying or dead may be removed.

- (3) During the period of an emergency, such as a tornado, storm, flood or other act of God, the requirements of this section may be waived as may be deemed necessary by the city council.
- (4) All licensed plant or tree nurseries shall be exempt from the terms and provisions of this section only in relation to those trees planted and growing on the premises of said licensee, which are so planted and growing for the sale or intended sale to the public in the ordinary course of said licensed business.
- (5) Utility companies franchised or otherwise authorized to provide utility service may remove trees that endanger public safety and welfare by interfering with utility service provided that the applicant demonstrates to the zoning administrator and public works director that the removal is the minimum necessary for the utilities to function properly and no other alternative is available.
- (6) The partial mowing, clearing, and grubbing of brush located within or under the driplines of trees shall be allowed, provided such mowing, clearing, or grubbing is accomplished by hand or by mowers. The use of bulldozers, loaders or other construction or earth-moving equipment for this purpose shall not be allowed.
- (7) The zoning administrator may exempt certain easements and rights-of-way included on an approved plat, provided that the applicant, or city engineer in the case of a city project, demonstrates that the removal is necessary for the rights-of-way and easements to function properly, and no other alternative is available.
- (8) Platted lots occupied by an occupied single-family residence designated as a homestead and located in an area zoned residential are exempted from these requirements except for provisions pertaining to the protection of heritage trees. However, builders, contractors and owners are subject to all requirements established herein for all new construction prior to any person moving into and living on the homestead.
- (9) The regulations in this section shall not apply to the clearing of understory necessary to perform boundary surveying of real property or to conduct tree surveys or inventories. Clearing for surveying may not exceed a width of two (2) feet for general survey (i.e., of easement boundary, etc.) and eight (8) feet for survey of property boundary lines. Except for surveys done in connection with residential development, no tree ten (10) inches or larger may be removed in any manner during such boundary or general surveying.
- (b) Trees to be removed, replanted, or planted in a right-of-way and/or easement shall require prior approval from the city, state or utility agency having authority of or in said right-of-way or easement.
- (c) Permit fees shall be as set forth in the fee schedule in appendix A of this code as amended or revised by ordinance from time to time.

Sec. 13.02.072 Application for permit; procedure

(a) Application requirements. The permit application for tree removal or planting shall state or depict the following information:

(1) Location of all existing or proposed structures, improvements such as streets, alleyways, etc., and site uses, properly dimensioned and referenced to property lines, setbacks, and yard requirements.

(2) Date, scale, north point, and the names, addresses and telephone numbers of both the property owner and the person preparing the plan.

(3) Location of existing and proposed utility easements and drainage easements on the lot.

(4) Location and dimensions of visibility triangles on the lot.

(5) Point of contact information/responsible party information, to include address, telephone number and any state registration or license numbers in the event of a violation (i.e., P.E., RPLS).

(6) A survey identifying the building footprint, buildable area, existing topographical information, easements, rights-of-way, setbacks, property lines and all trees over four inches (4") in diameter shall be submitted. Trees to remain shall be designated by a circle. Trees to be removed shall be designated by an "X." Each tree shall be numbered referencing a legend specifying the caliper or diameter, common name, and whether it is small, medium, large or "heritage." Driplines shall be indicated for trees to remain. The number of small trees shall be provided at the end of the legend by species. Tree information required above shall be summarized in legend form on the plan and shall include the reason for any removals.

(7) Tree relocation plan. The plan shall exhibit the current location of all medium, large and heritage trees proposed for replanting and indicate the proposed replanting location for each. The plan shall include the proposed building footprint, driveways, parking lots, topographical information, easements, rights-of-way, setbacks, and property lines.

(8) Tree replacement plan. The plan shall exhibit the location of proposed replacement trees and remaining medium, large and heritage trees. It shall include a legend indicating the common name, caliper or diameter size and height of proposed replacement trees. Replacement trees shall be designated by a square. Remaining medium, large and heritage trees shall be designated by a circle. Species to be removed and/or remain shall be designated with the same symbols. The plan shall include the proposed building footprint, driveways, parking lots, topographical information, easements, rights-of-way, setbacks, and property lines.

(b) Application review. Upon receipt of proper application, the director shall review for compliance with the provisions of this article. Said review will include a field

inspection of the site by the zoning administrator prior to the issuance of a permit. The application may be referred to the city engineer for review and recommendations.

(1) An application for a tree planting or removal permit will not be accepted until the following is submitted, with the application, to the zoning administrator:

(A) Application fee; and

(B) An amount sufficient to recover all of the city's costs for the services of a contract professional that are directly incurred by the city for review of the application.

(2) The original tree survey for a tract that is provided with the original application for a tree removal permit shall be the reference by which all subsequent tree removal permits for the tract or portions of the tract shall be considered. An applicant may not circumvent the minimum preservation requirements set forth in this article for the tract through the filing of multiple tree removal applications.

Sec. 13.02.073 Tree pruning; roots damaging sidewalk or curb

- (a) No tree shall be pruned in such a manner that would reasonably lead to the death of the tree.
- (b) The city may approve pruning of a large or heritage tree in cases where it must be strategically pruned to allow construction or demolition of a structure. All pruning of trees by franchise utility companies to ensure the safe operation of utility services shall be allowed. When allowed, all pruning shall be by approved arboricultural techniques. This section is not intended to require a permit for reasonable pruning performed by the owner of the tree when unrelated to construction activity.
- (c) The city shall have the right to prune trees overhanging (a street or right-of-way) which interfere with visibility of any traffic-control device or sign or as necessary to preserve the public safety.
- (d) It shall be unlawful as a normal practice for any person, firm or city department to severely cut back limbs to stubs larger than three inches (3") in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other acts of God, or certain trees under obstructions where other pruning practices are impractical, may be exempted from this article at the determination of the Planning and Zoning director.
- (e) All broken branches and exposed roots one-half inch (1/2") in diameter or greater of small, medium, large, heritage and relocated and replacement trees shall be cut cleanly. In the case of oak species, in order to prevent infection by oak

wilt spores, wounds must be painted with an acceptable wound dressing within thirty (30) minutes of any cutting.

(f) When roots of a tree planted within the planting area damage city curbs, gutters, and sidewalks (including driveway ramps), the city shall be responsible for appropriate corrective measures which are least damaging to the tree.

(g) Where sidewalk or curb damage due to tree roots occurs, every effort shall be made to correct the problem without removing or damaging the tree. The public works director shall be responsible for developing or approving corrective measures in consultation with an arborist.

(h) The city and/or its designee(s) shall have the responsibility to plant, prune, maintain and remove trees, plants and shrubs within the public right-of-way of all streets, alleys, avenues, lanes, squares, parks, and public grounds, as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds. This shall include the removal of trees that may threaten electrical, telephone, gas, or any municipal water or sewer lines, or any tree that is affected by fungus, insect, or other pest disease.

(i) Every owner of any tree or shrub overhanging any street or right-of-way within the city shall, in accordance with the tree pruning restrictions, will be responsible for the pruning of branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection, will not obstruct the passage of pedestrians on sidewalks, will not obstruct vision of traffic signs, and will not obstruct the view of any street or alley intersection. If the property owner fails to do so, the city and/or its designee(s) shall have the right to remove or prune any tree or shrub on private property which threatens the safety of those who may use a city street or city park.

Sec. 13.02.074 Preservation requirements

The minimum tree preservation requirements below establish the minimum diameter inches of medium, large and heritage trees that must be preserved or mitigated. For single-family dwellings, developers and builders may elect to preserve trees at the platting or permitting stage; if a developer or builder elects to preserve at the platting stage, this method must be used throughout completion of the project. Exceptions, where authorized, may be granted and variances to the city's development regulations may be recommended to maximize the preservation of existing trees.

(1) Medium trees: For each tree removed, one tree of six (6) or more inches in diameter must be planted within each platted lot, excluding right-of-way and easements.

(2) Large trees: For each tree removed, one tree of eight (8) or more inches in diameter must be planted within each platted lot, excluding right-of-way and easements.

(3) Heritage trees: None can be removed.

(4) 100-year floodplain(s): 50% of medium and large trees and 100% of all heritage trees within the floodplain must be preserved, which shall not apply toward preservation requirements on the remainder of the lot.

(5) Mitigation maximum: Up to 25% of all required trees may be mitigated rather than preserved, unless insufficient land area exists to plant the required total caliper width of replacement trees as defined in this section, then the “cash in lieu” amount described above may be increased up to 50% of the required tree replacement amount. A certified arborist shall make a written determination of the maximum total caliper width of replacement trees that may be planted on the site.

Sec. 13.02.075 Removal, replacement, or relocation of medium and large trees

(a) Residential properties are exempted from these requirements except for provisions pertaining to the protection of heritage trees and subsections (c) and (d) of this section. However, builders, contractors and owners are subject to all requirements established herein for all new construction prior to any person moving into and living on the homestead.

(b) No person, directly or indirectly, shall cut down, destroy, remove, or effectively destroy through damaging any medium or large tree on any real property within the city without first obtaining a permit, except as permitted herein.

(c) Under no circumstances shall the clear-cutting of medium or large trees on any real property within the city be allowed prior to the issuance of a tree removal permit for said tree(s). Clearcutting is herein defined as the indiscriminate cutting or removal of more than 25 percent of all living trees on the subject property. The definition does not include dead trees or oak trees with severe oak wilt disease or other readily discernable diseased trees. Notwithstanding the foregoing percentages, property owners may remove up to two trees which are not heritage trees on the subject property without a permit as long as the subject property remains in compliance with the two-tree minimum.

(d) No more than 20% of medium or large trees may be removed in the 100-year floodplain as defined by FEMA.

(e) Site plans should accommodate medium and large trees **eight** inches (8") in diameter or greater by providing islands in parking lots; grading and landscaping to allow preservation of more such trees; and reasonable revision of the location of planned structures, driveways, and parking lots to preserve as many trees of this size as possible.

Sec. 13.02.076 Replacement trees required

(a) It shall be the responsibility of any person obtaining a tree removal permit for a tree to provide replacement tree(s).

(b) Such replacement trees shall:

- (1) Have a minimum diameter of three inches (3");
 - (2) Have a minimum height of at least four feet (4') when planted;
 - (3) When mature shall have a crown of at least fifteen feet (15') in diameter or substituted by a grouping of smaller species to create at maturity a crown of at least fifteen feet (15'); and
 - (4) Be planted in locations shown on the approved tree replacement plan.
- (c) No more than thirty-five percent (35%) of replacement trees may be of the same species.
- (d) A replacement tree that dies within two (2) years of the date it was planted must be replaced by another tree in compliance with this article. A new two-year warranty period starts for a tree used to replace a dead replacement tree.
- (e) Replacement trees shall be dispersed throughout the site, particularly in parking lots.
- (f) Small trees that meet the specifications of replacement trees may and are encouraged to be used in lieu of new plantings.
- (g) Only those tree species found in appendix A of article 15.02 shall satisfy the tree planting and replacement standards and requirements of this section.

Sec. 13.02.077 Mitigation in lieu of replacement

- (a) Money may be paid to the city instead of providing the replacement trees required by this article.
- (b) This provision is limited to 25% of the required tree replacement, unless insufficient land area exists to plant the required total caliper width of replacement trees as defined in this section, then the "cash in lieu" amount described above may be increased up to 50% of the required tree replacement amount. A certified arborist shall make a written determination of the maximum total caliper width of replacement trees that may be planted on the site.
- (c) Any such payments shall be deposited to the tree mitigation and replacement fund.
- (d) The per-diameter-inch cash value for replacement trees and plantings is \$100.00 per caliper inch tree. The city shall maintain a record of the current cash value of replacement trees and plantings.

Sec. 13.02.078 Penalties for unauthorized removal of medium, large, and heritage trees

If any medium, large, or heritage trees are removed from any real property, or injured due to failure to follow required tree protection measures such that the tree(s) die or may be reasonably expected to die, the city shall have authority to enact any or all of the following administrative and civil penalties on the developer and/or owner of the property:

(1) A monetary penalty of one hundred dollars (\$100.00) per diameter inch of tree removed, payable to the city. Funds paid to the city as tree removal penalties shall be deposited in the tree mitigation and replacement fund.

(2) Requirement to replace trees. Replacement trees shall have a minimum of at least a diameter width of three inches (3") and a minimum height of five feet (5'). All other replacement requirements for medium and large trees shall apply.

(3) If the precise diameter of a tree cannot be determined, the cost of replacement shall be established by a certified arborist based on the arborist's estimate of the caliper of the removed or damaged tree.

Sec. 13.02.079 Replanting of protected trees

(a) No person, directly or indirectly, shall replant, relocate, transfer, or move from one location to another any tree on any real property within the city without first obtaining a permit, except as otherwise provided herein.

(b) Only trees that meet and are replanted in compliance with appendix A of article 15.02, and the American National Standards Institute A300 guidelines, shall satisfy the tree replanting requirements contained herein.

(c) Any person replanting, relocating, transferring, or moving from one location to another any trees on any real property within the city, without first obtaining a permit, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in this article.

Sec. 13.02.080 Heritage tree removal prohibited; penalties

(a) Prohibition. No person, directly or indirectly, shall cut down, destroy, remove, or effectively destroy through damaging a heritage tree on any real property within the city.

(b) Penalties. If any heritage trees are removed from any real property, or if a heritage tree is injured because of failure to follow required tree protection measures such that the tree dies or may reasonably be expected to die, the city shall have the authority to enact the following administrative and civil penalties on the developer and/or owner of the property:

(1) A monetary penalty of one hundred dollars (\$100.00) per caliper inch of heritage tree(s) removed, payable to the city. Funds paid to the city as tree removal penalties shall be deposited in the tree mitigation and replacement fund; and/or

(2) Replacement with tree(s) having a total tree caliper equal to that of the removed tree(s). Such replacement trees shall have a minimum diameter of three inches (3") and a minimum height of at least five feet (5'). All other replacement requirements for trees shall apply.

Sec. 13.02.081 Tree protection measures

The following tree protection measures shall be required:

(1) Prior to construction or land development, the developer shall establish and maintain a root protection zone and install four-foot-high (4') plastic (or equivalent) safety fencing outside the dripline of existing and replacement trees for the duration of the construction and development. Warranty for the survival of the trees may not be accepted in lieu of a root zone that is less than the area within the dripline. Trees may not be pruned to reduce the root zone.

(2) During construction, the developer shall prohibit the cleaning of equipment or materials and/or the disposal of any waste material, including, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, etc., under the canopy or dripline of any existing or replacement tree or group thereof.

(3) No attachments or wires of any kind, other than those of a protective nature, shall be attached to any tree.

(4) With major grade changes of six inches (6") or greater, a retaining wall or tree well of rock, brick, landscape timbers or other approved materials shall be constructed around the tree no closer than the dripline of the tree. The top of the retaining wall or tree well shall be constructed at the new grade. The area contained within the first one thousand five hundred feet (1500') of the root zone must be left in a pervious condition after construction and development is completed.

(5) Unless otherwise approved by the city, no construction or construction-related activity shall occur under the dripline of any existing or replacement tree or group thereof. Furthermore, if a foundation, street or alley pavement, utility line, on-site sewerage facility, pool, tennis court, patio, sidewalk, drive or parking lot must be constructed within the dripline of said trees, it shall be constructed no closer than five feet (5') from the trunk of such trees; and, provided further, the portion of any driveway or parking lot constructed within the dripline of any existing or replacement tree or group thereof shall be constructed of pervious materials, such as pervious pavers or ecocrete, approved by both the Planning and Zoning Director and city engineer.

(6) Any trees removed during land development, construction, or construction-related activities are encouraged to be chipped or hauled off-site.

(7) No person shall remove, destroy, damage, or cause the removal or destruction of a tree on city property or in any city park without first having obtained written permission for such removal or destruction from the Public Works department. City work crews are excepted from the requirement of obtaining written permission.

Sec. 13.02.082 Approved tree lists

Appendix A, of article 15.02 "Landscape Plantings," will be periodically updated. The list shall be maintained and [may be](#) distributed to the public as guides for the identification

and selection of tree species that meet the various standards and requirements of this article. Trees included on these tree species lists are selected on the basis of one or more of the following criteria or factors: hardiness, resistance to disease, suitability relative to local climate and soil conditions, adaptability for transplantation, longevity, adaptability to various landscape conditions, resistance to drought, aesthetic qualities, shade provision, windbreak provision, screening qualities, improvement of the city tree canopy, and/or contribution to the diversity of the city forest.

