



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

Leon Valley City Council Chambers
6400 El Verde Road, Leon Valley, TX 78238
Tuesday, March 21, 2023 at 6:00 PM

AGENDA

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

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

- 1. Call to Order; Determine a Quorum is Present, Pledge of Allegiance**
- 2. The City Council Shall Meet in Executive Session to Discuss the Following:**
 1. Pursuant to Texas Government Code, Chapter 551, Section 551.071 Consultation with Counsel on Legal Matters: To Receive Legal Advice Regarding the Lease Agreement between Ms. Bania Artiaga and the City of Leon Valley
 2. Section 551.071: Consultation with the Attorney Regarding Pending or Contemplated Litigation, or Settlement Offer; or on a Matter in which the Duty of the Attorney to the Governmental Body Under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas Clearly Conflicts with the Texas Open Meetings Act, Re: City of Leon Valley v. 5622 Equity DE LLC, a Delaware Limited Liability Company D/B/A Vista Del Rey Apartments Located at 5622 Evers Road
- 3. Reconvene into Regular Session**
- 4. Citizens to be Heard**
- 5. Possible Action on Issues Discussed in Executive Session If Necessary**
- 6. Presentations**
 1. Presentation of the 2022 Texas Municipal Library Director's Achievement of Excellence in Libraries Award - R. Reed, Library Director
 2. Presentation of a Proclamation for Local Library Day - R. Reed, Library Director

3. Presentation, Discussion, and Possible Action to Enter into an Agreement with a Call Center Company to Provide 24/7 Call Operations Services- R. Salinas, Director of Economic Development
4. Presentation, Discussion, and Direction - Homeless Camp Cleanup Actions - M. Moritz, Public Works Director
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, April 04, 2023, at 6:30 PM, in Council Chambers.

Jazz Festival, Saturday, March 25, 2023, at 3:30 PM, at Raymond Rimkus Park.

Volunteer Appreciation Dinner, April 12, 2023, at 6:00 PM, at the Leon Valley Conference Center.

Library Volunteer Appreciation Party, Wednesday, April 19, 2023, from 5:00 PM to 7:00 PM, at the Library.

Picnic with the Mayor & City Council, Saturday, April 22, 2023, from 11:00 AM to 1:00 PM, in the "grassy" area at the Conference Center.

Early Voting at the Leon Valley Conference Center, 6421 Evers Road, Texas, 78238, Monday, April 24, 2023 through Thursday, April 27, 2023 from 8:00 AM to 6:00 PM; Friday, April 28, 2023 – Closed; Saturday, April 29, 2023 from 8:00 AM to 8:00 PM; Sunday, April 30, 2023 - Closed; and Monday, May 01, 2023 and Tuesday, May 02, 2023 from 8:00 AM to 8:00 PM.

Annual City-Wide Garage Sale, Saturday, May 20, 2023, from 8:00 AM to 6:00 PM.

Big Rig Petting Zoo, Monday, June 05, 2023, from 10:30 AM - 12:00 PM, at Raymond Rimkus Park.

Miscellaneous other events and announcements.

9. Consent Agenda

1. Discussion and Possible Action Approving of the Following City Council Minutes:
 - a. 03-07-2023 Regular City Council Meeting Minutes
2. Discussion and Possible Action Accepting of the Following Board/Commission Minutes:
 - a. 02-09-2023 Park Commission Meeting Minutes
3. Presentation and Discussion on the Leon Valley Police Department Racial Profiling Report for 2022 - D. Gonzalez, Police Chief
4. Discussion and Possible Action on an Ordinance Authorizing the City Manager to enter into an Agreement between the City of Leon Valley and Lift Fund to Administer a 0% Interest Loan Program to Local Businesses (1st Read was Held 03-07-2023) – R. Salinas, Director of Economic Development
5. Discussion and Possible Action to Consider Approval of an Ordinance Amending Chapter 15 Zoning, Article 15.01 Zoning Ordinance, Division 13. Organization and Enforcement, Section 15.02.722 General Statutes, Ordinances, and Rules Applying to the Board of Adjustment, as Mandated by the Texas Local Government Code (1st Read was held on 3/7/23) M. Teague, Planning and Zoning Director
6. Presentation Discussion and Possible Action on City Council Affirming the City Manager's Hire for Finance Director, Carol Goering - C. Caldera, City Manager
7. Presentation Discussion and Possible Action on City Council Affirming the City Manager's Hire for IT Director, Daniel Blystone - C. Caldera, City Manager
8. Presentation and Discussion on the Acceptance of OOG Ballistic Shield Grant - D. Gonzalez, Police Chief
9. Discussion and Possible Action to Consider Approval of an Ordinance Amending LVCC, Chapter 1 General Provisions, Article 1.06 Boards, Commissions, and Committees, Sec. 1.06.002 Tree Advisory Board, (e) Duties (1st Read Held on March 7, 2023) - M. Moritz, Public Works Director

10. Regular Agenda

1. Presentation, Discussion and Possible Action on a **Public Hearing** in Accordance with the COLV COO 3.12.006, Regarding the Property and the Two Structures Located at 5616 Bandera rd., Leon Valley, TX 78238. An Inspection of the Property by the City has Deemed this Property as Substandard, Unsecured, and Dangerous Building as Defined by the COLV COO 3.12.002 - Assistant Chief Burnside, Fire Department
2. Presentation, Discussion, and Possible Action on the Leon Valley Public Library Board of Trustees Bylaws - R. Reed, Library Director

3. Presentation, Discussion, and Possible Action on the Leon Valley Public Library Policy Article 11: Archives - R. Reed, Library Director
4. Discussion and Possible Action on An Ordinance to Amend the Leon Valley Code of Ordinances, Article 1.06 Boards, Commissions, and Committees and Add Sec. 1.06.009 City of Leon Valley Economic and Community Development Policies and Guidelines for Funding (1st Reading as Required by City Charter) – R. Salinas, Director of Economic Development)
5. Presentation and Discussion to Consider Approval of an Ordinance Amending the Leon Valley Code of Ordinances, Chapter 1 General Provisions, Article 1.09 Parks, and Recreation, Division 1 Generally, Section 1.09.036 Pets and Other Animals, (e), to Prohibit the Feeding of Deer in City-owned Parks and Drainageways (1st Read as Required by City Charter) - M. Moritz, Public Works Director

11. Citizens to be Heard

12. **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.**


13. Adjournment

Executive Session. The City Council of the City of Leon Valley reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on the posted agenda, above, as authorized by the Texas Government Code, Sections 551.071 (consultation with attorney), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations), 551.074 (personnel matters), 551.076 (deliberations about security devices), and 551.087 (economic development).

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

Attendance by Other Elected or Appointed Officials: It is anticipated that members 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 was posted on the City website at <https://www.leonvalleytexas.gov/meetings>. 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
March 17, 2023 at 8:45 AM



LEASE AGREEMENT

THIS LEASE is made as of 01/01/2021 and amended on 08/17/2021, by and between City of Leon Valley ("Lessor"), whose address is 6400 El Verde Road, Leon Valley, Texas 78238, and Cha Cha's New Gen, LLC Café, Margarita Bania Ruiz, Owner ("Lessee"), whose address is 6300 Rue Marielyne, Leon Valley, Texas 78238. The amendment does not change the term of the lease agreement.

WITNESSETH, THAT FOR AND IN CONSIDERATION of the covenants and agreements herein contained to be observed, kept and performed by the aforementioned respective parties hereto, the Lessor does hereby lease, let and demise unto the Lessee and the Lessee does hereby lease and hire for the Lessor the premises located and situated at 6417 Evers Road, Leon Valley, Texas 78238 (the "Premises") in the County of Bexar, County Block Number 4445F, Block 25, Lot 18, McCain Subdivision, containing approximately 0.909 acre parcel of real estate dated and recorded in the office of the Clerk of the County of Bexar, in the State of Texas, in the Deed Book , on Volume 7460, page number 2073 . The description of the premises is as follows:

CB: 4445F BLK: 25 LOT: 18 MCCAIN SUBDIVISION, 6417 Evers Road

USE OF PREMISES

The premises shall be used only as or for the purpose of: A restaurant with indoor and outdoor dining and casual entertainment. The restaurant hours of operation for the first year of the lease term are as follows: The restaurant hours of operation shall be between the hours of 7 am – 9 pm Monday-Saturday and 7 am – 6 pm on Sunday. Parking for the restaurant will be available in the parking lot located on the leased property. Overflow parking will be available in the Leon Valley Library parking lot.

LEASE TERM

The term of this lease shall begin on January 01, 2021, and will end on January 01, 2023, at 11:59 PM (the "Term"). If the Lessee vacated the premises prior to the end of the lease term, the Lessee shall be liable for the balance amount of the lease for the remainder of the lease term. .

In the event that the Lessee desires to vacate the premises, the Lessee shall provide the Lessor with sixty (60) days advance written notice of intent to vacate. Advance notice shall be provided to ensure termination ensues at the end of the month. Prior to vacating the premises, the Lessee shall make sure that the premises are clean and free and clear of any dirt, trash, waste and/or debris, with the exception of normal wear and tear. The Lessor shall have the right to perform a walk through prior to the Lessee vacating to ensure premise complies with the aforementioned requirements.

RENT/LEASE PAYMENT

The Lessee agrees to and shall pay monthly installment payments to the Lessor at 6400 El Verde Road, Leon Valley, Texas 78238, or at such other address that the Lessor shall designate in writing, as rent or lease payment for the leased premises.

Lessee shall pay to the Lessor the monthly amount of \$400.00 per month until restaurants can open at 100%, as authorized by the Leon Valley City Council and in conformance with state law or any Governor's order, and the Conference Center is fully operational for renters. After both conditions have been met, Lessee shall pay Lessor the monthly amount of \$800.00 per month for a period of two (2) years, due and payable on the first of each month.

Any payments received after the aforementioned day shall be deemed late and delinquent. Should the Lessor not receive payment by the 5th day of the month in which the payment is due, the Lessee shall pay a late charge of twenty-five and no/100 dollars (\$25.00) on the first day and ten and no/100 dollars (\$10.00) every day thereafter that the rent or lease payment is late.

In the event a check for rent or lease payment is returned for non-sufficient funds (NSF), the Lessee shall pay a return check fee in the amount of \$40.00, and the Lessor shall reserve the right to only accept further payments made in certified funds (e.g. certified check or money order).

RENEWAL TERM

If the Lessee is not in default under the terms and conditions of this Agreement, the Lessee shall have the options to renew this Agreement for the extended term of one (1) year ("Renewal Term"). If the Lessee chooses to exercise this renewal option, the Lessee shall provide to the Lessor written notice of Lessee's intention to renew at least thirty (30) days prior to the expiration of the initial Lease Term. The Renewal Term shall continue upon the same terms and conditions in this Agreement, except the new base rate for the first year of the Renewal Term shall be \$1,200.00 per month or market rate as determined by a third party, whichever is higher.

HOLDING OVER

Failure of the Lessee to surrender the leased premises at expiration of the lease constitutes a holding over which shall be construed as a "tenancy-at-will" or a month to month lease at the rate of \$1,200.00 per month plus 50% or market rate as determined by a third party, whichever is higher, until such time as the Lessee completes a renewal or provides notice of intent to vacate.

TRIPLE NET LEASE

This Lease is what is generally referred to as a "net net net lease" ("triple net lease"), and it is understood that the Lessor shall receive all rent or lease payments free and clear of any and all impositions, encumbrances, charges, obligations or expenses of any nature whatsoever in connection with the ownership and operation of the Premises. In addition, the Lessee shall pay to

the parties respectively entitled thereto all impositions, insurance premiums, operating charges, maintenance charges, construction costs and any other charges, cost, and expenses which arise or may be contemplated under any provisions of this Lease during the Term hereof. All of the said charges, costs and expenses shall constitute Rent or Lease payment, and upon the failure of the Lessee to pay any such costs, charges or expenses, the Lessor shall have the same rights and remedies as otherwise provided in this Lease for the failure of Lessee to pay rent or make lease payments. The Lessee shall at no time be entitled to any abatement or reduction in Rent or Lease payments that are payable under this Lease except as otherwise expressly provided. Any present or future law to the contrary shall not alter this agreement of the parties.

POSSESSION

The Lessee shall take possession of the premises on January 1, 2021, unless otherwise stipulated. The Lessor shall use due diligence to ensure Lessee is provided possession of the premises at the beginning of the Term of this Lease Agreement. The first month's rent shall be prorated for the period of any delay in providing or turning over possession of the premises to the Lessee; however, the length of the term of this Agreement shall not be extended as a result of any such delay. The Lessee shall bring no claim against the Lessor for any delay in obtaining possession.

In the event that the Lessee fails to take possession of the premises within thirty (30) days after the beginning of this Lease, then the Lessor retains the right to terminate this Agreement.

INSURANCE ON PREMISE

The Lessee shall obtain and pay for, at his/her own cost and expense, fire and extended coverage casualty insurance for the building and other improvements on the leased premises, with such comprehensive or so called "all-risk" endorsements and in such amounts as the Lessor may, from time to time, deem reasonably necessary, and showing the Lessee, the Lessor and the Lessor's Lender or Lien Holder, if any, as the insured parties. Lessee shall also obtain and pay for loss of rent coverage. The Lessee shall at all times keep said insurance in force and effect and shall provide to the Lessor copies of said policies or certificates evidencing said coverage. The policies shall be in form and content reasonably required by the Lessor, shall be issued by an insurance company approved by the Lessor and shall contain a clause that the Lessee will not cancel, materially modify or fail to renew said insurance in effect without first providing to the Lessor thirty (30) days advance written notice. If the Lessee fails to keep said insurance in effect, the Lessee shall be in default hereunder, and the Lessor may, at his/her option, immediately obtain insurance coverage as provided for herein and charge the Lessee for the cost thereof.

LESSEE INDEMNITY & LIABILITY INSURANCE

The Lessee shall at all times indemnify, defend and hold the Lessor harmless from all loss, liability, costs, damage and expenses that may occur or be claimed with respect to any person or persons, property on or about the Premises or to the Premises resulting from any act done or omission by or through the Lessee, the Lessee's agents, employees, staff, invitees or any person on the Premises

by reason of the Lessee's use or occupancy or resulting from the Lessee's non-use or possession of said property and any and all loss, cost, liability or expense resulting therefrom. Lessee shall maintain at all times during the lease term comprehensive general liability insurance with an insurance company that is licensed to do business in the state in which the Premises are located and is satisfactory to Lessor, properly protecting and indemnifying Lessor with single limit coverage of not less than \$1,000,000 for injury or \$1,000,000.00 for death of persons with a \$2,000,000 general aggregate or its equivalent in umbrella or excess liability coverage and \$500,000.00 for property damage. During the lease term, Lessee shall furnish the Lessor with a certificate or certificates of insurance, in a form acceptable to the Lessor, covering such insurance so maintained by the Lessee and naming the Lessor and Lessor's mortgagees, if any, as additional insureds.

OPERATING EXPENSES

It is the intention of the parties, and they hereby agree, that this shall be a triple net Lease, and the Lessor shall have no obligation to provide any services, perform any acts or pay any expenses, charges, obligations or costs of any kind whatsoever with respect to the Premises, and Lessee hereby agrees to pay one hundred percent (100%) of any and all Operating Expenses as hereafter defined for the entire term of the Lease and any thereof in accordance with specific provisions hereinafter set forth. The term Operating Expenses shall include all costs to Lessee of operating and maintaining the Premises and related parking areas, and shall include, without limitation, real estate and personal property taxes, electricity, water, waste disposal, sewage, operating materials and supplies, service agreements and charges, lawn care, minor repairs, cleaning and custodial, security, insurance, and all other direct operating costs of operating and maintaining the Premises and related parking areas, unless expressly excluded from the operating expenses.

Notwithstanding the foregoing operating costs, and Lessee's obligations in relation thereto, shall not include (i) any expense chargeable to a capital account or capital improvement, ground leases; principal or interest payments on any mortgage or deed of trust on the premises; (ii) any amount for which Lessor is reimbursed through insurance, or by third persons, (iii) repair costs occasioned by fire, windstorm or other casualty, (iv) any construction, repair or maintenance expenses or obligations that are the sole responsibility of the Lessor (not to be reimbursed by the Lessee), (v) leasing commissions and other expenses incurred in connection with leasing any other area located on the premises to any other party, (vi) any expense representing an amount paid to an affiliate or subsidiary of the Lessor which is in excess of the amount which would be paid in the absence of such relationship, and (vii) costs of items and services for which the Lessee reimburses or pays any third persons directly.

ASSIGNMENT AND SUBLETTING

The Lessee shall not assign, transfer or encumber this Lease and shall not sublease the Premises or any part thereof or allow any other person to be in possession thereof without prior written consent of the Lessor, in each and every instance. Notwithstanding any permitted assignment or

subletting, Lessee shall at all times remain directly, primarily and fully responsible and liable for the payment of the rent herein specified and for compliance with all of its other obligations under the terms and provisions of this Lease.

CONDITION OF PREMISES

Lessee acknowledges that it has had the opportunity to inspect the Premises and, with the exception of any notations or provisions herein provided otherwise in this Lease, the Lessee accepts the Premises in its present condition. At the end of the lease term, except for any damages caused by fire or other perils, Lessee, at its expense shall (i) surrender the Premises in the same or similar condition as existed at the time the Premises were accepted and possession taken by the Lessee, subject to reasonable wear resulting from uses permitted hereunder, and further subject to Lessee's obligations; (ii) have removed all of the Lessee's property from the Premises; (iii) have repaired any damages to the Premises caused by the removal of the Lessee's Property; and (iv) leave the Premises free of trash, waste, dirt and debris and the Premises in good and reasonable condition.

LESSOR'S RIGHT OF ENTRY

The Lessor or Lessor's agent shall have the right of entry at reasonable hours to inspect or show the Premises to prospective Lender or Lien Holders and purchasers, and to perform or provide anything that the Lessor may be required to perform or provide hereunder, or which the Lessor may deem necessary for the good or benefit of the Premises or any building of which they are a part as long as reasonable notice is given to Lessee. As of and during the last ninety (90) days of this Lease, the Lessor shall have the right to post and/or display a "For Rent" sign on the Premises.

EXCLUSION OF LESSEE

Lessor may not intentionally prevent the Lessee from entering the leased Premises except by judicial process unless the exclusion results from: (i) bona fide repairs, construction, or an emergency; (ii) removing the contents of Premises abandoned by Lessee; or (iii) changing door locks of Lessee in the event the Lessee is delinquent in paying rent. Lessor or Lessor's agent must then place a written notice on Lessee's front door stating the name and address or telephone number of company or the individual from whom the key may be obtained. The new key is required to be provided only during Lessee's regular business hours.

SIGNS AND ADVERTISEMENTS

The Lessee shall not place upon nor permit to be placed upon any part of the Premises, any signs, billboards or advertisements whatsoever, or paint the exterior or interior walls of the building without the advance prior written consent of the Lessor. The Lessor shall have the right to remove any sign(s) which have not been approved in order to maintain the leased premises or to make any repairs or alterations thereto. All permitted signage placement and/or removal shall be at the Lessee's sole cost and expense and must comply with the applicable City of Leon Valley regulations.

FORCE MAJEURE

In the event that the Lessor or Lessee is unable to reasonably perform its obligations under this Agreement as a result of a natural disaster, war, terrorist activities, strike, lockout, labor issues, civil commotion, an act of God, or any other event beyond the control of the Lessor or Lessee, with the exception for non-availability of funds, the party shall not be in breach of this Agreement if the party diligently performs the obligations after the end of the force majeure event. The non-performing party shall give written notice to the other party as soon as reasonably practicable in the event of non-performance due to a force majeure event.

In the event, during the Term or previous Term thereto, the premises shall be destroyed or so damaged by fire or other casualty as to become uninhabitable or unusable, then in such event, at the option of the Lessor, this Lease shall terminate from the date of such damage and/or destruction. The Lessor shall exercise this option to terminate this Lease by delivering written notice to the Lessee within 30 days after the occurrence of such damage and/or destruction. Upon such notice, the Lessee shall immediately surrender said Premises and all interest therein to the Lessor, and the Lessee shall pay rent only to such time that damages and/or destruction occurred. In the event that the Lessors does not elect to terminate this Lease, this Lease shall therefore continue in full force and effect, and the Lessor shall expeditiously make any and all necessary repairs to the Premises as needed, placing the same in as good condition as it was prior to the occurrence of damage or destruction.

PERSONAL PROPERTY

The Lessor shall not be liable for any loss or damage to any merchandise inventory, goods, fixtures, improvements or personal property of the Lessee in or about said Premises.

ALTERATIONS

Any and all alterations, additions and/or improvements, except trade fixtures installed at the expense of the Lessee shall become the property of the Lessor and shall remain upon and shall be surrendered with the leased Premises as a part thereof on the termination of this lease. Such alterations, additions, and improvements may only be made with the prior written consent and approval of the Lessor. If consent is granted by the Lessor for the making of improvements, alterations or additions to the leased Premises, such improvements, alterations or additions shall not commence until such time as the Lessee has furnished to the Lessor a copy of all plans and a certificate of insurance showing coverage in an amount satisfactory to the Lessor protecting the Lessor from liability for injury to any person and damage to any personal property, on or off the leased Premises, in connection with the making of such improvements, alterations or additions. No cooling tower, equipment, or structure of any kind shall be placed on the roof or elsewhere on the leased premises by the Lessee without prior written permission of the Lessor. If such permission is granted, such work or installation shall be done at the Lessee's expense and in such a manner that the roof shall not be damaged thereby. If it becomes necessary to remove such cooling tower, equipment or structure temporarily so that repairs to the roof can be made, Lessee

shall promptly remove and reinstall the cooling tower, equipment or structure at the Lessee's expense and repair at the Lessee's expense any damage which may result from such removal or reinstallation. Upon termination of this lease, Lessee shall remove or cause to be removed from the roof any such cooling tower, equipment or structure if directed to do so by the Lessor. Lessee shall promptly repair, at its expense, any damages resulting from such removal. At the termination of this lease, Lessee shall deliver the leased Premises in good and reasonable condition, natural deterioration only excepted. Any damage caused by the installation of trade fixtures shall be repaired at the Lessee's expense prior to the expiration of the lease term. All alterations, improvements, additions and repairs made by the Lessee shall be made in good and workmanlike manner.

UTILITIES & SERVICES

The Lessee shall furnish and pay for all utilities deemed necessary by the Lessee at the Premises including but not limited to, internet, cable, water, garbage services and electricity.

INTERRUPTION OF UTILITIES

Lessor or Lessor's agent may not interrupt or cause the interruption of utility services paid directly to the utility company by the Lessee unless interruption results from bona fide repairs, construction, or an emergency. If any utility services furnished by the Lessor are interrupted and continue to be interrupted despite the good faith efforts of Lessor to remedy the same, Lessor shall not be liable in any respect for damages to the person or property of Lessee or Lessee's employees, agents, or guests and same shall not be construed as grounds for constructive eviction or abatement of rent. Lessor shall use reasonable diligence to repair and remedy such interruption promptly.

LEGAL REQUIREMENTS

The Lessee shall comply with all laws, orders, ordinances and other public requirements now and hereafter affecting the Premises or the use thereof, and the Lessee shall indemnify, defend and hold harmless the Lessor from any expense or damage resulting from the failure to do so.

FIXTURES

With the exception for Lessee's personal property and trade fixtures, all buildings, repairs, alterations, additions, improvements, installation and non-trade fixtures installed or erected on the Premises, whether by or at the expense of the Lessor or Lessee, shall belong to the Lessor and shall remain on and be surrendered with the Premises at the expiration or termination of this Lease. However, the Lessor shall retain the option to permit the Lessee to remove their alterations or improvements (made by Lessee) prior to the expiration of this Lease and return the Premise to its original condition. Any repairs, alterations, additions, improvements, installations and trade fixtures installed or erected on the Premises by or at the expense Lessor, shall belong to Lessor and shall remain on and be surrendered with the Premises at the expiration or termination of this Lease.

REPAIRS AND MAINTENANCE

The Lessor shall maintain the kitchen equipment, foundation, exterior walls (with the exception of glass; windows; doors; door closure devices; window and door frames; molding; locks and hardware) and exterior painting or other treatment of exterior walls, and the roof of the leased Premises in good repair except that the Lessor shall not be required to make any repairs resulting from the negligence or acts of negligence on the behalf of the Lessee, its staff, employees, sublessees, licensees and concessionaires. The Lessee shall be responsible for maintenance of the common areas and common area equipment and furnishings. Any such repairs and/or maintenance in which the Lessor would be responsible, the Lessee agrees to provide Lessor with written notice of the needed repairs and/or maintenance, and Lessor shall ensure that any repairs and/or maintenance shall be made and completed within a reasonable time frame. Lessee shall notify the Lessor of any emergency repairs to be made. Lessee shall keep the interior of the leased Premises in good, clean and workable condition and shall, at its sole expense, make all needed repairs and replacements, including replacement of cracked or broken glass, windows, doors, door closure devices, door and window frames, molding, locks and hardware, except for repairs and replacements required to be made by the Lessor under this section.

In the event that any repairs required to be made by the Lessee hereunder are not made within 60 days after written notice delivered to the Lessee by the Lessor, the Lessor shall reserve the right and option to make or have said repairs made without liability to the Lessor for any loss or damage which may result by reason of such repairs, and that Lessee shall pay to the Lessor, upon demand as additional rent hereunder, the cost of such repairs plus. At the termination of this Lease, Lessee shall deliver the leased premises in good order and condition, normal wear and tear excepted. Normal wear and tear means the deterioration which results from normal use and not as an act of carelessness, neglect, accident or abuse.

EMINENT DOMAIN

In the event that the Premises are taken under the power of eminent domain or a conveyance in lieu thereof by any authority having the right of condemnation, or if a portion thereof is taken so that the Premises are unsuitable, in the Lessee's reasonable opinion, for Lessee's use, then the term of this lease shall terminate as of the date that title shall vest in the acquiring authority, and the rent and other charges shall be adjusted as of the date of such taking. In such case, the Lessor shall be entitled to the proceeds of the condemnation award made to the Lessor. Nothing herein shall be construed to prevent the Lessee from separately pursuing a claim against the condemning authority for its independent loss or damages to the extent available, provided however, that no award made to or on behalf of the Lessee shall reduce, limit, or restrict the award to the Lessor, and no allocation of the Lessor's award in condemnation shall occur. The Lessee shall have no claim against the Lessor for the value of the unexpired term of this Lease. Should any part of the Premises be taken in the exercise of eminent domain or a conveyance in lieu thereof or in connection therewith, but not such as to render the Premises unsuitable for the operation of Lessee's business, this Lease shall continue on the same terms and conditions except that the description of the Premises or the

real estate taken by right of eminent domain or conveyance in lieu thereof or in connection therewith shall be modified to reflect such taking. In the event this Lease does not terminate by reason of such taking, the condemnation proceeds from the 'Demised Premises' will first be used to restore the Premises to a position of occupancy by the Lessee. The balance of such condemnation proceeds from the Premises, if any, shall belong to the Lessor.

WAIVER OF SUBROGATION

As part of the consideration for this Lease, each of the parties hereby releases the other party from all liability for damage due to any act or neglect of the other party occasioned to the property owned by said parties which is or might be incident to or the result of fire or other casualty against loss for which either of the parties is now carrying or hereafter carry insurance; provided however, that the releases herein contained shall not apply to any loss or damage occasioned by intentional acts of either of the parties, and the parties further covenant that any insurance they obtain on their respective properties shall contain an appropriate provision whereby the insurance company, or companies, consent to the mutual release of liability contained in this paragraph.

