



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

Leon Valley City Council Chambers  
6400 El Verde Road, Leon Valley, TX 78238  
Tuesday, November 15, 2022 at 6:00 PM

**AGENDA**

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**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](mailto:citizenstobeheard@leonvalleytexas.gov). All Other Citizen Participation May Be Provided In-Person at City Council Chambers.**

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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. Section 551.071: Consultation with the Attorney Regarding Pending or Contemplated Litigation, or Settlement Offer; or on a Matter in which the Duty of the Attorney to the Governmental Body Under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas Clearly Conflicts with the Texas Open Meetings Act, Re: City of Leon Valley v. 5622 Equity DE LLC, a Delaware Limited Liability Company D/B/A Vista Del Rey Apartments Located at 5622 Evers Road
3. **Reconvene into Regular Session**
4. **Citizens to be Heard**
5. **Possible Action on Issues Discussed in Executive Session If Necessary**
6. **Presentations**
  1. Presentation of a Proclamation by Mayor Chris Riley, Proclaiming November 15, 2022, America Recycles Day.
  2. Presentation by the Earthwise Living Committee on activities for 2023 - Mayor Riley
  3. Presentation, Discussion, and Possible Action on Fourth of July Event
  4. Presentation, Discussion, and Possible Action on the Leon Valley Jazz Festival Event

5. Discussion and Direction on No Parking Areas in Residential Zones - 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, December 06, 2022, at 6:30 PM, in Council Chambers.**

**Author Readings from Charles Darnell (local author) and Larry Crawford (Houston based author and artist), Sunday, November 20, 2022, at 2:00 PM, at the Leon Valley Public Library.**

**Breakfast with Santa, Saturday, December 03, 2022, from 8:00 AM to 10:30 AM, at the Leon Valley Public Library.**

**Annual Christmas Tree Lighting Ceremony, Monday, December 05, 2022, at 5:30 PM, at the Leon Valley Community and Conference Centers.**

**Miscellaneous other events and announcements.**

9. **Consent Agenda**

1. Discussion and Possible Action Approving of the Following City Council Minutes:
    - a. 11-01-2022 Regular City Council Meeting Minutes
  2. Discussion and Possible Action Accepting of the Following Board/Commission Minutes:
    - a. 05-18-2022 Citizens Police Advisory Committee Minutes
    - b. 08-31-2022 Citizens Police Advisory Committee Minutes
  3. Presentation, Discussion and Possible Action on a Resolution Awarding a Bid and Authorizing the City Manager to Enter Into a Contract with Tankez Coatings, Inc. for the Purpose of Rehabilitating the Huebner Elevated Storage Tank - D. Dimaline, Assistant Public Works Director
  4. Presentation on the City Manager's Training Report as per the Employment Agreement

5. Presentation Discussion and Possible action on Hiring Economic and Business Liaison Roque Salinas - C. Caldera, City Manager

## 10. Regular Agenda

1. Presentation and Discussion on an Ordinance Amending the Leon Valley Code of Ordinances, Chapter 1 General Provisions, Article 1.06 Boards, Commissions, and Committees, Section 1.06.002 Tree Advisory Board, (a), (b), and (c) to Dissolve the Tree Advisory Board and Assign Those Duties to the Park Commission (1st Read as Required by City Charter) - M. Moritz, Public Works Director
2. Presentation and Discussion on an Ordinance Authorizing a Budget Adjustment in the Amount of \$832,498.50 and Awarding a Bid to J3 Construction, Inc. for the Construction of the Seneca West Drainage Project (1st read as Required by City Charter) - M. Moritz, Public Works Director
3. Discussion and Possible Action on a Resolution Canvassing the November 08, 2022, Special Election
4. Presentation and Discussion on an Ordinance of The City Council of The City of Leon Valley, Texas, Ordering and Declaring The 2022 Charter Amendments Adopted (1st Read as Required by City Charter) S. Passailaigue, City Secretary

## 11. Citizens to be Heard

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

1. City Manager's Presentation of Future Agenda Items

## 13. Adjournment

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

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

**Attendance by Other Elected or Appointed Officials:** It is anticipated that members of other City boards, commissions and/or committees may attend the open meeting in numbers that may

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

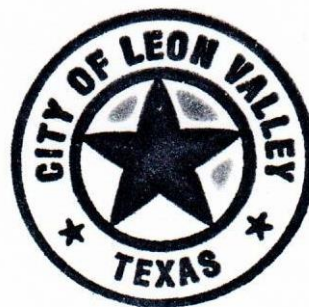
I hereby certify that the above **NOTICE OF PUBLIC MEETING(S) AND AGENDA OF THE LEON VALLEY CITY COUNCIL** was posted at the Leon Valley City Hall, 6400 El Verde Road, Leon Valley, Texas, and remained posted until after the meeting(s) hereby posted concluded. This notice is posted on the City website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



SAUNDRA PASSAILAIGUE, TRMC

City Secretary

November 10, 2022, at 4:20 PM







**PROCLAMATION**  
**Leon Valley, Texas America Recycle Day**  
**November 15, 2022**

***WHEREAS,** Leon Valley, Texas residents generate more trash every day, and this trash gets buried in a landfill, and*

***WHEREAS,** Recycling saves precious energy, conserves valuable natural resources, protects the environment, reduces landfill needs and has a positive economic impact; and*

***WHEREAS,** The City, County, and residents of this community can do more to reduce and recycle waste; and*

***WHEREAS,** Waste reduction and the purchase of recycled-content products are critically important elements of an environmentally responsible waste management program; and*

***WHEREAS,** America Recycles Day is a national promotion to help raise awareness about recycling and buying recycled products; and*

***NOW, THEREFORE, I, CHRIS RILEY,** Mayor of the City of Leon Valley, Texas, do hereby November 15, 2022*

**America Recycles Day**

*Signed by my hand on this the 15<sup>th</sup> day of November 2022.*



*Chris Riley*  
\_\_\_\_\_  
Mayor Chris Riley

# Freedom & Fireworks Recap

Crystal Miranda  
Community Relations Director  
City Council Meeting  
November 15, 2022



# Purpose

- To present a recap to the City Council on the City of Leon Valley's 4<sup>th</sup> of July Freedom and Fireworks Event.
- To receive direction and feedback for next year's Fourth of July event.

# Purpose / Background

- At the August 2 City Council meeting staff was asked to provide more details on the cost of the event.
- Staff presented Council the total revenue and expenses for the entire day activities.
- Overview/Recap:
  - 2022 event was well attended with 15k+
  - Events included a 5k, evening parade, concert, and fireworks display.

Revenue	
Fourth of July Budget	\$50,000
Fourth of July Overtime Budget	\$24,030
Monetary Sponsorships	\$47,500
Vendor Fees	\$1,590
<b>Total Budget plus Revenue</b>	<b>\$123,120.00</b>
Expenditure	
Set-Up & Staging	\$45,296.07
Advertising	\$6,605.95
Entertainment	\$26,000
Miscellaneous	\$7,849.08
Hourly Staff	\$29,396.04
<b>Total Expenditures</b>	<b>\$115,147.14</b>



# Fiscal Impact - 5k

5k		
Item Needed	Business Providing	Cost
Barricades/Cones/Delivery	American Signal	\$ 1,355.00
Public Works Staff		\$ 1,600.00
Police/Security		\$ 1,290.00
Fire/EMS		\$ 260.00
Facility/misc		\$ 500.00
<b>Total Cost</b>		<b>\$ 5,005.00</b>

# Fiscal Impact – Parade and Festival

- The budgeted amount for the 2023 July 4<sup>th</sup> festival is \$80,000.
- Event feedback of 2022
  - Additional volunteers
  - Additional security
  - Additional EMS/Fire staff and equipment
  - Additional vendors
  - Adding amusements



# Next Steps

- Secure Entertainment
  - During the recap presentation to Council in August a list of entertainers were provided with costs.
    - Staff reached out to two additional entertainers:
      - Vocal Trash – Band has separated but 2B1 is available at \$3,500
      - Lt. Dan Band - \$75,000 plus lodging, meals, etc.
- Determine Schedule
  - Keep the timeline from 2022
  - Change to day parade and night concert with fireworks display
  - Council discretion
- Determine Theme



# Next Steps

- City Council discretion.
- Staff will provide updates in January or as requested by Council.

## S.E.E. Statement

Social Equity – Providing community events utilizing amenities for residents and visitors to the Fourth of July Festival and encourages collaborative participation by residents, businesses and stakeholders in a large-scale family friendly event.

Economic Development- The Fourth of July Festival exhibits tradition a distinctive and welcoming identity providing opportunities to market and brand the City for potential developers, businesses and/or residents.

Environmental Stewardship – The City will provide recycle bins and encourage earth-friendly practices during the event.

# City of Leon Valley Jazz Music Festival Presentation Update

Crystal Miranda  
Community Relations Director  
City Council Meeting  
November 15, 2022



# Purpose

- To provide an update on the City of Leon Valley Jazz Music Festival.



# Planning Details

- Select Date – Saturday, March 25, 2023
- Select Time(s) – Grounds open at 12 with concert beginning at 3 p.m.
- Select Location – Raymond Rimkus Park
- Find Available Bands – 2 local and 1 regional
- Plan Logistics – Similar layout to Fourth of July or Council discretion
- Seek Sponsorships –
  - 4 levels: \$500; \$1,000; \$1,500; \$2,000
  - Council discretion
- Seek Vendors – Similar rates as 4<sup>th</sup> of July

## *Possible Event Timeline*

- Saturday Event
  - Open grounds beginning at 12 p.m.
  - Concerts - 3 live bands
    - Beginning at 3 p.m.
    - Ending approximately at 6:30 p.m. (allowing time for bands to switch/set up)
- City Council Discretion

## *Possible Event Fiscal Impact - Estimates*

Item	Cost
Stage	\$1,600
Sound	\$5,500
Entertainment	\$3,600
Set Up	\$3,000
Electrician	\$5,000
Advertisement	\$3,000
ATMs	\$200
	\$21,900



# S.E.E. Impact Statement

- **Social Equity** - Is demonstrated by the City providing community events utilizing amenities for residents and visitors to the Jazz/Music Festival and encourages collaborative participation by residents, businesses and stakeholders in a large-scale family friendly event.
- **Economic Development** - The City's Jazz/Music Festival exhibits a distinctive and welcoming identity providing opportunities to market and brand the City for potential developers, businesses and/or residents.
- **Environmental Stewardship** - Will be demonstrated by stakeholders' onsite educating regarding recycling and sustainability.

Questions?

# Request to Designate “No Parking” Area on Non-collector Residential Street

Melinda Moritz  
Public Works Director  
City Council Meeting  
November 15, 2022

# Summary

- Question
  - The City Council is being asked to explore options for prohibiting on-street parking on a portion of a non-collector residential street
  - A resident is parking excess vehicles in street, causing concerns by another resident on same street
- Options
  1. Approve an Ordinance designating portion of street as “No Parking”
  2. Take no action
  3. Other

# Request

- To designate portion of a non-collector residential street as “No Parking” to prevent a resident from parking excess number of privately owned vehicles on a public street
- Zoning Code calls for 2 off-street parking spaces per residential home in this area – home is compliant
- Property owner has more vehicles than can be parked in the driveway

# Background

- Parking is typically restricted in residential areas where there is a clear public purpose:
  - Within 30' of a stop sign
  - School traffic area
  - Limited sight distance
  - Narrow and/or substandard roadway
  - High traffic street (expressway, primary & secondary arterial, commercial & residential collectors)

# Purpose

- LVCC, Chapter 12, Article 12.03 already states:  
Sec. 12.03.004 Blocking driveway
  - No automotive vehicle shall be parked in any manner which will block or impede free vehicular ingress and egress to all public and private driveways opening into any street, alley, or public right-of-way in the city.



# Purpose

- LVCC, Chapter 12, Article 12.03 also states:  
Sec. 12.03.003    Parking for longer than 48 hours; parking for certain purposes prohibited; parking of trailers or campers
  - It shall be unlawful for any person to park unused vehicles of any kind in any street or public place for more than forty-eight (48) hours, or at any time for the purpose of storage, washing, greasing or repairing such vehicle (except repairs necessitated by emergency), sale, or display of advertising signs or posters fixed to such vehicle, or any trailer, semitrailer, horse trailer, or boat trailer not attached to a tractor or towing vehicle, or any auto-bus, motor home or camper.

# Fiscal Impact

- No Parking signs, poles, brackets      2 at \$75 ea.
- Total      \$150.00

# Recommendation

- At Council discretion
- Considerations:
  - If approved, more property owners may request same resolution
  - Limited police staffing may make enforcement difficult or spotty, may be accused of “targeting” an individual
  - Ordinance would also affect anyone else wanting to park on the street in that area (i.e., party)
  - Maintenance and replacement of signs should also be considered

## S.E.E. Statement

Social Equity: Approval of this request would allow the property owner clear access to a public street

Economic Development: N/A

Environmental Stewardship: N/A



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

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**MINUTES**

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Citizens May E-Mail Public Comments To [citizenstobeheard@leonvalleytexas.gov](mailto: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 6:00 PM and announced that a quorum of City Council was present in Council Chambers.

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

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

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

Mayor Riley read aloud the agenda caption for Item 2.1

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

### **3. Reconvene into Regular Session**

The City Council reconvened into Open Session at 6:31 PM

### **4. Citizens to be Heard**

Those who spoke at this time were: Kathy Hill (Leon Valley Historical Society)

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

No action was taken.

### **6. Presentations**

#### **1. Presentation and Discussion on Funding Source for the Seneca West Drainage Project - M. Moritz, Public Works Director**

Melinda Moritz, Public Works Director presented this item.

#### **2. Presentations Discussion and Possible Action on renewing the Memorandum of Understanding between the City of Leon Valley and the Leon Valley Historical Society - Mayor Chris Riley.**

Crystal Caldera, City Manager presented the current Memorandum of Understanding between the City of Leon Valley and the Historical Society. City Manager included recommended amendments to the renewal.

Kathy Hill, Leon Valley Historical Society also spoke on this item.

#### **3. Presentation, Discussion, and Possible Action on the Purchase of Soofa Signs. C. Miranda, Community Relations Director**

Crystal Miranda, Community Relations Director presented this item.

There was a brief discussion with a consensus to place this item on hold for now.

### **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 Chris Riley and City Council Members.

## **8. City Manager's Report**

### **1. UPCOMING IMPORTANT EVENTS:**

**Regular City Council Meeting, Tuesday, November 18, 2022, at 6:30 PM, in Council Chambers.**

**Early Voting for the Joint General, Special, Charter and Bond Election, Monday, October 24, 2022 through Friday, November 04, 2022, at the Leon Valley Conference Center.**

**Election Day, Tuesday, November 08, 2022, from 7:00 AM to 7:00 PM, at the Leon Valley Conference Center.**

**Author Readings from Charles Darnell (local author) and Larry Crawford (Houston based author and artist), Sunday, November 20, 2022, at 2:00 PM, at the Leon Valley Public Library.**

**Breakfast with Santa, Saturday, December 03, 2022, from 8:00 AM to 10:30 AM, at the Leon Valley Public Library.**

**Miscellaneous other events and announcements.**

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**Breakfast with Santa, Saturday, December 03, 2022, from 8:00 AM to 10:30 AM, at the Leon Valley Public Library.**

**Miscellaneous other events and announcements.**

## **9. Consent Agenda**

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



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

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

- a. **10-18-2022 Regular City Council Meeting Minutes**
- b. **10-22-2022 Coffee with the Mayor & City Council Minutes**

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

- a. **09-26-2022 Tree Advisory Board Meeting Minutes**
- b. **09-27-2022 Planning & Zoning Commission Meeting Minutes**

**3. Discussion and Possible Action on a Resolution of the City of Leon Valley City Council Appointing Members to the Park Commission, and the Economic & Community Development Advisory Committee**

**10. Regular Agenda**

**1. Discussion and Action to Consider Approval of a Resolution Adopting the 2022 Leon Valley Americans with Disabilities Act (ADA) Transition Plan - M. Moritz, Public Works Director**

Melinda Moritz, Public Works Director presented this item.

A motion was made by Councilor Rey Orozco to accept the proposed ADA Plan and to replace the "TBD" with "10-years" on the large items. 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 and Discussion on an Ordinance Amending the City of Leon Valley Code of Ordinances, Chapter 4 Business Regulations, Article 4.03 Alcoholic Beverages, Division 1. Generally, and Division 2. License and Permit Fees (First Read as Required by City Charter) - S. Passailaigue, City Secretary**

Saundra Passailaigue, City Secretary presented this item in an effort to update the City's Code of Ordinances Chapter 4, Article 4.03 Alcoholic Beverage permitting and associated fees.

There was a consensus to bring this item back for second read in the next Consent Agenda.

**3. Presentation and Discussion on an Ordinance Amending the Leon Valley Code of Ordinances, Chapter 1 General Provisions, Article 1.09 Parks and Recreation, Division 2 Use Regulations, Section 1.09.032 Alcoholic Beverages to Consider**

**Prohibiting Alcohol Consumption at City-owned Swimming Pool Facilities as Recommended by the Park Commission (1st Read as Required by City Charter) - M. Moritz, Public Works Director**

Melinda Moritz, Public Works Director presented this item.

Mayor Chris Riley read an email sent by Elaine Valdez (Leon Valley Park Commissioner)

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

Those who spoke on this item were: Danielle Bolton (Leon Valley); Erick Matta (Leon Valley); Pat Martinez (Leon Valley); and Yvonne Orozco.

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

**4. Discussion and Possible Action Seeking City Council Approval of the 2023 City Council Meeting Schedule - S. Passailaigue, City Secretary**

Saundra Passailaigue, City Secretary presented a proposed 2023 Meeting and Event Schedule for City Council review and acceptance.

There was a discussion to cancel January 03, July 04, and October 03, 2023 Regular City Council meetings.

A motion was made by Councilor Jed Hefner to approve the schedule as amended. 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

**11. Citizens to be Heard**

Those who spoke at this time were: Danielle Bolton (Leon Valley)

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

**1. City Manager's Presentation of Future Agenda Items**

Mayor Chris Riley requested an item addressing parking on public streets; an update on the July 4th celebration; and an update on the Jazz Festival.

Councilor Jed Hefner requested an item about the Huebner Creek Trail groundbreaking.

Councilor Josh Stevens requested an item considering adopting a Vacant Property Policy. Councilor Will Bradshaw seconded this request. Mayor Chris Riley added that along with that information be a list showing Leon Valley vacancies.

Councilor Benny Martinez requested an item restricting parking on private properties such as churches. City Manager Caldera said that could be added to the item on parking on streets requested by Mayor Riley.

### 13. Adjournment

Mayor Riley announced that the meeting adjourned at 8:34 PM.

**These minutes approved by the Leon Valley City Council on the 15<sup>th</sup> of November, 2022.**

APPROVED

\_\_\_\_\_  
**CHRIS RILEY**  
MAYOR

ATTEST: \_\_\_\_\_  
**SAUNDRA PASSAILAIGUE, TRMC**  
CITY SECRETARY



**CITY OF LEON VALLEY  
CITIZEN POLICE ADVISORY COMMITTEE**  
Conference Center  
6400 El Verde Rd, Leon Valley, Texas 78238  
Wednesday, May 18, 2022, at 6:30 p.m.

**MINUTES**

The Citizen Police Advisory Committee met on the 18th day of May 2022, at the Leon Valley Conference Center located at 6421 Evers Road, Leon Valley, Texas for the purpose of the following business:

**6:32 p.m. Call to Order and Announcement of a Quorum**

Erick Matta called the Police Advisory Committee Meeting to order at 6:32 p.m.

Erick Matta asked that the minutes reflect that the following members of the Citizen Police Advisory Committee were present: Betty Heyl, Jesus Valdez, Erick Matta, Philip Campos, Ryan Brill, Tom Nolan, Manuel Rubio, Darby Riley, James Brandenburg, Tina Chasan and John Saenz

City Manager- Crystal Caldera, Councilman Martinez, Orozco were also present.

**Agenda Item #2 Approval of the Minutes from March 16, 2022**

The minutes were approved. Tom Nolan and Jesus Valdez.

**Agenda Item #3 Presentation: Learn more on officer Assignments to our various neighborhoods and fostering that relationship along with the creation of a map that is accessible:**

Lt. Burleson updated the neighborhood website. They will be adding the map to the residence page. The list has been updated, added to the quick links, and has been on the website for 3.5 years. This list will pull up the officers name and email. Went out on the last E-news distribution last week. Run 12 hour shifts. 18 patrol and 3 traffic. Maintain our minimum number of officers.