Amending Leon Valley Code of Ordinances Chapter 13 Tree Preservation

City Council Meeting
Public Works Director Melinda Moritz
January 17, 2023



Purpose

- To consider amending the Leon Valley Code of Ordinances, Chapter 13 Tree Preservation, Article 13.02 Tree Preservation Ordinance, to remove superfluous definitions, assign various duties directly to the Park Commission and City Council, change references to departments, and other housekeeping issues
- Options
 - Approve
 - Approve with other amendments
 - Deny
- Recommendation
 - Approve amendments to Chapter 13

Background

- This item is to consider amending the Leon Valley Code of Ordinances, Chapter 23 Tree Preservation:
 - To assign variance request hearing and decision-making duties directly to the City Council
 - To assign public education duties to the Park Commission
 - To revised staff and department references
 - To remove definitions that are not referenced in any part of this Chapter (not needed)

Background

- At the December 6, 2022 City Council meeting, Council approved an Ordinance dissolving the Tree Advisory Board & reassigning those duties to the Park Commission
- Council also wants to remove the duty of hearing tree variance requests and assign this directly to the City Council

Background

- To support this change, the Tree Preservation Code also needs to be amended, as it directly refers to the Tree Advisory Board as being responsible for these items and not the Park Commission
- This amendment would also place the duties for hearing variance requests solely on the City Council
- While reviewing the code, Staff noted several other miscellaneous revisions that if made, would make the code faster & easier to read/interpret for both staff & public

Background

- Revisions include:
 - Removing definitions that are not referenced in any part of the chapter
 - Moving the definition of oak wilt disease from the Oak Wilt Prevention section to the Definitions section
 - Changing the name of the responsible city department from Community Development to the Planning and Zoning Department
 - Removing references to small sized trees in certain sections, as those had been previously removed from preservation requirements
 - Removing application review from the City Manager, as this action can be undertaken by the City Manager at any time & doesn't need to be stated in this code

Fiscal Impact

- Will cut down staff time & preparations, from two meetings to one

Recommendation

- At City Council discretion

S.E.E. Statement

- *Social Equity* – Reducing the number of boards, commissions, and committees reduces the possibility of not having enough volunteers and assures all citizens that city business continues smoothly and efficiently
- *Economic Development* – The efficient management of city business assures the development community that their requests for variances will be heard and decided timely, which may result in more economic development
- *Environmental Stewardship* – Having a committee that supports the El Verde by 2025 tree planting challenge will assure the city's goal is met on time and continues to improve the environment

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LEON VALLEY, TEXAS, CITY COUNCIL, AMENDING THE LEON VALLEY CODE OF ORDINANCES CHAPTER 13 TREE PRESERVATION, ARTICLE 13.02 TREE PRESERVATION ORDINANCE, TO REMOVE DEFINITIONS, MOVE A DEFINITION, DIRECT THE PARK COMMISSION TO PERFORM CERTAIN DUTIES, ASSIGN VARIANCE REQUESTS SOLELY TO THE CITY COUNCIL, AND REMOVE OTHER REFERENCES; REPEALING ALL ORDINANCES IN CONFLICT THERWITH; PROVIDING FOR SEVERABILITY; PROVIDING A SAVING CLAUSE; PROVIDING AN EFFECTIVE DATE OF THE REVISION WITH PUBLICATION, AS REQUIRED BY LAW; PROVIDING NOTICE OF OPEN MEETING; PROVIDING FOR A PENALTY.

WHEREAS, at their December 6, 2022 City Council meeting, the City Council amended Chapter 1 General Provision, Article 1.06 Boards, Commissions, and Committees to dissolve the Tree Advisory Board and assign the duties of that Board to the Park Commission; and

WHEREAS, the City Council also desires to hear and make decisions on tree preservation ordinance variance requests without the additional step of obtaining a recommendation on such requests from any other board or commission; and

WHEREAS, Chapter 13 Tree Preservation must be amended in order to reflect the City Council's decision to dissolve the Tree Advisory Board and to place certain duties under the Park Commission and City Council;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, THAT:

SECTION 1. Chapter 13 Tree Preservation, Article 13.02 Tree Preservation Ordinance is hereby amended as stated in the attached Exhibit A.

SECTION 2. REPEALER CLAUSE. The provisions of the Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent by any other ordinance.

SECTION 3. SEVERABILITY CLAUSE. If any provision, section, sentence, clause, or phrase of this ordinance or application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting, and the Mayor in approving this Ordinance, that no portion thereof or provisions

or regulation contained herein shall become inoperative or fall by reason of any unconstitutionally or invalidity of any portion, provision, or regulation.

SECTION 4. SAVINGS CLAUSE. The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this ordinance.

SECTION 5. EFFECTIVE DATE. That this Ordinance shall take effect immediately from and after its passage and publication as required by law.

SECTION 6. NOTICE OF MEETING CLAUSE. It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION 7. PENALTY. Any person who violates any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined as provided in Chapter 1. General Provisions, Article 1.01 Code of Ordinances, Section 101.009 General penalty for violations of code: continuing violations of the City of Leon Valley Code, and/or applicable state law.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 17th day of January, 2023.

APPROVED

CHRIS RILEY
MAYOR

Attest:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form:

NICOLE WARREN
City Attorney

MAYOR AND COUNCIL COMMUNICATION

DATE: January 17, 2023

TO: Mayor and Council

FROM: Melinda Moritz, Public Works Director

THROUGH: Crystal Caldera, City Manager

SUBJECT: Discussion and Possible Action to Consider Approval of an Ordinance Authorizing a Zone Change from B-1 Small Business District, with SO, Sustainability Overlay District Zoning to R-3 Multi-Family Dwelling District, with Sustainability Overlay District, on a 0.854-Acre Tract of Land Located in the 7500 Block of Huebner Road Between Hoofs and Evers (1st Read Held on 12/20/22)

PURPOSE

A rezoning request has been received to rezone approximately 0.854 acres of land from B-1, with Sustainability Overlay District to R-3 Multiple Family Dwelling District. The parcel is located in the 7500 block of Huebner Road, between Hoofs and Evers Road and is a part of Lot 7, CB 4445L, Dirt V-Murchison-Huebner Subdivision.

History

- 1985 – 6.8 acres rezoned from R-1 Single Family to B-1 Small Business
- 1991 – a request is denied to rezone 12.86 acres from B-1 Small Business to B-2 Retail
- 2013 - 1.709 acres of the lot is rezoned from B-1 Small Business with Sustainability Overlay to B-2 Retail with Sustainability Overlay
- 2017 – a request is denied to rezone this portion of the lot from B-1 with Sustainability Overlay to B-2 Retail with Sustainability Overlay

Surrounding Zoning

- North - developed R-1 Single Family
- South – developed R-1 Single Family
- East – developed R-1 Single Family Dwelling
- West – developed R-6 Garden Home (Pavona Place) and developed and undeveloped B-2 Retail with Sustainability Overlay (vacant parcel, Silo Park, Church, DPS Office)

Master Plan

Section 7N Canterfield Area addresses this area noting that any undeveloped land in this area should be considered for rezoning to R-1 Single Family, R-4 Townhouse, R-6

Garden House, R-7 Single Family Medium Density, and MX-1 Mixed Use zoning

The Pavona Place Section notes that this area includes several large vacant tracts with potential for increased residential development. It further states that the area also includes existing vacant areas currently zoned B-1 (Small Business) and B-2 (Retail) that are encouraged to be rezoned as R-1 (Single-Family), R-3A (Multiple-Family Retirement), or R-6 (Garden Home) and encourages any proposed commercial development to exceed open/green space requirements.

Zoning Regulations

The R-3 district is composed of areas containing multiple-family dwellings. The district regulations are designed to protect the residential character of the area by prohibiting commercial and industrial activities and manufactured homes; encourage a suitable neighborhood environment; prevent overcrowding of the land by requiring certain minimum yard and other open spaces for all buildings; avoid excessive population density by requiring a certain minimum building site area for each building unit; and provide a buffer between retail and single-family dwelling areas.

The R-3 district implements the following policies of the master plan:

- Encourage patterns of urban development that provide a full range of housing choices and promote a sense of community, urban vitality and the efficient provision of infrastructure.
- Encourage connectivity throughout the city.

Lot regulations:

- Area. Not less than 10,400 square feet for the first three (3) units and 1,200 square feet for each additional unit.
- Depth. Minimum of 120 feet.
- Floor space. Minimum of 600 square feet.
- Frontage. A minimum frontage of 95 feet is required along a public right-of-way.
- Height. A maximum of three stories is allowed in the R-3 district.
- Density. None.

Setback requirements:

- Front yard. There shall be a front yard having a minimum of 20 feet from the property line to the building structure.
- Rear yard. There shall be a rear yard having a minimum of 25 feet from the structure to the rear property line.
- Side yard. There shall be a side yard having a minimum of ten (10) feet from the structure to the side property line.
- Building distance. The required space between buildings is fifteen (15) feet. (d) Other.

Landscaping:

A total of 35% of the total overall area must be landscaped and not less than five percent (5%) of the R-3 area shall be covered by plantings and amenities other than sod, subject to the approval of the city. The use of drought tolerant turf grasses, such as zoysia or buffalo tif or combination, or other drought tolerant plantings and hardscape is strongly recommended.

Lighting:

All outdoor lighting shall be hooded and all light emissions shielded and shall be oriented such that light is directed towards the property and does not trespass onto surrounding properties. Lights affixed to the buildings shall be mounted no higher than the eaves of said building. Lights affixed to a pole shall be mounted no higher than 40% of the distance from the front property line to the main structure.

Masonry required:

Multiple-family dwellings shall be constructed of masonry or similar noncombustible materials to the extent of not less than seventy-five (75) percent of overall exterior walls.

Parking:

A minimum of one (1) space for each one-bedroom unit, two (2) spaces for each two-bedroom unit and one (1) space for each additional unit shall be provided.

Storage:

Outside storage is not allowed in the R-3 district, with the exception of vehicles, trailers, recreational vehicles and boats in accordance with article 3.05 and article 12.03 of the Leon Valley City Code. Items to be stored must be completely contained in either the apartment units, garages or accessory buildings.

Notification

Sixteen (16) letters were sent to surrounding property owners. One letter was received in opposition, and no letters were received in favor of the change. None have been returned undeliverable.

SEE LEON VALLEY

Social Equity - Approval of this request would allow for the development of the property for multiple-family use, which would be consistent and compatible with existing surrounding uses.

Economic Development – The development of this property would increase the city's ad

valorum and sales tax revenues.

Environmental Stewardship – Any structures built on this parcel would be required to conform to the 2021 International Energy Code.

ISCAL IMPACT:

This zone change may produce additional ad-valorem revenue on this property

STRATEGIC GOALS

Goal # 1 - Economic Development · Objective F – Promote Leon Valley

RECOMMENDATION

At their 12-14-22 meeting, the Planning and Zoning Commission voted unanimously to recommend approval of this zone change, but adding the Sustainability Overlay District.

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AN ORDINANCE OF THE CITY OF LEON VALLEY, TX, CITY COUNCIL GRANTING A ZONE CHANGE FROM B-1 SMALL BUSINESS DISTRICT, WITH SO SUSTAINABILITY OVERLAY DISTRICT ZONING, TO R-3 MULTIPLE FAMILY DWELLING DISTRICT WITH SUSTAINABILITY OVERLAY ZONING DISTRICT, LOCATED IN THE 7500 BLOCK OF HUEBNER ROAD, BEING A 0.853 ACRE TRACT OF LAND, PART OF LOT 7, CB 4445L, DIRT V - MURCHISON-HUEBNER SUBDIVISION; PROVIDING FOR REPEALER, SEVERABILITY, AND SAVINGS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS Chapter 211 of the Vernon's Local Government Code empowers cities to enact zoning regulations and provide for their administration, enforcement, and amendment; and

WHEREAS the City has previously deemed it necessary and desirable to adopt zoning regulations to provide for the orderly development of property within the City, in order to promote the public health, safety, and welfare of the residents of the City; and

WHEREAS the Leon Valley Code of Ordinances Chapter 15 Zoning constitutes the City's Zoning regulations and requires the property to be zoned in accordance with proper designations as defined by the City; and

WHEREAS the Planning and Zoning Commission of the City of Leon Valley provided adequate notice and held a public hearing in accordance with Chapter 15 of the Leon Valley Code of Ordinances; and

WHEREAS, the Planning and Zoning Commission of the City of Leon Valley has recommended granting a zone change from B-1 Small Business District, with SO Sustainability Overlay District Zoning, to R-3 Multiple Family Dwelling with Sustainability Overlay District at the subject location; and

WHEREAS, the City Council, after proper notice and public hearing determined that the request is consistent and compatible with the surrounding zoning and with the City's Future Land Use Plan, and

WHEREAS, twenty percent (20%) or more of the area of the lots or land immediately adjoining the area covered by the proposed change and extending two hundred [feet] (200') from such area did protest this change and the City Council, by affirmative vote of three-fourths (3/4) of all the members of the City Council, did vote to approve the change; and

WHEREAS the City Council of the City of Leon Valley now desires to grant the zone change, as requested at the subject location.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, THAT:

SECTION 1. A 0.853 acre tract of land, being part of Lot 7, CB 4445L, Dirt V-Murchison= Huebner Subdivision, in the 7500 block of Huebner Road and further described in Exhibit A attached hereto, which is currently zoned B-1 Small Business District, with SO Sustainability Overlay District Zoning, shall hereafter bear the zoning classification of R-3 Multiple Family Dwelling with Sustainability Overlay District.

SECTION 2. That this Ordinance shall be cumulative of all provisions of the City of Leon Valley, Texas, except where provisions of this Ordinance are in direct conflict with the provisions of such Ordinance, in which event, conflicting provisions of such Ordinance are hereby repealed.

SECTION 3. That it is hereby declared to be the intention of the City Council of the City of Leon Valley that this Ordinance is not severable.

SECTION 4. The Ordinance shall be effective upon passage and publication as required by law.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 17th day of January 2023.

APPROVED

CHRIS RILEY
MAYOR

Attest:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form:

NICOLE WARREN
City Attorney

Rezoning Request PZ-2022-36 0 Huebner Road

Melinda Moritz
Public Works Director
City Council Meeting
January 17, 2023

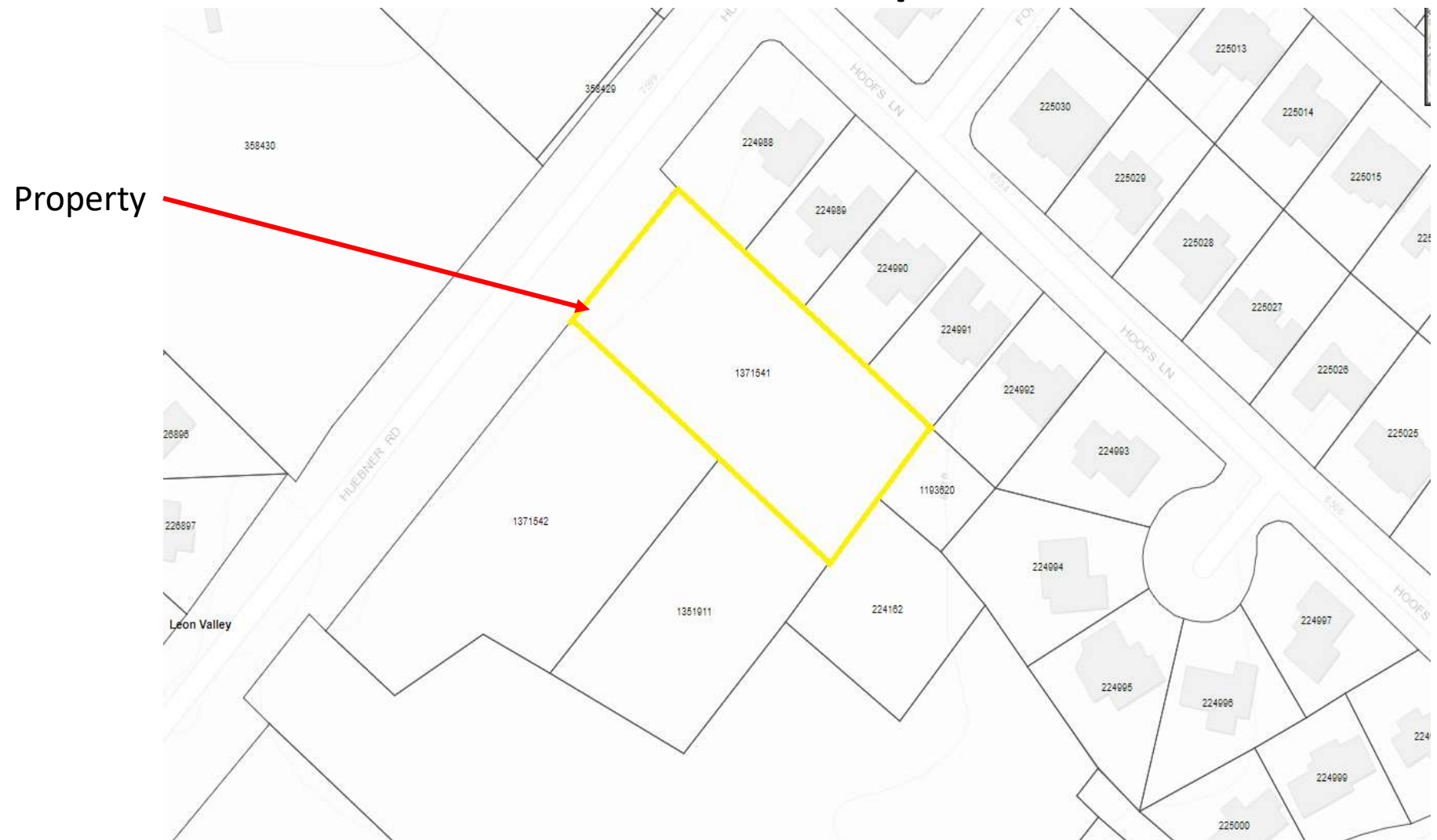
Summary

- Question
 - The Commission is being asked to consider a recommendation of an Ordinance authorizing a zoning change from B-1 Small Business with Sustainability Overlay (SO) District to R-3 Multiple Family Dwelling District on an approximately 0.854-acre tract of land, being the north 133.20 feet of Lot 7, CB 4445L, Dirt V-Murchison-Huebner Subdivision
 - Located on Huebner Road between Hoofs and Evers Road, adjacent to the silos
- Options
 1. Approval as requested
 2. Approve R-3 with SO requirement
 3. Denial