DEFAULT & REMEDIES

Lessor shall have the following remedies if Lessee commits a default. These remedies are not exclusive; they are cumulative and in addition to any remedies now or later allowed by law:

RE-ENTRY: Upon the happening of any such event of default, Lessor, at any time thereafter may:

(a) Either with or without notice of demand, may declare the Lease term ended and re-enter the Premises or any part thereof, either with or without process of law, and may expel or remove therefrom Lessee and all parties occupying the same or any of them, using force as may be necessary so to do, and again repossess and enjoy the same without prejudice to any remedies that Lessor may otherwise have by reason of the breach hereof. Or

(b) Re-enter the Premises at its option without declaring the Lease Term ended and relet the whole or any part thereof for the account of Lessee on such terms and conditions and at such rent as Lessor may deem proper, collecting such rent and applying it on the amount due from Lessee hereunder. And on the expense of such reletting (including expense of alteration and special inducements to Lessee) and on any other damage or expense so sustained by Lessor, or on any such item or items, Lessor will recover from Lessee the difference between the proceeds of such reletting and the amount of rentals reserved hereunder (if any) and any such damage or expense from time to time which said sum Lessee agrees to pay upon demand.

LESSEE DEFAULT AND REMOVAL OF ABANDONED PROPERTY

In the event that the Lessee abandons the Premises or otherwise defaults in the performance of any obligations or covenants herein, the Lessor may enforce the performance of the lease in any manner provided by law. This lease may be terminated at the Lessor's discretion if such abandonment or

default continues for a period of 30 days after the Lessor notifies the Lessee of such abandonment or default and of Lessor's intention to declare this lease terminated. Such notice shall be sent by the Lessor to the Lessee at the Lessee's last known address by certified mail. If Lessee has not completely removed or cured the default within the 30 day period, this lease shall terminate. Thereafter, Lessor or its agents shall have the right without further notice or demand to enter the leased Premises and remove all property without being deemed guilty of trespass and without waiving any other remedies for arrears of rent or breach of covenant. Upon abandonment or default by the Lessee, the remaining unpaid portion of any rent shall become due and payable. For the sole purpose of this section, Lessee is presumed to have abandoned the Premises if goods, equipment, or other property, in an amount substantial enough to indicate a probable intent to abandon the Premises, is being or has been removed from the Premises and the removal is not within the normal course of Lessee's business. Lessor shall have the right to store any property of Lessee that remains on the abandoned Premises and, in addition to Lessor's other rights, may dispose of the stored property if the Lessee does not claim the property within 30 days after the date that the property is stored, provided Lessor delivers notice by certified mail to Lessee.

DAMAGES

Should Lessor terminate this Lease by reason of any breach thereof by Lessee, Lessor may thereupon recover from Lessee the worth at the time of such termination of the excess, if any, of the amount of rent and charges equivalent to rent reserved herein (if any) for the balance of said Term over the then reasonable rental value of the Premises for the same period. Lessor shall not by any re-entry or other act be deemed to have terminated this Lease or the liability of Lessee for the total rent hereunder or any installment thereof then due or thereafter accruing or for damages unless Lessor shall notify Lessee in writing that Lessor has so elected to terminate the Lease.

LESSOR'S RIGHT TO CURE LESSEE'S DEFAULT

Lessor, at any time after Lessee commits a default, can cure the default at Lessee's cost. If Lessor at any time, by reason of Lessee's default, pays any sum or does any act that requires the payment of any sum, the sum paid by Lessor shall be due immediately from Lessee to Lessor at the time the sum is paid.

WAIVER

The rights and remedies of the Lessor under this Lease, as well as those provided by law, shall be cumulative, and none shall be exclusive of any other rights or remedies. A waiver by the Lessor of any breach or default of the Lessee shall not be deemed or construed to be a continuing waiver of such breach or default nor as a waiver of or permission, expressed or implied, for any subsequent breach or default. It is agreed that the acceptance by the Lessor of any installment of rent subsequent to the date the same should have been paid shall not alter the covenant and obligation of Lessee to pay subsequent installments of rent promptly upon the due date. Receipt by Lessor of partial payment after Lessee's default shall not be construed to be or constitute a cure of any such default. No receipt of money by Lessor before or after the termination of this Lease shall in any way reinstate, continue or extend the term above demised.

TOXIC OR HAZARDOUS MATERIALS

Lessee shall not store, use or dispose of any toxic or hazardous materials in, on or about the Premises without the prior written consent of Lessor. Lessee, at its sole cost, shall comply with all laws relating to Tenant's storage, use and disposal of hazardous or toxic materials. Lessee shall be solely responsible for and shall defend, indemnify and hold Lessor, its agents and employees, harmless from and against all claims, costs and liabilities, including attorney's fees and costs, arising out of or in connection with the Lessee's storage, use or disposal of any toxic or hazardous material in, on or about the Premises including, but not limited to, removal, clean-up and restoration work and materials necessary to return the Premises, and any other property of whatever nature located on the Premises, to the condition existing prior to the appearance of toxic or hazardous materials on the Premises. Lessee's obligations under this paragraph shall survive the termination of this Lease.

GOVERNING LAWS

This Agreement shall be construed under and in accordance with the laws of the State of Texas.

COMPLIANCE WITH LAWS AND REGULATIONS

Lessee shall, at its own expense, comply with all laws, orders, codes and requirements of all government entities with reference to the use and occupancy of the leased Premises. Lessee and Lessee's agents, employees, and invitees shall fully comply with any rules and regulations governing the use of the buildings or other improvements to the leased premises as required by the Lessor. Lessor may make reasonable changes in such rules and regulations from time to time as deemed advisable for the safety, care and cleanliness of the leased Premises, provided same are in writing and are not in conflict with this lease.

NOTICES

Any notice hereunder shall be sufficient if sent by certified mail, addressed to the Lessee at the Premises, and to the Lessor where rent is payable.

SUCCESSORS

The provisions, covenants and conditions of this Lease shall bind and inure to the benefit of the legal representatives, heirs, successors and assigns of each of the parties hereto, except that no assignment or subletting by Lessee without the written consent of Lessor shall vest any rights in the assignee or subtenant of Lessee.

QUIET POSSESSION

Lessor agrees, so long as Lessee fully complies with all of the terms, covenants and conditions herein contained on the Lessee's part to be kept and performed, Lessee shall and may peaceably and quietly have, hold and enjoy the Premises for the term aforementioned, it being expressly understood and agreed that the aforementioned covenant of quiet enjoyment shall binding upon the Lessor, its heirs, successors or assigns, but only during such party's ownership of the Premises. Lessor and Lessee further covenant and represent that each has full right, title, power and authority to make, execute and deliver this Lease.

BANKRUPTCY

Neither this Lease nor any interest therein nor any estate hereby created shall pass to any trustee or receiver in bankruptcy or to any other receiver or assignee for the benefit of creditors by operation of law or otherwise during the Term or any renewal thereof.

PRIOR AGREEMENTS SUPERSEDED

This agreement constitutes the sole and only agreement of the parties to this lease and supersedes any prior understandings, whether written or oral agreement, between the parties respecting the subject matter of this lease.

AMENDMENT

No amendment, modification, or alteration of the terms hereof shall be binding unless it is in writing, dated subsequent to the date hereof and duly executed by all parties to this agreement.

ADDITIONAL INSTRUMENTS

The parties hereto will execute any and all additional document or instruments that may be necessary or convenient to carry out the intent and purposes of the parties to this agreement.

ENTIRE AGREEMENT

This Lease contains the entire agreement between the parties and no modification of this Lease shall be binding upon the parties unless evidenced by an agreement in writing and signed by the Lessor and Lessee after the date hereof. If there be more than one Lessee named herein, the provisions of this Lease shall be applicable to and binding upon such Lessees, jointly and severally.

IN WITNESS WHEREOF, said parties hereunto subscribe their names.

LESSOR – CITY OF LEON VALLEY, a Texas municipal corporation

By:



GILBERT PERALES, CITY MANAGER

Lessor Telephone: 2106841391

Lessor Email: g.perales@leonvalleytexas.gov

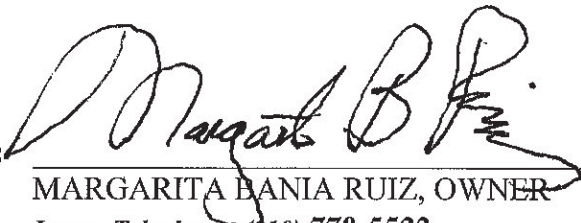
09/09/2021
(Date)

APPROVED AS TO FORM:



ROXANA I. PÉREZ STEVENS, CITY ATTORNEY

By:



MARGARITA BANIA RUIZ, OWNER

Lessee Telephone: (210) 778-5522

9/9/2021
(Date)

MAYOR AND COUNCIL COMMUNICATION

DATE: March 21, 2023

TO: Mayor and Council

FROM: Regina Reed, Library Director

THROUGH: Crystal Caldera, City Manager

SUBJECT: Presentation of the 2022 Texas Municipal Library Director's Achievement of Excellence in Libraries Award - R.Reed, Library Director

SPONSOR(S): N/A

PURPOSE

The Leon Valley Public Library has received the 2022 Achievement of Library Excellence Award from the Texas Municipal Library Directors Association (TMLDA), an affiliate of the Texas Municipal League. To successfully receive the Achievement of Library Excellence Award, the applicant must exhibit excellence in each of the ten categories:

1. Services to underserved populations either through outreach, special programs, collaborations with other libraries or organizations, special classes, special collections, etc.
2. Innovative and effective marketing materials highlighting basic services and publicity about specific programs the library offers
3. Collaborative efforts with community organizations
4. Enhanced service to the public during the past year either through increase in service or a change in type of services
5. Literacy support for all ages
6. Support for digital inclusion through public internet access, digital literacy training, and online library services
7. Support for workforce development
8. Cultural, topical, and educational programming for adults and families
9. Professional staff training to include training opportunities for staff at all levels
10. Any other initiatives that speak to library excellence

Of the 542 public libraries in Texas, only 73 received this award in 2022.

SEE LEON VALLEY

Social –The library continues serving underserved population through outreach, special programs, and special collections while identifying service needs.

Economic – The library continues to work towards closing the digital divide by providing public internet access, digital literacy training, and increasing support for workforce development.

Environmental – The library provides programming for adults and families using recyclable and upcycled materials and provides educational programming on environmental topics.

FISCAL IMPACT

N/A

STRATEGIC GOALS

To receive the TMLDA Achievement of Library Excellence Award the library strives to meet Goal #6 “Citizen Involvement” and Goal #7 “Parks, Recreational Green Space, and Cultural Opportunities”

RECOMMENDATION

N/A



February 7, 2023

Regina Reed
Leon Valley Public Library
6425 Evers Road
Leon Valley, TX 78238

Dear Regina Reed,

Congratulations! On behalf of the Texas Municipal Library Directors Association, I am pleased to inform you that you have been awarded the 2022 Achievement of Excellence in Libraries Award.

Your application clearly demonstrated your commitment to providing exceptional service to your community. Of the 542 public library systems in Texas, your library is one of only 73 that have earned this year's award. With this honor, your library is now in the top 15% of all public libraries in the state.

We know you will want to proudly display your accolades, which include a congratulatory letter, a digital medal, and an award template that can be used to order a plaque. The digital medal is an image file that can be used (but not altered) on websites, email signatures, stationery, and other official library promotional materials. The digital image can be made to be clickable to the TMLDA award site or to a page displaying your accomplishment and/or completed application.

Again, congratulations on this accomplishment, and thank you for enriching the lives of your residents and providing your community with outstanding and innovative services.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Quinn", is written over a white background.

Dennis Quinn
Cozby Library and Community Commons, Coppell, TX
TMLDA President, 2022-2023



Presentation of the 2022 Texas Municipal Library Director's Association Achievement of Excellence in Libraries Award

Regina Reed
Library Director
City Council Meeting
March 21, 2023

Summary

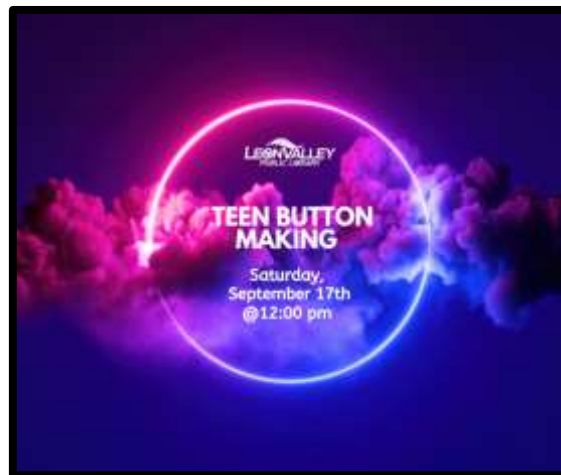
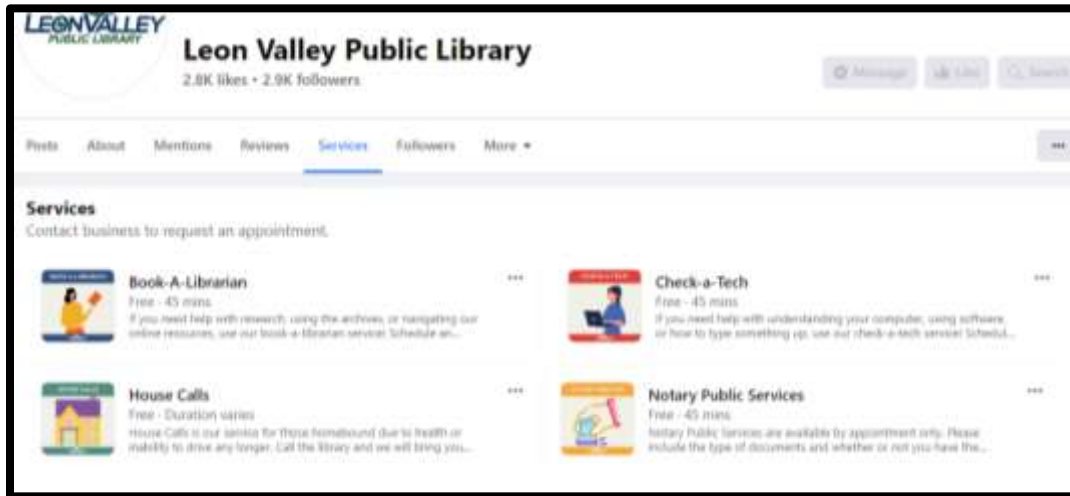
The Leon Valley Public Library has received the 2022 Achievement of Library Excellence Award from the Texas Municipal Library Directors Association (TMLDA), an affiliate of the Texas Municipal League.



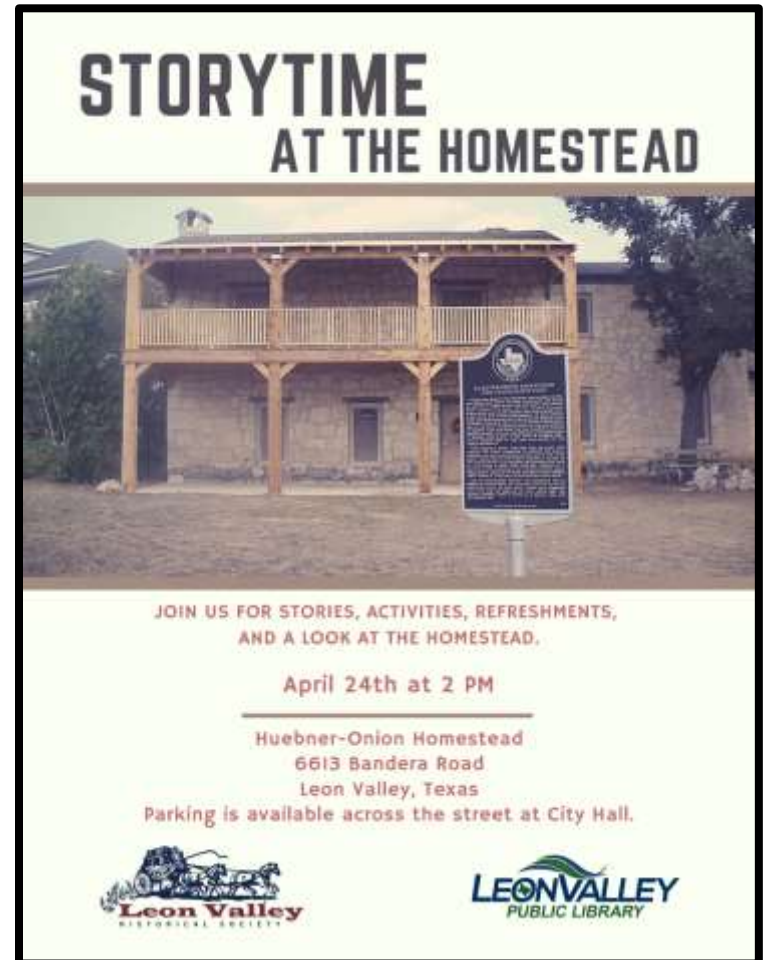
1. Services to underserved populations either through outreach, special programs, collaborations with other libraries or organizations, special classes, special collections, etc. {Section}.61.



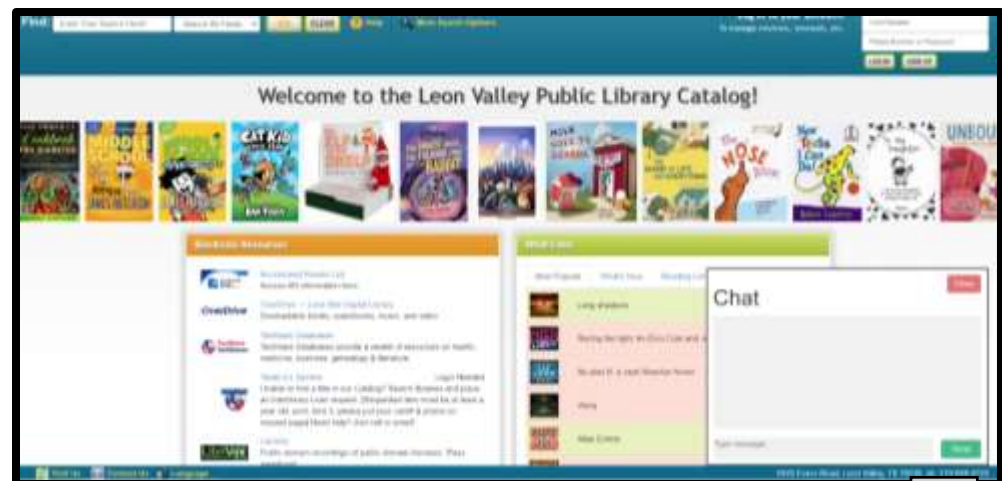
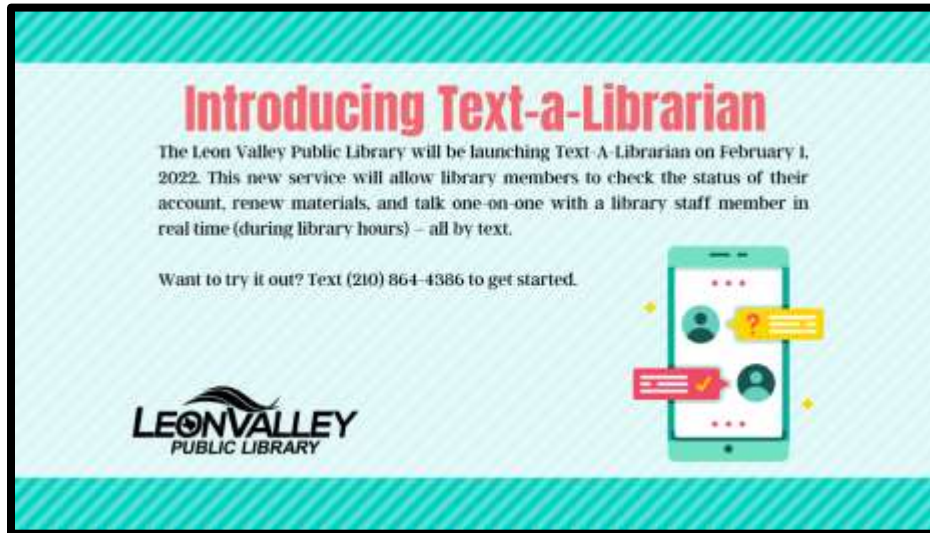
2. Innovative and effective marketing materials highlighting basic services and publicity about specific programs the library offers



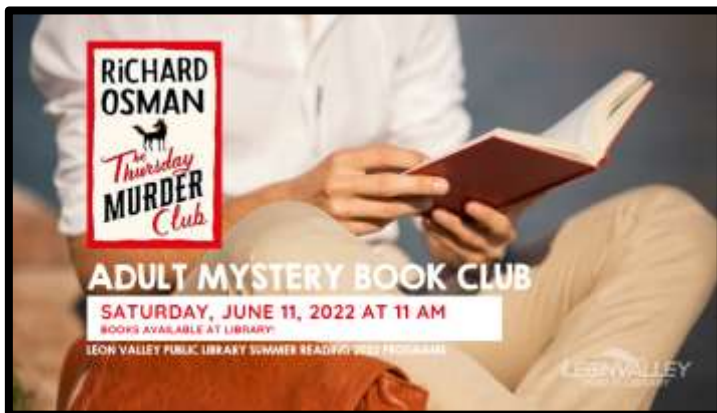
3. Collaborative efforts with community organizations



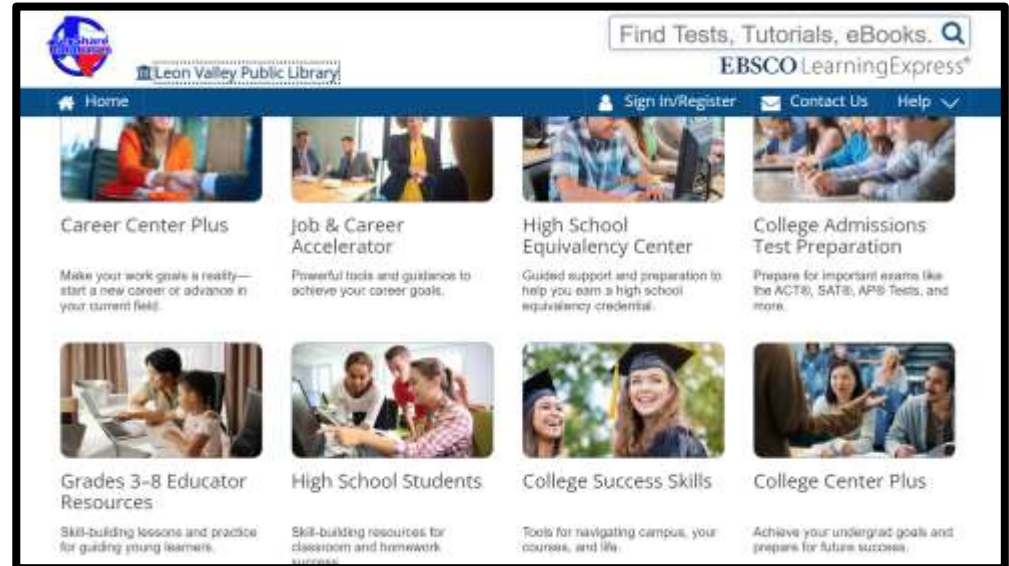
- Enhanced service to the public during the past year either through increase in service or a change in type of services



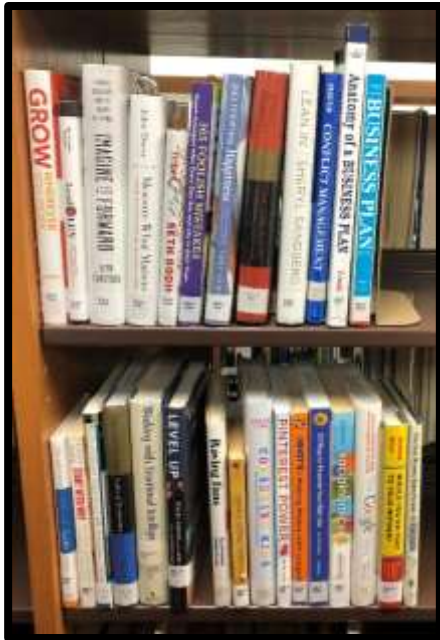
5. Literacy support for all ages




6. Support for digital inclusion through public internet access, digital literacy training, and online library services




7. Support for workforce development





Leon Valley Public Library

Home Centers


Find Tests, Tutorials, eBooks. 

EBSCO LearningExpress®

Sign In/Register Contact Us Help


Build Your Resume

This step-by-step resume builder will help you create and publish the most effective resumes possible. As you build, you'll find expert advice, easy-to-follow instructions, and helpful resume samples to help you through each step of the process.

[Sign In or Register to Begin](#) 


Build Your Letter

This step-by-step builder will help you create effective cover and job search letters that will get you noticed. As you build, you'll find expert advice, easy-to-follow instructions, and helpful samples to help you through each step of the writing process.

[Sign In or Register to Begin](#) 


Great Resumes

This tutorial will help you through each step of the resume creation process. Explore what a resume is and the different resume sections and their uses, find the right format for you, learn about keywords and action words, view sample resumes, and more.

[Sign In or Register to Begin](#) 

Great Cover Letters

This tutorial will help you through each step of the cover letter creation process. Explore all the different elements of an effective cover letter, learn what you should include and what format works best for you, view sample cover letters, and more.

[Sign In or Register to Begin](#) 

8. Cultural, topical, and educational programming for adults and families



**Everyone Can Draw
Teen & Adult
Drawing Series**

**Tuesdays & Thursdays
Sept. 13 - 29th 6:30 - 7:30pm**

Call 210-684-0720
for more information



LEONVALLEY
PUBLIC LIBRARY

9. Professional staff training to include training opportunities for staff at all levels

Over 50 hours of training for library staff in 2022 including:

- Introduction to Copyright & Fair Use
- How to Listen to Your Community
- Library Outreach to the Business Community
- The Library's Role in Connecting Texans to Internet Access
- Get in the Game: Esports and Libraries,
- ¡Vamos a Leer!
- Collection Development for Spanish Language Children's Materials
- You Can Do IT!: Basic Hardware and Software Skills for Libraries
- The New Adult in the Library: What They Want and What Libraries Can Offer
- Adulting 101: Life Skills Classes for Tweens, Teens, and Adults
- Reader's Advisory: Nonfiction, Stranger Than Fiction
- Reader's Advisory: Tips and Strategies for Happy Readers

10. Any other initiatives that speak to library excellence:

2022 Summer Reading



S.E.E. Statement

Social Equity – The library continues serving underserved population through outreach, special programs, and special collections while identifying service needs.

Economic Development- The library continues to work towards closing the digital divide by providing public internet access, digital literacy training, and increasing support for workforce development.

Environmental Stewardship - The library provides programming for adults and families using recyclable and upcycled materials and provides educational programming on environmental topics.

MAYOR AND COUNCIL COMMUNICATION

DATE: March 21, 2023

TO: Mayor and Council

FROM: Regina Reed, Library Director

THROUGH: Crystal Caldera, City Manager

SUBJECT: Presentation of a Proclamation for Local Library Day - R.Reed, Library Director

SPONSOR(S): N/A

PURPOSE

The Leon Valley Public Library has been awarded the 2022 Texas Municipal Library Directors Association Achievement of Library Excellence Award. A proclamation for Leon Valley Public Library Day in recognition of the award.