**Agenda Item #4 Presentation/Discussion: Speeding Complaints**

City Manager spoke to rotating officers and speed signs. Calming measures, signage on Evers Rd. Allocation of Resources, decide on prioritization. Lt. Burleson spoke about prioritizing safety. Signage helps. Ie. Crosswalks with blinking lights potentially. Routes, The high school, elementary, Evers to the park, still part of the Elementary. LT and CM

spoke to overtime and comp time. Spoke to Facebook page for LV. Officers are being trained currently. 2 new speedometers are being purchased. Speed hump policy to be noted on the Lions Roar. Red light cameras. Discussed establishing time frames for speeders, if possible. Increase communication. Education in the schools? Special edition of the lions roar. CM- community contacts, warning citations, the CM will pull a report and to check citations. Make the cars visible. Partner with schools, mass casualty, air lift, mangled kids. Car driven, active shooter, school canceled. July. Speak with students. Drunk driving. Each department has to give volunteer. Blue Santa, drunk driving. 4<sup>th</sup> of July. Bike rodeo, career days. Add speeding signage, use funds for red light camera. Slow down, kids play here.

Benny doesn't like the stealth police cars. Budget is moving forward to wrap cars. LT spoke up to some of the purposes for use of the stealth vehicles. Chair asked about studies. Signs and speeding, poss and grissom, small sign, no drive through traffic. Eliminated 80%.

**Agenda Item #5 Presentation /Discussion: On serious crimes taking place in the city for example Vista del Rey Apartments and Quick Trip.**

We used to be more rural, now we are more city. More apartments, no cause and effect, more socioeconomics, less maintained homes. 2 in town suites, low income hotel, low income hotel off Wurzbach. Call volume increased. Dead deer versus murder. Trend patterns are changing. Spoke to code changes and apartment complexes for 24 hour security. Fennley's by shadow mist, apartment complexes. Come up to code. Scheduling inspections to for Vista del Rey. Spoke to the safety concern of the code compliance, explore from barring from renting.

**Agenda Item #6 Discussion and Action Setting Time and Date for Next Meeting with Proposed Dates being August 17, 2022**

**Agenda Item #7: Presentation Discussion and Possible Action on In-House Training**

Additional training, other cases that come up, new training comes up, de-escalation training. Training for failure to act. Duty to intervene. Basic peace officer. We need by the time, we would need people to sit on the board for recs for training. Certain training records, instructor bios. Need a combo of police and civilians. To align those to support. Training budget is \$5300 combined per year total for all officers. Use of Training Provider Status to increase officer training without increasing cost to city. Train the trainer program, if they put it into the right resource.

Citizens Police Academy. One time a week for a couple of hours, specific topic, why police do what they do. Some of the different functions, departments, new legislature.

### **Agenda Item #8: Discussion on proposed items for the next meeting**

August 17<sup>th</sup> at 6:30pm

### **Agenda Item #9: Citizens to be Heard**

Councilman Rey Orozco: term expires, extend for 30 days. It came out on the agenda. Budget, police department, increase pay. Curfew note.

Councilman Martinez: special needs kids training. Police driving down the neighborhood. Pull over and say Hi. IDD training has been completed by LT. MIH guide. Mobile integrated help officer person.

Mr. Profit: penalizing, anything in the ground. Picking up signs Bandit signs. No respect for property. Getting worse. Telephone poles.

Evan Bohl: Consistency on a call to officers, they enforcing, call about certain violations.

Jesus Valdez: Concerns for the purpose of the meetings, our police is doing a fantastic job. Hard to give advice to the police, hard to come up with advice. Sounds like doing a good job with the size of the force.

### **Agenda Item #10: Adjournment at 8:48pm**

These minutes approved by the Leon Valley Police Advisory Committee on the 2<sup>nd</sup>

November

APPROVED



**Erick Matta**  
CHAIR



**CITY OF LEON VALLEY  
CITIZEN POLICE ADVISORY COMMITTEE**  
Conference Center  
6421 Evers Road, Leon Valley, Texas 78240  
Wednesday, August 31, 2022, at 6:30 p.m.

**MINUTES**

The Citizen Police Advisory Committee met on the 31st day of August 2022, at the Leon Valley Conference Center located at 6421 Evers Road, Leon Valley, Texas for the purpose of the following business:

**6:33 p.m. Call to Order and Announcement of a Quorum**

Erick Matta called the Police Advisory Committee Meeting to order at 6:32 p.m.

Erick Matta asked that the minutes reflect that the following members of the Citizen Police Advisory Committee were present: Betty Heyl, Bill Stannard, Erick Matta, Philip Campos, Ryan Brill, Tom Nolan, Manuel Rubio, Tina Chasan, James Brandenburg and John Saenz

Councilman Orozco, Councilman Martinez, City Manager (CM) Crystal Caldera, LT Burleson and Chief Gonzalez were also present.

**Agenda Item #2 Approval of the Minutes from April 18, 2022 will be postponed until next meeting.**

Crystal Caldara noted that since we had not posted an agenda 72 hours in advance, we can Not at this time vote on agenda items. We can have a special meeting to vote on any items in the future.

Councilman Orozco noted that in regard to the National Night out to put in the process on duties to visit different neighborhoods. We want to ensure participation for all neighborhoods for the police presence do be on force. Hot dogs/soda, etc. Council noted that we need to be organized. Recommends that we Start now, make the format nice and smooth. Click the link on Friday on the E-news, compile a list, police department. Split up the neighborhoods that have registered. City manager recommended to place it on next door. Council can also visit citizens as well. Council Martinez noted Firepersons, council , police, etc. should attend.

**Agenda Item #3 Comments on the issues with dispatch:**



Chair noted that council met with dispatch, Council Martinez to speak on that. Went to the 911 call center, shavano park, well equipped. The problem they are having, can Not find enough people who want to work. Bexar county is completing our dispatch, they are at 30% filled. What about bring back dispatch to Leon Valley? Staff shortage and costly equipment. Training takes 2-3 months.

Betty Heyl asked if we could ask about red light camera money. CM noted that anything traffic related. 80% of calls are EMS calls, 1% of all calls are accident calls. 1-5% on dispatch from the red light camera budget. Traffic safety. Nolan, asked about how much is collected from the fines. Each ticket, LV, per chief, more than a couple million dollars, traffic enforcement officers. 8 officers are paired at this time. CM noted that call volumes have gone up significantly. LV at this point can not afford dispatch. John Saenz asked about placing a note of why we can Not have dispatch, noted to place on Lions Roar or on the website. Bexar county has had a few 10 min holds per CM. Per chief, which calls do we want to answer, emergency calls hold priority.

CM noted that 17 will be onboarded, pay at \$20 an hour. San Antonio is paying more. Per chief, Bexar county, city and small cities did not want to join into a call center about 15 years ago. They have backup power for weeks at a time. Kitchens and bedrooms, water, emergency set ups. We now have triple redundancy. They have not charged us as of yet. Per chief and CM, we are Not paying for dispatch. Current price of dispatch is approx. \$300k a year. CM to do a better job of articulating and communicating. It's a cost prohibitive item at this time.

Resident noted that in regard to a call, an Acadia ambulance was noted instead of leon valley, a shooting versus a residence, Acadia. She got put on hold for arcadia to pick up. She had a hold time after the fact. Average response time is 3-4 minutes. CM noted shooting, chest pain and car accident at the same time, mutual aid, Acadia, Shavano hills, etc. Running 10-12 calls on the EMS, we only hear about the ones you get placed on hold. Resident asked Erick about a post and noted to speak about it after. Another resident noted that we were able to contact the neighborhood police and the response time was 3 minutes.

#### **Agenda Item #4 Apartment issues**

CM noted that we filed a 54 lawsuit against the apartments, we can view the press release. 2 shootings at Vista Del Rey recently. Apartment complex is low income housing. Major issues at the apartments. Chair asks about resources being expended to apartments, then limited to residence. Chief noted that the city of leon valley will have to work on from now until forever.

Resident asked about how often the police go through the neighborhoods, per Chief that is the priority. Chair noted that this was the outskirts since the 80s. Resident noted that Gabor neighborhood has high crime, next to Leon Valley. Resident asked how to start Neighborhood watch, get with your neighborhood police officer. Betty Heyl noted that NExtdoor mapping lines are off, she is working to get it completed.



**Agenda Item #6: Mapping and Crime Rates**

Chair noted to skip item 5 as it was encompassed in the prior conversations. LT noted that she is showing a map for Leon Valley and San Antonio. Assault in 2022. 9 month, 21 aggravated assault, 125 simple assaults. Similar number to 2020 and 2021. Burglaries, commercial, residential and auto. LV had 87 burglaries, 31 commercial, 27 residential. 2022 has gone down. Most burglaries are during day, vehicle at night, those items, resource allocation. LT asks where do we want our resources going, how to give direction, what are the priorities as citizens? Homicide and manslaughter rates, LV, 2 this year. At Vista Del Rey, 2020, zero, 2021, three. LT noted societal concerns. Motor vehicle thefts, very common, 60 for 2022. Sexual assault, in 2022 twelve, 11 offenses. Few unknown offenders. Thefts minor 194, 61 shoplifting, 2022, on par for last 2 years, holidays and summer, sometimes. Weapons violations, 2022, 9 weapons violations. Spoke about the QT and the crime rate, seems more dense. Per chief, every city is having issues, covid created a backlog on cases. Question from the resident on Fentanyl issues in LV. San Antonio crime data can be pulled from public records.

**Agenda Item #7: Future Agenda Item**

First week of November, the 2<sup>nd</sup>.  
Approval of minutes for both April and August 2022.  
Traffic on Huebner and Evers, all Huebners

**Agenda Item #9: Adjournment at 8:13pm**

These minutes approved by the Leon Valley Police Advisory Committee on the 2<sup>nd</sup>  
of Month and Day, 2022.

November

APPROVED



**Erick Matta**  
CHAIR

## **MAYOR AND COUNCIL COMMUNICATION**

**DATE:** November 15, 2022

**TO:** Mayor and Council

**FROM:** David Dimaline, Assistant Public Works Director

**THROUGH:** Crystal Caldera, City Manager

**SPONSOR(S):** None

**SUBJECT:** Discussion and Action on a Resolution Awarding the Lowest Responsive Bid; and Authorizing the Execution of an Agreement in the Amount of \$312,000.00, with \$46,800 (15%) Contingency, to Tankez Coatings, Inc. for the Huebner Elevated Water Storage Tank Painting and Rehabilitation Project.

### **PURPOSE**

The purpose of this M&C is to consider awarding a bid in the amount of \$312,000.00 and authorizing the City Manager to enter into a contract with Tankez Coatings, Inc. for the purpose of painting and rehabilitating the Huebner elevated water storage tank.

The date of original construction for the Huebner elevated storage tank is shown on the nameplate as 1979, constructed by Chicago Bridge & Iron Company. The elevated tank is welded steel construction, with a self-supported dome roof and is supported by four steel columns and one center riser sitting on individual concrete pier foundations. The elevated tank holds 150,000 gallons of potable water. Records indicate the tank was last rehabilitated in 1998. An inspection was conducted in June of 2021 by HOT Inspection Services. The condition of the tank was evaluated and a report was provided including recommendations and cost estimates. The report concluded that the tank may be overcoated on the exterior and rehabilitated on the interior to add another full life cycle of 18-20 years. Modifications to the ladders and vent systems will also be made per TCEQ requirements.

Exterior work will include cleaning and painting the exterior with an overcoat system. The interior work will include cleaning and painting the interior with a 2-coat epoxy system, grinding and corrosion repairs, replacing the roof vent, access ladder modifications, replace caulking, gaskets and bolts.

The bid opening was held on October 11, 2022 and a total of twelve companies submitted bids.

They were:

<b>Vendor</b>	<b>Bid</b>
N.G. Painting, LP	\$383,000
Maguirre Iron, Inc.	\$404,000
D & M Tank, LLC	\$331,300
TANKSCO, Inc.	\$353,150
Champion Tank Services, LLC	\$339,000
O & J Coating, Inc.	\$312,000
Tankez Coatings, Inc.	\$312,000
Classic Protective Coatings, Inc.	\$438,125
Phoenix Fabricators & Erectors, LLC	\$688,000
Viking Painting, LLC	\$397,300
TMI Coatings, Inc.	\$646,000
MW Cole Construction, LLC	\$352,000

The City Engineers reviewed each of the bid submittals, and they recommend awarding the construction contract to the lowest and more qualified bidder, Tankez Coatings, Inc.

### **SEE LEON VALLEY**

**Social Equity** - Maintaining our water storage tanks ensures that all citizens have fresh, safe drinking water at all times, which adds to the general quality of life for all citizens.

**Economic Development** - Improved water infrastructure helps to ensure an efficient delivery of service which may encourage relocation.

**Environmental Stewardship** - Regular maintenance of our water tanks helps maintain our overall water distribution system which reduces the amount of water loss due to main breaks.

### **FISCAL IMPACT**

The project was budgeted for FY 2022 in the amount of \$374,500, but couldn't be completed because of delays with the Marshall Elevated Tank rehabilitation. The funding was carried over to FY 2023. The bid is \$312,000, with \$46,800 contingency for a total of \$358,800 (net savings of \$15,700 and more, if contingency is not used).

### **STRATEGIC GOALS**

Item 2 – Continue Work on Capital and Planning Projects

## **RECOMMENDATION**

It is recommended that the City Council approves a Resolution accepting the lowest qualified bid from Tankez Coatings, Inc., and authorizing the City Manager to enter into a contract in the amount of \$312,000.00, with \$46,800 for contingency to rehabilitate the Huebner elevated water storage tank.





October 25, 2022

Melinda Moritz  
Director of Public Works  
City of Leon Valley  
6400 El Verde Road  
Leon Valley, Texas 78238

**RE: Huebner Elevated Storage Tank Painting and Rehabilitation  
Bid #2022-08  
Contract Award Recommendation**

Dear Ms. Moritz,

Bids were received and opened on October 11, 2022, at 2:00 P.M. Twelve (12) bids were received, and the results are shown in the attached Bid Tabulation Summary. The lowest bidders on the project is Tankez Coatings, Inc. and O&J Coating, Inc. with a total bid amount of \$312,000.00.

I have reviewed the Contractor's bid documents and completed reference checks. Based on our review, O&J Coating, Inc. did not acknowledge Addendum No. 1, however, Tankez Coatings, Inc. did acknowledge Addendum No. 1. Based on our review, the reference checks and past experience, Tankez Coatings, Inc. is qualified to complete this work, therefore; it is my recommendation that the City of Leon Valley, contingent on the approval of the City Council, award the construction contract for the Leon Valley Huebner Elevated Storage Tank Painting and Rehabilitation to Tankez Coatings, Inc. for the total bid amount of **\$312,000.00**.

If you have any additional questions, I can be contacted at 210-822-2232.

Respectfully Submitted,  
Ardurra Group, Inc.  
TBPE Firm No. F-10053

A handwritten signature in blue ink that reads "Byron Sanderfer".

Byron Sanderfer, P.E., CFM  
Public Works Practice Director

Attachment: Bid Tabulation Summary

**RESOLUTION No. 2022-**

**A RESOLUTION OF THE CITY OF LEON VALLEY, TX. CITY COUNCIL AWARDDING THE LOWEST RESPONSIVE BID; AUTHORIZING THE EXECUTION OF AN AGREEMENT IN THE AMOUNT OF \$312,000.00 WITH \$46,800 (15%) FOR CONTINGENCY WITH TANKEZ COATINGS, INC., FOR THE PURPOSE OF REHABILITATING THE HUEBNER ELEVATED WATER STORAGE TANK**

---

**WHEREAS**, it is necessary to maintain existing infrastructure, and the Huebner Elevated Storage Tank Painting and Rehabilitation Project will add another full life cycle of 18-20 years; and

**WHEREAS**, it is the overall goal of the water utility to provide for the safe and efficient delivery of water services to the citizens of Leon Valley in an economically expeditious manner; and

**WHEREAS**, the City of Leon Valley budgeted for water improvements in the Fiscal Year 2023 Water and Sewer Utility budget; and

**WHEREAS**, the estimated budget for this project was \$374,000; and

**WHEREAS**, the lowest responsive bid is \$312,000.00 from Tankez, Coatings, Inc.; and

**WHEREAS**, the Leon Valley City Council desires to accept the lowest responsive bid, and authorize the execution of an agreement with Tankez Coatings, Inc. in the amount of \$312,000.00, with \$46,800 (15%) for contingency;

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

**SECTION 1.** The lowest responsive bid of \$312,000.00 from Tankez Coatings, Inc. for the purpose of constructing the Huebner Elevated Water Storage Tank Painting and Rehabilitation Project is hereby accepted. All other bids will be considered rejected upon the execution of a contract by the successful bidder and the deposit of all required bonds and insurance certificates or the expiration of ninety (90) days from the effective date hereof, whichever occurs first.

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

**APPROVED**

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**CHRIS RILEY**  
MAYOR

Attest :

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**SAUNDRA PASSAILAIGUE, TRMC**  
City Secretary

Approved as to Form:

---

**NICOLE WARREN**  
City Attorney



Consider Approval of a Resolution Awarding  
the Lowest Qualified Bid to Tankez Coatings,  
for the Huebner EST  
Painting and Rehab Project

David Dimaline  
Public Works Assistant Director  
City Council Meeting  
November 15, 5022

# Summary

- A Resolution Awarding the Lowest Qualified Bid to Tankez Coatings, Inc. to Complete the Huebner Elevated Storage Tank Painting and Rehab Project
- Options
  - Approve
  - Deny
  - Other
- Declaration
  - Recommend approval of the Resolution

# Purpose

- To consider approving a Resolution awarding a bid in the amount of \$312,000, with 15% for contingency, and authorizing the City Manager to enter into a contract with Tankez Coatings, Inc. for the Huebner EST painting and rehab project

# Background

- The Huebner EST was constructed in 1979, is made of welded steel construction, and holds 150,000 gallons of potable water
- The tank was last rehabilitated in 1998, and was inspected in 2021 by HOT Inspection Services
- The report concluded that exterior and interior work to include cleaning and painting with an overcoat system would add another full life cycle of 18-20 years

# Background

- Project Scope of Work:
  - Exterior work will include cleaning and painting the exterior with an overcoat system
  - Interior work will include cleaning and painting the interior with a 2-coat epoxy system, grinding and corrosion repairs, replacing the roof vent, access ladder modifications, replace caulking, gaskets and bolts

# Background

- The bid opening was held on October 11, 2022 and a total of twelve companies submitted bids. They are:

Vendor	Bid
N.G. Painting, LP	\$383,000
Maguirre Iron, Inc.	\$404,000
D&M Tank, LLC	\$331,300
Tanksco, Inc.	\$353,150
Champion Tank Services, LLC	\$339,000
O&J Coating, Inc.	\$312,000
Tankez Coatings, Inc.	\$312,000
Classic Protective Coatings, Inc.	\$438,125
Phoenix Fabricators & Erectors, LLC	\$688,000
Viking Painting, LLC	\$397,300
TMI Coatings, Inc.	\$646,000
MW Cole Construction, LLC	\$352,000

# Background

- The City engineers reviewed each of the bid submittals, and they recommend awarding the contract to the lowest and most qualified bidder, Tankez Coatings, Inc.

# Fiscal Impact

- The project was budgeted for FY 2022 in the amount of 374,500, and carried over to FY 2023 due to delays with the Marshall Elevated Tank rehabilitation
  - Project Budget: \$374,500
    - Construction: \$312,000
    - Contingency: \$ 46,800
    - Total Project Cost: \$358,800



# Recommendation

- It is recommended that the City Council accepts the lowest qualified bid from Tankez Coatings, Inc., and authorize the City Manager to enter into a contract in the amount of \$312,000, with \$46,800 for contingency to rehabilitate the Huebner elevated storage tank

# S.E.E. Statement

- Social Equity – Maintaining our water storage tanks helps us ensure that all citizens have fresh, safe drinking water at all times, which adds to the general quality of life for all citizens.
- Economic Development – Improved water infrastructure helps to ensure an efficient delivery of service which may encourage relocation.
- Environmental Stewardship – Regular maintenance of our potable water tanks helps maintain our water distribution system which reduces the amount of water loss due to main breaks.

Consider Approval of a Resolution Awarding  
the Lowest Qualified Bid to Tankez Coatings,  
for the Huebner EST  
Painting and Rehab Project

David Dimaline  
Public Works Assistant Director  
City Council Meeting  
November 15, 5022

**City Manager Training Report from Texas Municipal League**  
**110<sup>th</sup> Annual Conference October 5 -7, 2022.**

Per the City Manager employment agreement section 12, the *“Employee agrees to provide and turn in all receipts for such expenses and to provide the City Council with a report of what information was learned or obtained at the next reasonable Council Meeting after attending a conference or training session.”*

The training session was located in San Antonio, so no hotel or travel expenses were incurred. The total cost for registration and parking was \$475.00.