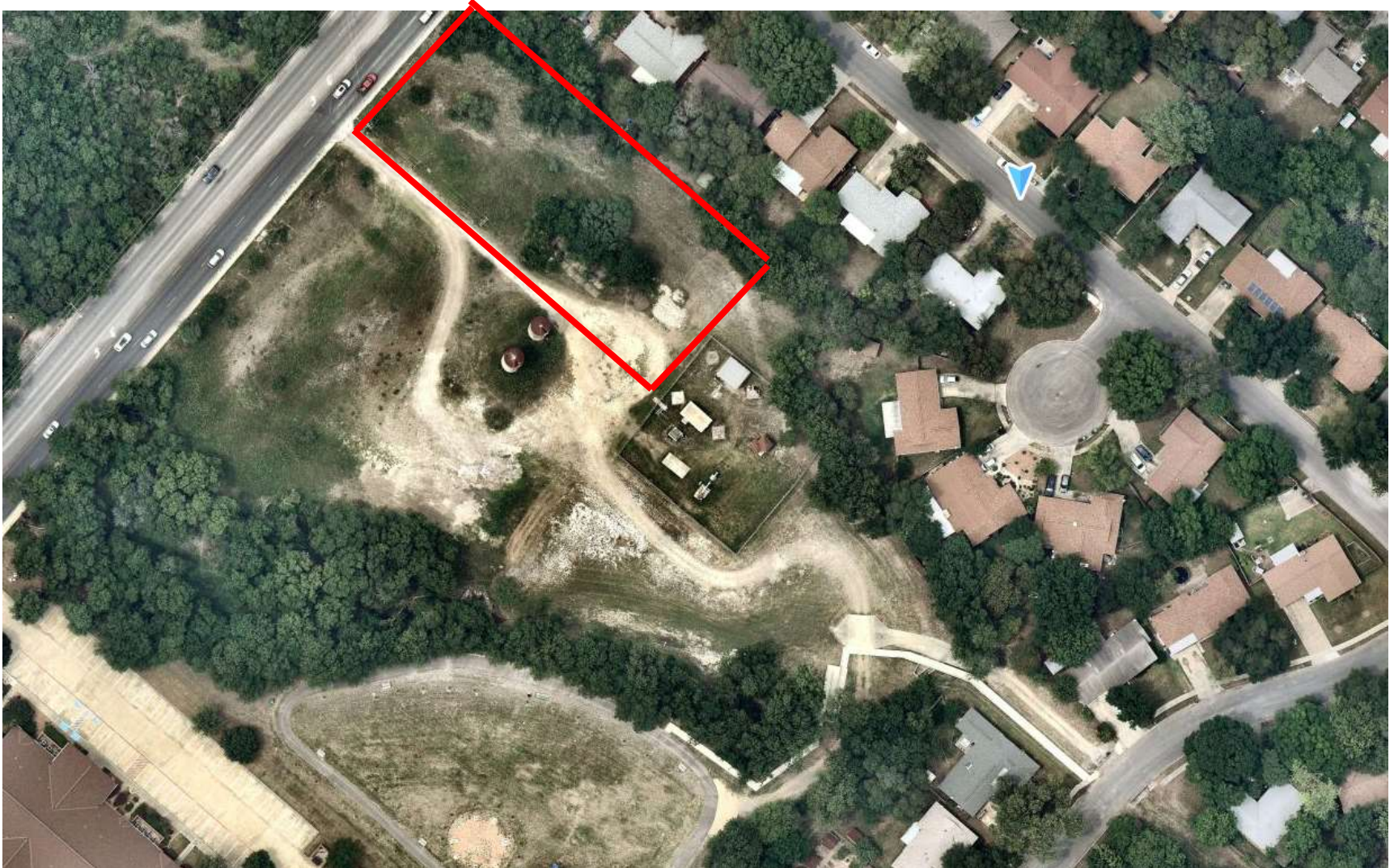
Request

- To rezone approximately 0.854 acres of land out of Lot 7 CB 4445L, Dirt V–Murchison-Huebner Subdivision
- From B-1 Small Business with SO to R-3 Multiple Family Dwelling zoning, with no SO
- Tract is located in the 7500 block of Huebner Road (adjacent to the silos) and is currently not properly platted

BCAD Map



Aerial View



History

- 1985 – 6.8 acres rezoned from R-1 Single Family to B-1 Small Business
- 1991 – a request is ***denied*** to rezone 12.86 acres from B-1 Small Business to B-2 Retail
- 2013 - 1.709 acres of the lot is rezoned from B-1 Small Business with Sustainability Overlay to B-2 Retail with Sustainability Overlay
- 2017 – a request is ***denied*** to rezone this portion of the lot from B-1 with Sustainability Overlay to B-2 Retail with Sustainability Overlay

Surrounding Zoning

- North - developed R-1 Single Family
- South – developed R-1 Single Family
- East – developed R-1 Single Family Dwelling
- West – developed R-6 Garden Home (Pavona Place)
and developed and undeveloped B-2 Retail with
Sustainability Overlay
 - vacant parcel, Silo Park, Church, DPS Office

Zoning Map



B-1 Uses vs R-3 Uses

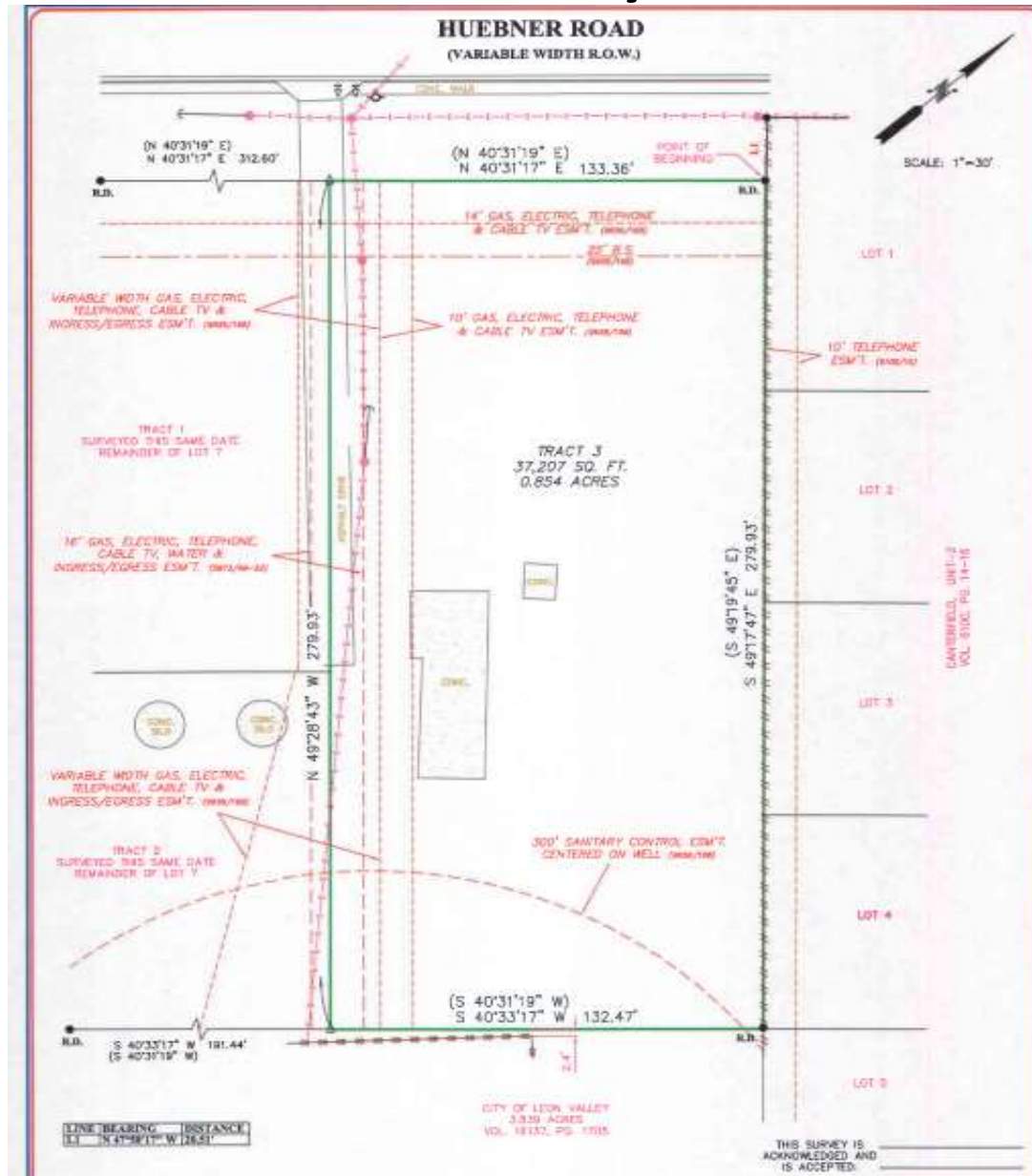
- B-1
 - Antique store
 - Beauty shop
 - Church
 - Clinic, medical or dental
 - Drugstore
 - Dry cleaning
 - Entertainment – indoor/outdoor
 - Grocery store
 - Hobby store
 - **Inn**
 - Office
 - **Townhouse, loft, live-work**
 - Restaurant
 - Salon
 - Studio for fine arts
- R-3
 - Apartments

Master Plan

- Canterfield Area addresses this area noting that undeveloped land in this area should be considered for rezoning to R-1 Single Family, R-4 Townhouse, R-6 Garden House, R-7 Single Family Medium Density, and MX-1 Mixed Use zoning
- Pavona Place notes that this area includes several large vacant tracts with potential for increased residential development.
- It further states that the area also includes existing vacant areas currently zoned B-1 (Small Business) and B-2 (Retail) that are encouraged to be rezoned as R-1 (Single-Family), R-3A (Multiple-Family Retirement), or R-6 (Garden Home)
- It is also encouraged that any proposed commercial development exceeds open/green space requirements

Survey

{Section}.95.



Notification Process

- 16 Letters Sent
- 0 In Favor
- 1 In Opposition
- 0 Undeliverable

Fiscal Impact

- The approval of this zone change request will produce additional ad-valorem revenue on this property

Recommendation

- At their 12-14-22 meeting, the Planning and Zoning Commission voted unanimously to recommend approval of this zone change, but adding the Sustainability Overlay District
 - This revision will limit the height of any structures to 45 feet or 2 ½ stories, as the buildings will be within 100 feet of a residential district (Hoofs Lane)
- Applicant has no objection to this change

S.E.E. Statement

Social Equity: Approval of this request would allow for the development of the property for multiple-family use, which would be consistent and compatible with existing surrounding uses.

Economic Development: Tenants in a multiple family zoning district would likely shop locally and generate more sales tax revenue

Environmental Stewardship: Any structures built on this property would have to conform to the 2021 International Energy Code

MAYOR AND COUNCIL COMMUNICATION

DATE: January 17, 2023

TO: Mayor and Council

FROM: Sandra Passailaigue, City Secretary

THROUGH: Crystal Caldera, City Manager

SUBJECT: Appointing Members to the Park Commission, Planning & Zoning Commission, and to the Library Board of Trustees.

SPONSOR(S): N/A

PURPOSE

This item is placed on the Consent Agenda for City Council to appoint the following volunteers as stated below:

PARK COMMISSION

Denise Berger - Commissioner - Term Expiring 05-31-2024
Thomas Benavides – 1st Alternate - Term Expiring 05-31-2024
Kim Crawford – 2nd Alternate - Term Expiring 05-31-2024

PLANNING & ZONING COMMISSION

Andrea Roofe – Commissioner (2) - Term Expiring 05-31-2024
Hilda Gomez – 2nd Alternate - Term Expiring 05-31-2023

LIBRARY BOARD OF TRUSTEES

Hilary Huber - Trustee - Term Expiring 05-31-2024

SEE LEON VALLEY

Social – The City will encourage collaborative participation by its residents, businesses, and stakeholders. The City’s citizens participate by serving on boards, committees, and commissions. This encourages transparency, communication, and accountability.

Economic – N/A

Environmental – N/A

FISCAL IMPACT

None

STRATEGIC GOALS

N/A

RECOMMENDATION

City Council Discretion

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

From: Elizabeth Aguilar
Sent: Tuesday, January 3, 2023 8:11 AM
To: Sandra Passailaigue
Cc: Mindy Teague
Subject: FW: Recommendation for Vacant Seat

Elizabeth (Beth) Aguilar
City of Leon Valley
Permit Technician
6400 El Verde Road
Leon Valley, TX 78238
(210) 684-1391, ext. 217

<https://www.mygovernmentonline.org/>

APPLY for a permit, PAY your permit fees, TRACK the progress, and SCHEDULE inspections all ONLINE!

From: Cassie Rowse <cassierowse@gmail.com>
Sent: Monday, January 2, 2023 1:36 AM
To: Elizabeth Aguilar <e.aguilar@leonvalleytexas.gov>
Subject: Re: Recommendation for Vacant Seat

Alternate Andrea Roofe was asked if she would like to move to a regular position on the Planning and Zoning Commission and has accepted.

Thanks,
Chair Catherine Rowse

On Wed, Dec 21, 2022 at 10:21 AM Elizabeth Aguilar <e.aguilar@leonvalleytexas.gov> wrote:

Good morning Chair Rowse and Commissioner Roofe,

The recommendation and acceptance for the vacant commissioner's seat will need to be either typed or emailed to Mindy.

If you have any questions, please do not hesitate to contact me.

Thank you and Happy Holidays,

Elizabeth (Beth) Aguilar
City of Leon Valley
Permit Technician
6400 El Verde Road
Leon Valley, TX 78238
(210) 684-1391, ext. 217

<https://www.mygovernmentonline.org/>

APPLY for a permit, PAY your permit fees, TRACK the progress, and SCHEDULE inspections all ONLINE!

LEON VALLEY CITY HALL WILL BE CLOSED ON DECEMBER 22ND THROUGH JANUARY 3RD.

THE INSPECTION DEPARTMENT WILL BE CLOSED ON DECEMBER 23RD AND DECEMBER 26TH IN OBSERVANCE OF CHRISTMAS. ALL REQUESTS FOR INSPECTION ON DECEMBER 27TH MUST BE RECEIVED BY 4PM ON DECEMBER 22ND

RESOLUTION No.

A RESOLUTION OF THE CITY OF LEON VALLEY CITY COUNCIL APPOINTING MEMBERS TO THE PARK COMMISSION, PLANNING & ZONING COMMISSION, AND THE LIBRARY BOARD OF TRUSTEES

WHEREAS, it is necessary to create boards, commissions and committees composed of volunteers from the community to perform specific functions for the City; and

WHEREAS, these boards, commissions and committees are invaluable to the City Council for their expertise, insight, and dedication to the City of Leon Valley; and

WHEREAS, the City Council formally **appoints** and sets the term for the following individuals to the:

PARK COMMISSION

Denise Berger - Commissioner - Term Expiring 05-31-2024

Thomas Benavides – 1st Alternate - Term Expiring 05-31-2024

Kim Crawford – 2nd Alternate - Term Expiring 05-31-2024

PLANNING & ZONING COMMISSION

Andrea Roofe – Commissioner (2) - Term Expiring 05-31-2024

Hilda Gomez – 2nd Alternate - Term Expiring 05-31-2023

LIBRARY BOARD OF TRUSTEES

Hilary Huber - Trustee - Term Expiring 05-31-2024

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS:

That the above listed applicants are hereby appointed and the term for each individual becomes effective immediately.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 17th day of January 2023.