SEE LEON VALLEY

Social –The library continues serving underserved population through outreach, special programs, and special collections while identifying service needs.

Economic – The library continues to work towards closing the digital divide by providing public internet access, digital literacy training, and increasing support for workforce development.

Environmental – The library provides programming for adults and families using recyclable and upcycled materials and provides educational programming on environmental topics.

FISCAL IMPACT

N/A

STRATEGIC GOALS

To receive the TMLDA Achievement of Library Excellence Award the library strives to meet Goal #6 “Citizen Involvement” and Goal #7 “Parks, Recreational Green Space, and Cultural Opportunities”

RECOMMENDATION

N/A



PROCLAMATION

WHEREAS, public libraries play vital roles in the education, recreation, and empowerment of local communities;

WHEREAS, libraries continue to level the playing field for all who seek information and access to technologies;

WHEREAS, each year the Texas Municipal Library Directors Association confers the Achievement of Library Excellence Award for outstanding contributions to public libraries in Texas;

WHEREAS, the Texas Municipal Library Directors Association Achievement of Library Excellence Award is open to Texas Public Library Directors and the member libraries they represent;

WHEREAS, applicants must exhibit excellence by providing services to underserved and special populations; marketing in innovative ways; pursuing collaborative efforts; continually enhancing its services; supporting literacy, digital inclusion, and workforce development; providing cultural, topical, and educational programming; and comprehensively training its staff;

WHEREAS, of the approximately 542 public libraries that exist in Texas, only 73 received this award in 2022;

WHEREAS, the Leon Valley Public Library has met the requirements of excellence and been awarded the 2022 Texas Municipal Library Directors Association Achievement of Library Excellence Award;

NOW, THEREFORE, be it resolved that I Chris Riley, Mayor of Leon Valley proclaim March 21, 2023 to be Leon Valley Public Library day in the city of Leon Valley and encourage all residents to visit the library and enjoy the many programs and services offered.

Mayor Chris Riley



Presentation of a Proclamation for Local Library Day

Regina Reed
Library Director
City Council Meeting
March 21, 2023

Purpose

The Leon Valley Public Library has been awarded the 2022 Texas Municipal Library Directors Association Achievement of Library Excellence Award. A proclamation for Leon Valley Public Library Day in recognition of the award.

S.E.E. Statement

Social Equity – The library continues serving underserved population through outreach, special programs, and special collections while identifying service needs.

Economic Development- The library continues to work towards closing the digital divide by providing public internet access, digital literacy training, and increasing support for workforce development.

Environmental Stewardship - The library provides programming for adults and families using recyclable and upcycled materials and provides educational programming on environmental topics.

MAYOR AND COUNCIL COMMUNICATION

DATE: March 6, 2023

TO: Mayor and Council

FROM: Roque Salinas, Director of Economic Development

THROUGH: Dr. Crystal Caldera, City Manager

SUBJECT: Presentation, Discussion and Possible Action to enter into an agreement with a call center company to provide 24/7 call operations services. Director of Economic Development- Roque Salinas

PURPOSE

Staff has reached out to different answering services to get pricing to have non-Bexar County staff answer phones for residents. Staff is seeking council feedback to continue with the process.

FISCAL IMPACT

Staff believes that 24/7 365 type of service can be achieved between \$25,000-\$30,000.

SEE LEON VALLEY

Social Equity – Promote a superior quality of life by responding to citizens in a fair and prompt manner.

Economic Development – N/A

Environmental Stewardship – N/A

STRATEGIC GOALS

To continue to maintain strong relationships with partners so that collaboration is maximized, and resources are utilized wisely

RECOMMENDATION

City Council Discretion.

ATTEST :

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Call Service

Roque Salinas

Economic Development Director

03/21/2023

Summary

Summary

Staff has reached out to different answering services to get pricing to have non-Bexar county staff answer phones for residents. Staff is seeking council feedback to continue with the process.

Options:

1. Approve moving forward
2. Denial moving forward

Answering service

- Staff has reached out to get different services.
- We are able to keep out current number.
- Live transfer of calls can be done to staff members.
- Reps do speak Spanish
- Rep will submit non-emergency calls to county, so resident is not on hold.
- Web portal to track calls

Pros and Cons

Pros

- Will have 24/7 365 answering phone service.
- More people to answer phone calls. This will reduce the amount of time a resident have to be on hold.
- Will have a web portal to track calls.
- Will make the non-emergency call to Bexar county.

Cons

- Training will be needed for call center staff. Learning curve is expected.
- Call center reps may work from home and residents may hear background noise.
- Different people may answer the phone every call.
- Non-emergency calls will still be entered into by Bexar county and prioritization will not change.

Fiscal impact

- The fiscal impact of this service will vary based on the plan we select.
- Staff believes that a 24/7 365 type of service can be achieved between \$25,000-\$30,000.
- Fiscal impact will depend on how many minutes are logged by residents.

S.E.E. Statement

Social Equity:

- Promote a superior quality of life by responding to citizens in a fair and prompt manner.

Economic Development:

- N/A

Environmental Stewardship:

- N/A

Strategic Goals

Goal Openness, Transparency, and
Accountability

To continue to maintain strong relationships with partners so that collaboration is maximized, and resources are utilized wisely

Recommendation

- At council discretion

Discussion and Possible Action Removal of Homelessness Camps

Melinda Moritz
Public Works Director
City Council Meeting
March 21, 2023

Summary

- Question
 - With the increase in the Homeless person population in Leon Valley, what steps can we take to abate the problem?
- Options
 1. Hire outside contractor to routinely remove camps
 2. Continue to have Public Works clean out camp areas
 3. Other

Background

- Homeless persons have been in Leon Valley since 2016 or earlier
- Never had encampments – just street corner pirates
 - Evers and Loop 410, Bandera at Loop 410, Eckhert and Bandera
- Encampments started in 2016, under Bandera Road bridge inside Loop 410
- Police encouraged homeless persons to leave area & Public Works cleaned out culverts

Background

- Homeless persons were encouraged to contact Haven for Hope for help
 - Had Haven for Hope van at site
- Most persons refused the help, but did leave
- Police & Public Works were called back several times to clean out same area
- Comfort Café moved into 5616 Bandera Rd and homeless persons started camping behind the cafe

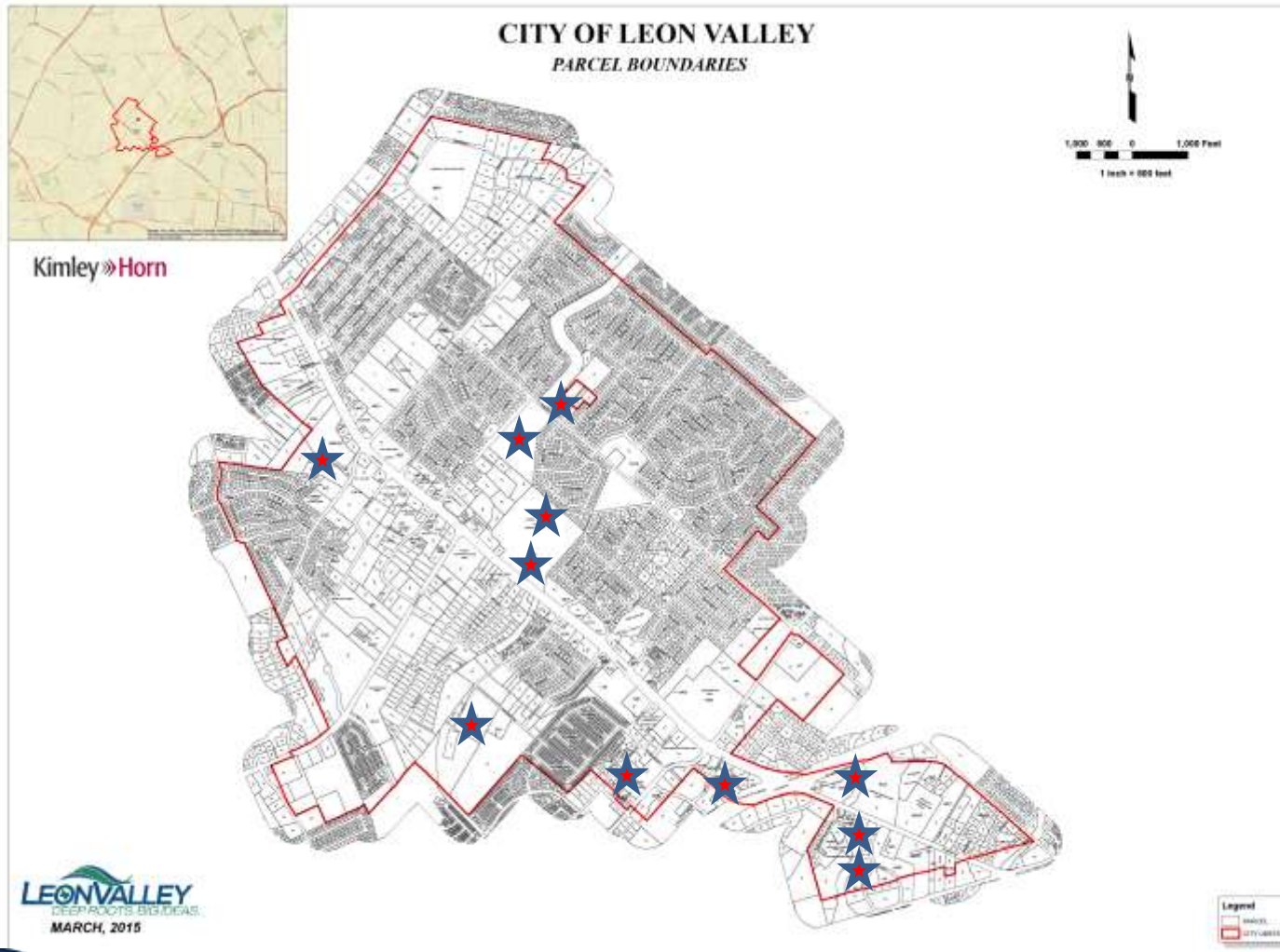
Background

- Camping in drainage culverts continues under Loop 410 and under Zarzamora Creek bridge on Bandera
- Homeless persons also started camping:
 - Behind gas station at Bandera & Loop 410
 - Bandera Rd. Bridge at Huebner Creek
 - In vacant lot on Wurzbach at Blackberry
 - At library parking lot
 - In Raymond Rimkus Park on benches and in restrooms
 - In Huebner-Onion Natural Area with tents
 - At old Sonic restaurant
 - At 6530 Samaritan

Background

- City Council passed law prohibiting overnight stays on city-owned property and in drainage ways
 - No more camping at the library
 - Camping lessened in Raymond Rimkus Park
- PW Crews respond immediately when called to remove camps
- Fire Department responds to calls for fires from cooking over open flames or for heat source

Encampments



Materials Collected



{Section}.64.

What does it Cost?

- The frequency of clean ups has increased
- There have been four large cleanups in the past four months
 - Bandera Rd. / Huebner Creek (10/25/22) -\$1,714.90
 - 5000 NW Industrial (11/10/22) - \$3,002.77
 - 5711 Samaritan (2/14/23) - \$700.40
 - 5711 Samaritan (2/15/23) - \$1,662.61

*Costs include labor, equipment, and disposal. PW Only—does not include other City Departments.

Temporary Solution?

- Hire a contractor to routinely clean out these sites
 - Monthly?
 - Quarterly?
- Contractor would also be on call for unexpected events
- Would cost approximately \$2500 per event
- Estimated yearly total: \$25,000 - \$30,000

Recommendation

- Recommend getting estimates and hiring contractor on 2 week basis to start then lengthen to every quarter
- Will need budget adjustment

S.E.E. Statement

Social Equity: Cleaning up homeless camps promptly protects all citizens from fire danger

Economic Development: The removal of homeless camps may encourage businesses to relocate to Leon Valley

Environmental Stewardship: The removal of homeless camps reduces the amount of debris and nonbiodegradable refuse from entering our creeks



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

Leon Valley City Council Chambers
6400 El Verde Road, Leon Valley, TX 78238
Tuesday, March 07, 2023 at 6:30 PM

MINUTES

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

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

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

PRESENT

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

Mayor Chris Riley called the meeting to order at 6:30 PM and announced that a quorum of City Council was present in Council Chambers.

Mayor Riley introduced and asked Gentry Kotzur and Caleb Gamez of Troop 66 from University Methodist to lead the Pledge of Allegiance.

2. Citizens to be Heard

Those who spoke at this time were: Abraham Diaz (Leon Valley); Dave Shippy (Vista Del Rey)

Councilor Rey Orozco called a Point of Privilege and asked Mr. Shippy if the residents were also receiving his updates. Mr. Shippy replied that they were.

Others who spoke at this time were: Russell Hernandez (San Antonio)

3. Regular Agenda

1. Presentation, Discussion, and Possible Action on an Ordinance Authorizing the City Manager to enter into an Agreement between the City of Leon Valley and Lift Fund to Administer a 0% Interest Loan Program to Local Businesses (1st Reading as Required by City Charter) – R. Salinas, Director of Economic Development

Roque Salinas, Economic Development Director presented an ordinance authorizing the city manager to enter into an agreement between the City of Leon Valley and Lift Fund to administer a 0% interest loan program to local businesses. This is a first reading of the draft ordinance which will be brought back on April 04, 2023 for a second read.

Those who spoke on this item were: Drew Power (Leon Valley)

2. Presentation, Public Hearing, and Discussion to Consider Approval of an Ordinance Granting a Zoning Change from RE-1 Residential Estates Zoning District to R-6 Garden House Zoning District on Approximately 21.352-arces of Land, Being Grass Hill Estate Subdivision. (1st Read as Required by City Charter) - M. Teague, Planning and Zoning Director

Crystal Caldera, City Manager introduced this item and gave a brief background on the property.

Mindy Teague, Planning & Zoning Director presented an ordinance granting a zoning change from RE-1 Residential Estates Zoning District to R-6 Garden House Zoning District on approximately 21.352-arces of land, being Grass Hill Estate Subdivision. This is a first reading of the ordinance.

Mayor Chris Riley opened the Public Hearing at 6:50 PM

Those who spoke on this item were: ?, Mary Ruth Hernandez (Leon Valley); Sharon Hendricks (Leon Valley); Abraham Diaz (Leon Valley); Dr. Rajender Thusu (Leon Valley); Kathy Hill (Leon Valley); Michael Crabtree (Leon Valley); Laura Cardenas (Leon Valley); Cindy Hernandez (Leon Valley); Carry and Travis Leach (Leon Valley); and Russell Hernandez (Leon Valley)

There being no more public comments; Mayor Riley closed the Public Hearing at 7:23 PM

This was followed by discussion among members of City Council.

Others who spoke on this item were: Monica Alcocer (Leon Valley)

A motion was made by Councilor Will Bradshaw to table this item indefinitely. The motion was seconded by Councilor Benny Martinez.

City Manager Caldera will bring back a cost estimate.

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

4. Presentations

1. Presentation, Discussion, and Possible Action on FY 2023 Budget Revisions- Dr. Caldera, City Manager

Vickie Wallace, Finance Director presented Fiscal Year 2022-2023 Budget Revisions.

5. Regular Agenda Continued

1. **Presentation, Public Hearing, and Possible Action to Approve a Replat of a Total of 0.2686 Acres of Land, Being Lots 5 and Half of 6, Block I, CB 4446A, Linkwood Addition Subdivision, Located in the 7600 Block of Linkwood Street, With Requested Variances - M. Teague, Planning and Zoning Director**

Mindy Teague, Planning & Zoning Director presented a proposed replat of a total of 0.2686 acres of land, being Lots 5 and half of Lot 6, Block I, CB 4446A, in the Linkwood Addition Subdivision, located in the 7600 block of Linkwood Street, along with requested variances.

Phillip Calderon, property owner, was also present.

Mayor Chris Riley opened the Public Hearing at 8:52 PM

There being no public comment; Mayor Riley closed the Public Hearing at 8:52 PM

A motion was made by Councilor Benny Martinez to approve the replat as presented. The motion was seconded by Councilor Rey Orozco.

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

6. Presentations Continued

1. **Presentation, Discussion, and Possible Action Directing Staff to Draft an Ordinance Narrowly Tailored to Create Definitions, Procedures, Registration Requirements, and Enforcement of Residential Homes Used as Short-Term Rentals that Pose a Nuisance and Have Repeated Documented Disturbances Within the Community - Councilor Josh Stevens and Councilor Rey Orozco**

Councilor Josh Stevens presented this item.

Those who spoke on this item were: Philip Campos (Leon Valley); Drew Power (Leon Valley); Maria Gamboa (Leon Valley); and Erick Matta (Leon Valley)

Have the city attorney draft an ordinance addressing the tiers of enforcement.

A motion was made by Councilor Jed Hefner to direct the city attorney to draft an ordinance based on tonight's PowerPoint with the levels of registration and enforcement;

and bring it back to Council in April. The motion was seconded by Councilor Josh Stevens.

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

2. Presentation, Discussion and Possible Action on a Blood Donor Paid Time Off Policy - L. Hernandez, Human Resources Director

Lisa Hernandez, Human Resource Director presented a draft Blood Donor Paid Time Off Policy in response to previous City Council direction.

A motion was made by Councilor Jed Hefner to approve the policy as presented. The motion was seconded by Councilor Josh Stevens.

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

Voting Nay: Council Place 1 Martinez

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

Announcements were made by Mayor Riley and City Council Members.

8. City Manager's Report

Crystal Caldera, City Manager reminded everyone that the Pre-City Council Meeting Report was out on the table as well as on the City website.

1. Upcoming Important Events:

Regular City Council Meeting, Tuesday, March 21, 2023, at 6:30 PM, in Council Chambers.

Trash & Treasure, Saturday, March 11, 2023, from 9:00 AM to 12:00 PM, at the Leon Valley Community Center.

Jazz Festival, Saturday, March 25, 2023, at 3:30 PM, at Raymond Rimkus Park.

Volunteer Appreciation Dinner, April 12, 2023, at 6:00 PM, at the Leon Valley Conference Center.

Library Volunteer Appreciation Party, Wednesday, April 19, 2023, from 5:00 PM to 7:00 PM, at the Library.

Picnic with the Mayor & City Council, Saturday, April 22, 2023, from 11:00 AM to 1:00 PM, in the “grassy” area at the Conference Center.

Annual City-Wide Garage Sale, Saturday, May 27, 2023, from 8:00 AM to 6:00 PM.

Big Rig Petting Zoo, Monday, June 05, 2023, from 10:30 AM - 12:00 PM, at Raymond Rimkus Park.

City Manager will be seeking possible dates for the City Council/City Manager Retreat.

Miscellaneous other events and announcements.

9. Consent Agenda

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

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

- 1. Discussion and Possible Action Approving of the Following City Council Minutes:**
 - 1. 02-21-2023 Regular City Council Meeting Minutes**
- 2. Discussion and Possible Action Accepting of the Following Board/Commission Minutes:**
 - a. 01-24-2023 Planning & Zoning Commission Meeting Minutes**

10. Regular Agenda

- 1. Presentation and Discussion to Consider Approval of an Ordinance Amending LVCC, Chapter 1 General Provisions, Article 1.06 Boards, Commissions, and Committees, Sec. 1.06.002 Tree Advisory Board, (e) Duties (1st Read as Required by City Charter) - M. Moritz, Public Works Director**

Crystal Caldera, City Manager presented an ordinance amending Chapter 1 General Provisions, Article 1.06 Boards, Commissions, and Committees, Section 1.06.002 Tree Advisory Board, (e) duties. This is a first reading of the draft ordinance which will be brought back on March 21, 2023 for a second read.

- 2. Presentation and Discussion to Consider Approval of an Ordinance Amending Chapter 15 Zoning, Article 15.01 Zoning Ordinance, Division 13. Organization and Enforcement, Section 15.02.722 General Statutes, Ordinances, and Rules Applying to the Board of Adjustment, as Mandated by the Texas Local**

Government Code (1st Read as Required by City Charter) M. Teague, Planning and Zoning Director

Mindy Teague, Planning and Zoning Director presented an ordinance amending Chapter 15 Zoning, Article 15.01 Zoning Ordinance, Division 13. Organization and Enforcement, Section 15.02.722 General Statutes, Ordinances, and rules applying to the Board of Adjustment, as mandated by the Texas Local Government Code. This is a first reading of the draft ordinance which will be brought back on April 04, 2023 for a second read.

11. Citizens to be Heard

Those who spoke at this time were: None

12. 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.

None

13. Adjournment

Mayor Riley announced that the meeting adjourned at 10:30 PM

These minutes approved by the Leon Valley City Council on the 21st of March, 2023.

APPROVED

**CHRIS RILEY
MAYOR**

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



Leon Valley Park Commission Meeting Minutes

The Park Commission of the City of Leon Valley, Texas met on the 9th day of February 2023, at 6:30 p.m., at the Leon Valley Conference Center, 6421 Evers Road, Leon Valley, Texas, 78238 for the purpose of the following business, to-wit:

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

Park Commission Chairman Roger Christensen called the meeting to order at 6:24 p.m., with the following Commissioners in attendance: Vice-Chairwoman Danielle Bolton and Commissioners Julie Carreon-Martinez, Ann Sawyer, Elaine Valdez, Diane Frazier, Nancy Marrufo, and 1st Alternate Tom Benavides. Absent was Commissioner Evan Bohl.

Also present at the meeting were Staff Liaison Melinda Moritz, Public Relations Director Crystal Miranda, and resident Mr. Matthew Hodde.

2. Review and Approval of the January 12, 2023, Park Commission Minutes – (Commissioners)

Commissioner Marrufo moved to approve the minutes, which was seconded by Commissioner Valdez, and the motion carried unanimously.

3. Citizens to Be Heard

Mr. Hodde addressed the Commissioners explaining that he was disappointed that the Hike & Bike Trail Advisory Committee (HBTAC) had been disbanded and that since that time, the residents along El Verde had not received communications regarding the construction of the trail. He further explained that the residents on El Verde were displeased with the trail being in their neighborhood but did understand that the trail would increase property values. Ms. Moritz explained that the HBTAC had indicated what would be acceptable along the trail and that those amenities had been included in the plans. She also offered to meet with the residents to explain the plans and answer any question they had. After a general discussion, Chairman Christensen stated that the trail was well placed under the Park Commission's purview.

Mrs. Sawyer stated that her husband Brian Sawyer had written to the Commissioners regarding the pools, and she wanted to relay that information. She noted that he was concerned about the type of pool cleaning equipment that the pool contractor was using and gave suggestions for better tools. She stated that he wanted the free days to be removed and instead offer dollar days, which would encourage people to clean up after themselves while in the pool facilities. She noted he was also concerned with children

being allowed to hang on the lane ropes, that the lifeguards were too young for the job, that more shade needed to be provided, and had a suggestion to replace the grass with artificial turf. Ms. Moritz noted that she would relay the information to the pool management company.

Chairman Christensen welcomed Mr. Tom Benavides to the Commission and asked him to tell the group about his service as a member of the Tree Advisory Board (TAB), which had also been sunsetted. Mr. Benavides did so, stating that the TAB had been in existence for about ten years and that their charge was to plant 10,000 trees by the year 2025. He noted that approximately 6,975 trees had been planted due to their efforts to date. He noted that the group gave away trees during the Earthwise Living Day and Arbor Day events. He explained that the City was a certified Tree City and that in order to retain that certification, they should spend about \$2 per capita for new trees and that they partnered with Mosty Brothers Nursery to obtain the trees. He also explained the City's efforts to inform the public about the increase in Oak Wilt disease and explained that program.

4. Old Business

A. Discussion and Action - Tree Advisory Board Duties (TAB).

Ms. Moritz explained that at the last meeting, the Commissioners were considering changes to the duties list under the TAB section of the Code of Ordinances and asked if they had considered any other changes. After general discussion, it was decided to strike #2 from the duties as well as make the changes suggested at the previous meeting. Commissioner Valdez made a motion to accept the changes as presented, which was seconded by Commissioner Frazier. The motion carried unanimously.

5. New Business

A. Discussion – March 125th Jazz Festival at Raymond Rimkus Park (C. Miranda)

Public Relations Director Crystal Miranda gave a presentation on the upcoming Jazz Festival to be held at Raymond Rimkus Park on March 25, 2023. She noted the festival would start at 3:30 pm and end at about 8:00 pm and that she had three jazz artists engaged, along with food trucks, booths, and other vendors. A general discussion was held regarding the budget, the names of the artists, and what types of food were to be sold.

B. Discussion and Action – Booth at Earthwise Living Day Event (M. Moritz)

Ms. Moritz stated that the TAB typically had a tree giveaway booth at the Earthwise Living Day event and that the Park Commission also had a booth to show off the parks to the citizens. She explained that each person on the Commission usually

volunteered about an hour of time to operate the booth. She then asked the members to sign up for an hour block of time if they were available that day.

C. Discussion – Arbor Day Event April 28th (R. Christensen)

Chairman Christensen asked Mr. Benavides why the Leon Valley Arbor Day event was held in October and not on the national event day. Mr. Benavides explained that the event was held in conjunction with the other Halloween events held at the library and by the Northwest Senior's Club. He also noted that fall was the best time of the year to plant young trees. He explained that the TAB also held a poster contest for local schools in celebration of trees and that they gave away books about trees for each entry. A general discussion was held on notifying the schools earlier in the year about the contest in order to encourage more children to participate. Chairman Christensen stated that the Park Commission could take up the subject on a later agenda.

D. Discussion – Oak Wilt Remediation Activities

Chairman Christensen explained how Oak Wilt was remediated in Oak trees and how the disease is spread. Ms. Moritz explained what the city was doing to inform the residents on how they could help prevent the disease from occurring and what areas were being most affected. A general discussion was held on the subject.

6. Commissioner and Staff Comments.

Commissioner Frazier welcomed Mr. Benavides to the Commission.

Commissioner Carreon-Martinez stated that she appreciated all the information Mr. Benavides had given to the Commissioners about the TAB.

Commissioner Valdez stated that she had recently joined the National Recreation and Park Association. She also noted that she had been at Raymond Rimkus Park on the weekend and noticed it was full of persons enjoying the park.

Chairman Christensen stated that because of their expertise, he wanted Mrs. Valdez and Mrs. Sawyer to focus on the city pools over the coming months. He also thanked everyone for their time.

8. Adjourn.

Chairman Christensen asked for a motion to adjourn. Vice Chair Bolton made a motion to adjourn the meeting, which was seconded by Commissioner Carreon-Martinez. The motion carried unanimously. The meeting was adjourned at 8:04 p.m.

These minutes were approved at the March 9, 2023 Park Commission meeting.



Roger Christensen, Chairman



Date

MAYOR AND COUNCIL COMMUNICATION

DATE: March 21, 2023

TO: Mayor and Council

FROM: David Gonzalez, Police Chief

THROUGH: Crystal Caldera, City Manager

SUBJECT: Presentation and Discussion on the Leon Valley Police Department Racial Profiling Report for 2022

SPONSOR(S): N/A

PURPOSE

The purpose of this presentation is to provide the Racial Profiling Report for 2022. Its submission to the Texas Commission on Law Enforcement and to the Leon Valley City Council is required by law.

This Agency filed a full report.