As part of the training, I attended the following:

October 5, 2022

- The Responsibility of Leaders in Times of Uncertainty hosted by Dr. Rick Rigsby. This motivational speaker provided a message illustrating that nothing prepares leaders more than a season of instability. Stating that in times of uncertainty, it compels leaders to rise to another level. Sticking to the basics and showing small acts of kindness can go a long way
- Risk Management the gut punch Chronicles. We heard from four of the Texas Municipal League intergovernmental Risk pool employees understanding the city’s insurance coverage needs. We discussed COVID-19, Winter Storm Uri, increasingly volatile weather, explosions, fire, inflation, cyber security, and other risks. – See attached Handout.
- Sex, Drugs, and Political Patronage: Why employment Law is so much fun. Learned from an experienced employment attorney the basics of the laws affecting public sector employment, such as what to do when there’s a complaint of sexual harassment, what to do about employees who shouldn’t be on leave, and those who should not be at work, how to have (and document) difficult conversations about performance, when you have to pay overtime, and what employees have the right to say on social media. – See attached handout

October 6, 2022

- Small City Strategies for Getting Infrastructure Grants: We discussed Six federal grants for small cities
  - Safe Streets and Roads for All Program
  - Electric Vehicle Charging Community Grant
  - Enabling Middle Mile Broadband Infrastructure Program
  - Digital Equity Competitive Grant Program
  - Energy Efficiency and Conservation Block Grant
  - Clean School Bus Program
- Better Together: Collaborating to Get Things Done Collaboration with other cities, local businesses, and more is an effective way for small cities to provide high-quality services with limited resources.
- 2023 Legislative Outlook for Cities We looked at the upcoming 88th session of the Texas Legislature, which begins on January 10, 2023. – See attached handouts.

- Social Media and the New Normal we heard from other cities about some innovative and creative ways cities have learned to adjust and move forward as a team within this new normal through social media to support with communication, advertising, or celebrating.

October 7, 2022

- Legal Q &A – Various questions on Quorum issues
- Build a Welcoming Community hosted by Melody Warnick, Author and Placemaking Expert. She discussed communities across the country fighting to attract and retain an increasingly mobile workforce. She discussed the towns and cities that know how to welcome newcomers by providing incentives and a sense of community.





## 2022 Guide to Public Workplace Law *or: Sex, Drugs & Political Patronage – Why Employment Law is So Much Fun!*

### TML Annual Conference

October 5, 2022  
San Antonio

Sheila Gladstone  
sgladstone@lglawfirm.com  
(512) 322-5863

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## Discrimination and Harassment

- ▶ Federal statutes apply to employers with 15+ employees except Age Discrimination in Employment Act, which applies to all public sector employers
- ▶ Texas Chapter 21 applies to public sector employers regardless of size
- ▶ 2021 Texas legislation expanded liability for sexual harassment to any supervisor/manager/HR who didn't act "immediately" to correct the harassment

## “Protected Classifications”

- Race
- Religion
- Ethnicity
- Sex
- Sexual Orientation/Gender Identity/Gender Stereotyping
- Age (40+)
- Disability/Genetic Information
- Protected Activities/Retaliation



## Common retaliation claims

- Texas Whistleblowers Act
- Workers' Comp retaliation
- EEO complaint retaliation
- Wage/hour complaint retaliation (overtime)
- On protected leave
- Political patronage retaliation
  - Exception for “cabinet level” positions

## Sexual Harassment after the #MeToo Era

### THE LAW OF SEXUAL HARASSMENT HASN'T CHANGED MUCH

- ▶ Severe or pervasive
- ▶ Based on sex
- ▶ Knew or should have known
  - Good, publicized policies
  - Clear reporting
  - No retaliation
  - Training
- ▶ Fair investigation
- ▶ Prompt remedial action
- ▶ 300-day limitations

#MeToo Era

## SO WHAT HAS CHANGED?

- ▶ Speed of exposure
- ▶ Age of allegations
- ▶ Less stigma
- ▶ New ways employers “should have known”
  - #MeToo posts on social media?
- ▶ “Prophylactic gender separation” affects career opportunities
- ▶ #BelieveWomen – sex discrimination at work?



#MeToo Era

## Most Hostile Environment Harassment Claims:

*“You’re not as funny or charming as you think you are”*

- Jokes
- Teasing
- Forwarding
- Touching
- Imitating



## Managing Employee Leaves, Health Issues, Disability & Job Accommodation

### Family & Medical Leave Act

- ▶ FMLA protects job for 12 weeks while out for certain reasons:
  - Childbirth/Adoption (moms and dads)
  - Employee's Serious Health Condition
  - Serious Health Condition In the Family (parent/child/spouse)
  - Time off to attend to family member's reservist activity or foreign deployment – "Qualifying Exigency"

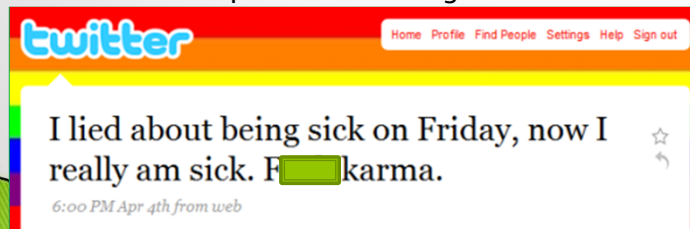
## FMLA Leave is Protected



- ▶ No discipline
- ▶ No negative comments about leave
- ▶ No lowered evaluations for dependability
- ▶ For attendance warnings, separate out the unprotected absences
  - ▶ How did employee perform when not on protected leave?
- ▶ No retaliation after leave

## You can use social media to investigate leave fraud, but . .

- ▶ Stored Communications Act does not allow unauthorized intrusion into private social media accounts
  - Authorized User Exception: Someone with “friend” or “follower” status can provide employer screenshots,
  - Lose exception if access is coerced; easy test to fail/don’t ask
  - Beware of “Surreptitious Friending” – don’t use third party





## Leave must be taken for correct purpose

- ▶ Texas constitution does not allow gifts of paid time off when not pre-stated in policy
- ▶ Can't let employee run out sick leave to get to retirement if not sick
- ▶ Must investigate fraudulent use of leave
- ▶ Aug 2022 8<sup>th</sup> Cir case – Municipal taxpayers have standing to sue for spending revenues for unlawful purpose – applied to paid time off (*Huizenga v. ISD No. 11*, 8<sup>th</sup> Cir 8/11/22)

## ADA-AA Bottom Line:

- ▶ Reasonable accommodation of most health issues
  - Essential Functions
  - Undue Hardship
  - Direct Threat of Imminent Harm
  - ALWAYS engage in Interactive Process
- ▶ Err on the side of:
  - It is a disability and it **can** be accommodated
  - Flexible policies

## The accommodation process

### ► INTERACTIVE PROCESS – DOCUMENTED

- Is there anything we could do so that you can perform the essential functions of your job?
- Employee should ask:
  - “I could do this *whole* job if only the employer would \_\_\_\_\_.”
  - “Is that a reasonable request?”
- Any other jobs open?
- Could reasonable time off solve the problem?
  - FMLA?

## SERVICE ANIMAL AGREEMENTS?



## If I can't ask about disability or health . . .

- ▶ How do you hire people who can actually do the job??



## Interview should demonstrate abilities

- Explain what this report/order/statute tells you.
- Tell me how you would handle this situation.
- Show me how you would enter this in Excel.
- Show me how you would do a safety check on this equipment.
- Write a summary/chrono of this situation.
- Take a spelling/grammar test.



## 1<sup>st</sup> Amendment Balancing Test

### Three-part test for public employees:

#### 1. Is employee speaking as citizen or employee?

Employer can regulate speech it has paid for

#### 2. Is the speech a matter of public concern?

Only public concern is protected

#### 3. Does the employer's interest in maintaining an efficient and effective workplace outweigh employee's interest in free speech?

## IS “LIKING” A CANDIDATE PROTECTED SPEECH?

- Several courts now agree that “liking” a Facebook post is a form of speech
  - “21<sup>st</sup> century yard signs”
- Now “liking” must also go through the 1<sup>st</sup> Amendment balancing test



FREE SPEECH RIGHTS

## No Free Speech Right

- ▶ First grade teacher terminated
  - Parent complained she had referred to her students as “future criminals” on Facebook
- ▶ ALJ:
  - “thoughtless words can destroy the partnership between home and school that is essential to the mission of the schools.”
- ▶ Court:
  - “conduct destroys public respect for government employees and confidence in the operation of public services.”

## Protected Speech?




Court: “At best, ridiculed their humanity and at worst was an expression of racial prejudice”



# QUESTIONS?

Sheila Gladstone  
sgladstone@lglawfirm.com  
(512) 322- 5863





110TH ANNUAL CONFERENCE AND EXHIBITION  
— OCTOBER 5-7, 2022 —

# 2023 Legislative Outlook

Bennett Sandlin  
Monty Wynn  
JJ Rocha  
Bill Longley

1

## 88<sup>th</sup> Texas Legislature





2

## Municipal Finance and Economic Development

- High property values have property taxes back in the spotlight – primary focus of interim committees.
- Local sales tax sourcing, especially for internet orders, still in flux.
- Expect further scrutiny of city debt instruments and permissible uses of non-voter-approved debt.
- Will push for renewed Ch. 313 incentive program implicate city economic development tools?



3

## Land Use Issues

- Annexation restrictions in recent years have increased focus on land use issues:
  - City regulatory authority in ETJ
  - Increase in special purpose district conflict with cities
  - Expansion of disannexation authority?
- Housing affordability
  - City zoning authority
  - Permitting process and shot clocks



4

## City Preemption

- Will “Super-preemption” bills, like H.B. 610 (2021), be back in 2023?
  - H.B. 610 - would authorize a person who, or entity that, holds a state license in order to practice the individual's occupation or conduct the entity's business to bring legal action against a city to enjoin the enforcement of a local law that: (1) establishes requirements for, imposes restrictions on, or otherwise regulates the occupation or business activity of the license holder in a manner that is more stringent than the requirements, restrictions, and regulations imposed on the license holder under state law; or (2) results in an adverse economic impact on the license holder.
- Other single issue preemption bills will be filed, as well (i.e., short term rentals).



5

## Community Censorship

- Will be continued push to limit local government involvement in statewide policy discussion by ban on so-called “taxpayer funded lobbying.”
- Senate Local Government Committee tasked with studying issue:
  - “Make recommendations to protect taxpayers from paying for lobbyists who may not represent the taxpayers’ interests.”
- No similar interim charge in Texas House.
- Proponents favor very broad ban over increased transparency.



6

## TML Policy Process

- Municipal Policy Summit – August 22-23, 2022
- City Resolutions submitted
- TML Business Meeting – **TODAY** at 3:30!
- TML December Board Meeting



7

## TML Policy Summit Recommendations

- TML Priority Package
  - Oppose
    - Preemption bills and other bills that would erode municipal authority
    - Legislation that would limit city authority in ETJ or abolish the concept of the ETJ
    - Legislation that would prevent community advocacy
  - Seek Introduction and Passage
    - Street maintenance sales tax clarification
    - Promotion of pay-as-you-go financing
    - Voluntary annexation out a roadway
    - Upping competitive bidding threshold
    - Beneficial amendments to building material preemption
    - City council authority with regard to ESD expansion and removal
- Other issues
  - Electric grid reliability
  - Catalytic converter theft
  - TOMA flexibility for remote meetings
  - City input in MUD development process
  - Solid waste franchise fee authority



8

# Advocacy Toolkit



Texas Municipal League  
Legislative Advocacy Toolkit

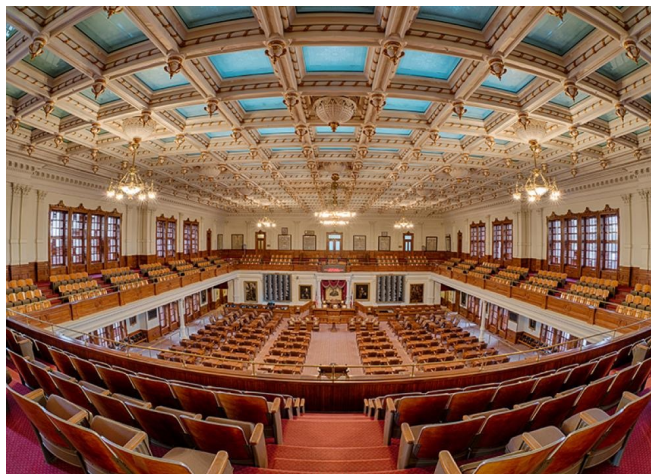
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9

## Getting Involved in 88<sup>th</sup> Legislative Session



10

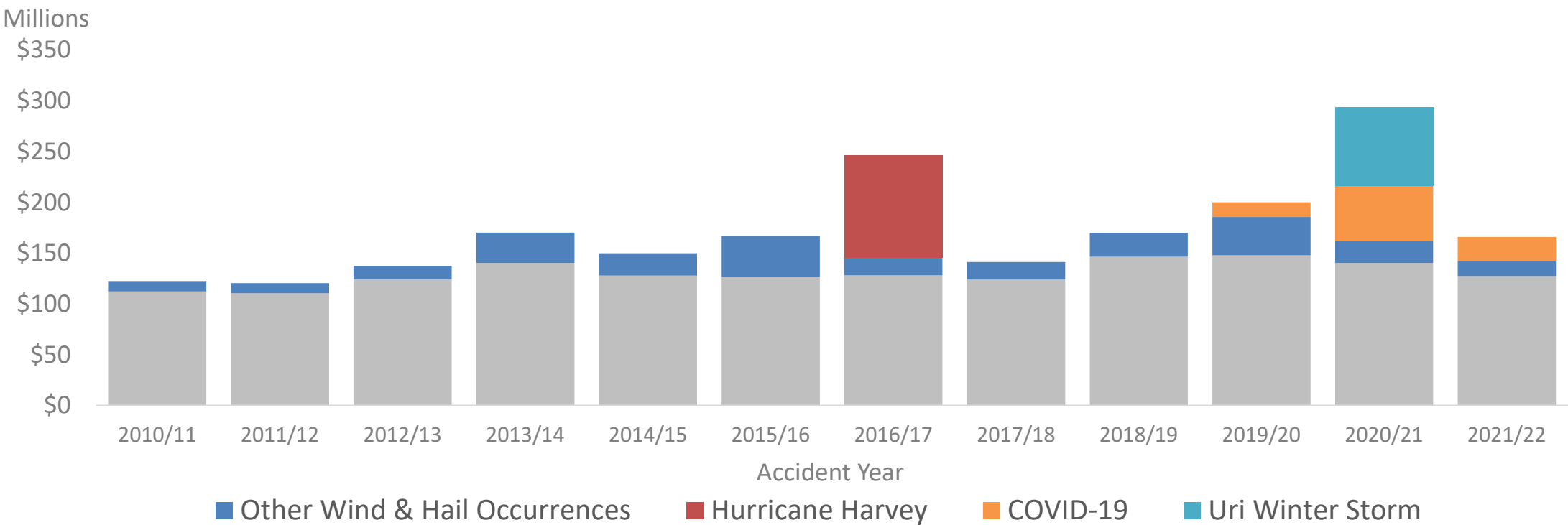


Partnering with local governments to make Texas communities  
***STRONGER, TOGETHER***



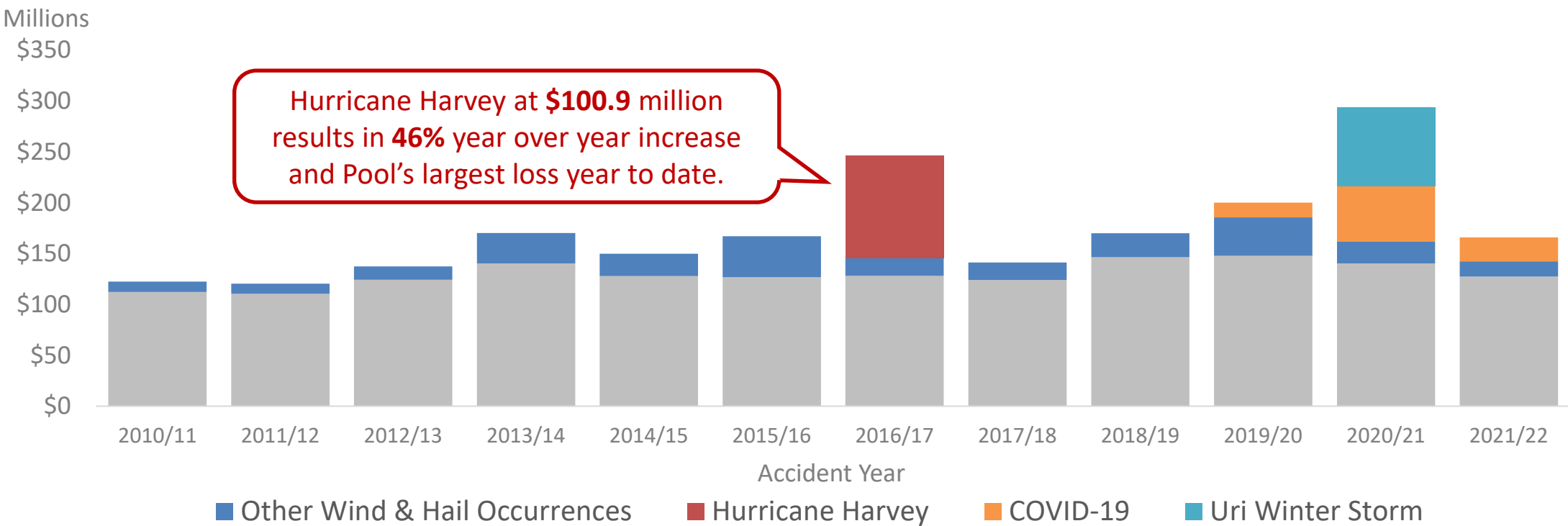
# The Gut Punch Chronicles...

## Pool's Incurred Losses



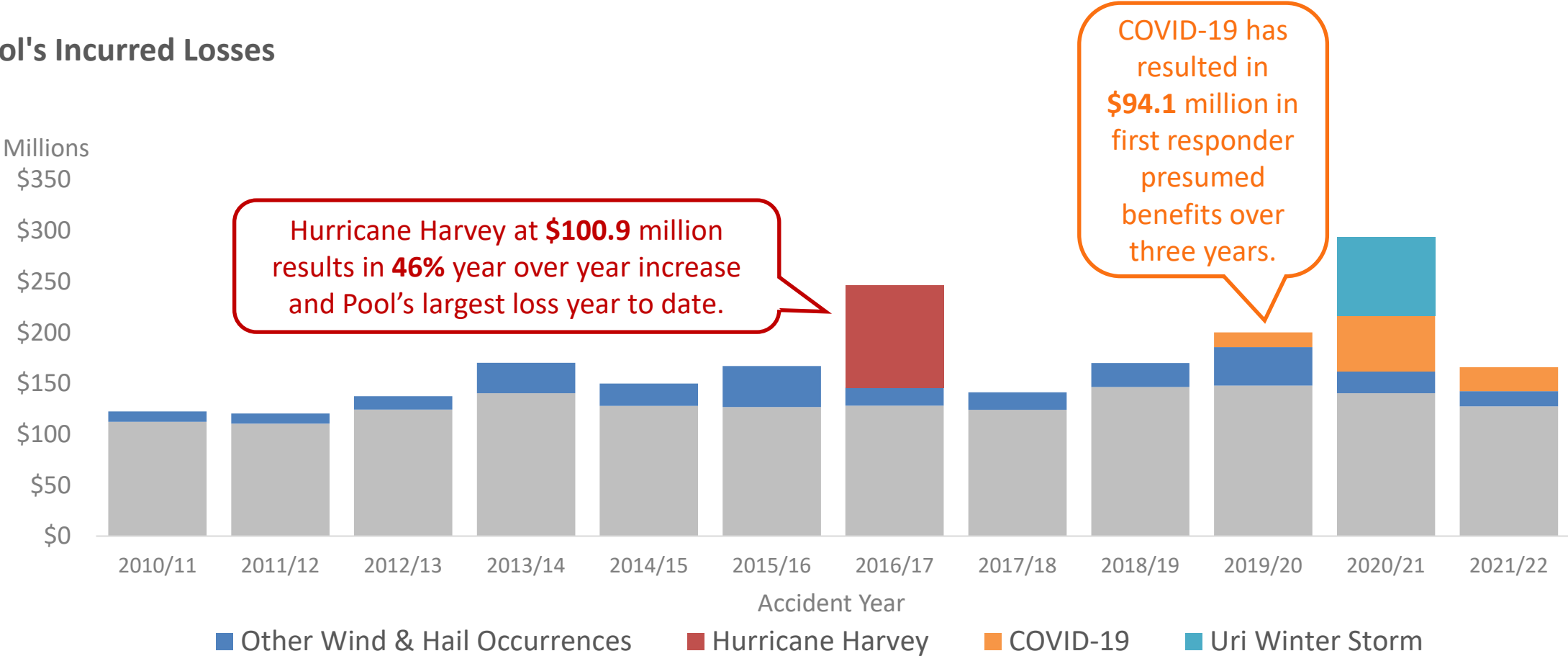
# The Gut Punch Chronicles...