APPROVED

CHRIS RILEY
MAYOR

Attest: _____

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form: _____

NICOLE WARREN
City Attorney

MAYOR AND COUNCIL COMMUNICATION

DATE: January 17, 2022

TO: Mayor and Council

FROM: Melinda Moritz, Public Works Director

THROUGH: Crystal Caldera, City Manager

SPONSORS(S): Councilmember Josh Stevens

SUBJECT: Consider Approval of an Ordinance Amending Chapter 3 Building Regulations, Article 3.02 Technical and Construction Codes, Division 1 Generally, Section 3.02.001 to Create a New Section 3.02.001 and Revising Appendix A Fee Schedule, Article A8.000 Building and Construction Related Fees, Section A8.015 Renter's Registration to Require Registration of Vacant Structures and Assign Appropriate Fees (1st Read as Required by City Charter)

PURPOSE

This item is to consider amending Chapter 3 Building Regulations, Article 3.02 Technical and Construction Codes, Division 1 Generally, Section 3.02.001 and Appendix A Fee Schedule, Article A8, Section A8.015 to require registration of and the payment of a fee for vacant structures. The city does not have many vacant structures at any given time, but the few times we have, it has been difficult to keep them from being vandalized and then also to locate the responsible party to have the buildings repaired after damage has been done.

This addition to the Code of Ordinances would require owners of vacant buildings to register the building, submit the names of the responsible parties, provide telephone and other contact information on a 24/7 basis, allow for inspections, and to keep the structures in good condition until such time as they are reoccupied.

In addition to knowing who the responsible party is, there is also a need to know what's in the building. Currently, the only way for the Fire or Police Departments to know the square footage of each building floor is to request the building records from records storage. These old records do not show what revisions have been made to the floor plans over the years. The new Ordinance would require the owner to submit a building square footage plan and itemize any hazardous or other substances being stored, which aids in potential firefighting situations.

Also required is a plan of action for leasing or selling the building, for maintaining the premises, which includes providing for security, lighting, and alarm systems, and for updating the plan of action at least once every six months. The buildings would be reinspected annually to assure they continue to be in good condition. The new

Ordinance requires the owners to carry full coverage insurance, with the City being named as an additional insured party.

SEE LEON VALLEY

Social Equity – Upkeep of vacant buildings improves the overall image of the city as a safe place to live and work.

Economic Development – By knowing what buildings are vacant and possibly available for sale or lease, and whom to contact about the structure allows city staff to also soft market these structures to potential buyers and/or lessees.

Environmental Stewardship – Assuring hazardous materials are not being stored in an unsafe condition assists with keeping these materials out of our creeks and rivers.

FISCAL IMPACT

The proposed fee for the registration would be the same as for a Certificate of Occupancy, which is \$125.00; however, if the building requires a reinspection, the fee would be \$95.00, as our Building Inspector charges \$65 for each inspection and the remaining \$30 would cover the Fire Marshall's inspection. The fee would be an annual charge. The current regulations in Appendix A Fee Schedule address renter's registration, which we no longer require, so the vacant building fees would replace this section.

STRATEGIC GOALS

Objective #3 – Create, review, enforce, and adopt codes that impact development.

RECOMMENDATION

At City Council discretion.

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Creation of a Vacant Building Registration Program

Melinda Moritz
Public Works Director
City Council Meeting
January 17, 2023

Summary

- Question
 - Should the City Council amend the Code of Ordinances create a vacant building registration program with a fee structure
 - Options
 1. Approve as written
 2. Approve with amendments
 3. Denial
 - Declaration
 - At City Council discretion

Request

- To amend Chapter 3 Building Regulations, Article 3.02 Technical and Construction Codes to add a Section 3.02.001 Vacant Building Registration, to create a vacant building registration program
- To charge appropriate fees for this program by amending Appendix A Fee Schedule to revise Section A8.15 from Renter's Registration Fees to Vacant Building Registration Fees

Background

- City has had a few vacant buildings, both residential and nonresidential, that have fallen into disrepair and become unsafe
- In response to this, City has adopted a Substandard Building, and the 2021 International Residential and International Existing Building Codes
- None of these require a building owner to register a vacant building, provide full coverage insurance, nor devise a plan of action to keep the building secure
- The adoption of the new code will remedy this

Purpose

- New code will require vacant building owners to register the building, submit names & numbers of responsible parties, provide contact information on a 24/7 basis, allow for inspections, and to keep the structures in good condition until they are reoccupied
- Currently, the only way for the Fire or Police Departments to know the square footage of each building floor is to request the building records from records storage
- Old records don't depict what revisions have been made to the floor plans over the years

Purpose

- New code will require owner to submit building square footage plan & itemize any hazardous / other substances being stored, which aids in potential firefighting situations
- Also required is a plan of action for leasing, selling, demolishing the building, for maintaining the premises, including providing for security, lighting, and alarm systems, and for updating the plan of action at least once every six months
- Vacant buildings are to be reinspected annually to assure they continue to be in good condition
- New code will require owners to carry full coverage insurance, with City being named as an additional insured

Fiscal Impact

- Also being revised is Appendix A Fee Schedule, Section A8.015 which was Renter's Registration
- Will now be Vacant Building Registration
- Fee for required annual registration - \$125
 - Same as Certificate of Occupancy
- Fees for reinspection - \$95
 - \$65 Building Inspector
 - \$30 Fire Marshall
 - Does not include staff time/software usage

Recommendation

- At City Council discretion

S.E.E. Statement

Social Equity: Upkeep of vacant buildings improves the overall image of the city as a safe place to live and work

Economic Development: By knowing what buildings are vacant and possibly available for sale or lease, and whom to contact about the structure allows city staff to also soft market these structures to potential buyers and/or lessees

Environmental Stewardship: Assuring hazardous materials are not being stored in an unsafe condition assists with keeping these materials out of our creeks and rivers

AN ORDINANCE AMENDING THE LEON VALLEY CODE OF ORDINANCES, CHAPTER 3 BUILDING REGULATIONS, ARTICLE 3.02 TECHNICAL AND CONSTRUCTION CODES AND STANDARDS, DIVISION 1. GENERALLY, SECTION. 3.02.001 – 3.02.018 TO ADD A NEW DIVISION 1. VACANT BUILDINGS; REPLACING APPENDIX A FEE SCHEDULE, ARTICLE A8.000 BUILDING AND CONSTRUCTION RELATED FEES, SECTION A8.015 RESIDENTIAL RENTAL AND INSPECTION FEES WITH A NEW SECTION A8.015 VACANT BUILDING REGISTRATION AND INSPECTION FEES; DEFINING TERMS; PROVIDING REQUIREMENTS AND PROCEDURES; PROVIDING DEFENSES; PROVIDING AN APPEALS PROCESS FOR THE DENIAL OR REVOCATION OF A CERTIFICATE OF REGISTRATION; PROVIDING SIGNAGE REQUIREMENTS; PROVIDING INSURANCE REQUIREMENTS; REQUIRING A VACANT BUILDING PLAN; AND REQUIRING FEES FOR REGISTRATION AND INSPECTION; PROVIDING A PENALTY; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, vacant buildings in the City of Leon Valley, if left unoccupied and unmonitored, may and have fallen into various states of disrepair, becoming a haven for criminal activity, creating a fire hazard, and creating a blight on the area; and

WHEREAS, it is the City's intent to provide for the health, safety, and welfare of all citizens by reducing the threats posed by such unmonitored and unmaintained buildings by the creation of a vacant building registration program, and

WHEREAS, the creation of a vacant building registration program will also ensure that fire and police personnel have immediate access to vacant building ownership and contact information to allow them to contact owners immediately when a structure has been damaged or vandalized, reducing the threat of any further damage, and encouraging more responsiveness and action in the eventual repair of the structure.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, THAT:

Section 1. That Chapter 3 Building Regulations, Article 3.02 Technical and Construction Codes, Division 1 Generally, Section 3.02.001 – 3.02.018 is here by revised as stated in Exhibit A attached hereto.

Section 2. That Chapter 3 Building Regulations, Article 3.02 Technical and Construction Codes, Section 3.02.019-3.02.050 are reserved for future use.

Section 3. That Appendix A Fee Schedule, Article A8.000 Building and Construction Related Fees, Section A8.015 Renter's Registration be repealed and replaced as follows:

"Sec. A8.015 Vacant Building Registration and Inspection Fees

- (a) Annual Registration Fee: \$125.00
- (b) Reinspection fee: \$95.00"

Section 4. This ordinance shall become effective on and after its passage and approval, and publication requirements as provided by law.

Section 5. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict. All provisions, sections and sub-sections set forth in Chapter 3 Building Regulations, Article 3.02 Technical and Construction Codes not revised or amended herein shall remain in effect.

PASSED, ADOPTED, AND APPROVED by the City Council of the City of Leon Valley this the 7th day of February 2023.

APPROVED

**CHRIS RILEY
MAYOR**

Attest:

**SAUNDRA PASSAILAIGUE, TRMC
City Secretary**

Approved as to Form:

**NICOLE WARREN
City Attorney**

Exhibit A

Vacant Building Registration Program Ordinance

Chapter 3 Building Regulations, Article 3.02 Technical and Construction Codes, Division 1 Generally, Section 3.02.001 – 3.02.018 is hereby revised as follows:

Division 1 VACANT BUILDINGS

Section 3.02.001 Purpose

The purpose of this division is to safeguard life or limb, health, property, and public welfare by regulating and monitoring the status of vacant buildings within this jurisdiction.

Section 3.02.002 Scope

- (a) The provisions of this division shall apply to all vacant buildings, except as otherwise stated herein.
- (b) This division shall not apply to a vacant building that:
 - (1) Has a valid open building permit for construction, remodeling or repair;
 - (2) Is being actively marketed for sale or lease for a period of less than six consecutive months following the date that the building became a vacant building by a licensed real estate broker or an owner who is regularly advertising the property for sale;
 - (3) Is under a contract for sale or lease for a period of less than six months following the date that the building became a vacant building;
 - (4) Has suffered damage or destruction from fire, flood, storm, or similar event that rendered the building incapable of being occupied, except that this division does apply if the building was rendered incapable of being occupied by the intentional act of the owner, operator, lessee, or other invitee or an agent of an owner, operator, lessee, or other invitee; or
 - (5) Is owned by the City of Leon Valley, the Northside Independent School District, the State of Texas, or the United States government.

Section 3.02.003 Definitions

In this Section:

Building - means a structure for the support or shelter of any use or occupancy.

City – means the City of Leon Valley.

Certificate of Registration – means a certificate of registration issued by the director under this chapter to the owner or operator of a vacant building.

Director – means the director of the department designated by the City Manager to enforce and administer this chapter and includes any representatives, agents, or department employees designated by the director.

Dwelling Unit – means one or more rooms designated to be a single housekeeping unit to accommodate one family and containing one or more kitchens, one or more bathrooms, and one or more bedrooms.

Occupied – means that one or more persons conduct business in or reside in at least fifty percent (50%) of the total area of the building (excluding stairwells, elevator shafts, and mechanical rooms) as the legal or equitable owner, operator, lessee, or invitee on a permanent, nontransient basis, pursuant to and within the scope of a valid certificate of occupancy.

Owner – means a person in whom is vested the ownership or title of the real property, including but not limited to:

The holder of a fee simple title;

The holder of a life estate;

- (a) The holder of a leasehold estate for an initial term of five (5) years or more;
- (b) The buyer in a contract for deed;
- (c) A mortgagee, receiver, executor, or trustee in control of the real property;
- (d) The named grantee in the last recorded deed; and
- (e) Not including the holder of a leasehold estate or tenancy for an initial term of less than five (5) years.

Person – means any individual, corporation, organization, partnership, association, governmental entity, or any other legal entity.

Premise or Property – means a lot, plot, or parcel of land, including any structures on such land.

Registrant – means a person issued a certificate of registration for a vacant building under this division.

Structure – means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some defined manner.

Vacant Building – means a residential, commercial or industrial building located within the city limits of the City of Leon Valley that, regardless of its structural condition, is not occupied or is occupied by a person without legal right of occupancy. There is a presumption of vacancy if all lawful uses in the buildings have ceased or reasonably appear to have ceased.

Section 3.02.004 Authority of Director

The Director shall implement and enforce this division and may by written order establish such rules, regulations, or procedures, not inconsistent with this division, as the director determines are necessary to discharge any duty under or to effect the policy of this division.

Section 3.02.005 Delivery of Notices

Any written notice that the director is required to give an applicant or registrant under this chapter is deemed to be delivered:

- (a) On the date the notice is hand delivered to the applicant or registrant; or
- (b) Three (3) days after the date the notice is placed in the United States mail with proper postage and properly addressed to the applicant or registrant at the address provided for the applicant or registrant in the most recent registration application.

Section 3.02.006 Violations; Penalty

- (a) A person who violates a provision of this division, or who fails to perform an act required of the person by this division, commits an offense. A person commits a separate offense each day or portion of day during which the violation is committed, permitted, or continued.
- (b) Criminal Penalties:
 - (1) An offense under this division is punishable by a fine not to exceed \$2,000.
 - (2) An offense under this division is punishable by a fine of not less than \$500 for a first conviction of a violation of this division.
 - (3) The minimum fine established under subsection (b) 2 will be doubled for the second conviction of the same offense within any 24-month period and trebled for a third and subsequent convictions of the same offense within a 24-month period. At no time shall the fine exceed the maximum fine established in subsection (b)1. above.
 - (4) As an alternative to imposing the criminal penalty prescribed in subsection b. above, the city may impose administrative penalties, fees, and court costs as authorized by Section 54.044 of the Texas Local Government Code for an offense of this Division.
 - (5) The penalties provided for in subsections (a) and (b) are in addition to any other enforcement remedies that the city may have under city ordinances and state or federal law.

Section 3.02.007 Registration and Inspection of Buildings

- (a) A person who owns or operates a vacant building shall have ninety (90) days from the date that written notice is issued by the director to obtain a certificate of registration. Written notice shall be issued to the owner or operator by means of personal service, or by first class mail to their last known address according to Bexar County Appraisal

District records, and by posting on the property. The director may consider evidence provided that the property is listed for sale or lease for fair market value and for a reasonable length of time for purposes of extending the length of time before the property must be registered.

- (b) A person commits an offense if the person owns or operates a vacant building without a valid certificate of registration. A separate certificate of registration is required for each street address at which any vacant building is located, regardless of any separate occupied buildings that may also be located at the same street address. If more than one vacant building is located at the same street address, only one certificate of registration is required for all the vacant buildings.

Section 3.02.008 Registration Application

- (a) To obtain a certificate of registration for a vacant building, a person must submit an application on a form provided for that purpose to the director. The applicant must be the person who will own, control, or operate the vacant building. The application must contain all the following information:
 - (1) The name, street address, mailing address, and telephone number of the applicant or the applicant's authorized agent.
 - (2) The name all street addresses, and the main telephone number, if any, of the vacant building, and a description of the type of property it is (such as, but not limited to, a commercial building, apartment complex, warehouse, hotel, boarding home, group home, loft, townhome, condominium, or single-family residence).
 - (3) The names, street addresses, mailing addresses, and telephone numbers of all owners of the vacant building and any lien holders and other persons with a financial interest in the vacant building.
 - (4) The name, street address, mailing address, and telephone number of a person or persons to contact in an emergency.
 - (5) The form of business of the applicant (and owner, if different from the applicant), the name, street address, mailing address, and telephone number of a high managerial agent of the business and, if the business is a corporation or association, a copy of the documents establishing the business.
 - (6) Proof of insurance required by this section.
 - (7) The number of buildings (including vacant and occupied buildings), dwelling units, swimming pools, and spas located in or on the premises of the vacant building.
 - (8) Documentary evidence of payment of ad valorem taxes owned in connection with the vacant building and the premises on which it is located.
 - (9) The total area in square feet of the vacant building, the number of stories contained in the vacant building, the area in square feet of each story, and whether each story is above or below ground.

- (10) The date on which the vacant building was last occupied, a description of the last use, and a description of any hazardous materials, uses, or conditions that currently exist or previously existed in the vacant building.
- (11) Such additional information as the applicant desires to include or that the director deems necessary to aid in the determination of whether the request certificate of registration should be granted.
 - (a) If the application for registration is being made for multiple vacant buildings located at the same address, then the information required in subsection (a) above must be provided for each vacant building located at that address.
 - (b) A registrant shall notify the director within ten (10) days after any material change in the information contained in the application for certificate of registration for a vacant building, including any changes in the ownership of the property.

Section 3.02.009 Registration Fee and Inspection Charge

The fees for a certificate of registration and inspections shall be as stated in Appendix A Fee Schedule. The certificate of registration will be valid for a period of one year, at which time additional inspection will be required and a new certificate of registration issued.