LEON VALLEY POLICE DEPT. has adopted a detailed written policy on racial profiling. Our policy:

- 1) clearly defines acts constituting racial profiling;
- 2) strictly prohibits peace officers employed by the LEON VALLEY POLICE DEPT. from engaging in racial profiling;
- 3) implements a process by which an individual may file a complaint with the LEON VALLEY POLICE DEPT. if the individual believes that a peace officer employed by the LEON VALLEY POLICE DEPT. has engaged in racial profiling with respect to the individual;
- 4) provides public education relating to the agency's complaint process;
- 5) requires appropriate corrective action to be taken against a peace officer employed by the LEON VALLEY POLICE DEPT. who, after an investigation, is shown to have engaged in racial profiling in violation of the LEON VALLEY POLICE DEPT. policy;
- 6) requires collection of information relating to motor vehicle stops in which a warning or citation is issued and to arrests made as a result of those stops, including information relating to:

- a. the race or ethnicity of the individual detained;
 - b. whether a search was conducted and, if so, whether the individual detained consented to the search;
 - c. whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
 - d. whether the peace officer used physical force that resulted in bodily injury during the stop;
 - e. the location of the stop;
 - f. the reason for the stop.
- 7) requires the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
- a. the Commission on Law Enforcement; and
 - b. the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

State Mandated Categories of Race or Ethnicity:

- Alaska Native / American Indian
- Asian / Pacific Islander
- Black
- White
- Hispanic / Latino

The LEON VALLEY POLICE DEPT. has satisfied the statutory data audit requirements as prescribed in Article 2.133 (c), Code of Criminal Procedure during the reporting period.

The Leon Valley Police Department has analyzed the data and found no racial profiling issues or concerns for 2022.

SEE LEON VALLEY

Social – The public posting of information collected by the Leon Valley Police Department provides transparency into the actions taken by officers in the department. This action promotes trust between the public and the department.

Economic – The resulting trust between the public and the department may in turn promote growth within the city by bringing in new residents and businesses.

Environmental – N/A

FISCAL IMPACT

N/A

RECOMMENDATION

For informational purposes only and Council Acceptance

Leon Valley Police Department Racial Profiling Report for 2022

David Gonzalez
Police Chief
City Council Meeting
March 7, 2023

Purpose / Background

- The purpose of this presentation is to provide the Racial Profiling Report for 2022.
- The submission of the report to the Texas Commission on Law Enforcement and to the Leon Valley City Council is required by law.

REQUIREMENTS & DATA COLLECTION

- Texas Occupations Code 1701.164 specifies that TCOLE collect incident-based data in accordance with the Code of Criminal Procedure Article 2.131 – 2.138. **Chief administrators** of law enforcement agencies that meet the criteria must submit racial profiling reports to ***their governing body***, as well as the Texas Commission on Law Enforcement (TCOLE) annually.
- This racial profiling report requires collection of information relating to motor vehicle stops in which a ticket, citation, or warning is issued and to arrests made as a result of those stops, including information relating to:
 - The race or ethnicity of the individual detained;
 - Whether a search was conducted and, if so, whether the individual detained consented to the search;
 - Whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
 - Whether the peace officer used physical force that resulted in bodily injury, as that term is defined by Section [1.07](#), Penal Code, during the stop;
 - Location of the stop; and
 - Reason for the stop.

REQUIREMENTS & DATA COLLECTION

- Each enforcement agency in this state shall adopt a written policy on racial profiling which:
 - Clearly define acts constituting racial profiling;
 - Strictly prohibits peace officers employed by the agency from engaging in racial profiling;
 - Implements a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual;
 - Provides public education relating to the agency's complaint and complaint process, including providing the telephone number, mailing address, and e-mail address to make a complaint or complaint with respect to each ticket, citation, or warning issued by a peace officer; and
 - Requires appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in racial profiling in violation of the agency's policy adopted under this article.
- A law enforcement agency shall review the data collected under Subsection (b)(6) to identify any improvements the agency could make in its practices and policies regarding motor vehicle stops.

REQUIREMENTS & DATA COLLECTION

- **State Mandated Categories of Race or Ethnicity:**
 - Alaska Native or American Indian;
 - Asian or Pacific Islander;
 - Black;
 - White; and
 - Hispanic or Latino

LEON VALLEY RACIAL PROFILING REPORT

- **Total Number of Stops:** **3392**
- **Gender**
 - Female 1382 40.74%
 - Male 2010 59.26%

LEON VALLEY RACIAL PROFILING REPORT

- Alaska Native/ American Indian 16
0.47%
- Asian/Pacific Islander 75 2.21%
- Black 381 11.23%
- Hispanic/Latino 1533 45.19%
- White 1387 40.89%

LEON VALLEY RACIAL PROFILING REPORT

Race/Ethnicity	Stop Percentages	Leon Valley Demographic Percentage*	Bexar County Demographic Percentage*
Alaskan/American Indian	0.47%	0.5%	1.3%
Asian/Pacific Islander	2.21%	9.8%	3.6%
Black	11.23%	3.5%	8.9%
Hispanic/Latino	45.19%	60.8%	60.7%
White	40.89%	25.4%	25.5%

* <https://www.census.gov/quickfacts/fact/table/bexarcountytexas,leonvalleycitytexas/RHI725218?>

LEON VALLEY RACIAL PROFILING REPORT

- Race or Ethnicity Known Prior to Stop:
 - No 3350 98.76%
 - Yes **42** 1.24%

LEON VALLEY RACIAL PROFILING REPORT

- **Reason for Stop:**

– Moving Traffic Violation	2,524
– Pre-Existing Knowledge	19
– Vehicle Traffic Violation	596
– Violation of Law	253

LEON VALLEY RACIAL PROFILING REPORT

- **Search Conducted**

– No	3,309	97.55%
– Yes	83	2.45%

LEON VALLEY RACIAL PROFILING REPORT

- **Reason for Search:**

– Contraband in Plain View	4
– Incident to Arrest	7
– Inventory	16
– Probable Cause	56

- **No Search** **3,309**

LEON VALLEY RACIAL PROFILING REPORT

- **Contraband Discovered?**

–Yes	52
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– No	31
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LEON VALLEY RACIAL PROFILING REPORT

- **Description of Found Contraband**
 - Alcohol 2
 - Drugs 45
 - Other 10
 - Stolen Property 1
 - Weapons 1

LEON VALLEY RACIAL PROFILING REPORT

• Stop Results

– Citation	2,311	68.13%
– Citation and Arrest	11	0.32%
– Written Warning	1069	31.52%
– Written Warning and Arrest	1	0.03%

LEON VALLEY RACIAL PROFILING REPORT

- **Street Address or Location of Stop**

– City Street	1,977
– County Road	2
– Private Property or Other	1025
– State Highway	378

LEON VALLEY RACIAL PROFILING REPORT

- **Arrest Basis**
 - Outstanding Warrant 6
 - Violation of City Ordinance 0
 - Violation of Penal Code 4
 - Violation of Traffic Code 2

LEON VALLEY RACIAL PROFILING REPORT

- **Physical Force Used Resulting In Bodily Injury to Officer and Suspect**

— No 3,392

— Yes **0**

LEON VALLEY RACIAL PROFILING REPORT

- **The LVPD has analyzed the data and found no racial profiling issues or concerns for 2022**

Recommendation

- For informational purposes only and Council Acceptance

S.E.E. Statement

Social Equity – The public posting of information collected by the Leon Valley Police Department provides transparency into the actions taken by officers in the department. This action promotes trust between the public and the department.

Economic Development- The resulting trust between the public and the department may in turn promote growth within the city by bringing in new residents and businesses.

Environmental Stewardship –N/A

MAYOR AND COUNCIL COMMUNICATION

DATE: March 14, 2023

TO: Mayor and Council

FROM: Roque Salinas, Director of Economic Development

THROUGH: Dr. Crystal Caldera, City Manager

SUBJECT: Discussion and Possible Action on An Ordinance to Amend the Leon Valley Code of Ordinances, Article 1.06 Boards, Commissions, and Committees and Add Sec. 1.06.008 Economic and Community Development Advisory Committee and To Amendment Policy for Funding Economic and Community Development Projects (1st Read was Held 03-07-2023) – R. Salinas, Director of Economic Development)

PURPOSE

This ordinance is to consider for the city manager Agreement between the City of Leon Valley and Lift Fund to Administer a 0% Interest Loan Program to Local Businesses

FISCAL IMPACT

The program will require the city to fund \$150,000 out of the Economic and Community Development fund reserves. The current fund balance is \$557,551. If entered into the program, then the fund balance will be reduced to \$407,551. This program will allow the city to buy down interest on loans and provide 0% interest loans to businesses who are in Leon Valley or are relocating to Leon Valley.

SEE LEON VALLEY

Social Equity – N/A

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

Environmental Stewardship – N/A

STRATEGIC GOALS

This partnership is in line with the city's goal of economic development to recruit and retain businesses in the city.

RECOMMENDATION

Staff recommends the City to enter into buy down interest loan program with Lift fund based on the current fund balance and restriction of ARPA funds for any other program with Lift fund.

City Council Discretion.

ATTEST :

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LEON VALLEY, TX, CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH LIFT FUND TO ADMINISTER BUSINESS LOANS AT 0% INTEREST.

WHEREAS, providing business loans at 0% achieves the City's strategic goal to recruit and retain businesses in the city.

WHEREAS, providing Economic and Community Development projects encourage collaborative engagement with residents and;

WHEREAS, providing economic and community development incentives increases the opportunity for new businesses to come into the city and provides residents with new retail and service items and improving the quality of life.

WHEREAS, the City will provide Lift Fund with \$150,000 from Economic and Community Development Reserves to generate, at minimum, 600,000 in 0% loans to Leon Valley businesses and/or businesses relocating to Leon Valley. The program will continue until all funds are used.

SECTION 1. That this Ordinance shall be cumulative of all provisions of the City of Leon Valley, Texas, except where provisions of this Ordinance are in direct conflict with the provisions of such Ordinance, in which event, conflicting provisions of such Ordinance are hereby repealed.

SECTION 2. That it is hereby declared to be the intention of the City Council of the City of Leon Valley that this Ordinance is not severable.

SECTION 3. The Ordinance shall be effective upon passage and publication as required by law.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 22ND day of March 2023.

Approved

Chris Riley
Mayor

Attest:

Saundra Passailaigue, TRMC
City Secretary

Approved as to Form:

City Attorney

**City of Leon Valley
Interest Buy-Down Program for Small Businesses**

Summary: The purpose of this program is to reduce the cost of capital for qualified business owners within the city limits of Leon Valley, Texas, while creating and retaining full-time jobs. Participants must be located or relocating within the city limits of Leon Valley.

Requested Amount: \$150,000.

LiftFund will provide at least \$600k in loan volume.

Loan Size: \$500 - \$100,000

Interest Rate to Small Business Owner: 0.0%

Commitment Fee: According to LiftFund Pricing and Term Schedule.

Term: According to LiftFund Pricing and Term Schedule.

Collateral: According to LiftFund Collateral Policy.

Required Document List: According to LiftFund Required Document List Guidelines.

Qualifying Businesses:

- Existing and start-up businesses.
- Business must be registered with County and State, if applicable.
- Business must generate sales tax.
- Businesses must be located, or relocating within, the city limits of Leon Valley. The business owner(s) does not have to reside within the city limits. The business must be located within city limits. In the case of home-based businesses, the business must be located within the city limits.
- Business must meet the Small Business Size standard, according to Small Business Administration (SBA)
 - Home-based businesses must generate minimum \$10,000 gross revenue a year.
- Business must create or retain jobs (including owner) within City of Leon Valley.
- Business must not be in one of the following industries: adult entertainment, lending, gambling, or marijuana-related business.
- Business and business owner must meet credit requirements, according to LiftFund guidelines.
- Business must have the capacity to repay loan.

Acceptable Purpose of the loan:

- Working capital
- Purchase heavy machinery, equipment, furniture, fixtures, and inventory.
- Purchase of commercial real estate is only acceptable if applicant can service the loan with a maximum term of 72 months.
- Refinancing of business term only acceptable If:
 - The interest rate is usurious.
 - Business can prove the original purpose of the loan.
 - Good repayment history.
 - Refinancing this debt will improve business cash flow.

Lift Fund Partnership

Roque Salinas

Economic Development Director

3/21/2023

Summary

Summary

- Presentation, Discussion, and Possible Ordinance for the city manager to enter into an agreement between the City of Leon Valley and Lift Fund to Administer a 0% Interest Loan Program to Local Businesses
- 2nd Read. (1st Read was Held 03-07-2023)
- Council agreed to place item on consent agenda.

Options:

1. Approve (2nd reading)
2. Denial

Staff recommendation

- Staff recommends the City to enter into buy down interest loan program with Lift fund based on the current fund balance and restriction of ARPA funds for any other program with Lift fund.
 - Current unaudited ED fund balance is \$557,551
 - Funding (based on council meeting 2/21) \$150,000
 - Ending fund balance \$407,551
- At council discretion

S.E.E. Statement

Social Equity:

- N/A

Economic Development:

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

Environmental Stewardship:

- N/A

Strategic Goals

Economic Development is a strategic goal outlined in Leon Valley's Strategic Plan.

This partnership is in line with the city's goal of economic development to recruit and retain businesses in the city.

Lift Fund Partnership

Roque Salinas

Economic Development Director

03/21/2023

MAYOR AND COUNCIL COMMUNICATION

DATE: March 21, 2023

TO: Mayor and Council

FROM: Mindy Teague, Planning and Zoning Director

THROUGH: Crystal Caldera, City Manager

SUBJECT: Discussion and Possible Action to Consider Approval of an Ordinance Amending Chapter 15 Zoning, Article 15.01 Zoning Ordinance, Division 13. Organization and Enforcement, Section 15.02.722 General Statutes, Ordinances, and Rules Applying to the Board of Adjustment to Incorporate Regulations Regarding the Board of Adjustment as Mandated by the Texas Local Government Code (1st Read as was held on 3/7/23) - M. Teague, Planning and Zoning Director

SPONSOR(S): City Council

PURPOSE

The purpose of this item is to consider approving an Ordinance amending the Leon Valley Code of Ordinances, Chapter 15 zoning, Article 15.01 Zoning Ordinance, Division 13. Section 15.02.722, to incorporate new Texas State laws.

The Texas Legislature revised the regulations in the Texas Statutes, Local Government Code, Section 211.008 pertaining to the Zoning Board of Adjustment and these new regulations must be incorporated into the City's Zoning Code.

Staff Comments:

Revisions in the proposed amendment include the following:

- Directs applicants to LVCC Appendix A Fee Schedule to locate the fees for application to the Board.
- Changes the name of the Zoning Commission to the Planning and Zoning Commission
- Changes the minimum board members required for decisions from four to 75%
- Adds RE-1, R-7, and Planned Development zoning districts, which had not been created when this portion of the Code was written.
- Changes whom is allowed to appeal the Zoning Administrator's decision to the Board to include anyone aggrieved by a decision of the Administrator
- Changes the findings for proving an unnecessary hardship to include the financial costs for compliance, the potential loss of the area of a lot of by least

25%, that the decision places the property in conflict with other municipal codes, decision creates an unreasonable encroachment, and allows the Board to consider a decision by the administrator that a property is already in nonconformance.

- Expands on the regulations for judicial review.

SEE LEON VALLEY

- Social Equity – Updating the regulatory codes protects the health, safety, and welfare of all citizens.
- Economic Development -These new regulations consider the monetary effect of denying variances and appeals, which affect businesses and residents alike.
- Environmental Stewardship – Careful consideration of requests for variances and appeals can have a great effect on the environment, depending on what is being requested.

FISCAL IMPACT

N/A

RECOMMENDATION

At their 2/28/23 meeting, Planning and Zoning recommended approval of this amendment.

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

EXHIBIT A

REVISIONS TO CHAPTER 15 ZONING

DIVISION 13 ORGANIZATION AND ENFORCEMENT

SECTION 15.02.722 GENERAL STATUTES, ORDINANCE, AND RULES APPLYING TO THE BOARD OF ADJUSTMENT

“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% 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.

(1-a) 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% 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% 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% 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 10 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 10 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.”

AN ORDINANCE OF THE CITY OF LEON VALLEY, TEXAS, CITY COUNCIL, AMENDING LEON VALLEY CODE OF ORDINANCES CHAPTER 15 ZONING, ARTICLE 15.02 ZONING ORDINANCE, DIVISION 13. ORGANIZATION AND ENFORCEMENT, SECTION 15.02.722 GENERAL STATUTES, ORDINANCES, AND RULES APPLYING TO THE BOARD OF ADJUSTMENT TO INCORPORATE REGULATIONS REGARDING BOARD APPEALS AS MANDATED BY THE TEXAS LOCAL GOVERNMENT CODE; REPEALING ALL ORDINANCES IN CONFLICT THERWITH; PROVIDING FOR SEVERABILITY; PROVIDING A SAVING CLAUSE; PROVIDING AN EFFECTIVE DATE OF THE REVISION WITH PUBLICATION, AS REQUIRED BY LAW; PROVIDING NOTICE OF OPEN MEETING.

WHEREAS, the Texas Legislature revised regulations in the Texas Statutes, Local Government Code Section 211.008 pertaining to the Zoning Board of Adjustment and its ability to hear appeals not related to a specific application, address, or project and include judicial review proceedings; and

WHEREAS, the City Council wishes to adhere to the regulations as stipulated in the Local Government Code, Section 211.008; and

WHEREAS, Chapter 15 Zoning, Division 13, Section 15.02.722 has not been revised since 2019;

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

SECTION 1. Chapter 15 Zoning, Division 15.02 Organization and Enforcement, Section 15.02.722 General statutes, ordinances and rules applying to the board of adjustment is hereby amended as stated in the attached Exhibit A.

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

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

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

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

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

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 21st day of March, 2023.

APPROVED

CHRIS RILEY
MAYOR

Attest:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form:

NICOLE WARREN
City Attorney

EXHIBIT A
REVISIONS TO CHAPTER 15 ZONING
DIVISION 13 ORGANIZATION AND ENFORCEMENT
SECTION 15.02.722 GENERAL STATUTES, ORDINANCE, AND RULES APPLYING
TO THE BOARD OF ADJUSTMENT

Items stricken are shown in red and items added are underlined and shown in blue.

“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 ~~by ordinance~~ [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 of four 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% of the ~~four~~ 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.

(1-a) 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

(l) 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 merely financial;~~

(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% of the ~~four~~ 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% of the ~~four~~ 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% of the ~~four~~ 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*

~~Any person or persons, jointly or severally aggrieved by any decision of the board, or any taxpayer, or any officer, department, board or bureau of the city, may present to a court of record a petition for a writ of certiorari, as provided by V.A.C.S., article 1011g, duly verified setting forth that such decision is illegal in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within ten days after the filing of the decision of the board in the office of the city secretary.~~

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 10 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 10 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.



Consider Approval of an Ordinance Amending Chapter 15 Zoning Board of Adjustment Regulations

Mindy Teague
Director Planning and Zoning
City Council Meeting
March 21, 2023

Summary

{Section}.95.

- Question

Consider Approval of An Ordinance Amending Chapter 15 Zoning, Article 15.01 Zoning Ordinance, Division 13. Organization and Enforcement, Section 15.02.722 General Statutes, Ordinances, and Rules Applying to the Board of Adjustment to Incorporate Regulations Regarding Board Appeals as Mandated by the Texas Local Government Code

- Options

- Approve the amendments
- Deny
- Other

Purpose

- To consider an approval of an Ordinance amending the Leon Valley Code of Ordinances, Chapter 15 zoning, Article 15.01 Zoning Ordinance, Division 13. Section 15.02.722, to incorporate new Texas State laws
- The Texas Legislature revised the regulations in the Texas Statutes, Local Government Code, Section 211.008 pertaining to the Zoning Board of Adjustment and these new regulations must be incorporated into the City's Zoning Code

Staff Comments

- Revisions in the proposed amendment include the following:
 - Directs applicants to LVCC Appendix A Fee Schedule to locate the fees for application to the Board
 - Changes the name of the Zoning Commission to the Planning and Zoning Commission
 - Changes the minimum board members required for decisions from four to 75%
 - Adds RE-1, R-7, and Planned Development zoning districts, which had not been created when this portion of the Code was written

Staff Comments

{Section}.95.

- Revisions (con't):
 - Changes who is allowed to appeal the Zoning Administrator's decision to the Board to include anyone aggrieved by a decision of the Administrator
 - Changes the findings for proving an unnecessary hardship to include:
 - The financial costs for compliance
 - The potential loss of the area of a lot of by least 25%

Staff Comments

{Section}.95.

- Revisions (con't):
 - The potential loss of the area of a lot of by least 25%
 - That the decision places the property in conflict with other municipal codes
 - That the decision creates an unreasonable encroachment
 - Allows the Board to consider a decision by the administrator that a property is already in nonconformance
 - Expands on the regulations for judicial review

Fiscal Impact

- N/A

Recommendation

- At their 2/28/23 meeting, the Planning and Zoning Commission recommended approval of the amendmments

S.E.E. Statement

Social Equity – Updating the regulatory codes protects the health, safety , and welfare of all citizens

Economic Development – These new regulations consider the monetary effect of denying variances and appeals, which affect businesses and residents alike

Environmental Stewardship – Careful consideration of requests for variances and appeals can have a great effect on the environment, depending on what is being requested

MAYOR AND COUNCIL COMMUNICATION

DATE: March 21, 2023

TO: Mayor and Council

FROM: David Gonzalez, Police Chief

THROUGH: Crystal Caldera, City Manager

SUBJECT: Presentation and Discussion on OOG Ballistic Shield Grant

SPONSOR(S): N/A

PURPOSE

The purpose of this presentation is to add required language to the resolution accepting the OOG Ballistic Shield Grant

SEE LEON VALLEY

Social – These grants help provide the tools officers need to help reduce crime, respond to the public’s needs and make the streets safer for residents and commuters

Economic – These programs make our officers better and safer which make our streets and neighborhoods safer and project a professional image, drawing new businesses and residents to our community

Environmental – N/A

FISCAL IMPACT

Acceptance of this OOG grant will have a positive impact on the Leon Valley budget. The total budget adjustment requested is \$30,456

RECOMMENDATION

City Council’s Discretion

A RESOLUTION OF THE CITY OF LEON VALLEY AUTHORIZING THE ACCEPTANCE OF A TEXAS OFFICE OF THE GOVERNOR (OOG) GRANT AWARD IN THE AMOUNT OF \$30,456 TO PURCHASE BALLISTIC SHIELDS FOR USE BY OFFICERS OF THE LEON VALLEY POLICE DEPARTMENT; AUTHORIZING A GENERAL FUND BUDGET ADJUSTMENT INCREASE IN THE AMOUNT OF \$30,456

WHEREAS, the City of Leon Valley provides officers with the equipment required to safely accomplish their mission.

WHEREAS, the City of Leon Valley has approved the FY2022-2023 budget.

WHEREAS, acceptance of this OOG grant will provide increased safety for officers, residents, and visitors.

WHEREAS, the Leon Valley City Council finds it in the best interest of the citizens of Leon Valley that the OOG be operated for 2023.

WHEREAS, the Leon Valley City Council authorizes the acceptance of the OOG grant in the amount of \$30,456.

WHEREAS, the Leon Valley City Council agrees that in the event of loss or misuse of the Office of the Governor funds, the Leon Valley City Council assures that the funds will be returned to the Office of the Governor in full; and

WHEREAS, the City of Leon Valley City Council designates the City Manager as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject alter or terminate the grant on behalf of the applicant agency.

NOW, THEREFORE, BE IT RESOLVED THAT LEON VALLEY CITY COUNCIL APPROVES SUBMISSION OF THE GRANT APPLICATION FOR THE BALLISTIC SHIELD FUNDING PROGRAM TO THE OFFICE OF THE GOVERNOR.

PASSED and APPROVED this 21st day of March, 2023.

Grant Number #4655101

**CHRIS RILEY
MAYOR**

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form:

NICOLE WARREN
City Attorney

Leon Valley Police Department FY2022-2023 Budget Adjustment

David Gonzalez
Police Chief
City Council Meeting
March 21, 2023

Summary

- The City provides officers with the equipment required to safely accomplish their mission
- The City Council has approved the FY2022-2023 Budget
- Acceptance of this OOG grant will provide increased safety for officers, residents and visitors

Purpose

- The purpose of this budget adjustment is to accept a grant from the Office of the Governor (OOG) for:

Ballistic Shield Funding

Purpose / Background

- Applied for Grant to Off-Set the Cost for Ballistic Shields

4 – Ballistic Shields at a cost of \$30,456

Fiscal Impact

- Acceptance of this OOG Grant will have a positive impact on the Leon Valley budget
- Total Budget Adjustment Requested \$30,456

Recommendation

- City Council's Discretion

S.E.E. Statement

Social Equity – These grants help provide the tools officers need to help reduce crime, respond to the public's needs, and make the streets safer for residents and commuters alike

Economic Development- These programs make our officers better and safer which make our streets and neighborhoods safer and project a professional image, drawing new businesses and residents to our community

Environmental Stewardship – N/A

MAYOR AND COUNCIL COMMUNICATION

DATE: March 21, 2023

TO: Mayor and Council

FROM: Melinda Moritz, Public Works Director

THROUGH: Crystal Caldera, City Manager

SUBJECT: Discussion and Possible Action to Consider Approval of an Ordinance Amending LVCC, Chapter 1 General Provisions, Article 1.06 Boards, Commissions, and Committees, Sec. 1.06.002 Tree Advisory Board, (e) Duties (1st Read Held on March 7, 2023)

SPONSOR(S): Park Commission

PURPOSE

This item is to consider amending the duties of the Park Commission as they relate to their actions as the Tree Advisory Board. The proposed changes are noted in red and are struck out and any additions are in blue. The reasons for such changes are listed in italic below each duty:

(e) Duties. The Park Commission, acting as the city tree advisory board (TAB), shall serve with the following duties:

(1) Study the problems and determine the needs of the city in connection with the development and execution of a tree planting program, specifically ~~Resolution 09-042~~, the Leon Valley Tree Challenge Initiative, working toward the city's goal to plant 10,000 trees by the year 2020~~5~~, a goal which supports the efforts of El Verde by 2020~~5~~;

The City changed the El Verde by 2020 program date to 2025, as we were not able to meet the challenge in that period of time; therefore the date in the Ordinance should be changed. Taking out the reference to a specific Resolution allows the City to be more flexible with future mandates.

~~(2) Review and monitor enforcement and application of the city's existing tree ordinances;~~

The Park Commission should not be tasked with monitoring enforcement or application – this is the job of the Planning and Zoning Department and Code Enforcement.

(3) Organize a community tree survey that identifies the location of all heritage

trees in the city;

No change.

(4) Inform the public and provide education regarding the importance of trees and the care, preservation, pruning, removal, selection, planting and maintenance of such;

No change.

(5) Create educational programs and encourage local schools and other public and private agencies/organizations to ~~conduct~~ participate in city-sponsored Arbor Day events and other similar campaigns to meet the Leon Valley Tree Challenge;

This has not been successful in the past, so it is thought to just encourage other agencies and groups to participate in city-sponsored events.

(6) Provide regular and special meetings at which the subject of trees, insofar as it relates to the city, may be discussed by the members of the ~~tree advisory board (TAB);~~ **Park Commission**

Housekeeping changes.

(7) Coordinate ~~the board's~~ efforts with related projects by the public works department, ~~park commission~~ and earthwise living day committee, and other similar committees;

Housekeeping changes.

~~(8) Communicate with the state department of transportation as to any highway projects which would affect public trees;~~

Bandera Road does not have room for trees along the right of way. There are electrical lines, cable and fiber lines, and gas, water, and sewer mains the entire length of the roadway and it would be inappropriate to plant trees in this area. The City will coordinate with TxDOT on other types of plantings. There are trees planted on private property along the roadway, but they are cared for and managed by the private property owners, with approval from the Planning and Zoning Department.

