



**CITY OF LEON VALLEY
CITY COUNCIL REGULAR MEETING**
Leon Valley City Council Chambers
6400 El Verde Road, Leon Valley, TX 78238
Tuesday, December 03, 2024 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. Pursuant to Texas Government Code, Chapter 551, Section 551.071 Consultation with Counsel on Legal Matters: To Receive Legal Advice Regarding the Contract between Tiger Sanitation and the City of Leon Valley
- 3. Reconvene into Regular Session**
- 4. Citizens to be Heard** - Citizens wishing to address the City Council for items not on the agenda will be received at this time. Please limit comments to 3 minutes. In accordance with the Open Meetings Act, the City Council is restricted from discussing or acting on items not listed on this agenda.
- 5. Possible Action on Issues Discussed in Executive Session If Necessary**
- 6. Presentations**
 1. Presentation - Girl Scouts of South Texas - Megan Beckman, Girl Scout Troop 834
 2. Presentation, Discussion on the Homeless Outreach Coordinator Pilot Program With Haven for Hope - Dr. Crystal 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, December 17, 2024, at 6:30 PM, in City Council Chambers.
- Lighting of the Christmas Tree and Celebration, Monday, December 02, 2024, at 6:00 PM, in the grassy area outside of the Leon Valley Conference Center.
- Movies in the Park, Friday, December 06, 2024, at dusk, featuring The Grinch, in the grassy area outside of the Leon Valley Conference Center.
- Breakfast with Santa, Saturday, December 07, 2024, from 8:00 AM to 10:30 AM, at the Leon Valley Public Library.
- Blood Drive, Monday, December 23, 2024, from noon to 5:00 PM, in the City Hall Parking Lot.
- City Offices and Municipal Court will be closed Tuesday, December 24, 2024 through Wednesday, January 01, 2025, in observance of Christmas, Winter Break, and New Year's Day.
- Filing for a Place on the May 04, 2024 City of Leon Valley, General Election for Council Place 1, Council Place 3, and Council Place 5 begins Wednesday, January 15, 2025 through 5:00 PM on Friday, February 14, 2025.
- Annual Town Hall Meeting, Saturday, January 25, 2025, at the Leon Valley Conference Center.
- Holiday Library Hours of Operation:
 - November 28th -29th – Closed
 - November 30th – Open 11am-3pm
 - December 24th -26th – Closed
 - December 27th – Open 9am-6pm
 - December 28th – Open 11am-3pm
 - December 29th – Closed
 - December 30th – Closed
 - December 31st – Open 9am-4pm
 - January 1st - Closed
 - January 2nd – Open 9am-8pm
- Miscellaneous other events and announcements.

9. **Consent Agenda** - All Consent Agenda items listed are considered to be routine by the City Council and may be enacted by one (1) motion. There will be no separate discussion of a Consent Agenda item unless a member of City Council requests that the item be pulled from the Consent Agenda and considered in its normal sequence on the Regular Agenda.

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

- a. 11-19-2024 Regular City Council Meeting Minutes

2. Presentation, Discussion, and Possible Action to Approve the October, 16, 2024 Solid Waste Services Committee Meeting Minutes (Final Meeting Minutes) - S. Passailaigue, City Secretary
3. Discussion and Possible Action on an Ordinance of the City of Leon Valley, TX, City Council Authorizing Budget Adjustments for FY 2025 that were FY 24 Capital Improvements/Projects Rollovers for General Fund in the Amount of \$371,376, Traffic Fund in the Amount of \$151,617, Enterprise Fund in the Amount of \$2,558,439, Community Center Fund in the Amount of \$12,000, Street Maintenance Fund in the Amount of \$1,014,063, and the Police Forfeiture Fund in the Amount of \$210,900 for Capital and Rollover Projects; Providing for Repealer, Severability and Saving Clauses; and Providing for an Effective Date (1st Read was Held on 11-19-2024) C. Goering, Finance Director
4. Presentation, Discussion, and Possible Action on an Ordinance Amending the Leon Valley Code of Ordinances, Appendix A, Section A16. Water and Wastewater Impact Fees, Section A16.001 Water Impact Fees, Subsection 1. Water Impact Fees, to Update the Fees (1st Read was Held on 11-19-2024) - M. Moritz, Public Works Director
5. Discussion and Possible Action to Direct Staff on the Purchase and Installation of Religious Decorations to Add to the Existing Holiday Lighting Decorations at the Community and Conference Center Grounds - Councilor Will Bradshaw and Councilor Rey Orozco

10. Regular Agenda

1. Presentation, Discussion, and Possible Action to Authorize the City Manager to Enter into an Agreement with Tiger Sanitation for Solid Waste Services - Dr. Crystal Caldera, City Manager
2. Presentation, Discussion, and Possible Action of a Resolution Authorizing the City Manager to Enter into a Contract with the San Antonio Water System (SAWS) for Wholesale Sewer Service - M. Moritz, Public Works Director
3. Presentation, Discussion and Direction to Staff on Ordinance, Chapter 15 - Zoning, Article 15.02 - Zoning Ordinance, Division 13 - Organization and Enforcement as Requested by Council Member Benny Martinez and Council Member Betty Heyl
4. Presentation, Discussion on Amending Ordinance on Article 1.06 Boards, Commissions and Committees, Section 1.06.003, Citizen's Police Advisory Committee (First Read as Required by the Charter) - Dr. Crystal Caldera, City Manager
5. Presentation and Discussion of an Ordinance Authorizing Budget Adjustments for the FY 2024-2025 General Fund Budget Adjustment in the Amount of \$28,790 (This is the remaining amount of the \$40,000 allocated in the FY 23 - 24 Budget) for the Purpose of Increasing the City Manager & Council Department Budget to Provide Funding for Haven for Hope Street Outreach Agreement (1st Reading as Required by City Charter) C. Goering, Finance Director

6. Presentation, Discussion, and Possible Action on the Town Hall Meeting Agenda Scheduled for January 25, 2025 - Dr. Crystal Caldera, City Manager

11. Requests from Members of City Council to Add Items to Future Agendas – Per Section 3.10 (A) of the City of Leon Valley’s Code of Ordinances, at a Meeting of City Council, a Member of City Council May Place an Item on an Agenda by Making a Motion to Place the Item on a Future Agenda and Receiving a Second. No Discussion Shall Occur at the Meeting Regarding the Placement of the Item on a Future Agenda.

12. 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 of 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 <https://www.leonvalleytexas.gov>. This building is wheelchair accessible. Any request for sign interpretive or other services must be made 48 hours in advance of the meeting. To arrange for assistance, call (210) 684-1391, Extension 212.

SAUNDRA PASSAILAIGUE, TRMC
City Secretary
November 27, 2024 7:30 AM





Leon Valley City Council Meeting

Girl Scout Troop 834
December 3, 2024

{Section}.61.



Agenda

1. Girl Scout Troop 834
2. Girl Scouts by the Numbers
3. The Benefits of Girl Scouts
4. Girl Scouts in STEM



girl scouts 
of southwest texas

Girl Scout Troop 834, Community M
46 Girl Scouts, Kindergarten- 10th Grade



Girl Scout Alums at a Glance

- More than one in three women in the United States were Girl Scouts at some point in their lives.
- There are currently more than 50 million Girl Scout alums.



{Section}.61.

Girl Scouts Alums Lead

- Fifty-six percent (56%) of women in the 117th Congress are Girl Scout alums.
- Seventy-one percent (71%) of current female senators are Girl Scout alums.
- Fifty-three percent (53%) of current female delegates and representatives in the House of Representatives are Girl Scout alums. Five of the nine current female governors are Girl Scout alums.
- Every female secretary of state in U.S. history is a Girl Scout or Girl Guide alum: Madeleine Albright, Condoleezza Rice, and Hillary Clinton.

Girl Scout alums say they have Girl Scouting to thank for many of their life achievements. Girl Scouts:

- Set them on a path for achievement and success
- Connected them to a network of girls and women around the world
- Developed their passions and interests in the outdoors; business; and science, technology, engineering, and math (STEM).

Compared to other women, Girl Scout alums embody higher levels of:

- **Courage**—they show resilience when learning from failure and setbacks, take on challenges, are ambitious, and aren't afraid to take risks.
- **Confidence**—they accomplish what they set out to do and are assured in their abilities.
- **Character**—they lead purposeful and meaningful lives, are honest and trustworthy, stand up for their beliefs and values, and actively contribute to others' well-being.





For over 100 years, Girl Scouts has taken the lead in providing opportunities to girls to discover, connect, and take action through STEM.

Girl Scouts is connecting girls to a variety of STEM experiences.

Doing just one Girl Scout STEM activity makes a difference. Findings show that for Girl Scouts of all ages, doing at least one Girl Scout STEM activity during the troop year increased STEM interest and confidence at the end of the year.



girl scouts
of southwest texas

Thank You!



Bexar County Outreach

September 2024

Haven's Options for Clients



North Campus Transformational Services Our Residential Program

- Average stay of 4 months, but can stay as long as needed
- Dorm-style residential living
- Clients need a U.S. form of ID and have 9 months of residency in Bexar County
- Clients commit to sobriety while on campus
- Clients are active with employment and housing plans
- Individuals and families reside here



South Campus Our Low Barrier Shelter

- Average stay of 2 months, but clients can stay as long as needed
- Everyone sleeps indoors year-round
- No ID required or proof of local residence
- Connected to housing, employment & all services needed through the Resource Center
- Clients can remain active in their addictions, but are not allowed to use at Haven
- No minors allowed

Overview of Services and programs offered by Haven and Partners

- Income and Skills Development
- Transformational Case Management
- Housing
- Transformational Campus
- Unsheltered Placement Program (UPP)
- Direct Referral Program (DRP)
- Veteran Services
- Legal Services
- Kennel
- Jail Outreach
- Street Outreach
- Continuity of Care Transition Services
- Acute Care Station



Importance of Collaborations

- Haven for Hope has a total of 89 partners.
 - 51 Campus Partners, 21 with designated office space; 30 without office space but provide services on campus.
 - Referral Partners – 31
 - 7 Community Partners
- In conjunction with many partner organizations, Haven for Hope provides, coordinates, and delivers an unparalleled system of care for clients.

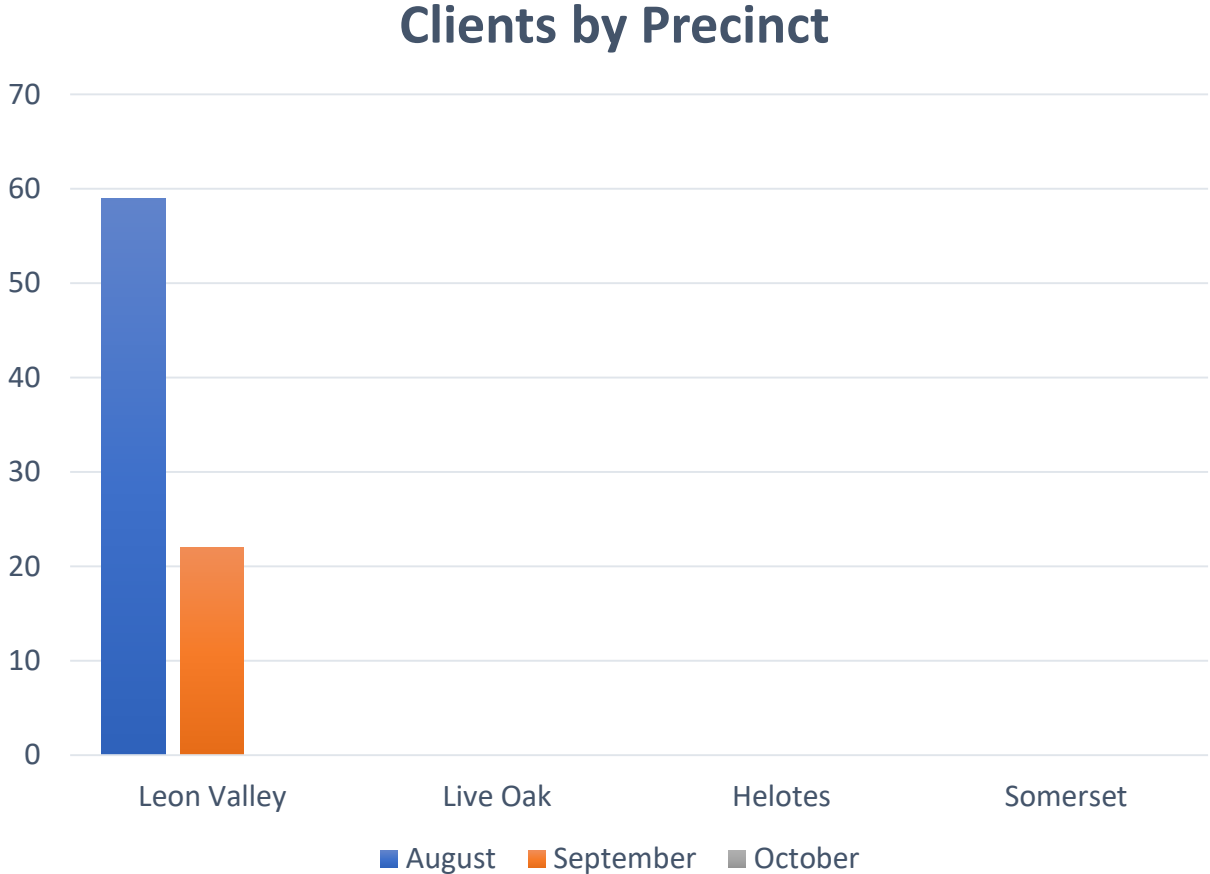


Bexar County Outreach Pilot

Number of new individuals enrolled to our street outreach program.

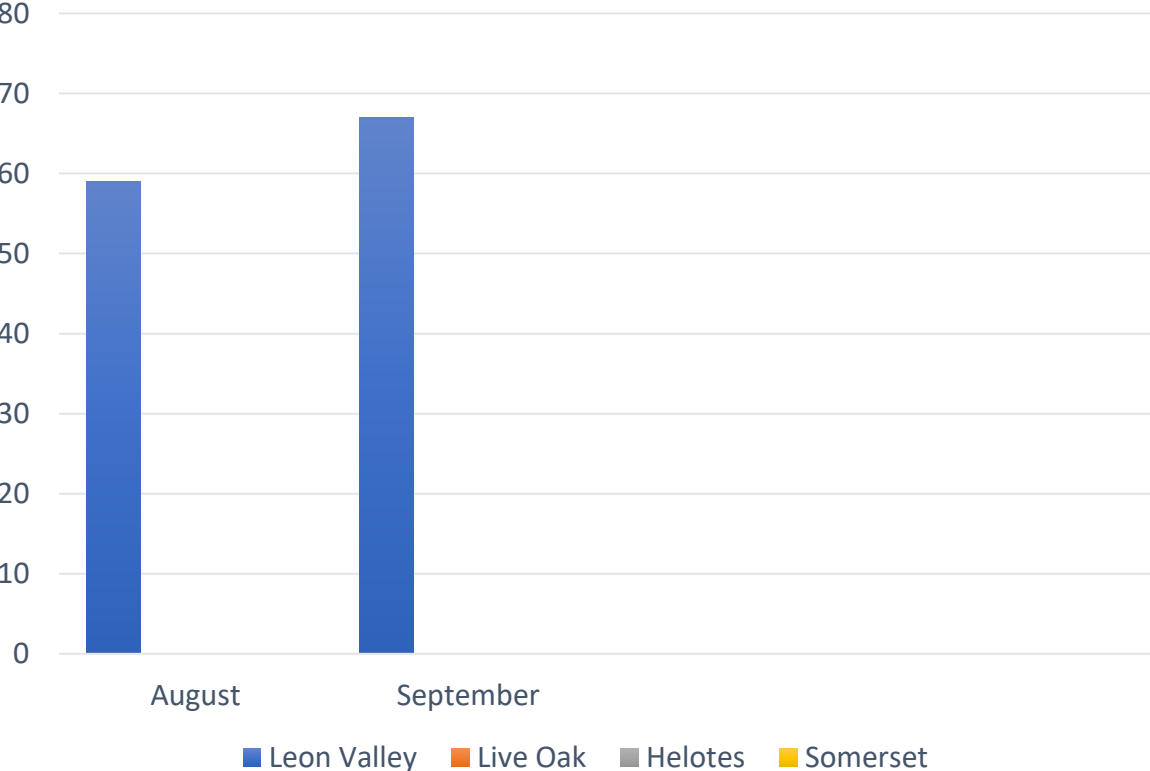
- Leon Valley – July 2024
- Live Oak – October 2024*
- Helotes – November 2024*
- Somerset – December 2024*

*Future pilot expansions

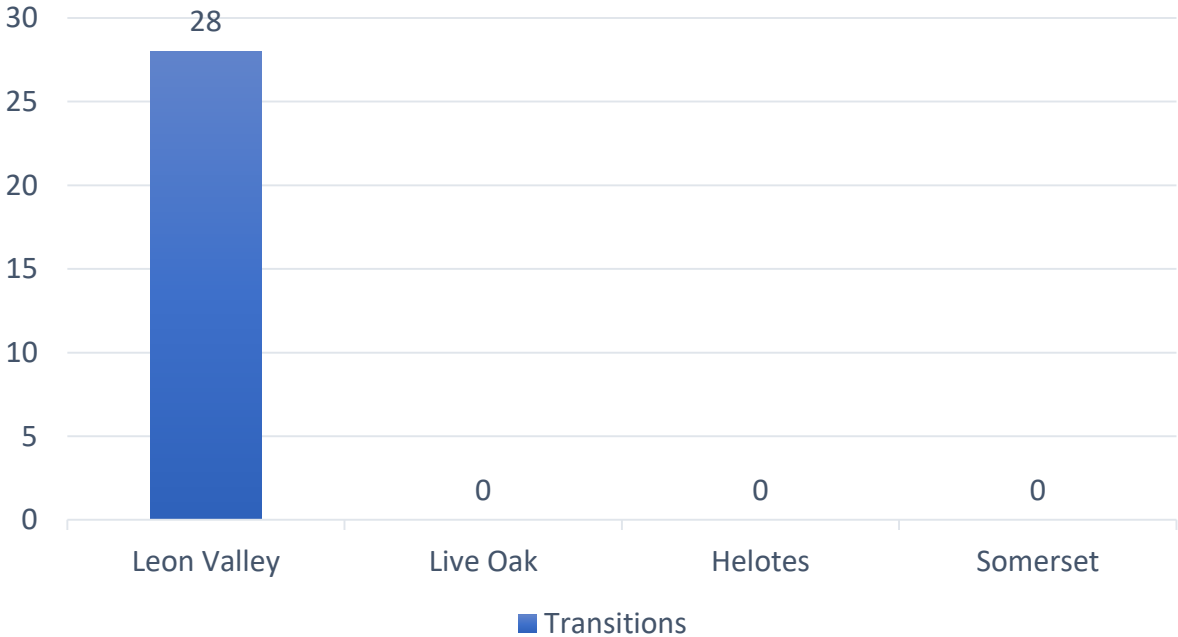


Unduplicated Individuals Engaged

Unduplicated Clients



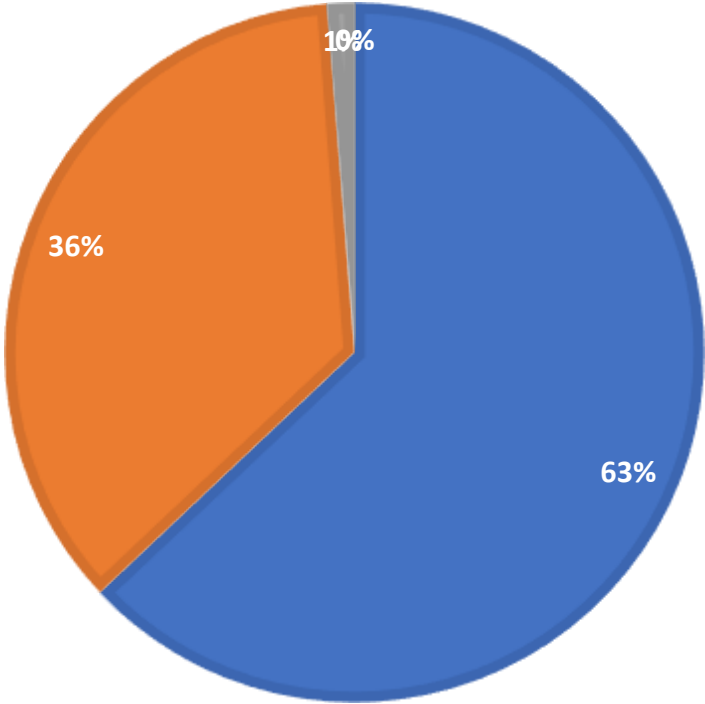
Clients Transitioned to Shelter or Other Appropriate Housing Interventions YTD (July – September 2024)



Demographics YTD as of September 2024

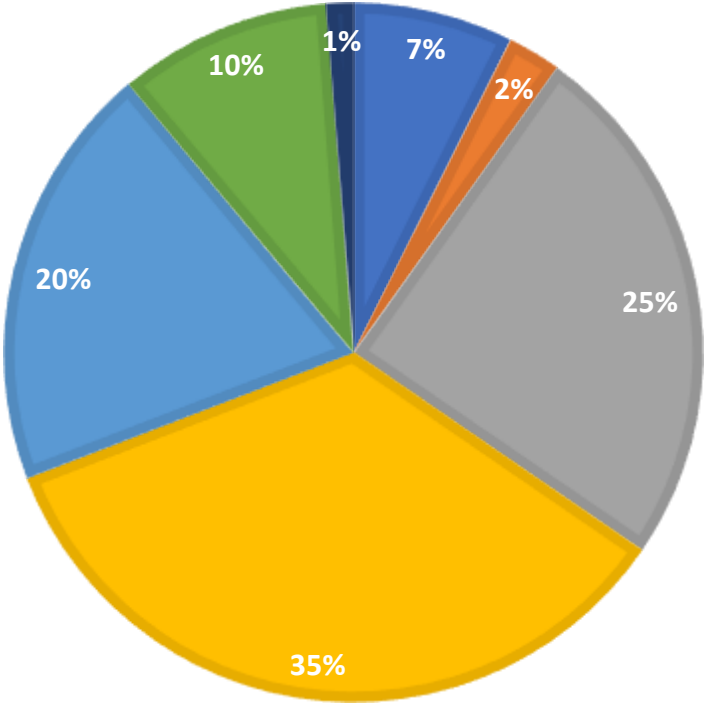
GENDER

■ Male ■ Female ■ Transgender ■ Other

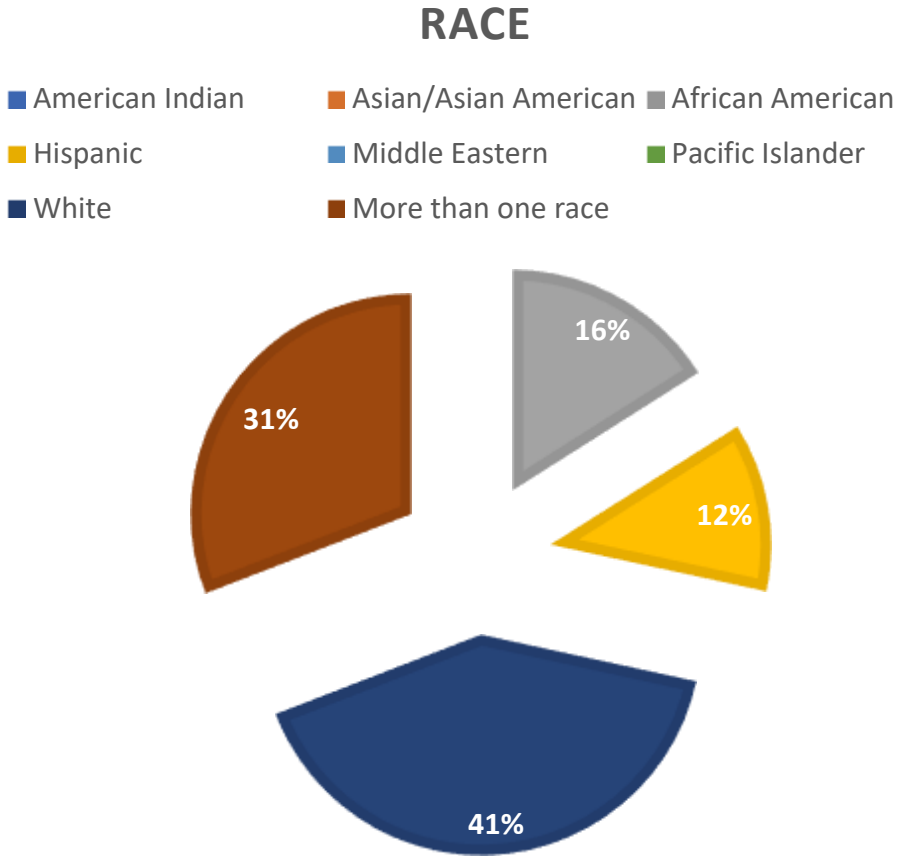


AGE

■ Under 18 ■ 18-24 ■ 25-34 ■ 35-44 ■ 45-54 ■ 55-64 ■ 65+



Demographics YTD as of September 2024



Cause of Homelessness

Domestic Violence - 0

Mental Health - 14

Substance Use – 13

Unemployment/Loss of Job – 3

Lack of Affordable Childcare – 0

Lack of Affordable Healthcare – 0

Health Concerns – 5

Evicted/Could not Afford Rent – 46

Relational Brokenness - 0

Contact

Alberto Rodriguez

VP of Operations

Office: (210) 220-2383

Cell: (210) 819-8142

alberto.rodriguez@havenforhope.org



**CITY OF LEON VALLEY
CITY COUNCIL REGULAR MEETING**
Leon Valley City Council Chambers
6400 El Verde Road, Leon Valley, TX 78238
Tuesday, November 19, 2024 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 Betty Heyl
- Mayor Pro-Tem, Council Place 3 Philip Campos
- Council Place 4 Rey Orozco
- Council Place 5 Will Bradshaw

Mayor Chris Riley called the meeting to order at 6:00 PM and confirmed that a quorum of the City Council was present in Council Chambers.

Mayor Riley asked Council Place 2 Heyl to lead the Pledge of Allegiance.

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

Mayor Riley read aloud the caption for Agenda Item 2.1

- 1. Pursuant to Texas Local Government Code Section 551.071: Consultation with the Attorney and Section 551.087 Deliberation regarding the Infrastructure Improvement Funding Agreement between the City of Leon Valley and One Stop Group, LP**

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

3. Reconvene into Regular Session

The City Council reconvened into Open Session at 6:24 PM.