Section 3.02.010 Issuance, Denial, and Display of Certificate of Registration

- (a) Upon payment of all fees, the director shall issue a certificate of registration for a vacant building to the applicant, if the director determines that:
 - (1) The applicant has complied with all requirements for the issuance of a certificate of registration
 - (2) The applicant has not made a false statement as to material matter in the application;
 - (3) The applicant has no outstanding fees assessed under this division.
- (b) If the director determines that the requirements of subsection (a) have not been met, the director shall deny a certificate of registration to the applicant.
- (c) If the director determines that the applicant should be denied a certificate of registration, the director shall deliver written notice to the applicant that the application is denied and include in the notice the reasons for such denial and a statement informing the applicant of his right to appeal the decision.
- (d) A certificate of registration issued under this section must be displayed to the public in a manner and location approved by the director. The certificate must be presented upon request to the director or to a peace officer for examination.

Section 3.02.011 Revocation of Registration

- (a) The director shall revoke a certificate of registration for a vacant building if the director determines:
 - (1) The registrant failed to comply with any provision of this division or any other city ordinance or state or federal law applicable to the building.

- (2) The registrant intentionally made a false statement as to a material matter in the application or in a hearing concerning the certificate of registration; or
 - (3) The registrant failed to pay a required fee at the time it was due.
- (b) Before revoking a certificate of registration, the director shall deliver written notice to the registrant that the certificate of registration is being considered for revocation. The notice must include the reason for the proposed revocation, action the registrant must take to prevent the revocation, and a statement that the registrant has ten (10) days after the date of delivery to comply with the notice.
- (c) If, after ten (10) days from the date the notice is delivered, the registrant has not complied with the notice, the director shall revoke the certificate of registration and deliver written notice of the revocation to the registrant. The notice must include the reason for the revocation, the date the director orders the revocation, and a statement informing the registrant of the right to appeal.

Section 3.02.012 Appeals

An applicant or registrant may appeal the director's denial or revocation by filing a written appeal to the City Council at the office of the city secretary within in ten days of delivery of the notice of denial or revocation. If the director denies issuance or renewal or revokes a certificate of registration of a vacant building the action is final unless appealed.

Section 3.02.013 Expiration and Renewal of Registration

- (a) A certificate of registration for a vacant building expires the earlier of:
- (1) One year after date of issuance;
 - (2) The date the vacant building changes controlling ownership, as determined by the director;
 - (3) The date the vacant building become occupied, as determined by the director;
 - (4) The date the vacant building is demolished, as determined by the director.
- (b) A certificate of registration may be renewed by making application in accordance with Section 3.02.008 and paying the registration fee and inspection charge as required by Appendix A Fee Schedule. A registrant shall apply for renewal no later than 30 days prior to the expiration of the certificate of registration.

Section 3.02.014 Nontransferability

A certificate of registration for a vacant building is nontransferable.

Section 3.02.015 Property Inspections

- (a) For the purpose of ascertaining whether violations of this division or any other city ordinance or state or federal law applicable to the building exist, the director is authorized at a reasonable time to inspect:
- (1) The exterior of a vacant building.

- (2) The interior of a vacant building, if the permission of the owner, operator, or other person in control is given or a search warrant is obtained.
- (b) The director shall cause an inspection of the vacant building at least once during each twelve-month period that the building is not occupied.
- (c) Whenever a vacant building is inspected and a violation of this division or another city ordinance or state or federal law applicable to the building is found, the building or premises will, after the expiration of any time limit for compliance given in a notice or order issued because of the violation, be reinspected by the director to determine that the violation has been eliminated.

Section 3.02.016 Emergency Response Information

- (a) An owner, operator, or other person in control of a vacant building shall provide the director with the name, street address, mailing address, and telephone number of a person or persons who can be contacted twenty-four hours per day, seven days a week, in the event of an emergency condition in or on the premises of the vacant building. An emergency condition includes any fire, flood, natural disaster, collapse hazards, burst pipe, serious police incident, or other condition that requires an emergency response to prevent harm to the property or the public.
- (b) The owner, operator, or other person in control of the vacant building shall notify the director within five days after any change in emergency response information.
- (c) The owner, operator, or other person in control of a vacant building, or an authorized agent, must arrive at the premises of the vacant building within a reasonable time after a contact person named under this section has been notified by the city or emergency response personnel that an emergency condition had occurred on the premises.
- (d) A sign containing the emergency contact information required in subsection (a) of this section must be attached in a conspicuous location on the exterior of each façade of the vacant building that faces a public right of way.
- (e) The sign required by this section must:
 - (1) Comply with the City's sign regulations
 - (2) Be twenty-four inches (24") tall and eighteen inches (18") wide and constructed of a rigid weather resistant material
 - (3) Contain the words "Vacant Building" in a 2-3/8 inch high and 2-inch-wide black letters on a bright yellow background, followed by the information required in this section.
 - (4) Be in a format approved by the director
 - (5) Be readable day and night
- (f) A person commits an offense if he removes or obstructs or allows the removal or obstruction of a sign required to be posted on a vacant building under this section. It is a defense to the prosecution under this subsection that the removal or obstruction was caused by:
 - (1) A city employee in the performance of his duties
 - (2) The owner, operator, or lessee of the vacant building for the purpose of:

- (A) Repairing or maintaining the sign.
 - (B) Complying with this division or a rule or regulation promulgated under this division.
 - (C) Removing the sign when registration of the vacant building is no longer required under this section.
- (g) A minor variation of a required minimum height or width of a sign or lettering is not a violation of this section.

Section 3.02.017 Insurance

- (a) The registrant shall procure, prior to the issuance of a certificate of registration, and keep in full force and effect at all times during the registration period, a liability insurance policy covering the vacant building and the property on which it is located, including at minimum:
 - (1) *For commercial properties*, commercial general liability insurance coverage (including, but not limited to, premise/operations and personal and advertising injury) protecting the City of Leon Valley against any and all claims for damages to persons or property as a result of, or arising out of, the registrant's operation, maintenance, or use of the vacant building, with minimum combined bodily injury, including death, and property damage limits of not less than \$1,000,000 for each occurrence and \$2,000,000 annual aggregate.
 - (2) *For residential properties*, liability insurance coverage with minimum limits of not less than \$500,000.00.
- (b) The insurance policy must be written by an insurance company approved by the State of Texas and acceptable to the city and issued in a standard form approved by the Texas Department of Insurance. All provisions of the policy must be acceptable to the city and must name the city as an additional insured and provide for 30 days written notice to the director of cancellation, non-renewal, or material change to the insurance policy.
- (c) A registrant shall provide to the director an updated certificate of insurance for the vacant building every six months that the building is required to be registered under this division.

Section 3.02.018 Vacant Building Plan

- (a) Within 30 days after the date a certificate of registration is used for a vacant building, the registrant shall submit to the director a vacant building plan complying with this section.
- (b) The vacant building plan must include:
 - (1) A plan of action and a time schedule for correcting all existing violations of this division or any other city ordinances or state or federal law applicable to the building or its premises.

- (2) A plan of action for maintaining the building and its premises in compliance with this division and any other city ordinances or state or federal law.
 - (3) A plan of action for maintaining the building and a safe and secure manner, including, but not limited to, any provision for lighting, security patrols, alarm systems, fire suppression systems, and securing the building from unauthorized entry.
 - (3) A plan of action for occupying or selling the building, including, but not limited to a time schedule for renovating or repairing the building and a time schedule for marketing, advertising, or offering the building for sale or lease.
 - (4) A plan of action and time schedule for any demolition of the building.
- (c) A registrant may update the vacant building plan at any time but shall provide the director with an updated vacant building plan at least once every six months that the building is required to be registered under this division.

MAYOR AND COUNCIL COMMUNICATION

DATE: January 5, 2023

TO: Mayor and Council

FROM: Roque Salinas, Director of Economic Development

THROUGH: Dr. Crystal Caldera, City Manager

SUBJECT: Presentation, Discussion and Possible Action on Continuing the Utility Assistance Program and enter into an Agreement with Ascension De Paul to serve as the administrator for Calendar Year 2023 or Until Funds are Depleted.

PURPOSE

This ordinance authorizes the City Manager to continue with the agreement with Ascension De Paul for the Utility Assistance Program for the 2023 calendar year or until the funds are depleted from the American Rescue Plan authorized for this program.

FISCAL IMPACT

The program will provide up to \$500 per household per calendar year. The program is in its second year and funds were set aside from the American Rescue Plan. If funds are depleted before the end of the calendar year, then the program will cease to operate.

SEE LEON VALLEY

Social Equity – Providing these services in order to create an available path for citizens who have suffered financial impact by the COVID-19 pandemic is equitable. This will help ensure that their financial security is not compromised due to the pandemic.

Economic Development – Economic and Community Development projects encourage collaborative engagement with residents.

Environmental Stewardship – N/A

STRATEGIC GOALS

N/A

RECOMMENDATION

Staff recommends the continuation of a Utility Assistance Program to be administered by a Non-Profit Entity, with one adjustment. The Staff recommends that the limit be lowered to \$500.00 in order for the program to reach more individuals.

City Council Discretion.

ATTEST :

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

RESOLUTION NO. ____

A RESOLUTION OF THE CITY OF LEON VALLEY COUNCIL, APPROVING A PROGRAM, INCLUDING GRANTS OF PUBLIC MONEY UP TO \$50,000.00 TOTAL TO BE USED FOR AN UTILITY ASSISTANCE PROGRAM LOCATED WITHIN THE CITY OF LEON VALLEY THROUGH THE AMERICAN RESCUE PLAN ACT AND TO BE ADMINISTERED BY LOCAL NON-PROFIT ENTITIES; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, on March 11, 2021, the President of the United States of America signed into law the American Rescue Plan Act (ARPA) which provides fiscal relief funds to State and Local Governments, and other program areas aimed at mitigating the continuing effects of the COVID-19 Pandemic; and

WHEREAS, approximately \$350 billion of the ARPA funding was allotted to assist the United States' state, local, tribal, and territory governments in responding to the coronavirus pandemic; and

WHEREAS, ARPA includes State and Local Fiscal Recovery Funds to support urgent COVID response efforts to decrease the spread of the virus; to replace lost public sector revenue to strengthen support for vital public services; to support immediate economic stabilization for households and businesses; and to address systemic public health and economic challenges that have contributed to unequal impacts of the pandemic on certain populations; and

WHEREAS, the United States Department of Treasury deposited the City of Leon Valley's first tranche of funds of one million, five hundred twenty-four thousand, six hundred twenty-six and 96/100 Dollars (1,524,626.95); and

WHEREAS, the City Council previously determined that providing financial assistance in an amount not to exceed **Fifty Thousand No/100 Dollars (\$50,000.00)** of American Rescue Plan Act Funds for Utility Assistance located within the City of Leon Valley, Texas, is consistent with the guidance provided by the United States Department of Treasury; and

WHEREAS, the City Council does now find and determine that providing additional financial assistance in an amount not to exceed **Fifty Thousand No/100 Dollars (\$50,000.00)** of funding from the ARPA Fund of the City of Leon Valley to be administered by Non-Profit entities to provide utility assistance services to households in Leon Valley is consistent with the guidance provided by the United States Department of Treasury, serves a public purpose, and is in the best interest of the community.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS AS FOLLOWS:

Section 1. That the foregoing recitals are hereby found to be true and correct findings of the City Council and are fully incorporated into the body of this Resolution.

Section 2. That the City Council does hereby find and determine that the provision of financial assistance not to exceed **Fifty Thousand No/100 Dollars (\$50,000.00)** for Utility Assistance located within the City of Leon Valley, Texas, is necessary to mitigate the financial burden due to Covid-19 and increasing unemployment rates in Leon Valley, which serves a public purpose and is in the best interest of the community.

Section 3. That the City Council approves of the Rules and Administrative Guideline for the Utility Assistance Program for Leon Valley as set forth in the attached Exhibit A and the Performance Agreement as set forth in attached Exhibit B.

Section 4. That the City Council hereby designates the Non-Profit entities that have entered into a Performance Agreement as set forth in the attached Exhibit B, as the administrators of this Utility Assistance Program and delegates the necessary authority to review applications for assistance and negotiate the award of assistance that will comply with and facilitate recovery from economic hardships resulting from the public health emergency.

Section 5. That the disbursement of funds to the Non-Profit entities to administer the Utility Assistance Program on behalf of the City is in accordance with the Texas Local Government Code §252.022(a)(1). The funds provided under this Agreement are being dispersed from the City's American Rescue Plan Act (ARPA) Funds. In the event that any funds provided to Non-Profit entities pursuant to the Utility Assistance Program must be repaid, such funds shall be repaid to the City's American Rescue Act Funds.

Section 6. That no funds provided under this Utility Assistance Program shall be dispersed by Non-Profit entities after December 31, 2023. Non-Profit entities shall return any remaining funds not dispersed before January 31, 2024, to the City's American Rescue Act Funds.

Section 7. That should any Non-Profit entity administrating the Utility Assistance Program fail to comply with the rules and guidelines for the program, or if federal agencies or authorities having jurisdiction over the funding subsequently determine that the funding was used improperly or that a payment was made but later determined to not be actual or allowable costs, Non-Profit will return to the City of Leon Valley the amount identified as improperly used or not allowable.

Section 8. That the City Council authorizes the Mayor to execute this Resolution and any Program Performance Agreements on behalf of the City, as needed, without further approval of the City Council.

Section 9. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 10. That this Resolution shall become effective from and after its passage.

DULY RESOLVED by the City Council of the City of Leon Valley on this the ____ day of January
____, 2023.

MAYOR CHRIS RILEY

ATTEST:

CITY SECRETARY SAUNDRA PASSAILAIGUE

EXHIBIT A**RULES AND ADMINISTRATIVE GUIDELINE FOR A PROGRAM OF THE CITY OF LEON VALLEY PURSUANT TO THE AMERICAN RESCUE PLAN ACT AND PROVIDE FOR THE ADMINISTRATION OF A PROGRAM, INCLUDING GRANTS OF PUBLIC MONEY UP TO \$50,000.00 TOTAL TO BE USED FOR UTILITY ASSISTANCE LOCATED WITHIN THE CITY OF LEON VALLEY AND TO BE ADMINISTERED BY LOCAL NON-PROFIT ENTITIES****Utility Assistance Program**

1. The City Council of Leon Valley has established a program for making grants of public money to provide utility assistance to households and residents in Leon Valley in an effort to mitigate the financial burden and continuing effects caused by Covid-19.
2. The City Council of Leon Valley designates Non-Profit Entities to administer the program, and will, if needed, provide personnel and services of the municipality in support of the program.
 - Non-Profit Entities shall only use program funds for “Utility Assistance” which means and includes financial assistance to individuals and families directly impacted by the COVID-19 pandemic.
 - Non-Profit Entities must maintain records to provide accountability for all expenditures of dispersed funds, reporting measures, and funds received from the City. This includes, but is not limited to; records providing that all recipients of funds under this Program are residents of Leon Valley, Texas.
 - Non-Profit Entities shall disperse program funds prior to December 31, 2022. Any funds not dispersed by Non-Profit during the Term must be returned to the City on or before January 14, 2023.
 - Non-Profit Entities must continue to report to the City at the end of each quarter, until all funds are dispersed or the Term has ended.
 - Non-Profit Entities are eligible to recover nominal administrative cost associated with administering the Utility Assistance Program, as outlined in the Performance Agreement.
3. Grants administered under the Utility Assistance Program shall meet the following parameters:
 - Recipients of funds from the utility assistance provided under this Program shall be residents of Leon Valley, Texas.
 - Disbursements and assistance provided under the Utility Assistance Program are directly associated with and are necessary expenditures incurred as a result of partial or complete loss of income.
 - Utilities shall be defined as; Electricity, Natural Gas, Water, Sewer, and Sanitation Services.
 - Total utility assistance grant funds shall not exceed \$750 per household each calendar year.

EXHIBIT B

LEON VALLEY UTILITY ASSISTANCE PROGRAM PERFORMANCE AGREEMENT

This **PERFORMANCE AGREEMENT** by and between Ascension DePaul Services, a Texas 501(c)3 organization (hereinafter referred to as “Non-Profit”) and **THE CITY OF LEON VALLEY** (hereinafter referred to as the “City”) is made and executed on the following recitals, terms and conditions.