(9) Review, with the mayor and city council, all plans for preserving existing public trees and planting new public trees;

No changes.

~~(10) Recommend with the assistance of the selected arborist the removal of any public tree or part thereof which is in an unsafe condition or is affected with any~~

~~injurious fungus, insect or other pest, or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements;~~

The Park Commission is not the appropriate party to make these decisions. The Public Works Crews are in these areas on a weekly basis and remove dead or diseased trees. In addition, for trees that we are unaware of, the public will notify Public Works.

(11) Recommend to the proper authority the type and kind of public trees to be planted upon city-owned streets or parts of city-owned streets or in parks as is designated. Recommendations will be appropriate to the south Texas area ~~visibility requirements of existing on- and off-premises business signage. The types and kind of trees will be responsibly chosen to avoid materially obstructing the property by impairing the visibility of business signage;~~

The Zoning Code has a list of acceptable plantings as recommended by the Texas Forest Service for our area. In addition, the Planning and Zoning Department is the responsible party for assuring the correct amount and types of plantings are installed with each development.

(12) Provide periodic reports to the city council and community regarding the program and its progress;

No changes.

~~(13) Submit the annual renewal application to Tree City USA.~~

This is performed by the Public Works Department.

SEE LEON VALLEY

Social Equity – Providing for the planting of trees assures a better quality of life for all citizens.

Economic Development – Proactively planting trees creates a better quality of life, which may attract residents, which in turn may attract new residents.

Environmental Stewardship – Trees help clean the air we breathe, filter the water we drink, and provide habitat to over 80% of the world's terrestrial biodiversity.

FISCAL IMPACT

None.

STRATEGIC GOALS

N/A.

RECOMMENDATION

At their February 9, 2023, meeting, the Park Commission recommended approval of these changes to the duties.

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS :

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

AN ORDINANCE OF THE CITY OF LEON VALLEY AMENDING THE LEON VALLEY CODE OF ORDINANCES (LVCC), CHAPTER 1 GENERAL PROVISIONS, ARTICLE 1.06 BOARDS, COMMISSIONS AND COMMITTEES, SECTION 1.06.002 TREE ADVISORY BOARD, (e) DUTIES; PROVIDING AN EFFECTIVE DATE OF THE REVISION WITH PUBLICATION, AS REQUIRED BY LAW, AND PROVIDING A CONFLICTS PROVISION.

WHEREAS, the Park Commission of the City of Leon Valley acts as a Tree Advisory Board in matters relating to the planting of trees in all public spaces; and

WHEREAS, the Tree Advisory Board duties have not been updated since their creation in 2010 and some of the duties prescribed by the Ordinance are not pertinent nor practicable in the Park Commission's attempt to carry out the mission of the City Council in the planting of 10,000 trees by the year 2025; and

WHEREAS, the Park Commission has reviewed the list of duties in said Ordinance and found several items that should be deleted in their entirety and the responsibility for the mission clarified;

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

SECTION 1. That LVCC, Chapter 1 General Provisions, Article 1.06 Boards, Commissions, and Committees, Sec. 1.06.002 Tree Advisory Board, (e) Duties is hereby revised as stated in the attached Exhibit A.

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict. All provisions, sections and sub-sections set forth in Chapter 1 General Provisions not revised or amended herein shall remain in effect.

SECTION 3. This ordinance shall become effective with publication as required by law.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 21st day of March, 2023.

APPROVED

CHRIS RILEY
MAYOR

Attest:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form:

NICOLE WARREN
City Attorney

Consider Ordinance Amending Duties of the Tree Advisory Board

Melinda Moritz
Public Works Director
March 21, 2023
City Council Meeting

Purpose

- To consider approval of an Ordinance amending LVCC, Chapter 1 General Provisions, Article 1.06 Boards, Commissions, and Committees, Sec. 1.06.002 Tree Advisory Board, (e) Duties
- The amendment would revise the duties of the Park Commission in their role as the Tree Advisory Board

Background

- The Tree Advisory Board Ordinance was created in 2009/2010 and, with one exception, hasn't been updated since that time
 - Exception was to sunset the Board and assign duties to the Park Commission
- Ordinance contains a list of duties
- The Park Commission has reviewed the duties and made recommendations for change

Proposed Revisions to Duties

- Changes are shown in red, additions in blue
 - (1) Study the problems and determine the needs of the city in connection with the development and execution of a tree planting program, specifically ~~Resolution 09-012~~, the Leon Valley Tree Challenge Initiative, working toward the city's goal to plant 10,000 trees by the year 2020⁵, a goal which supports the efforts of El Verde by 2020⁵;
 - (2) Review and monitor enforcement and application of the city's existing tree ordinances;

Proposed Revisions to Duties

- (5) Create educational programs and encourage local schools and other public and private agencies/organizations to ~~conduct~~ participate in city-sponsored tree planting and give away ~~Arbor Day~~ events and other similar campaigns to meet the Leon Valley Tree Challenge;
- (6) Provide regular and special meetings at which the subject of trees, insofar as it relates to the city, may be discussed by the members of the Park Commission ~~tree advisory board (TAB)~~;

Proposed Revisions to Duties

- (7) Coordinate ~~the board's~~ efforts with related projects by the public works department, ~~park commission~~ and earthwise living day committee, and other similar committees;
- ~~(8) Communicate with the state department of transportation as to any highway projects which would affect public trees;~~
- (9) Review, with the mayor and city council, all plans for preserving existing public trees and planting new public trees;

Proposed Revisions to Duties

- ~~• (10) Recommend with the assistance of the selected arborist the removal of any public tree or part thereof which is in an unsafe condition or is affected with any injurious fungus, insect or other pest, or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements;~~
- (11) Recommend to the proper authority the type and kind of public trees to be planted upon city-owned streets or parts of city-owned streets or in parks as is designated. Recommendations will be appropriate for the south Texas area ~~visibility requirements of existing on- and off-premises business signage. The types and kind of trees will be responsibly chosen to avoid materially obstructing the property by impairing the visibility of business signage;~~

Proposed Revisions to Duties

- (12) Provide periodic reports to the city council and community regarding the program and its progress;
- ~~(13) Submit the annual renewal application to Tree City USA.~~

Fiscal Impact

- None

:

Recommendation

- At their February 9, 2023, meeting, the Park Commission recommended approval of these changes to the duties

S.E.E. Statement

- Social Equity – Providing for the planting of trees assures a better quality of life for all citizens
- Economic Development – Proactively planting trees creates a better quality of life, which may attract residents, which in turn may attract new residents
- Environmental Stewardship – Trees help clean the air we breathe, filter the water we drink, and provide habitat to over 80% of the world's terrestrial biodiversity

Report Name: In		
Report		
Rej		
R		
Report Criteria: REPORT DATE {is greater than or eq		
Rep		
CASE NUMBER	OFFENSE DESC	DATE
202103074		9/4/2021
202104154		12/2/2021
202104351		12/20/2021
202104403		12/26/2021
202201288	CRIMINAL MISCHIEF > =\$750 <\$2500	5/8/2022
202202903		8/14/2022
202203136	WARRANT (OTHER AGENCY)	8/23/2022
202203950	THEFT > =\$100 <\$750	10/11/2022
202300725		3/2/2023

Incidents by Date for 5616 Bandera

Data: CTIV_BFW_CASES

Report View: INCIDENT

Report Group: None

Equal to} 01/01/2021, REPORT DATE {is less than or equal to} 03/08/2023

Report Date: 03/08/2023

BLOCK	STREET	STATUS DESC	TYPE DESC
5616	BANDERA	ACTIVE	CIVIL MATTER
5616	BANDERA	ACTIVE	DISTURBANCE
5616	BANDERA	ACTIVE	FOUND PROPERTY
5616	BANDERA	SUSPENDED	FIRE
5616	BANDERA	SUSPENDED	CRIMINAL MISCHIEF
5616	BANDERA	ACTIVE	OTHER INCIDENT
5616	BANDERA	ACTIVE	WARRANT ARREST
5616	BANDERA	SUSPENDED	THEFT
5616	BANDERA	ACTIVE	NUISANCE (CODE COMPLIANCE)

Address Search - Incidents

Incident Date Range: 1/1/2021 To 3/8/2023

Address Search Entry:

Leon Valley Fire Department

{Section}. 101.



<u>Alarm</u>	<u>Cleared</u>	<u>Number</u>	<u>Incident Type</u>	<u>Property Type</u>
5605 Poppy Seed , LEON VALLEY				
1. 02/10/2021 10:31:55	02/10/2021 11:41:22	0000242	3214-EMS call, Sick	1 or 2 family dwelling
5608 Bandera , LEON VALLEY				
1. 01/21/2021 09:19:36	01/21/2021 09:34:35	0000122	3210-EMS call, Trauma	Vehicle parking area
5608 Poppy Seed , LEON VALLEY				
1. 11/22/2022 12:29:39	11/22/2022 13:30:36	2202120	3214-EMS call, Sick	1 or 2 family dwelling
5612 Bandera , LEON VALLEY				
1. 04/13/2022 18:33:42	04/13/2022 18:51:04	2200643	324-Motor vehicle accident with no injuries	Hospital - medical or psychiatric
2. 12/31/2021 14:05:44	12/31/2021 14:22:39	2102654	3210-EMS call, Trauma	Motor vehicle or boat sales, services, repair
5612 Bandera , SAN ANTONIO				
1. 07/06/2021 08:48:18	07/06/2021 08:59:25	2101335	412-Gas leak (natural gas or LPG)	Motor vehicle or boat sales, services, repair
5612 Grissom , LEON VALLEY				
1. 12/31/2022 08:16:07	12/31/2022 09:01:53	2202392	3216-EMS call, Seizure	Vehicle parking area
5616 Bandera , LEON VALLEY				
1. 11/30/2022 19:01:13	11/30/2022 19:59:51	2202166	322-Vehicle accident with injuries	Street or road in commercial area
2. 08/23/2022 17:12:46	08/23/2022 17:58:37	2201511	142-Brush, or brush and grass mixture fire	Open land or field
3. 05/13/2022 16:44:59	05/13/2022 18:25:32	2200860	461-Building or structure weakened or collapsed	Property Use, other
4. 05/10/2022 10:59:56	05/10/2022 11:19:16	2200831	710-Malicious, mischievous false call, other	Property Use, other
5. 01/11/2022 16:14:02	01/11/2022 17:01:40	2200075	111-Building fire	Restaurant or cafeteria
6. 12/26/2021 16:24:10	12/26/2021 17:14:47	2102618	111-Building fire	Restaurant or cafeteria
7. 08/19/2021 16:46:19	08/19/2021 17:23:28	2101677	322-Vehicle accident with injuries	Street or road in commercial area
8. 02/02/2021 10:13:53	02/02/2021 10:43:15	0000201	118-Trash or rubbish fire, contained	Tunnel
5617 Caraway Bend , LEON VALLEY				
1. 02/15/2021 23:20:53	02/15/2021 23:38:37	0000319	522-Water or steam leak	Health care, detention, & correction, other
5617 GRISSOM , LEON VALLEY				
1. 12/17/2021 17:25:56	12/17/2021 17:27:54	2102570	611-Dispatched & cancelled en route	
2. 06/01/2021 06:17:42	06/01/2021 06:36:50	2101056	353-Removal of victim(s) from stalled elevator	Business office
3. 02/02/2021 18:37:52	02/02/2021 18:52:18	0000203	622-No incident found on arrival at dispatch address	Educational, other
5619 Evers , SAN ANTONIO				
1. 12/30/2022 01:27:45	12/30/2022 02:19:05	2202385	3210-EMS call, Trauma	Bar or nightclub
5619 Grissom , LEON VALLEY				
1. 02/07/2023 11:25:30	02/07/2023 11:43:19	2300248	320-Emergency medical service, other	Police station
2. 02/07/2023 07:08:27	02/07/2023 08:29:23	2300246	3211-EMS call, Cardiac	Police station
3. 08/17/2022 09:09:06	08/17/2022 09:21:36	2201462	611-Dispatched & cancelled en route	
4. 07/05/2021 04:02:54	07/05/2021 04:27:06	2101320	3217-EMS call, Altered Mental Status	Multifamily dwellings
5619-569 NW LOOP 410 , SAN ANTONIO				
1. 01/18/2021 04:16:36	01/18/2021 06:04:26	0000096	322-Vehicle accident with injuries	Highway or divided highway
5620 Lone Star , UBC				
1. 02/20/2021 10:56:45	02/20/2021 11:30:35	0000373	611-Dispatched & cancelled en route	
5622 EVERS #1506, LEON VALLEY				
1. 01/15/2022 13:29:34	01/15/2022 14:22:15	2200097	320-Emergency medical service, other	Multifamily dwellings



SERVPRO OF BRAUN STATION

{Section}. 101.

SERVPRO of Braun Station #10093
7715 Mainland Road #115
San Antonio, TX 78250
(210) 267-2159
Tax id #45-5310659

Client: Comfort Cafe
Property: 5616 Bandera Rd
San Antonio, TX 78238

Operator: SWEETSAM

Estimator: Ashley Heavener
Business: 7715 Mainland Dr
San Antonio, TX 78250

Business: (210) 717-1084
E-mail: ashley.servpro10093@gmail.com

Type of Estimate:

Date Entered: 9/9/2022

Date Assigned: 9/9/2022

Date Est. Completed: 9/9/2022

Date Job Completed:

Price List: TXSA8X_MAR23

Labor Efficiency: Restoration/Service/Remodel

Estimate: COMFORT-CAFE



SERVPRO of Braun Station #10093
7715 Mainland Road #115
San Antonio, TX 78250
(210) 267-2159
Tax id #45-5310659

COMFORT-CAFE

Demo

DESCRIPTION	QTY	REMOVE	REPLACE	TAX	O&P	TOTAL
1. Demolish/remove home - masonry ext. (3001 sf or greater)	5,176.00 SF	6.16	0.00	0.00	6,376.84	38,261.00
2. Dumpster load - Approx. 40 yards, 7-8 tons of debris	15.00 EA	1,054.00	0.00	0.00	3,162.00	18,972.00
3. Dozer/crawler and operator	40.00 HR	0.00	114.21	0.00	913.68	5,482.08
4. PERMITS AND FEES	1.00 EA	0.00	1,000.00	0.00	200.00	1,200.00
Estimated amount for permitting. Subject to change depending on incurred fees.						
Totals: Demo				0.00	10,652.52	63,915.08
Line Item Totals: COMFORT-CAFE				0.00	10,652.52	63,915.08



SERVPRO of Braun Station #10093
7715 Mainland Road #115
San Antonio, TX 78250
(210) 267-2159
Tax id #45-5310659

Summary

Line Item Total	53,262.56
Overhead	5,326.26
Profit	5,326.26
Replacement Cost Value	\$63,915.08
Net Claim	\$63,915.08

Ashley Heavener

ARTICLE 3.12 SUBSTANDARD BUILDINGS

Sec. 3.12.001 Definitions

Applicable building codes. Any and all building codes which are applicable to the particular condition or component of a structure or building which is being addressed.

Building. Any structure used, or intended for, supporting or sheltering any use or occupancy and shall include:

- (1) Any structure classified as a "building" pursuant to section 202 of the International Building Code, adopted by section 3.02.051 of this Code; and
- (2) A dwelling.

Building codes. The technical building codes adopted pursuant to article 3.02, technical and construction codes and standards, of this Code.

Dwelling. A building designed or intended for human habitation and shall include those structures that are classified as a "dwelling" under section 202 of the International Building Code adopted by section 3.02.051 of this Code and all structures described in, and referred to, in section 310.1 of the International Building Code adopted by section 3.02.051 of this Code.

Owner. The person or firm that owns a building or structure shall include any person that has legal or equitable interest in the building or structure. Each owner of a building or structure shall be jointly and severally responsible for compliance with all provisions of this article. It shall not be a defense to prosecution or any other sanctions or the use of the city's remedies under this article if a joint owner is not prosecuted, sanctioned or required to perform remediation or assessed penalties and/or expenses.

Structure. Any improvement which is built, constructed or located on real property other than a dwelling or building and shall include any fence, shed, or awning.

Sec. 3.12.002 Buildings and structures regulated

The following buildings or structures, regardless of their date of construction, are subject to the regulations in this article and may be referred to in this article by the titles set forth in subsection (1), (2) and (3) below:

- (1) *Substandard building or structure.* Any building or structure that is dilapidated, substandard, or unfit for human habitation or a hazard to public health, safety, or welfare. A building or structure is presumed to be a substandard building or structure if it does not meet the following minimum standards:
 - (A) A dwelling must have an adequate water closet, lavatory, bathtub or shower, kitchen sink, hot and cold running water to plumbing fixtures, as required by the applicable building codes.
 - (B) A dwelling must have adequate heating facilities and ventilating equipment.
 - (C) A dwelling must have lighting that is properly installed and that is operating in accordance with any applicable building codes.
 - (D) All electrical wiring in any building or structure must be installed and operating in accordance with all applicable building codes.
 - (E) A dwelling must not have dampness in any portion used, or constructed for use, as a human habitation.

- (F) Buildings and structures must be free of hazardous or unsanitary items or conditions including any accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, stagnant water or conditions likely to harbor or promote the breeding or infestation of insects, snakes, vermin or rodents.
- (G) Buildings and structures and components thereof must be maintained in accordance with all applicable building codes, including, without limitation, the following codes adopted under article 3.02, technical and construction codes and standards, of this Code: the International Building Code, the International Residential Code, the International Existing Building Code, the International Mechanical Code, the National Electrical Code, the International Commercial Energy Code, the International Plumbing Code, the International Property Maintenance Code; and the International Fire Code as adopted under article 5.04, fire code, of this Code.
- (H) Dwellings must be properly connected to the city's sanitary sewer system unless they are connected to an on-site sewer system which has been approved by the city's health department.
- (I) A building or structure with a water closet, lavatory, bathtub, shower, or clothes washer or dishwasher must be properly connected to the city's sanitary sewer system unless they are connected to an on-site sewer system which has been approved by the city's health inspector.
- (J) A building must not have garbage, rubbish or other unsightly material in or around its location.
- (K) A building must have a foundation which is adequate to support the building and loads imposed on the foundation in a safe manner.
- (L) A building must have flooring and floor supports of sufficient size, structure and condition to carry loads imposed in a safe manner.
- (M) The walls, partitions or other vertical support members of a building or structure must be adequate to carry the imposed loads in a safe manner and support the roof of the building or structure; and must not be split, must not lean, must not list or must not buckle.
- (N) The ceilings, roofs, and ceiling and roof supports of a building or structure must be of sufficient size, structure and condition to carry imposed loads in a safe manner and must not sag, split or buckle.
- (O) Chimneys and ventilation systems for fireplaces and stoves must be of sufficient size, structure and condition to effectively remove smoke and other gases created from combustion in the fireplace or stove in a safe manner and must be sufficiently insulated so that they do not create a risk or hazard of fire to adjacent structures within the building in which they are installed.
- (P) Chimneys and ventilation systems for fireplaces and stoves and fireplaces must have sufficient strength, structure and condition to carry the structural loads imposed on them in a safe manner.
- (Q) All plumbing in any building or structure shall be installed and in a condition that complies with the International Plumbing Code adopted pursuant to article 3.02, technical and construction codes and standards, of this Code.
- (R) All mechanical systems in a building or structure shall be installed in a condition that complies with the International Mechanical Code adopted pursuant to article 3.02, technical and construction codes and standards, of this Code.
- (S) All buildings shall have effective waterproofing on exterior walls, roofs, foundations or floors. The following are examples of ineffective waterproofing: deteriorated, crumbling or loose plaster on exterior walls or foundations, broken or missing exterior windows or doors, lack of paint on exterior walls, broken, rotted, split or buckled exterior wall coverings or roof coverings.

- (T) All buildings and structures shall be free of combustible waste or vegetation or from any substance which could be an accelerant to a fire or likely to cause an explosion unless the substance which could accelerate a fire or cause an explosion is properly stored in accordance with applicable law.
 - (U) All buildings must have adequate exits as required by applicable building codes.
 - (V) When any portion of a building is used as a living or sleeping quarters or a place where food is cooked for human consumption, such building shall comply with the building codes applicable to dwellings with respect to its plumbing, electrical and heating systems.
 - (W) A building that is damaged by fire, windstorm, hail, or acts of vandalism shall be immediately secured to avoid it being an unsecured building or structure or a dangerous building or structure and work to bring the building or structure into compliance with the regulations of this article must be commenced within 30 days unless a longer time period is permitted by the building official, code enforcement official or fire code official.
- (2) *Unsecured building or structure.* Any building or structure that, regardless of its structural condition, is unoccupied by its owners, lessees, or other invitees and is unsecured from unauthorized entry to the extent that it could be entered or used by vagrants or other uninvited persons as a place of harborage or could be entered or used by children.
- (3) *Dangerous building or structure.* Any building or structure that is boarded up, fenced, or otherwise secured in any manner if:
- (A) The building or structure constitutes a danger to the public even though secured from entry; or
 - (B) The means used to secure the building or structure is inadequate to prevent unauthorized entry or use of the building in the manner described in subsection (2) unsecured building or structure.

Sec. 3.12.003 Offenses; penalty

- (a) *Maintaining a nuisance.* A substandard building or structure, an unsecured building or structure or a dangerous building or structure, as defined by section 3.12.002 is hereby declared a nuisance. It shall be unlawful for the owner of a building or a structure to allow it to exist in a condition in which it is a substandard building or structure, an unsecured building or structure or a dangerous building or structure, as defined by section 3.12.002.
- (b) *Failure to comply with city council order.* It shall be unlawful for any person to fail to timely comply with an order of the city council entered pursuant to section 3.12.007, requiring the vacation, relocation of occupants, securing, repair, removal or demolition of a substandard building or structure, an unsecured building or structure or a dangerous building or structure as defined by section 3.12.002.
- (c) *Penalty.* Any person, firm or corporation who shall fail to comply with any of the provisions of section 3.12.002 commits an offense and shall, upon conviction thereof, be punished by a fine in accordance with the general penalty provision found in section 1.01.009 of this Code.

Sec. 3.12.004 City authority to require remediation

The city may require the vacation, relocation or occupants, securing, repair, removal or demolition of a substandard building or structure, an unsecured building or structure or a dangerous building or structure as defined by section 3.12.002.

Sec. 3.12.005 Complaint and notice

- (a) *Complaint.* The building official, code enforcement official or fire code official of the city shall prepare a written complaint with respect to any building or structure that is a substandard building or structure, an unsecured building or structure or a dangerous building or structure, as defined by section 3.12.002. The complaint shall contain the following:
- (1) Identification of the building or structure (which shall not require a legal description of the property);
 - (2) A description of the manner in which the building or structure is a substandard building or structure, an unsecured building or structure or a dangerous building or structure, as defined by section 3.12.002;
 - (3) The name, office address and phone number of the building official, code enforcement official or fire code official that can be contacted during regular office hours to discuss the complaint;
 - (4) Direction to the owner, lienholder or mortgagee that they must by either: (A) remedy the violations in the complaint by a date certain; or (B) present the building official, code enforcement official or fire code official with a detailed plan stating the manner in which each violation will be remedied and the time by which all work necessary to remedy the violations will be completed, which plan shall be presented to the city manager or code enforcement officer by a date certain specified in the complaint;
 - (5) A statement that a public hearing will be held in accordance with section 3.12.006 herein, if the owner fails to comply with subsection (4) above, on or before the deadlines stated therein or if the owner or lienholder or mortgagee desires to contest the allegations in the complaint;
 - (6) The date, time and place of the public hearing.
- (b) *Notice of the complaint and hearing.* The complaint shall be mailed to the owner and any lienholder or mortgagee of the building or structure. The following procedures shall govern the mailing of such notice.
- (1) *Method of mailing.* The complaint and notice of hearing shall be mailed to the owner and any lienholder or mortgagee of the building or structure by certified mail with return receipt requested, delivered by the United States Postal Service using signature confirmation service or by personal delivery to the owner, lienholder or mortgagee of the building or structure. If a notice or complaint is mailed in accordance with this subsection to a property owner, lienholder, mortgagee, or registered agent and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered delivered.

Sec. 3.12.006 Public hearing; procedure

- (a) *Hearing before city council.* The public hearing on the complaint may be held before the city council.
- (b) *Evidence; burden of proof.* At the public hearing on a complaint, the city council shall consider any verbal or written evidence presented by the building official, code enforcement official, or fire code official and by the owner, lienholder or mortgagee; however, the presentation of evidence shall be subject to any procedural rules applicable to public hearings or proceedings before the city council. In the public hearing the owner, lienholder, or mortgagee has the burden of proof to demonstrate the scope of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work.

Sec. 3.12.007 Notice of city council's order

Notice of the city council's order shall be given as follows:

- (1) It shall be promptly mailed to the owner and any lienholder or mortgagee of the building or structure by certified mail with return receipt requested, delivered by the United States Postal Service using

signature confirmation service or by personal delivery to the owner, lienholder or mortgagee of the building or structure.

- (2) A copy of the order shall be filed with the city secretary within ten days after the date the order is issued.
- (3) A notice shall be published in a newspaper of record in the city within ten days after the date the order is issued. The published notice shall state the street address or legal description of the property, the date of the public hearing, a brief statement of the results of the order and instructions on where a complete copy of the order may be obtained.

Sec. 3.12.008 Remediation by the city; civil penalty

- (a) *Securing the building or structure.* If the building or structure is not vacated, secured, repaired, removed, or demolished, or the occupants are not relocated within the allotted time in the city council's order, the city may vacate, secure, remove, or demolish the building or relocate the occupants at its own expense.
- (b) *Repairing the certain buildings.* If the building is a residential building with ten or fewer dwelling units and is not repaired within the allotted time in the city council's order, the city may repair the building and assess the expenses on the land on which the building or structure stands or to which it is attached. The city may repair the building only to the extent necessary to bring it into compliance with the minimum standards set forth in this article. The repairs may not improve the building to the extent that the building exceeds those minimum housing standards.
- (c) *Civil penalty.* If the building or structure is not vacated, secured, repaired, removed, or demolished, or the occupants are not relocated within the allotted time in the city council's order, the city may assess a civil penalty against the property owner for failure to repair, remove, or demolish the building or structure and provide for that assessment, the mode and manner of giving notice, and the means of recovering the assessment. The civil penalty shall only be imposed if the owner does not complete the action required by the city council's order within the time period specified in such order. Any civil penalty shall be specified in the city council's order but shall not to exceed \$1,000.00 a day for each violation or, if the owner shows that the property is the owner's lawful homestead, in an amount not to exceed \$10.00 a day for each violation, if the city council finds:
 - (1) That the property owner was notified of the requirements of this article and the owner's need to comply with the requirements; and
 - (2) After notification, the property owner committed an act in violation of this article or failed to take an action necessary for compliance with this article.