## Pool's Incurred Losses



# The Gut Punch Chronicles...

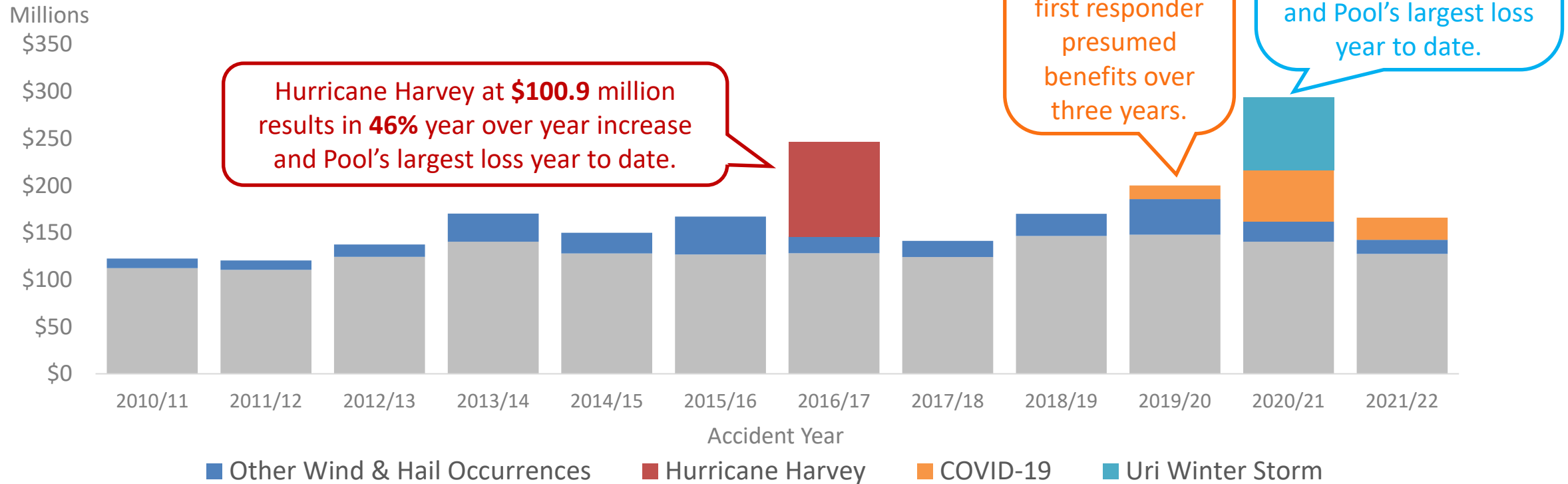
## Pool's Incurred Losses



# The Gut Punch Chronicles...

{Section}.94.

## Pool's Incurred Losses



Texas Communities are **STRONGER TOGETHER**

# The Gut Punch Chronicles...

{Section}.94.

## Pool's Incurred Losses

Millions

\$350

\$300

\$250

\$200

\$150

\$100

\$50

\$0

2010/11

2011/12

2012/13

2013/14

2014/15

2015/16

2016/17

2017/18

2018/19

2019/20

2020/21

2021/22

Accident Year

■ Other Wind & Hail Occurrences

■ Hurricane Harvey

■ COVID-19

■ Uri Winter Storm

Hurricane Harvey at **\$100.9** million results in **46%** year over year increase and Pool's largest loss year to date.

Wind & Hail Occurrences (> \$1M) have totaled **\$86.5** million over last 5 years, 17/18 thru 21/22.

COVID-19 has resulted in **\$94.1** million in first responder presumed benefits over three years.

Winter Storm Uri at **\$77.3** million combined with COVID results in **47%** year over year increase and Pool's largest loss year to date.

Texas Communities are **STRONGER TOGETHER**

# The Gut Punch Chronicles...

{Section}.94.

## Pool's Incurred Losses

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\$350

\$300

\$250

\$200

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Stable experience excluding Gut Punches

Texas Communities are **STRONGER TOGETHER**



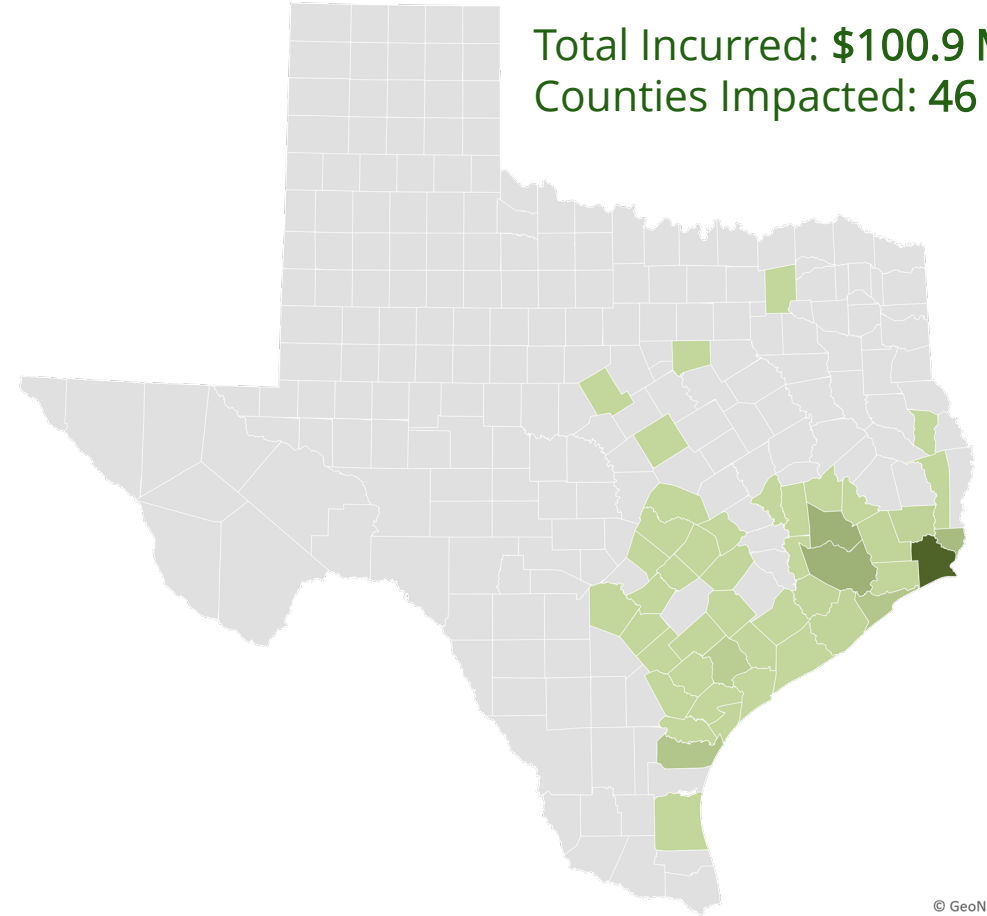
# It can happen anywhere...

{Section}.94.

- 27 out of 46 counties impacted not Tier 1 or Tier 2 counties.
- Primary peril was fresh water flooding that re-wrote flood maps.
- Largest loss event to date.
- Pool secured vendor (Synergy) agreements to secure supply chain for ASAP remediation. Synergy is now Pool's partner in addressing weather disasters.

## Hurricane Harvey

Total Incurred: **\$100.9 Million**  
Counties Impacted: **46**



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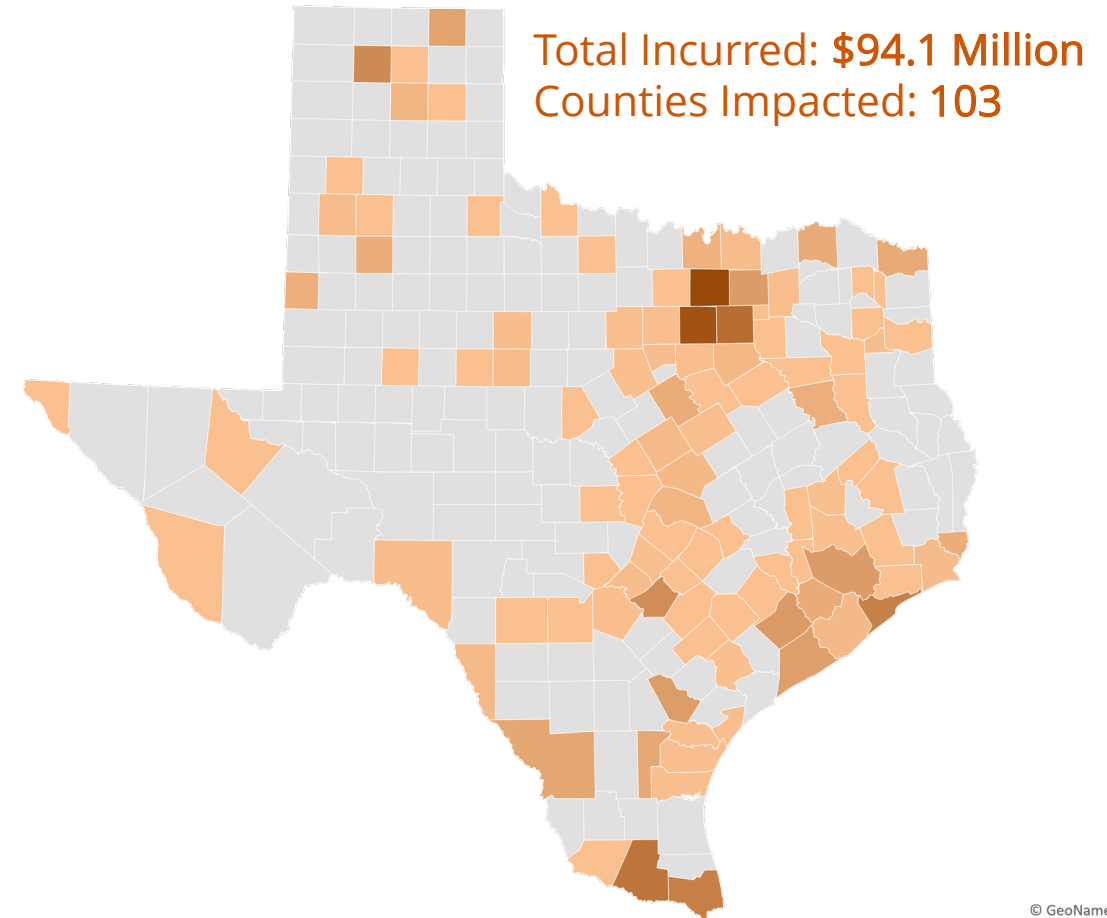
Texas Communities are **STRONGER TOGETHER**

# It can happen anywhere...

{Section}.94.

- 236 Pool members have incurred first responder claims.
- 9,100 first responder claims.
- 44 fatalities of the 9,100 claims comprise 71% or \$67.1 million of the loss total.
- Guaranteed benefits for some widows(ers) extend over 50 years.

## COVID-19 First Responders



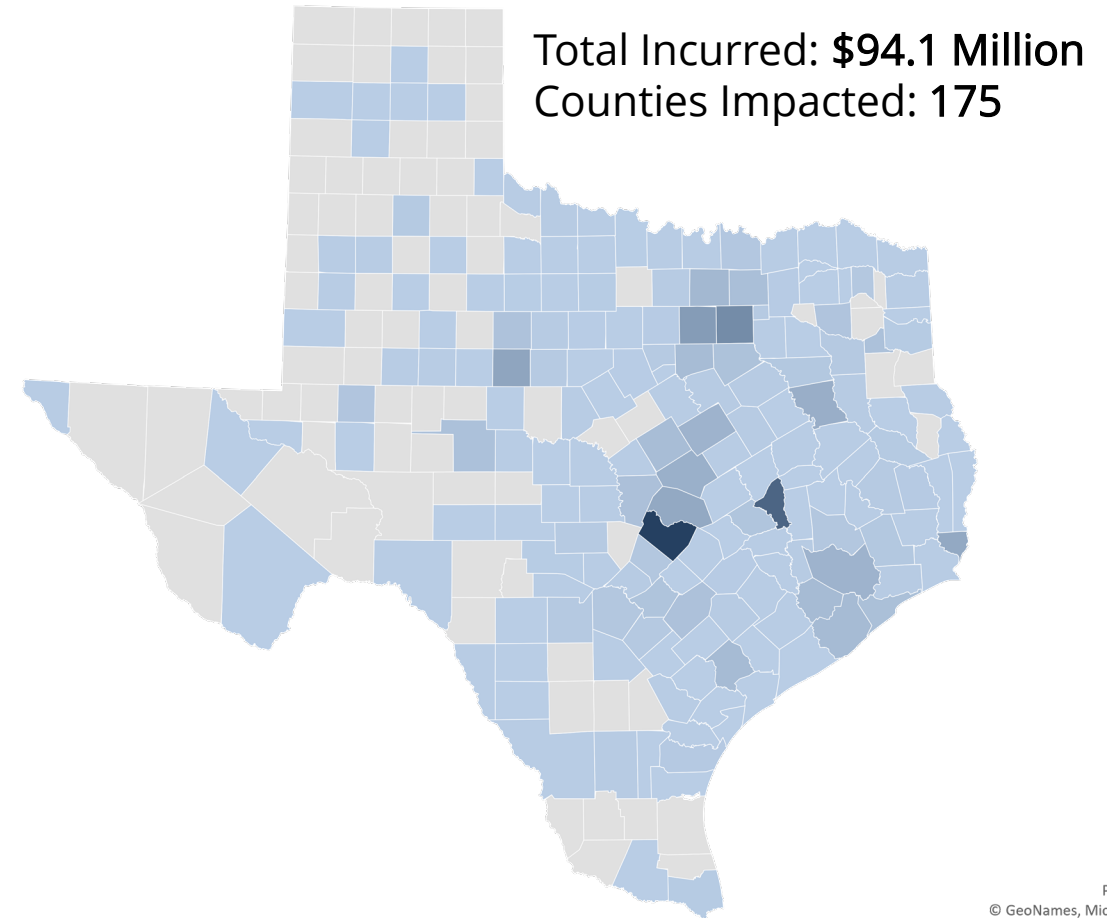
Texas Communities are **STRONGER TOGETHER**

# It can happen anywhere...

{Section}.94.

- Concurrent catastrophic events tested Pool operationally during risk sensitive remote work period.
- Pool successfully managed spike in property claims during winter months at the same time Pool was receiving COVID-19 claims.
- Pool leveraged vendor (Synergy) agreement to secure supply chain for ASAP remediation.

## Winter Storm Uri



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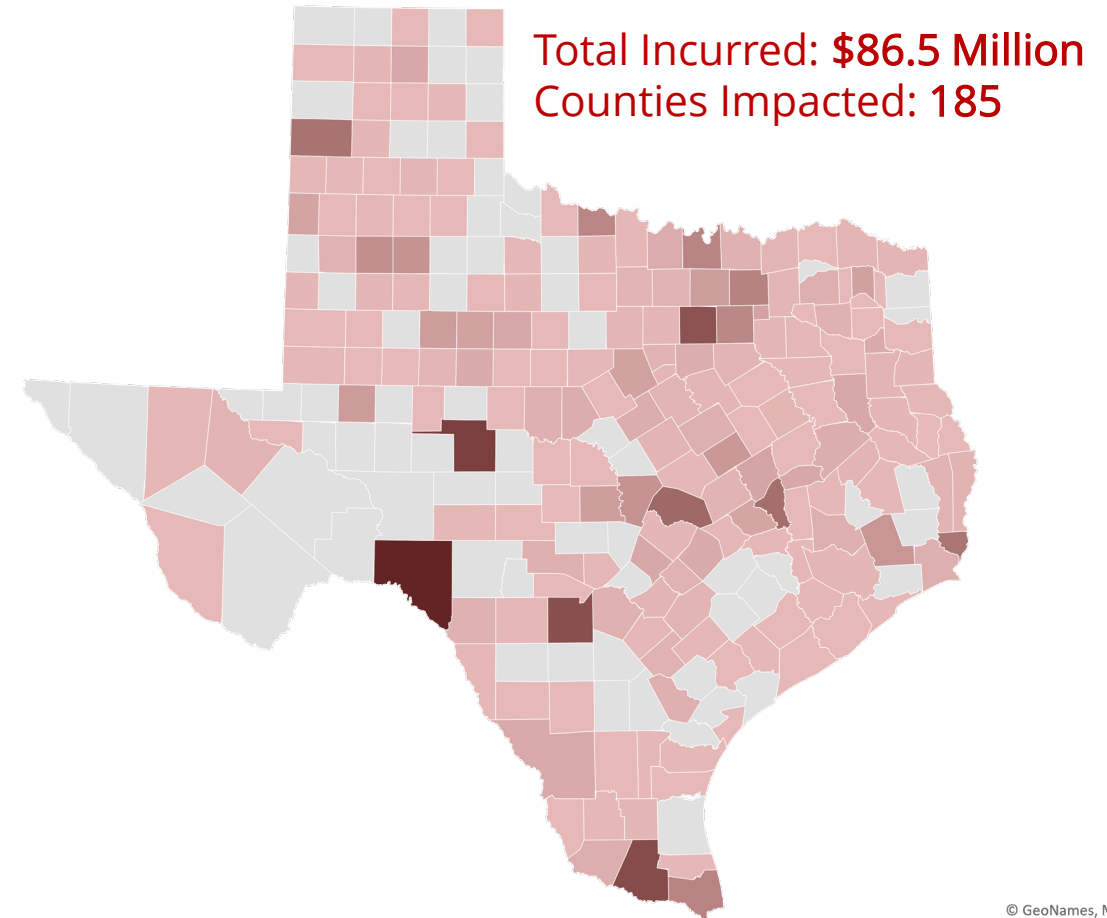
Texas Communities are **STRONGER TOGETHER**

# It can happen anywhere...

{Section}.94.

- 185 of 254 counties have incurred losses in last 5 years associated with storm occurrences greater than \$1M.
- Most severely impacted counties are spread out across state.
- Pool's roofing program includes partnering with 4T Partnership LLC.

## Wind & Hail Occurrences



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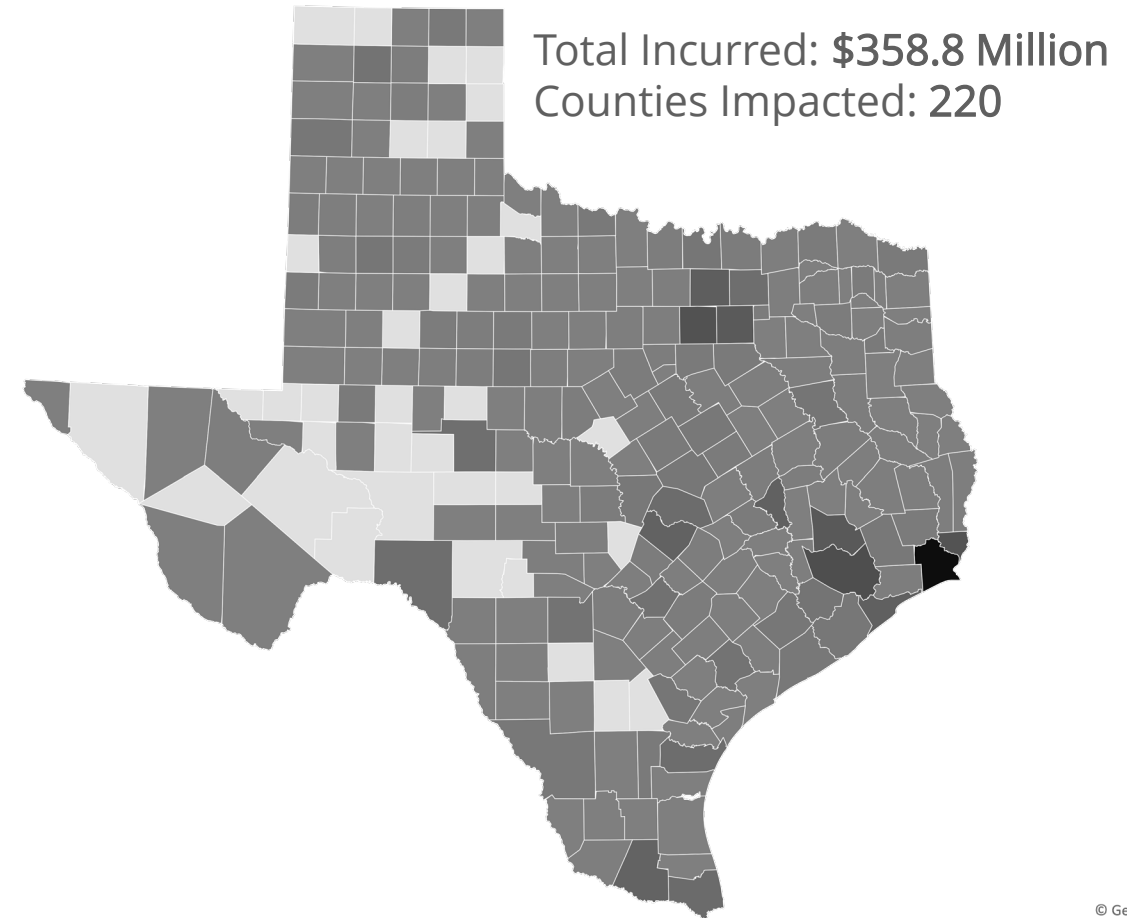
Texas Communities are **STRONGER TOGETHER**

# It can happen anywhere...

{Section}.94.