WHEREAS, on March 11, 2021, the President of the United States of America signed into law the American Rescue Plan Act (ARPA) which provides fiscal relief funds to State and Local Governments, and other program areas aimed at mitigating the continuing effects of the COVID-19 Pandemic; and

WHEREAS, approximately \$350 billion of the ARPA funding was allotted to assist the United States’ state, local, tribal, and territory governments in responding to the coronavirus pandemic; and

WHEREAS, ARPA includes State and Local Fiscal Recovery Funds to support urgent COVID response efforts to decrease the spread of the virus; to replace lost public sector revenue to strengthen support for vital public services; to support immediate economic stabilization for households and businesses; and to address systemic public health and economic challenges that have contributed to unequal impacts of the pandemic on certain populations; and

WHEREAS, the United States Department of Treasury deposited the City of Leon Valley’s first tranche of funds of one million, five hundred twenty-four thousand, six hundred twenty-six and 96/100 Dollars (1,524,626.95); and

WHEREAS, the City Council does now find and determine that providing additional financial assistance in an amount not to exceed **Thirty-two thousand four hundred thirteen dollars 38/100 dollars (\$32,413.38)** of funding from the ARPA Funds to be administered by Non-Profit entities to provide utility assistance services to households in Leon Valley is consistent with the guidance provided by the United States Department of Treasury, serves a public purpose, and is in the best interest of the community.

WHEREAS, the City Council for the City of Leon Valley passed and approved Resolution **No. 21-047R** on the 17th of January 2023 and thus authorized and authorized the City Manager to enter into a Performance Agreement with Ascension DePaul Services to expend funds on utility assistance programs that conform to the stipulations of the Department of Treasury; and

WHEREAS, the City Council for the City of Leon Valley desires to enter into this agreement with Non-Profit to administer and distribute Utility Assistance funds on qualified expenditures to Leon Valley households on behalf of the City.

NOW, THEREFORE, for and in consideration of the agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby

acknowledged, the City and Non-Profit agree as follows:

SECTION 1. FINDINGS INCORPORATED.

The foregoing recitals are hereby incorporated into the body of this Agreement and shall be considered part of the mutual covenants, consideration and promises that bind the parties.

SECTION 2. TERM & TERMINATION.

The term of this Agreement shall begin as of the date of the last signature set forth below and shall expire as of **December 31, 2023**, unless terminated sooner under the provisions hereof.

The City may terminate this Agreement, without recourse, liability, or penalty against the City, upon written notice to Non-Profit.

SECTION 3. DEFINITIONS.

The following words shall have the following meanings when used in this Agreement.

- a) **Agreement.** The word “Agreement” means this Performance Agreement, together with all exhibits and schedules attached to this Agreement from time to time, if any.
- b) **City.** The word “City” means the City of Leon Valley, Texas, its successors and assigns, whose address for the purpose of this Agreement is 6400 El Verde, Leon Valley, Texas 78238.
- c) **Non-Profit.** The word “Non-Profit” mean the Ascension DePaul Services, a Texas non-profit, its successors and assigns, whose address for the purposes of this Agreement is 7607 Somerset Road, San Antonio, Texas 78211.
- d) **Effective Date.** The words “Effective Date” mean the date of the latter to execute this Agreement by and between the Non-Profit and the City.
- e) **Event of Default.** The words “Event of Default” mean and include any of the Events of Default set forth below in the section entitled “Events of Default.”
- f) **Overdue / Past due.** The words “Overdue” and “Past due” and used synonymously and mean a utility bill that is late by the terms of the service agreement with the provider and has not been paid for a minimum of forty-five days.
- g) **Utility Assistance.** The words “Utility Assistance” shall mean and include basic electrical service, water, sewer, natural gas, and sanitation services.
- h) **Qualified Expenditures.** The words “Qualified Expenditures” mean those costs associated

with past-due utilities due to unforeseen financial hardships. Utility assistance costs include, but are not limited to overdue utility bills, reconnection fees, late charges, and other fees accessed to maintain basic utilities for the household. Applicant is responsible for providing supporting evidence of past due utility bill to the non-profit entity.

- i) **Term.** The word “Term” means the term of this Agreement as specified in Section 2 of this Agreement.

SECTION 4. ADMINISTRATION OF THE PROGRAM

- (a) **Authority.** The City has approved and authorized disbursement of funds to the Non-Profit to administer the Utility Assistance Program on behalf of the City in accordance with the Texas Local Government Code §252.022(a)(1).
- (b) **Origin of Funds.** The funds provided under this Agreement are being dispersed from the City’s American Rescue Plan Act funds pursuant to the COVID-19 Pandemic Response & Relief.
- (c) **Payment of Funds.** Funds allocated under this Agreement shall be disbursed to the Non-Profit within fourteen days upon the effective date of this Agreement.
- (d) **Reporting.** Quarterly Fiscal and Needs Met report shall be provided to the City and shall include:
 Name and Address of Applicant(s)
 Type of Utility Assistance and amount of each need;
 Total Funds distributed to the Household;
 Disclosure of administrative hours and fees accessed per household
- (e) **Stop-Loss.** Fees incurred by the Non-Profit to administer the program have been set at \$35.00 per hour plus mileage. Mileage will only be applicable in rare cases to serve the elderly and disabled. Administration fees shall not exceed **Fifteen Thousand and No/100 (\$15,000.00)** for the administration of the Utility Assistance Program.
- (f) **Guarantee of payment to Administrator.** The administrator will be paid for all hours, regardless of availability of funds in the grant program. The administrator will take payment of fees at the end of every quarter. The administrator will stop accepting and reviewing applications once the funds are exhausted. The administrator must provide notice to city staff once all funds have been exhausted. In the event that funds are exhausted and the administrator’s fee has not been collected the City will pay the fee out of the economic development operations account.
- (g) **Repayment of Funds.** In the event that any funds provided to Non-Profit pursuant to this Agreement must be repaid, the funds shall be repaid to the City’s American Rescue Plan Act fund.

- (h) **Term.** In order to be eligible for Utility Assistance funding, Non-Profit shall disburse funds to vendor(s) on or before December 31, 2023. Non-Profit agrees to submit final Utility Assistance Program reports to City no later than January 15, 2024.

SECTION 5. AFFIRMATIVE COVENANTS OF DEVELOPER.

Non-Profit covenants and agrees with the City, while this Agreement is in effect, it shall comply with the following terms and conditions:

- (a) **Operate Non-Profit.** Non-Profit agrees during the Term of this Agreement to maintain and keep open the Non-Profit entity in good standing with the State of Texas and Internal Revenue Bureau.
- (b) **Records.** Non-Profit shall maintain appropriate records for the Term of this Agreement to provide accountability for all expenditures of dispersed funds, reporting measures, and funds received from the City and dispersed under this Agreement. Records maintained by Non-Profit will, at a minimum, identify the supporting documentation prepared by Non-Profit to permit an audit of its accounting systems and payment verification with respect to the expenditure of any funds provided under this Agreement.
- (c) **Report.** At the Term of this Agreement the Non-profit agrees to report to the City, including all records-maintained accounting for all expenditures of dispersed funds, reporting measures, and funds received from the City and dispersed under this Agreement.
- (d) **Utility Assistance Funds.** Non-profit agrees during the Term of this Agreement, that all financial assistance dispersed shall be to individuals and families directly impacted by a loss of income and all funds under this Agreement shall be provided to families and households located only in Leon Valley, Texas.
- (e) **Audit.** If any audit, monitoring, investigations, review of awards, or other compliance review reveals any discrepancies, inadequacies, or deficiencies which are necessary to correct in order to maintain compliance with the City's Grant Agreement, the American Rescue Plan Act, United States Department of the Treasury Guidelines applicable to ARPA funding, other applicable laws, regulations, or City's obligations, Non-Profit agrees to correct such discrepancies or inadequacies within thirty (30) calendar days after City's receipt of the findings.
- (f) **Performance Conditions.** Non-Profit agrees to make, execute and deliver to City such other instruments, documents and other agreements as City or its attorneys may reasonably request to evidence this Agreement.
- (g) **Performance.** Non-Profit agrees to perform and comply with all terms, conditions, and provisions set forth in this Agreement and in all other instruments and agreements by and

between the Non-Profit and City.

SECTION 6. AFFIRMATIVE COVENANTS OF THE CITY.

City covenants and agrees with Non-Profit that, while this Agreement is in effect, it shall comply with the following terms and conditions:

- (a) **Financial Assistance for Qualified Expenditures.** City covenants and agrees to provide financial assistance in the amount not to exceed **Thirty-two thousand four hundred thirteen dollars 38/100 dollars (\$32,413.38)** to Non-Profit. The City shall disburse funds to the Non-Profit for funds within fourteen days upon the Effective Date of this Agreement to administer the Utility Assistance Program by utilizing the funds for qualified expenditures.
- (b) **Performance.** City agrees to perform and comply with all terms, conditions, and provisions set forth in this Agreement and in all other instruments and agreements by and between Non-Profit and City.

SECTION 7. CESSATION OF ADVANCES.

If the City has made any commitment to provide any financial assistance to Non-Profit, whether under this Agreement or under any other agreement, the City shall have no obligation to advance or disburse the financial assistance if: (i) Non-Profit becomes insolvent, files a petition in bankruptcy or similar proceedings, or is adjudged bankrupt; or (ii) an Event of Default occurs.

SECTION 8. EVENTS OF DEFAULT.

Each of the following shall constitute an Event of Default under this Agreement:

- (a) **General Event of Default.** Failure of Non-Profit or City to comply with or to perform any other term, obligation, covenant or condition contained in this Agreement, or failure of Non-Profit or City to comply with or to perform any other term, obligation, covenant or condition contained in any other agreement by and between Non-Profit or City is an Event of Default.
- (b) **False Statements.** Any warranty, representation, or statement made or furnished to the City by or on behalf of Non-Profit under this Agreement that is false or misleading in any material respect, either now or at the time made or furnished is an Event of Default.
- (c) **Insolvency.** Non-Profit's insolvency, appointment of receiver for any part of Non-Profit's property, any assignment for the benefit of creditors of Non-Profit, any type of creditor workout for Non-Profit's, or the commencement of any proceeding under any bankruptcy or insolvency laws by or against Non-Profit is an Event of Default.

SECTION 9. EFFECT OF AN EVENT OF DEFAULT.

In the event of default under Section 7 of this Agreement, the non-defaulting party shall give written notice to the other party of any default, and the defaulting party shall have thirty (30) days to cure said default. Should said default remain uncured as of the last day of the applicable cure period, and the non-defaulting party is not otherwise in default, the non-defaulting party shall have the right to immediately terminate this Agreement. In the event, Non-Profit defaults and is unable or unwilling to cure said default within the prescribed time period, the amounts provided by the City to Non-Profit pursuant to Section 5(a) of this Agreement shall become immediately due and payable by Non-Profit to the City.

SECTION 10. INDEMNIFICATION.

Non-profit shall indemnify, save, and hold harmless the City, its directors, officers, agents, attorneys, and employees (collectively, the “Indemnitees”) from and against: (i) any and all claims, demands, actions or causes of action that are asserted against any Indemnatee if the claim, demand, action or cause of action directly or indirectly relates to tortious interference with contract or business interference, or wrongful or negligent use of City’s grant advances by Non-Profit or its agents and employees; (ii) any administrative or investigative proceeding by any governmental authority directly or indirectly related, to a claim, demand, action or cause of action in which the City is a disinterested party; (iii) any claim, demand, action or cause of action which directly or indirectly contests alleges the legal authority of the City or Non-Profit to enter into this Agreement; and (iv) any and all liabilities, losses, costs, or expenses (including reasonable attorneys’ fees and disbursements) that any Indemnatee suffers or incurs as a result of any of the foregoing; provided, however, that Non-Profit shall have no obligation under this Section to the City with respect to any of the foregoing arising out of the gross negligence or willful misconduct of the City or the breach by the City of this Agreement. If any claim, demand, action or cause of action is asserted against any Indemnatee, such Indemnatee shall promptly notify Non-Profit, but the failure to so promptly notify Non-Profit shall not affect Business Owner’s obligations under this Section unless such failure materially prejudices Non-Profit’s right to participate in the contest of such claim, demand, action or cause of action, as hereinafter provided. If requested by Non-Profit in writing, as so long as no Default or Event of Default shall have occurred and be continuing, such Indemnatee shall in good faith contest the validity, applicability and amount of such claim, demand, action or cause of action and shall permit Non-Profit to participate in such contest. Any Indemnatee that proposes to settle or compromise any claim, demand, action, cause of action or proceeding for which Non-Profit may be liable for payment of indemnity hereunder shall give Non-Profit written notice of the terms of such proposed settlement or compromise reasonably in advance of settling or compromising such claim or proceeding and shall obtain Non-Profit’s concurrence thereto.

SECTION 11. MISCELLANEOUS PROVISIONS.

The following miscellaneous provisions are a part of this Agreement:

- a) Assignment. This Agreement shall bind and benefit the respective Parties and their legal successors and shall not be assignable, in whole or in part, by any party without first obtaining written consent of the other party.
- b) Amendment or Modification. Except as otherwise provided in this Agreement, this Agreement shall be subject to change, amendment, or modification only in writing, and by the signatures and mutual consent of the Parties.
- c) Parties in Interest. This Agreement shall be for the sole and exclusive benefit of the Parties hereto and shall not be construed to confer any rights upon any third party.
- d) Remedies Not Exclusive. The rights and remedies contained in this Agreement shall not be exclusive but shall be cumulative of all rights and remedies now or hereinafter existing, by law or in equity.
- e) Waiver. The failure of any party to insist in any one or more instances on the performance of any of the terms, covenants or conditions of this Agreement, or to exercise any of its rights, shall not be construed as a waiver or relinquishment of such term, covenant, or condition, or right with respect to further performance.
- f) Entire Agreement. This Agreement constitutes the entire agreement between the Parties related to the subject matter of this Agreement and supersedes any and all prior agreements, whether oral or written, dealing with the subject matter of this Agreement.
- a) Venue. This Agreement shall be performable and enforceable in the state district courts of Bexar County, Texas, and shall be construed in accordance with the laws of the State of Texas.
- b) Severability. If any term or provision of this Agreement is held to be invalid, void or unenforceable by a court of competent jurisdiction, the remainder of the terms and provisions of this Agreement shall remain in full force and effect and shall not in any way be invalidated, impaired or affected.
- c) Notices. Any notice provided or permitted to be given under this Agreement must be in writing and may be served by (i) depositing the same in the United States mail, addressed to the party to be notified, postage prepaid, registered or certified mail, return receipt requested; or (ii) by delivering the same in person to such party; or (iii) by overnight or messenger delivery service that retains regular records of delivery and receipt; or (iv) by facsimile; provided a copy of such notice is sent within one (1) day thereafter by another method provided above. The initial addresses of the parties for the purpose of notice under this Agreement shall be as follows:

If to City:

CITY OF LEON VALLEY

6400 El Verde
Leon Valley, Texas 78238
Attention: City Manager

With copy to: Denton Navarro Rocha Bernal & Zech, P.C.
2417 North Main Avenue
San Antonio, Texas 78212
Attention: Roxana I. Perez Stevens

If to Non-Profit: ASCENSION DEPAUL SERVICES
7607 Somerset Road
San Antonio, Texas 78211

d) No Joint Venture. Nothing contained in this Agreement is intended by the Parties to create a partnership or joint venture between the Parties and any implication to the contrary is hereby expressly disavowed. It is understood and agreed that this Agreement does not create a joint enterprise, nor does it appoint either Party as an agent of the other for any purpose whatsoever. Except, as otherwise specifically provided herein, neither Party shall in any way assume any of the liability of the other for acts of the other or obligations of the other.

e) Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be considered an original, but all of which constitute one instrument.

f) Governmental Immunity. The City does not waive or relinquish any immunity or defense on behalf of itself, its officers, employees, Councilmembers, and agents as a result of the execution of this Agreement and the performance of the covenants and actions contained herein.

g) Binding Effect. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, representatives, successors, and assigns, and the terms hereof shall run with the Property.

h) Legal Construction. If any provision in this Agreement is for any reason unenforceable, to the extent the unenforceability does not destroy the basis of the bargain among the parties, such unenforceability will not affect any other provision hereof, and this Agreement will be construed as if the unenforceable provision had never been a part of this Agreement. Whenever the context requires, the singular will include the plural and neuter include the masculine or feminine gender, and vice versa. Article and section headings in this Agreement are for reference only and are not intended to restrict or define the text of any section. This Agreement will not be construed more or less favorably between the parties by reason of authorship or origin of language.

i) Recitals; Exhibits. Any recitals in this Agreement are represented by the parties hereto to be accurate, constitute a part of the parties' substantive agreement, and are fully incorporated herein as matters of contract and not mere recitals. Further, any exhibits to this

Agreement are incorporated herein as matters of contract and not mere exhibits.

- j) Compliance with the AMERICAN RESCUE PLAN ACT. Should Non-Profit fail to comply or if federal agencies or authorities having jurisdiction over the funding subsequently determine that the funding was used improperly or that a payment was made but later determined to not be actual or allowable costs, Non-Profit warrants that it will return to City the amount identified as improperly used or not allowable, whether during the Term of this Agreement or after. Non-Profit shall refund any such payment to City.
- k) Public Information. Notwithstanding any provisions of this Agreement to the contrary, Non-Profit acknowledges that City and this Agreement are subject to the Texas Public Information Act, Texas Government Code Chapter 552 (the “PIA”). Non-Profit acknowledges that City will comply with the PIA, as interpreted by its legal counsel based on judicial opinions and opinions of the Attorney General of the State of Texas.
- l) Time is of Essence. Time is of the essence in the performance of this Agreement.