Sec. 3.12.009 Additional authority to secure certain buildings or structures

- (a) *Authority to secure.* The city may secure a substandard building or structure, an unsecured building or structure or a dangerous building or structure, as defined by section 3.12.002 and the building or structure is unoccupied or is occupied only by persons who do not have a right of possession to the building or structure.
- (b) *Notice to owner.* Before the eleventh day after the date the building or structure is secured, the city will give notice to the owner by:
 - (1) Personally serving the owner with written notice;
 - (2) Depositing the notice in the United States mail addressed to the owner at the owner's post office address;

- (3) Publishing the notice at least twice within a ten-day period in a newspaper of record in the city if personal service cannot be obtained and the owner's post office address is unknown; or
 - (4) Posting the notice on or near the front door of the building or structure if personal service cannot be obtained and the owner's post office address is unknown.
- (c) *Contents of notice.* The notice will contain:
 - (1) An identification, which is not required to be a legal description, of the building or structure and the property on which it is located;
 - (2) A description of the violation of the city standards that is present at the building or structure;
 - (3) A statement that the city will secure or has secured, as the case may be, the building or structure; and
 - (4) An explanation of the owner's right to request a hearing before the city council about any matter relating to the municipality's securing of the building or structure.
- (d) *Hearing.* The city will conduct a hearing at which the owner may testify or present witnesses or written information about any matter relating to the city's securing of the building or structure if, within 30 days after the date the city secures the building or structure, the owner files with the city secretary a written request for the hearing. The city shall conduct the hearing within 20 days after the date the request is filed.
- (e) *Assessment of expenses as lien.* The city shall have the authority to assess expenses under this section.
- (f) *Authority to secure is cumulative.* The authority granted to the city by this section is in addition to the city's authority to require remediation by the owner, lienholder or mortgagee pursuant to other provisions of this article or its authority to impose civil penalties or criminal sanctions.

(Ordinance 2017-74 adopted 12-5-17)

Public Hearing for 5616 Bandera Rd

Eric Burnside
Assistant Fire Chief
City Council Meeting
March 21, 2023

Summary

- Public Hearing for 5616 Bandera Rd. This property/building is considered a dangerous building per COLVCO.
- Options
 - Demolish
 - Mitigate
 - Nothing
 - Other
- City staff has concerns about the structure and property due to the condition of the property, lack of concern from the property owner, and numerous number of incidents that occur on the property.

Purpose

- The purpose of this hearing is to give the property owner the ability to dispute the claims made against them and the property in front of the council.
- This also allows the council the ability to determine the best course of action for the property of concern.

Background

- Built in 1950
- The property had a catastrophic flood in July 2020.
- R & R NAVIGATOR LLC was working with their insurance company and the COLV Planning and Zoning department after the flood to determine what would happen to the property.
- Property was sold 6 months after the flood event
- Current owner Cay Paso LLC (Adam Schiller) purchased the property in January 2021
- 6 major fire incidents have occurred since the new owner bought the property

Background

- Owner has been unresponsive to the Fire department's request to clean or maintain the property
- Certified letters have been mailed
- Liens placed on the property (\$3,000)
- Property is vandalized and damaged
- No maintenance is being done to the property
- Fire department has secured the property twice and it needs to be done again
- Recently arrested a person with a felony warrant that was inside the vacant structure.























Fiscal Impact

- City currently has a \$3,000 lien on the property and approximately 300 man-hours (average \$28/hr) devoted to the emergency responses and code enforcement of the property.
- The cost to have a third-party contractor remove the debris and dangerous structure is \$62,590. It would take the contractor 2 weeks to complete the task.

S.E.E. Statement

Social Equity – Providing a clean a tenable area for citizens in the area while providing much needed accountability in the commercial business district.

Economic Development- Displays to prospective investors that the city will maintain commercial and residential areas to a minimum acceptable standard

Environmental Stewardship – Promotes cleanliness in commercial areas. Aslo will prevent further pollution into the natural waterways.

MAYOR AND COUNCIL COMMUNICATION

DATE: March 21, 2023

TO: Mayor and Council

FROM: Regina Reed, Library Director

THROUGH: Crystal Caldera, City Manager

SUBJECT: Presentation, Discussion, and Possible Action on the Leon Valley Public Library Board of Trustees Bylaws - R.Reed, Library Director

SPONSOR(S): N/A

PURPOSE

The Leon Valley Public Library Board of Trustees was established in 1972, but there is not a published record of bylaws that could be found.

The Library Board evaluated several Library Advisory Board bylaws and referenced the Sample Bylaws in the Public Library Advisory Board Handbook (2012) provided by the Texas State Library and Archives Commission to create the presented bylaws.

For the most part, the bylaws are standard to the current practices as an advisory board for the City of Leon Valley. Of note, the Library Board understands that it is an advisory board and not a governing board and would like that to be reflected in the name as the Leon Valley Public Library Advisory Board.

SEE LEON VALLEY

Social – The Library Board is a citizen involved board within the City of Leon Valley.

Economic – N/A

Environmental – N/A

FISCAL IMPACT

N/A

STRATEGIC GOALS

#6 “Citizen Involvement”

RECOMMENDATION

The Library Board recommends approval of the bylaws.

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

ARTICLE 1: NAME

The Leon Valley Public Library Advisory Board was established by the City Council on 1972 as the Library Board of Trustees. The Advisory Board is subject to the City Charter, the Texas Open Meeting Act, and the Texas Public Information Act.

ARTICLE 2: MEMBERS

SECTION 2.1 The Library Advisory Board is an advisory board composed of seven individuals who are approved by the Mayor and City Council.

SECTION 2.2 Members serve a term of two years and may be re-appointed. Members may serve consecutive terms. Positions are staggered to expire on May 31st of alternative years.

SECTION 2.3 The chairperson will appoint one member to serve as a liaison with the Friends of the Library.

SECTION 2.4 The Library Director serves as a non-voting ex-officio member of the board.

ARTICLE 3: MEETINGS

SECTION 3.1 The Library Advisory Board shall meet on the 2nd Thursday of the month. The regular meeting of the board shall be held at a time designated by the Board in the Library or such other place the board may determine.

SECTION 3.2 Special meetings may be called by the chair or at the call of any two members of the Board, provided that notice thereof is given to all board members and the Library Director. Notice of the meeting will be in compliance with the Open Meetings Act.

SECTION 3.3 A simple majority of the appointed members shall constitute a quorum at all meetings of the board. No action may be taken without an in-person quorum.

SECTION 3.4 All questions presented for a vote of the Library Advisory Board shall be decided by a simple majority of the quorum.

SECTION 3.5 Any members of the Board who miss three consecutive meetings unexcused will be recommended to the mayor and council for a replacement appointment for the remainder of the unexpired term.

SECTION 3.6 Library Advisory Board business should be conducted according to the most updated version of Robert's Rules of Order.

ARTICLE 4: OFFICERS

SECTION 4.1 The officers of the board shall be a chairperson and a vice-chairperson. The Library Director will serve as the permanent secretary.

SECTION 4.2 Officers shall be elected in June of each year or as positions become available.

SECTION 4.3 Vacancies in office shall be handled as follows:

- A. In the event of resignation or incapacity of the chair, the vice-chair shall become the chair for the unexpired portion of the term
- B. Vacancies of officers other than the chair shall be filled for the unexpired term

SECTION 4.4 Duties of the officers shall be as follows:

- A. Chair:
 - 1. Preside at all meetings
 - 2. Represent the library board at public functions of the City and at events such as special library events, local, state, or national advocacy activities for the library or for local, state, or national association activities
 - 3. Appoint standing, special, or ad hoc committees
 - 4. Assist the Library Director in establishing the agenda for each meeting
 - 5. Liaison with the governing authority regarding library issues
- B. Vice-chair:
 - 1. Assist the chair in directing the affairs of the board and act in the chair's absence

ARTICLE 5: COMMITTEES

Committees may be appointed for completing regular business of the board and/or special purposes by the chair and by special request from the Library Director or the governing authority. Committees, following requests, are formed with the consent of the majority of the board. All committees will have at least one library board member serving on them but may consist of non-board members. Standing committees are typically formed at the first meeting of the calendar year and reviewed for continuation annually. Ad hoc or special committees are automatically dissolved upon completion of the activity or project.

ARTICLE 6: POWERS AND DUTIES OF BOARD MEMBERS

Appointed library board members provide opinion, support, and expertise as needed, but do not have final authority. Board members shall:

- a) Abide by applicable ordinances of the City of Leon Valley
- b) Act in an advisory capacity to the Library Director and the City Council
- c) Review existing policies, recommend new ones, and adopt policies to govern the operation and program of the library
- d) Assist in strategic planning
- e) Provide in opinion and guidance, as appropriate, for special issues to include, but not be limited to, new facilities and the expansion of existing library facilities
- f) Provide opinion and guidance, as appropriate, for new library services
- g) Assist in interpreting the policies and functions of the library to the public

- h) Encourage in every possible way the development and advancement of the public library at local, regional, state, and national levels
- i) Participate in advocacy initiatives included, but not limited to, local issues, including funding issues and requests, state advocacy activities, and federal advocacy initiatives
- j) Participate in a library orientation session prior to attending first board meeting

ARTICLE 7: AMENDMENTS

These bylaws may be amended by a majority vote at any regular meeting, provided all members have been notified of the proposed amendments at least ten days prior to such meeting. Such amendment would not be in effect until approved by the City Council at a regularly scheduled Council Meeting.

ARTICLE 8: OPEN MEETINGS TRAINING

Each newly appointed board member shall complete all trainings required by the Texas Open Meetings Act and the City of Leon Valley; all certificates of completion will be filed with the City Secretary.

Sec. 1.06.004 Library board of trustees

- (a) *Definition.* For the purposes of this article, the words "public library" shall mean the public library of the city.
- (b) *Creation.* A public city library is hereby created as part of the government of the city, to constitute a separate department thereof, and to be known as "The Leon Valley Public Library."
- (c) *Board of trustees.* The library shall be administered under the supervision and control of the city manager by board of trustees to be appointed by the city council and to consist of seven members and two alternates. Such trustees shall be appointed to serve staggered, two-year terms to balance continuity with new perspective. A trustee who is absent for three consecutive board meetings except for illness or disability, or without first being excused in advance, shall be deemed to have vacated his trusteeship, and the city council may appoint a new member to fill the unexpired term. Appointees need not be residents of the city, but preference shall be given first to such residents and second to residents of the northwest part of the county.
- (d) *Adoption of rules and regulations.* The board of trustees of the library shall formulate and adopt rules and regulations for the orderly use of the library, books and facilities and governing the performance of duties by library employees and other city personnel in connection with the library. Such rules (and all proposed amendments thereof) shall be submitted to the city manager for comments and recommendations and then to the city council for approval or modification and adoption.

(1972 Code, secs. 2.601, 2.603, 2.701; 2008 Code, §§ 1.08.001—1.08.004; Ordinance 02-006, § 2, adopted 2-19-02; Ordinance 2017-75 adopted 12-19-17)

Public Library Advisory Board Handbook

2012



Advisory Board Bylaws

Advisory board bylaws are required for board organization and business. As a public entity, the board must design, approve, maintain and consistently review bylaws as well as “register” bylaws according to the processes established by the governing entity.

Library boards must adopt bylaws and guidelines or rules and regulations and policies to conduct

business such as public meetings, communication, advocacy, public relations, recordkeeping, roles and responsibilities, and relationships. Bylaws for public library advisory boards should be brief and are typically standard board operating guidelines. However, due to the variety of umbrella institutions for public libraries (cities/counties with varying populations and structures, etc.), it is not always easy to provide an example of perfect bylaws.

Some Critical Elements of Bylaws

- Umbrella organization authorization and the specific, formal identification of the advisory board
- Board power and influence and roles and responsibilities specifically as an *advisory entity*
 - Applicable ordinances
 - Advisory parameters as to what and to whom
 - Any relevant policies
 - Role in planning and guidance of operations
 - Role in interpreting policies as appropriate
 - Role in development of library funding
- How board members are selected
- Member terms, roles and responsibilities, power, and duties
- Board organization, such as officers and officer roles and responsibilities and how bylaws are managed
- Board workgroups, such as committees and committee duties or roles and responsibilities
- Board relationship to the library director
- How the board conducts business (meeting location; time, and frequency; quorum, any financial dealings)
- What guides board business, such as parliamentary authority, including calling and holding regular and special meetings, posting agendas, posting minutes
- Audience participation (comments, hearings, and general communication) in public meetings with relevant codes

- An outline of the order of business at meetings, such as voting; membership meeting requirements; attendance expectations; member sanctions; communication rules for board business meetings and specifically:
 - Call to order
 - Adoption/amendment to agenda
 - Roll call
 - Approval of minutes
 - Correspondence and communications
 - Report of library director
 - Committees reports (standing, ad hoc)
 - Unfinished business
 - New business
 - Adjournment
- Reporting board business in general and specific to the library and staff (minutes, annual reports, and other board communication)
- Board member behavior, such as ethical behavior, roles and responsibilities for communication and public relations

Sample board bylaws can be found on the web in a number of locations. Bylaws posted on the Internet should be vetted to ensure they are current, they apply to advisory rather than

governing boards, and, for the best match to a library's needs, should be assessed as to the size and type of library they represent.

A General Outline for Advisory Board Bylaws

ARTICLE I

NAME

As authorized by the (City, county, entity) Charter, xxxx of _____, and xxxx Ordinance No. _____. This body shall be known as the _____ Public Library Board.
(Often the word "advisory" is inserted in the title to clarify roles and responsibilities.)

ARTICLE II

MEETINGS

Section 1.

The regular meeting of the library board shall be held at a time designated by the board in the library or such other place the board may determine.

Section 2.

Special meetings may be called by the chair or at the call of any two members of the board, provided that notice thereof be given to all board members and the library director.

Section 3.

A simple majority of the members shall constitute a quorum at all meetings of the board. A meeting may be held without a quorum but is identified as such in minutes and board communiqués.

Section 4.

All questions presented for a vote of the library board shall be decided by a simple majority of the quorum. *(The vote may or may not include the vote of the chair.)*

Section 5.

Any member of the board who misses three consecutive meetings without good cause shall be deemed to have resigned, and the board will recommend to xxxx that a replacement be appointed for the balance of the unexpired term. *(The board should determine—in consultation with the director if board members appointed to fill out terms are then eligible for appointment to the board given term limits.)*

Section 6.

Board business should be conducted according to parliamentary procedure or rules of order. The process should be chosen by the board and the latest edition of the rules should be used to conduct business in all business meetings and board forums. (*Boards should work within the xxxx structure to determine if specific parliamentary processes are required or if they may choose another.*) Processes to choose from include *Robert's Rules of Order Newly Revised (latest edition)* or *Sturgis Standard Code of Parliamentary Procedure (latest edition)*.

ARTICLE III**OFFICERS****Section 1.**

The officers of the board shall be a chairperson, a vice-chairperson, and a secretary.

Section 2.

Officers shall be elected and take office at the first regular meeting after new board members have been appointed and sworn in.

Section 3.

Vacancies in office shall be handled as follows:

- (a) In the event of resignation or incapacity of the chair, the vice-chair shall become the chair for the unexpired portion of the term.
- (b) Vacancies of officers other than the chair shall be filled for the unexpired term by special election.

Section 4.

Duties of the officers shall be as follows:

- (a) Chair:
 - (i) Preside at all meetings.
 - (ii) Represent the library board at public functions of the xxxx (city, etc.) and at events such as special library events, local, state, or national advocacy activities for the library or for local, state, or national association activities.
 - (iii) Appoint standing, special, or ad hoc committees.
 - (iv) Assist library director in establishing the agenda for each meeting. Agenda items requested by any board member will be included.
 - (v) Liaison with the governing authority regarding library issues.

(b) Vice-chair:

- (i) Assist the chair in directing the affairs of the board and act in the chair's absence.
- (ii) Serve as chair of ad hoc or special committees or projects such as chair of an advocacy initiative.

(c) Secretary:

- (i) Be responsible for the accuracy and posting of the minutes of the board meeting and bring any corrections to the attention of the board at its next meeting. The secretary shall sign the approved minutes and complete recordkeeping activities required by xxxxx.

ARTICLE IV**COMMITTEES****Section 1.**

Committees may be appointed for completing regular business of the board and/or special purposes by the chair and by special request from the library director or the governing authority. Committees, following requests, are formed with the consent of the majority of the board. All committees will have at least one library board member serving on them. Standing committees are typically formed annually and reviewed for continuation annually. Ad hoc or special committees are automatically dissolved upon completion of the activity or project.

ARTICLE V**LIBRARIAN****Section 1.**

The library director serves as an ex-officio member of the board.

ARTICLE VI**POWERS AND DUTIES OF BOARD MEMBERS****Section 1.**

Library board members provide opinion, support, and expertise as needed, but do not have governing authority. Board members shall:

- (a) Abide by applicable ordinances of the xxxxx ..
- (b) Act in an advisory capacity of the xxxxx (city council, city manager, county official, library director, etc.).

- (c) Review existing policies and recommend new ones to govern the operation and program of the library.
- (d) Assist in strategic planning.
- (e) Provide opinion and guidance, as appropriate, for special issues to include, but not be limited to, new facilities, the expansion of existing library facilities, and the performance evaluation of the Library Director.
- (f) Provide opinion and guidance, as appropriate, for new library services.
- (g) Assist in interpreting the policies and functions of the library to the public.
- (h) Encourage in every possible way the development and advancement of the public library at local, regional, state, and national levels.
- (i) Participate in advocacy initiatives including, but not limited to, local issues, including funding issues and requests, state advocacy activities, and federal advocacy initiatives.

ARTICLE VII

AMENDMENTS

Section 1.

These bylaws may be amended by a majority vote at any regular meeting, provided all members have been notified of the proposed amendments at least xxxxx days prior to such meeting. Such amendment would then be subject to approval by xxxxx.

Presentation, Discussion, and Possible Action on the Leon Valley Public Library Board of Trustees Bylaws

Regina Reed
Library Director
City Council Meeting
March 21, 2023

Summary

Question

- **City Council is being asked to consider the Leon Valley Public Library Board of Trustees Bylaws**

Purpose/Background

Establish bylaws for the Library Board

The Leon Valley Public Library Board of Trustees was established in 1972, but there is not a published record of bylaws that could be found.

Highlights

Article 1: Name

The Leon Valley Public Library **Advisory Board** ~~of Trustees~~

Library Board Recommendation

The Library Board recommends adopting the bylaws

S.E.E. Statement

Social Equity – The Library Board is a citizen involved board within the City of Leon Valley.

Economic Development- N/A

Environmental Stewardship – N/A

MAYOR AND COUNCIL COMMUNICATION

DATE: March 21, 2023

TO: Mayor and Council

FROM: Regina Reed, Library Director

THROUGH: Crystal Caldera, City Manager

SUBJECT: Presentation, Discussion, and Possible Action on the Leon Valley Public Library Policy Article 11: Archives - R.Reed, Library Director

SPONSOR(S): N/A

PURPOSE

The Leon Valley Public Library does not currently have an Archives Policy.

The policy will define the purpose of the collection, the scope of the local history and archives collection, the acquisitions of material, the care and keeping of materials, the use of local history and archives collection materials, and the reproduction of archive room material. The policy will also establish a deed of gift form, a request for photographic services form, and a request for access to collections form.

SEE LEON VALLEY

Social – The Leon Valley Public Library Archives contains the history of Leon Valley and the surrounding areas. Studying local history helps us understand social questions, problems, and culture.

Economic – N/A

Environmental – N/A

FISCAL IMPACT

N/A

STRATEGIC GOALS

#6 “Citizen Involvement” and #7 - “Parks, Recreational Green Space and Cultural Opportunities”

RECOMMENDATION

The Library Board recommends approval of the bylaws.

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

ARTICLE 11: KEN & ESTHER ALLEY LOCAL HISTORY & ARCHIVES COLLECTION

PURPOSE OF THE COLLECTION

The history and culture of Leon Valley are important to the Library and citizens of Leon Valley. The purpose of the Ken & Esther Alley Local History & Archives Collection is to preserve and document the history of Leon Valley. The Leon Valley Public Library will preserve and maintain these materials for future generations by using accepted preservation methods, digitizing materials where appropriate, and providing access to materials under safe and secure methods.

SCOPE OF THE LOCAL HISTORY AND ARCHIVES COLLECTION

1. **Physical formats.** Items collected and retained include, but are not limited to: books, family histories, club records & publications, other local records, scrapbooks, clipping files, photographs, microfilm, electronic formats, audio or video recordings, maps and other paper ephemera. New and emerging formats will be considered when appropriate. The Library is not a museum and will not retain or collect three dimensional items or realia. The collection will not contain government records, such as City Council meeting minutes, school board meeting minutes, day-to-day business records, or vital records. Other formats or restrictions on the collection will be determined by the Library Director.
2. **Local importance.** The collection shall include materials that preserve the histories of local clubs, organizations, schools, churches, businesses, institutions, local customs & culture, and important events & people.
3. **Geographic coverage.** Primary coverage will be of the City of Leon Valley, Texas and to a lesser extent the surrounding areas of San Antonio and Bexar County.
4. **Genealogy and family histories.** Genealogical records and family histories collected must pertain strictly to founders and/or pioneer families of Leon Valley. Materials that record the history and contributions of prominent individuals who have lived or served in the City of Leon Valley and surrounding communities may be included. This could include history of founding and/or pioneer families or individuals who were born or lived in Leon Valley but became prominent or leaders later in life.

Acquisitions of Material

The Leon Valley Public Library actively seeks donations of local history and archival material that fit within the scope of the collection. If appropriate, the Library Director may purchase original materials that fit within the collection.

1. **Donations with restrictions.** Donations with special restrictions or instructions will not be accepted. Once a donation has been made, the Leon Valley Public Library reserves

the right to decide how the donated item will be displayed or stored, how the item may be used by the public, and how long the item will be retained.

2. **Age & condition of materials.** All donated materials must be free of dirt, mold, moisture, and pests and should be in good condition. Scrapbooks or photo albums must be in archival quality albums or enclosures, all added materials properly secured, and photographs must be identified. The Leon Valley Public Library reserves the right to refuse offered gifts should the material be in poor condition.
3. **Deed of Gift.** The Leon Valley Public Library cannot accept donations of materials without a [Deed of Gift Form \(Attachment 27\)](#). The Library cannot accept donated materials for which the donor does not have clear title. Donations accepted by the Library are considered the property of the Leon Valley Public Library.

CARE AND KEEPING OF MATERIALS

1. **Preservation.** Materials in the Local History & Archives Collection will be preserved following best practices for archives when possible and employ preventative preservation measures such as appropriate storage, security and handling.
2. **Accessibility.** The Leon Valley Public Library will make available indexes and catalog records for materials in the Local History & Archives Collection. Library staff will continue to work through the backlog of unprocessed and uncatalogued materials as time allows.
3. **Digitization efforts.** The Leon Valley Public Library will continue to scan and digitize materials as staff time allows. The Library cannot provide scanning of Local History & Archives materials on demand.

USE OF LOCAL HISTORY AND ARCHIVES COLLECTION MATERIALS

The following conditions of use are designed to ensure public access to valuable historical assets while allowing for the preservation and proper administration of these historic materials.

1. **The Archives Room.** The Archives room is a dedicated room for local history research and is not available for other use unless approved by the Library Director.
2. **Registration.** All researchers must fill out a Request for Access form (Attachment 29) at the Circulation Desk to do research in the Archives Room. By signing the registration form, researchers agree to abide by the stated conditions of use. Other policies for patron conduct and use of the Library apply to the Archives Room. Violation of these rules, policies and staff instructions could result in loss of access to the Archives Room or expulsion from the Library.
3. **Materials.** The materials in the Local History and Archives Collection are considered reference materials and do not circulate. All materials must be used in the Archives Room under staff supervision.
4. **Access to material.** Library staff will access vertical files on behalf of researchers, and no more than one file folder will be accessed at a time. Researchers should not refile Archive Room materials. Library staff will refile all used materials in their proper place.

5. **Research Assistance.** If a researcher requires staff assistance for research in the Local History and Archives Collection, an appointment must be booked through the Library Director. Assistance depends on staff availability.
6. **Remote research requests.** Out-of-town individuals with requests for research assistance will be aided depending on staff availability. Broad or lengthy research will not be conducted by Library staff. Obituary requests must have death date, full name and other pertinent information. The Library Director will determine the scope of research via remote requests, as well as how any resulting findings or information are conveyed to remote researchers.
7. **Request to access locked collections.** In compliance with the Texas Public Information Act (Texas Government Code, Chapter 552), all processed materials, records & collections are available for research. Viewing and handling of original images, maps, etc., require special consideration. The Library Director or his/her designee must be present during such use. Special instructions will apply according to the materials request. An appointment must be made with the Library Director at least 1 week in advance, with submission of a Request for [Access form \(Attachment 29\)](#). Appointments will be made per availability of the Library Director or designee.

REPRODUCTION OF ARCHIVE ROOM MATERIAL

1. **Photocopying.** Researchers requesting photocopies of materials will be charged according to City Fee Schedule. All photocopying will be done by Library Staff. Use of a personal camera is permitted to record information.
2. **Materials in Publication.** Researchers who wish to use images or copies of archive materials in a publication, display, or other permitted uses as determined by the Library Director, must submit [Photographic Services Request Form \(Attachment 28\)](#) to the Library Director for approval. Library staff will assist in such requests as time and staff availability allows.
3. **Copyright.** Generally, patrons of the Leon Valley Public Library may make reproductions of archival materials within the Fair Use and other provisions of U.S. Copyright Law (title 17, U.S. Code, section 107). The Leon Valley Public Library does not grant or transfer any copyright or other intellectual property rights for any local history or archival materials. Copies in any format may not be further reproduced, sold, shared, or given to another person, company, or institution for any purpose.

ATTACHMENT 27: DEED OF GIFT**Leon Valley Public Library Deed of Gift for Archives**

Donor(s): _____ Date Item Received: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone: _____ Email _____

I/We the undersigned, hereby unconditionally and irrevocably convey, donate, give and deliver the item(s) listed and/or described below or on the attached page to the Leon Valley Public Library, Leon Valley, TX. I/we release & relinquish all present and future right, title, interest, and claims, now known or unknown in the listed items. This gift includes all present and future copyright, trademark, reproductions and associated rights to the listed item(s). I/We acknowledge this is an unrestricted gift and that the Leon Valley Public Library will use it in any manner that is deemed to be in the best interest of the Leon Valley Public Library and the item(s) will be handled and processed in accordance with Leon Valley Public Library policies on collection development, gifts and donations. I/We affirm that I am/we are the only legal and lawful owner(s) of the item(s) listed below or on the attached pages and that to the best of my/our knowledge I/we have good and complete right, title and interests to give. I/We acknowledge actual delivery of the item(s) below to the Leon Valley Public Library.

Items:

1. _____
2. _____
3. _____
4. _____

Donor Signature _____ Date _____

Donor Signature _____ Date _____

Gift Accepted for the Leon Valley Public Library

Name _____ Title _____ Date _____

ATTACHMENT 28: REQUEST FOR PHOTOGRAPHIC SERVICES**Leon Valley Public Library Request for Archival Photographic Services**

Name: _____ Phone: _____

Address: _____

City: _____ State: _____ Zip: _____

Please copy complete photo description and when possible, the photo ID# of the items you are requesting. To publish or publicly display any reproduction, written permission must be obtained from the Leon Valley Public Library. Copies in any format may not be further reproduced, sold, shared, or given to another person, company, or institution for any purpose without written permission from the Leon Valley Public Library.

Credit must be given to the Leon Valley Public Library for any reproductions used.

Photo ID#	Photo Description	Photo ID#	Photo Description

Total # of photos: _____

Please provide as much information as possible as to how the reproduction will be used (i.e., author and title, production name, exhibit name, etc.)

Dates of proposed use: _____ Name: _____ Signature: _____

To be completed by Leon Valley Public Library

Permission to use the indicated reproductions for the above stated publication or use is granted, subject to any conditions listed.