- 220 of 254 counties have incurred losses associated with “Gut Punches Chronicles.”
- Partnering programs with Synergy and 4T.
- Hard market fleeing volatile experience vs. the Pool engaging, absorbing, partnering, and managing experience.

## Combined “Gut Punches”



Texas Communities are **STRONGER TOGETHER**

# COVID-19 Retrospective to date...

Claim  
Counts

3,000

2,500

2,000

1,500

1,000

500

0

1<sup>st</sup> COVID-19  
claim received,  
Pool elects to  
handle first  
responder  
claims as  
presumption  
WC claims



Texas Communities are STRONGER TOGETHER



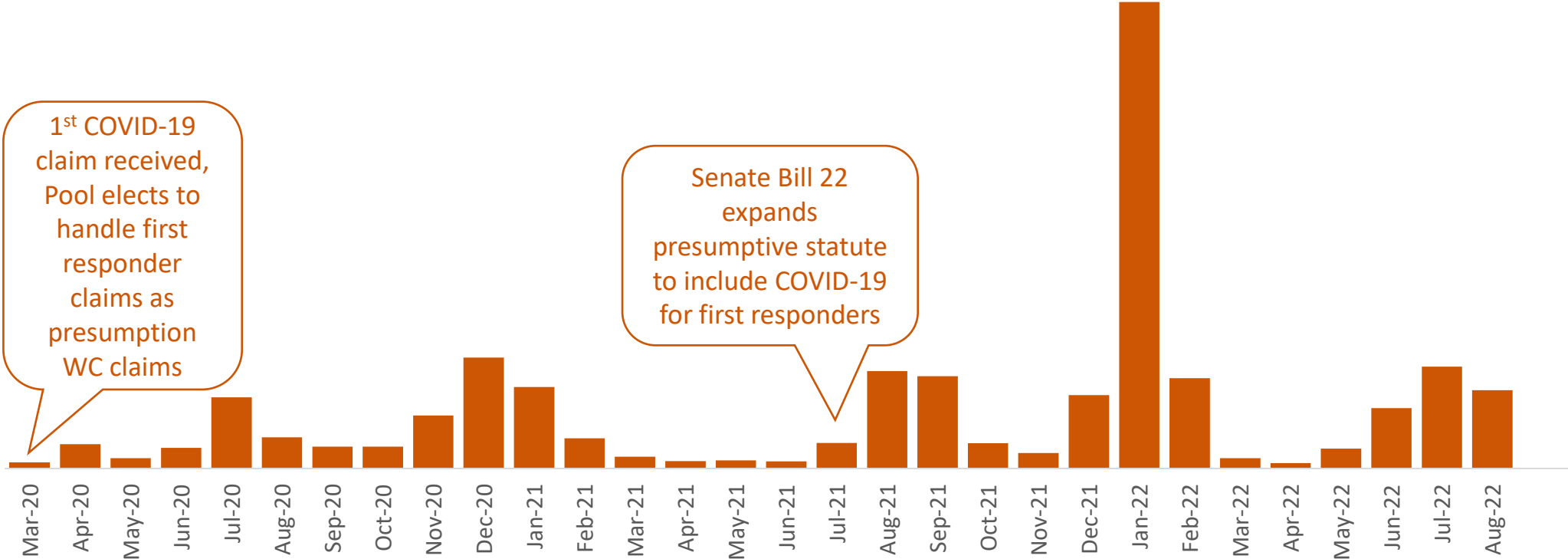


# COVID-19 Retrospective to date...

- Claims counts reported have followed national and state cases reported trends
- Over 9,400 claims reported to date

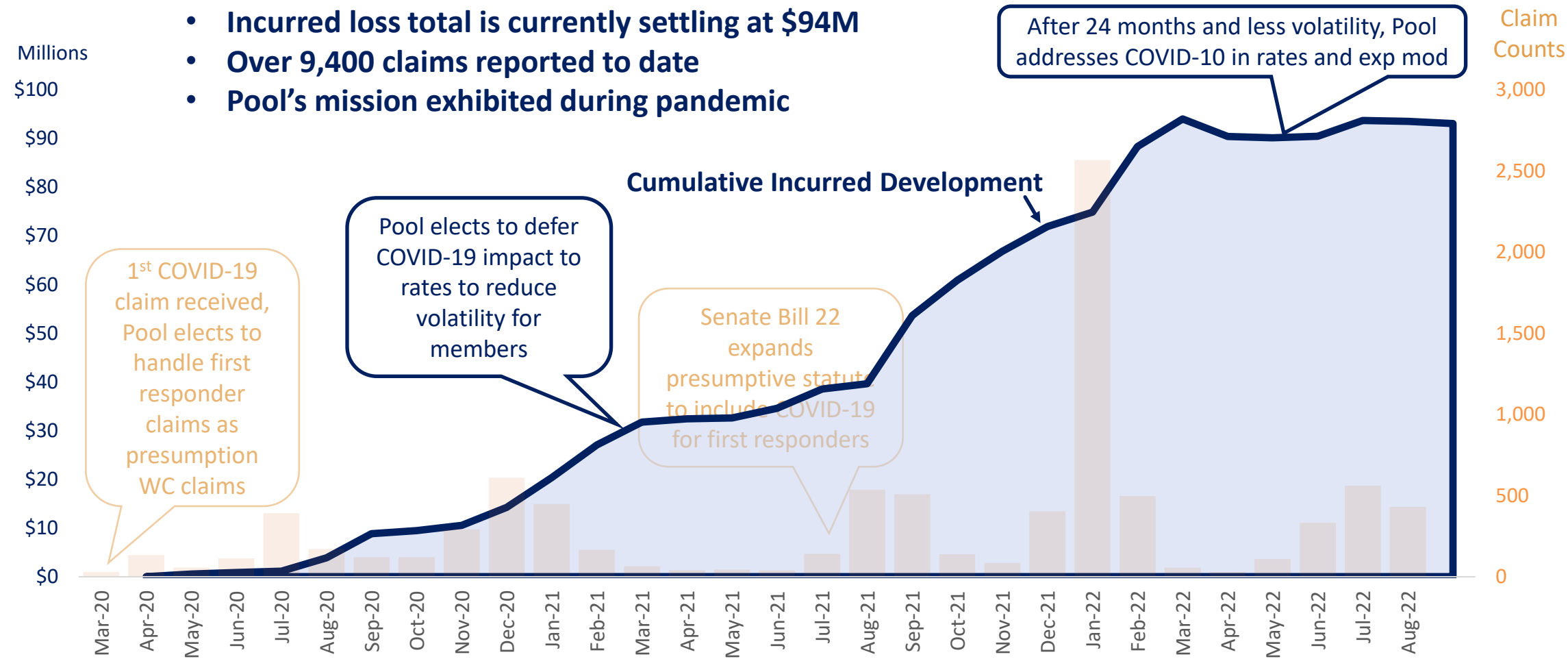
Claim  
Counts  
3,000

2,500  
2,000  
1,500  
1,000  
500  
0



# COVID-19 Retrospective to date...

{Section}.94.



Texas Communities are **STRONGER TOGETHER**



# Preparing for what's next...

{Section}.94.

- Pool's cyber liability product out in front of rapidly evolving disaster exposure.
- Level-setting law enforcement training strategy due to challenging and shifting environment.
- Pool continually seeking other creative strategies and vendor relationships to secure effective and cost efficient supply chains during property catastrophes.
- Pool managing its target equity levels in preparation for the next round of "Gut Punches".
- Continue the Pool's 48-year mission of providing a stable source of risk financing.

## **MAYOR AND COUNCIL COMMUNICATION**

**DATE:** November 15, 2022

**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 1.06 Boards, Commissions, and Committees, Section 1.06.002 Tree Advisory Board, (a), (b), and (c) to dissolve the Tree Advisory Board and assign those duties to the Park Commission (1st Read as Required by City Charter)

**SPONSOR(S):** City Council

### **PURPOSE**

This item is to consider dissolving the Tree Advisory Board (TAB) and assigning their duties to the Park Commission.

The TAB is tasked with hearing and making recommendations to the City Council on variance requests from citizens and the business and development community. The TAB also supports the City's "El Verde by 2025" 10,000 tree planting challenge. There have been several occasions in which there was no quorum to hold a meeting, which resulted in a resident or a business/developer having to put plans on hold, as the variance requests are not moved forward to the City Council for a final decision until such time as a recommendation has been made.

The city has had a challenging time in the recent past of obtaining enough volunteers to seat members to the various committees. In some cases, the Committees have had duplicative efforts, such as the Hike & Bike Trail and Pool Advisory Committees. The tasks assigned to those two committees should have rightfully been assigned to the Park Commission (those two committees have since been sunsetted).

The Park Commission holds regular meetings and makes recommendations to City Council for the planting of trees and other amenities in city parks and is fully capable of hearing and making recommendations for tree variance requests and fulfilling the City's goal of planting 10,000 trees by 2025

### **SEE LEON VALLEY**

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

business continues smoothly and efficiently.

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

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

### **FISCAL IMPACT**

The dissolution will reduce the amount of staff time, and electrical and water usage at city meeting facilities.

### **STRATEGIC GOALS**

N/A.

### **RECOMMENDATION**

At City Council discretion.

ATTEST :

---

**SAUNDRA PASSAILAIGUE, TRMC**  
City Secretary

**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY OF LEON VALLEY, TEXAS, CITY COUNCIL, AMENDING THE LEON VALLEY CODE OF ORDINANCES CHAPTER 1 GENERAL PROVISIONS, ARTICLE 1.06 BOARDS, COMMISSIONS AND COMMITTEES, SECTION 1.06.002 TREE ADVISORY BOARD, (A), (B), and (C), TO DISSOLVE THE TREE ADVISORY BOARD (TAB) AND ASSIGN THOSE DUTIES TO THE PARK COMMISSION; PROVIDING AN EFFECTIVE DATE OF THE REVISION WITH PUBLICATION, AS REQUIRED BY LAW, PROVIDING A SAVINGS CLAUSE; AND PROVIDING A CONFLICTS PROVISION.**

**WHEREAS**, the city has had an increasing number of occurrences in which the Tree Advisory Board has not had a quorum with which to hold a meeting and has had challenges in procuring volunteers for the various boards, commissions, and committees; and

**WHEREAS**, the TAB is tasked with hearing requests for variances from members of the community and their recommendations are vital to the City Council in making decisions regarding tree removal and mitigation; and

**WHEREAS**, the TAB supports the city's "El Verde by 2025" 10,000 tree planting challenge and is also tasked with assuring that program is ongoing; and

**WHEREAS**, the Park Commission holds regular meetings and makes recommendations to City Council for the planting of trees and other amenities in city parks and is fully capable of hearing and making recommendations for tree variance requests and fulfilling the City's goal of planting 10,000 trees by 2025;

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

**SECTION 1.** The TAB is hereby dissolved effective immediately.

**SECTION 2.** Chapter 1 General Provisions, Article 1.06 Boards, Commissions, and Committees, Section 1.06.002 Tree Advisory Board, (a) Membership is hereby revised as follows:

"The Park Commission is hereby appointed to serve in the additional capacity as the Tree Advisory Board."

**SECTION 3.** Chapter 1 General Provisions, Article 1.06 Boards, Commissions, and Committees, Section 1.06.002 Tree Advisory Board, Sections (b) and (c) are deleted in their entirety.

**SECTION 4.** This ordinance shall become effective on and after its passage, approval

and the meeting of all publication requirements as provided by law.

**SECTION 5.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict. All provisions, sections and sub-sections set forth in Chapter 1 General Provisions, Article 1.06 Boards, Commissions, and Committees, Section 1.06.002 Tree Advisory Board not revised or amended herein shall remain in effect.

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

**APPROVED**

---

**CHRIS RILEY**  
MAYOR

Attest:

---

**SAUNDRA PASSAILAIGUE, TRMC**  
City Secretary

Approved as to Form:

---

**NICOLE WARREN**  
City Attorney



# Amending Leon Valley Code of Ordinance Dissolving the Tree Advisory Board

City Council Meeting  
Public Works Director Melinda Moritz  
November 15, 2022



# Purpose

- To consider amending the Leon Valley Code of Ordinances, Chapter 1 General Provisions, Article 1.06 Boards, Commissions, and Committees, Section 1.06.002 Tree Advisory Board, (a), (b), and (c) to dissolve the Tree Advisory Board and assign those duties to the Park Commission
- Options
  - Approve
  - Deny
- Recommendation
  - At City Council discretion

# Background

- This item is to consider dissolving the Tree Advisory Board (TAB) and assigning their duties to the Park Commission

# Background

- TAB tasked with making recommendations to City Council on variance requests from citizens and the business & development community
- TAB also supports the City's "El Verde by 2025" 10,000 tree planting challenge
- There have occasions in which they didn't have a quorum, resulting in delays to residents & developers
  - Variance requests are not moved forward to the City Council for a final decision until recommendations have been made

# Background

- The city has had challenges in obtaining enough volunteers to seat members to the various committees
- In some cases, Committees have had duplicative efforts (Hike & Bike Trail & Pool Advisory)
- The tasks assigned to those two committees should have rightfully been assigned to the Park Commission (those two committees have since been sunsetted)

# Background

- Park Commission holds regular meetings & makes recommendations to City Council for the planting of trees and other amenities in city parks
- They are fully capable of hearing & making recommendations for tree variance requests and fulfilling the City's goal of planting 10,000 trees by 2025

# Fiscal Impact

- The dissolution will reduce the amount of staff time, and electrical and water usage at city meeting facilities



# Recommendation

- At City Council discretion

# S.E.E. Statement

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

## **MAYOR AND COUNCIL COMMUNICATION**

**DATE:** November 15, 2022

**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 Awarding a Bid, Authorizing the City Manager to Enter into a Contract With J3 Construction, and Authorizing a Budget Adjustment in the Amount of \$832,498.50 from the Stormwater Reserve to Construct the Seneca West Drainage Project (1st Read as Required by City Charter)

**SPONSOR(S):** None

### **PURPOSE**

This item is to consider approval of an Ordinance awarding a bid, authorizing the City Manager to enter into a contract with J3 Construction, and authorizing a budget adjustment in the amount of \$832,498.50 from the Stormwater Reserve for the purpose of constructing drainage improvements to Drain 1 in the Seneca West neighborhood.

### **BACKGROUND**

- 2016 – City performed study of this creek (Drain 1) & receives OPC \$1,346,000 estimate for construction project to relieve flooding & reclaim land
- 2017 – City received deeds for most of these properties (24 acres +/-)
- 2019 – County awarded City reimbursement grant for project \$1,346,000
- 2019 – City Council approved a budget adjustment \$1,659,482 for engineering and construction
- Aug. 2021 - Engineering and design completed & project submitted to San Antonio River Authority (SARA/FEMA) for approval
- Sept. 2022 – Received Conditional Letter of Map Revision (CLOMR) from SARA
- Sept. 2022- Bid package developed & advertised for 30 days

Advertisements were placed in the Express News on two consecutive Sundays, and the bid document and plans were placed on the City's web site and public plan rooms. The bid opening was held on October 11, 2022, with a total of seven companies submitting bids.

Vendor	Bid Total
J3 Construction	\$1,815,415.50
Yantis	\$1,901,688.30
Harper Brothers Construction	\$1,989,879.80
EZ Bel Construction	\$2,211,698.60
Texas Sterling Company	\$2,225,510.25
Capital Excavation	\$2,800,939.60
Shannon Munk	\$3,235,636.50

Controlling erosion and reducing the flooding from this creek will improve life safety of the citizens, restore the land that floods, and improve the water quality of Huebner Creek.

### **FISCAL IMPACT**

Item	Cost
<b>Previously Budgeted</b>	
Engineering	\$ 313,482.00
Construction	\$ 1,346,000.00
<b>Total</b>	<b>\$ 1,659,482.00</b>
<b>Bid</b>	
Construction	\$ 1,815,415.50
Contingency (20%)	\$ 363,083.00
Remaining engineering	\$ 122,550.00
<b>Total</b>	<b>\$ 2,301,048.50</b>
<b>Previously budgeted remaining</b>	<b>\$ 1,468,550.00</b>
<b>Budget adjustment needed</b>	<b>\$ 832,498.50</b>
<b>Summary</b>	
Total Cost	\$ 2,491,980.50
County portion	\$ 1,346,000.00
Net cost to city	\$ 1,145,980.50
<b>Net cost City w/o contingency</b>	<b>\$ 782,897.50</b>

Funds for the budget adjustment will be taken from the Stormwater Reserve, which had a balance of \$1,446,878 as of 9/30/22.

### **SEE LEON VALLEY**

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

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

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

### **STRATEGIC GOALS**

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

### **RECOMMENDATION**

Approve as presented.

ATTEST :

\_\_\_\_\_  
**SAUNDRA PASSAILAIGUE, TRMC**  
City Secretary

J3 Construction	\$1,815,415.50
Yantis	\$1,901,688.30
Harper Brothers Construction	\$1,989,879.80
EZ Bel Construction	\$2,211,698.60
Texas Sterling Company	\$2,225,510.25
Capital Excavation	\$2,800,939.60
Shannon Munk	\$3,235,636.50

**AN ORDINANCE OF THE CITY OF LEON VALLEY, TX, CITY COUNCIL AMENDING THE STORMWATER FUND BUDGET OF THE CITY OF LEON VALLEY, TEXAS MUNICIPAL BUDGET FOR THE FISCAL YEAR 2022-2023 IN A TOTAL AMOUNT OF \$832,498.50, TO PROVIDE FUNDING FOR THE LEON VALLEY STORMWATER FUND FOR THE CONSTRUCTION OF THE SENECA WEST DRAINAGE PROJECT; PROVIDING FOR REPEALER, SEVERABILITY AND SAVING CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.**

---

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

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

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

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

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

**WHEREAS**, it is necessary to adjust the Stormwater Fund Budget by a total amount of \$832,498.50 for FY 2022-2023; and

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

**WHEREAS**, the Leon Valley City Council now desires to amend this Fund Budget for FY 2022-2023 in a total amount \$832,498.50, to fund a flood and erosion control project on Drain 1 in the Seneca West neighborhood;

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

**SECTION 1.** The FY 2022-2023 Stormwater Fund Budget of the City of Leon Valley is hereby amended to increase the budget by the amount of \$832,498.50 to provide funding for the construction of the Seneca West Drainage Project. Funding for this project will be taken from the Stormwater Reserve Fund.

**SECTION 2.** The financial allocations in this Ordinance are subject to approval by the Finance Director. The Finance Director may, subject to concurrence by the City Manager



or the City Manager's designee, correct allocations as necessary to carry out the purpose of this Ordinance.