Mayor Chris Riley announced that Item 10.4 would be moved up to this point of the meeting at this time.

10.4. Presentation, Discussion, and Possible Action to Give Staff Direction on the Lions Roar Newsletter - C. Miranda, Community Relations Director

Crystal Miranda, Community Relations Director, presented.

Patrick Murray with Litho Press was present to answer questions.

Council Place 1 Martinez made a motion to approve as presented and seconded by Mayor Pro-Tem, Council Place 3 Campos.

Voting Yea: Council Place 1 Martinez, Council Place 2 Heyl, Mayor Pro-Tem, Council Place 3 Campos, Council Place 4 Orozco, Council Place 5 Bradshaw

The motion passed unanimously.

4. Citizens to be Heard - Citizens wishing to address the City Council for items not on the agenda will be received at this time. Please limit comments to 3 minutes. In accordance with the Open Meetings Act, the City Council is restricted from discussing or acting on items not listed on this agenda.

None

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

No action was taken at this time.

6. Presentations

1. Presentation, Discussion, and Possible Action to Choose a Channel Bank Option for the Huebner Creek Erosion Control Project - M. Moritz, Public Works Director

Melinda Moritz, Public Works Director, and Byron Sanderfer, P.E., of Ardurra, presented this item.

Darby Riley, Drew Power, and Erick Matta provided comments.

A motion to proceed with Option 2 (concrete riprap) was made by Council Place 5 Bradshaw and seconded by Council Place 4 Orozco.

Council Place 3 Campos requested an amendment to the motion to allow for discussions with the San Antonio Water System (SAWS). Council Place 5 Bradshaw accepted the amendment.

Voting in favor: Council Place 1 Martinez, Council Place 2 Heyl, Mayor Pro-Tem, Council Place 3 Campos, Council Place 4 Orozco, and Council Place 5 Bradshaw.

The motion passed unanimously.

- 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.

Mayor Chris Riley and members of the City Council made announcements.

Council Place 5 Bradshaw announced that Mayor Pro-Tem, Council Place 3 Campos, would be celebrating his birthday on November 23, and Mayor Chris Riley would be celebrating hers on December 2. Both were presented with a cake, and everyone in attendance joined in singing "Happy Birthday."

8. City Manager's Report

Dr. Crystal Caldera, City Manager, announced that the City Manager's Report was printed and available on the table in the foyer, as well as posted on the City website.

Dr. Caldera also reminded everyone of the numerous opportunities to donate to the Blue Santa Program. Additionally, she highlighted two upcoming events: *Breakfast with Santa* on December 7th and *Movies in the Park* featuring *The Grinch* on December 6th.

1. Upcoming Important Events:

- Regular City Council Meeting, Tuesday, December 03, 2024, at 6:30 PM, in City Council Chambers.
- City Offices and Municipal Court will be closed Thursday, November 28, 2024 and Friday, November 29, 2024 in observance of the Thanksgiving Holiday.
- Lighting of the Christmas Tree and Celebration, Monday, December 02, 2024, at 6:00 PM, in the grassy area outside of the Leon Valley Conference Center.
- Movies in the Park, Friday, December 06, 2024, at dusk, featuring The Grinch.
- Breakfast with Santa, Saturday, December 07, 2024, from 8:00 AM to 10:30 AM, at the Leon Valley Public Library.
- City Offices and Municipal Court will be closed Tuesday, December 24, 2024, through Wednesday, January 01, 2025, in observance of Christmas, Winter Break, and New Year's Day.
- Miscellaneous other events and announcements

- 9. Consent Agenda** - All Consent Agenda items listed are considered to be routine by the City Council and may be enacted by one (1) motion. There will be no separate discussion of a Consent Agenda item unless a member of City Council requests that the item be pulled from the Consent Agenda and considered in its normal sequence on the Regular Agenda.

Council Place 1 Martinez requested that Item 9.5 be pulled for discussion.

A motion to approve Consent Agenda Items 9.1 through 9.4 and 9.6 as presented was made by Council Place 4 Orozco and seconded by Council Place 5 Bradshaw.

Voting in favor: Council Place 1 Martinez, Council Place 2 Heyl, Mayor Pro-Tem, Council Place 3 Campos, Council Place 4 Orozco, and Council Place 5 Bradshaw.

The motion passed unanimously.

- 1. Discussion and Possible Action Approving of the Following City Council Minutes:**
 - a. 11-05-2024 Regular City Council Meeting Minutes
 - b. 11-12-2024 Special City Council Meeting Minutes
- 2. Discussion and Possible Action Accepting of the Following Board/Commission Minutes:**
 - a. 07-11-2024 Park Commission Meeting Minutes
 - b. 08-08-2024 Library Advisory Board Meeting Minutes
 - c. 09-04-2024 Solid Waste Service Committee Meeting Minutes
 - d. 09-12-2024 Library Advisory Board Meeting Minutes
 - e. 09-18-2024 Solid Waste Service Committee Meeting Minutes
 - f. 10-09-2024 Earthwise Living Committee Meeting Minutes
 - g. 10-10-2024 Library Advisory Board Meeting Minutes
 - h. 10-22-2024 Planning & Zoning Commission Meeting Minutes
- 3. A Resolution Approving the Tax Roll for the City of Leon Valley, Texas for the 2024 Tax Year - C. Goering, Finance Director**
- 4. Discussion and Possible Action of a Request to Amend Specific Use Permit PZ-2021-5, Construction of Automobile Storage Canopies, to Add Self-Service Storage Units, on a 4.89-acre Tract of Land, Located at 5426 Grissom Road, Being Lot 103, Block 101, CB 4433, Vaughn-Watson Subdivision (1st Read was Held 11-05-2024) - R. Salinas, Planning and Zoning Director**
- 6. Discussion and Possible Action on a Resolution Appointing a Member to the Citizens Police Advisory Committee - Mayor Chris Riley**

10. Regular Agenda

9.5. Presentation and Discussion of the Monthly Financial Report Ending October 31, 2024 - C. Goering, Finance Director

Council Place 1 Martinez commented on the report format and suggested renaming a column.

Dr. Crystal Caldera, the City Manager, explained that the report has always been presented in its current format and stated that she would not alter it unless the majority of the Council requested a change to avoid causing confusion.

A motion to approve the report as presented was made by Mayor Pro-Tem, Council Place 3 Campos, and seconded by Council Place 4 Orozco.

Voting in favor: Council Place 1 Martinez, Council Place 2 Heyl, Mayor Pro-Tem, Council Place 3 Campos, Council Place 4 Orozco, and Council Place 5 Bradshaw.

The motion passed unanimously.

1. Presentation, Discussion, and Possible Action on an In-Kind Grant Application from AARP - C. Miranda, Community Relations Director

Crystal Miranda, Community Relations Director, presented the item.

Erick Matta provided comments during this time.

A motion to approve the item and waive the fees, with blackout dates to be determined by Crystal Miranda, Community Relations Director, was made by Council Place 1 Martinez and seconded by Council Place 2 Heyl.

Voting in favor: Council Place 1 Martinez, Council Place 2 Heyl, Mayor Pro-Tem, Council Place 3 Campos, Council Place 4 Orozco, and Council Place 5 Bradshaw.

The motion passed unanimously.

2. Presentation, Discussion and Possible Action on a Resolution of the City Council of the City of Leon Valley, Texas Authorizing the Sale of an Approximately 21.5 Acre Tract of Land to One Stop Group, LP; Authorizing an Infrastructure Improvement Funding Agreement; Authorizing the Mayor to Execute Necessary Documents - Dr. Caldera, City Manager

Dr. Crystal Caldera, City Manager, presented the item.

A motion to approve as presented was made by Mayor Pro-Tem, Council Place 3 Campos, and seconded by Council Place 2 Heyl.

Voting in favor: Council Place 1 Martinez, Council Place 2 Heyl, Mayor Pro-Tem, Council Place 3 Campos, and Council Place 5 Bradshaw.

The motion passed 4–0. Council Place 4 Orozco did not vote as he had stepped away from the dais.

3. Presentation, Public Hearing, and Discussion of an Ordinance Amending the Leon Valley Code of Ordinances, Appendix A, Section A16. Water and Wastewater Impact Fees, Section A16.001 Water Impact Fees, Subsection 1. Water Impact Fees, to Update the Fees (1st Read as Required by City Charter) - M. Moritz, Public Works Director

Melinda Moritz, Public Works Director, presented the item.

Mayor Chris Riley opened the Public Hearing at 8:01 PM.

During this time, Erick Matta provided comments.

With no further public input, Mayor Riley closed the Public Hearing at 8:02 PM.

It was agreed by consensus to place this item on the December 3, 2024, Consent Agenda for a second reading.

4. Presentation, Discussion, and Possible Action of a Request for a Variance to Chapter 13, Tree Preservation, Article 13.02 Tree Preservation Ordinance, Division 3. Requirements and Restrictions, Sec. 13.02.074 Preservation Requirements, Sec. 13.02.075 Removal, Replacement or Relocation of Small, Medium and Large Trees, Sec. 13.02.076 Replacement Trees Required; Penalties, (a) and (b), to Allow the Removal of 17 Medium, and Six (6) Large Trees, and to Pay a Reduced Fee-In-Lieu Of in the Amount of \$1,775.00 in Tree Mitigation Fees, Located in the 5600 Block of Grissom Road, Lots 4 & 5, Block 102, CB 4433, Timberhill Apartments Subdivision, on Approximately 2.32-Acres of Land - S. Huerta, Planning and Zoning Director

Susana Huerta, Planning and Zoning Director, presented the item.

Stan Jones, the applicant, was present to answer any questions.

A motion to approve the item and reduce the fee to \$3,500.00 was made by Council Place 1 Martinez and seconded by Council Place 5 Bradshaw.

Erick Matta provided comments during this time.

Council Place 5 Bradshaw requested that shrubbery be included in the motion, and Council Place 1 Martinez accepted the amendment.

Voting in favor: Council Place 1 Martinez, Council Place 2 Heyl, Mayor Pro-Tem, Council Place 3 Campos, Council Place 4 Orozco, and Council Place 5 Bradshaw.

The motion passed unanimously.

5. **Presentation and Discussion on an Ordinance of the City of Leon Valley, TX, City Council Authorizing Budget Adjustments for FY 2025 that were FY 24 Capital Improvements/Projects Rollovers for General Fund in the Amount of \$371,376, Traffic Fund in the Amount of \$151,617, Enterprise Fund in the Amount of \$2,558,439, Community Center Fund in the Amount of \$12,000, Street Maintenance Fund in the Amount of \$1,014,063, and the Police Forfeiture Fund in the Amount of \$210,900 for Capital and Rollover Projects; Providing for Repealer, Severability and Saving Clauses; and Providing for an Effective Date (1st Reading as Required by City Charter) C. Goering, Finance Director**

Carol Goering, Finance Director, presented the item.

There was a consensus to place this item on the December 3, 2024, Consent Agenda for a second reading.

6. **Presentation, Discussion, and Possible Action Authorizing the City Manager to Enter into Contracts for the Purchase of 105-Acre Feet of Water Rights - M. Moritz, Public Works Director**

Dr. Crystal Caldera, City Manager, announced that Mayor Pro-Tem, Council Place 3 Campos, would step out at a certain point during the presentation due to his employment with San Antonio Water System (SAWS).

Melinda Moritz, Public Works Director, presented the item.

Council Place 5, Bradshaw, asked if Mayor Pro-Tem, Council Place 3 Campos, should also recuse himself from voting on this item. Art Rodriguez, City Attorney, stated,

"He would have to recuse himself if he had some procurementary part of that which he's got a conflict of interest, it would be advisable for him not to participate in that vote based on that. However, the lease is just a contingent right. It's not the actual right of the actual purchase property. There probably isn't a technical violation of the law, but to be on the safe side for appearance purposes. It would be advisable for him to do that."

The City Manager stated that Mr. Campos received his own advice as to what he could and could not do.

A motion was made by Council Place 2 Heyl to authorize the City Manager to negotiate contracts for the purchase of 105-acre feet of water rights and seconded by Council Place 1 Martinez.

Council Place 5 Bradshaw stated, "For the record, this is idiotic," and expressed his opposition to the purchase of water rights at this time.

Mayor Riley requested a roll call vote.

Voting Yea: Council Place 1 Martinez, Council Place 2 Heyl, and Mayor Pro-Tem, Council Place 3 Campos.

Voting Nay: Council Place 4 Orozco and Council Place 5 Bradshaw.

The motion passed with a vote of three (3) to two (2).

11. Requests from Members of City Council to Add Items to Future Agendas – Per Section 3.10 (A) of the City of Leon Valley’s Code of Ordinances, at a Meeting of City Council, a Member of City Council May Place an Item on an Agenda by Making a Motion to Place the Item on a Future Agenda and Receiving a Second. No Discussion Shall Occur at the Meeting Regarding the Placement of the Item on a Future Agenda.

Council Place 5, Bradshaw, requested that an item be added to the next agenda to include a Nativity and a Hanukkah display at the Christmas Tree Lighting event, and the motion was seconded by Council Place 4, Orozco.

May Pro-Tem, Council Place 3 Campos requested an update on the calls for disturbances at apartment complexes and the ordinance that requires security for those that have reached a certain number of calls. Dr. Crystal Caldera, City Manager, stated that she and the Chief are monitoring the situation and that they could provide an update at the January City Council Meeting once they have the data.

12. Adjournment

Mayor Riley announced that the meeting adjourned at 8:49 PM.

These minutes were approved by the Leon Valley City Council on the 3rd of December, 2024.

APPROVED

CHRIS RILEY
MAYOR

ATTEST: _____
SAUNDRA PASSAILAIGUE, TRMC
CITY SECRETARY

DRAFT



MINUTES OF THE MEETING OF THE LEON VALLEY SOLID WASTE SERVICES COMMITTEE

Meeting of the Leon Valley Solid Waste Services Committee at 5:34 p.m. on Wednesday, October 16, 2024, at the Leon Valley City Hall (Conference Room), 6400 El Verde Rd., Leon Valley, Texas.

I. Poll for Attendance and Determination of a Quorum.

- Members Present: Ana Campos, Tina Chasan, Abraham Diaz, Drew Power, Josh Stevens,
- Members Absent: Rita Burnside
- Staff Present: Crystal Caldera, City Manager; David Dimaline, Public Works Assistant Director

II. Approval of the Meeting Minutes – September 18, 2024

- Drew Power made a motion to approve the meeting minutes from September 18, 2024, and the motion was seconded by Tina Chasan. The motion was approved unanimously.

III. Discussion of RFP’s Received for Solid Waste Services and Recommendation to the City Council

- David Dimaline notified the Committee that Rita Burnside was unable to attend the meeting. However, she provided her recommendation in writing and requested this be provided to Chairman Stevens and the Committee.
- Chairman Stevens provided a summary of the questions and answers from the interviews that were held on October 2, 2024, with Frontier Waste Solutions and Tiger Sanitation.
- Tiger Sanitation would continue to pick up the four additional bags along with the 95-gallon cart, and Frontier Waste Solutions does not offer this as an option, due to their fully automated trucks. Frontier Waste would charge customers for an extra cart for an additional \$12.00 per month.
- The Committee discussed Tiger Sanitation improving its social media component to help improve customer service.
- Future Household Hazardous Waste collection events should be staffed by Tiger Sanitation, and the City of Leon Valley would assist with traffic control.
- Chairman Stevens also mentioned that the .45 per month fee for 2x/year E-Waste Collection may not be worth including, as this has been included during the EWLD event in the past.
- City Manager Caldera mentioned that the details would need to be reviewed and outlined in the contract.
- Drew Power made a motion to recommend Tiger Sanitation to continue providing solid waste services for the City of Leon Valley, and the motion was seconded by Tina Chasan. The motion was approved unanimously.

IV. Future Agenda Items

A. Schedule Date and Time for the Next Meeting

-- Chairman Stevens said he would present the Committee's recommendation for City Solid Waste Services to the City Council and to authorize the City Manager to enter into negotiations with Tiger Sanitation. The City Council meeting is scheduled for November 5, 2024.

V. Adjourn.

- The meeting adjourned at 6:45 PM.

These minutes were approved by the Leon Valley City Council on the 3rd of December, 2024.

APPROVED

CHRIS RILEY
MAYOR

ATTEST: _____
SAUNDRA PASSAILAIGUE, TRMC
CITY SECRETARY

MAYOR AND COUNCIL COMMUNICATION

DATE: December 03, 2024
TO: Mayor and Council
FROM: Carol Goering, Finance Director
THROUGH: Dr. Crystal Caldera, City Manager
SUBJECT: Presentation and Discussion of an Ordinance Authorizing Budget Adjustments for the FY 2024-2025 Council Approved Economic Development and General Fund in the amount of \$371,376, Red Light Camera Fund in the amount of \$151,617, Enterprise Fund in the amount of \$2,558,439, Community Center Fund in the amount of \$12,000, Street Maintenance Fund in the amount of \$1,014,063, Police Forfeiture in the amount of \$210,900 for Capital and Rollover Projects. (1st Reading as Required by City Charter)

SPONSOR(S): N/A

PURPOSE

The purpose of this Ordinance is to consider approval of budget adjustments for the FY 2024-2025 budget for Capital and Council Approved Economic Development Rollover Projects that were not completed during the previous fiscal year (FY 2023-2024)

The projects are as follows:

General Fund Reserve

Impound Lot

Relocation and completion of the new Police Impound Lot; remaining cost of the capital expenditure is \$17,898.

Dump Truck

In FY 2023-2024 a dump truck for Public Works was approved by the Council to replace a 1999 model that is past its economic life. The City's remaining cost of the capital expenditure is \$87,929.

City Hall Entrance Doors

In FY 2023-2024 the Council approved the replacement of the front entryway doors and glass. The City's remaining cost of the capital expenditure is \$50,214.

PEG - Contract

In FY 2023-2024 the Council approved the one-time capital expenditure to set up a PEG Channel. The City's remaining cost of the capital expenditure is \$6,335.

Sprinkler Systems-Neighborhood parks

In FY 2023-2024 the Council approved installing sprinkler systems in each of the neighborhood parks to allow for irrigation of new trees and other plantings. The City's remaining cost of the capital expenditure is \$99,500.

Hike & Bike (El Verde) Sprinkler System

In FY 2023-2024 the Council approved an irrigation system will assist in watering the trees and other vegetation along the first segment of the trail. The City's remaining cost of the capital expenditure is \$107,000.

Special Events-Earthwise

In FY 2023-2024 the Council approved a budget adjustment to purchase supplies for the 2025 Earthwise Living Day event. The City's remaining cost of the capital expenditure is \$2,500.

Red Light Camera Reserve

Command Vehicle

In FY 2023-2024 the Council approved the purchase of a command vehicle. The City's remaining cost of the capital expenditure is \$80,000.

Police Patrol Vehicle

In FY 2023-2024 the Council approved the purchase of 3 police patrol vehicles. The City's remaining cost of the capital expenditure is \$42,102.

To fund Impound Lot

In FY 2023-2024 the Council approved the purchase of Jaws of Life and In-Car Camera System. The police chief is asking to use the remaining funds to assist with the construction of the impound lot. The City's remaining cost of the capital expenditure is \$29,516.

Water & Sewer Fund Reserve

Water Rights

In FY 2023-2024 the Council approved the purchase of water rights. The City's remaining cost of the project is \$1,210,000.

Water Mains

In FY 2023-2024 the Council approved the ongoing capital improvements plan to replace 40-50 year old water mains. The City's remaining cost of the project is \$250,000.

Sewer Mains

In FY 2023-2024 the Council approved the ongoing capital improvements plan to replace 40-50 year old water mains. The City's remaining cost of the project is \$250,000.

CCVT Sewer Mains

In FY 2023-2024 the Council approved videotape all sewer mains in City. The City's remaining cost of the project is \$187,633.

Stormwater Fund Reserve

Seneca West Drainage Project

This project, construction of a large drainage channel on city-owned property, will assist in floodwater and erosion reduction on Samaritan, Aids and Grass Hill streets and will also reclaim land from the floodway. The County granted the City \$1,815,416 for the construction portion. The City's remaining cost of the project is \$122,963.

Huebner Creek Erosion Control

This project aims to reduce flooding and erosion in the section of Huebner Creek from the Bandera Road Bridge to Poss at Cherryleaf. The City's remaining cost of the project is \$537,842.

Community Center Reserve

In FY 2023-2024 the Council approved the purchase of office equipment. The City's remaining cost of the project is \$12,000.

Street Maintenance Reserve

In FY 2023-2024 the Council approved the continuation of street maintenance. The City's remaining cost of the project is \$1,014,063

Police Forfeitures Reserve

In FY 2023-2024 the Council approved the purchase of 2 police vehicles and one undercover police vehicle. The City's remaining cost of the project is \$186,200. The Police Chief is requesting to use \$24,700 received from insurance for the totaled of a car.

FISCAL IMPACT

CAPITAL/ PROJECTS NAME	DEPARTMENT	TOTAL
GENERAL FUND		
Impound lot	Impound lot	17,898
Dump Truck	Public Works	87,929
City Hall Entrance Doors	Public Works	50,214
PEG - Contract	Economic Develepment	6,335
Srinkler Systems - Neigborhood parks	Parks	99,500
Hike & Bike (El Verde) Sprinkler System	Parks	107,000
Earthwise	Special Events	2,500
		\$ 371,376
RED LIGHT CAMERA		
Command Vehicle	Traffic System	80,000
Police Patrol Vehicle (3 w/equip)	Traffic System	42,102
To be used for impound lot	Traffic System	29,516
		\$ 151,617
ENTERPRISE FUND		
Purchase Water Rights	Water	1,210,000
Replace Water Mains	Water	250,000
Replace Sewer Mains	Sewer	250,000
CCTV Sewer Mains	Sewer	187,633
Seneca West Drainage	Stormwater	122,963
Huebner Creek Erosion Control	Stormwater	537,842
		\$ 2,558,439
COMMUNITY CENTER FUND		
Community Center Chairs	Community Center	12,000
		\$ 12,000
STREET MAINTENANCE FUND		
Year 7 Project	Street Maintenance	1,014,063
		\$ 1,014,063
FORFEITURE FUND		
Police Vehicles (2 w/equip)	Forfeiture	126,200
Undercover Police Vehicle (1)	Forfeiture	60,000
Insurance Proceeds for totaled car	Forfeiture	24,700
		\$ 210,900
		\$ 4,318,395

RECOMMENDATION

City Council approve the Ordinance authoring the budget adjustment

ATTEST :

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

ORDINANCE NO. 2024-____

AN ORDINANCE OF THE CITY OF LEON VALLEY, TX, CITY COUNCIL AUTHORIZING BUDGET ADJUSTMENTS FOR FY 2025 THAT WERE FY 24 CAPITAL IMPROVEMENTS/PROJECTS ROLLOVERS FOR GENERAL FUND IN THE AMOUNT OF \$371,376, TRAFFIC FUND IN THE AMOUNT OF \$151,617, ENTERPRISE FUND IN THE AMOUNT OF \$2,558,439, COMMUNITY CENTER FUND IN THE AMOUNT OF \$12,000, STREET MAINTENANCE FUND IN THE AMOUNT OF \$1,014,063, , AND THE POLICE FORFEITURE FUND IN THE AMOUNT OF \$210,900 FOR CAPITAL AND ROLLOVER PROJECTS; PROVIDING FOR REPEALER, SEVERABILITY AND SAVING CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, several planned Capital Improvement projects and Economic Development Rollover projects that were approved by the City Council in FY 2023-2024 but not completed; and

WHEREAS, the funding for these projects ended on September 30, 2024; and

WHEREAS, the City of Leon Valley has already passed their FY 2024-2025 Budget on August 20th, 2024; and

WHEREAS, it has been determined that funding should be added to the FY 2024-2025 Budget; and

WHEREAS, it is necessary to adjust the Budget by a total amount of \$4,318,395 for FY 2024-2025; 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 amend the FY 2024-2025 budget in a total amount \$4,318,395, in order to fund Capital Improvements and Economic Development Rollover Projects that were bid, approved, and/or awarded by the City Council of the City of Leon Valley in FY 2023-2024, but not otherwise funded in FY 2024-2025;

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

SECTION 1. The FY 2024-2025 General Fund Budget of the City of Leon Valley is hereby amended to increase the budget by \$371,376; the Traffic Safety Fund Budget of the City of Leon Valley is hereby amended to increase the budget by \$151,617; the Enterprise Fund Budget of the City of Leon Valley is hereby amended to increase the budget by \$2,558,439; the Community Center Fund Budget of the City of Leon Valley is hereby amended to increase the budget \$12,000; the Street Maintenance Fund Budget of the

City of Leon Valley is hereby amended to increase the budget by \$1,014,063; and the Police Forfeiture Budget of the City of Leon Valley is hereby amended to increase the budget by \$210,900. To provide funding as follows:

FUND	DEPARTMENT	CAPITAL PROJECT/PROJECT	FY25 CARRY OVER
GENERAL FUND			
	Impound lot	Impound lot	17,898
	Public Works	Dump Truck	87,929
	Public Works	City Hall Entrance Doors	50,214
	Economic Develepment	PEG - Contract	6,335
	Parks	Srinkler Systems - Neighborhood parks	99,500
	Parks	Hike & Bike (El Verde) Sprinkler System	107,000
	Special Events	Earthwise	2,500
			\$ 371,376
RED LIGHT CAMERA			
	Traffic System	Command Vehicle	80,000
	Traffic System	Police Patrol Vehicle (3 w/equip)	42,102
	Traffic System	To be used for impound lot	29,516
			\$ 151,617
ENTERPRISE FUND			
	Water	Purchase Water Rights	1,210,000
	Water	Replace Water Mains	250,000
	Sewer	Replace Sewer Mains	250,000
	Sewer	CCTV Sewer Mains	187,633
	Stormwater	Seneca West Drainage	122,963
	Stormwater	Huebner Creek Erosion Control	537,842
			\$ 2,558,439
COMMUNITY CENTER			
	Community Center	To be used for chairs	12,000
			\$ 12,000
STREET MAINTENANCE			
	Street Repair	Year 7 Project	1,014,063
			\$ 1,014,063
POLICE FORFEITURE			
	Forfeiture	Police Vehicles (2 w/equip)	126,200
	Forfeiture	Undercover Police Vehicle (1)	60,000
	Forfeiture	Insurance Proceeds for totaled car	24,700
			\$ 210,900
			\$ 4,318,395

SECTION 2. 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 5. 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 6. 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 7. 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 03 day of December, 2024.