Library Director: _____ Date _____ Comments _____

ATTACHMENT 29: REQUEST FOR ACCESS TO COLLECTIONS

Leon Valley Public Library Request for Access to the Local Archives

Name(s): _____ Date: _____

Organization/Institution & Title(s): _____

Address: _____
Street City State Zip Code

Phone: _____ Email: _____

Materials Requested: _____

_____Subject/Purpose of Research: _____

I have read the rules for Use of Local History & Archives Collection Materials and I agree to abide by the rules set forth.

Signature(s): _____ Date: _____

Internal Use Only: Time In: _____ Time Out: _____ Total Time: _____

Books Used: _____

Files Used: _____

#Copies Made: _____ Comments: _____

Staff Initials _____

Presentation, Discussion, and Possible Action on the Leon Valley Public Library Policy Article 11: Archives

Regina Reed
Library Director
City Council Meeting
March 21, 2023

Purpose/Background

The Leon Valley Public Library does not currently have an Archives Policy. The policy will establish:

- Purpose of the Collection
- Scope of Local History & Archives Collection
- Acquisitions of Material
- Care & Keeping of Materials
- Use of Local History & Archives Collection Materials
- Reproduction of Archive Room Material
- Deed of Gift
- Photographic Services
- Request for Access to Collections

Library Board Recommendation

The Library Board recommends adopting the bylaws

S.E.E. Statement

Social Equity – The Leon Valley Public Library Archives contains the history of Leon Valley and the surrounding areas. Studying local history helps us understand social questions, problems, and culture.

Economic Development- N/A

Environmental Stewardship – N/A

MAYOR AND COUNCIL COMMUNICATION

DATE: March 6, 2023

TO: Mayor and Council

FROM: Roque Salinas, Director of Economic Development

THROUGH: Dr. Crystal Caldera, City Manager

SUBJECT: Discussion and Possible Action on An Ordinance to Amend the Leon Valley Code of Ordinances, Article 1.06 Boards, Commissions, and Committees and Add Sec. 1.06.009 Economic and Community Development Advisory Committee and To Amendment Policy for Funding Economic and Community Development Projects (1st Reading as Required by City Charter) – R. Salinas, Director of Economic Development)

PURPOSE

Staff is recommending updating policy language to the economic and community development policies and guidelines for funding.

FISCAL IMPACT

No fiscal impact

SEE LEON VALLEY

Social Equity – N/A

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

Environmental Stewardship – N/A

STRATEGIC GOALS

This partnership is in line with the city's goal of economic development to recruit and retain businesses in the city.

RECOMMENDATION

City Council Discretion.

ATTEST :

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

**CITY OF LEON VALLEY ECONOMIC AND COMMUNITY DEVELOPMENT
POLICIES AND GUIDELINES FOR FUNDING**

STATEMENT: The City of Leon Valley (the City) will consider providing funds in accordance with the policies, procedures, and criteria outlined in these guidelines. The City will consider funding agreements for new facilities, expansion of existing facilities, modernization of existing facilities, and community projects.

NOTHING IN THESE POLICIES AND GUIDELINES OR THE PROJECT APPLICATION SHALL EVER BE CONSTRUED TO IMPLY OR SUGGEST THAT THE CITY IS UNDER ANY OBLIGATION TO PROVIDE ANY FUNDING TO ANY APPLICANT.

PRIOR TO ANY PUBLIC EXPRESSION OF A DECISION OR ANY COMMITMENT (LEGAL OR FINANCIAL) TO THE PROPOSAL BY THE APPLICANT, A COMPLETED ORIGINAL OF THIS APPLICATION, INCLUDING ALL SUPPORTING DOCUMENTATION OF COMPETITIVE SITING, AND NARRATIVE IMPACT STATEMENT MUST BE SUBMITTED TO THE CITY OF LEON VALLEY ECONOMIC DEVELOPMENT DEPARTMENT, 6400 EL VERDE ROAD, LEON VALLEY, TEXAS 78238.

Applications submitted for funding consideration will be determined on a case-by-case basis. All copies of applications submitted shall become the property of the City and may be subject to public disclosure under Texas Public Information laws.

APPLICABILITY: The Policies and Guidelines establish that State statutes and adopted City policies relating to economic development shall govern all funding options, programs, and agreements.

PROCESS: The Economic Development Director, City Manager or their designee, as needed depending on the project, (Staff) must first review and evaluate any request for economic and community development funds. Staff will look at different factors when approving or denying an application, including but not limited to:

- a) sales tax generation by recipient, be direct or indirect;
- b) number of potential new jobs generated;
- c) type of new job generated;
- d) increase in ad valorem value in proportionate to the size of the award;
- e) decrease the vacancy rate within the city limits;
- f) capital improvements to the property;
- g) Business financials documents provided in the application;
- h) appropriate business for the location;
- i) is within zoning requirements;
- j) increases the quality of life in the community.

Staff will have 14 business days to review and approve or deny the application. If an application is NOT approved by Staff, Staff must provide written notice as to why. The business can resubmit the application with updates within 30 days of written notice.

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Staff will provide approved applications ~~information on all applicants~~ to the Economic and Community Development Advisory Committee (ECDAC) ~~along with and recommendations~~. ~~Recommendation for approval depends on an evaluation of the completed application (form attached) and all accompanying~~

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~~support documents.~~ The ECDAC may recommend approving or ~~deny~~ denying requests for funding to City Council.

City Council will review and discuss the application during a regular council meeting to approve or deny the application for funding.

The application process is as follows:

1. Completed application submitted to the Economic Development Director;
- ~~2. Review of the completed application by the Economic Development Director and City Staff.~~
Staff; will provide approval of the application or denial with written notice to the applicant. Denial of application by the Economic Development Director will end the request and the application will not move forward/proceed.
 - a. The business can resubmit the application with updates within 30 days of written notice.
- ~~2. —~~
- ~~3. Staff recommendation~~Review of application by ~~to~~ ECDAC;
4. Approval/Disapproval by ECDAC;
5. Approval/Disapproval by City Council;
6. If approved for funding; completion of the project;
7. Business presents supporting documents for final review by Economic Development Director;
8. Economic Development Director submits a request for funding from the finance department.

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ELIGIBILITY:

1. Any new business planning to locate within Leon Valley, or any business currently located within the city limits, shall be eligible for this program, provided the improvements to the property will promote new or expanded business development, ad valorem, ~~and/or~~ sales tax revenue, provide new jobs, and/or have other large/significant economic impact to the community.
2. All buildings and facilities located within the city limits at the time of application shall be eligible for this program.
- ~~3. Funding proposals for routine maintenance or to remedy ordinance violations will not be accepted.~~
- ~~3.4. Funding for marketing campaigns will not be accepted. Large, individual, and/or removable, business specific advertisement items like a monument, pylon, post channel letter, dimensional letter, wayfinding, electronic message and/or blade signage for an individual business will not be accepted. Large, general, interchangeable, signage for multi-tenant properties will be considered.~~
- ~~5. "Business" - defined as an occupation, profession, or trade in the purchase and sale of goods or services.~~
- ~~4. Business must be in good financial health and business must not be insolvent.~~

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GUIDELINES:

1. Proof of applicant's ownership of the subject facility or facilities, or proof that the owner of such facility has approved the submission of the application for economic and community development funding, is required.
2. The owner of an operated business within a leased facility must provide a letter or statement from the property owner, or representative, attesting to the owner's knowledge of the business's application for economic and community development funding. Copies of the lease agreement of the leased facility shall be required.
3. A letter from a commercial bank, savings and loan institution, credit union, mortgage company, insurance company, or pension fund attesting to the eligibility of the business business's eligibility to secure a loan from their institution shall be required.
4. Business financials must be included with the application. Business financial documents must include the following:
 - a. Profit and loss statement for the previous 12 months.
 - b. Balance sheet for the previous end of year or end of quarter.
 - c. A copy of the previous ~~year~~ year's tax return for the business, if applicable.
 - d. New businesses, without any financial documents, must provide their business plan as part of the application.
 - e. New ~~businesses~~ businesses should demonstrate how they plan to be successful in the area.
 - 3-f. New businesses must provide lease contract or property ownership documents with their application.
- 4-5. Unless otherwise specified or agreed to, the funding available to any one application, business establishment, or property owner at one physical location (address) shall be no more frequent than a one (1) year period. The application time-period is determined by the project completion date.
- 5-6. Unless otherwise specified or agreed to ~~Where applicable,~~ funding disbursements approved by ~~the ECDAC and the~~ City Council shall be provided on a reimbursement basis. Upon completion of improvements and provision of paid receipt, funds are dispersed to the applicant, and are not to exceed the limits set forth in the funding agreement. In-kind contributions are not acceptable as any part of the applicant's match. Only cash matches of the applicant's expenditures may be used. Copies of the inspection reports are required for reimbursement. Photographs of the completed work may be required for reimbursement.
7. The applicant must submit, at minimum, two (2) bids for construction work, if possible. The bid amount must be competitive and/or reasonable for the type of work being completed. The applicant must provide justification for the selection of the company doing work. Staff has right to request additional bid if price is non-competitive and/or unreasonable. Failure to provide competitive and reasonable bid can result in denial of application.
- 6-8. The applicant shall be obligated to make the improvements in accordance with the application submitted to and approved by the ~~ECDAC and~~ City Council. Thereafter, any modifications must first receive the written approval of the City Council. Failure to obtain such written approval prior to making any such modifications shall render the applicant ineligible to receive funding.

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~~7-9.~~ The applicant shall be responsible for obtaining all applicable permits related to the improvement project, and failure to do so will render the applicant ineligible to receive funding.

~~8-10.~~ All application improvements presented must be completed in their entirety. Failure to do so shall render the applicant ineligible to receive funding.

~~9-11.~~ The applicant shall not begin any improvements submitted for funding prior to receiving written approval of funding from the City Council. Applications for started or completed projects will not be accepted, nor will they be eligible to retroactively receive any funds.

~~10-12.~~ The applicant must agree to complete the improvement project within six (6) months of receiving written approval of funding from the City Council. Failure to complete the improvements within the required time period shall result in the loss of funds allocated for the project. If extenuating circumstances are present, the applicant may apply for an extension prior to the end of the six-month period. A copy of the Certificate of Occupancy (CO) issued by the City of Leon Valley must be submitted to the Economic Development Director.

~~11-13.~~ The applicant must agree to remain in business and to not sell or assign such business to another person or entity for a period of twelve (12) months from the date of approval of his/her application.

~~12-14.~~ In accordance with the requirements of the funding agreement, applicant is in default of its obligations under the funding and is required to reimburse the City funds received if the business (applicant) fails to remain open, or the business or property is sold or transferred, within twelve (12) months after the provision of economic and community development funds.

~~13-15.~~ Applicant must agree that in the event of default of its obligations, the City has the right to reimbursement for all economic and community development funding received, and any attorney's fees or costs incurred while seeking reimbursement.

16. The applicant must certify that the applicant does not employ, nor will it employ any undocumented workers (an individual who, at the time of employment, is not lawfully admitted for permanent residence to the United States or authorized under law to be employed in that manner in the United States).

17. A Leon Valley Economic & Community Development Grant sign must be displayed at the subject property for a minimum of three (3) months to publicly recognize the grant program

18. If the owner has a grand re-opening, the owner must invite city officials to the official ribbon cutting.
~~14.~~

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APPLICATION:

1. Application forms are available at Leon Valley City Hall and online at the City of Leon Valley website: <https://www.leonvalleytexas.gov/economicdevelopment/page/leon-valley-ecd-funds>
~~www.leonvalleytexas.gov.~~ Applications submitted must be on the form provided by the City.

2. Businesses applying for funds must submit one original application with attached supporting application documents.
3. Only complete applications will be considered for funding. Please review the application carefully

~~4-~~ ~~for before~~ completion prior to submittal. The Economic Development Director and/or staff will review for completion within ~~one week~~ fourteen days of submission. Incomplete items, if any, will be identified, and the applicant will be given an opportunity to complete and re-submit.

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~~5-4.~~ All applications, attachments, and copies submitted shall become the property of the City.

~~6-5.~~ Applications submitted for funding consideration will be determined on a case-by-case basis.

~~7-6.~~ Applicants must agree that in the event of default of its obligations, the City has the right to reimbursement for all economic and community development funding received, and any attorney's fees or costs incurred while seeking reimbursement.

~~8-7.~~ The ECDAC meets on the second Monday of each month. Applicants should allow for a review period of three weeks. The ECDAC will consider applications on the first meeting available after the review period.

~~9-~~ ~~The Economic Development Director retains discretion to accept or reject applications received.~~

APPROVAL:

~~1.~~ The Economic Development Director must approve the application. Denial of application will be given with written notice to applicant. Denial of application by Economic Development Director will end the request.

~~2.~~

~~4-3.~~ The Economic and Community Development Advisory Committee shall review approved all applications ~~prior to City Council~~ for consideration. EDCDA can provide approval or denial of application. Application will continue to City Council after EDCDA recommendation.

~~2.~~ ~~The Economic Development Director shall notify the applicant in writing of the decision to approve or disapprove the application.~~

~~3-4.~~ The City Council may award funds to an applicant, with certain provisions, conditions, or other requirements the City deems necessary or appropriate. The City retains the right to request more than one (1) bid for the project to be undertaken.

~~4-5.~~ If the City Council does not approve an application, re-application by the business may not take place for a period of six (6) months from the date of the written notice informing the applicant of the City Council not approving the initial application.

~~5-6.~~ A business may only re-apply for funding one (1) time after the initial application.

PERFORMANCE AGREEMENT:

Projects exceeding \$10,000; The City of Leon Valley and awarded business enterprise that it funds directly or makes expenditures that benefit an eligible project must enter into a written performance agreement. At a minimum, the performance agreement will contain:

1. A schedule of additional payroll or jobs to be created or retained;
2. The capital investment to be made by the business enterprise; and
3. The terms for repayment of the economic and community development funds investment if the business fails to meet the performance requirements specified in the agreement.

FUNDING:

1. Upon notification of project completion by the applicant to the economic development director, an inspection is required by a City staff representative or representatives to confirm that such project has been completed in accordance with the application, or any approved modifications thereto. Such notification shall include, but not be limited to, documentation of paid receipts for materials, labor, permits, inspection reports, and/or any other item that the City may reasonably deem necessary for determining the project's completion.
 - a. Inspection - Compliance with Proposed Project
 - i. Within thirty (30) days following the inspection required (paragraph 1), and confirmation of completion of the project in accordance with the application, or any approved modifications, the City shall issue a letter of approval. The applicant will receive a copy of such letter. Funding shall take place following the date of the approval letter.
 - b. Inspection— Non-Compliance with Agreement
 - i. The economic development director will issue a letter to the applicant indicating all areas of non-compliance within fourteen (14) days following the inspection, presentation of receipts as provided, and after a determination is made that the project has not been completed in accordance with the application, or any approved modifications. The applicant shall then have sixty (60) days from the date of such letter to make the modifications necessary to bring the project into compliance. Failure to complete such modifications within said sixty (60) day period shall be deemed a default of applicant's obligations under the economic and community development funding agreement.
2. The City Council retains discretion to accept or reject applications received.

FAILURE TO MEET PERFORMANCE AGREEMENT REQUIREMENTS:

1. If the subject business is closed, abandoned, sold, or transferred within a six (6) month period after the funding amount is paid to the recipient or the opening of the business, whichever is later, the applicant shall be required to reimburse the City for 50% of the funding amount received. Thereafter, until the twelve (12) month anniversary date of such approval, the applicant shall be required to reimburse the City for 25% of the fund amount received.

2. Payments due pursuant to paragraph one (1) hereof, must be made in full to the City within thirty (30) days after the date of written notification by the City that the applicant/owner is in default of any of the funding requirements set forth herein. The form of such payment shall be a cashier's check or money order, payable to the City of Leon Valley – Economic and Community Development Fund.

NOTICE:

1. The Economic Development Director shall deliver a copy of these guidelines to any applicant for his/her review. Delivery hereof does not constitute an offer of a grant or loan to the applicant.
2. The laws of the State of Texas shall govern the interpretation, validity, performance, and enforcement of this funding program. If any provision of this program is invalid or unenforceable, the validity and enforceability of the remaining provisions are not affected.

**CITY OF LEON VALLEY ECONOMIC AND COMMUNITY DEVELOPMENT
POLICIES AND GUIDELINES FOR FUNDING**

ACKNOWLEDGEMENT OF RECEIPT

APPLICANT:
BUSINESS NAME:
ADDRESS:
PHONE NUMBER:

Signature: _____

CO-APPLICANT:
BUSINESS NAME:
ADDRESS:
PHONE NUMBER:

Signature: _____

PROPERTY OWNER/LANDLORD:
ADDRESS:
PHONE NUMBER:

Signature: _____

Sign, date, and return this acknowledgment page to the City of Leon Valley. Please retain the guidelines and criteria for your records

ORDINANCE No.

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TX.,
ADDING TO THE CITY OF LEON VALLEY CODE OF ORDINANCES, CHAPTER 1,
ARTICLE 1.06, ADDING SECTION §1.06.009 CITY OF LEON VALLEY ECONOMIC
AND COMMUNITY DEVELOPMENT POLICIES AND GUIDELINES FOR FUNDING**

WHEREAS, adding policy and guidelines to vet, approve and/or decline projects by City Staff for specific economic and community development project(s) prior to be being placed before the Economic and Community Development Advisory Committee and City Council; and

WHEREAS, City Council now desires to amend Article 1.06 Boards, Commissions and Committees and add Sec. 1.06.009 City of Leon Valley Economic and Community Development Policies and Guidelines For Funding (exhibit A) as recommended by staff.

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

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 15th day of February 2022.

APPROVED

CHRIS RILEY
MAYOR

Attest :

SAUNDRA PASSAILAIGUE, TRMC
City Secretary



Approved as to Form: City Attorney

City Attorney

Exhibit A

**CITY OF LEON VALLEY ECONOMIC AND COMMUNITY DEVELOPMENT
POLICIES AND GUIDELINES FOR FUNDING**

STATEMENT: The City of Leon Valley (the City) will consider providing funds in accordance with the policies, procedures, and criteria outlined in these guidelines. The City will consider funding agreements for new facilities, expansion of existing facilities, modernization of existing facilities, and community projects.

NOTHING IN THESE POLICIES AND GUIDELINES OR THE PROJECT APPLICATION SHALL EVER BE CONSTRUED TO IMPLY OR SUGGEST THAT THE CITY IS UNDER ANY OBLIGATION TO PROVIDE ANY FUNDING TO ANY APPLICANT.

PRIOR TO ANY PUBLIC EXPRESSION OF A DECISION OR ANY COMMITMENT (LEGAL OR FINANCIAL) TO THE PROPOSAL BY THE APPLICANT, A COMPLETED ORIGINAL OF THIS APPLICATION, INCLUDING ALL SUPPORTING DOCUMENTATION OF COMPETITIVE SITING, AND NARRATIVE IMPACT STATEMENT MUST BE SUBMITTED TO THE CITY OF LEON VALLEY ECONOMIC DEVELOPMENT DEPARTMENT, 6400 EL VERDE ROAD, LEON VALLEY, TEXAS 78238.

Applications submitted for funding consideration will be determined on a case-by-case basis. All copies of applications submitted shall become the property of the City and may be subject to public disclosure under Texas Public Information laws.

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PROCESS: The Economic Development Director, City Manager or their designee, as needed depending on the project, (Staff) must first review and evaluate any request for economic and community development funds. Staff will look at different factors when approving or denying an application, including but not limited to:

- a) sales tax generation by recipient, be direct or indirect;
- b) number of potential new jobs generated;
- c) type of new job generated;
- d) increase in ad valorem value in proportionate to the size of the award;
- e) decrease the vacancy rate within the city limits;
- f) capital improvements to the property;
- g) Business financials documents provided in the application;
- h) appropriate business for the location;
- i) is within zoning requirements;
- j) increases the quality of life in the community.

Staff will have 14 business days to review and approve or deny the application. If an application is NOT approved by Staff, Staff must provide written notice as to why. The business can resubmit the application with updates within 30 days of written notice.

Staff will provide approved applications to the Economic and Community Development Advisory Committee (ECDAC) and. The ECDAC may recommend approving or denying requests for funding to City Council.

City Council will review and discuss the application during a regular council meeting to approve or deny the application for funding.

The application process is as follows:

1. Completed application submitted to the Economic Development Director;
2. Staff will review the completed application. Staff will provide approval of the application or denial with written notice to the applicant. Denial of application by the Economic Development Director will end the request and the application will not proceed.
 - a. The business can resubmit the application with updates within 30 days of written notice.
3. Review of application by ECDAC;
4. Approval/Disapproval by ECDAC;
5. Approval/Disapproval by City Council;
6. If approved for funding; completion of the project;
7. Business presents supporting documents for final review to the Economic Development Director;
8. Economic Development Director submits a request for funding from the finance department.

ELIGIBILITY:

1. Any new business planning to locate within Leon Valley, or any business currently located within the city limits, shall be eligible for this program, provided the improvements to the property will promote new or expanded business development, ad valorem, sales tax revenue, provide new jobs, and/or have other significant economic impact to the community.
2. All buildings and facilities located within the city limits at the time of application shall be eligible for this program.
3. Funding proposals for routine maintenance or to remedy ordinance violations will not be accepted.
4. Funding for marketing campaigns will not be accepted. Large, individual, and/or removable, business specific advertisement items like a monument, pylon, post channel letter, dimensional letter, wayfinding, electronic message and/or blade signage for an individual business will not be accepted. Large, general, interchangeable, signage for multi-tenant properties will be considered.
5. "Business" - defined as an occupation, profession, or trade in the purchase and sale of goods or services.
6. Business must be in good financial health and business must not be insolvent.

GUIDELINES:

1. Proof of applicant's ownership of the subject facility or facilities, or proof that the owner of such facility has approved the submission of the application for economic and community development funding, is required.

2. The owner of an operated business within a leased facility must provide a letter or statement from the property owner, or representative, attesting to the owner's knowledge of the business's application for economic and community development funding. Copies of the lease agreement of the leased facility shall be required.
3. A letter from a commercial bank, savings and loan institution, credit union, mortgage company, insurance company, or pension fund attesting to the business's eligibility to secure a loan from their institution shall be required.
4. Business financials must be included with the application. Business financial documents must include the following:
 - a. Profit and loss statement for the previous 12 months.
 - b. Balance sheet for the previous end of year or end of quarter.
 - c. A copy of the previous year's tax return for the business, if applicable.
 - d. New businesses, without any financial documents, must provide their business plan as part of the application.
 - e. New businesses should demonstrate how they plan to be successful in the area.
 - f. New businesses must provide lease contract or property ownership documents with their application.
5. Unless otherwise specified or agreed to, the funding available to any one application, business establishment, or property owner at one physical location (address) shall be no more frequent than a one (1) year period. The application time-period is determined by the project completion date.
6. Unless otherwise specified or agreed to, funding disbursements approved the City Council shall be provided on a reimbursement basis. Upon completion of improvements and provision of paid receipt, funds are dispersed to the applicant, and are not to exceed the limits set forth in the funding agreement. In-kind contributions are not acceptable as any part of the applicant's match. Only cash matches of the applicant's expenditures may be used. Copies of the inspection reports are required for reimbursement. Photographs of the completed work may be required for reimbursement.
7. The applicant must submit, at minimum, two (2) bids for construction work, if possible. The bid amount must be competitive and/or reasonable for the type of work being completed. The applicant must provide justification for the selection of the company doing work. Staff has right to request additional bid if price is non-competitive and/or unreasonable. Failure to provide competitive and reasonable bid can result in denial of application.
8. The applicant shall be obligated to make the improvements in accordance with the application submitted to and approved by the City Council. Thereafter, any modifications must first receive the written approval of the City Council. Failure to obtain such written approval prior to making any such modifications shall render the applicant ineligible to receive funding.
9. The applicant shall be responsible for obtaining all applicable permits related to the improvement project, and failure to do so will render the applicant ineligible to receive funding.

10. All application improvements presented must be completed in their entirety. Failure to do so shall render the applicant ineligible to receive funding.
11. The applicant shall not begin any improvements submitted for funding prior to receiving written approval of funding from the City Council. Applications for started or completed projects will not be accepted, nor will they be eligible to retroactively receive any funds.
12. The applicant must agree to complete the improvement project within six (6) months of receiving written approval of funding from the City Council. Failure to complete the improvements within the required time period shall result in the loss of funds allocated for the project. If extenuating circumstances are present, the applicant may apply for an extension prior to the end of the six-month period. A copy of the Certificate of Occupancy (CO) issued by the City of Leon Valley must be submitted to the Economic Development Director.
13. The applicant must agree to remain in business and to not sell or assign such business to another person or entity for a period of twelve (12) months from the date of approval of his/her application.
14. In accordance with the requirements of the funding agreement, applicant is in default of its obligations under the funding and is required to reimburse the City funds received if the business (applicant) fails to remain open, or the business or property is sold or transferred, within twelve (12) months after the provision of economic and community development funds.
15. Applicant must agree that in the event of default of its obligations, the City has the right to reimbursement for all economic and community development funding received, and any attorney's fees or costs incurred while seeking reimbursement.
16. The applicant must certify that the applicant does not employ, nor will it employ any undocumented workers (an individual who, at the time of employment, is not lawfully admitted for permanent residence to the United States or authorized under law to be employed in that manner in the United States).
17. A Leon Valley Economic & Community Development Grant sign must be displayed at the subject property for a minimum of three (3) months to publicly recognize the grant program.
18. If the owner has a grand re-opening, the owner must invite city officials to the official ribbon cutting.

APPLICATION:

1. Application forms are available at Leon Valley City Hall and online at the City of Leon Valley website: <https://www.leonvalleytexas.gov/economicdevelopment/page/leon-valley-ecd-funds> Applications submitted must be on the form provided by the City.
2. Businesses applying for funds must submit one original application with attached supporting application documents.
3. Only complete applications will be considered for funding. Please review the application carefully

before completion prior to submittal. The Economic Development Director and/or staff will review for completion within fourteenth days of submission. Incomplete items, if any, will be identified, and the applicant will be given an opportunity to complete and re-submit.

4. All applications, attachments, and copies submitted shall become the property of the City.
5. Applications submitted for funding consideration will be determined on a case-by-case basis.
6. Applicants must agree that in the event of default of its obligations, the City has the right to reimbursement for all economic and community development funding received, and any attorney's fees or costs incurred while seeking reimbursement.
7. The ECDAC meets on the second Monday of each month. Applicants should allow for a review period of three weeks. The ECDAC will consider applications on the first meeting available after the review period.

APPROVAL:

1. The Economic Development Director must approve the application. Denial of application will be given with written notice to applicant. Denial of application by Economic Development Director will end the request.
2. The Economic and Community Development Advisory Committee shall review approved applications for consideration. EDCDA can provide approval or denial of application. Application will continue to City Council after EDCDA recommendation.
3. The City Council may award funds to an applicant, with certain provisions, conditions, or other requirements the City deems necessary or appropriate. The City retains the right to request more than one (1) bid for the project to be undertaken.
4. If the City Council does not approve an application, re-application by the business may not take place for a period of six (6) months from the date of the written notice informing the applicant of the City Council not approving the initial application.
5. A business may only re-apply for funding one (1) time after the initial application.

PERFORMANCE AGREEMENT:

Projects exceeding \$10,000; The City of Leon Valley and awarded business enterprise that it funds directly or makes expenditures that benefit an eligible project must enter into a written performance agreement. At a minimum, the performance agreement will contain:

1. A schedule of additional payroll or jobs to be created or retained;
2. The capital investment to be made by the business enterprise; and
3. The terms for repayment of the economic and community development funds investment if the business fails to meet the performance requirements specified in the agreement.