**SECTION 3.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph, or section of this Ordinance.

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

**SECTION 5.** This Ordinance shall become effective immediately upon its passage and publication as required by law.

**PASSED, ADOPTED AND APPROVED** by the City Council of the City of Leon Valley this the 6th day of December 2022.

**APPROVED**

---

**CHRIS RILEY**

MAYOR

Attest :

---

**SAUNDRA PASSAILAIGUE, TRMC**

City Secretary

Approved as to Form:

---

**NICOLE WARREN**  
City Attorney

# Consider Approval of an Ordinance Awarding a Bid & Approving Budget Adjustment Seneca West Drainage Project

Melinda Moritz  
Director of Public Works  
City Council Meeting  
November 15, 2022

# Summary

- Question
  - Should the City Council approve an Ordinance awarding a bid in the amount of \$1,815,415.50, and authorize the City Manager to enter into a contract with J3 Construction, Inc., to construct drainage improvements in the Seneca West neighborhood; and
  - Authorize a budget adjustment in the amount of \$832,498.00
- Options
  - Award bid & approve budget adjustment
  - Reject all bids & deny budget adjustment
  - Other
- Declaration
  - Recommend awarding bid & approving Ordinance

# Purpose

- To consider approving an Ordinance awarding a bid in the amount of \$1,815,415.60, and authorizing the City Manager to enter into a contract with J3 Construction, Inc., for drainage improvements in the Seneca West neighborhood
- To approve a budget adjustment in the amount of \$832,498.00



# Background

- 2016 – City performed study of this creek (Drain 1) & receives OPC \$1,346,000 estimate for construction project to relieve flooding & reclaim land
- 2017 – City received deeds for most of these properties (24 acres +/-)
- 2019 – County awarded City reimbursement grant for project \$1,346,000



# Background

- 2019 – City Council approved a budget adjustment \$1,659,482 for engineering and construction
- Aug. 2021 - Engineering completed & project submitted to San Antonio River Authority (SARA/FEMA) for approval
- Sept. 2022 – Received Conditional Letter of Map Revision (CLOMR) from SARA
- Sept. 2022- Bid package developed & advertised for 30 days



# Background

- Advertisement placed in the Express News on 2 consecutive Sundays, bid document and plans were placed on the City's web site & public plan rooms
- Bid opening was held on October 11, 2022, with a total of 7 companies submitting bids
- Bids now received, but over initial estimate

# Bids

Vendor	Total
J3 Construction	\$1,815,415.50
Yantis	\$1,901,688.30
Harper Brothers Construction	\$1,989,879.80
EZ Bel Construction	\$2,211,698.60
Texas Sterling Company	\$2,225,510.25
Capital Excavation	\$2,800,939.60
Shannon Munk	\$3,235,636.50

# Fiscal Impact

Item	Cost
<b>Previously Budgeted</b>	
Engineering	\$ 313,482.00
Construction	\$ 1,346,000.00
<b>Total</b>	<b>\$ 1,659,482.00</b>
<b>Bid</b>	
Construction	\$ 1,815,415.50
Contingency (20%)	\$ 363,083.00
Remaining engineering	\$ 122,550.00
<b>Total</b>	<b>\$ 2,301,048.50</b>
<b>Previously budgeted remaining</b>	<b>\$ 1,468,550.00</b>
<b>Budget adjustment needed</b>	<b>\$ 832,498.50</b>
<b>Summary</b>	
Total Cost	\$ 2,491,980.50
County portion	<b>\$ 1,346,000.00</b>
Net cost to city	\$ 1,145,980.50
<b>Net cost City w/o contingency</b>	<b>\$ 782,897.50</b>

# Recommendation

- City Engineer reviewed each of the bid submittals, the Contractor's bid documents, and completed reference checks
- Recommend awarding the bid to J3 Construction, Inc.
- Recommend approving the budget adjustment in the amount of \$832,498.50 from the Stormwater Reserve Fund

# S.E.E. Statement

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

## MAYOR AND COUNCIL COMMUNICATION

**DATE:** November 15, 2022

**TO:** Mayor and Council

**FROM:** Sandra Passailaigue, City Secretary

**THROUGH:** Crystal Caldera, City Manager

**SUBJECT:** Discussion and Possible Action on a Resolution Canvassing the November 08, 2022, Special Election

**SPONSOR(S):** N/A

### **PURPOSE**

The purpose of this item is to present, discuss and consider acceptance of the November 08, 2022 Special Election votes by canvass.

### **SEE LEON VALLEY**

Social – The electoral process enables residents of Leon Valley who are qualified voters to engage in the promotion and provision of a superior quality of life through the determination of its elected leadership.

Economic – N/A

Environmental – N/A

### **FISCAL IMPACT**

N/A

### **STRATEGIC GOALS**

N/A

### **RECOMMENDATION**

Staff recommends approval of this canvass of the votes from the qualified voters of the November 08, 2022 Leon Valley Special Election.

APPROVED: \_\_\_\_\_ DISAPPROVED: \_\_\_\_\_

APPROVED WITH THE FOLLOWING AMENDMENTS:

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ATTEST:

\_\_\_\_\_  
**SAUNDRA PASSAILAIGUE, TRMC**  
City Secretary



UNOFFICIAL TABULATION OF ELECTION RESULTS

The City of Leon Valley Special Election

November 08, 2022

{Section}. 103.

CITY OF LEON VALLEY

Office of the City Secretary

CITY OF LEON VALLEY, TEXAS - NOVEMBER 08, 2022 SPECIAL ELECTION RESULTS					
PROPOSITION A	TOTAL	VOTE %	ELECTION DAY	ABSENTEE	EARLY VOTING
For	1909	58.79%	381	141	1387
Against	1338	41.21%	286	47	1005
Total Votes Cast	3,247	100.00%	667	188	2392
Overvotes	0		0	0	0
Undervotes	465		111	44	310
PROPOSITION B	TOTAL	VOTE %	ELECTION DAY	ABSENTEE	EARLY VOTING
For	2311	70.18%	469	147	1695
Against	982	29.82%	206	45	731
Total Votes Cast	3293	100.00%	675	192	2426
Overvotes	0		0	0	0
Undervotes	419		103	40	276
PROPOSITION C	TOTAL	VOTE %	ELECTION DAY	ABSENTEE	EARLY VOTING
For	1984	61.25%	400	124	1460
Against	1255	38.75%	270	66	919
Total Votes Cast	3239	100.00%	670	190	2379
Overvotes	0		0	0	0
Undervotes	460		108	29	323
PROPOSITION D	TOTAL	VOTE %	ELECTION DAY	ABSENTEE	EARLY VOTING
For	1820	55.95%	388	119	1313
Against	1433	44.05%	288	75	1070
Total Votes Cast	3253	100.00%	676	194	2383
Overvotes	0		0	0	0
Undervotes	446		102	25	319
PROPOSITION E	TOTAL	VOTE %	ELECTION DAY	ABSENTEE	EARLY VOTING
For	1976	61.21%	408	130	1438
Against	1252	38.79%	255	62	935
Total Votes Cast	3228	100.00%	663	192	2373
Overvotes	0		0	0	0
Undervotes	471		115	27	329



PROPOSITION F	TOTAL	VOTE %	ELECTION DAY	ABSENTEE	EARLY VOTING
For	2160	67.37%	437	152	1571
Against	1046	32.63%	214	43	789
Total Votes Cast	3206	100.00%	651	195	2360
Overvotes	0		0	0	0
Undervotes	493		127	24	342
PROPOSITION G	TOTAL	VOTE %	ELECTION DAY	ABSENTEE	EARLY VOTING
For	2076	64.49%	401	162	1513
Against	1143	35.51%	257	32	854
Total Votes Cast	3219	100.00%	658	194	2367
Overvotes	0		0	0	0
Undervotes	480		120	25	335
PROPOSITION H	TOTAL	VOTE %	ELECTION DAY	ABSENTEE	EARLY VOTING
For	2096	65.60%	403	156	1537
Against	1099	34.40%	244	39	816
Total Votes Cast	3195	100.00%	647	195	2353
Overvotes	0		0	0	0
Undervotes	504		131	24	349
PROPOSITION I	TOTAL	VOTE %	ELECTION DAY	ABSENTEE	EARLY VOTING
For	1976	62.26%	372	140	1464
Against	1198	37.74%	273	52	873
Total Votes Cast	3174	100.00%	645	192	2337
Overvotes	0		0	0	0
Undervotes	525		133	27	365
PROPOSITION J	TOTAL	VOTE %	ELECTION DAY	ABSENTEE	EARLY VOTING
For	2242	70.84%	448	147	1647
Against	923	29.16%	191	45	687
Total Votes Cast	3165	100.00%	639	192	2334
Overvotes	0		0	0	0
Undervotes	534		139	27	368
PROPOSITION K	TOTAL	VOTE %	ELECTION DAY	ABSENTEE	EARLY VOTING
For	2214	69.40%	432	152	1630
Against	976	30.60%	211	42	723
Total Votes Cast	3190	100.00%	643	194	2353
Overvotes	0		0	0	0
Undervotes	509		135	25	349

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{Section}. 103.

PROPOSITION L	TOTAL	VOTE %	ELECTION DAY	ABSENTEE	EARLY VOTING
For	1880	58.79%	380	118	1382
Against	1318	41.21%	271	73	974
Total Votes Cast	3198	100.00%	651	191	2356
Overvotes	0		0	0	0
Undervotes	501		127	28	346
PROPOSITION M	TOTAL	VOTE %	ELECTION DAY	ABSENTEE	EARLY VOTING
For	1899	59.23%	385	120	1394
Against	1307	40.77%	268	73	966
Total Votes Cast	3206	100.00%	653	193	2360
Overvotes	0		0	0	0
Undervotes	493		125	26	342

This is an *Unofficial Tabulation* of the Election results. The *Official Canvass* of the Election will be conducted Tuesday, November 15, 2022 at 6:00 PM during the Regular City Council meeting.

*Saundra Passailaigue*

Saundra Passailaigue, TRMC  
City Secretary  
Posted: November 09, 2022 at 9:30 AM



**RESOLUTION No.**

**A RESOLUTION AND ORDER OF THE LEON VALLEY, TX., CITY COUNCIL  
CANVASSING THE RETURNS AND DECLARING THE OFFICIAL RESULTS OF  
CITY OF LEON VALLEY, TEXAS, NOVEMBER 08, 2022 SPECIAL CHARTER  
AMENDMENT ELECTION**

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

There came to be considered the returns of a Special Election held on the November 03, 2020, for the purpose of considering amendments to the Leon Valley City Charter.

Measures, amending the City Charter, were given to the qualified voters of the City at the Special Election in the form of propositions in accordance with Section 9.004 of the Texas Local Government Code and other applicable laws with votes FOR and AGAINST each proposition as shown below:

**Proposition A**

**Shall Section 3.01 of the City Charter of the City of Leon Valley be amended by repealing/deleting general powers and duties of the City Council as legislators and shall not encroach on the executive responsibilities of the city manager?**

**FOR 1909      AGAINST 1338**

**Proposition B**

**Shall Section 3.03 of the City Charter of the City of Leon Valley be amended by repealing/deleting the qualifications that a candidate or elected or appointed city council member or mayor must not have been in violation of the City Charter within three years of application or appointment to office, a candidate may not be determined to have forfeited an office of the City Council within three years, and adding that a council member maintain residency in the corporate limits of the City throughout their tenure?**

**FOR 2311      AGAINST 982**

**Proposition C**

**Shall Section 3.06 of the City Charter of the City of Leon Valley be amended by replacing the Mayor's ability to discuss any "Policy" matters with any matters and remove language mandating a general disposition when addressing council members and citizens?**

**FOR 1984      AGAINST 1255**

**Proposition D**

Shall Section 3.08 of the City Charter of the City of Leon Valley be amended by repealing/deleting the requirement of immediate resignation, investigation and hearing process in case of violation of the charter and/or forfeiture of office?

FOR 1820 AGAINST 1433

**Proposition E**

Shall Section 3.09 of the City Charter of the City of Leon Valley be amended by repealing section 3.09 prohibitions in its entirety deleting provisions that prevent a City Council member from accepting or admitting liability, pay any claim for damages without written opinion of the city attorney, that no member of the City Council be employed in or appointed to the positions of city manager, city attorney or department head until three (3) years after expiration of the term elected, that a candidate or elected or appointed City Councilmember or Mayor must not have been in violation of the City Charter within three years of application or appointment to office, prohibiting City Council from dictating to the city manager the appointment of any person to office or employment and the interference of the city manager in performance of duties, and deleting provisions related to attorney client privilege?

FOR 1976 AGAINST 1252

**Proposition F**

Shall Section 3.12 of the City Charter of the City of Leon Valley be amended by repealing/deleting Section 3.12 Council Investigations Hearings Process in its entirety and adding the City Council shall have the power to inquire into the conduct of any department, agency, board, or employee of the City, and for that purpose shall have the power to administer oaths, subpoena witnesses, compel the production of books, papers, testimony, and other evidence material to the inquiry and provide penalties for violation?

FOR 2160 AGAINST 1046

**Proposition G**

Shall Section 5.01 of the City Charter of the City of Leon Valley be amended by replacing the city manager shall be appointed for an “Indefinite” term instead of “Definite” term, may be removed by “Majority” vote instead of “Two-Thirds” vote, and by adding In The Event Of Termination The City Manager Shall Not Receive More Than One (1) Times The Annual Base Salary And Accrued Personal Leave?

FOR 2076 AGAINST 1143

### **Proposition H**

Shall Section 5.01 of the City Charter of the City of Leon Valley be amended by adding the city manager shall appoint department heads, including but not limited to, the city secretary, police chief, fire chief, planning and zoning director, library director, human resources director, public works director, economic development director, finance director and assistant city manager(s) upon consent of the majority of the City Council?

FOR 2096                      AGAINST 1099

### **Proposition I**

Shall Section 5.02 of the City Charter of the City of Leon Valley be amended by deleting language mandating the creation of a department before a department, office or agency is discontinued or assigned?

FOR 1976                      AGAINST 1198

### **Proposition J**

Shall Section 5.02 of the City Charter of the City of Leon Valley be amended by changing the appointment and removal, report of the city attorney by and to the city manager with council approval, to the appointment and removal, report of the city attorney by and to the City Council?

FOR 2242                      AGAINST 923

### **Proposition K**

Shall Section 7.05 of the City Charter of the City of Leon Valley be amended to change the City Council's option from "Shall" appoint A Charter Review Committee the second (2nd) year after a Charter is adopted and every fourth (4th) year thereafter, to the City Council "May" appoint a Charter Review Committee at "any time"?

FOR 2214                      AGAINST 976

### **Proposition L**

Shall Section 7.13 of the City Charter of the City of Leon Valley be amended by repealing/deleting the criminal penalty of not more than five hundred (\$500.00) for violations of the Charter?

FOR 1880                      AGAINST 1318

**Proposition M**

**Shall Section 7.13 of the City Charter of the City of Leon Valley be amended by repealing/deleting the civil penalty of not more than five hundred (\$500.00) for violations of the Charter?**

**FOR 1899                      AGAINST 1307**

That the election was duly called; that notice of said election was given in accordance with law and that said election was held in accordance with law; that the following measures are hereby declared to be approved by the registered voters of the City of Leon based on the canvassing of the November 08, 2022 election results:

**Propositions A through M**

It is further found and determined that in accordance with the order of this governing body that the City Secretary posted written notice of the date, place and subject of this meeting on the bulletin board located at the Leon Valley City Hall, a place convenient to the public, and said notice having been so posted and remaining posted continuously for at least 72 hours preceding the date of this meeting. A copy of the return of said posting shall be attached to the minutes of this meeting and shall be made a part thereof for all intents and purposes.

**PASSED** and **APPROVED** this the 15th day of November, 2022.

**APPROVED**

\_\_\_\_\_  
**CHRIS RILEY**  
Mayor

Attest:

\_\_\_\_\_  
**SAUNDRA PASSAILAIGUE, TRMC**  
City Secretary

Approved as to Form:

\_\_\_\_\_  
**NICOLE WARREN**  
City Attorney



LEONVALLEY

# Canvassing of the Vote November 08, 2022, City of Leon Valley Special Election

City Council Meeting  
November 15, 2022  
Saundra Passailaigue,  
City Secretary

# Official Canvass

- Official tabulation of the election results
- Includes the tabulation for each proposition
- Total number of votes received by precinct
- Records preserved for 22 months
- Summary of all votes will be sent to the Secretary of State



# Official Canvass

- Canvass documents prepared by Bexar County Elections Administrator.
  - Final Document was received:
-

## CITY OF LEON VALLEY, TEXAS - NOVEMBER 08, 2022, SPECIAL ELECTION RESULTS

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Total Votes Cast	3206	100.00%	653	193	2360
Overvotes	0		0	0	0
Undervotes	493		125	26	342

# S.E.E. Statement

***Social Equity*** – The electoral process enables residents of Leon Valley who are qualified voters to engage in the promotion and provision of a superior quality of life through the determination of its elected leadership.

***Environmental Stewardship*** – Not applicable

***Economic Development*** – Not applicable

# Next Steps

{Section}. 103.

Present a first read ordinance to Adopt the 2022 Charter Amendments – 11-15-2022



Present a second read ordinance for adoption of the 2022 Charter Amendments – 12-06-2022



City Secretary will certify to the Texas Secretary of State, an authenticated copy of the 2022 Charter Amendments.



The Secretary of State shall file the certification.





Any Questions ?

## **MAYOR AND COUNCIL COMMUNICATION**

**DATE:** November 15, 2022

**TO:** Mayor and Council

**FROM:** Sandra Passailaigue, City Secretary

**THROUGH:** Crystal Caldera, City Manager

**SUBJECT:** Presentation and Discussion on an Ordinance of The City Council of The City of Leon Valley, Texas, Ordering and Declaring The 2022 Charter Amendments Adopted (1st Read as Required by City Charter)

**SPONSOR(S):** N/A

### **PURPOSE**

The purpose of this item is to present an ordinance adopting the 2022 Charter Amendments in accordance with Title 2, Subtitle A, Chapter 9 of the Texas Local Government Code ("TLGC") which governs the Adoption or Amendment of a Home Rule Charter, which is authorized by Art. XI, Sec. 5 of the Texas Constitution.

### **NEXT STEPS**

1. Present a first read ordinance to Adopt the 2022 Charter Amendments – 11-15-2022
2. Present a second read ordinance for adoption of the 2022 Charter Amendments – 12-06-2022
3. City Secretary will certify to the Texas Secretary of State, an authenticated copy of the 2022 Charter Amendments.
4. The Secretary of State shall file the certification.

### **SEE LEON VALLEY**

**Social** – The Charter benefits the City of Leon Valley by providing better policy and service delivery to the citizens.

**Economic** – The Charter promotes economic development by enabling City Council freedom to enact laws that will better accommodate and provide a more inviting area for new businesses.

**Environmental** – The Charter will enable City Council to enact laws that protect our City's natural resources, and freedom to enact comprehensive conservation legislation.

**FISCAL IMPACT**

N/A

**STRATEGIC GOALS**

N/A

**RECOMMENDATION**

Staff recommends approval.

APPROVED: \_\_\_\_\_ DISAPPROVED: \_\_\_\_\_

APPROVED WITH THE FOLLOWING AMENDMENTS:

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ATTEST:

\_\_\_\_\_  
**SAUNDRA PASSAILAIGUE, TRMC**  
City Secretary

## CHARTER

**ARTICLE I. FORM OF GOVERNMENT AND POWERS\*****Section 1.01 Establishment**

- A. The City of Leon Valley shall have a Council/City Manager form of government.
- B. All powers of the City of Leon Valley, hereinafter referred to as the “City,” shall be vested in the Council, hereinafter referred to as the “City Council,” which shall enact local legislation, adopt budgets, determine policies and appoint the City Manager. The City Manager shall answer to the City Council for the execution of the laws and the administration of the government of the City.

**Section 1.02 General Powers**

- A. The City shall have the power of local self-government to the fullest extent permitted by law.

**ARTICLE II. BOUNDARIES****Section 2.01 Boundaries**

The boundaries of the City shall be the same as existed prior to the adoption and ratification of this Charter and as are more fully set out and described by the official map of the City.

**Section 2.02 Contraction of Boundaries - Disannexation**

Any area of the City may be disannexed pursuant to any procedure allowed under state law and whenever, in the opinion of the City Council, there exists within the corporate limits of the City a territory not suitable or necessary for City purposes. The City Council may discontinue said territory as part of the City after conducting a public hearing and upon the adoption of an ordinance by a two-thirds (2/3) vote of the City Council.

**ARTICLE III. THE CITY COUNCIL AND MAYOR****Section 3.01 General Powers and Duties**

- A. All powers of the City shall be vested in the City Council, except as otherwise provided by law or this Charter. The City Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law.
- B. The Mayor and City Council collectively, as a body, oversee the operations of the City through the City Manager.

**Section 3.02 Number, Selection, and Term**

The membership of City Council (members of City Council) shall be composed of the Mayor and five (5) Councilmembers. The Mayor and Councilmembers shall be elected from the City at-large, by place, and for a two-year term.

**Section 3.03 Qualifications**

To be eligible to be a candidate for, or elected or appointed to the City Council, the Mayor and each Councilmember shall meet the following minimum requirements:

- A. Be a qualified voter in the City and State at the time of taking office.
- B. Have resided continuously in the corporate limits of the City for twelve (12) months immediately preceding the date of the deadline for filing for office for the current election cycle.
- C. Satisfy any other eligibility requirements prescribed by law for the office for which they are a candidate.
- D. Maintain residency in the corporate limits of the City throughout their tenure.

**Section 3.04 Judge of Qualifications**

The City Council shall be the sole judge of the election and whether the qualifications set herein and by law been met by its members and of the grounds for forfeiture of their offices.

### Section 3.05 Compensation

{Section}. 104.

- A. The City Council shall not receive any compensation.
- B. The City Council may be reimbursed for expenses incurred in performance of official duties. The policy regulating payment of expenses incurred in performance of official duties shall be determined by the City Council.

### Section 3.06 Mayor

- A. The Mayor shall be the presiding officer of the City Council and shall be recognized as the head of the City government for all ceremonial purposes, for emergency management purposes, and by the governor for purposes of military law.
- B. The Mayor may debate and discuss any matters before the City Council, but ~~shall remain neutral and unbiased in dealing with citizens and City Council members, and~~ shall only vote in the event of a tie.

### Section 3.07 Mayor Pro-Tem

- A. The Mayor Pro-Tem shall be a Councilmember elected by the City Council at the first regular City Council meeting following each regular City election.
- B. The Mayor Pro-Tem shall act as Mayor during the absence or disability of the Mayor and when acting as Mayor, retain their right to vote as a Councilmember.