APPROVED

CHRIS RILEY
MAYOR

Attest:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form:

ARTURO D. “ART” RODRIGUEZ
City Attorney

Approval of an Ordinance Authorizing a Budget Adjustments for the FY 2024-2025 Carryover for Capital and Council Approved Economic Development Rollover Projects.

Carol Goering
Finance Director

City Council Meeting

December 03, 2024

Summary

- Question

- The City Council is being asked to consider approve an ordinance authorizing budget adjustments for the FY 2024-2025 in the following funds:

GENERAL FUND	\$ 371,376
RED LIGHT CAMERA	\$ 151,617
ENTERPRISE FUND	\$2,558,439
COMMUNITY CENTER FUND	\$ 12,000
STREET MAINTENANCE FUND	\$1,014,063
FORFEITURE FUND	\$ 210,900
	\$4,318,395

- Options

- Recommendation:

 - Approve the budget adjustment

- Denial of the request.

- Declaration

- This adjustment will carryover capital projects.

{Section}.93.

FUND	DEPARTMENT	CAPITAL PROJECT/PROJECT	CONTRACT/PROJECT COST	FY24 EXPENDITURES	BALANCE REMAINING	FY25 CARR OVER
GENERAL FUND						
	Impound lot	Impound lot	67,103	49,205	17,898	17,898
	Public Works	Dump Truck	87,929	-	87,929	87,929
	Public Works	City Hall Entrance Doors	50,214	-	50,214	50,214
	Economic Develepment	PEG - Contract	6,335	-	6,335	6,335
	Parks	Srinkler Systems - Neighborhood parks	120,000	20,500	99,500	99,500
	Parks	Hike & Bike (El Verde) Sprinkler System	107,000	-	107,000	107,000
	Special Events	Earthwise	2,500	-	2,500	2,500
TOTAL GENERAL FUND						\$ 371,376
RED LIGHT CAMERA						
	Traffic System	Command Vehicle	80,000	-	80,000	80,000
	Traffic System	Police Patrol Vehicle (3 w/equip)	195,000	152,898	42,102	42,102
	Traffic System	To be used for impound lot	29,516	-	29,516	29,516
TOTAL ENTERPRISE FUND						\$ 151,617
ENTERPRISE FUND						
	Water	Purchase Water Rights	1,210,000	-	1,210,000	1,210,000
	Water	Replace Water Mains	250,000	-	250,000	250,000
	Sewer	Replace Sewer Mains	250,000	-	250,000	250,000
	Sewer	CCTV Sewer Mains	250,000	62,367	187,633	187,633
	Stormwater	Seneca West Drainage	429,624	306,661	122,963	122,963
	Stormwater	Huebner Creek Erosion Control	640,391	102,549	537,842	537,842
TOTAL ENTERPRISE FUND						\$ 2,558,439
COMMUNITY CENTER						
	Community Center	To be used for chairs	12,000	-	12,000	12,000
TOTAL COMMUNITY CENTER FUND						\$ 12,000
STREET MAINTENANCE						
	Street Repair	Year 7 Project	1,014,063	-	1,014,063	1,014,063
TOTAL STREET MAINTENANCE FUND						\$ 1,014,063
POLICE FORFEITURE						
	Forfeiture	Police Vehicles (2 w/equip)	130,000	3,800	126,200	126,200
	Forfeiture	Undercover Police Vehicle (1)	60,000	-	60,000	60,000
	Forfeiture	Insurance Proceeds for totaled car	24,700	-	24,700	24,700
TOTAL FORFEITURE FUND						\$ 210,900

GRAND TOTAL \$ 4,318,395



Approval of an Ordinance Authorizing a Budget Adjustments for the FY 2024-2025 Carryover for Capital and Council Approved Economic Development Rollover Projects.

Carol Goering
Finance Director

City Council Meeting

December 03, 2024

MAYOR AND COUNCIL COMMUNICATION

DATE: December 3, 2024
TO: Mayor and Council
FROM: Melinda Moritz, Public Works Director
THROUGH: Crystal Caldera, Ph.D., City Manager

SUBJECT: Presentation, Discussion, and Possible Action to Consider Approval of an Ordinance Amending the Leon Valley Code of Ordinances, Appendix A, Section A16. Water and Wastewater Impact Fees, Section A16.001 Water Impact Fees, Subsection 1. Water Impact Fees, to Update the Fees

SPONSOR(S): N/A

PURPOSE

The purpose of this item is to consider approval of an Ordinance that would increase the fees charged to new development for connection to the city's water system.

The last time the water and sewer impact fees were increased was in June of this year; however, the water impact fees were based on what the City had been paying for water rights previously. In light of new information on the price for purchasing water rights, the fees should be increased to assure adequate recovery of those costs.

Impact fees may only be used for improvements to the water and wastewater system that are directly related to new development. They cannot be used to maintain or replace existing systems and may not be charged to existing customers, unless the customer has a change in use that would require an increase in water and/or wastewater treatment usage.

Approval of the Ordinance will allow the city to recover capital costs associated with acquiring water rights and the eventual replacement of the Marshall Elevated Water Storage Tank with a larger storage tank.

Impact fees are to be re-evaluated every 5 years by the Capital Improvements Advisory Committee.

FISCAL IMPACT

Water impact fees are used to offset the costs of obtaining water rights for new development and are now being sold between \$10,000 and \$12,000 per acre foot of water.

Current Water Impact Fees

Size of Meter	Water Supply Impact Fee	Development Impact Fee
5/8" & 3/4"	\$2,650	\$962
1"	\$4,425	\$1,603
1 1/2"	\$8,825	\$3,207
2"	\$28,275	\$10,261
3"	\$44,175	\$16,033
4"	\$58,300	\$21,164
6"	\$72,423	\$26,295
8"	\$88,325	\$53,444
10"	\$141,246	\$51,307

Proposed Water Impact Fees

Size of Meter	Water Supply Impact Fee	Development Impact Fee
5/8" & 3/4"	\$4,997	\$962
1"	\$8,344	\$1,603
1 1/2"	\$16,639	\$3,207
2"	\$53,312	\$10,261
3"	\$83,292	\$16,033
4"	\$109,924	\$21,164
6"	\$136,552	\$26,295
8"	\$166,535	\$53,444
10"	\$166,534	\$51,307

RECOMMENDATION

At their September 2024 meeting, the Capital Improvements Advisory Committee recommended approval of the increase in water impact fees.

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary



August 16, 2024

Melinda Moritz
 Public Works Director
 City of Leon Valley
 6400 El Verde Rd.
 Leon Valley, TX 78238

RE: Leon Valley Impact Fee Evaluation

Dear Ms. Moritz,

Ardurra had previously provided an assessment of the City of Leon Valley's impact fees and gave recommendation for new impact fees for the city to adopt. The city adopted the impact fees as recommended in June of 2024. Former and current adopted impact fees are presented below:

Impact Fees for a Standard Residential Meter			
	Prior to 2024	Adopted By Council 6/6/2024	Proposed In This Memo
Water Supply Impact Fee	\$1,242	\$2,650	\$4,997
Development Impact Fee	\$450	\$962	\$962
Total Impact Fee	\$1,692	\$3,612	\$5,959

In July 2024, the City provided new information regarding the cost of water acquisition. The memorandum is revised with the new acquisition costs accounted for below with edits highlighted. New calculations for suggested impact fees are presented at the end.

Methods:

An impact fee is a one-time charge imposed on new development to help recover capital costs associated with providing the infrastructure and other required improvements to provide service to that new development. The maximum impact fee per service unit is calculated by dividing the cost of the growth-related Capital Improvements Projects (CIP) the city anticipates undertaking in the evaluated time period by the projected number of total service units the city will add in that time period.

Ardurra set the evaluation time period at ten years. Capital Improvement Projects evaluated included replacing the Marshall Elevated Storage Tank and costs associated with expanding the city's water rights. To estimate the number of total service units to be added in ten years, Ardurra performed a generalized population projection utilizing census data and meter counts provided by the City.

The Texas Local Government Code Chapter 395 requires utilities to calculate a credit for growth related Capital Improvements Projects (CIP) to be subtracted from the impact fee. The credit is based on the amount of projected future rate revenues or taxes expected to be generated by the new development and used to pay for capital improvements identified in the CIP. This credit provides an adjustment to benefit fee payers who will pay for CIP in both the impact fee and their future rates and taxes. Utilities can calculate this credit and apply it to the calculated impact fee or alternatively, can avoid having to calculate the credit by opting to use the statutory credit equal to 50% of the calculated impact fee. Ardurra has opted to estimate impact fees here by statutory credit of 50%.

Population Projections:

- In 2010, according to the US Census Bureau, Leon Valley had a population of 10,151. In 2020, according to the US Census Bureau, Leon Valley had grown to a population of 11,542, a growth rate of 1.29% annually. Ardurra has assumed this growth rate will continue through the ten year evaluation period. With that assumption in mind, the population in the current year of 2023 is estimated to be 11,842.
- Leon Valley provided the current meter count for the water system as 2,576 meters. In order to estimate the number of meters to be added in the evaluation period, Ardurra will use a ratio of meters per resident. In 2023, this ratio is 4.6 residents per meter. Ardurra will use the assumption that this ratio holds for the evaluation period.
- In 2033, the population is estimated to be 13,368. With an assumed ratio of 4.6 residents per meter, it is estimated that the meter count in 2033 will be 2,965 meters. Based on this assumption, Leon Valley will add an additional 390 meters to their water system over the evaluation period.

Growth Related Capital Improvement Project:**Water Sourcing:**

- The City of Leon Valley currently owns 1,758.38 acre-feet of Edwards Aquifer water rights. The city rarely gets access to its full water rights due to withdrawal reductions required by Edwards Aquifer water restriction stages.
- In 2018, Leon Valley reported having 2,440 meters and using 1,086 acre-feet of water. This is the highest per-capita water usage in recent history, 0.45 acre-feet per meter over that year. Ardurra has opted to use this per-capita water usage as basis for projected water demand in the evaluation period.

- This projects the full system ultimate water usage in 2033 as:

$$2,965 \text{ meters} * 0.45 \frac{\text{acre} - \text{feet}}{\text{meter}} = 1,335 \text{ acre} - \text{feet of water}$$

- Edwards Aquifer water withdrawal reduction stages are given as percentage reductions of total owned water rights. This means when the city is at a critical period stage 3 reduction level, they can only utilize up to 65% of their owned water rights. The City of Leon Valley is currently in a stage 3 reduction period. If one were to assume stage 3 reduction level in 2033, to have enough water rights to meet water demand the city would need to own:

$$\frac{1,335 \text{ acre} - \text{feet of water}}{65\%} = 2,054 \text{ acre} - \text{feet}$$

- The city estimates cost per acre-foot of water rights acquisition at **\$11,500 per acre-foot**. Using this as a baseline cost, which includes closing costs, and extrapolating this cost over the evaluation period with inflation, it is estimated it will cost the city approximately **\$3,897,295** to acquire the recommended water rights (see Attachment A for estimate).

Capital Improvements Project:

- The City of Leon Valley will need to replace the 100,000 gallon Marshall Elevated Storage Tank in the next ten years with a larger tank.
 - Removing and replacing the tank with a 150,000 gallon elevated storage tank is estimated to cost \$750,000 (see Attachment B for estimate).

Impact Fee Calculation with Credit:

- The impact fee that can be levied per service unit is calculated by dividing the growth-related CIP costs by the projected number of total service units projected. Then the maximum impact fee amount is calculated by applying a 50% credit to account for projected future rate revenues or taxes expected to be generated by the new development and used to pay for capital improvements identified in the CIP. The max impact fee is calculated in the table below:

Description	CIP	Calculated Maximum Impact Fee	Credited Impact Fee (50%)
Water Supply	\$3,897,295	\$9,993	\$4,997
System Development	\$750,000	\$1,923	\$962

- These proposed impact fees and Leon Valley’s existing impact fees (adopted in June 2024) were referenced against the nearest water system, San Antonio Water System (SAWS), current impact fees, adopted in 2020. This comparison is shown in the table below. It should be noted that Leon Valley’s water system was found to have adequately sized mains for projected growth and there is no need for flow expansion improvement projects.

Description	SAWS Impact Fee	Adopted June 2024 Leon Valley Impact Fee	Proposed Leon Valley Impact Fee
Flow Impact Fee	\$1,188	\$0	\$0
Water Supply Impact Fee	\$2,706	\$2,650	\$4,997
System Development Impact Fee	\$855	\$962	\$962
Total Impact Fee	\$4,749	\$3,612	\$5,959

Conclusions and Recommendations:

It is recommended that the City of Leon Valley update their impact fees. The existing impact fees are too low to address the water system’s growth demands in the coming years. The suggested impact fee per water meter size is shown below. To estimate recommended impact fees for larger than standard residential size water meters, multiplier of fee increase from the previous adopted fees in 2008 were used:

Size of Meter	Water Supply Impact Fee Prior to 2024	Development Impact Fee Prior to 2024	Current Water Supply Impact Fee	Current Development Impact Fee	Proposed Water Supply Impact Fee	Proposed Development Impact Fee
5/8" & 3/4"	\$1,242	\$450	\$1,242	\$450	\$4,997	\$962
1"	\$2,074	\$750	\$2,074	\$750	\$8,344	\$1,603
1 1/2"	\$4,136	\$1,500	\$4,136	\$1,500	\$16,639	\$3,207
2"	\$13,252	\$4,800	\$13,252	\$4,800	\$53,312	\$10,261
3"	\$20,704	\$7,500	\$20,704	\$7,500	\$83,291	\$16,033
4"	\$27,324	\$9,900	\$27,324	\$9,900	\$109,923	\$21,164
6"	\$33,943	\$12,300	\$33,943	\$12,300	\$136,551	\$26,295
8"	\$41,396	\$25,000	\$41,396	\$25,000	\$166,534	\$53,444
10"	\$66,199	\$24,000	\$66,199	\$24,000	\$166,533	\$51,307

We appreciate the opportunity to assist you in this matter. If you have any questions, please contact us at (210) 822-2232 or e-mail us at jhoelscher@ardurra.com.

Sincerely,

TBPE Firm No. F-10053



James Hoelscher, PE
 Project Engineer

ATTACHMENT A
WATER ACQUISITION COSTS ESTIMATE

{Section}.94.

Description	Units	Qty
Water Rights Acquired Current	Acre Feet	1758.38
Water Rights Desired	Acre Feet	2054
\$/Acre Foot	\$	\$ 11,500.00
To Acquire	Acre Feet	295.62
Acquire per year	Acre Feet	29.562
Inflation	%	3.0%
2024 Cost to Purchase Water Rights	\$	\$ 339,963.00
2025 Cost to Purchase Water Rights	\$	\$ 350,161.89
2026 Cost to Purchase Water Rights	\$	\$ 360,666.75
2027 Cost to Purchase Water Rights	\$	\$ 371,486.75
2028 Cost to Purchase Water Rights	\$	\$ 382,631.35
2029 Cost to Purchase Water Rights	\$	\$ 394,110.29
2030 Cost to Purchase Water Rights	\$	\$ 405,933.60
2031 Cost to Purchase Water Rights	\$	\$ 418,111.61
2032 Cost to Purchase Water Rights	\$	\$ 430,654.96
2033 Cost to Purchase Water Rights	\$	\$ 443,574.61
Total Cost to Acquire	\$	\$ 3,897,294.80

ATTACHMENT B

MARSHALL ELEVATED STORAGE TANK DEMOLITION AND REPLACEMENT PROJECT COST ESTIMATE

{Section}.94.

Item #	Decription	Unit	Unit Cost	Qty	\$
1	Demo of Existing 100,000 Gallon Tank	LS	\$ 60,000.00	1	\$ 60,000.00
2	Construction of 150,000 Gallon Tank	LS	\$ 540,000.00	1	\$ 540,000.00
			<i>Contingency</i>	<i>25%</i>	<i>\$ 150,000.00</i>
			TOTAL		\$ 750,000.00

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LEON VALLEY, TEXAS, CITY COUNCIL, AMENDING THE LEON VALLEY CODE OF ORDINANCES, APPENDIX A FEE SCHEDULE, ARTICLE A16 IMPACT FEES, SECTION A16.001 WATER IMPACT FEES TO INCREASE WATER IMPACT FEES; PROVIDING AN EFFECTIVE DATE OF THE REVISION WITH PUBLICATION, AS REQUIRED BY LAW, PROVIDING A SAVINGS CLAUSE; AND PROVIDING A CONFLICTS PROVISION.

WHEREAS, a water and wastewater impact fee study was performed by a registered and licensed engineer, and it was determined that the current water impact fees should be increased to account for the increased costs associated with the acquisition of water rights and that wastewater impact fees should not be increased; and

WHEREAS, all funds collected through the adoption of an impact fee shall be deposited in an interest-bearing account clearly identifying the category of capital improvements or facility expansions within the service area for which the fee was adopted; and

WHEREAS, interest earned on impact fees is considered funds of the account on which it is earned and is subject to all restrictions placed on use of impact fees under Local Government Code, Chapter 395 Financing Capital Improvements Required by New Development in Municipalities, Counties, and Certain Other Local Governments, Subchapter A General Provisions; and

WHEREAS, impact fee funds may be spent only for the purposes for which the impact fee was imposed as shown by the capital improvements plan and as authorized by Local Government Code, Chapter 395; and

WHEREAS the records of the accounts into which impact fees are deposited shall be open for public inspection and copying during ordinary business hours.; and

WHEREAS, the increase in fees is vital to assure the Leon Valley water and wastewater system can continue to adequately provide water and wastewater service to new developments;

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

SECTION 1. That Appendix A Schedule of Fees, Section A16.001 be amended as follows:

“Section A16.001 Water Impact Fees

1. Water impact fees:

Meter Size	Water Supply Impact Fee	Development Impact Fee	Total
5/8" & 3/4"	\$4,997	\$962	\$5,959
1"	\$8,344	\$1,603	\$9,947
1 1/2"	\$16,639	\$3,207	\$19,846
2"	\$53,312	\$10,261	\$63,573
3"	\$83,292	\$16,033	\$99,325
4"	\$109,924	\$21,164	\$131,088
6"	\$136,552	\$26,295	\$162,847
8"	\$166,535	\$53,444	\$219,979
10"	\$166,534	\$51,307	\$217,841

“

SECTION 3. This ordinance shall become effective on and after its passage, approval and the meeting of all publication requirements as provided by law.

SECTION 4. 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 the Leon Valley Code of Ordinances, Appendix A Fee Schedule 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 3rd day of December 2024.

APPROVED

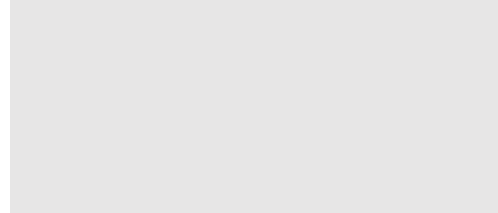
CHRIS RILEY
MAYOR

Attest :

SAUNDRA PASSAILAIGUE, TRMC
City Secretary


Approved as to Form:

ART RODRIGUEZ
City Attorney

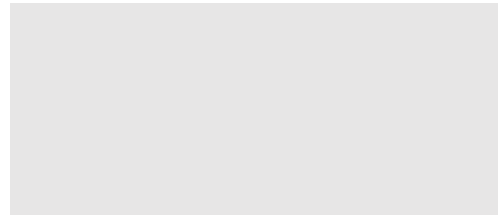
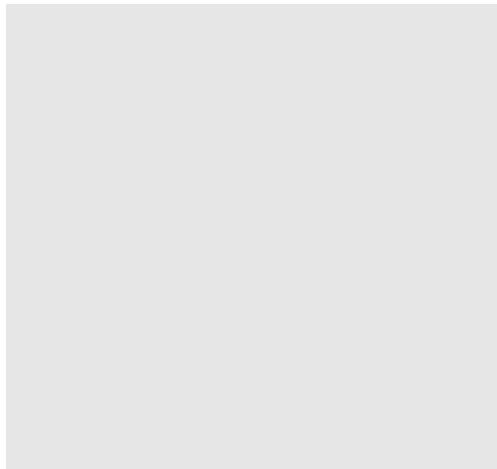
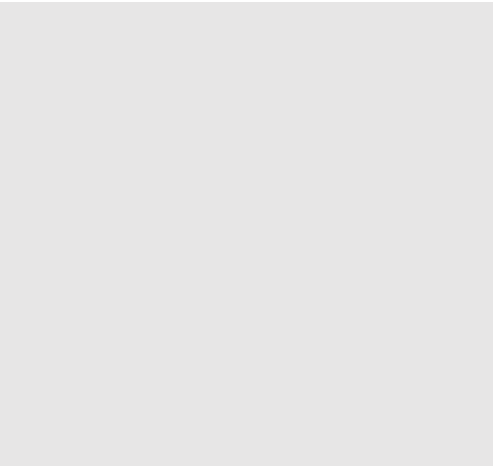


LEON VALLEY 2023 IMPACT FEE PRELIMINARY REVIEW







James Hoelscher, PE
Byron Sanderfer, PE, CPM



ARDURRA



AGENDA

-  Existing Impact Fee
-  Population Projections
-  Water Sourcing
-  Capital Improvements
-  Potential Proposed Impact Fee
-  Proposed Impact Fee Comparison

EXISTING IMPACT FEES

- Impact Fees were recently updated and adopted in June of 2024
- Current Rates – Water Only:

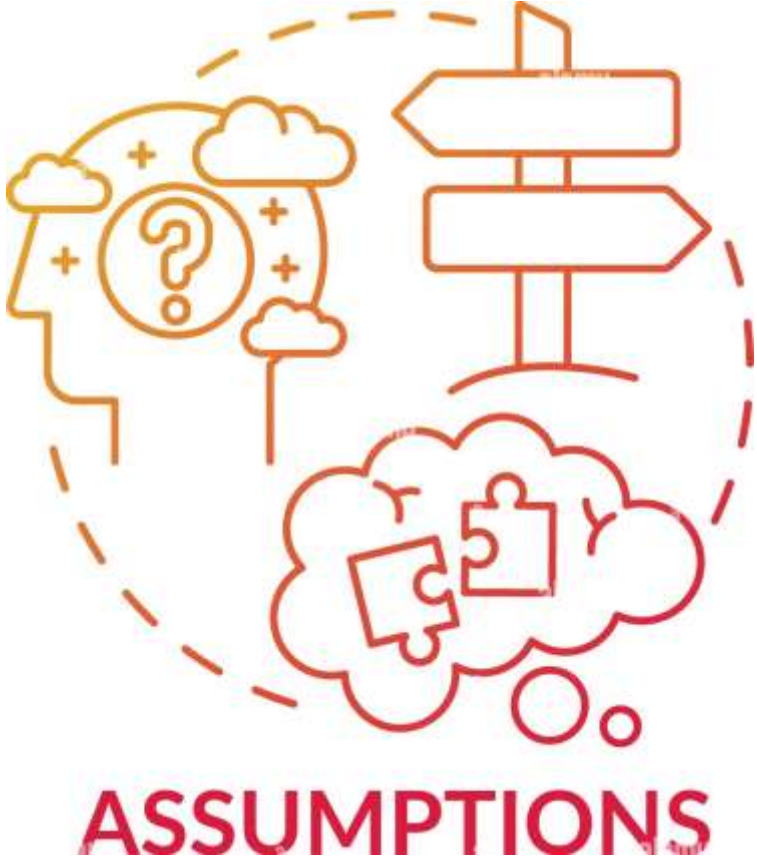
Size of Meter	Water Supply Impact Fee	Development Impact Fee
5/8" & 3/4"	\$2,650	\$962
1"	\$4,425	\$1,603
1 1/2"	\$8,825	\$3,207
2"	\$28,275	\$10,261
3"	\$44,175	\$16,033
4"	\$58,300	\$21,164
6"	\$72,423	\$26,295
8"	\$88,325	\$53,444
10"	\$141,246	\$51,307

GROWTH PROJECTIONS

- Census data from 2010
 - *Population: 10,151*
- Census data from 2020
 - *Population: 11,542*
- Growth rate of **1.29% annually** from 2010 to 2020
- Current meter count from Leon Valley
 - **2,576 meters**
 - 2,288 residential
 - 288 commercial
 - *Most are 5/8" meters (2,245 or 87%)*
- If rate of growth from 2010 to 2020 is assumed to continue
- Current population in 2023 is estimated to be
 - 11,842
 - **4.6 residents per meter**
- Population in 2033 is estimated to be
 - **13,368**
- Using same meter ratio as before it is estimated in 2033, the city will have:
 - **2,965 meters**
- A growth of **390 meters** in 10 years

ASSUMPTIONS REVIEW

- Growth of 1.29% annually over next ten years
- Ratio of 4.6 residents per meter
- Undeveloped land in Leon Valley
 - *Estimate 150 acres*
 - About 40 individual residential lots currently undeveloped (> 1 acre)
 - Assume 10% never to be developed
 - Floodplain
 - Adjacent to existing owned property
 - Untenable



WATER SOURCING

- The City of Leon Valley currently owns 1,758.38 acre-feet of Edwards Aquifer water rights.
- The city rarely gets access to its full water rights due to withdrawal reductions during Edwards Aquifer water restriction stages.