[Signatures and acknowledgments on the following pages]

THE PARTIES ACKNOWLEDGE HAVING READ ALL THE PROVISIONS OF THIS PERFORMANCE AGREEMENT, AND THE PARTIES AGREE TO ITS TERMS. THIS AGREEMENT IS EFFECTIVE AS OF THE EFFECTIVE DATE AS IS PROVIDED HEREIN.

CITY:

LEON VALLEY, TEXAS,
a Texas home-rule municipality

By: _____
Crystal Caldera
Leon Valley City Manager

Date Signed: _____

NON-PROFIT:

Ascension DePaul Services,
a Texas Non-Profit Organization

By: _____
Patrick Butler
President and Chief Executive Officer

Date Signed: _____

Utility Assistance Program

Roque Salinas

Economic Development Director

BLUF Summary

Question:

The Council is being asked to consider a Resolution approving the continuation of the Utility Assistance Program through Ascension DePaul Services which will be used for utility assistance within the City Of Leon Valley and authorizing the City Manager to enter into a performance agreement with Ascension DePaul Services for the administration of the program.

The program funding would come from American Rescue Plan Act funds.

Options:

1. Approval
2. Denial
3. Approve with alternate conditions

Background

The Utility Assistance Program will provide economic relief to citizens who are unable to pay basic utility bills, including:

- Electrical Service
- Water
- Sewer
- Natural Gas
- Sanitation Services

Ascension DePaul Services

The Non-Profit Agency has been servicing the needs of the metropolitan area since 1958.

Part of their mission is to provide service people in need or who are vulnerable.

The Non-Profit Entity has a charity tracker program and the support staff available to administer the Utility Assistance Program.

Ascension DePaul Services has successfully partnered with the City of Leon Valley to manage the project for the 2022 calendar year.

S.E.E. Statement

Social Equity:

- Providing these services in order to create an available path for citizens who have suffered financial impact by the COVID-19 pandemic is equitable. This will help ensure that their financial security is not compromised due to the pandemic.

Economic Development:

- Economic and Community Development projects encourage collaborative engagement with residents.

Environmental Stewardship:

- N/A

Strategic Goals

Economic Development is a strategic goal outlined in Leon Valley's Strategic Plan.

The Utility Assistance Program is in line with the city's goal of economic development and assist in the assurance of responsible economic development of taxpayer dollars.

2022 Program Data

- In the first year the program only used \$17,586.62, including admin fees, of total funds or 35% of the grant funds.
- The program assisted 27 households and paid a total of 31 bills. The most requested bill and the largest on average were for CPS. The program assisted with 23 bills and paid on average \$621.23.

Utility Company	Funds Distributed	Admin Fees	Bills paid	Average payment to resident	Total payment
CPS	\$ 14,288.31	\$ 735.00	23	\$ 621.23	\$ 15,023.31
LV Water	\$ 441.61	\$ 52.50	3	\$ 147.20	\$ 494.11
SAWS	\$ 1,128.82	\$ 87.50	2	\$ 564.41	\$ 1,216.32
Tiger Sanitation	\$ 168.43	\$ 61.25	2	\$ 84.22	\$ 229.68
Water- Leon Valley	\$ 124.45	\$ 26.25	1	\$ 124.45	\$ 150.70
ineligible	\$ -	\$ 472.50	13	\$ -	\$ 472.50
Total	\$ 16,151.62	\$ 1,435.00	44	\$ 308.30	\$ 17,586.62

2022 Data



Recommendation

- Staff recommends the continuation of a Utility Assistance Program to be administered by a Non-Profit Entity, with one adjustment.
- The Staff recommends that the limit be lowered to \$500.00, in order for the program to reach more households.

Request - Fiscal Impact

Funds allotted to UAP: \$32,413.38

- Up to \$500 of utility assistance per household.
- Non-Profit Entity will access a nominal administrative fee. Stop-loss clause added to performance agreement.
- This will be the second year of the program. In the first year the program only used \$17,586.62, including admin fees, of total funds or 35% of the grant funds. The program has not had an impact on the city budget.

Utility Assistance Program

Roque Salinas

Economic Development Director

Application # _____

**In-Kind Grant Application**

6400 El Verde Road, Leon Valley, Texas 78238

PH: 210-684-1391 Ext: 231 Fax: 210-684-4476

☒ Community Center☐ Conference Center

Please check all that apply:

<input checked="" type="checkbox"/> Non-Profit	<input type="checkbox"/> Religious	<input type="checkbox"/> Govt. Entity	<input type="checkbox"/> School	<input type="checkbox"/> Charitable	<input type="checkbox"/> Other (please specify):
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Organization InformationName: Project SMASHAddress: 6883 Bandera Rd, San Antonio, TX 78238Contact Number: 210-201-2873 Email Address: info@projectsmash.orgEvent Coordinator: Rudy Alba Cell Phone: 210-853-7869**Event Information**Date(s) of Event: ^{MARCH} Feb. 24, 2023 / ^{MAR} Feb. 24, 2023 Start Time: 6:00 PM End Time: 9:00 PMAssembly Date: ^{MAR} Feb. 24, 2023 / ^{MAR} Feb. 24, 2023 Start Time: 2:00 PM End Time: 6:00 PMBreakdown/Clean-up Date/Time: 9:10 PM-10:00 PMEstimated Attendees: 250Purpose of Event: Fundraiser for Project SMASH, promote K-pop Dance Team (KOSMIC), and spread awareness of K-pop.Primary Audience: Teens, young adults (18-24 years old)

If event is a fundraiser, what will fundraising funds be used for?

Fundraising funds will be used for support Project SMASH outreach, scholarship, and community opportunity programs.

List all other sources of funding for this event such as admission fee, donations, grants, etc.:

Admission fee

Application # _____

Will your event allow the sale or consumption of alcohol? If yes, have you already obtained the proper state permits? Please attach copy of permits.

No. Sale or consumption of alcohol is prohibited.

What benefits will the City of Leon Valley receive from this event?

Through a successful event outcome, the City of Leon Valley will position itself as a destination for K-pop events and a leader in providing experiences for its residents. This event will show the city leadership's commitment to big ideas created by its long-time residents.

Describe the in-kind services that you are requesting such as security, facility usage, electrical, booth set-up, stage set-up, clean-up, transportation, barricades, etc.:

Security, community center building usage, electricity, water, booth set-up (table, chairs, and and pipe and drape), clean-up, projector access (for visual effects), stanchions (for crowd and access control), and internet access (check-in and guest internet).

Has this organization or project previously received in-kind City services? If yes, please provide the details, including the monetary value of the resources.

Yes, we received support through the City for ColoZeum (August 6, 2022). We received assistance for community center rental (\$850).

If this is a second or third request for assistance, please tell us what's new, improved, expanded, or innovative about this year's proposed project compared to previous applications.

This event will involve use of visual effects (projector access required) as attendees dance to K-pop (Korean Popular Music). Unlike the previous event (ColoZeum), vendors will be vetted for relevance to the genre.

Please describe your specific plans to market and promote the proposed project.

The event will be promoted through our social media channels (e.g. Facebook, Instagram, Twitter, etc.), print, and media via press releases. We will encourage SMASH Dance members and K-pop fan communities around Texas to attend the event. If assistance granted, all promotional graphics shall include the city of Leon Valley's logo as requested.

Please attach all other supporting documents and mail or hand-deliver to:

*City of Leon Valley, Special Events Coordinator: 6400 El Verde Rd. Leon Valley, Texas 78238

Print Name: Rudy Alba

Signature: 

Date: 30 / Nov / 2022

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: FEB 11 2015

NUSMASH PROJECT
C/O LISA VALDES-ROMERO
6709 BANDERA RD
SAN ANTONIO, TX 78238

Employer Identification Number:
47-1888521
DLN:
17053336361014
Contact Person:
DIANE M ECKARD ID# 31394
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
December 31
Public Charity Status:
170(b)(1)(A)(vi)
Form 990 Required:
Yes
Effective Date of Exemption:
October 6, 2014
Contribution Deductibility:
Yes
Addendum Applies:
No

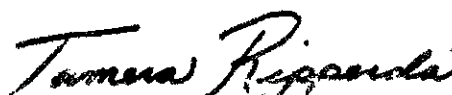
Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. We determined that you are a public charity under the Code section(s) listed in the heading of this letter.

For important information about your responsibilities as a tax-exempt organization, go to www.irs.gov/charities. Enter "4221-PC" in the search bar to view Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, which describes your recordkeeping, reporting, and disclosure requirements.

Sincerely,



Director, Exempt Organizations

Letter 947



OGDEN UT 84201-0046

In reply refer to: 0423228364
Sep. 13, 2019 LTR 252C 0 R
47-1888521 000000 00
00007111
BODC: TE

PROJECT SMASH
6883 BANDERA RD
SAN ANTONIO TX 78238-1359

015480

Taxpayer Identification Number: 47-1888521

Dear Taxpayer:

Thank you for the inquiry dated July 09, 2019.

We have changed the name on your account as requested. The number shown above is valid for use on all tax documents.

If you need forms, schedules, or publications, you may get them by visiting the IRS website at www.irs.gov or by calling toll-free at 1-800-TAX-FORM (1-800-829-3676).

If you have any questions, please call us toll free at 1-877-829-5500.

If you prefer, you may write to us at the address shown at the top of the first page of this letter.

Whenever you write, please include this letter and, in the spaces below, give us your telephone number with the hours we can reach you. Also, you may want to keep a copy of this letter for your records.

Telephone Number () _____ Hours _____

Sincerely yours,

Joe I. Jacquez
Entity Department Manager

Enclosure(s):
Copy of this letter

Event Description

San Antonio Ultimate Random Dance Event: Boy Groups VS Girl Groups (Working Title)

The San Antonio Ultimate Random Dance Event helps K-pop dancers of all ages who want to participate in a public random dance game by reducing social isolation and increasing opportunities to express their creativity, connect with the wider community.

Each random dance game consists of a 30-minute medley of K-pop (Korean Pop) songs. Participants can choose to dance throughout the game or a segment. DJ Innaseoul will graciously provide the soundtrack of the 30-minute medley. This event will have 3 random games scheduled.

Visual effects are important for delivering a memorable K-pop random dance experience. Our event will use lighting and video projections as visual effects.

This event will be friendly to all age groups. Alcohol and drug consumption are prohibited. This will be strictly enforced with assistance from Leon Valley Police Department.

Through a successful event outcome, funds will be raised to support the Project SMASH's philanthropic programs, increase exposure the performance group - SMASH KOSMIC, and spread awareness of K-pop to a larger audience.

The City of Leon Valley will benefit from a successful outcome by positioning itself as a destination for K-pop events and a leader in providing experiences for its residents. This event will show the city leadership's commitment to big ideas created by its long-time residents.

Event Budget

Line	Item	Cost
01	Advertising/Promotions	\$150
02	Community Center, Cleanup Rate	\$200
03	Community Center, Deposit	\$250
04	Community Center Rental (In-Kind Grant)	\$700
05	Community Center, Security (8-hours @ \$27.50/hr)	\$220
06	Decor	\$300
07	DJ/Emcee Appearance Fee	\$350
08	Snacks and refreshments	\$120
09	Performer Giveaway	\$100
10	Videographer	\$250
Total		\$2,640

Note: In-Kind Assistance from the City of Leon Valley is mentioned in line 04. This value is obtained from the City's website on November 29, 2022.

Event Marketing Plan

The event will be promoted through SMASH Dance, Project SMASH, and other partner organization's social media channels (e.g. Facebook, Instagram, Twitter, etc.), print, and media via press releases. We will encourage SMASH Dance members and K-pop fan communities around Texas to attend the event. If assistance granted, all promotional graphics shall include the city of Leon Valley's logo as requested.

Tentative Schedule for Marketing Campaign

December 2022 (as soon as in-kind grant is approved)

- Announcement of event
- Call for volunteers, vendors, and performers
- Presale ticket promotion

January 2023

- Send out press releases to local media outlets (e.g., TV, radio stations, et al.)

February 2023

- Feb 7 – 18. Final push for ticket sales.
- Post event – Appreciation posts for all supporters (e.g., volunteers, sponsors, et al.)

In-Kind Grant Request: Project SMASH		Total Points Required for Affirmative Recommendation: 18				Max Points: 24
Event Date: March 24, 2022-2023		0	1	2	3	SCORING
Criteria						
Does the request promote the City of Leon Valley?		Request does not promote the City of Leon Valley <input type="checkbox"/>	Request somewhat promotes the City of Leon Valley <input checked="" type="checkbox"/>	Request mostly promotes the City of Leon Valley <input type="checkbox"/>	Request is entirely about promoting the City of Leon Valley <input type="checkbox"/>	1
Does the request encourage tourism and increase outside interests in local businesses in Leon Valley?		Request does not encourage tourism/increase outside interests <input type="checkbox"/>	Request somewhat encourages tourism/increase outside interests <input checked="" type="checkbox"/>	Request mostly encourages tourism/increase outside interests <input type="checkbox"/>	Request definitely encourages tourism/increase outside interests <input type="checkbox"/>	3
Does the organization directly or indirectly promote economic development or support the City thru educational services or does it enhance City buildings, parks or similar facilities?		Organization does not promote, support or enhance the City of Leon Valley <input type="checkbox"/>	Organization somewhat promotes, supports or enhances the City of Leon Valley <input type="checkbox"/>	Organization mostly promotes, supports or enhances the City of Leon Valley <input checked="" type="checkbox"/>	Organization definitely promotes, supports or enhances the City of Leon Valley <input type="checkbox"/>	2
PRIVATE ENTITY: Generates Additional Sales/Tax Revenues PUBLIC/NPO ENTITY: Provides needed social services for LV (please circle the type of entity and rate applicant according to the specific entity/sector)		Request does not meet criteria <input type="checkbox"/>	Request somewhat meets criteria <input type="checkbox"/>	Request mostly meets criteria <input checked="" type="checkbox"/>	Request definitely meets criteria <input type="checkbox"/>	3
Does the event or organization allow the public to attend or participate with the community?		Event/Organization does not allow the public to attend or participate with the community <input type="checkbox"/>	Event/Organization somewhat allows the public to attend or participate with the community <input type="checkbox"/>	Event/Organization mostly allows the public to attend or participate with the community <input type="checkbox"/>	Event/Organization definitely allows the public to attend or participate with the community <input checked="" type="checkbox"/>	3
Is the event a reasonable request of city resources?		Request is not a reasonable request of City resources at this time <input type="checkbox"/>	Request is a somewhat reasonable request of City resources <input type="checkbox"/>	Request is mostly a reasonable request of City resources <input checked="" type="checkbox"/>	Request is definitely a reasonable request of City resources <input type="checkbox"/>	2
Does the request support the City Mission? "The City of Leon Valley will provide our community with a superior quality of life by balancing social equity, environmental stewardship and economic development to achieve sustainability".		Request does not support City mission <input type="checkbox"/>	Request somewhat supports City mission <input type="checkbox"/>	Request mostly supports City mission <input checked="" type="checkbox"/>	Request definitely supports City mission <input type="checkbox"/>	2
Does the event help bridge communication and networks between the City of Leon Valley and other stakeholders?		Request does not support vision for collaborative stakeholder participation <input type="checkbox"/>	Request somewhat supports vision for collaborative stakeholder participation <input type="checkbox"/>	Request mostly supports vision for collaborative stakeholder participation <input checked="" type="checkbox"/>	Request definitely supports vision for collaborative stakeholder participation <input type="checkbox"/>	2
TOTAL						18