### Section 3.08 Vacancies; Forfeiture of Office; Filling of Vacancies

- A. Vacancies. The Office of a Councilmember or Office of the Mayor shall become vacant upon death, resignation, removal from office by recall, or forfeiture of his/her office.
- B. Forfeiture of Office. A Councilmember or the Mayor shall forfeit his/her office if he/she:
  - 1. Fails to maintain at any time during the term of office any qualification for the office prescribed by this Charter or by law;
  - 2. Is convicted of a misdemeanor involving moral turpitude, a violation of any state laws regulating conflicts of interest of municipal officers, a felony, or is assessed a deferred adjudication or probation for a felony or any state laws regulating conflicts of interest of municipal officers. A member of City Council shall give written notice to the entire City Council within 10 working days of said conviction, deferred adjudication, or probation. Failure to provide the required notice shall result in an automatic forfeiture of office and City Council shall fill said vacancy pursuant to this Charter;
  - 3. Fails to regularly attend City Council meetings without an approved absence obtained by the Mayor either before or after the absence. There shall be a presumption of failure to regularly attend when three (3) regular meetings are missed during a term year without obtaining an approved absence from the City Council;
  - 4. ~~If a member of City Council is alleged to have violated any provision of this section and does not immediately resign, the City Council may conduct an investigation and hearing pursuant to Section 3.12 of this Charter to determine if the office holder has violated this section and forfeited their office. The hearing shall be held within sixty (60) days of the City Council, as a body, learning of the alleged violation.~~
  - 5. Fails to continually reside within the City limits of the City of Leon Valley during their term of office.
- C. Filling of Vacancies. All vacancies with unexpired terms of more than twelve (12) months shall be filled by special election pursuant to state law. All vacancies with unexpired terms of twelve (12) months or less may be filled, at the discretion of City Council, by appointment of the City Council upon a majority vote, may be left vacant for the remainder of the unexpired term or filled by a special election pursuant to state law.

### ~~Section 3.09 Prohibitions~~

- A. ~~No member of City Council shall accept or admit liability or pay any claim for damages asserted against the City. The City Council shall not accept or admit liability without first obtaining a written opinion from the City Attorney regarding the City's liability therein and only then upon a majority vote of the City Council.~~
- B. ~~No member of City Council shall be employed in or appointed to the positions of City Manager, City Attorney, or Department Head until three (3) years after the expiration of the term for which he/she was elected to the City Council and for any other compensated City position until one (1) year after the expiration of the term for which he/she was elected to the City Council. This subsection shall not apply to a volunteer who receives a stipend that is the same as the stipend received by other similarly situated volunteers.~~

~~C.—Except for the purpose of inquiries and investigations, unless otherwise provided in this Charter, the City Council as a whole and its individual members shall deal with City officers and employees who are in the direction and supervision of the City Manager solely through the City Manager, and neither the City Council nor its individual members shall give orders to any such officer or employee, either publicly or privately.~~

{Section}. 104.

~~D.—Neither the City Council nor any of its members shall dictate to the City Manager the appointment of any person to office or employment. No member of City Council shall interfere with the City Manager in the performance of the duties of that office or prevent the City Manager from exercising the City Manager's own judgment in the appointment of officers and employees whose employment, appointment, and supervision are reserved by this Charter for the City Manager. Except for the purpose of inquiry and investigations, the City Council and its members shall deal with the City Staff solely through the City Manager, and neither the City Council, as a body or any individual member, nor any individual not having administrative or executive functions under this Charter shall give orders to any of the subordinates of the City Manager, either publicly or privately.~~

~~E.—No member of City Council shall release any attorney-client privileged communication. The City Council as the governing body of the City solely holds and is entitled to the attorney-client privilege and it may only be waived by an affirmative vote of two-thirds (2/3) of the entire City Council.~~

### Section 3.10 Agendas; Procedures

A. Agendas. A member of City Council may place an item on an agenda with the concurrence of one additional member of City Council. The member of City Council requesting an item be placed on an agenda and the concurring member shall submit in writing, which may be by electronic mail, the request to place the item on an agenda and the concurrence to the City Secretary. The item shall be placed on the next agenda of the City Council meeting occurring on or after the eighth (8th) calendar day after receipt by the City Secretary of the later of either the request or the concurrence.

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.

The Mayor, the City Attorney or the City Manager may place any item on any City Council agenda.

B. Procedures. City Council shall, except as otherwise provided for in this Charter, create rules of procedure for all City Council workshops, regular and special meetings and public hearings by ordinance.

### Section 3.11 Ordinances

A. Passage. Except as may otherwise be prescribed in this Charter or other law, all ordinances shall be read in open meeting of the City Council on two (2) separate days provided that all readings of any ordinance may be by descriptive caption only. Any ordinance necessary to protect the public's peace, health, safety and general welfare, may be passed as an emergency and become effective at once upon one (1) reading of the City Council, upon the approval of a majority vote of the City Council members that it is an emergency at said reading and the finding of an emergency shall be stated within the ordinance.

B. Enacting Clauses; Signature and Authentication. The enacting clause of all ordinances shall be "BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS" and every ordinance shall be signed by the Mayor or the Mayor Pro-Tem and authenticated by seal and signature of the City Secretary.

C. Publication. The caption or title and penalties of every ordinance imposing any penalty, fine, or forfeiture shall, as soon as practical after passage thereof, be published one (1) time in the official newspaper(s) of the City of Leon Valley. An ordinance required to be published under this section shall take effect the day after publication unless otherwise provided in the ordinance.

### Section 3.12—Council Investigations; Hearings; Process

~~A.—General. In addition to any other specific authority of investigation and hearing provided for in this Charter, the City Council shall have the power to inquire into the official conduct of any department, agency, appointed boards, office, officers, employees or appointed board members of the City. For the purpose of investigations and hearings, the City Council shall have the power to administer oaths, subpoena witnesses and compel the production of books, papers, and other evidence material to the inquiry. The City Council shall provide, by ordinance, penalties for contempt in failing or refusing to obey any such subpoena or to produce any such books, papers or other evidence. The City Council shall have the power to punish any such contempt in the manner provided by such ordinance.~~

~~B.—Hearings Process for Forfeitures of Office and Prohibitions.~~

- ~~1.— All hearings held under this subsection shall be conducted in open session, except that the Council may conduct a closed session to get advice from its attorney pursuant to the Texas Open Meetings Act;~~
- ~~2.— The office holder subject to any investigation and/or hearing under this section shall be entitled to written notice of the allegations of forfeiture and/or the alleged violation of this Charter as applicable;~~
- ~~3.— A special meeting shall be called to hold the hearing;~~
- ~~4.— A member of City Council who initiated or is the subject of the investigation or hearing shall not sit at the dais and shall not participate in deliberation or vote;~~
- ~~5.— The City Council shall adopt by ordinance rules of procedures to be followed, which shall not be amended within either 90 days before or after a complaint being filed. Should a complaint be filed within 90 days before or after the rules of procedure have been adopted or amended then the previous rules shall be in effect the subject complaint;~~
- ~~6.— The City Council shall state the nature of the hearing and the allegations to be considered, shall be provided the results of any investigation and a presentation of the evidence against the office holder including, but not limited to, testimony from individuals;~~
- ~~7.— The individual who is subject to the hearing shall be provided an opportunity to respond to the allegations and present any relevant evidence including, but not limited to, testimony from individuals;~~
- ~~8.— The City Council may ask questions of any individual;~~
- ~~9.— Rules for public comment shall be set by City Council;~~
- ~~10.— In the case of a violation of Section 3.08 of this Charter, City Council shall vote on the forfeiture and on the affirmative vote of two-thirds (2/3) of City Council declare the office of said office holder to be forfeited and vacant;~~
- ~~11.— In the case of a violation of Section 3.09 of this Charter, City Council may on the affirmative vote of a majority of the City Council take any action it determines to be appropriate including, but not limited to, directing further investigation, requesting further information, vote to enforce a penalty pursuant to Section 7.13 of this Charter, vote to bring an action in municipal court, take a vote of censure; or, upon the affirmative vote of two-thirds (2/3) of City Council, declare the office of said office holder to be forfeited and vacant.~~
- ~~12.— Any complaint filed alleging an allegation of violations of Sections 3.08 or 3.09 of this Charter shall be filed in writing with the City Manager or the Mayor. The individual with which a complaint is filed, either the City Manager or the Mayor, shall provide each member of City Council a copy of the complaint(s) within 24 hours of their receipt of the complaint(s).~~

### **Section 3.12 Council Investigations;**

The City Council shall have the power to inquire into the conduct of any department, agency, board, or employee of the city, and for that purpose shall have the power to administer oaths, subpoena witnesses, compel the production of books, papers, testimony, and other evidence material to the inquiry. The City Council shall provide by ordinance, penalties for contempt in failing or refusing to obey any such subpoena or to produce any such books, papers or other evidence, and shall have the power to punish any such contempt in the manner provided by such ordinance.

### **Section 3.13 Quorum**

Three Councilmembers shall constitute a quorum except where State law provides otherwise.

## **ARTICLE IV. ELECTIONS**

### **Section 4.01 Elections**

A. The regular City election shall be held annually on the uniform election date in May, or at such other times as may be specified by State Law, at which time officers will be elected to fill those offices which become vacant that year.



## Section 4.02 Filing for Office

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A. Any person having the qualifications set forth under [Section 3.03](#) of this Charter shall have the right to file an application to have their name placed on the official ballot as a candidate for any elective office.

1. Any such application shall be in writing, signed by such candidate, and filed with the City Secretary in accordance with the Texas Election Code and this Charter;
2. An application filed in accordance herewith shall entitle such applicant to a place on the official ballot.

B. A candidate for City Council shall specify the place number or position the candidate is seeking.

## Section 4.03 Official Ballot

The names of all candidates for office, except candidates who may have withdrawn, died or become ineligible, shall be placed on official ballots without party designations and shall specify the council place for which each is seeking election.

## Section 4.04 Election Results

Except as otherwise provided by law, a candidate must receive more votes than any other candidate to win. A tie shall be resolved as provided by the Texas Elections Code.

## Section 4.05 Taking of Office

Each newly elected person to the City Council shall be inducted into office as the first item of business at the first regular City Council meeting following the canvass of the votes.

# ARTICLE V. ADMINISTRATIVE ORGANIZATION

## Section 5.01 City Manager

A. Appointment and Qualifications. The City Council shall appoint a City Manager who shall be the chief administrative and executive officer of the City and shall be responsible to the City Council for the administration of all the affairs of the City. The City Manager shall be chosen by the City Council solely on the basis of the City Manager's executive and administrative training, experience and ability.

B. Term and Compensation. The City Manager shall be appointed for a ~~definite~~ indefinite term upon the affirmative vote of two-thirds (2/3) of the City Council and may be removed at the discretion of the City Council by an affirmative vote of ~~a majority two-thirds (2/3)~~ of the City Council. The action of the City Council in suspending or removing the City Manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such suspension or removal in the City Council. In the event of termination, the City Manager shall not receive more than one (1) times the annual base salary and accrued personal leave. The City Manager shall receive compensation as may be fixed by an affirmative vote of two-thirds (2/3) of the City Council.

C. Powers and Duties. The City Manager shall have the following powers and duties:

1. The City Manager shall appoint and, when the City Manager deems it necessary for the good of the City, may suspend or remove any City employee except as otherwise provided by law, this Charter, or personnel rules adopted pursuant to this Charter. The City Manager may authorize any employee who is subject to the City Manager's direction and supervision to exercise these powers with respect to subordinates in that employee's department, office or agency;
2. The City Manager shall direct and supervise the administration of all departments, offices, and agencies of the City, except as otherwise provided by this Charter or by law;
3. The City Manager shall attend all City Council meetings, except when excused by the Mayor or Mayor Pro-Tem, and shall have the right to take part in discussion but may not vote;
4. The City Manager shall see that all laws, provisions of this Charter and acts of the City Council, subject to enforcement by the City Manager or by those subject to the City Manager's direction and supervision, are faithfully executed;
5. The City Manager shall make such reports as the City Council may require concerning the operations of the City departments, offices and agencies subject to the City Manager's direction and supervision;
6. The City Manager shall keep the City Council fully advised as to the financial condition and future needs of the City and make such recommendations to the City Council concerning the affairs of the City.



the City Manager deems desirable;

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7. The City Manager shall have the authority to execute on behalf of the City, standard form documents, including but not limited to deeds, releases of liens, rental agreements, easements, right-of-way agreements, joint use agreements, and other similar documents, under the following conditions:

- a. The execution of the document is necessary to carry out a public works project; utilize, maintain or improve a City facility, street, right-of-way, easement, park or other City property, or to implement other City policies; provided that such project, program or policy has been approved by the City Council;
- b. That all blanks are filled in on any document correctly and that such document is consistent with the objectives approved by the City Council; and
- c. That the form of such document shall be approved by the City Attorney.

8. The City Manager shall perform such other duties as are specified in this Charter or may be required by the City Council.

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

D. Review. The City Council shall perform a review of the City Manager's performance at least annually, but no more than twice in any fiscal year.

E. Acting City Manager. By letter filed with the City Secretary, the City Manager shall designate, subject to approval of the City Council, a qualified employee to exercise the powers and perform the duties of City Manager during the City Manager's temporary absence or disability. The City Council may revoke such designation at any time and appoint another individual to serve until the City Manager shall return or his/her disability shall cease.

## **Section 5.02 Other Departments, Offices, and Agencies**

### **A. General Provisions.**

1. Creation of Departments. The City Council may continue or establish City departments, offices or agencies in addition to those created by this Charter and may prescribe the functions of all departments, offices and agencies, ~~except that no function assigned by this Charter to a particular department, office or agency may be discontinued or, unless this Charter specifically so provides, assigned to another department.~~

2. Direction by City Manager. All departments, offices and agencies under the direction and supervision of the City Manager shall be administered by an employee appointed by and subject to the direction and supervision of the City Manager.

B. City Attorney. The City Attorney shall be appointed by ~~the City Manager with the approval of~~ the City Council. He or she shall report to the City Council ~~Manager~~ and may be removed from office by the ~~City Manager with approval of the~~ City Council.

C. Municipal Court; Judge(s). The City Council shall establish a municipal court. The Mayor shall appoint a licensed attorney of the State of Texas as presiding judge(s) and any such other licensed attorneys of the State of Texas as associate judge(s) as are deemed necessary and the appointment shall be subject to confirmation by the City Council. The judge(s) of the municipal court shall serve a term of two years to run concurrently with the term of Office of the Mayor. The presiding judge and any associate judge may be removed by an affirmative vote of two-thirds (2/3) of the City Council.

D. City Secretary. The City Manager shall appoint a City Secretary whose duties and obligations shall be determined and supervised by the City Manager.

## **Section 5.03 Personnel Rules**

The City Manager shall be responsible for the preparation of personnel rules. Such rules shall be submitted by the City Manager to the City Council. The City Council may accept and adopt such rules as proposed or may adopt them with amendments.

## Section 6.01 General Authority

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- A. **Initiative.** The registered voters of the City shall have power to propose ordinances to the Council. Such power shall not extend to the granting of franchises, budget or any capital program, or relating to appropriation of money, issuing of bonds, setting of utility rates and levy of taxes or salaries of City officers or employees, or any other ordinance not subject to initiative as provided by state statute or common law.
- B. **Referendum.** The registered voters of the City shall have power to require reconsideration by the Council of any adopted ordinance. Such power shall not extend to the granting of franchises, budget or any capital program, or relating to appropriation of money, issuing of bonds, setting of utility rates and levy of taxes or salaries of City officers or employees, or any other ordinance not subject to referendum as provided by state statute or common law.
- C. **Recall.** The registered voters of the City shall have the power to petition for recall of the Mayor or any Councilmember.

## Section 6.02 Commencement of Initiative, Referendum and Recall Petitions; Petitioners' Committee; Affidavit

- A. Any five (5) registered voters of the City may commence initiative, referendum, or recall proceedings by filing with the City Secretary an affidavit stating they will constitute the petitioners' committee and be responsible for the petition and filing it in proper form, stating their names and addresses and specifying the designated address to which all notices to the committee are to be sent and setting out in full the proposed initiative ordinance or citing the ordinances sought to be reconsidered, or the name of the individual to be recalled.
- B. All papers of a petition shall be uniform in size and style, shall be assembled as one instrument for filing, and shall comply with all requirements for the specific petition. Each signature shall comply with Chapter 277 of the Texas Election Code as it may be amended from time-to-time.
- C. Petitions shall be returned to the Office of the City Secretary for filing within ninety (90) calendar days after filing of the affidavit of petitioners committee and no signature on said petition shall have been affixed prior to the filing of the affidavit of petitioners committee.
- D. Petitions shall only be circulated by a registered voter of the City and the signatures on petitions shall be verified by oath in the following form to be affixed on the bottom of each page of the petitions:

STATE OF TEXAS

COUNTY OF BEXAR

I, \_\_\_\_\_, being first duly sworn, on oath depose and say that I am one of the signers of the above petition, and that the statements made therein are true, and that each signature appearing thereto was made in my presence on the day and date it purports to have been made, and I solemnly swear that the same is the genuine signature of the person it purports to be.

Signature \_\_\_\_\_

Sworn and subscribed before me this day of 20.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF TEXAS

My commission expires: \_\_\_\_\_

## Section 6.03 Initiative, Referendum and Recall Petition Process; Certificate of City Secretary; Supplementation; Presentation to Council; Council Review

- A. Within forty-five (45) calendar days after a petition for initiative or referendum and forty-five (45) calendar days after a petition for recall (the "Original Petition") is filed, the City Secretary, or the City Secretaries designee, shall complete a certificate as to its sufficiency or insufficiency as mandated herein, specifying, if it is insufficient, the particulars wherein it is defective and shall within said period send a copy of the certificate to the petitioners' committee by first class regular mail and certified mail return receipt requested or by hand delivery with signed proof of delivery to the designated address.
- B. A petition certified insufficient for lack of the required number of valid signatures may be supplemented once if the petitioners' committee files a notice of intention to supplement with the City Secretary within three (3) working days after receiving the copy of the Certificate of the City Secretary. The supplementary petition shall be filed within the time specified in Subsection 6.03.C. Such supplementary petition shall comply with the

requirements of Subsections 6.02.B and D, and within ten (10) working days after the supplementary filed, the secretary shall complete a certificate as to the sufficiency of the petition as supplemented a copy of such certificate to the petitioners' committee by first class regular mail and certified mail return receipt requested or by hand delivery with signed proof of delivery to the designated address as in the case of an Original Petition.

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C. Upon the submission of the Original Petition to the City Secretary, the time line for submission as provided for in Section 6.02 shall be tolled. The petitioners committee shall submit the supplementary petition to the City Secretary within the remaining tolled deadline, said remaining time to be calculated from receipt of the certificate of insufficiency by the petitioner's committee or committee member as applicable. No signature on said supplementary petition shall have been affixed prior to the receipt by the petitioners committee of the certificate of insufficiency.

D. The City Secretary shall, at the next regular Council meeting held in compliance with the Texas Open Meetings Act after completion of certification of the petition or supplementary petition, present such certificate to the Council.

#### **Section 6.04 Requirements Specific to Petitions for Recall**

Before the question of a recall shall be submitted to the registered voters of the City, a petition containing the signatures of at least five hundred (500) registered voters, demanding such question to be so submitted shall first be filed with the Office of the City Secretary pursuant to this Article. The petition shall be addressed to the City Council of the City and shall state distinctly and specifically the alleged action(s) and the factual circumstance(s) surrounding such action(s) taken by the individual that warrant the reason for the recall as to give the individual sought to be removed notice of the matter(s) and thing(s) on which the individual's recall is predicated. If there be more than one (1) reason, said petition shall distinctly and specifically state each reason upon which such petition for removal is predicated and shall distinctly and specifically state the alleged action(s) and the factual circumstance(s) surrounding such action(s) taken by the individual that warrant the recall as to give the individual sought to be removed notice of the matter(s) and thing(s) on which the recall is predicated.

#### **Section 6.05 Public Hearing to be Held on Recall Petition**

The individual whose removal is sought may, within ten (10) working days after such recall petition has been presented to the City Council, request that a special meeting be held to permit him/her to present a response to the reasons for recall specified in the recall petition. In this event, the City Council shall order such special meeting to be held, at the discretion of the individual whose removal is sought and in compliance with the Texas Open Meetings Act, but in no even no less than fifteen (15) days before early voting.

At any special meeting held under this Section the individual whose removal is sought shall have a thirty (30) minute period to state their response to the recall petition. There shall be no public participation in the special meeting and no other items of business shall be a part of the special meeting.

#### **Section 6.06 Calling of Recall Election**

If the individual whose removal is sought does not resign, then the City Council shall for the next available uniform election date, order an election for holding such recall election. If, after the recall election date is established, the officer vacates his/her position, the election shall be cancelled in accordance with state law.

#### **Section 6.07 Ballots in Recall Election**

Ballots used at recall elections shall conform to the following requirements:

A. With respect to each individual whose removal is sought, the question shall be submitted:

"Shall \_\_\_\_\_ be removed from the office of \_\_\_\_\_ by recall?"