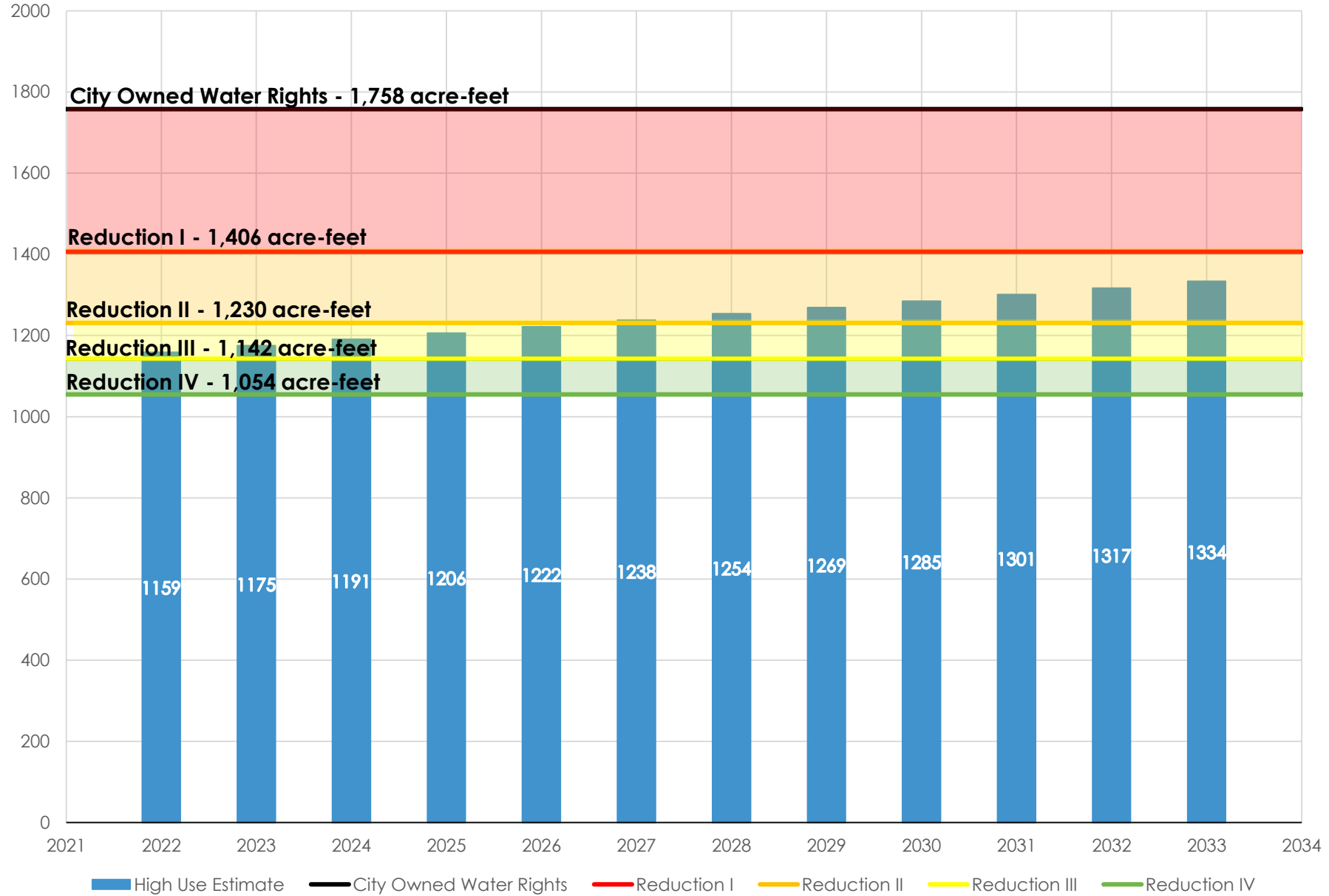
Owned Water	Critical Period Stage	Withdrawal Reduction	Withdrawal Reduction – Owned Water
1,758.38	I	20%	1406.7
1,758.38	II	30%	1230.8
1,758.38	III	35%	1142.9
1,758.38	IV	40%	1054.9

WATER USAGE – HIGH ESTIMATE

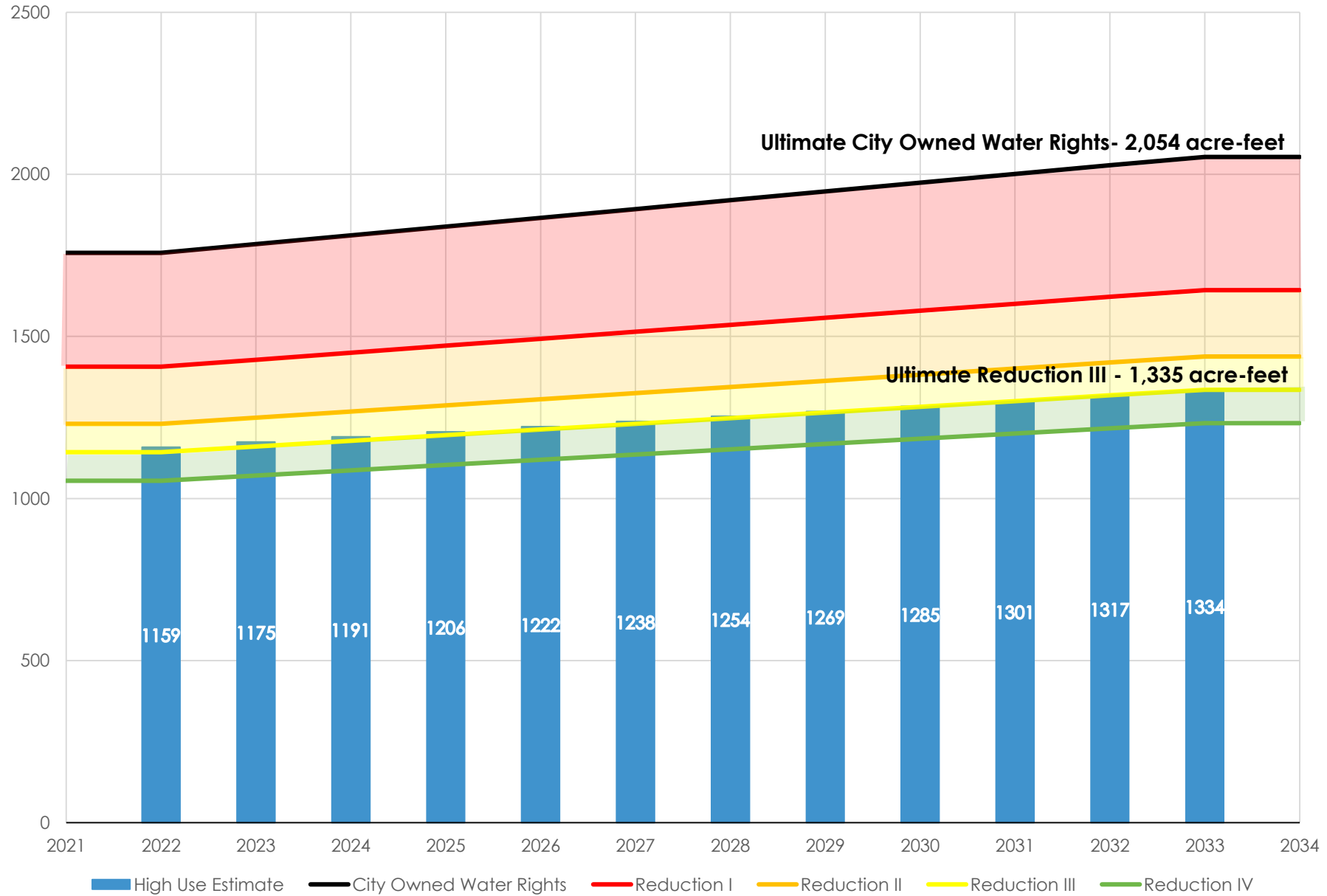
- In 2018, Leon Valley reported having 2,440 meters and using 1,086 acre-feet of water.
 - *~0.45 acre-feet / meter*
 - *Highest per-capita water usage in recent history*
- Assume this per-meter-usage to give a high estimate of potential water demand in 2033
- $(0.45 \text{ acre-feet / meter}) * (2,965 \text{ meters})$
 - **1,335 acre-feet of water**



Estimated Leon Valley Water Use Over Time



Estimated Leon Valley Water Use Over Time



WATER SOURCING

- If the city assumes being kept under water restriction stage III, but wants to keep capacity above estimated high demand, it will need to own:
 - **2,054 acre-feet of water rights by 2033.**

Owned Water	Critical Period Stage	Withdrawal Reduction	Withdrawal Reduction – Owned Water
2,054	I	20%	1643.1
2,054	II	30%	1437.7
2,054	III	35%	1335.0
2,054	IV	40%	1232.3

WATER SOURCING

City estimates cost per acre-foot of water rights acquisition at \$11,500/acre-foot.

Includes closing cost

To reach water source goal in 2033. It is estimated it will cost the city approximately:

\$3,897,295



#65101240

CAPITAL IMPROVEMENTS

No changes are proposed to the capital improvements portion of the existing water impact fees today.



{Section}.94.

TLGC CHAPTER 395 CREDIT

- The Texas Local Government Code Chapter 395 requires utilities to calculate a credit for growth related Capital Improvements Projects (CIP) to be subtracted from the impact fee.
- The credit is based on the amount of projected future rate revenues or taxes expected to be generated by the new development and used to pay for capital improvements identified in the CIP. This credit provides an adjustment to benefit fee payers who will pay for CIP in both the impact fee and their future rates and taxes.
- Utilities can calculate this credit and apply it to the calculated impact fee or alternatively, **can avoid having to calculate the credit by opting to use the statutory credit equal to 50% of the calculated impact fee.**
- **City Engineer Ardurra has opted to estimate impact fees here by statutory credit of 50%.**

IMPACT FEE CALCULATION

- The water supply impact fee per service unit is calculated by dividing the growth related costs for water sourcing by the projected number of total service units.
 - 390 service units over 10 years
- Then crediting 50% per TLGC Chapter 395

Description	CIP	Calculated Impact	Max Impact Fee (50%)
Water Supply	\$3,897,295	\$9,993	\$4,997

For 5/8" & 3/4" meter

PROPOSED IMPACT FEE COMPARISON - SAWS

- For reference, see table below for comparison of proposed fee to SAWS current impact fees adopted in 2020.
 - Leon Valley does not need to increase the size of the mains, therefore a flow impact fee is not evaluated

Description	SAWS Impact Fee	Adopted 2024 Leon Valley Impact Fee	Proposed Leon Valley Impact Fee
Flow Impact Fee	\$1,188.00	\$0.00	\$0.00
Water Supply Impact Fee	\$2,706.00	\$2,650.00	\$4,997.00
System Development Impact Fee	\$855.00	\$962.00	\$962.00
Total Impact Fee	\$4,749.00	\$3,612	\$5,959.00

For 5/8" & 3/4" meter

RE-EVALUATE IMPACT FEES REGULARLY

Impact fees will need to be re-evaluated every 5 years

New capital improvements projects

Population projections

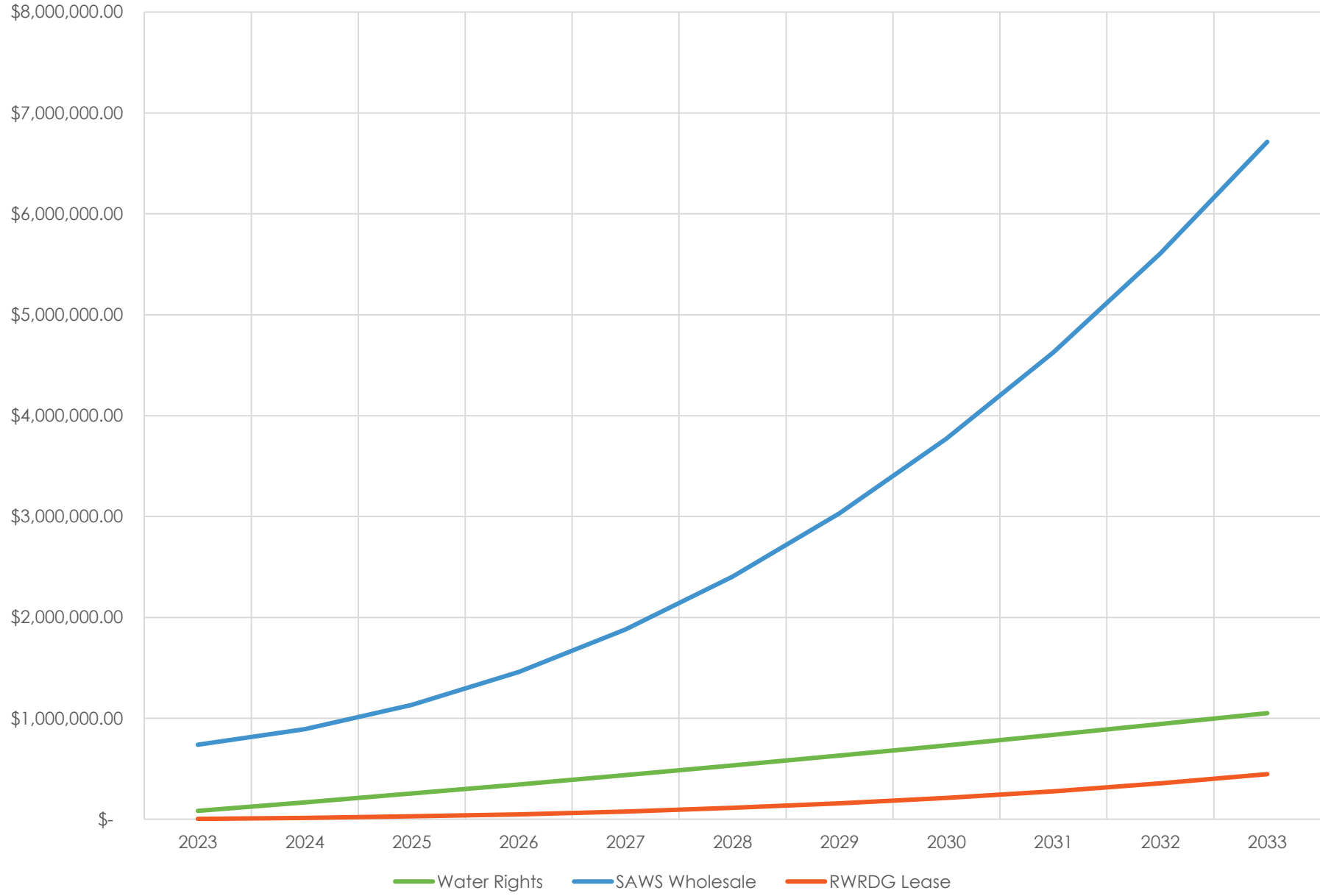
Development projections



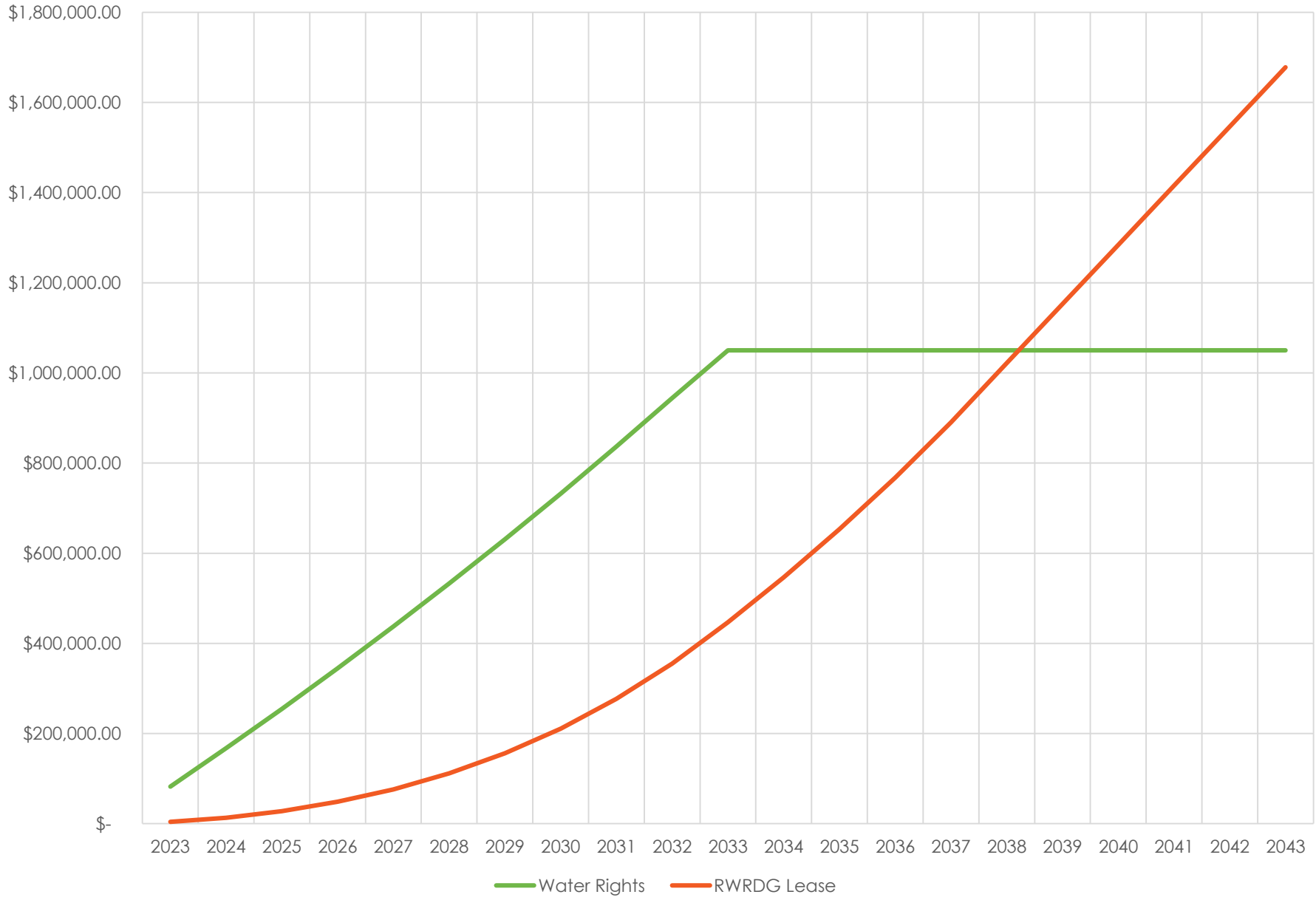
THANK YOU FOR YOUR TIME TODAY

Questions?

Cost Comparison Water Rights Purchase vs SAWS vs RWRDG



Cumulative Cost Comparison Purchase Water Rights Vs RWRDG Lease



MAYOR AND COUNCIL COMMUNICATION

DATE: December 3, 2024
TO: Mayor and Council
FROM: Melinda Moritz, Public Works Director
THROUGH: Crystal Caldera, Ph.D., City Manager

SUBJECT: Discussion and Possible Action to Direct Staff on the Purchase and Installation of Religious Decorations to Add to the Existing Holiday Lighting Event Decorations at the Community and Conference Center Grounds

SPONSOR(S): Councilors Bradshaw and Orozco

PURPOSE

The purpose of this item is to consider directing staff to purchase and install a nativity scene and a Hanukkah menorah display to add to the decorations already installed at the Community/Conference Center grounds during the annual Holiday Lighting event.

To proactively address any concerns regarding the legality and liability of this item, staff offers the following:

According to Supreme Court precedent, installing a nativity scene on government property can be legal if it is part of a larger holiday display that includes secular symbols, effectively meaning it is not solely religious in nature, often referred to as the "reindeer rule"; this was established in the case of Lynch v. Donnelly (1984) where the court ruled that a nativity scene within a broader Christmas display did not violate the Establishment Clause of the First Amendment.

FISCAL IMPACT

The decorations are expected to cost between \$50 and \$1,500, depending on the size and number of decorations requested. Staff suggests that funds for this purchase be donated; however, the purchase can be absorbed in the current Public Works budget, as the existing holiday lighting strands were refurbished from last year and are being reused, so funds budgeted for replacement lighting will not be used.

RECOMMENDATION

At City Council discretion.

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Direction to Staff

Holiday Lighting Event

Add Religious Decorations

Melinda Moritz
Public Works Director
City Council Meeting
December 3, 2024

Summary

- Question
 - City Council is being asked to consider adding a nativity scene & a Menorah to the existing holiday lighting event decorations at the Community & Conference Center grounds
- Options
 - At Council discretion
- Declaration
 - Would suggest that if approved, funds for the purchase are from donations

Purpose

- To consider the purchase & installation of nativity & menorah decorations to add to the existing Holiday Lighting decorations at the Community and Conference Center Grounds

Purpose/Background

- Per the Supreme Court, the government is not allowed to:
 - Establish a religion
 - Favor one religion above another
 - Favor non-religion to religion, or the other way around
 - Forbid a religion

Guidelines

- Standalone - standalone outdoor nativity scene may send message that government is supporting Christianity (specific religion), but if City adds secular pieces, nativity scene can be safe within constitutional law (we already have secular pieces)
 - Symbols - Santa Clause, reindeer, elves, Peanuts characters, etc. are secular holiday symbols & have been deemed constitutional
 - Menorahs, crèches, & other types of outdoor nativities are religious symbols & may be deemed either constitutional or not, depending on how & where displayed & context of the entirety of display
 - City has existing secular decorations on display in empty field & would install new decorations there– not in front of city hall

Guidelines

- Private - private owned outdoor nativity sets are allowed, but questions arise when outdoor nativity scenes are owned by the government
- Wording - wording of signs may be deemed religious or secular – these would not have words
- Endorsement Test - setting & context of the decorations, along with accompanying disclaimer signs, contribute to the assumption a reasonable person will make

Fiscal Impact

- Decorations would cost between \$50 - \$1,500, depending on the number & size of each piece
- Council may want to consider obtaining donations towards the cost (reduce litigation threat); however, Public Works budgets funds yearly for replacement items & were able to reuse holiday lighting strands this year, so those funds could be used for this purchase

Fiscal Impact - Examples



23" - \$45.99 (on sale)



59" high - \$740

Recommendation

- At City Council discretion

MAYOR AND COUNCIL COMMUNICATION

DATE: December 3, 2024

TO: Mayor and Council

FROM: Dr. Crystal Caldera, City Manager

SUBJECT: Presentation Discussion and Possible Action to Authorize the City Manager to Enter into an Agreement with Tiger Sanitation for Solid Waste Services.

SPONSOR(S): N/A

PURPOSE & BACKGROUND

The City of Leon Valley has been with Tiger Sanitation since January 2018. The City of Leon Valley established the solid waste committee on 7/16/2024 to review the proposals. The City received four proposals Tiger Sanitation, Waste Management, Waste Connections and Frontier Waste Solutions. On 11/5/2024 the committee recommended Tiger Sanitation remain the city’s solid waste provider. The Council accepted their recommendation and gave the City Manager the Authority to negotiate the contract.

Option 2. Extra Bags Service Package (Current Contracted Level of Service)	
A. 1x/week Residential Garbage (95 GCart) - Plus 4 extra bags/bundles outside cart	
B. 1x/week Residential Recycle (95 GCart)	
C. 2x/year Brush and Bulky Item Curbside (8 Cubic Yards)	\$18.32
D. Pay as You Throw (Optional and Replaces Line A.) 65 G Garbage Cart (Cart only) instead of a 95 GCart (all other services same as above)	\$17.25
The following services and/or donations are included in each of the 3 options above at no additional charge.	
* \$2500.00 donation to the City for annual Earthwise Living Day Event and provide recycle education with booth and volunteers for event	
* \$2500.00 donation to the City for annual Festival & Fireworks Spectacular and donate roll off container and 95 gallon waste & recycle carts for event	
* Neighborhood Revitalization Program -Donate one 40 yard roll off container per year for site specific projects	
* The Big Rig Petting Zoo - Provide one solid waste truck for interactive education and support volunteers for the event	
* National Night Out - Participate and donate 95 gallon waste and recycle carts	

COMMERCIAL (billed monthly)	1	2	3	4	5	6
	1/Week	2/Week	3/Week	4/Week	5/Week	6/Week
	Two Yard Container	\$73.62	\$139.87	\$176.68	\$235.57	\$294.46
Four Yard Container	\$99.55	\$199.10	\$298.65	\$398.20	\$497.75	\$597.29
Six Yard Container	\$111.34	\$222.69	\$334.03	\$445.37	\$556.72	\$668.06
Eight Yard Container	\$147.07	\$294.15	\$441.22	\$588.29	\$735.37	\$882.44

If the council would like, a onetime Household Hazardous Waste (HHW) event for the residents of Leon Valley it would be \$31,363 plus any applicable taxes.

FISCAL IMPACT

The City receives about \$4,000 a month in Franchise.

RECOMMENDATION

City Council's Discretion

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary



Tiger Contract

Crystal Caldera, PhD
City Manager
City Council Meeting
November 19, 2024

Summary

- **Question**
 - Whether or not authorize the City Manager to execute the Contract between the City of Leon Valley and Tiger sanitation
- **Options**
 - Approve the request
 - Approve a variation of the request
 - Deny
- **Declaration**
 - The City Council's Discretion

Background

- Council established a committee on 7/16/2024, to review the proposals and provide a recommendation.
- The city received 4 proposals
 - Tiger Sanitation
 - Waste Management
 - Waste Connections
 - Frontier Waste Solutions

Background

- The committee narrowed the search to two providers
 - Tiger Sanitation
 - Frontier Waste Solutions
- A selected sub committee interviewed the two committees and reported back to the entire committee
- On 11/5/2024 the committee recommended Tiger Sanitation
- The Council accepted their recommendation and gave the City Manager the Authority to negotiate the contract.
- Onetime Household Hazardous Waste (HHW) event for the residents of Leon Valley it would be \$31,363 plus any applicable taxes.

Background

Option 2. Extra Bags Service Package (Current Contracted Level of Service)	
A. 1x/week Residential Garbage (95 G Cart) - Plus 4 extra bags/bundles outside cart	
B. 1x/week Residential Recycle (95 G Cart)	
C. 2x/year Brush and Bulky Item Curbside (8 Cubic Yards)	\$18.32
D. Pay as You Throw (Optional and Replaces Line A) 65 G Garbage Cart (Cart only) instead of a 95 G Cart (all other services same as above)	\$17.25

The following services and/or donations are included in each of the 3 options above at no additional charge.	
* \$2500.00 donation to the City for annual Earthwise Living Day Event and provide recycle education with booth and volunteers for event	
* \$2500.00 donation to the City for annual Festival & Fireworks Spectacular and donate roll off container and 95 gallon waste & recycle carts for event	
* Neighborhood Revitalization Program - Donate one 40 yard roll off container per year for site specific projects	
* The Big Rig Petting Zoo - Provide one solid waste truck for interactive education and support volunteers for the event	
* National Night Out - Participate and donate 95 gallon waste and recycle carts	

COMMERCIAL (billed monthly)						
	1	2	3	4	5	6
	1/Week	2/Week	3/Week	4/Week	5/Week	6/Week
Two Yard Container	\$73.62	\$139.87	\$176.68	\$235.57	\$294.46	\$353.36
Four Yard Container	\$99.55	\$199.10	\$298.65	\$398.20	\$497.75	\$597.29
Six Yard Container	\$111.34	\$222.69	\$334.03	\$445.37	\$556.72	\$668.06
Eight Yard Container	\$147.07	\$294.15	\$441.22	\$588.29	\$735.37	\$882.44

Fiscal Impact

- Per the contract the city receives a 4% franchise payment from Tiger the average is about \$4,000 a month

Recommendation

- City Council's Discretion

MAYOR AND COUNCIL COMMUNICATION

DATE: December 3, 2024
TO: Mayor and Council
FROM: Melinda Moritz, Public Works Director
THROUGH: Crystal Caldera, Ph.D., City Manager

SUBJECT: Presentation, Discussion, and Possible Action to Consider Approval of a Resolution Authorizing the City Manager to Enter into a Contract with the San Antonio Water System (SAWS) for Wholesale Sewer Service

SPONSOR(S): N/A

PURPOSE

The purpose of this item is to consider approval of a Resolution that would allow the City Manager to enter into a ten (10) year contract with SAWS for the transportation, processing, and treatment of the city's wastewater.