In-Kind Grant Request: Project Smash		Total Points Required for Affirmative Recommendation: 18				Max Points: 24
Event Date: 3/24/2023						
Criteria	0	1	2	3	SCORING	
Does the request promote the City of Leon Valley?	Request <i>does not</i> promote the City of Leon Valley <input type="checkbox"/>	Request <i>somewhat</i> promotes the City of Leon Valley <input type="checkbox"/>	Request <i>mostly</i> promotes the City of Leon Valley <input checked="" type="checkbox"/>	Request is <i>entirely</i> about promoting the City of Leon Valley <input type="checkbox"/>	2	
Does the request encourage tourism and increase outside interests in local businesses in Leon Valley?	Request <i>does not</i> encourage tourism/increase outside interests <input type="checkbox"/>	Request <i>somewhat</i> encourages tourism/increase outside interests <input type="checkbox"/>	Request <i>mostly</i> encourages tourism/increase outside interests <input checked="" type="checkbox"/>	Request <i>definitely</i> encourages tourism/increase outside interests <input type="checkbox"/>	3	
Does the organization directly or indirectly promote economic development or support the City thru educational services or does it enhance City buildings, parks or similar facilities?	Organization does <i>not</i> promote, support or enhance the City of Leon Valley <input type="checkbox"/>	Organization <i>somewhat</i> promotes, supports or enhances the City of Leon Valley <input type="checkbox"/>	Organization <i>mostly</i> promotes, supports or enhances the City of Leon Valley <input type="checkbox"/>	Organization <i>definitely</i> promotes, supports or enhances the City of Leon Valley <input checked="" type="checkbox"/>	1	
PRIVATE ENTITY: Generates Additional Sales/Tax Revenues PUBLIC/NPO ENTITY: Provides needed social services for LV (please circle the type of entity and rate applicant according to the specific entity/sector)	Request does <i>not</i> meet criteria <input type="checkbox"/>	Request <i>somewhat</i> meets criteria <input checked="" type="checkbox"/>	Request <i>mostly</i> meets criteria <input type="checkbox"/>	Request <i>definitely</i> meets criteria <input type="checkbox"/>	0	
Does the event or organization allow the public to attend or participate with the community?	Event/Organization does <i>not</i> allow the public to attend or participate with the community <input checked="" type="checkbox"/>	Event/Organization <i>somewhat</i> allows the public to attend or participates with the community <input type="checkbox"/>	Event/Organization <i>mostly</i> allows the public to attend or participates with the community <input type="checkbox"/>	Event/Organization <i>definitely</i> allows the public to attend or participates with the community <input type="checkbox"/>	3	
Is the event a reasonable request of city resources?	Request is <i>not</i> a reasonable request of City resources at this time <input type="checkbox"/>	Request is a <i>somewhat</i> reasonable request of City resources <input type="checkbox"/>	Request is <i>mostly</i> a reasonable request of City resources <input type="checkbox"/>	Request is <i>definitely</i> a reasonable request of City resources <input checked="" type="checkbox"/>	3	
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Does the event help bridge communication and networks between the City of Leon Valley and other stakeholders?	Request does <i>not</i> support vision for collaborative stakeholder participation <input type="checkbox"/>	Request <i>somewhat</i> supports vision for collaborative stakeholder participation <input type="checkbox"/>	Request <i>mostly</i> supports vision for collaborative stakeholder participation <input type="checkbox"/>	Request <i>definitely</i> supports vision for collaborative stakeholder participation <input checked="" type="checkbox"/>	3	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
					TOTAL	18

In-Kind Grant Request: <u>Project Smash</u> Event Date: <u>March 24 2023</u>		Total Points Required for Affirmative Recommendation: 18				Max Points: 24
Criteria	0	1	2	3	SCORING	
Does the request promote the City of Leon Valley?	Request <i>does not</i> promote the City of Leon Valley <input type="checkbox"/>	Request <i>somewhat</i> promotes the City of Leon Valley <input checked="" type="checkbox"/>	Request <i>mostly</i> promotes the City of Leon Valley <input type="checkbox"/>	Request is <i>entirely</i> about promoting the City of Leon Valley <input type="checkbox"/>		
Does the request encourage tourism and increase outside interests in Leon Valley?	Request <i>does not</i> encourage tourism/increase outside interests <input type="checkbox"/>	Request <i>somewhat</i> encourages tourism/increase outside interests <input type="checkbox"/>	Request <i>mostly</i> encourages tourism/increase outside interests <input type="checkbox"/>	Request <i>definitely</i> encourages tourism/increase outside interests <input checked="" type="checkbox"/>		
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PRIVATE ENTITY: Generates Additional Sales/Tax Revenues PUBLIC/NPO ENTITY: Provides needed social services for LV (please circle the type of entity and rate applicant according to the specific entity/sector)	Request does <i>not</i> meet criteria <input type="checkbox"/>	Request <i>somewhat</i> meets criteria <input type="checkbox"/>	Request <i>mostly</i> meets criteria <input type="checkbox"/>	Request <i>definitely</i> meets criteria <input checked="" type="checkbox"/>		
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Does the event help bridge communication and networks between the City of Leon Valley and other stakeholders?	Request does <i>not</i> support vision for collaborative stakeholder participation <input type="checkbox"/>	Request <i>somewhat</i> supports vision for collaborative stakeholder participation <input type="checkbox"/>	Request <i>mostly</i> supports vision for collaborative stakeholder participation <input checked="" type="checkbox"/>	Request <i>definitely</i> supports vision for collaborative stakeholder participation <input type="checkbox"/>		
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		
	TOTAL				19	

Discussion, Consideration & Action on an In-Kind Grant Request by Project SMASH

City Council Meeting
January 17, 2022
Crystal Miranda
Community Relations Director

Purpose

- Project SMASH is requesting use of the Community Center on Friday, March 24th, from 2 p.m. – 10:00 p.m. for their Project SMASH Fundraiser.
- The fundraiser supports their mission to provide Dance to Heal Programs for shelters, children home and rehabilitation centers, and dance scholarships for kids less privileged.

Purpose

- Project SMASH requests a waiver of building rental fees for the Community Center.
- Admission to this event is open to the public showcasing dance battles, performances and plans to have vendor booths.



Background

- Project SMASH has applied and received In-Kind Grants in previous years, 2017, 2018, and 2022.

Fiscal Impact

- If approved, the grant would waive the following fees:
 - Rental Fees
 - Friday, March 24 \$750
 - Total Fees Waived \$750

Recommendation

- The In-Kind Grant Committee reviewed the request and forwards to Council an average score of 18.3 out of 24. The points required for approval is a minimum of 18.
- City Council's discretion to waive fees requested.

S.E.E. Statement

Social Equity – Supports collaborative participation with Leon Valley stakeholders

Economic Development- Encourages promoting the City and creates positive branding for the City

Environmental Stewardship –
Recycle bins will be available at the facilities

OUTSTANDING CITY COUNCIL ITEMS

- **A policy on open meetings act in regards to how it applies to advisory committees**
 - 1/17/2023
- **A scope of duties for the Earthwise living committee**
 - 1/17/2023
- **Substandard Building Regulations**
 - 1/17/2023
- **Presentation and discussion on the hiring process for Directors**
 - 1/17/2022
- **Presentation on VIA ridership and MTA .005 of sales tax**
 - 2/7/2023
- **City Manager Evaluation**
 - 2/7/2023
- **Sustainability Overlay**
 - 3/7/2023
- **Stray Animal Ordinance**
 - Currently being reviewed by City Attorney – we can not require private industry to take in and adopt our stray animals
 - Looking at a possible interlocal agreement.
- **Blood Drive and PTO Policy**
- **Huebner Creek Restoration -RO,BM**
- **Public Private Partnership with local petshops for pet adoption options**
 - 2/21/2023
- **Establish Neighborhood boundaries**
 - Council has opted not to Update Master Plan
- **Neighborhood/citizen survey**
- **Discussion and possible action on amending BOA variance criterion by Texas Legislative changes**
 - 2/21/2023
- **Review of the personnel manual**
- **Capital Plans**
 - 5/16/2023
- **Review of the Water rates is Scheduled for the beginning of the new year.**
 - 5/9/2023
- **Legal review of the Sign Code**
 - Councilor Orozco and Bradshaw will work on this item
- **Looking at an amendment to Section 15.02 Appendix C (I), D Structural Nonconformity to add a matching percentage from Economic Community Development funds**
 - After the sustainability review

- **Flooding**
 - Was addressed at the following Council Meetings
 - 08/03/2021 – Flood Damage Prevention Ord. # 21-034
 - 11/2/2021 – To discuss Flood Mitigation Strategies
 - 12/07/2021 – Short Term options to address flooding
 - Budget Adjustment – For Funding floodway Monitoring and Software Upgrades
 - Upcoming Council presentation 1/18/2022
 - Budget Adjustment – for Creek Cleanup
 - Staff is proposing \$150,000 in ARP funds. Upcoming Council meeting TBD
 - Segment one of Huebner creek will be presented to the council on 4/19/2022
 - Council decided to look at the 50 ‘ wide, protected little league, the study will be brought back to the council before we agree to do it.
 - Budget adjustment for creek cleanup
 - 6/7/2022
 - Budget adjustment for flood gates and notification system
 - 6/7/2022 postponed
- Huebner Creek Channel improvement presentation 9/20/2022
 - Council direction to bring back budget adjustment on \$633,000
 - First Read 10/3/2022
 - Second Read 10/18/2022
- **Four-way stop at Forest Meadow and Evers**
 - To be evaluated upon the development of the Evers property
- **LVHS request for ARP funds**
 - Reviewing MOU on 11/1/2022, 12/6/2022

ITEMS ARE STILL IN THE PIPELINE BUT HAVE BEEN ADDRESSED

- **Fourth of July Presentation**
 - City Council 3/15
 - Council provided direction
 - The next update will be on 6/7/2022
 - Recap August 2, 2022, and August 16, 2022
 - Recap and Direction October 4, 2022
 - Review 11/15/2022
 - Time will remain the same and have a headliner that is well known
- **Presentation and discussion on the status of implementation of TPCA best practices for law enforcement policies, including the mandatory provision of mental health PTO in accordance with Texas legislative changes - JS, RO**
 - Discussed at the following Council meeting
 - 6/1/2021

- Update in the CM report 10/26/2021:
 - We released the initial 6 policies (6.1 - Use of Force, 6.3 - Non-lethal, Less than lethal weapons, 6.4 - Officer Involved Shooting, 7.15 - Vehicle Pursuits, 7.40 Investigations, 8.6 Active Shooter) in July and August. With the distribution, we included a record of receipt and pertinent training.
 - Since the initial release, we have now distributed 4 more policies (3.2 - Field Training Program, 3.2.1 - Field Training Program Operations Manual, 4.6 - Off-duty Employment, 5.4 - Body Worn Camera) and again, with the distribution, we have included a record of receipt and pertinent training.
 - Currently in the process of the last review before we release 8 other policies.
- Mental Health quarantine Policies Section 614.015 of the Tx Gov't Code have been updated and can be found here:
https://cms3.revize.com/revize/leonvalleynew/departments/human_resources/procedural_directives.php#revize_document_center_rz4176
- Distributed a Property and Evidence packaging manual that is used along with 12.1 Property and Evidence Management. 10.1 Prisoner Processing and 11.1 Municipal Court are in the final draft and edit stage and will be distributed both in the near future.
- Citizens or Media Recording of Police Incidents 2/1/2022
- Evidence and Property 2/1/2022
- Body Worn Cameras 9/3/2022
- Differential Police Response (CFS Report Program) 9/6/2022
- Rules of Conduct 9/15/2022
- Mission, Values, Written Directives 12/27/2022
- Law Enforcement Role and Authority 12/27/2022
- Field Interviews, Stop and Frisk 12/27/2022
- Arrests With and Without Warrants 12/27/2022
- Eyewitness Identifications 12/27/2022
- **Red-light cameras First Available Contract end term is May 2037**
 - City Council adopted a Resolution declaring the intent to phase out redlight cameras 4/6/2021 – Resolution # 21-009R
 - The RLC Contract would be difficult to terminate without financial obligation from the City
 - City Council supports HB 1209 and physically delivers letters in support to Cortez, Biederman, Canales, Menendez
 - Funds – Eligible projects – CR
 - Will be discussed at the Town Hall Meeting on January 22, 2022
 - Discussed at the retreat council has decided not to spend funds until we know what the legislature is doing
- **Tiger brush and bulk issues- Contract ends January 1, 2025**

- Discussed at the following City Council Meetings
 - 02/22/2021
 - Council addressed complaints and Tiger sanitation responded
 - 09/7/2021
 - Considered a resolution on how to handle bulk pick-up. Resolution # 21-031-R, the direction was given to CM to come back with a plan.
 - Considered and Ordinance Amending the Ord 14.02 Solid Waste First reading.
 - 11/2/2021
 - Considered and Ordinance Amending the Ord 14.02 Solid Waste Second Reading Passes Ord. # 21-053.
 - 1/11/2022
 - Council considered two options to handle the overflow of Brush. The Council decided to have PW pick up the overage after Tiger sanitation picked up their 8 CY.
 - There were 11 homes with oversized brush the City had the item picked on 3/4/22-3/8/22
- 05/17/2022 Council meeting discussing rate increase.
 - Council allowed the 2.5% increase for July and another in January but did not approve the 7.5 % increase
 - Council was willing to renegotiate terms
 - On 8/23/2022 council decided to leave terms as is
- **Opioid Litigation**
 - Item Was Addressed in Executives session on:
 - 6/15/2021
 - 09/7/2021
 - 9/21/2021
 - Council Addressed this item at the following Council meeting
 - 11/16/2021
 - Council Passed a resolution # 21-04 agreeing to participate in a settlement agreement with opioid manufacturer Johnson & Johnson. The other is three major pharmaceutical distributors: AmerisourceBergen, Cardinal Health, and McKesson and is estimated to receive \$28,389
 - The City still has an Agreement with Phipps, Ortiz and Talafuse for any remaining ongoing litigation
- **Comprehensive Master Plan**
 - Was addressed at the following Council meetings:
 - 2/2/2021
 - 3/23/2021
 - 06/1/2021

- This item was discussed during the budget process and ultimately, the Council decided not to expend the funds on this project at this time.
- Will be discussed under the Townhall meeting update to the council on 4/19/2022
 - Council would like us to use our future land use map
- **Sewer Service Charge Adjustments**
 - Council meeting 2/15/22
 - Impact Fees Removed
 - Sewer Charges will be brought back at a later time.
- **Over 65 Tax Exemption**
 - Council Mtg. 3/1/22
 - Councilor Orozco will get with the Finance Director to see if this item will come back on a later date
- **John Marshall Traffic Plan – CR, JH**
 - Discussed at the following Council meeting
 - 12/14/2022 Next steps
 - NISD engineers are still working on the plan, collecting traffic counts, and coordinating with CoSA Traffic Department
 - Once complete, additional meetings will be held with the City to determine the feasibility and appropriateness
 - Once plans are final, the proposal will be presented to City Council for approval
 - John Marshal Update on 3/15 based on 2/14 meeting
 - The City received feedback on possible neighborhood suggestions on 5/09/2022. Joint meeting to be determined.
 - Heard by City Council to possible street closures on 8/23/20 Engineers will develop a report and PD and Fire will review
 - Taking to Council on 10/3/2022
- **Apartments Finley And Sierra Royale, Forest Oaks, Vista Del Rey- BM**
 - Update on one of the Apartment Complexes at the CC mtg 3/15
 - Presentation was given on Vista Del Rey
 - Next apartment review is on 5/3/2022
 - Staff received legal advice in executive session
 - Executive session 8/2/2022
 - Council decided to file a Chapter 54 lawsuit against Vista del Rey, filed on 8/5/2022
 - TRO was granted on 8/8/2022
 - Administrative warrant executed on 8/17/2022
 - Temporary Injunction was granted on 8/22/2022
 - They have 6 months to comply.
 - 8/31/2022 Vista got new attorneys

- 9/9/2022 Vista filed a motion to dissolve the temporary injunction
 - C of Os issued Shed, Maintenance Shop, Laundry 1-3, Vista, Gym
 - 9/19/2022 hearing set and canceled
 - Executive Session 9/20/2022
- **Presentation, discussion, and possible action on fluoride survey results – JS**
 - CC Mtg. 3/1/2022 Postponed
 - Moved to 4/5/22
 - Presentation on given to the council and the community on the benefits, no direction was provided to staff
- **American Rescue Plan funds**
 - 8/17/2021 City Council meeting. Council agreed to budget in FY 2022 for the following
 - 911 Mass text - \$5,900
 - PPE and Decontamination Supplies -\$10,000
 - Disposal Supplies and Medication - \$45,000
 - 2 power stretchers – \$60,000
 - 12 LEAD Cardiac monitor - \$70,000
 - Library Hot Spots – \$5,220
 - Huebner Well Generator -\$230,000
 - 11/16/2021 Budget Adjustment ord. # 21-060
 - AV equipment – Council Chambers -\$41,000
 - PD AC Repair - \$10,000
 - Website upgrades - \$40,000
 - Premium Pay for Essential Workers -\$150,000
 - Citizen Utility Asst. -\$50,000
 - Library AC repair -\$25,000
 - For FY 23 Budget
 - Fire Truck-\$400,000
 - Shadow Mist Skate Park -\$70,000
 - This item was heard at the Town Hall Meeting on 3/26/2022
 - Citizen input will be presented at the 4/19/22 CC Mtg
 - At the 4/19/2022 council Meeting council decided to use \$400,000 to purchase a fire truck
 - Finance Director gave a presentation on 10/18/2022 council meeting
- **AV equipment for the Conference Center -Budget Adjustment from ARP Funds**
 - Council meeting 2/1/22 first read
 - Item amended to get the direction of the scope of work
 - Will bring the item back after the BID process
 - Discuss alternatives 5/3/2022