FUNDING:

1. Upon notification of project completion by the applicant to the economic development director, an inspection is required by a City staff representative or representatives to confirm that such project has been completed in accordance with the application, or any approved modifications thereto. Such notification shall include, but not be limited to, documentation of paid receipts for materials, labor, permits, inspection reports, and/or any other item that the City may reasonably deem necessary for determining the project's completion.
 - a. Inspection - Compliance with Proposed Project
 - i. Within thirty (30) days following the inspection required (paragraph 1), and confirmation of completion of the project in accordance with the application, or any approved modifications, the City shall issue a letter of approval. The applicant will receive a copy of such letter. Funding shall take place following the date of the approval letter.
 - b. Inspection– Non-Compliance with Agreement
 - i. The economic development director will issue a letter to the applicant indicating all areas of non-compliance within fourteen (14) days following the inspection, presentation of receipts as provided, and after a determination is made that the project has not been completed in accordance with the application, or any approved modifications. The applicant shall then have sixty (60) days from the date of such letter to make the modifications necessary to bring the project into compliance. Failure to complete such modifications within said sixty (60) day period shall be deemed a default of applicant's obligations under the economic and community development funding agreement.
2. The City Council retains discretion to accept or reject applications received.

FAILURE TO MEET PERFORMANCE AGREEMENT REQUIREMENTS:

1. If the subject business is closed, abandoned, sold, or transferred within a six (6) month period after the funding amount is paid to the recipient or the opening of the business, whichever is later, the applicant shall be required to reimburse the City for 50% of the funding amount received. Thereafter, until the twelve (12) month anniversary date of such approval, the applicant shall be required to reimburse the City for 25% of the fund amount received.
2. Payments due pursuant to paragraph one (1) hereof, must be made in full to the City within thirty (30) days after the date of written notification by the City that the applicant/owner is in default of any of the funding requirements set forth herein. The form of such payment shall be a cashier's check or money order, payable to the City of Leon Valley – Economic and Community Development Fund.

NOTICE:

1. The Economic Development Director shall deliver a copy of these guidelines to any applicant for his/her review. Delivery hereof does not constitute an offer of a grant or loan to the applicant.

2. The laws of the State of Texas shall govern the interpretation, validity, performance, and enforcement of this funding program. If any provision of this program is invalid or unenforceable, the validity and enforceability of the remaining provisions are not affected.

**CITY OF LEON VALLEY ECONOMIC AND COMMUNITY DEVELOPMENT
POLICIES AND GUIDELINES FOR FUNDING**

ACKNOWLEDGEMENT OF RECEIPT

APPLICANT:
BUSINESS NAME:
ADDRESS:
PHONE NUMBER:

Signature: _____

CO-APPLICANT:

BUSINESS NAME:

ADDRESS:

PHONE NUMBER:

Signature: _____

PROPERTY OWNER/LANDLORD:

ADDRESS:

PHONE NUMBER:

Signature: _____

Sign, date, and return this acknowledgment page to the City of Leon Valley. Please retain the guidelines and criteria for your records

CITY OF LEON VALLEY ECONOMIC AND COMMUNITY DEVELOPMENT POLICIES AND GUIDELINES FOR FUNDING

STATEMENT: The City of Leon Valley (the City) will consider providing funds in accordance with the policies, procedures, and criteria outlined in these guidelines. The City will consider funding agreements for new facilities, expansion of existing facilities, modernization of existing facilities, and community projects.

NOTHING IN THESE POLICIES AND GUIDELINES OR THE PROJECT APPLICATION SHALL EVER BE CONSTRUED TO IMPLY OR SUGGEST THAT THE CITY IS UNDER ANY OBLIGATION TO PROVIDE ANY FUNDING TO ANY APPLICANT.

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PROCESS: The Economic Development Director, City Manager or their designee, as needed depending on the project, (Staff) must first review and evaluate any request for economic and community development funds. Staff will look at different factors when approving or denying an application, including but not limited to:

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application for economic and community development funding. Copies of the lease agreement of the leased facility shall be required.

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4. Business financials must be included with the application. Business financial documents must include the following:
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13. The applicant must agree to remain in business and to not sell or assign such business to another person or entity for a period of twelve (12) months from the date of approval of his/her application.
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17. A Leon Valley Economic & Community Development Grant sign must be displayed at the subject property for a minimum of three (3) months to publicly recognize the grant program.
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3. The terms for repayment of the economic and community development funds investment if the business fails to meet the performance requirements specified in the agreement.

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2. The City Council retains discretion to accept or reject applications received.

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NOTICE:

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**CITY OF LEON VALLEY ECONOMIC AND COMMUNITY DEVELOPMENT
POLICIES AND GUIDELINES FOR FUNDING**

ACKNOWLEDGEMENT OF RECEIPT

APPLICANT:
BUSINESS NAME:
ADDRESS:
PHONE NUMBER:

Signature: _____

CO-APPLICANT:
BUSINESS NAME:
ADDRESS:
PHONE NUMBER:

Signature: _____

PROPERTY OWNER/LANDLORD:
ADDRESS:
PHONE NUMBER:

Signature: _____

Sign, date, and return this acknowledgment page to the City of Leon Valley. Please retain the guidelines and criteria for your records

**CITY OF LEON VALLEY ECONOMIC AND COMMUNITY DEVELOPMENT
POLICIES AND GUIDELINES FOR FUNDING UPDATE**

Roque Salinas

Economic Development Director

03/21/2023

Summary

Summary

Staff is recommending to update policy language to the economic and community development policies and guidelines for funding

Options:

1. Approve (1st reading)
2. Denial of changes

Current policy

- Applicant submits application.
- Economic development director forwards all applications to EDC board.
 - No vetting is done by staff
 - Limited business documents required
 - No limits on what funding can be used for
- EDC board will review and make recommendation to council.
- Application will be place on agenda for review. Council will approve or deny application.

Changes

{Section}. 104.

- Applicant submits application. New business documents required to be part of application.
 - Profit and loss statement for the previous 12 months.
 - Balance sheet for the previous end of year or end of quarter.
 - A copy of the previous year's tax return for the business, if applicable.
 - New businesses, without any financial documents, must provide their business plan as part of the application.
 - New businesses should demonstrate how they plan to be successful in the area.
 - New businesses must provide lease contract or property ownership documents with their application.
- Funding for marketing campaigns will not be accepted. Large, individual, and/or removable, business specific advertisement items like a monument, pylon, post channel letter, dimensional letter, wayfinding, electronic message and/or blade signage for an individual business will not be accepted. Large, general, interchangeable, signage for multi-tenant properties will be considered.
- Economic development director review and provide an approval or denial of application based, but not limited to the following factors.
 - sales tax generation by recipient, be direct or indirect;
 - number of potential new jobs generated;
 - type of new job generated;
 - increase in ad valorem value in proportionate to the size of the award;
 - decrease the vacancy rate within the city limits;
 - capital improvements to the property;
 - Business financials documents provided in the application;
 - appropriate business for the location;
 - is within zoning requirements;
 - increases the quality of life in the community.

S.E.E. Statement

Social Equity:

- N/A

Economic Development:

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

Environmental Stewardship:

- N/A

Strategic Goals

Economic Development is a strategic goal outlined in Leon Valley's Strategic Plan.

This update to the policy is in line with the city's goal of economic development to recruit and retain businesses in the city.

Staff recommendation

- City Council discretion

MAYOR AND COUNCIL COMMUNICATION

DATE: March 21, 2023

TO: Mayor and Council

FROM: Melinda Moritz, Public Works Director

THROUGH: Crystal Caldera, City Manager

SUBJECT: Presentation and Discussion to Consider Approval of an Ordinance Amending the Leon Valley Code of Ordinances, Chapter 1 General Provisions, Article 1.09 – Parks and Recreation, Division 1 Generally, Sec. 1.09.036 - Pets and Other Animals, (e), to prohibit the feeding of deer in city-owned parks and drainageways (1st Read as Required by City Charter)

SPONSOR(S): Mayor Chris Riley

PURPOSE

This item is to consider amending Chapter 1 General Provisions, Article 1.09 – Parks and Recreation, Division 1 Generally, Sec. 1.09.036 - Pets and Other Animals, (e), to prohibit the feeding of deer in city-owned parks and drainageways.

Several residents whose property abuts Raymond Rimkus Park routinely feed the deer that congregate at the park and in the Huebner-Onion Natural Area Park. This activity makes the deer less afraid of humans and may have contributed harm to deer, persons, vehicles, and other property. Deer biologists discourage it for numerous reasons. Decades of research have shown that supplemental feeding leads to increased risk of disease, long-term habitat destruction, habituation to humans, alteration of other deer behavioral patterns, and a decline in the value of deer-related recreation (Please Don't Feed the Deer, PA Game Commission 2012). With chronic wasting disease now prevalent in the state, the increased risk of disease transmission from feeding in a concentrated area is one of the most significant reasons not to feed.

Deer are extremely well-adapted animals and in general, don't need supplemental food. The most used supplement is commercially processed corn, along with breads, tortillas, cakes, cookies, etc., which have no nutritional value to the deer. Commercially available corn was created to be used as bait by hunters and not as a supplemental food source contributing to the health of a herd. It may also contain a fungus known as Aflatoxin, which is harmful to other wildlife. This code does not prohibit the feeding of deer on privately owned property.

SEE LEON VALLEY

Social Equity – Prohibiting the feeding of deer on publicly-owned land protects the

health, safety, and welfare of deer, persons, and property in these areas.

Economic Development – The feeding of deer in concentrated areas may contribute to habitat destruction, as evidenced by the damage to city-planted trees and other vegetation in our parks and recreational areas.

Environmental Stewardship – Prohibiting the feeding of deer in our parks and recreational areas encourages natural feeding and other normal behaviors, which contribute to the regrowth of forbes and other native plantings.

FISCAL IMPACT

Signs have already been placed in the park discouraging persons from feeding the deer. These signs cost the City \$780.00.

STRATEGIC GOALS

N/A.

RECOMMENDATION

Staff recommends approval of the amendment to this code.

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS :

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LEON VALLEY, TEXAS; AMENDING THE LEON VALLEY CODE OF ORDINANCES CHAPTER 1 GENERAL PROVISIONS, ARTICLE 1.09 PARKS AND RECREATION, DIVISION 1 GENERALLY, PETS AND OTHER ANIMALS SEC. 1.09.036(e); TO PROHIBIT THE FEEDING OF DEER IN CITY PARKS AND DRAINAGE WAYS; PROVIDING A REPEALER; SEVERABILITY; SAVINGS; AN EFFECTIVE DATE; NOTICE OF MEETING; AND A PENALTY CLAUSE.

WHEREAS, the City has a large white-tail and Axis deer population that travel throughout the city, but congregate primarily in city-owned parks and drainageways; and

WHEREAS, numerous citizens feed the deer that are located on public lands, which causes the deer to be unafraid of humans by learned behavior, potentially leading to injuries to persons and damage to vehicles and property; and

WHEREAS, supplemental feeding of deer is of little or no benefit to the deer, as the most popular feed used is corn, which is low in protein and high in carbohydrates and does not provide adequate protein levels needed for development of bone and muscle; and

WHEREAS, commercially available corn may contain Aflatoxin, a fungi produced toxin, which is usually produced when corn or peanuts are grown under stress such as drought conditions (high temperatures and low soil moisture), and this toxin can pose a serious problem when wildlife species have access to contaminated fields (primarily waterfowl);

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

SECTION 1. Chapter 1 General Provisions, Article 1.09 – Parks and Recreation, Division 1 Generally, Pets and Other Animals Sec. 1.09.036(e), is here by revised as follows:

“Sec. 1.09.036 (e) It shall be unlawful to **feed**, harm, disturb, trap, confine, catch, possess, or remove any wildlife from city parkland, natural area, trails or city-owned Huebner Creek or related drainage areas except as specifically authorized by the city.”

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

SECTION 3. SEVERABILITY CLAUSE. If any provision, section, sentence, clause, or phrase of this ordinance or application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this ordinance or its application to other persons or sets of

circumstances shall not be affected thereby, it being the intent of the City Council in adopting, and the Mayor in approving this Ordinance, that no portion thereof or provisions or regulation contained herein shall become inoperative or fall by reason of any unconstitutionally or invalidity of any portion, provision, or regulation.

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

SECTION 5. EFFECTIVE DATE. This ordinance shall become effective on and after its passage, approval and the meeting of all publication requirements as provided by law.

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

SECTION 7. PENALTY. Any person who violates any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined as provided in Chapter 1. General Provisions, Article 1.01 Code of Ordinances, Section 1.01.009 General penalty for violations of code: continuing violations of the City of Leon Valley Code, and/or applicable state law.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 4th day of April, 2023.

APPROVED

CHRIS RILEY
MAYOR

Attest:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form:

NICOLE WARREN
City Attorney

Amending Leon Valley Code of Ordinances

Article 1.09 Parks and Recreation Prohibiting Deer Feeding in Public Parks

City Council Meeting

Public Works Director Melinda Moritz

March 21, 2023



Purpose

- To consider amending the Leon Valley Code of Ordinances, Chapter 1 General Provisions, Article 1.09 Parks and Recreation, Division 1 Generally, Sec. 1.09.036 Pets and Other Animals, (e), to prohibit the feeding of deer in parks
- Options
 - Approve
 - Approve with other amendments
 - Deny
- Declaration
 - Recommend approval of this amendment

Background

- Several residents whose property abuts Raymond Rimkus Park routinely feed the deer that congregate at the park & in the Huebner-Onion Natural Area Park
- This activity makes the deer less afraid of humans and may have contributed harm to deer, persons, vehicles, and other property
- Decades of research have shown that supplemental feeding leads to increased risk of disease, long-term habitat destruction, habituation to humans, alteration of other deer behavioral patterns

Background

- With chronic wasting disease now prevalent in the state, the increased risk of disease transmission from feeding in a concentrated area is one of the most significant reasons not to feed
- Deer are extremely well-adapted animals and in general, don't need supplemental food
- The most used supplement is commercially processed corn, along with breads, tortillas, cakes, cookies, etc., which have no nutritional value to the deer

Background

- Commercially available corn was created to be used as bait by hunters and not as a supplemental food source contributing to the health of a herd
- Corn may also contain a fungus known as Aflatoxin, which is harmful to other wildlife
- This code does not prohibit the feeding of deer on privately owned property

Code Amendment

- Section (e) currently states:
 - It shall be unlawful to harm, disturb, trap, confine, catch, possess, or remove any wildlife from city parkland, natural area, trails or city-owned Huebner Creek or related drainage areas except as specifically authorized by the city.
- Amendment adds the word “feed” to the Section:
 - It shall be unlawful to **feed**, harm, disturb, trap, confine, catch, possess, or remove any wildlife from city parkland, natural areas, trails or city-owned Huebner Creek or related drainage areas except as specifically authorized by the city.

Fiscal Impact

- Signs have already been placed in the park discouraging persons from feeding the deer
- These signs cost the City \$780.00

Recommendation

- It is recommended the City Council approve the amendment to the code to prohibit the feeding of deer at city-owned parks

S.E.E. Statement

- *Social Equity* – Prohibiting the feeding of deer on publicly-owned land protects the health, safety, and welfare of deer, persons, and property in these areas
- *Economic Development* – The feeding of deer in concentrated areas may contribute to habitat destruction, as evidenced by the damage to city-planted trees and other vegetation in our parks and recreational areas
- *Environmental Stewardship* – Prohibiting the feeding of deer in our parks and recreational areas encourages natural feeding and other normal behaviors, which contribute to the regrowth of forbes and other native plantings

OUTSTANDING CITY COUNCIL ITEMS

- **A policy on open meetings act in regards to how it applies to advisory committees**
 - 1/17/2023 – Moved by Mayor
 - 2/7/2023 – Moved by Mayor
 - 2/21/2023 – Moved by Mayor
 - 3/7/2023- The meeting agenda too full moved by City Manager
 - 3/21/2023- The meeting agenda too full moved by City Manager
- **Presentation on VIA ridership and MTA .005 of sales tax**
 - 2/7/2023 – Mayor would like VIA present moved to 2/21/2023
 - 2/21/2023 – Placed on the agenda – The council requested more information to return to the council by April
- **Sustainability Overlay**
 - 4/16/2023
- **Stray Animal Ordinance**
 - Currently being reviewed by City Attorney – we can not require private industry to take in and adopt our stray animals
 - Looking at a possible interlocal agreement.
- **Public Private Partnership with local petshops for pet adoption options**
 - 2/21/2023 City Council wished to proceed with the Partnership
 - 3/21/2023 will return with an official MOU – postponed due to being held up with Petland legal
- **Lyft Program**
 - 2/21/2023 – City Council wished to proceed with the partnership
 - 3/7/2023 – Will be on the agenda with an ordinance for a first read.
 - 3/21/2023 - Will be on the agenda with an ordinance for a second read.
- **Establish Neighborhood boundaries**
 - Council has opted not to Update Master Plan
 - P & Z Director investigating a university conducting the plan
- **Neighborhood/citizen survey**
- **Discussion and possible action on amending BOA variance criterion by Texas Legislative changes**
 - 2/28/2023 – Went to the planning and zoning commission, which recommended approval
 - 3/7/2023 – Will be on for the first read
 - 3/21/2023 – Will be on for the second read
- **Review of the personnel manual**
- **Capital Plans**
 - 5/16/2023
- **Review of the Water rates**
 - 5/9/2023
- **Legal review of the Sign Code**

- Councilor Orozco and Bradshaw will work on this item
- **Looking at an amendment to Section 15.02 Appendix C (I), D Structural Nonconformity to add a matching percentage from Economic Community Development funds**
 - After the sustainability review
- **Four-way stop at Forest Meadow and Evers**
 - To be evaluated upon the development of the Evers property
- **LVHS request for ARP funds**
 - Reviewing MOU on 11/1/2022, 12/6/2022
- **Short Term Rental**
 - 3/7/2023
 - Short Term rentals have appeared on the following agendas:
 - 1/12/2021- Tabled
 - 1/19/2021-Discussed
 - 4/6/2021-Discussed
 - 4/20/2021- Discussed
 - 8/3/2021-Tabled
 - 8/17/2021-Discussed
 - 8/16/2022-Tabled
 - 9/6/2022- Discussed
 - 1/17/2023- Discussed
 - 3/7/2023 – Item added by Councilor Stevens and Orozco
 - Council decided to have the city attorney draft an ordinance based on the information provided by Councilor Stevens
- **Seneca West R6 Zone change**
 - 3/7/2023
 - Council requested some prices to replat as larger lots not in favor of R6
- **5616 Bandera road, also known as Comfort Cafe**
 - 3/21/2023 Public Hearing to remedy
- **Towing Contract**
 - Date to be determined
- **Regulations regarding front yard fences**
 - Date to be determined
- **Health Inspector contract**
 - Date to be determined
- **Building Official contract**
 - Date to be determined

ITEMS ARE STILL IN THE PIPELINE BUT HAVE BEEN ADDRESSED

- **John Marshall Traffic Plan – CR, JH**
 - Discussed at the following Council meeting

- 12/14/2022 Next steps
- NISD engineers are still working on the plan, collecting traffic counts, and coordinating with CoSA Traffic Department
- Once complete, additional meetings will be held with the City to determine the feasibility and appropriateness
- Once plans are final, the proposal will be presented to City Council for approval
- John Marshal Update on 3/15 based on 2/14 meeting
- The City received feedback on possible neighborhood suggestions on 5/09/2022. Joint meeting to be determined.
- Heard by City Council to possible street closures on 8/23/20 Engineers will develop a report and PD and Fire will review
- Taking to Council on 10/3/2022
- 2/7/2023 council will review speed pads and school zone
 - Council decided to move forward with the speed pads and wait on the school zone. The Delinators will also be left alone
- **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
- **Fourth of July Presentation**
 - City Council 3/15
 - Council provided direction
 - The next update will be on 6/7/2022

- Recap August 2, 2022, and August 16, 2022
- Recap and Direction October 4, 2022
- Review 11/15/2022
 - Time will remain the same and have a headliner that is well known
- **Presentation and discussion on the status of implementation of TPCA best practices for law enforcement policies, including the mandatory provision of mental health PTO in accordance with Texas legislative changes - JS, RO**
 - Discussed at the following Council meeting
 - 6/1/2021
 - Update in the CM report 10/26/2021:
 - We released the initial 6 policies (6.1 - Use of Force, 6.3 - Non-lethal, Less than lethal weapons, 6.4 - Officer Involved Shooting, 7.15 - Vehicle Pursuits, 7.40 Investigations, 8.6 Active Shooter) in July and August. With the distribution, we included a record of receipt and pertinent training.
 - Since the initial release, we have now distributed 4 more policies (3.2 - Field Training Program, 3.2.1 - Field Training Program Operations Manual, 4.6 - Off-duty Employment, 5.4 - Body Worn Camera) and again, with the distribution, we have included a record of receipt and pertinent training.
 - Currently in the process of the last review before we release 8 other policies.
 - Mental Health quarantine Policies Section 614.015 of the Tx Gov't Code have been updated and can be found here:
https://cms3.revize.com/revize/leonvalleynew/departments/human_resources/procedural_directives.php#revize_document_center_rz4176
 - Distributed a Property and Evidence packaging manual that is used along with 12.1 Property and Evidence Management. 10.1 Prisoner Processing and 11.1 Municipal Court are in the final draft and edit stage and will be distributed both in the near future.
 - Citizens or Media Recording of Police Incidents 2/1/2022
 - Evidence and Property 2/1/2022
 - Body Worn Cameras 9/3/2022
 - Differential Police Response (CFS Report Program) 9/6/2022
 - Rules of Conduct 9/15/2022
 - Mission, Values, Written Directives 12/27/2022
 - Law Enforcement Role and Authority 12/27/2022
 - Field Interviews, Stop and Frisk 12/27/2022
 - Arrests With and Without Warrants 12/27/2022
 - Eyewitness Identifications 12/27/2022
- **Red-light cameras First Available Contract end term is May 2037**

- City Council adopted a Resolution declaring the intent to phase out redlight cameras 4/6/2021 – Resolution # 21-009R
- The RLC Contract would be difficult to terminate without financial obligation from the City
- City Council supports HB 1209 and physically delivers letters in support to Cortez, Biederman, Canales, Menendez
- Funds – Eligible projects – CR
 - Will be discussed at the Town Hall Meeting on January 22, 2022
- Discussed at the retreat council has decided not to spend funds until we know what the legislature is doing
- Resolution supporting SB 446-2/21/2023
- **Tiger brush and bulk issues- Contract ends January 1, 2025**
 - Discussed at the following City Council Meetings
 - 02/22/2021
 - Council addressed complaints and Tiger sanitation responded
 - 09/7/2021
 - Considered a resolution on how to handle bulk pick-up. Resolution # 21-031-R, the direction was given to CM to come back with a plan.
 - Considered and Ordinance Amending the Ord 14.02 Solid Waste First reading.
 - 11/2/2021
 - Considered and Ordinance Amending the Ord 14.02 Solid Waste Second Reading Passes Ord. # 21-053.
 - 1/11/2022
 - Council considered two options to handle the overflow of Brush. The Council decided to have PW pick up the overage after Tiger sanitation picked up their 8 CY.
 - There were 11 homes with oversized brush the City had the item picked on 3/4/22-3/8/22
 - 05/17/2022 Council meeting discussing rate increase.
 - Council allowed the 2.5% increase for July and another in January but did not approve the 7.5 % increase
 - Council was willing to renegotiate terms
 - On 8/23/2022 council decided to leave terms as is
- **Opioid Litigation**
 - Item Was Addressed in Executives session on:
 - 6/15/2021
 - 09/7/2021
 - 9/21/2021
 - Council Addressed this item at the following Council meeting
 - 11/16/2021

- Council Passed a resolution # 21-04 agreeing to participate in a settlement agreement with opioid manufacturer Johnson & Johnson. The other is three major pharmaceutical distributors: AmerisourceBergen, Cardinal Health, and McKesson and is estimated to receive \$28,389
 - The City still has an Agreement with Phipps, Ortiz and Talafuse for any remaining ongoing litigation
- **Comprehensive Master Plan**
 - Was addressed at the following Council meetings:
 - 2/2/2021
 - 3/23/2021
 - 06/1/2021
 - This item was discussed during the budget process and ultimately, the Council decided not to expend the funds on this project at this time.
 - Will be discussed under the Townhall meeting update to the council on 4/19/2022
 - Council would like us to use our future land use map
- **Sewer Service Charge Adjustments**
 - Council meeting 2/15/22
 - Impact Fees Removed
 - Sewer Charges will be brought back at a later time.
- **Over 65 Tax Exemption**
 - Council Mtg. 3/1/22
 - Councilor Orozco will get with the Finance Director to see if this item will come back on a later date
 - 2/21/2023 The Council looked at a 5% exemption for everyone. This will come back in April
- **Apartments Finley And Sierra Royale, Forest Oaks, Vista Del Rey- BM**
 - Update on one of the Apartment Complexes at the CC mtg 3/15
 - Presentation was given on Vista Del Rey
 - Next apartment review is on 5/3/2022
 - Staff received legal advice in 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
- **Presentation, discussion, and possible action on fluoride survey results – JS**
 - CC Mtg. 3/1/2022 Postponed
 - Moved to 4/5/22
 - Presentation on given to the council and the community on the benefits, no direction was provided to staff
- **American Rescue Plan funds**
 - 8/17/2021 City Council meeting. Council agreed to budget in FY 2022 for the following
 - 911 Mass text - \$5,900
 - PPE and Decontamination Supplies -\$10,000
 - Disposal Supplies and Medication - \$45,000
 - 2 power stretchers – \$60,000
 - 12 LEAD Cardiac monitor - \$70,000
 - Library Hot Spots – \$5,220
 - Huebner Well Generator -\$230,000
 - 11/16/2021 Budget Adjustment ord. # 21-060
 - AV equipment – Council Chambers -\$41,000
 - PD AC Repair - \$10,000
 - Website upgrades - \$40,000
 - Premium Pay for Essential Workers -\$150,000
 - Citizen Utility Asst. -\$50,000
 - Library AC repair -\$25,000
 - For FY 23 Budget
 - Fire Truck-\$400,000
 - Shadow Mist Skate Park -\$70,000
 - This item was heard at the Town Hall Meeting on 3/26/2022
 - Citizen input will be presented at the 4/19/22 CC Mtg
 - At the 4/19/2022 council Meeting council decided to use \$400,000 to purchase a fire truck
 - Finance Director gave a presentation on 10/18/2022 council meeting
- **AV equipment for the Conference Center -Budget Adjustment from ARP Funds**
 - Council meeting 2/1/22 first read
 - Item amended to get the direction of the scope of work
 - Will bring the item back after the BID process
 - Discuss alternatives 5/3/2022

COMPLETED

- **Presentation and discussion on the hiring process for Directors**
 - 1/17/2022 presented and passed unanimously
- **Substandard Building Regulations**
 - 1/17/2023 first read
 - 2/7/2023 second read passed unanimously
- **City Manager Evaluation**
 - 2/7/2023
- **A scope of duties for the Earthwise living committee**
 - 1/17/2023 -The committee had additional comments moved to the next meeting
 - 2/7/2023 – The next Earthwise meeting is on 2/1. It was to close to the agenda preparation process being postponed until 2/21/2023
 - 2/23/2023- Placed on the Agenda – Passed on consent unanimously
- **Blood Drive and PTO Policy**
 - 3/7/2023 – Passed unanimously