While the city owns all sewer mains within the city limits, the wastewater effluent travels through those mains to the city limit, where it is then transported through SAWS sewer mains and finally processed and treated in a SAWS-owned wastewater treatment facility.

Contract highlights include:

- Terms of the contract are for a period of ten (10) years, with three (3) mutually agreed upon five-year (5) options.
- It requires the city to inspect and clean the mains every five (5) years and to smoke test every two (2) years.
- It requires that the city report any failures in the collection system within 24 hours of discovery of such failures.
- It requires the city to mandate that all Dental Dischargers, as defined by 40 Code of Federal Regulations Part 441, submit a Dental Amalgam One-Time Compliance Report to the Board prior to connecting or transferring service to a customer.
- It gives SAWS the right to inspect our sewer mains and flows and to test the effluent, collect data, and make compliance determinations.
- Rates would be the same as we have been paying, but it does allow SAWS to raise the rates as authorized by the San Antonio City Council.

FISCAL IMPACT

There are no changes to the current rate structure; however, SAWS reserves the right to increase the rates as approved by the San Antonio City Council. The current rate sheet

is attached. SAWS representatives have stated that they did take into account the fact that the city owns and maintains all sewer mains within our city limits in determining the rates.

RECOMMENDATION

Staff recommends approval of the Resolution authorizing the City Manager to enter into a contract with SAWS for wholesale sewer service.

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

**SCHEDULE C
WHOLESALE CLASS WATER AND SEWER RATE SCHEDULES
SAN ANTONIO WATER SYSTEM**

San Antonio, Texas

Effective for Consumption on or about January 1, 2023

Water service charges for all metered wholesale water connections shall be the sum of the appropriate Water Service Availability Charge and the application of the Water Monthly Volume Charges to metered water usage in every instance of service for each month or fraction thereof and are billed according to the schedule below. Sewer service charges for all metered wholesale water connections shall be the sum of the appropriate Sewer Service Availability Charge and the application of the Sewer Monthly Volume Charges to metered water usage and are billed according to the schedule below.

MONTHLY SERVICE AVAILABILITY CHARGES

Meter Size†	Water Service Availability Charge	Sewer Service Availability Charge
6"	\$ 298.14	\$ 340.07
8"	\$ 473.94	\$ 340.07
10"	\$ 591.14	\$ 340.07
12"	\$ 825.54	\$ 340.07

MONTHLY VOLUME CHARGES

Usage Gallon - Block Threshold	WATER	Usage Gallon - Block Threshold	SEWER
	Rate Per 1,000 Gallons		Rate Per 1,000 Gallons
Base*	\$ 2.7230	All Usage	\$ 4.2560
Over Base	\$ 5.4460		

† Wholesale water service will not be provided through a meter smaller than 6" in order to comply with fire-flow requirements and the "Criteria for Water Supply and Distribution in the City of San Antonio and its Extraterritorial Jurisdiction."

*The Base Use is defined as 100% of the Annual Average Consumption or as agreed to by the wholesale customer and approved by the SAWS Board of Trustees.

RESOLUTION NO. 24-___R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH THE SAN ANTONIO WATER SYSTEM FOR THE PROVISION OF WHOLESALE SEWER SERVICES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of San Antonio, acting by and through the San Antonio Water System Board of Trustees ("Board") provides sewer service in the San Antonio, Bexar County and to the City of Leon Valley and other areas; and

WHEREAS, the City of Leon Valley ("Entity") operates a retail sewer service system and has been provided sewer service by the Board and City of San Antonio departments and agencies for several years; and

WHEREAS, the purpose for creating regional systems is to maintain and enhance the quality of the water of the State; and

WHEREAS, both the Board and the City of Leon Valley further recognize that the public interest will be served by having the Board provide wholesale sewer service through the execution of this Wholesale Sewer Service Contract ("Contract");

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

SECTION 1. That the City Manager is hereby authorized to enter a contract with the San Antonio Water System for wholesale sewer services.

SECTION 2. Expiration. This Resolution shall expire upon expiration of the contract as attached hereto.

SECTION 3. Recitals. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the Council.

SECTION 4. Conflicts. All Resolutions and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

SECTION 5. Savings. That all rights and privileges of the City are expressly saved as to any and all violations of the provision of any Resolutions repealed by this Resolution which have accrued at the time of the effective date of this Resolutions; and, as to such accrued violation and all pending litigation, both civil and criminal, whether pending in court or not, under such Resolutions, same shall not be affected by this Resolution but may be prosecuted until final disposition by the courts.

SECTION 6. Severability. This Resolution is not severable.

SECTION 7. TOMA compliance. It is officially found, determined, and declared that the meeting at which this Resolution 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 Resolution, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 8. Effective date. This Resolution shall be effective upon the date of final adoption hereof and any publication required by law.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 3rd day of December, 2024.

APPROVED

CHRIS RILEY
MAYOR

Attest:

SAUNDRA PASSAILAIGUE
City Secretary, TRMC

Approved as to Form:

ARTURO D. 'ART' RODRIGUEZ
City Attorney

**WHOLESALE SEWER SERVICE CONTRACT
BETWEEN
SAN ANTONIO WATER SYSTEM AND CITY OF LEON VALLEY**

This Contract is entered into by and between the San Antonio Water System Board of Trustees a water, wastewater, and water recycling agency of the City of San Antonio established and created pursuant to the provisions of Ordinance No. 75686 and Texas Revised Civil Statutes Annotated Article 1115, as amended, acting by and through its President and Chief Executive Officer (CEO) or his authorized representative, and the City of Leon Valley a municipal corporation, organized under the laws of the State of Texas, acting by and through its City Manager or authorized representative, pursuant to Ordinance No. 98-028.

Whereas, the City of San Antonio, acting by and through the San Antonio Water System Board of Trustees ("**Board**") provides sewer service in the San Antonio, Bexar County and other areas; and

Whereas, the City of Leon Valley ("**Entity**") operates a retail sewer service system and has been provided sewer service by the Board and City of San Antonio departments and agencies for several years; and

Whereas, the purpose for creating regional systems is to maintain and enhance the quality of the water of the State; and

Whereas, both the Board and Entity further recognize that the public interest will be served by having the Board provide wholesale sewer service through the execution of this Wholesale Sewer Service Contract ("**Contract**"); **now therefore**,

The Parties hereto agree as follows:

1.00 Intent of the Parties

The Board shall supply wholesale sewer transportation and treatment service to Entity in accordance with the terms and conditions contained herein. Both Parties acknowledge and agree that such service shall be provided and utilized pursuant to all applicable local, state, and federal laws.

Both Parties further agree that such service is nondiscriminatory and provided for the benefit of the public interest.

2.00 Definitions – Unless a provision of this contract explicitly states otherwise, the following terms and phrases shall have the meanings set forth below.

- a) **The Board** - The San Antonio Water System Board of Trustees

- b) **Board Impact Fee** - A charge or assessment imposed by the Board against new development in order to finance the costs of capital improvements or facility expansions necessitated by and attributable to the new development as specified in the Sanitary Sewer Capital improvements Plan for designated impact fee service areas. The term is consistent with Chapter 395 of the Texas Local Government Code and includes amortized charges, lump sum charges, capital recovery fees, contributions in aid of construction, and any other fee that functions as described by this definition.
- c) **Biochemical Oxygen Demand (BOD)** - The quantity of oxygen utilized in five (5) days at twenty (20) degrees centigrade for biochemical oxidation of the organic matter present in wastewater, expressed in mg/l and measured by the method set forth in the most recent edition of *Standard Methods for the Examination of Water and Wastewater*, or such other method as approved by the EPA and published in 40 CFR 136.
- d) **ccf** - Hundreds of cubic feet.
- e) **Chemical Oxygen Demand (COD)** - A measure of the oxygen required in mg/l for the oxidation of organic matter to CO² and water while under acidic conditions using a strong chemical oxidizing agent. See *Standard Methods for the Examination of Water and Wastewater*, (current edition).
- f) **Code** - Chapter 34 of the City Code of the City of San Antonio as may be amended.
- g) **Contributed Sewer Service Volume** - The quantity of sewer service expressed in ccf or hundreds or thousands of gallons that is reasonably estimated to be generated within the "Entity Sewer Service Area" measured on a monthly basis and delivered to the Board's sanitary sewer outfall mains for transportation to, and treatment by, the Board's sewer service treatment facilities.
- h) **Entity** – The city, town, district, or other political subdivision, association or facility which establishes, operates or maintains a sanitary sewer collection system within its jurisdictional boundaries and connects that sanitary sewer collection system to the Board's System in order that the Board can provide for the transportation and treatment of sewer service discharged by Entity.
- i) **Entity Sewer Service Area** - The geographic region(s) or locations being lawfully served by Entity as depicted in Appendix A.
- j) **Entity Sewer Service System** - All properties and facilities currently owned, operated and maintained by Entity for the collection and transportation of sewer service together with repairs, replacements, and additions thereto that are utilized to collect and transport sewer service generated within Entity Sewer Service Area to the Board's System.

- k) **Entity Sewer Service Charge** - Monetary value of services provided by the Board to Entity based upon: (1) the monthly service availability charge, and (2) the computation of Entity sewer service rate times the Contributed Sewer Service Volume. Such charges may also include an industrial waste surcharge as addressed in Paragraph 15.06 herein.
- l) **Entity Sewer Service Rate** - Dollar cost per thousands of gallons of contributed sewer service charged to Entity as established by the San Antonio City Council and set out in Chapter 34 of the City Code. Such rate shall include a factor, which represents a reasonable calculation of Entity's pro-rata share of treatment costs to the System due to infiltration and inflow.
- m) **Entity User Classes** – Classes of users within Entity’s Sewer Service Area, having similar flows and sewer service strength characteristics; classified as:
 - a) Residential (One and two unit family residences)
 - b) General Service (commercial, industrial, apartment)
 - c) Public and Private Schools.
- n) **Environmental Protection Agency (EPA)** – United States Environmental Protection Agency is an agency of the federal government of the United States that is charged with establishing regulations designed to protect the quality of the environment within the United States.
- o) **FOG** – Fats, Oils, and Grease that are waste products produced by restaurants and food service kitchens.
- p) **Incompatible Waste** - Substances that are not amenable to the treatment processes which will interfere with the operation of the System, including interference with the use or disposal of municipal sludge, and pollutants that will pass through the treatment works unchanged by the treatment processes.
- q) **Industrial Waste Surcharge** - An additional charge assessed against an industrial waste discharges for excessive BOD and TSS in the waste stream as such terms are defined herein. This surcharge is assessed in accordance with the procedures set forth in the City of San Antonio Industrial Pretreatment Program administered by the Board and Codified in Chapter 34 of the San Antonio City Code.
- q) **Infiltration** - The water entering a sewer system and service connections from the ground through such means as but not limited to defective pipes, pipe joints, connections, or manhole walls. Infiltration does not include, and is distinguished from, Inflow.
- r) **Inflow** - The water discharged into a sewer system, including service connections from such sources as, but not limited to, roof leaders, yard and area drains, foundation drains,

- cooling water discharges, drains from springs and swampy areas, manhole covers, cross-connections from storm waters, surface run-off, street wash "waters, or drainage. Inflow does not include, and is distinguished from, Infiltration.
- s) **Interference** – A discharge that, alone or in conjunction with a discharge or discharges from other sources inhibits or disrupts the wastewater system, its treatment processes or operations, or its sludge processes use or disposal.
 - t) **Pass Through** - A discharge which exits the Publicly Owned Treatment Works (POTW) into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the control authority's National Pollutant Discharge Elimination System (NPDES) permit, including an increase in the magnitude or duration of a violation.
 - u) **System** - All properties, facilities, and plants currently owned, operated and maintained by the Board for the collection and treatment of sewer service, together with all future extensions, improvements, purchases, repairs, replacements and additions thereto, whether situated within or without the limits of the City of San Antonio.
 - v) **Sewer Connection** - The joining of an individual sanitary sewer user's private service lateral to Entity's sanitary collection system or a direct tie to the Board's System.
 - w) **Sewer Service Fee** - The dollar amount charged to individual sanitary sewer users by Entity for sanitary sewer service within the "Entity Sewer Service Area" which includes (1) the monthly service availability charge, and (2) the monthly volumetric charge.
 - x) **Texas Commission on Environmental Quality (TCEQ)** - an agency of the State, empowered to perform any action specific or implied pursuant to the Texas Water Code or other laws.
 - y) **Total Suspended Solids (TSS)** - analyzed in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*, or the latest E.P.A.-approved method, and reported in units of milligrams per liter (mg/l).

3.00 **Consideration**

The Board shall transport, process and treat sewage generated within a designated Entity Sewer Service Area and discharged by Entity into the Board's System the Contributed Sewer Service Volume. Such designated service area is Entity Sewer Service Area more specifically depicted in Appendix A, which is attached hereto and incorporated herein for all purposes. In consideration for such service, Entity shall timely pay Board Impact Fees and the monthly Entity Sewer Service Charge, billed by the Board to Entity as more fully detailed herein.

4.00 **Rate-Making**

- a) Entity Sewer Service Charges shall be billed on a monthly basis and shall be based on rates authorized and approved by the San Antonio City Council, which may be amended, or repealed and replaced from time to time. Rates initially in effect upon execution of this Contract are evidenced by Code Sec. 34-226. The rate structure established under this contract shall be the prevailing “Wholesale Class Sewer Rate” as set forth in Chapter 34 of the City Code as may be amended.
- b) The Board agrees to notify Entity of any such proposed modifications and resultant adjustment to Entity Sewer Service Rate along with documentation relating to such proposed modifications at least 30 days prior to of the effective date of such rate.
- c) Upon any adjustment in Entity Sewer Service Rate, Entity shall have the option to terminate this Contract within ninety (90) days after the effective date of the adjustment by giving written notice to that effect to the President/Chief Executive Officer of the Board, which termination shall be effective as of the date specified by Entity in that notice. After termination, Entity shall not thereafter receive such service from the Board without the execution of a new contract for such service.

5.00 **Method for Determining Volume of Sewer Service Contributed to Board's System**

The determination of the Entity Sewer Service Volumetric Charge will be made using the Water Consumption by Entity User Class method described in Section 5.01. Entity will install a sewer service volumetric flow meter at a location agreed to in writing by the parties near the connection point between the two (2) systems, and the Board will use the Metered Sewer Service Volume method to verify flows and monitor for excessive Infiltration & Inflow, which will be used by the Board to modify the Water Consumption by Entity User Class method as necessary to reflect actual volumes discharged to the Board’s System.

5.01 **Water Consumption By Entity User Class**

- (a) **Residential**. Contributed Sewer Service Volume from residential connections shall be 100% of total metered water consumption during the Winter Averaging Sewer Charge Period for the Entity Residential Customer Class.
- (b) **Non-Residential**. Contributed Sewer Service Volume from non-residential connections shall be one hundred percent (100%) of metered water consumption on a monthly basis. However, Entity may request a reduction in the volume of waste estimated to be discharged from a premises if a non-residential user uses water in its daily activities which is not discharged into the sewer system.
- (c) **Schools with Irrigation Meters** - Schools (public or private), with water meters to measure separately irrigation and/or volumes of water not entering the sewer system and therefore not charged for sewer service through these meters shall be assessed charges computed under the general service schedule with sewage flow for billing

purposes computed as one hundred percent (100%) of water consumption on non-irrigation meters.

- (d) **Schools without Irrigation Meters** — Schools (public or private), with no water meters to measure separately irrigation and/or other volumes of water not entering the sewer system and therefore not charged for sewer service through these meters shall be assessed charges computed under general service schedule with sewage flow for billing purposes computed as seventy percent (70%) of water consumption.

The Board reserves the right to modify the percentages used in this Section if the Metered Sewer Service Volume method demonstrates a need for such a modification

5.02 **Water Consumption**

Entity shall provide data and supporting documentation on total water consumption for accounts feeding into the System on a monthly basis. Billing months need not be calendar months. This total consumption data should be separated into consumption by User Class as listed in Section 5.01 herein.

5.03 **Metered Sewer Service Volume Method**

At the initial expense of Entity, the sewer service volume meter(s) of a design and quality to be determined by the Board will be installed by Entity at location(s) determined by the Board to be adequate for the purpose of reasonably verifying the accuracy of the Water Consumption by Entity User Class method. The initial expense to Entity shall include, but not be limited to, the following:

- (i) Procurement of the meter(s) and acquisition cost thereof.
- (ii) Engineering and design costs prior to Entity installation of the meter and related fixtures.
- (iii) Entity installation of the meter and any related fixtures and piping modifications.

All initial expenses incurred by Entity, its agents, suppliers, or contractors shall be paid by Entity prior to the Board rendering the meter operable. The Board shall have the option to read the meter(s) on a monthly basis. Entity hereby agrees to give the Board any necessary access required by the Board to undertake such monthly meter readings. Routine maintenance of the meter(s) and related fixtures shall be the responsibility of Entity. Entity shall calibrate and routinely service the meters no less than once during each six-month period or as recommended by the meter manufacturer. Any replacement part costs shall be the responsibility of Entity.

6.00 Billing for Entity Sewer Service Volumetric Charge

Entity shall be billed on a monthly basis for the transportation and treatment of flow generated within Entity Sewer Service Area and discharged into the Board's System. The amount of the monthly volumetric charge shall be computed by applying the then current Entity Sewer Service Rate to the amount of sewer service volume determined using the Water Consumption by Entity User Class method described in Section 5.01.

7.00 Minimization of Inflow and Infiltration

It shall be the responsibility of Entity to undertake such measures, which are necessary and/or prudent to minimize Infiltration and Inflow. Entity shall not discharge or allow the discharge from stormwater drains, roof drains, yard and area drains, foundation drains street wash waters or drainage, or septage and liquid waste haulers, into the Entity Sewer Service System.

8.00 Protection of Wastewater System

8.01 Connections

Entity agrees that only qualified employees, agents, or contractors of Entity shall be permitted to work on or make connections to those elements of the Entity Sewer Service System which ultimately discharge into the Board's System. Only qualified plumbers licensed by the State of Texas shall be permitted to work on building laterals entering into those elements of the Entity Sewer Service System which discharge into the Board's System. Entity agrees that Board's employees, agents or contractors shall be allowed to inspect Entity Sewer Service System.

8.02 Inspections of Entity Sewer Service System

It is mutually understood and agreed that Entity will maintain a careful inspection of Entity Sewer Service System and will exercise diligence and care in the maintenance of Entity Sewer Service System and in the installation of connections and laterals that may be connected with Entity Sewer Service System in order that the Board's System not be burdened with excess discharge at any time with specific emphasis during rainy and wet weather. Entity shall provide Board with annual reports regarding implementation of the testing and maintenance requirements in Section 14.04, and copies of any reports required to be filed with a state or federal agency relating to Entity Sewer Service System.

8.03 Liability for Damages and Responsibility for Treatment and Disposal of Wastewater

Liability for damages arising from the reception, transportation, delivery, and disposal of all wastewater discharged by Entity under this Contract shall remain with Entity up to and through the Entity side of the physical interface between the Entity's collection facilities and the Board's receiving facilities (the "Connection Point"). With exception of Incompatible Wastes or wastewater deemed to a cause of Interference, upon passage

through the Connection Point into the System side, liability for damages and the handling and treatment of the wastewater discharged by Entity shall belong to the Board. As between the parties and to the extent allowed by law, without waiving any sovereign governmental immunity available to the Board, Board and Entity agree to release, save, and hold the other party harmless from all claims, demands, and causes of action which may be asserted by any person on account of the reception, transportation, delivery, and disposal while wastewater is in the respective control of either the Board or Entity. The Board takes the responsibility, as between the parties. for the proper reception, transportation, treatment, and disposal of all wastewater received by the Board from Entity at the Connection Point. The provisions of this section are solely for the benefit of the parties to this Contract and are not intended to create or grant any rights, contractual or otherwise, to any other person or entity.

9.00 Compliance with Laws

Entity shall comply with all applicable Federal, State, and Local laws regarding the construction and operation of the Entity Sewer Service System.

10.00 Resolution of Disputes Arising Under This Contract

In the event Entity questions the computation of the sewer service charge, any adjustments to such charge resulting from adjustments to Contributed Sewer Service Volume, and/or the timing of the collection and/or payment of the fee, Entity shall first attempt to resolve the matter with the Board's designated customer service representative. The parties understand and agree that only the factual matters listed herein are subject to appeal. The terms of the contract are not subject to appeal.

11.00 Collection and Payment of the Monthly Entity Sewer Service Charge

11.01 Monthly Lump Sum Payment

The establishment of all sanitary sewer service fees to be charged to the individual users of Entity Sewer Service System shall be the responsibility of Entity. Payment of the monthly Entity Sewer Service Charge owed Board shall be made by Entity on a monthly lump-sum basis and is in no way contingent upon the collection of individual consumer sanitary sewer service fees by Entity.

11.02 Date Place and Method of Payment

All payments due the Board under this Contract shall be mailed to: Finance Department, San Antonio Water System, 2800 U.S. Hwy 281 North, P.O. Box 2449, San Antonio, Texas 78298, unless otherwise directed by the President/Chief Executive Officer or designated representative. Payments by Entity to the Board must be received by the Board on or before the fifteenth (15th) day following the date appearing on the Board invoice requesting payment ("due date"), otherwise they shall be subject to the penalty provisions set out in §11.04, below. If the due date falls on a weekend or holiday, payment will be due on the

first working day thereafter. Checks shall be made payable to the San Antonio Water System. Should Entity choose to make an electronic transfer, the procedures for such transfers shall be established between Entity and the Board.

The Board reserves the right to extend the payment due date for an Entity to accommodate unforeseen and excusable circumstances preventing timely payment. Such extension requests shall be submitted in writing and are subject to review and approval by the Board's Chief Financial Officer, whose decision shall be final.

11.03 Adjustment to Entity Sewer Service Charge

Adjustments to Entity Sewer Service Charge as set out herein, shall, when possible, be credited or adjusted to Entity account in the monthly statement following the month within which the event necessitating the adjustment occurs. In no event shall such credit or adjustment be made later than (6) six months following the month within which the event necessitating the adjustment occurs.

11.04 Penalty Provisions

An additional five percent (5%) of any unpaid monthly Entity Sewer Service Charge shall be assessed by the Board if payment by Entity is not received by the Board on or before the fifteenth (15th) day following the date appearing on the invoice requesting payment ("due date"). If the due date falls on a weekend or holiday, payment will be due on the first working day thereafter.

12.00 Collection and Payment of Board Impact Fees

Both Parties recognize that pursuant to Chapter 395 of the Local Government Code the Board will assess and collect Board Impact Fees to offset the Board's costs of sewer capital improvements and facility expansions necessitated by new development. Both System and Entity further recognize that new development occurring within Entity Sewer Service Area shall contribute to the increased demand and will require the expansion and/or new construction of sewer facilities within the Board's System.

Entity shall require all subdividers of property seeking sewer connections within Entity's jurisdictional area which may ultimately discharge flows into the Board's System to pay the Board's applicable impact fee (currently in the middle collection service area) directly to the Board to offset the costs sewer capital improvements and facility expansions necessitated by new development. Such impact fee charge shall be in accordance with the then current sewer impact fee charge set out in Chapter 35 of the San Antonio City Code. Entity shall not initiate a new service connection or set a new meter for water services until proof of paid sewer impact fees is provided by Board. Entity agrees that the failure to pay the Board's impact fee shall be deemed sufficient cause to disconnect water services until the impact fee is paid.

13.00 Records and Reports, Including the Reporting of all Unauthorized Discharges

13.01 General

All Reporting Agencies as defined herein doing business within Entity Sewer Service Area shall maintain water consumption data reports and platting information on file for the period of time required by law. Such files shall be available for audit purposes by the Board. All reporting agencies shall maintain water consumption data by Entity Customer Classes as defined herein. The number of customers in each class and the water consumption for each class shall be reported.

13.02 Plats and Sewer Connections

Within thirty (30) days of initial submittal of proposed subdivision plats or replats to Entity, Entity shall furnish the Board with copies of same. Applications for subdivision plats that affect property lying within Entity Sewer Service Area shall be reviewed to determine whether or not the intended development materially and/or adversely affect the existing capacity of Entity's sanitary sewer collection system or the Board's Regional System. Entity shall consult with the Board's Engineering Group before any plat or replat is approved by Entity. All Reporting Agencies shall report all new individual sewer connections.

14.00 Infrastructure Standards and Construction Maintenance and Operation

14.01 Location of Connection Points

Sewer service generated by or within the Entity Sewer Service Area shall be delivered to the Board's System outfall lines and mains at point or points within reasonably close proximity to Entity as determined by the Board's Engineering Group who shall employ generally accepted engineering principles.

14.02 Construction/Operation Standards

For service within the Entity Sewer Service Area, Entity shall, at a minimum, construct the Entity Sewer Service System in compliance with the Board's Utility Service Regulations and Construction Specifications and 30 TAC § 213.5(c). Entity shall have an engineer certify its compliance with these requirements. Entity may request a variance pursuant to the Board's Utility Service Regulations, which may be approved by the President/CEO.

Entity shall require all sewer connections to be made in conformity with the provisions of Board's Standard Construction Specifications and Chapter 10 San Antonio City Code (Plumbing Code), or as may be amended. Entity agrees that all sewer connections to Entity Sewer Service System will be constructed with a permanent type of material, carefully bedded to prevent over-stressing of the material and utilizing a joint which will provide a

permanent water-tight connection. Entity agrees that each such installation shall pass an air test performed in accordance with applicable A.S.T.M. Standards and shall be done under the supervision of Entity's authorized representative at the time of installation. All tests shall be at Entity's expense.

14.03 Maintenance and Operation Standards

Entity will inspect and clean the sewer lines every 5 years and smoke test every 2 years in accordance with 30 TAC §213.5. In the event that Entity discovers any failures in its collection system within the Entity Sewer Service Area, Entity shall use its best efforts to promptly resolve those issues and shall provide SAWS with notice within 24 hours of discovery.

14.04 Construction Obligations

Unless otherwise specifically provided for herein, or by separate construction and/or maintenance contract with the Board, maintenance, operation, construction, reconstruction, expansion and/or replacement of Entity's internal collection system (including any connector lines to the Board's System owned and operated by Entity, but not physically located within Entity Sewer Service Area), shall be the responsibility of Entity or Entity's own third-party contractor.

The Board and/or its customer/developers shall be responsible for the design, construction, maintenance, replacement, and costs associated therewith of existing and subsequent connector outfall lines and mains determined by Board to be required for the regional transportation of sewer service originating outside of Entity Sewer Service Area, where existing Board or Entity lines and mains are unavailable or inadequate to transport the flows intended.

15.00 City of San Antonio Industrial Waste and Liquid Waste Transportation and Disposal /Fats, Oils, and Grease Regulations

15.01 Pretreatment Program and Report

Prior to connection of Entity Sewer Service System to the System, Entity shall develop and implement a pretreatment/FOG program that satisfies all applicable federal, state, and San Antonio City Code (Chapter 34) requirements and authorizes enforcement measures. Such program shall include general and specific prohibitions, including prohibitions against the introduction of pollutants that cause pass through or interference. In the event the delivered wastewater does not meet applicable pretreatment requirements, and upon the Board's verification of the same, Entity shall promptly undertake such enforcement action as is necessary to bring its wastewater deliveries into compliance.

By no later than January 31st of each year, Entity shall submit to the Board an annual Pretreatment Report that shall be prepared in accordance with the guidelines set forth in Table 1, attached.

15.02 Pretreatment Standards

Entity will undertake all required measures including, but not limited to, adoption of appropriate tariffs, to ensure that any wastewater generated by its customers and delivered to the System meets the pre-treatment standards and requirements set forth in 40 C.F.R. Part 403 and as otherwise required by the Environmental Protection Agency, TCEQ, or any other governmental agency with jurisdiction. Entity shall comply with the City of San Antonio’s Code, Chapter 34, Article V, Division 3. The Board is authorized to randomly inspect, sample and monitor wastewater at the Point of Delivery or at any location where Entity’s wastewater enters into the System to ensure that such wastewater meets San Antonio’s pretreatment standards and local limits discharge requirements as set forth in San Antonio Code Section 34-472.

15.03 Pretreatment Violations

Within twenty-four (24) hours of the detection of a violation of any Pretreatment Standard (discharge limit) set forth herein, Entity shall: (1) notify the System’s Industrial Compliance Supervisor (“Supervisor”) and (2) re-sample its wastewater at the same sampling location of the Pretreatment Standard violation. Entity shall submit all such sampling and re-sampling results to the Supervisor and shall continue to re-sample so long as any pretreatment violation persists. Written copies of all results that indicate a violation must be submitted to the Supervisor within thirty (30) days of sampling. The Supervisor may require additional sampling as needed to confirm the status and resolution of any pretreatment violations in accordance with Pretreatment Enforcement Response Plan. All such samples must be analyzed according to approved laboratory procedures in accordance with this Agreement.

15.04 Dental Offices – Wastewater Discharge Rule

Entity shall require all Dental Dischargers, as defined by 40 Code of Federal Regulations Part 441, to submit a Dental Amalgam One-Time Compliance Report to the Board prior to connecting or transferring service to a customer.

15.05 Board's Right to Inspect

The Board is hereby granted the right to inspect all sewer lines, facilities, and sewer service flows that are subject to inspection by Entity, both public and private (including sampling points for businesses located on private property), that are located within Entity Sewer Service Area. Inspections must be reasonable as to the time, place and manner and must be for the purpose of taking samples of sewage, collecting data, and conducting tests on same to determine compliance. If such tests show harmful substances in excess of the quantity or concentrations permitted under the aforesaid standards, the Board shall notify

Entity in writing and Entity shall impose a surcharge in the manner set out herein. Entity shall impose the surcharge within a thirty-day period in order to provide sufficient time for Entity's governing body to approve said surcharge. Upon approval, Entity shall send notification in writing of such approval to the Board.

15.06 Imposition of Surcharge by Entity

Entity agrees to impose a surcharge on behalf of the Board to all non-residential customers for any BOD, COD or TSS in amounts in excess of those limits set out in Chapter 34 of the San Antonio City Code. Only such surcharge and/or penalties collected by Entity and referenced herein shall be apportioned between the Board and Entity based upon the damage, excessive maintenance or operational inconvenience caused to the respective systems.

16.00 Federal and State Requirements to Remain Sole Responsibility of Entity

Requirements of the Federal Water Pollution Control Act of 1972 (PL 92-500), as amended by the Clean Water Act of 1977 (PL 95-217), or future amendments hereto, as well as other Federal law, and the rules and regulations of the Texas Commission on Environmental Quality, including but not limited to reporting requirements, applicable to users of a sewage system shall remain the sole responsibility of Entity, and this Contract in no way implies assumption of such by the Board.

17.00 Interruption and or Suspension of Service

Entity further agrees that nothing herein shall be construed to prohibit the Board from interrupting and/or suspending service in the event of a maintenance operation or emergency for a reasonable period of time necessary to respond to such maintenance operation or emergency repairs. Entity shall cooperate with the Board during such periods of maintenance operation and emergency repair in a manner consistent with the preservation of and the protection of the public health, safety, and welfare.

18.00 Contract Language to Control

In the event any City of San Antonio Code provisions or any Entity tariff provisions should conflict with the language of this Contract, the parties hereto agree that the Contract language shall prevail.

19.00 Obligation Conditioned.

The Board's obligation to provide wholesale sewer service pursuant to this contract is conditioned upon present rules, regulations and statutes of the United States of America and the State of Texas and any court order that directly affects the Board's System and/or the Entity Sewer Service System. Entity acknowledges that if the rules, regulations and statutes of the United States of America and/or the State of Texas that are in effect upon the execution date of this Agreement are repealed, revised or amended to such an extent

that the Board becomes incapable of, or prevented from, providing service, then no liability of any nature is to be imposed upon the Board as a result of the Board's compliance with such legal or regulatory mandates. The Board agrees that it will use its best efforts to prevent the enactment of such legal or regulatory mandates.

20.00 Term of Contract

This Contract shall be effective on and after the date of execution of the last party executing this Contract. The term of this Contract shall be for a period of ten (10) years with three mutually agreed upon five-year (5) options. The Parties hereby agree that such options may be executed administratively under the same terms and conditions contained herein. Entity may elect to terminate sooner in accordance with Section 4.00 and/or Section 21.00 herein.

21.00 Termination

Either Party shall have the right to terminate this Contract in the event of a material breach of the provisions of this Contract by the other if the defaulting Party has not cured such material breach within ninety (90) days after the non-defaulting party has made written demand to cure the same. The Contract may be terminated at any time upon the mutual written consent of the parties.

22.00 Assignment

No assignment of this Contract, in whole or in part for any purpose shall be made by either System or Entity without the prior written consent of the other Party. Subject to this limitation this Contract shall bind and inure to the benefit of the successors and assigns of the Parties.

23.00 Notices

All written notices required by the terms of this Contract shall be in writing and deposited in the United States mail addressed to such party at the address set forth below:

To Board:

General Counsel, Legal Department
San Antonio Water System
P.O. Box 2449
San Antonio, Texas 78298

To Entity:

City Manager
City of Leon Valley
6400 El Verde Road
Leon Valley, TX 78238

24.00 Interpretation of Contract

This Contract or any portion thereof shall not be interpreted by a court of law to the detriment of a Party based solely upon that Party's authorship of the Contract or any portion thereof.

25.00 Severability

If for any reason, any one or more paragraphs of this Contract are held legally invalid, such judgment shall not prejudice, affect, impair, or invalidate the remaining paragraphs of the Contract as a whole but shall be confined to the specific paragraphs, clauses, or paragraphs of this Contract held legally invalid.

26.00 Entire Contract

This Contract constitutes the entire contract between the parties hereto and supersedes all prior contracts understandings and arrangements oral or written, between the parties hereto with respect to the subject matter hereof.

27.00 Governing Law and Venue

This Contract shall be construed and enforced in accordance with and governed by the laws of the State of Texas. The venue for any dispute related to this Contract shall be in Bexar County Texas.

28.00 Execution In Counterparts

This Contract may be executed in any number of counterparts, each of which shall be deemed to be an original and all of which together shall be deemed to be one and the same instrument.

29.00 Amendments and Waivers

This Contract may not be modified or amended except by an instrument or instruments in writing signed by the party against whom enforcement of any such modification or amendment is sought. The waiver by any party hereto of a breach of any term or provision of this Contract shall not be construed as a waiver of any subsequent breach.

30.00 Authority to Contract

Board hereby affirms that it has the authority to enter into this Contract pursuant to a duly adopted resolution of its Board of Trustees and that its President and Chief Executive Officer has the authority to execute this Contract.

Entity hereby affirms that it has the authority to enter into this contract pursuant to a duly adopted resolution of its Board of Directors and that its President and Chief Executive Officer have the authority to execute this Contract.

SAN ANTONIO WATER SYSTEM

CITY OF LEON VALLEY

By: _____

By: _____

Date: _____

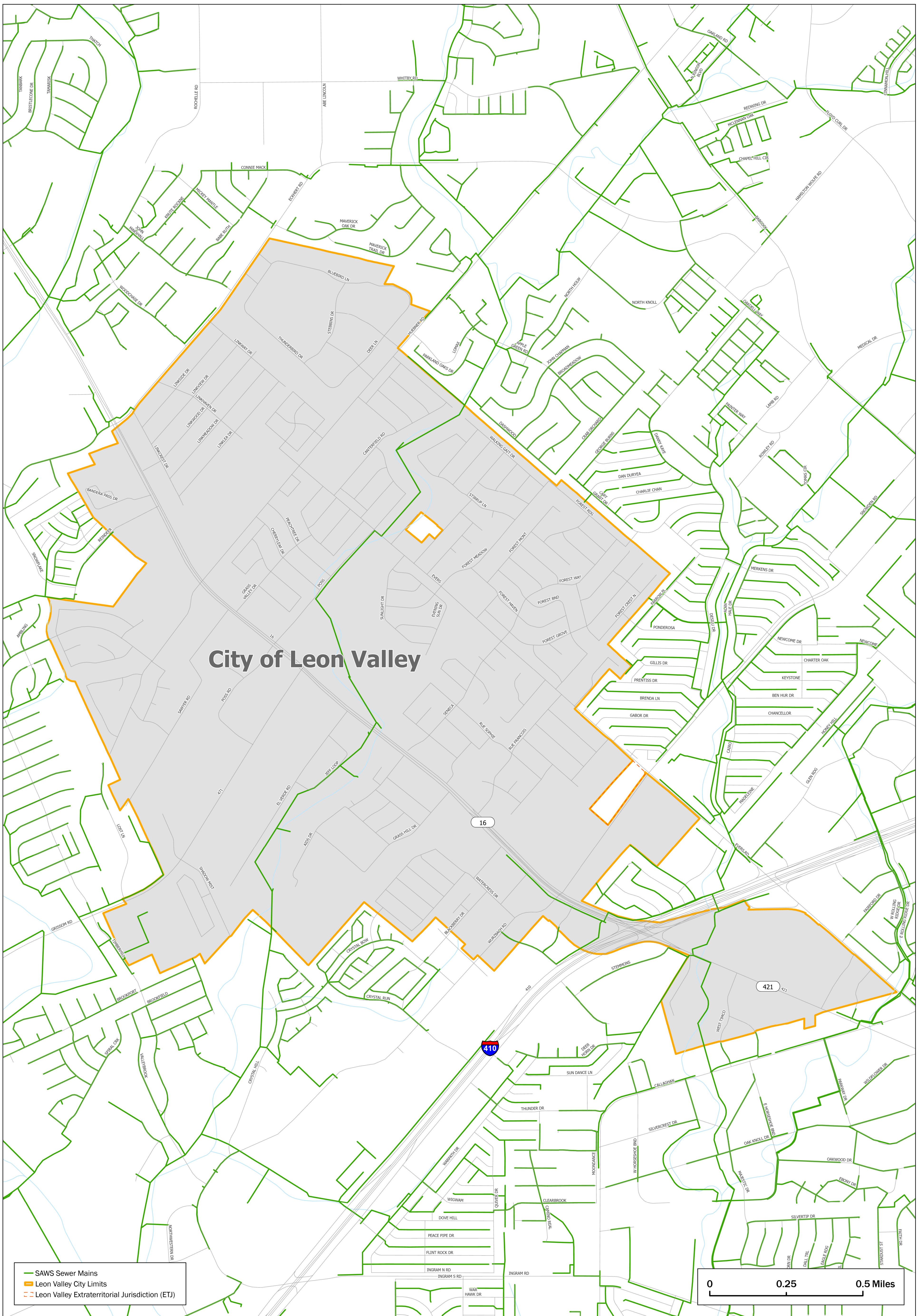
Date: _____

Name: Robert R. Puente

Name: _____

Title: President / CEO

Title: _____



San Antonio Water System Sewer Lines and the City of Leon Valley

This utility map is for reference only. The information may not represent what actually has been constructed. SAWS explicitly disclaims any representation of the accuracy of the information and assumes no liability for any errors, omissions, or inaccuracies in the map regardless of how caused. Field verification should be done as necessary. SAWS prohibits the reproduction or sale of this document. This utility map may not under any circumstances, be copied, reproduced or published in any form or media, or transferred to another without written permission of the San Antonio Water System.

GIS Division
June 18, 2024

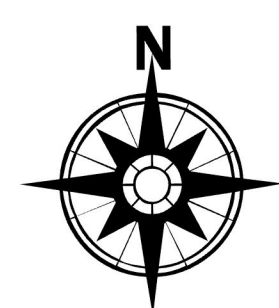


TABLE 1
ANNUAL PRETREATMENT REPORT GUIDELINES

Report Contents	Description
Cover Letter	Name, Address, Date, Signature, Certification Statement (40 CFR § 403.12(q))
Introduction, Customer Survey	Survey/Inventory of Non-Residential Customers
Best Management Practices	Training related to pretreatment pollution prevention and waste minimization. Education and outreach activities
Number of Commercial Inspections	Number of Fats Oils and Grease (FOG), and Industrial Waste Surveys (IWS)
Pretreatment Program Survey	Compliance actions and program changes

Authorize Entering into Contract Wholesale Sewer Service San Antonio Water System (SAWS)

Melinda Moritz, Public Works Director

City Council Meeting

December 3, 2024

Summary

- Should the City Council approve a Resolution authorizing the City Manager to enter into a contract with SAWS for wholesale sewer service?
- Options
 - Approve
 - Deny
 - Other
- Declaration
 - SAWS is the only entity who can provide sewer treatment services for Leon Valley customers

Purpose & Background

- To consider approval of a Resolution authorizing City Manager to enter a 10-year contract with SAWS for transporting, processing, & treatment of city wastewater
 - Previous contract expired in 2018
- City owns all sewer mains within the city limits
- Wastewater travels through mains to city limit & then transported via SAWS mains to treatment plant for processing

Contract Highlights

- Contract terms are for 10 years, with 3 - 5 yr renewal options
- Requires the city inspect & clean mains every 5 yrs & smoke test every 2 yrs
- Requires city report failures in system within 24 hours of discovery
- Requires the city to collect Dental Amalgam One-Time Compliance Reports for SAWS from dentists prior to connecting or transferring service to a customer

Contract Highlights

- Gives SAWS right to inspect sewer mains & flows, & test effluent, collect data, & make compliance determinations
- Rates would be the same as we have been paying, but it does allow SAWS to raise the rates as authorized by the San Antonio City Council
- SAWS would notify city of rate increase at least 30 days prior

Fiscal Impact

- Rates will remain same, unless San Antonio City Council agrees to raise them in future

Fiscal Impact

MONTHLY SERVICE AVAILABILITY CHARGES

Meter Size†	Water Service Availability Charge	Sewer Service Availability Charge
6"	\$ 298.14	\$ 340.07
8"	\$ 473.94	\$ 340.07
10"	\$ 591.14	\$ 340.07
12"	\$ 825.54	\$ 340.07

† Wholesale water service will not be provided through a meter smaller than 6" in order to comply with fire-flow requirements and the "Criteria for Water Supply and Distribution in the City of San Antonio and its Extraterritorial Jurisdiction."

MONTHLY VOLUME CHARGES

WATER		SEWER	
Usage Gallon - Block Threshold	Rate Per 1,000 Gallons	Usage Gallon - Block Threshold	Rate Per 1,000 Gallons
Base*	\$ 2.7230	All Usage	\$ 4.2560
Over Base	\$ 5.4460		

*The Base Use is defined as 100% of the Annual Average Consumption or as agreed to by the wholesale customer and approved by the SAWS Board of Trustees.

Recommendation

- Staff recommends approval of the Resolution authorizing the City Manager to enter into contract with SAWS for wholesale sewer service amendment

DIVISION 13. ORGANIZATION AND ENFORCEMENT

Sec. 15.02.721 General statutes, ordinances and rules applying to the zoning commission

- (a) *Governance.* The planning and zoning commission, hereinafter referred to as "the commission," shall be governed by all the following statutes, ordinances and rules:
- (1) To the extent that they remain in force and effect, as they are amended, or as they may be added to, the commission and its members, alternates and officers shall be governed by state statutes and local ordinances, including, but not limited to the following:
 - (A) State statutes applying generally to public boards, members, and officials, including, but not limited to all subsections of V.A.C.S., article 1011 and the Texas Local Government Code;
 - (B) Ordinances and rules of the city generally affecting its local boards and officials, including, but not limited to this article; and
 - (C) Upon taking office, all commission members and alternates shall familiarize themselves with the foregoing, and, while in office, shall maintain such knowledge, including knowledge of amendments and additions, and shall be strictly governed thereby in the conduct of commission affairs.
- (b) *Duties of the commission.* The duties of the commission are as follows:
- (1) To recommend the boundaries of original zoning districts and appropriate regulations to be enforced therein;
 - (2) To hold public hearings and prepare a final report for city council on recommendations for changes in zoning district boundaries or regulations in zoning districts; and
 - (3) To hold public hearings and prepare a final report for the city council on recommendations for the enforcement of regulations in zoning districts, including specific use permits and nonspecified uses as required under this article.
- (c) *Location of office.* The official location of the office of the commission is: Leon Valley City Hall, 6400 El Verde Road, Leon Valley, Texas, 78238.
- (d) *Establishment, composition, appointments.*
- (1) Pursuant to Texas Local Government Code, section 211.007, the commission is established consisting of seven regular members and three alternate members.
 - (2) The commission members and alternates must be citizens and residents of the city who meet the same qualifications that are required to obtain a voter registration certificate to vote in the city municipal elections.
 - (3) Appointment of commission members and alternates shall be made by the mayor of the city and passed and approved by the city council. In specifying alternate members, the appointment shall also specify the order in which the alternates are to serve in the absence of a member.
 - (4) In the event that any person appointed by the mayor is not approved by a majority of the city council or if a vacancy occurs, the mayor shall make another appointment within 45 days, subject to approval by a majority of the city council.

- (5) Alternates for the commission do not have status as voting members unless directed by the chairman of the commission to sit as a voting member due to the absence or nonvoting status of a member. This provision is not intended to restrict in any way the nonvoting participation of alternates, to the extent allowed by the chairman.
 - (6) Commissioners shall serve the public at large, however, each commissioner, with the exception of the alternates, shall serve by place. Place one through place seven are hereby created.
- (e) *Terms of members.*
- (1) The term of commission members 2, 4, and 6 and alternate member 2 is two years, beginning on June 1st of every year ending in an even number (0, 2, 4, 6, 8).
 - (2) The term of commission members 2, 4, and 6, and alternate member 2 expires on May 31st of every year ending in an even number (0, 2, 4, 6, 8).
 - (3) The term of commission members 1, 3, 5 and 7, and alternates 1, and 3, is two years, beginning on June 1 of every year ending in an odd number (1, 3, 5, 7, 9).
 - (4) The term of commission members 1, 3, 5 and 7, and alternate members 1 and three expires on May 31 of every year ending in an odd number (1, 3, 5, 7, 9).
 - (5) Any appointment of a commission member or alternate is only for the remainder of a term, regardless of the point in the term at which the appointment is made.
- (f) *Regular election of chairman, vice-chairman and second vice-chairman.*
- (1) As the first item of new business at the regular meeting of the commission in June of all years ending in an even number (0, 2, 4, 6, 8), the commission shall elect a chairman, vice-chairman and second vice-chairman. If there is no regular meeting, and no special meeting, or if a quorum is lacking at such a meeting prior to July 1 of any year ending in an even number (0, 2, 4, 6, 8), city council may appoint a chairman and a vice-chairman to serve until a meeting occurs at which an election can be held.
 - (2) The former chairman, vice-chairman or second vice-chairman, in that order, and if reappointed to the commission, may remain in office until their successor(s) take office at the next regular or special meeting following their appointment; unless a replacement is appointed by the city council.
- (g) *Succession of vice-chairman to office of chairman; special election.* If the chairman resigns his office or is no longer a member of the commission, the vice-chairman shall succeed him in office for the remainder of the term. If the vice-chairman resigns his office, is no longer a member of the commission, or succeeds to the chairman's office, the second vice-chairman shall succeed him in office for the remainder of the term. If any of the above do not apply, a special election shall be held at the next meeting of the commission to select a chairman, vice-chairman and/or second vice-chairman to complete the term, provided that if such meeting precedes the regular election by three months or less, and any duties to be performed by the vice-chairman or second vice-chairman can be performed in a satisfactory manner, the commission may permit the office of vice-chairman or second vice-chairman to remain vacant for that period.
- (h) *Duties of chairman, vice-chairman or second vice-chairman; appointment of temporary chairman to preside at meetings.*
- (1) If present and able, the chairman shall preside at all meetings and hearings. If the chairman is absent or unable to preside, the vice-chairman shall preside. If the vice-chairman is also absent or unable to preside, the second vice-chairman shall preside.
 - (2) In accordance with these and other applicable rules, the chairman or the presiding officer, acting as chairman, shall decide all points of procedure or order, unless otherwise directed by a majority of the members in attendance, on motion duly made and passed. He shall maintain order and decorum, and to that end may order removal of disorderly or disruptive persons.

- (3) The chairman or officer presiding in his absence shall determine the absence of any member and direct the seating of alternate(s) in the order determined by the appointment of alternates by the mayor and city council.
 - (4) The chairman may delegate duties as he sees fit to any member or alternate. In the case of the absence or the incapacity of the chairman, the vice-chairman shall perform any or all duties of the chairman, whether or not delegated.
 - (5) Subject to the rules of this article and further instructions from the commission, the chairman shall direct the official business of the commission, guide the work of city staff as it relates to the affairs of the commission and exercise general disciplinary power.
 - (6) The chairman may delegate members of the commission to make personal inspections when necessary for proper consideration of cases, and shall appoint such committees as may be found necessary.
 - (7) The chairman shall report to the commission on all official transactions which have not otherwise come to the attention of the commission. The chairman shall also make or cause to be made, any reports concerning the affairs of the commission required or requested by the city council.
- (i) *Causes for removal from the commission.* Causes for removal of members or alternates of the commission by the city council shall include particular malfeasance, misfeasance, or nonfeasance generally, and in particular the following:
- (1) Failure to maintain reasonable familiarity with state statutes and local ordinances and rules affecting the commission, or failure to be governed thereby, as required in section 15.02.721(a); and/or
 - (2) Failure to disclose conflict of interest for purposes of disqualification when a member has personal or monetary interest in the matter involved, or will be directly affected by a decision of the commission.
- (j) *Resignation, generally and by absence.*
- (1) When members or alternates of the commission propose to resign, if reasonably feasible, they shall give notice of their intent to the chairman, making the date of resignation effective in such a manner as to allow time for appointment of replacement.
 - (2) Failure to attend three consecutive regular meetings or three of any seven consecutive meetings without the recorded consent of the chairman, shall be construed as resignation from the commission by absence. This provision shall apply to both members and alternates.
- (k) *Vacation of office.* When a member or alternate of the commission dies or resigns (including resignation by absence), the chairman shall promptly indicate to the mayor that a vacancy exists. When a member becomes incapacitated for office permanently, or for what appears to be a protracted period, or moves from the jurisdiction, or becomes for any other reason no longer qualified for office and fails to resign, the chairman shall cause any necessary investigation to be made. Based on that investigation, the chairman may declare the office vacant and shall promptly indicate to the mayor that a vacancy exists.
- (l) *Duties of legal counsel.* The city attorney, or his designate, shall provide legal advice to the commission as to matters under their jurisdiction.
- (m) *Conduct of members of the commission, alternates and city staff.*
- (1) No member of the commission, alternate or city staff member shall represent applicants on matters on which the commission is to make recommendations.
 - (2) Members and alternates of the commission shall be aware of all state statutes and any city ordinances, rules or regulations related to conflicts of interest and the ethics of public officials generally.
 - (3) As soon as any commission member, alternate or city staff member of any agency serving the commission becomes aware of any potential conflict of interest in any case to come before the

commission, he shall notify the chairman or acting chairman of the particulars. Where the chairman finds that conflict clearly exists, he shall disqualify the commission member from acting in the case, shall cause the circumstances of the disqualification to be entered in the record and make arrangements for such alternate services as are required.

- (4) Where the chairman or acting chairman has reasonable doubt as to whether the facts and applicable law indicate a degree of conflict justifying disqualification or excuse from service, he shall seek advice from the city attorney or his designate. If the city attorney or his designate advises that, under the circumstances reported and applicable law conflict appears to exist, the chairman shall proceed to disqualify or excuse as provided above. If the city attorney, or his designate, advises that there is reasonable doubt, the chairman may either disqualify or excuse the person involved, or call for a determination by the commission at a public meeting.
 - (5) The record on any such determination by the commission shall be full and complete and shall indicate the reasons supporting the decision.
 - (6) A member and/or alternate may seek disqualification from voting whenever any applicant, or his agent, has sought to influence the vote of the member on his request (application), other than in the public hearing.
 - (7) Members and alternates of the commission may seek information from other members, the zoning administrator, city attorney or other city staff prior to the public hearing, but no member or alternate shall discuss the case with any other parties thereto prior to the public hearing. Additionally, no member or alternate shall express any bias, prejudice or individual opinion on judgment of the case prior to its hearing and determination. Violation of this rule shall be grounds for dismissal from the commission.
- (n) *Compensation.* The compensation and/or reimbursement of expenses of commission members and alternates is to be specified by ordinance. In the absence of an ordinance specifying compensation and/or reimbursement, there shall be none. The absence of such an ordinance does not preclude payment by the city of certain expenses for memberships, subscriptions, educational seminars, travel and similar expenses as might be required for commission members and alternates, as authorized by the city council.
- (o) *Meetings.*
- (1) Regular meetings of the commission shall be held at city hall on the fourth Tuesday of each month, unless designated otherwise by the commission; provided that such meetings may be held at any other convenient place if directed by the chairman in advance of the meeting or upon a finding that such other location would serve public convenience or necessity, and subject to the notice provisions as required by law.
 - (2) Special meetings for any purpose may be held at the call of the chairman of the commission or of any combination of five (4) [sic] commission members and alternate members of the commission. At least 72 hours' written notice of the time and place of any special meeting shall be given by the zoning administrator except where written waivers of notice are filed by all members required to provide a quorum and in attendance at such regular meeting, but other members shall receive written notice thereof.
 - (3) If a special meeting is called on a case or cases subject to notice of hearing, the required notice provisions for the hearing shall be met.
 - (4) Any meeting may be recessed or adjourned from day to day, or to the time of any previously announced regular or special meeting, and such recess or adjournment to a time and place certain shall not require additional public notice.

- (5) If no business is scheduled before the commission, or if it is apparent that a quorum will not be available, any meeting may be canceled by the chairman by giving notice to all members at least 24 hours before the time set for such meeting.
 - (6) A quorum of the commission shall consist of any combination of members or alternates totaling four.
 - (7) All meetings of the commission involving hearing of evidence, decisions, or recommendations on requests shall be public, with formal notice as required by law.
 - (8) Meetings for the conduct of other business of the commission, including activities and reviews as may be assigned by the city council or required by ordinance, trips for viewing premises, and other similar meetings and activities, shall not require such formal public notice and hearing, but shall be scheduled at least 12 hours in advance, with the schedule posted at the office of the commission.
- (p) *Agenda, order of business.* The zoning administrator shall prepare an agenda for each commission meeting. The order of business shall be as follows:
- (1) Call to order and roll call, with recording of members present and absent and indications as to whether absences are with consent of the chairman;
 - (2) Action on any previous meeting for which action is required;
 - (3) Continued hearings, with consideration and determination on cases as heard;
 - (4) New hearings, with consideration and determination on cases as heard;
 - (5) Old business;
 - (6) New business; and
 - (7) Adjournment.
- (q) *Motions.*
- (1) Any motion by a member shall require a second. After a motion has been made and duly seconded, discussion of the motion may be held for a reasonable time. Discussions by members, or by opponents or proponents of a question before the commission, shall terminate whenever a member shall call a vote upon the question or whenever the chairman shall so rule.
 - (2) A motion which is defeated is not a recommendation. If a motion is defeated, another motion must be made, seconded, voted upon and approved by a majority of the commission present and voting.
 - (3) If the commission does not make a recommendation, the failure to make a recommendation within 71 days of the assignment of a docket number to a case application shall be considered to be a recommendation of denial.
 - (4) Motions to recommend approval or denial of any change in a zoning district may, when appropriate, contain statements of commission findings in the following areas:
 - (A) Consistency and compatibility with the master plan;
 - (B) Consistency and compatibility with surrounding zoning districts;
 - (C) Consistency and compatibility with site and surrounding uses;
 - (D) Protection of the health, safety and welfare of the general public; and/or
 - (E) Protection and preservation of the property rights of the owner(s) of all real property affected by the proposed change in zoning district(s).
 - (5) Motions to recommend approval or denial of any requested nonspecified use permit or specific use permit may, when appropriate, contain statements of commission findings in the following areas:

- (A) Consistency and compatibility with the master plan;
 - (B) Consistency and compatibility with site zoning;
 - (C) Consistency and compatibility with surrounding zoning and/or uses;
 - (D) Protection of the health, safety and welfare of the general public; and/or
 - (E) Protection and preservation of the property rights of the owner(s) of all real property affected by the proposed specific use permit.
- (6) The zoning administrator will administer and obtain a roll call vote from the commission upon the rendering of a motion.
- (r) *Reporting.*
- (1) The commission, in making recommendations to city council on any matter upon which a recommendation is required, may make findings and shall issue a report to the city council.
 - (2) That report to the city council must include the results of a vote on a motion made and duly seconded, and approved by a majority of the commission present and voting.
 - (3) That report can be delivered to the city council by the chairman, member(s) or alternate(s) designated by the chairman, zoning administrator or any other city staff member designated by the chairman.
- (s) *Additional duties of the commission.* In addition to its advisory zoning powers under established law, the commission shall be charged with the following duties: to review and update the city's master plan and cause to be submitted to the city council, every four years, no later than October 1st commencing in 1999, a written report pertaining to the status of the master plan. Such a report should include any recommendations for change in the laws and policies of the city as they relate to the use of land.

(1972 Code, sec. 30.4001; Ordinance 07-041 adopted 9-4-07; 2008 Code, sec. 14.02.721; Ordinance adopting 2017 Code; Ordinance 2018-59 adopted 8-7-18; Ordinance 2020-10, sec. 9, adopted 3-3-20)

State law reference(s)—Zoning commission, V.T.C.A., Local Government Code, § 211.007.

Sec. 15.02.722 General statutes, ordinances and rules applying to the board of adjustment

- (a) *Governance.* The board of adjustment, hereinafter referred to as "the board," shall be governed by state statutes, local rules and regulations, and the City's Code of Ordinances.
- (1) Upon taking office, all board members and alternates shall familiarize themselves with applicable state law, local rules and regulations, and the City's Code of Ordinances, and, while in office, maintain such knowledge in the conduct of board affairs.
- (b) *Duties of the board.* The board has three fundamental powers:
- (1) To hear appeals from individuals contesting the decision of the zoning administrative official;
 - (2) To hear and decide special exceptions to this article; and
 - (3) To grant variances to the terms of this article's text where unusual conditions make its literal enforcement unjust.
- (c) *Location of office.* The official location of the office of the board is: Leon Valley City Hall.
- (d) *Establishment, composition, appointments.*
- (1) The board is established consisting of five members and four alternates.

- (2) The board members and alternates must be citizens and residents of the city who meet the same qualifications that are required to obtain a voter registration certificate to vote in city municipal elections.
 - (3) Appointment of board members and alternates shall be made by the mayor of the city and passed and approved by the city council. In specifying alternate members, the appointment shall also specify the order in which the alternates are to serve in the absence of a member.
 - (4) In the event that any person(s) appointed by the mayor is not approved by a majority of the city council, or if a vacancy occurs, the mayor shall make another appointment within 45 days, subject to approval by a majority of the city council.
 - (5) Alternates for the board do not have status as voting members unless directed by the chairman of the board to sit as a voting member due to the absence or nonvoting status of a member. This provision is not intended to restrict in any way the nonvoting participation of alternates, to the extent allowed by the chairman.
- (e) *Terms of members.*
- (1) The term for all board members and alternates is two years, beginning on June 1st, of every year ending in an even number (0, 2, 4, 6, 8).
 - (2) The term of all board members and alternates expires on May 31 of every year ending in an even number (0, 2, 4, 6, 8).
 - (3) Any appointment of a board member or alternate is only for the remainder of a term, regardless of the point in the term at which the appointment is made.
- (f) *Regular election of chairman, vice-chairman and second vice-chairman.*
- (1) As the first item of new business at the first meeting of the board following mayoral appointment/reappointment, the board shall elect a chairman, vice-chairman and second vice-chairman. If there is no meeting, or if there is not a minimum of four members or alternates present at such a meeting prior to June 15th in such year, city council may appoint a chairman and vice-chairman to serve until a meeting occurs at which time an election can be held.
 - (2) The former chairman, vice-chairman or second vice-chairman, in that order, and if reappointed to the board, may remain in office until their successor(s) take office at the next meeting following their appointment, unless a replacement is appointed by city council.
- (g) *Succession of vice-chairman to office of chairman; special election.* If the chairman resigns his office or is no longer a member of the board, the vice-chairman shall succeed him in office for the remainder of the term. If the vice-chairman resigns his office, is no longer a member of the board, or succeeds to the chairman's office, the second vice-chairman shall succeed him in office for the remainder of the term. If any of the above do not apply, a special election shall be held at the next meeting of the board to select a chairman, vice-chairman and/or second vice-chairman to complete the term, provided that if such meeting precedes the regular election by three months or less, and any duties to be performed by the vice-chairman or the second vice-chairman can be performed in a satisfactory manner, the board may permit the office of vice-chairman or second vice-chairman to remain vacant for that period.
- (h) *Duties of chairman, vice-chairman or second vice-chairman; appointment of temporary chairman to preside at meetings.*
- (1) If present and able, the chairman shall preside at all meetings and hearings. If the chairman is absent or unable to preside, the vice-chairman shall preside. If the vice-chairman is also absent or unable to preside, the second vice-chairman shall preside.

- (2) In accordance with these and other applicable rules, the chairman or presiding officer, acting as chairman, shall decide all points of procedure or order, unless otherwise directed by a majority of the members in attendance, on a motion duly made and passed. He shall maintain order and decorum, and to that end may order removal of disorderly or disruptive persons.
 - (3) The chairman or officer presiding in his absence shall determine the absence of any member and direct the seating of an alternate(s) in the order determined by the appointment of alternates by the mayor and city council.
 - (4) If oaths are to be administered to a witness in a particular case, that oath shall be administered by the chairman or officer presiding in his absence. The necessity of administering an oath to a witness shall be determined by the chairman or the officer presiding in his absence. However, if it is determined an oath shall be administered to a witness in a particular case, then the same oath shall be administered to all witnesses testifying in that particular case.
 - (5) The chairman may delegate duties as he sees fit to any member or alternate. In the case of the absence or the incapacity of the chairman, the vice-chairman shall perform any or all duties of the chairman, whether or not delegated.
 - (6) Subject to the rules of this article and further instructions from the board, the chairman shall direct the official business of the board, guide the work of city staff as it relates to the affairs of the board and exercise general disciplinary power.
 - (7) The chairman may delegate members of the board to make personal inspections when necessary for proper consideration of cases and shall appoint such committees as may be found necessary.
 - (8) The chairman shall report to the board on all official transactions which have not otherwise come to the attention of the board. The chairman shall also make or cause to be made, any reports concerning the affairs of the board required or requested by the city council.
- (i) *Causes for removal from the board.* Causes for removal of members or alternates of the board by the city council shall include particular malfeasance, misfeasance, or nonfeasance generally, and in particular the following:
- (1) Failure to maintain reasonable familiarity with state statutes and local ordinances and rules affecting the board, or failure to be governed thereby, as required in section 15.02.722(a); and/or
 - (2) Failure to disclose conflict of interest for purposes of disqualification when a member has personal or monetary interest in the matter involved or will be directly affected by a decision of the board.
- (j) *Resignation, generally and by absence.*
- (1) When members or alternates of the board propose to resign, if reasonably feasible, they shall give notice of their intent to the chairman, making the date of resignation effective in such a manner as to allow time for appointment of replacement.
 - (2) Failure to attend three consecutive meetings or three of any seven consecutive meetings without the recorded consent of the chairman, shall be construed as resignation from the board by absence. This provision shall apply to both members and alternates of the board.
- (k) *Vacation of office.* When a member or alternate of the board dies or resigns (including resignation by absence), the chairman shall promptly indicate to the mayor that a vacancy exists. When a member becomes incapacitated for office permanently, or for what appears to be a protracted period, or moves from the jurisdiction, or becomes for any other reason no longer qualified for office and fails to resign, the chairman shall cause any necessary investigation to be made. Based on that investigation, the chairman may declare the office vacant and shall promptly indicate to the mayor that a vacancy exists.
- (l) *Fees and application procedure.*

-
- (1) *Fees.* Shall be as established as mandated in Appendix A of the Leon Valley Code of Ordinance. Fees are to accompany application for public hearing before the board of adjustment.
 - (2) *Application.* The applicant may request a public hearing before the board, for either a request for variance, special exception and/or appeal of zoning administrator's decision to this article.
 - (A) Completed application(s) must be submitted to the planning and zoning administrator and all appropriate fees must be paid before a public hearing date will be scheduled with the board chairman.
- (m) *Board administrator.* The zoning administrator shall serve as administrator for the board.
- (1) The board administrator, or his deputies or assistants, shall have the following duties and responsibilities in relation to requests to the board:
 - (A) Attend to all correspondence of the board;
 - (B) Send out, or cause to be published, all required notices;
 - (C) Attend all meetings and hearings of the board;
 - (D) Scrutinize all matters to ensure compliance with this article and these rules;
 - (E) Compile all required records;
 - (F) Maintain the necessary schedules, files, and indexes; and
 - (G) Generally, perform or supervise all clerical work of the board.
 - (2) The board administrator shall maintain a docket book or log which shall be kept posted to date. The docket shall include the case number, name of applicant, location of premises by street number or legal description, nature of the case and the final disposition of the case. All continuances, postponements, dates of sending notices, other steps taken, and acts done should be noted in the docket.
 - (3) The board administrator shall maintain a minute book which shall be kept posted to date. In the minute book shall be recorded the proceedings of the board showing attendance, any disqualifications of members, record of examinations, all other official action, and the vote of each member voting on every question. The minutes of the board shall become official upon majority vote of the board, and shall be a public record, kept in city hall offices.
 - (4) The board administrator or his authorized deputies or assistants, shall also have the following duties and responsibilities in relation to appeals and applications to the board:
 - (A) Receive all appeals and applications and examine the material submitted therewith to assure that it is complete and that required maps, plans, reports and other materials which are required and are necessary to be submitted are in good order and in sufficient number for processing and recording; and
 - (B) See that this material is reviewed by all appropriate city departments and prepare a report and recommendation to be delivered in a timely manner to the board prior to consideration of the appeal or application.
- (n) *Duties of legal counsel.* The city attorney, or his designate, shall provide legal advice to the board as to matters under their jurisdiction. In cases before the board, the city attorney, or his designate, may assist the board in interrogating witnesses.
- (o) *Conduct of members of the board, alternates and city staff.*

- (1) No member of the board, alternate or city staff member shall represent applicants or appellants on matters on which the board is to make determinations.
 - (2) Members and alternates of the board shall be aware of all state statutes and any city ordinances, rules or regulations related to conflicts of interest and the ethics of public officials generally.
 - (3) As soon as any board member, alternate or city staff member of any agency serving the board becomes aware of any potential conflict of interest in any case to come before the board, he shall notify the chairman or acting chairman of the particulars. Where the chairman finds that conflict clearly exists, he shall disqualify the board member from acting in the case, shall cause the circumstances of the disqualification to be entered in the record and make arrangements for such alternate services as are required.
 - (4) Where the chairman or acting chairman has reasonable doubt as to whether the facts and applicable law indicate a degree of conflict justifying disqualification or excuse from service, he shall seek advice from the city attorney or his designate. If the city attorney or his designate advises that, under the circumstances reported and applicable law conflict appears to exist, the chairman shall proceed to disqualify or excuse as provided above. If the city attorney or his designate advises that there is reasonable doubt, the chairman may either disqualify or excuse the person involved or call for a determination by the board at a public meeting.
 - (5) The record on any such determination by the board shall be full and complete and shall indicate the reasons supporting the decision.
 - (6) A member may seek disqualification from voting whenever any applicant, or his agent, has sought to influence the vote of the member on his appeal or application, other than in the public hearing.
 - (7) Members and alternates of the board may seek information from other members, the board administrator, city attorney or other city staff prior to the public hearing, but no member or alternate shall discuss the case with any other parties thereto prior to the public hearing. Additionally, no member or alternate shall express any bias, prejudice or individual opinion on proper judgment of the case prior to its hearing and determination. Violation of this rule shall be grounds for dismissal from the board.
- (p) *Compensation.* The compensation and/or reimbursement of expenses of board members and alternates is to be specified by ordinance. In the absence of an ordinance specifying compensation and/or reimbursement, there shall be none. The absence of such an ordinance does not preclude payment by the city of certain expenses for memberships, subscriptions, educational seminars, travel and similar expenses as might be required for board members and alternates, as authorized by city council.
- (q) *Meetings.*
- (1) There is no requirement for regular meetings of the board. All meetings of the board are to be special meetings to be held at the Leon Valley city hall, unless designated otherwise by the board; provided that such meetings may be held at any other convenient place if directed by the chairman in advance of the meeting or upon a finding that such other location would serve public convenience or necessity, and subject to the notice provisions as required by law.
 - (2) Meetings for any purpose may be held at the call of the chairman of the board, or of any combination of at least four members and alternates.
 - (3) If a meeting is called on a case or cases subject to notice of hearing, the required notice provisions for the hearing shall be met.
 - (4) Any meeting may be recessed or adjourned from day to day, or to the time of any previously announced meeting, and such recess or adjournment to a time and place certain shall not require additional public notice.

- (5) If no business is scheduled before the board, or if it is apparent that a quorum will not be available, any meeting may be canceled by the chairman by giving notice to all members at least 24 hours before the time set for such meeting.
- (6) All meetings of the board involving hearing of evidence and/or decisions on appeals or applications shall be public, with formal notice as required by law.
- (7) Meetings for the conduct of other business of the board, including activities and reviews as may be assigned by the city council or required by ordinance, trips for viewing premises, and other similar meetings and activities, shall not require such formal public notice and hearing, but shall be scheduled at least 12 hours in advance, with the schedule posted at the office of the board.
- (r) *Minimum members at hearings.* The alternate members of the board shall serve in the absence of one or more regular members when requested by the chairman of the board so that all cases heard by the board will always be heard by a minimum of 75 percent of the members.
- (s) *Special exceptions.* The board is hereby empowered to permit the following exceptions provided its action is in harmony with the general purpose and intent of this article and does not injure the health, safety, morals, or the welfare of adjacent property owners or residents:
 - (1) Permit the use of a lot or lots in an RE-1, R-1, R-2, R-3, R-4, R5, R-6, R-7, or planned development district, which lot or lots is adjacent to a commercial or industrial district, even if separated therefrom by an alley or by a street, for the parking of passenger cars under such safeguards and conditions as may be desirable to protect the more restricted adjacent and nearby properties, provided no other business use is made of the lot;
 - (2) Grant a permit for the extension of a use into an adjoining district, where such extension would constitute a nonconforming use and where the lot upon which the existing use is situated extends into the adjoining district and is in single ownership at the time this article is adopted;
 - (3) Permit the reconstruction of a building occupied by a nonconforming use provided such reconstruction does not prevent the return of such property to a nonconforming use; and
 - (4) Determine, in cases of uncertainty, the classification as to district of a use not specifically described in this article, provided, however, that such use shall be in keeping with uses specifically named in the district regulations.
- (t) *Variance empowerment.* The board is hereby empowered to grant variances to this article upon making affirmative findings as to all criteria stated in section (bb) below relating to variances.
- (u) *Limitations on special exceptions and variances.* Any special exception or variance authorized by the board shall constitute authority to authorize the issuance of a building permit, special permit, or certificate of occupancy if applied for within 180 days from the date of favorable action on the part of the board, unless the board authorizes a longer period. If the building permit, special permit, or certificate of occupancy shall not have been applied for within said 180-day period, or such extended period as the board may have authorized, then the grant of the special exception or variance shall terminate. Such termination shall be without prejudice to a subsequent application to said board in accordance with the rules and regulations regarding applications. No application to the board shall be allowed on the same piece of property prior to the expiration of six months from a ruling of the board on any application unless other property in the same block or within 500 feet thereof, within such six-month period has been altered or changed by a ruling of the board, in which case such change of circumstances shall permit the allowance of such an application but shall in no way have any force in law to compel the board, after a hearing, to grant such subsequent application, but such application shall be considered on its merits as in all other cases.
- (v) *Appeals empowerment.* The board is hereby empowered to hear appeals from individuals contesting the decision of a zoning administrative official. In exercising their powers, the board may, in conformity with the

provisions of this article, reverse or affirm in whole or in part, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the administrative officer from whom the appeal is taken.

- (w) *Appeals to the board.*
- (1) Except as provided by subsection (e) below, any of the following persons may appeal to the board of adjustment a decision made by an administrative official that is not related to a specific application, address, or project:
 - (A) a person aggrieved by the decision; or
 - (B) any officer, department, board, or bureau of the municipality affected by the decision.
 - (2) Except as provided by subsection (e) below, any of the following persons may appeal to the board of adjustment a decision made by an administrative official that is related to a specific application, address, or project:
 - (A) a person who:
 - (i) filed the application that is the subject of the decision.
 - (ii) is the owner or representative of the owner of the property that is the subject of the decision.
 - (iii) is aggrieved by the decision and is the owner of real property within 200 feet of the property that is the subject of the decision.
 - (B) any officer, department, board, or bureau of the municipality affected by the decision.
 - (3) The appellant must file with the board and the official from whom the appeal is taken a notice of appeal specifying the grounds for the appeal. The appeal must be filed not later than the 20th day after the date the decision is made. On receiving the notice, the official from whom the appeal is taken shall immediately transmit to the board all the papers constituting the record of the action that is appealed.
 - (4) An appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the board facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by a court of record on application, after notice to the official, if due cause is shown.
 - (5) The board shall set a reasonable time for the appeal hearing and shall give public notice of the hearing and due notice to the parties in interest. A party may appear at the appeal hearing in person or by agent or attorney. The board shall decide the appeal at the next meeting for which notice can be provided following the hearing and not later than the 60th day after the date the appeal is filed.
 - (6) A member of the governing body of the municipality who serves on the board of adjustment under Section 211.008(g) may not bring an appeal under this section.
- (x) *Notice of public hearing before the board.* Timing and manner of publication of public notice for such hearings shall be in accordance with any requirements set forth herein and by state statute. In addition, at least ten days in advance of the hearing, notice shall be given to parties in interest and to other persons required by the ordinance to be specifically notified.
- (y) *Agenda, order of business.* The board administrator shall prepare an agenda for each board meeting. The order of business shall be as follows:

- (1) Call to order and roll call, with recording of members present and absent and indications as to whether absences are with consent of the chairman;
 - (2) Action on any previous meeting for which action is required;
 - (3) Continued hearings, with consideration and determination on cases as heard;
 - (4) New hearings, with consideration and determination on cases as heard;
 - (5) Old business;
 - (6) New business; and
 - (7) Adjournment.
- (z) *Procedures at hearings before the board.*
- (1) At a public hearing, persons may appear or be represented by authorized agents or attorneys. Such agents or attorneys shall present competent evidence of the extent of their authorization.
 - (2) All witnesses to material facts shall testify under oath, to be administered by the chairman.
 - (3) The order for presenting evidence shall be as follows:
 - (A) The chairman, or such person(s) as he may direct, shall present and describe the nature of the case and evidence available to the board, including staff report;
 - (B) The applicant or appellant shall outline the nature of the request and present supporting evidence;
 - (C) Objectors may cross-examine;
 - (D) Board members and alternates may examine witnesses for the applicant's or appellant's side;
 - (E) Objectors may present evidence;
 - (F) Applicants may cross-examine;
 - (G) Board members and alternates may examine witnesses for objector's side;
 - (H) Rebuttal by applicant; and
 - (I) Rebuttal by objectors.
 - (4) The board shall not be bound by strict rules of evidence or limited to consideration of such evidence as would be admissible in a court of law, but it may exclude irrelevant, immaterial, incompetent, or unduly repetitious testimony and/or evidence. The chairman shall rule on all questions relating to the admissibility of evidence but may be overruled by a majority of the board members present.
 - (5) During the hearing, each side shall proceed without interruption by the other. All arguments and pleading shall be addressed to the chairman. There shall be no question or argument between individuals in the audience.
 - (6) The chairman, board members and alternates, counsel to the board and/or city staff may direct any question to the applicant, witnesses, or any person speaking from the audience, to bring out pertinent facts. The chairman, board members and/or alternates may call for pertinent facts from staff or make appropriate comments pertinent to the case. No board member should debate or argue with persons in the audience.
- (aa) *Motions.*
- (1) Any motion by a member shall require a second. After a motion has been made and duly seconded, discussion of the motion may be held for a reasonable time. Discussions by members, or by opponents

or proponents of a question before the board, shall terminate whenever a member shall call a vote upon the question or whenever the chairman shall so rule.

- (2) If a motion is defeated, another motion must be made, seconded, voted upon and approved by a majority of the board present and voting.
- (bb) *Criteria for approval.* In making motions to approve special exceptions, variances and appeals, the motion shall state affirmative findings as to each of the criteria listed below. Similarly, in making motions to deny special exceptions, variances, and appeals, the motion shall state a negative finding as to at least one of the criteria listed below.
- (1) *Special exceptions:*
 - (A) That the granting of the special exception is not contrary to the general intent of the zoning code and the public interest, and the property rights of adjoining landowners are substantially preserved; and
 - (B) That the special exception granted creates no new variances and does not increase existing variances.
 - (2) *Variances:* To prevail in receiving a variance, the applicant must demonstrate that a literal enforcement of the ordinance would result in unnecessary hardship. The applicant must show that the hardship is:
 - (A) Unique, oppressive, not common to other property, and not against the public interest;
 - (B) Not merely that the property cannot be utilized for its highest and best use;
 - (C) Not self-imposed; and
 - (D) Not simply a hinderance to the developer's goals.
 - (E) In exercising its authority under subsection (bb)(2), the board may consider the following as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:
 1. the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent appraisal roll certified to the assessor for the municipality under Section 26.01, Tax Code;
 2. compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur;
 3. compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;
 4. compliance would result in the unreasonable encroachment on an adjacent property or easement; or
 5. the municipality considers the structure to be a nonconforming structure.
 - (3) A motion to approve and confirm a decision of an administrative officer, on appeal, may, when appropriate, be based on findings that:
 - (A) the administrative officer's decision is proper;
 - (B) the decision was based on one or more points (list points); and
 - (C) these points should be upheld.
 - (4) The board administrator will administer and obtain a roll call vote from the board upon the rendering of a motion.

(cc) *Decisions of the board.*

- (1) With due consideration to the length of the agenda, the nature of the case, the complexity of the evidence and the findings required, the chairman may elect, subject to being overruled by a majority of the members or alternates seated on motion duly passed:
 - (A) To proceed immediately to determination and decision on conclusion of the hearing in the particular case;
 - (B) To defer determination and decision until later in the same meeting should it be found advantageous to defer further determination or decision in the case for good cause stated; or
 - (C) To defer determination and decision until a specific meeting of the board should it be found advantageous to defer further determination or decision in the case for good cause stated.
- (2) Appeals and applications shall be heard at public meetings within 70 days of date of assignment of docket numbers and decided at the same meeting, at the next meeting of the board, or at special public meeting, but in any event within 36 days of the initial meeting at which the hearing on the case was first held.
- (3) If at least 75 percent of the members or alternates serving as members of the board concur in a finding of error in any decision, order, requirement, or determination of the administrative officer appealed from, the decision shall be favorable to the appellant. Such decision by the board shall specify the decision, order, requirement, or determination which should have been made, and the decision of the board shall be binding upon the applicant and successors in interest.
- (4) If at least 75 percent of the members of the board concur that the evidence supports favorable findings on the application for a special exception before it, or that such findings could be made if conditions and safeguards were established, the decision shall be favorable to the applicant, provided that such conditions and safeguards as may be required for such favorable findings, as specified in the decision, shall be binding upon the applicant and successors in interest.
- (5) If at least 75 percent of the members of the board concur that the evidence supports favorable findings on the appeal for a variance before it, or that such findings could be made if conditions and safeguards were established, the decision shall be favorable to the applicant, provided that such conditions and safeguards as may be required for such favorable findings, as specified in the decision, shall be binding upon the appellant and his successors in interest.

(dd) *Records of cases of the board.* The decision of the board shall be shown in the record of the case. Such record shall show the reason for determination, with a summary of the evidence introduced and the findings of fact made by the board.

(ee) *Recording.* Such record shall be entered in the minutes of the board. Following approval, as submitted or as amended, the minutes shall be acknowledged as to accuracy by the signature of the chairman and the board administrator.

(ff) *Judicial Review Of Board Decision.*

- (1) Any of the following persons may present to a district court, county court, or county court at law a verified petition stating that the decision of the board of adjustment is illegal in whole or in part and specifying the grounds of the illegality:
 - (A) a person aggrieved by a decision of the board;
 - (B) a taxpayer; or
 - (C) an officer, department, board, or bureau of the municipality.
- (2) The petition must be presented within ten days after the date the decision is filed in the board's office.

- (3) On the presentation of the petition, the court may grant a writ of certiorari directed to the board to review the board's decision. The writ must indicate the time by which the board's return must be made and served on the petitioner's attorney, which must be after ten days and may be extended by the court. Granting of the writ does not stay the proceedings on the decision under appeal, but on application and after notice to the board the court may grant a restraining order if due cause is shown.
- (4) The board's return must be verified and must concisely state any pertinent and material facts that show the grounds of the decision under appeal. The board is not required to return the original documents on which the board acted but may return certified or sworn copies of the documents or parts of the documents as required by the writ.
- (5) If at the hearing the court determines that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take evidence as directed. The referee shall report the evidence to the court with the referee's findings of fact and conclusions of law. The referee's report constitutes a part of the proceedings on which the court shall make its decision.
- (6) The court may reverse or affirm, in whole or in part, or modify the decision that is appealed. Costs may not be assessed against the board unless the court determines that the board acted with gross negligence, in bad faith, or with malice in making its decision.
- (7) The court may not apply a different standard of review to a decision of a board of adjustment that is composed of members of the governing body of the municipality under Texas Statutes, Local Government Code Section 211.008(g) than is applied to a decision of a board of adjustment that does not contain members of the governing body of a municipality.

(1972 Code, sec. 30.4002; 2008 Code, sec. 14.02.722; Ordinance adopting 2017 Code; Ordinance 2019-8, ex. B, adopted 2-19-19; Ord. No. 2023-9, § 1(Exh. A), 3-21-2023)

State law reference(s)—Establishment and authority of zoning board of adjustment, V.T.C.A., Local Government Code, sec. 211.008 et seq.

MAYOR AND COUNCIL COMMUNICATION

DATE: December 3, 2024
TO: Mayor and Council
FROM: Dr. Crystal Caldera, City Manager
SUBJECT: Presentation, Discussion on Amending Ordinance on Article 1.06 Boards, Commissions and Committees, Section 1.06.003, Citizen's Police Advisory Committee
SPONSOR(S): N/A

PURPOSE & BACKGROUND

The committee met on 11/13/2024 and voted to unanimously request that their ordinance be amended to eliminate the Secretary position and to have staff be responsible for doing the minutes for the committee. Also, under section (f), subsection 4 had a typo.

FISCAL IMPACT

None

RECOMMENDATION

City Council's Discretion.

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Sec. 1.06.003 Citizen's police advisory committee

- (a) *Committee's charge.* The committee serves as a liaison between the police department and community. The committee serves as an advocate for programs, ideas, and methods to improve the relationship between the police and community and to enhance the quality of life in our community. The committee shall not have independent authority, but shall work in conjunction with the police department.
- (b) *Mission statement.*
 - (1) The committee's mission is to work in partnership with the city police department to assure it maintains the highest standards of integrity and to assist in improving quality of life through the delivery of professional, superior, and compassionate police services to the community. Finally, the committee should apply knowledge, skills, and resources to foster an environment where all people can live safely and without fear. Furthermore, it is designed to assist making recommendations that will enhance the quality of life through delivery of service.
 - (2) The committee's mission is accomplished within the framework of the following set of values:
 - (A) Accountability;
 - (B) Protection;
 - (C) Prevention;
 - (D) Commitment;
 - (E) Compassion;
 - (F) Achievement.
- (c) *Objective.* The committee's objective is to advise the police department through the engagement of interaction with its citizens through friendly community police initiatives in preserving the peace in a manner consistent with the freedoms secured by the Constitution. In doing so, the role of the police department is to enforce the law in a fair and impartial manner, recognizing both the statutory and judicial limitations of law enforcement authority and the constitutional rights of all persons.
- (d) *Committee structure and membership.*
 - (1) Mayor and city council shall appoint not more than 13 voting members. Each member of city council shall appoint two members to the committee. The mayor shall appoint three members to the committee. All committee members that are appointed will serve coterminous with the council member that appointed them. A quorum exists when 50 percent of the appointed voting members are present.
 - (2) The members of the committee shall either be permanent residents of the city, work or maintain a place of business in the city, or be engaged in the community in a serving capacity. Diversity of the committee is essential to its success, i.e., youth, millennials, baby boomers, etc.
 - (3) Committee members shall have good reputations for integrity and community service and shall not have been convicted or received a deferred sentence for a felony crime.
 - (4) No nominee to the committee or any members of the nominee's immediate family shall be currently employed by the city nor be a former sworn employee of the city police department.
 - (5) Each nominee must be prepared and committed to invest the necessary time in enhancing police community relations in a manner that helps reduce crime and enhances relationships between the police and the community.

- (6) One city council member shall be assigned as a non-voting city council member liaison to the committee. The city council liaison shall be rotated at the end of one year of service to the committee, or at the end of his or her term, and may only be extended if there are no other city council members available or desiring to serve.
 - (7) The committee members will elect a chair and vice-chair and a secretary annually at the first meeting following each General Election. Appointments for open positions on the committee, occurring throughout the year, shall be made as soon as possible for the remaining term of the position by the City Council Member or Council Place that the appointed the previous member.
 - (8) All members of the committee shall be considered to be city volunteers. The committee shall function in an advisory capacity only and shall have no authority over city employees.
 - (9) The committee members receive no direct or indirect compensation from the city for their services as members of the committee.
 - (10) The committee may not include any employee of the city, or any vendor or contractor of the city.
 - (11) A committee member serves at the discretion of the mayor and city council. If a committee member resigns, fails to attend two consecutive committee meetings without excused absence (per the chair), or otherwise becomes unable to serve on the committee, the chairperson may declare the position on the committee to be vacant and request that the mayor and city council appoint another qualified person to the committee. Future appointments will follow the process as outlined in this section.
- (e) *Duties and responsibilities.*
- (1) The committee advises and assists the police department to:
 - (A) Create dialog and explore the perceptions of the police department, and the community concerning the inter-relationship with each other regarding public safety issues within the community;
 - (B) Receive information concerning the police department programs and operations;
 - (C) Provide input to the police department regarding service needs within the community;
 - (D) Identify gaps in services and/or communication;
 - (E) Enhance the community understanding of the capabilities of the police department in providing services to the community;
 - (F) Identify potential police-community partnerships to address public safety related issues within the community;
 - (G) Identify community resources and support for public safety activities; and give input concerning perceived effectiveness;
 - (H) Provide input on assisting community police initiatives to awareness.
 - (2) The committee is also responsible for disseminating information to the community and to the government officials of the city. The committee chair shall provide an update to the city council on an annual basis or as requested by the mayor and city council.
- (f) *Committee meetings.*
- (1) The committee shall meet, quarterly; or at the call of the chair.
 - (2) All committee meetings shall be held within the city geographic boundaries.

- (3) All information received by the committee will be available to the public under the terms of the Texas Open Records Act and will be retained pursuant to the rules of the Texas State Archives and Library Commission and the city.
 - (4) A quorum of the committee shall consist of **thirty** fifty percent (50%) of the currently appointed members. A quorum must be present to decide on any action items presented to the committee.
 - (5) Minutes of the previous meeting and agenda of the upcoming meeting should be sent to the committee members no later than three business days before the upcoming meeting. Whenever possible, an explanation of agenda items shall accompany the notification. Members who are absent shall receive all materials distributed at missed meetings.
 - (6) A copy of the agenda must be presented to the city secretary three business days prior to the 72 hours posting requirements pursuant with Texas Local Government Code, § 551.043.
 - (7) A copy of the minutes of the previous meeting must be given to the city secretary within ten days of the approval of the minutes by the committee.
 - (8) The current rules of conduct for the city council shall govern the parliamentary procedures, disciplinary proceedings, and rules for the conduct of meetings, so long as not inconsistent with these bylaws. No action of the committee shall be invalidated, or the legality thereof affected, by the failure or omission to observe or follow the rules of conduct.
 - (9) Annually, the initial meeting of the committee will be conducted in accordance to the city's police department's citizen police academy program.
- (g) *City support.* The city shall provide to the committee necessary technical and administrative assistance as follows:
- (1) Provision of a meeting room, including any necessary audio/visual equipment;
 - (2) Preparation and copying of any documentary meeting materials, such as agendas and reports; and distribution of those materials to the committee in a timely manner;
 - (3) Retention of committee meeting records, and providing public access to such records on an Internet website maintained by the city.
- (4) The City staff will take the minutes for the committee.**
- (h) *Committee termination.* The city will sunset when a majority of the city council, by way of voting, believes the committee's existence shall be terminated.
- (i) *Charter.* This section shall grant the authority and rights to the citizens police advisory committee and this document will be known as the "Citizens Police Advisory Committee Charter."

(Ordinance 16-019 adopted 5-17-16; Ordinance 16-040 adopted 9-20-16; Ordinance 2017-41 adopted 8-1-17; Ordinance 2018-72 adopted 9-4-18; Ordinance 2019-47 adopted 9-17-19; Ord. No. 2021-29, § 1, 7-7-2021; Ord. No. 2021-59, § 1, 11-16-2021)



Amending Article 1.06 Boards, Commissions and Committees, Section 1.06.003, Citizen's Police Advisory Committee

Crystal Caldera, PhD
City Manager
City Council Meeting
December 3, 2024

Summary

- Question
 - Whether or not to amend Ordinance on Article 1.06 Boards, Commissions and Committees, Section 1.06.003, Citizen's Police Advisory Committee
- Options
 - Approve the request
 - Approve a variation of the request
 - Deny
- Declaration
 - The City Council's Discretion

Purpose

- To remove the position of Secretary from the ordinance and have staff be responsible for the minutes.
- To fix a typo from Section (f), subsection (4).

Fiscal Impact

- None

Recommendation

- City Council's Discretion

MAYOR AND COUNCIL COMMUNICATION

DATE: December 03, 2024

TO: Mayor and Council

FROM: Carol Goering, Finance Director

THROUGH: Dr. Crystal Caldera, City Manager

SUBJECT: Presentation and Discussion of an Ordinance Authorizing Budget Adjustments for the FY 2024-2025 General Fund Budget Adjustment in the Amount of \$28,790 for the Purpose of Increasing the City Manager & Council Department Budget to Provide Funding for Haven for Hope Street Outreach Agreement. (1st Reading as Required by City Charter)

SPONSOR(S): N/A

PURPOSE

This M & C requests approval for a budget adjustment, which will increase the City Manager & Council Department by \$28,790 to Provide Funding to The Grant Agreement with Haven for Hope for a Street Outreach Staff Person for FY25. The Community Outreach person would assist in gathering data from our homeless population so we can better understand the resources that are needed to address this issue.

FISCAL IMPACT

Grant Agreement	FY24 Expenditures	Remaining Balance
40,000	11,210	28,790

RECOMMENDATION

City Council approve the Ordinance authorizing the budget adjustment

ATTEST :

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

ORDINANCE NO. 2024-____

AN ORDINANCE OF THE CITY OF LEON VALLEY, TX, CITY COUNCIL AUTHORIZING BUDGET ADJUSTMENTS FOR FISCAL YEAR 2025 GENERAL FUND BUDGET IN THE AMOUNT OF \$28,790 FOR THE PURPOSE OF INCREASING THE CITY MANAGER & COUNCIL DEPARTMENT; PROVIDING FOR REPEALER, SEVERABILITY AND SAVING CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Leon Valley has already passed their FY 2024-2025 Budget on August 20th, 2024; and

WHEREAS, it has been determined that funding should be added to the FY 2024-2025 Budget; and

WHEREAS, it is necessary to adjust the City Manager & Council Department Budget by a total amount of \$28,790.

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

SECTION 1. The City's General Fund budget is hereby adjusted to the amount of \$28,790 to increase the City Manager & Council Department Budget to fulfill the grant agreement with Haven for Hope signed May 2nd, 2024 for a total amount not to exceed \$40,000 for street outreach staff person.

SECTION 2. 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 5. 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 6. 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 7. 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 December, 2024.

APPROVED

CHRIS RILEY
MAYOR

Attest:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form:

ARTURO D. "ART" RODRIGUEZ
City Attorney

Approval of an Ordinance Authorizing a Budget
Adjustments for the FY 2024-2025 in the Amount of
\$28,790 for the Purpose of Increasing the City
Manager & Council Department Budget.

Carol Goering
Finance Director

City Council Meeting

December 03, 2024

Summary

- Question

- The City Council is being asked to consider approve an ordinance authorizing budget adjustments for the FY 2024-2025 for the purpose of increasing the City Manager & Council Department Budget.

Grant Agreement	FY24 Expenditures	Remaining Balance
40,000	11,210	28,790

- Options

- Recommendation:

- Approve the budget adjustment

- Denial of the request.

- Declaration

- This agreement was signed on May 22nd , 2023.



Approval of an Ordinance Authorizing a Budget
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\$28,790 for the Purpose of Increasing the City
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Carol Goering
Finance Director

City Council Meeting

December 03, 2024



**CITY OF LEON VALLEY
TOWN HALL MEETING**
6421 Evers Road, Leon Valley, TX 78238
Saturday, January 25, 2025 at 8:30 AM

AGENDA

1. **8:30 AM** Call to Order and Determine a Quorum is Present.
2. **Presentations**
 - A. Welcome to the 14th Annual Town Hall Meeting! - Mayor Chris Riley (*estimated start time 8:30 am*)
 - B. Introduction of City Council, Staff, and Procedures for the Meeting - Mayor Chris Riley (*estimated start time 8:40 am*)
 - C. City Manager Update on 2024 Town Hall Meeting and Annual Report - Dr. Crystal Caldera, City Manager (*estimated start time 8:50 am*)
 - D. Emergency Preparedness – Fire Chief Michael Naughton (*estimated start time 9:00 am*)
 - E. City of Leon Valley Goals and Objectives – City Manager, Crystal Caldera, PhD. (*estimated start time 9:30 am*)
 - F. City of Leon Valley Priorities and Future Needs - City Manager, Crystal Caldera, PhD. (*estimated start time 10:00 am*)
 - G. Presentation On water infrastructure and Water Rates – Melinda Moritz, Public Works Director (*estimated start time 11:00 am*)
 - H. Citizens to be Heard (*estimated start time 12:00 pm*)

3. 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 of 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 <https://www.leonvalleytexas.gov>. 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



OUTSTANDING CITY COUNCIL ITEMS

- **Review of the Water Rates**
 - 6/20/2023 Postpone council requested this be a retreat item for 7/22/23.
 - Council will be looking at a 1% increase at a future meeting.
 - This will be discussed at the Town Hall meeting- on 11/21/2023, the Council decided on a workshop.
 - 12/5/2023 City Council reviewed the presentation from Waterworth. The next workshop is scheduled for 2/20/2023 (the date has been moved). We were waiting on the audited numbers. We just received them. We will be setting a new date for review.
 - 7/16/2024, the council will hear a new presentation
 - Some Councilmembers expressed concern that the water rate does not match SAWS. Some Councilmembers expressed concern that that by not increasing water rates the water infrastructure will not get addressed.
 - Everyone agreed on the surcharge and looking at the affordability rate
 - Staff will bring back the Surcharge on 8/6/2024.
 - New rates will be brought back to the council in September 2024.
 - Second Read on the Surcharge 8/20/2024.
 - Council passed unanimously
 - Water workshop on Saturday in October 19, 2024.
 - Look at the rates with the TX Water Board Low interest Loans
 - Look at the rates with the EPA Low interest Loan
 - Look at rates to exactly match SAWS structure
 - Will have another workshop in est. 30 days
 - 11/12/2024 next workshop
 - The Council decided to present at the town hall meeting
- **Impact Fees**
 - The council directed staff to have Ardurra recalculate the impact fees
 - They have recalculated the fees, and the staff has to take it back to the zoning commission and advertise for 30 days. So it will brought back in November.
 - Call for public hearing 10/22
 - Hear the impact fees 11/19/2024
 - Council requested it be placed on consent agenda
- **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.
 - 11/21/2023 – PW Director will provide an update and receive direction – Council decided to have a field trip to look at the creek layout TBD.
 - The Council decided to conduct a field trip in the Natural Area
 - 12/6/2023, the Council walked the steaked-out creek realignment
 - 1/16/2023 – The Council will revisit the project.
 - 2/24/2023- the Council will have a workshop to discuss with the engineer.
 - The council directed the engineer to look at a plan that leaves the creek alignment alone, a new tree survey, and build a retaining wall for erosion.
 - 8/6/2024 – budget adjustment will be presented to the council in the amount of \$168,000
 - Second Read on the Budget Adjustment is scheduled for 8/20/2024.
 - After council approval, the following is the timeline:
 - Preliminary Design – 1.5 months (45 days) from NTP
 - Final Design – 3-4 months (90-120 days)
 - Environmental – TBD – 3-6 months and will be concurrent with design
 - Bidding and Construction – TBD based on funding – Not Authorized at this time
 - Approved
 - Chanel bank options 11/19
 - Council decided to proceed with Rip Rap option and have staff proceed with SAWS addressing the exposed recycled water line.

- **Tiger brush and bulk issues- Contract ends January 1, 2025 (Item Remaining from Retreat)**
 - 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 manage 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
 - The Council considered two options to manage 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, the Council decided to leave terms as is.
 - On 9/19/2023, the staff took a draft survey to the Council. Staff will amend it and bring it back to the Council at a later time.
 - Will ask for input at the Town Hall meeting. The council decided on the final survey on 12/19/2023.
 - The Council presented the Survey at the Town Hall meeting. The majority of Participants are satisfied with their trash service
 - 02/20/2024- The Council will discuss the distribution of the survey.
 - The council decided to mail the survey out to the businesses and residents. The survey was mailed out on 3/19/24. RFP should go out May.
 - RFP closes July 18, 2024
 - Council will elect a committee on 7/16/2024
 - Council elected the committee
 - Staff only received two RFPs
 - Extended the submittal deadline to August 29, 2024, the committee has been contacted, and a meeting will be scheduled after that date.

- Committee met on September 4, 2024
- Committee met on September 18, 2024
 - Elected a sub-committee
 - Rounded the submittals down to two.
 - Sub-committee met 9/25/2024
 - Interviews with the sub committee 10/2/2024
 - Committee voted on Tiger as their recommendation at 10/16/24 mtg
 - Committee will make their recommendation to council on November 5, 2024 council meeting.
 - Council gave direction to City Manager to negotiate with Tiger
 - The contract will be on 12/3/2024
- **Discussion of updating the Strategic Plan, Mission, & Vision Statement**
 - Will be placed on the Town Hall meeting for discussion decided at the 11/21/23 Council meeting to hold a workshop.
 - February 3, 2024, workshop scheduled. At the council chambers. The Council changed the date to 2/24/24 to coincide with another workshop.
 - The Council decided to amend the mission and vision statements. Holding another workshop for the goals and objectives and core values.
 - Core values will be discussed at 3/19/2024. Goals will return after the council retreat.
 - This item is still pending. The council did not get this item at the retreat.
 - This item was going to be added to the townhall meeting.
- **Silo design per request of the adjacent property owner**
 - 5/2/2023 – Moved by CM due to the number of items on the agenda.
 - 5/16/2023 – Scheduled
 - Council Requested outreach to local universities.
 - Melinda is working on quotes.
- **Sustainability Overlay**
 - 6/6/2023 Staff is not ready and has been postponed until September.
 - 725/2023 – Zoning Commission started to review. The item is with the Attorney.
- **Stray Animal Ordinance**
 - Currently being reviewed by the City Attorney – we cannot require private industry to take in and adopt our stray animals.
 - Looking at a possible interlocal agreement.
 - Staff has met with the county for a long-term solution.
- **Neighborhood/Citizen Survey**
 - Will be tied to the solid waste survey. The council decided to keep these two separate items.

- **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.**
- **Four-way stop at Forest Meadow and Evers.**
 - To be evaluated upon the development of the Evers property.
 - Will be discussed on 7/13/2024 council retreat
 - Waiting until after the development or until it is added by the city council.
- **Speed hump policy changes- (Item Remaining from Retreat)**
 - This was added by Mr. Campos, who wants to review the policy before adding.
- **Review of the Personnel Manual**
- **Discussion on large capital projects – Possible Bond**
 - Public Works Building
 - ADA requirements
 - Crystal Hills Park
 - Pool
 - Dog Park
 - Library Annex
 - Will be discussed at the council retreat on 7/13/2024
 - This item was briefly discussed and will be brought back to city council. September 17, 2024, council meeting.
 - Add to the townhall meeting for discussion
- **Ordinance on Amending the PDD**
 - Scheduled to go to the zoning commission meeting on 4/23/2024
 - The zoning commission tabled the item. Will revisit 5/28/2024
 - Zoning commission revisited on 6/5/2024
 - The Zoning Commission will revisit in September
- **Veterans Monument**
 - Waiting for two council members to add this item.
 - Price quote was \$24,000
- **Planning and Zoning Ordinance**
 - Martinez and Heyl
 - 12/5/2024

ITEMS ARE STILL IN THE PIPELINE BUT HAVE BEEN ADDRESSED

- **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.
- Resolution supporting SB 446-2/21/2023.
- The item was not approved during the legislation process the Council will try again in 2025.
- The Council decided at the retreat not to address this issue.
- **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 has decided not to spend the funds on this project at this time.
 - This will be discussed during the town hall meeting update with the council on 4/19/2022.
 - The council would like us to use our future land use map.
 - Establish neighborhood boundaries
 - The council has opted not to Update the Master Plan.
 - P & Z Director investigating a university conducting the plan.
 - Boundaries of the neighborhood
 - This has been placed in the FY 2025 budget.
 - The Council has decided to move the \$250,000 to the city's emergency fund.
- **Sewer Service Charge Adjustments**
 - Council meeting 2/15/22.
 - Impact Fees Removed.
 - Sewer Charges will be brought back at a later time.
 - Impact fees were discussed on 6/4/2024, first read
 - Second read scheduled for 7/16/2024
 - Council passed the impact fees but wants the engineer to reevaluate the fee to include the new water rights purchase amount.
 - There is a workshop schedule for 10/19/2024
- **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.
 - The next apartment review is on 5/3/2022.
 - Staff received legal advice in the 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
 - Vistal Del Rey is 50% compliant. Council agreed to settle on 4/18/2023.
 - Vista has completed all inspections and received their C of Os.
- **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.
 - This item could not be purchased out of ARP funds.

COMPLETED

- **Consumer protection mandate on refunds**
 - Sent request to attorney. The attorney feels that we have the laws in place.
 - Sent reminders to the animal sales businesses.
- **Interlocal Agreement with the County regarding an Outreach Coordinator.**
 - Bexar County is asking the City to sign a separate agreement with Haven for Hope. They will be completing a draft and sending it over for council approval in March 5, 2024.
 - Council approved
 - Budget adjustment 3/19/24 Approved
- **Legal review of the Sign Code**
 - Councilor Orozco and Bradshaw will work on this item.
 - Look into sign flippers in the median on Bandera
 - The council requested this item go to the Economic Development Advisory Committee. The Economic Development Advisory Committee completed its review, and a recommended version will be presented to the council in April.
 - First read was held 4/16/24
 - Second Read 5/7/2024 passed unanimously
- **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 the 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.
 - This was heard by the City Council to possible street closures on 8/23/20. Engineers will develop a report, and PD and Fire will review it.
 - Taking to Council on 10/3/2022.
 - On 2/7/2023, the council will review speed pads and school zones.
 - Council decided to move forward with the speed pads and wait on the school zone. The delineators will also be left alone.
 - Speed pads have been installed and school zone on Huebner is being addressed.
 - Interlocal agreement with San Antonio is complete. A budget adjustment of \$74,000 was approved by the Council for the mast traffic arms.
 - We met with the contractor, The Levy Company, and they informed us that the mast arms will take 16-24 weeks for delivery, so work will not start until December or January.
 - 1/10/2023- installation has begun
 - School Zone operable and seems to be working
- **Ordinance Amendment to allow lots with ½ Acre or more to have a septic system.**
 - Discussion 5/7/2024,
 - first read 5/21/2024
 - Second Read 6/4/24 – approved as presented.
 - **Seneca West R6 Zone change**
 - 3/7/2023
 - Council requested some prices to replat as larger lots, not in favor of R6.
 - Staff will be getting prices to plat larger lots and bring them back to the Council.
 - Staff has received the plans and probable cost and will review them with the Council at the retreat.
 - 08/10/2023 Discuss at the retreat. The Council would just like to plat and sell as is.
 - 11/7/2023 Executive session on four options.
 - 11/21/2023 Executive session on two options.

- This Will be discussed at the town hall meeting.
- Executive session on 2/6/24
- Executive Session 3/19/2024
- Executive Session 4/2/2024
- Executive Session 5/21/2024
- On 6/4/2024, the council voted to enter into a contract with one stop to purchase the property.
- 6/25/24, Zoning Commission heard the preliminary hearing for the PDD
- 7/23/2024, Zoning Commission will have a public hearing on the PDD
 - The zoning commission is sending this to the council with a denial recommendation
- First read by council 8/6/2024
- Second Read by council 8/20/24 -Approved
- **Salary allocations from the enterprise fund**
 - Presentation September 17, 2024, City Council Meeting
 - City allocated \$244,000 back to the General fund as part of the FY 25 budget.
 - City needed an additional \$350,000 from GF.
- Completed the sale of the Seneca West Property on 11/19/2024.
- Completed the Purchase of 105-acre ft of water on 11/19/2024.