B. Immediately below each such question, there shall be printed the following words, one above the other, in the order indicated:

"Yes"

"No"

#### **Section 6.08 Result of Recall Election**

If a majority of the votes cast at a recall election shall be "No," that is against the recall of the individual named on the ballot, the individual shall continue in office for the remainder of his/her unexpired term, subject to recall as provided herein. If a majority of the votes cast at such election be "Yes," that is for the recall of the individual named on the ballot, the individual shall, regardless of any technical defects in the recall petition, be deemed

removed from office upon passing of the resolution canvassing the election, and the vacancy shall be filled by the City Council as provided for in State law.

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### **Section 6.09 Recall Restrictions**

No petition shall be filed for the recall of an individual within ninety (90) days of the date of the individual's election to City Council or within ninety (90) days before the end of the individual's term on City Council.

### **Section 6.10 Initiative; Requirements Specific to Petition for Initiative; Procedure**

A. A petition for initiative must contain signatures totaling at least three hundred (300) registered voters and shall otherwise comply with the requirements for petitions in this Article. Each copy of the petition shall have attached to it a copy of the full text of the proposed legislation in the form of an ordinance including a descriptive caption. Each page of the petition shall have, at the top of the page, the full substantive text of the proposed ordinance.

B. Upon presentation to the City Council, it shall become the duty of the City Council, within forty-five (45) calendar days after the date the petition is finally determined sufficient, to pass and adopt such ordinance without alteration as to meaning or effect, or to call for an election, to be held on the soonest date allowed under the Texas Election Code, at which the registered voters of the City shall vote on the question of adopting or rejecting the proposed ordinance.

C. If a majority of the registered electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon the canvassing of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

D. No ordinance on the same subject as an initiated ordinance which has been defeated at any election may be initiated by the voters within two (2) years from the date of such election.

### **Section 6.11 Referendum; Requirements Specific to Petition for Referendum; Procedure; Effect Prior to Election**

A. A petition for referendum must contain signatures totaling at least three hundred (300) registered voters and shall otherwise comply with the requirements for petitions in this Article.

B. Within forty-five (45) days after final sufficiency of the petition, City Council shall either repeal the referred ordinance or order an election to submit the referred ordinance to the registered voters of the City. Said election shall be held on the first available uniform election date authorized by law.

C. If a majority of the registered electors voting on a referred ordinance vote against the ordinance, it shall be considered repealed upon certification of the election results.

D. A petition for referendum on the same subject matter may only be submitted once every three (3) years.

### **Section 6.12 Initiative and Referendum; Form of Ballots**

The ballots used when voting upon initiative or referendum shall set forth their nature sufficiently to identify them and shall also set forth, upon separate lines, the words:

"For the Ordinance"

or

"Against the Ordinance"

### **Section 6.13 Ordinances Passed by Popular Vote, Repeal or Amendment**

Any ordinance adopted by initiative shall not be subject to repeal or substantial modification by action of the Council for a period of three (3) years from the date of the election, except by referendum election called by the Council or by petition as herein provided. Any ordinance repealed by referendum shall not be reinstituted in whole or substantial part by action of the Council for a period of three (3) years from the date of the election, except by referendum election called by the Council or by petition as herein provided.

## **ARTICLE VII. GENERAL PROVISIONS**

### **Section 7.01 Conflicts of Interest Prohibition**

For purposes of this Section, the term "City Official" means any individual subject to the requirements of Title 1, Chapter 171, Local Government Code, Chapter 171.

It is hereby prohibited for City Council members or a City Official to violate the rules and regulations, conflicts of interests as set out in the Texas Local Government Code, Chapter 171, as may be amended.

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## **Section 7.02 General Prohibitions**

- A. No person shall be appointed to or removed from or in any way favored or discriminated against with respect to any City position or appointive City administrative office because of gender, sexual orientation, race, national origin, sex, political or religious opinions or affiliations, or an otherwise legally protected class.
- B. No person who seeks appointment or promotion with respect to any City position or appointive City administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his or her test, appointment, proposed appointment, promotion or proposed promotion.
- C. No employee of the city shall continue in such position after becoming a candidate for City Council.

## **Section 7.03 Regulation of Alcohol**

The City Council may enact any and all other regulations regarding the sale, consumption, distribution, etc. of alcoholic beverages, as permitted by law, including but not limited to the regulation of the sale of liquor in residential sections or areas of the City.

## **Section 7.04 Disaster Clause**

In case of disaster when a legal quorum of the City Council cannot otherwise be assembled due to multiple deaths or injuries, the surviving persons of the City Council, or highest surviving City official, if no elected official remains, shall, within twenty-four (24) hours of such disaster, request the highest surviving officers of the Bexar County Commissioners Court to appoint a number of residents of Leon Valley equal to the number necessary to make a quorum to act during the emergency as the City Council. The newly appointed City Council shall call a City election within fifteen (15) days of their appointment, or as provided in the Texas Election Code, for election of the vacant offices, if for good reasons it is known a quorum of the present City Council will never again meet. If it is determined that a quorum of the present City Council will meet again, the appointed Councilmembers shall serve in their position until such time as the present Councilmembers may begin serving.

## **Section 7.05 Charter Review Committee**

A. The City Council ~~may~~ **shall** appoint a Charter Review Committee ~~at any time in the second (2nd) year after this Charter is adopted and every fourth (4th) year thereafter.~~ The Charter Review Committee shall consist of thirteen (13) citizens of the City. The citizens appointed shall consist of two (2) appointments by each councilmember and three (3) appointments by the Mayor.

B. The Committee shall:

1. Inquire into the operation of the City government under the Charter and determine whether any provision requires revision. To this end public hearings may be held. The Committee may request the attendance of any officer or employee of the City and the production of any City records that may be needed; and
2. Propose any recommendations it deems desirable to insure compliance with the Charter; and
3. Report its findings and present its recommendations to the City Council in the form of a report; and
4. File a copy of its report with the Office of the City Secretary where it shall be a public record.

C. The term of office of the Charter Review Committee shall be for not more than nine (9) months.

D. Upon finalization of the Charter Review Committee's report, the City Council shall receive the report. Notice shall be published in the official newspaper of the City that a copy of the report is available in the Office of the City Secretary.

E. The City Council shall consider any recommendations made and may order any recommendations be submitted to the voters of the City in the manner provided by state law.

F. Nothing in this section prohibits the City Council from forming a Charter Review Committee at any time or from submitting any amendments to the Charter to election on its own initiative at any time in compliance with state law.

## **Section 7.06 Amendment**

Amendments to this Charter may be framed, proposed, and adopted in any manner provided for herein and to

### **Section 7.07 Power to Settle Claims**

The City Council shall have the power to compromise and settle any and all claims and lawsuits of every kind and character, in favor of or against the City, including suits by the City to recover delinquent taxes after consulting with the City Attorney.

### **Section 7.08 Service of Process Against the City**

All legal process against the City shall be served upon the City Manager.

### **Section 7.09 Judicial Notice**

This Charter shall be deemed a public act, may be read in evidence without pleading or proof, and judicial notice shall be taken thereof in all courts and places provided that the City Secretary certifies the most current City Charter with any amendments.

### **Section 7.10 Property Not Exempt from Special Assessments**

No property of any kind, by whomsoever owned or held or by whatsoever institution, agency, political subdivision or organization, owned or held, whether in trust or by nonprofit organization, or corporation, or by foundation, or otherwise, (except property of the City), shall be exempt in any way from any special taxes, charges, levies and assessments except where required by state law.

### **Section 7.11 Bond Requirement**

In addition to any provisions contained herein, the City Council may require any City official, department director, or City employee, before entering upon his/her duties, to execute a good and sufficient bond with a surety company doing business in the State of Texas and approved by the City Council. The premium of such bond shall be paid by the City.

### **Section 7.12 Construction of Charter**

The Charter shall not be construed as a mere grant of enumerated powers, but shall be construed as a general grant of power and as a limitation of power on the government of the City of Leon Valley in the same manner as the Constitution of Texas is construed as a limitation on the powers of the Legislature. Except where expressly prohibited by this Charter, each and every power under Article XI, Section 5 of the Constitution of Texas, which it would be competent for the people of the City of Leon Valley to expressly grant to the City, shall be construed to be granted to the City by this Charter.

### ~~**Section 7.13 Penalty Clause**~~

~~A. **Criminal Penalty.** Any person who by himself [themselves] or with others violates any provision of this charter shall, in addition to any other penalty, be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars (\$500.00). The City Council shall enact an ordinance enforcing this section.~~

~~B. **Civil Penalty.** Upon the affirmative vote of two-thirds (2/3) of the City Council any person who by himself [themselves] or with others violates any provision of this charter shall be, in addition to any other penalty provided for herein, subject to a civil fine of not more than five hundred dollars (\$500.00).~~

### **Section 7.14 Definitions**

The following constructions apply unless the context in which the word or phrase appears necessarily requires a different construction or unless a different construction is expressly provided for in the section in which the word or phrase appears:

“Days” when not modified by the word “working” shall mean calendar days “May” creates discretionary authority or grants permission or a power. “Must” creates or recognizes a condition precedent

“Shall” provides direction or imposes a duty.

“Working days” shall mean weekdays which are not an official City holiday.

### **Section 7.15 Charter Translation**

This Charter shall be translated into Spanish and may be translated into any other language at the discretion of the City Council. As to any conflict in interpretation and substance between the English version and any other language the English version shall control.

### **Section 7.16 Severability**

If any term or other provision of this Charter is determined by a court of competent jurisdiction to be illegal or incapable of being enforced by any rule of law or public policy, all other terms or provisions of this Charter shall nevertheless remain in full force and effect.

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**AFFIDAVIT OF CERTIFICATION OF AMENDMENT AND AUTHENTICITY OF THE  
CITY OF LEON VALLEY’S HOME RULE CHARTER AMENDMENTS**

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**THE STATE OF TEXAS                   §**  
  §  
**COUNTY OF BEXAR                   §**

**BEFORE ME**, the undersigned authority, on this day personally appeared Chris Riley being by me duly sworn, deposed as follows:

My name is Chris Riley. I am over the age of twenty-one (21) years, am of sound mind and am fully capable of making this affidavit. The testimony recited below is within my personal knowledge and is true and correct.

I am the Mayor of City of Leon Valley. Attached hereto as Exhibit” A” is a true and correct copy of the City of Leon Valley’s Home Rule City Charter as amended by the citizens of Leon Valley on November 08, 2022. In addition, attached hereto as Exhibit “B” is a true and correct copy of the minutes canvassing the election held on November 15, 2022 amending the City’s Home Rule Charter.

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**Chris Riley, Mayor  
City of Leon Valley, TX**

**SUBSCRIBED AND SWORN TO BEFORE ME**, the undersigned authority on this 6th day of December 2022, to certify which witness my hand and official seal.

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**Saundra Passailaigue, TRMC  
City Secretary  
City of Leon Valley, TX  
Notary Public, State of Texas**

(S E A L)



## ORDINANCE No. 2022-\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS,  
ORDERING AND DECLARING THE 2022 CHARTER AMENDMENTS ADOPTED.**

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**WHEREAS**, on November 08, 2022 the City of Leon Valley held an election on the adoption of amendments to the City's Home Rule Charter; and

**WHEREAS**, on November 15, 2022, the City Council canvassed the votes of said election; and

**WHEREAS**, Texas Local Government Code Section 9.05 (b) provides that an amendment to a charter does not take effect until the governing body of the municipality enters an order in the records of the municipality declaring that the amendment is adopted; and

**WHEREAS**, pursuant to notice of a public meeting held in compliance with the Texas Open Meetings Act, the City Council of the City of Leon Valley, Texas, convened into a regular meeting of the City Council on this the 15th day of November, 2022 for the purpose of entering an order into the records of the City and declaring that the amendments to the City Charter are adopted.

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

**SECTION 1. Findings.** The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

**SECTION 2. Proceedings.** That an election was duly called and held on November 08, 2022 and final votes were canvassed on November 15th, 2022 on the question of the adoption of amendments to the City of Leon Valley Home Rule Charter.

**SECTION 3. Immediate Adoption of Amendments.** It is hereby ordered that the following amendments are hereby declared to be adopted based on the canvassing of the November 08, 2022 election results:

**The amendments stated in Propositions A through M.**

**SECTION 4.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

**SECTION 5.** All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of

such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

**SECTION 6.** That all rights and privileges of the City are expressly saved as to any and all violations of the provision of any ordinances repealed by this ordinance which have accrued at the time of the effective date of this Ordinance; and, as to such accrued violation and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

**SECTION 7.** If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision

**SECTION 8.** It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

**SECTION 9.** This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Texas Local Government Code.

**PASSED, ADOPTED AND APPROVED** by the City Council of the City of Leon Valley this the 6th day of December 2022.

**APPROVED**

\_\_\_\_\_  
**CHRIS RILEY**  
MAYOR

Attest:

\_\_\_\_\_  
**SAUNDRA PASSAILAIGUE, TRMC**  
City Secretary

Approved as to Form:

\_\_\_\_\_  
**NICOLE WARREN**  
City Attorney

## CHARTER

**ARTICLE I. FORM OF GOVERNMENT AND POWERS\*****Section 1.01 Establishment**

- A. The City of Leon Valley shall have a Council/City Manager form of government.
- B. All powers of the City of Leon Valley, hereinafter referred to as the “City,” shall be vested in the Council, hereinafter referred to as the “City Council,” which shall enact local legislation, adopt budgets, determine policies and appoint the City Manager. The City Manager shall answer to the City Council for the execution of the laws and the administration of the government of the City.

**Section 1.02 General Powers**

- A. The City shall have the power of local self-government to the fullest extent permitted by law.

**ARTICLE II. BOUNDARIES****Section 2.01 Boundaries**

The boundaries of the City shall be the same as existed prior to the adoption and ratification of this Charter and as are more fully set out and described by the official map of the City.

**Section 2.02 Contraction of Boundaries - Disannexation**

Any area of the City may be disannexed pursuant to any procedure allowed under state law and whenever, in the opinion of the City Council, there exists within the corporate limits of the City a territory not suitable or necessary for City purposes. The City Council may discontinue said territory as part of the City after conducting a public hearing and upon the adoption of an ordinance by a two-thirds (2/3) vote of the City Council.

**ARTICLE III. THE CITY COUNCIL AND MAYOR****Section 3.01 General Powers and Duties**

- A. All powers of the City shall be vested in the City Council, except as otherwise provided by law or this Charter. The City Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law.
- B. The Mayor and City Council collectively, as a body, oversee the operations of the City through the City Manager.

**Section 3.02 Number, Selection, and Term**

The membership of City Council (members of City Council) shall be composed of the Mayor and five (5) Councilmembers. The Mayor and Councilmembers shall be elected from the City at-large, by place, and for a two-year term.

**Section 3.03 Qualifications**

To be eligible to be a candidate for, or elected or appointed to the City Council, the Mayor and each Councilmember shall meet the following minimum requirements:

- A. Be a qualified voter in the City and State at the time of taking office.
- B. Have resided continuously in the corporate limits of the City for twelve (12) months immediately preceding the date of the deadline for filing for office for the current election cycle.
- C. Satisfy any other eligibility requirements prescribed by law for the office for which they are a candidate.
- D. Maintain residency in the corporate limits of the City throughout their tenure.

**Section 3.04 Judge of Qualifications**

The City Council shall be the sole judge of the election and whether the qualifications set herein and by law

been met by its members and of the grounds for forfeiture of their offices.

{Section}. 104.

### **Section 3.05 Compensation**

- A. The City Council shall not receive any compensation.
- B. The City Council may be reimbursed for expenses incurred in performance of official duties. The policy regulating payment of expenses incurred in performance of official duties shall be determined by the City Council.

### **Section 3.06 Mayor**

- A. The Mayor shall be the presiding officer of the City Council and shall be recognized as the head of the City government for all ceremonial purposes, for emergency management purposes, and by the governor for purposes of military law.
- B. The Mayor may debate and discuss any matters before the City Council, but shall only vote in the event of a tie.

### **Section 3.07 Mayor Pro-Tem**

- A. The Mayor Pro-Tem shall be a Councilmember elected by the City Council at the first regular City Council meeting following each regular City election.
- B. The Mayor Pro-Tem shall act as Mayor during the absence or disability of the Mayor and when acting as Mayor, retain their right to vote as a Councilmember.

### **Section 3.08 Vacancies; Forfeiture of Office; Filling of Vacancies**

- A. Vacancies. The Office of a Councilmember or Office of the Mayor shall become vacant upon death, resignation, removal from office by recall, or forfeiture of his/her office.
- B. Forfeiture of Office. A Councilmember or the Mayor shall forfeit his/her office if he/she:
  - 1. Fails to maintain at any time during the term of office any qualification for the office prescribed by this Charter or by law;
  - 2. Is convicted of a misdemeanor involving moral turpitude, a violation of any state laws regulating conflicts of interest of municipal officers, a felony, or is assessed a deferred adjudication or probation for a felony or any state laws regulating conflicts of interest of municipal officers. A member of City Council shall give written notice to the entire City Council within 10 working days of said conviction, deferred adjudication, or probation. Failure to provide the required notice shall result in an automatic forfeiture of office and City Council shall fill said vacancy pursuant to this Charter;
  - 3. Fails to regularly attend City Council meetings without an approved absence obtained by the Mayor either before or after the absence. There shall be a presumption of failure to regularly attend when three (3) regular meetings are missed during a term year without obtaining an approved absence from the City Council;
  - 4. Fails to continually reside within the City limits of the City of Leon Valley during their term of office.
- C. Filling of Vacancies. All vacancies with unexpired terms of more than twelve (12) months shall be filled by special election pursuant to state law. All vacancies with unexpired terms of twelve (12) months or less may be filled, at the discretion of City Council, by appointment of the City Council upon a majority vote, may be left vacant for the remainder of the unexpired term or filled by a special election pursuant to state law.

### **Section 3.09 Agendas; Procedures**

- A. Agendas. A member of City Council may place an item on an agenda with the concurrence of one additional member of City Council. The member of City Council requesting an item be placed on an agenda and the concurring member shall submit in writing, which may be by electronic mail, the request to place the item on an agenda and the concurrence to the City Secretary. The item shall be placed on the next agenda of the City Council meeting occurring on or after the eighth (8th) calendar day after receipt by the City Secretary of the later of either the request or the concurrence.

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.

The Mayor, the City Attorney or the City Manager may place any item on any City Council agenda.

- B. Procedures. City Council shall, except as otherwise provided for in this Charter, create rules of procedure

all City Council workshops, regular and special meetings and public hearings by ordinance.

{Section}. 104.

### **Section 3.10 Ordinances**

A. Passage. Except as may otherwise be prescribed in this Charter or other law, all ordinances shall be read in open meeting of the City Council on two (2) separate days provided that all readings of any ordinance may be by descriptive caption only. Any ordinance necessary to protect the public's peace, health, safety and general welfare, may be passed as an emergency and become effective at once upon one (1) reading of the City Council, upon the approval of a majority vote of the City Council members that it is an emergency at said reading and the finding of an emergency shall be stated within the ordinance.

B. Enacting Clauses; Signature and Authentication. The enacting clause of all ordinances shall be "BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS" and every ordinance shall be signed by the Mayor or the Mayor Pro-Tem and authenticated by seal and signature of the City Secretary.

C. Publication. The caption or title and penalties of every ordinance imposing any penalty, fine, or forfeiture shall, as soon as practical after passage thereof, be published one (1) time in the official newspaper(s) of the City of Leon Valley. An ordinance required to be published under this section shall take effect the day after publication unless otherwise provided in the ordinance.

### **Section 3.11 Council Investigations**

The City Council shall have the power to inquire into the conduct of any department, agency, board, or employee of the city, and for that purpose shall have the power to administer oaths, subpoena witnesses, compel the production of books, papers, testimony, and other evidence material to the inquiry. The City Council shall provide by ordinance, penalties for contempt in failing or refusing to obey any such subpoena or to produce any such books, papers or other evidence, and shall have the power to punish any such contempt in the manner provided by such ordinance.

### **Section 3.12 Quorum**

Three Councilmembers shall constitute a quorum except where State law provides otherwise.

## **ARTICLE IV. ELECTIONS**

### **Section 4.01 Elections**

A. The regular City election shall be held annually on the uniform election date in May, or at such other times as may be specified by State Law, at which time officers will be elected to fill those offices which become vacant that year.

### **Section 4.02 Filing for Office**

A. Any person having the qualifications set forth under [Section 3.03](#) of this Charter shall have the right to file an application to have their name placed on the official ballot as a candidate for any elective office.

1. Any such application shall be in writing, signed by such candidate, and filed with the City Secretary in accordance with the Texas Election Code and this Charter;

2. An application filed in accordance herewith shall entitle such applicant to a place on the official ballot.

B. A candidate for City Council shall specify the place number or position the candidate is seeking.

### **Section 4.03 Official Ballot**

The names of all candidates for office, except candidates who may have withdrawn, died or become ineligible, shall be placed on official ballots without party designations and shall specify the council place for which each is seeking election.

### **Section 4.04 Election Results**

Except as otherwise provided by law, a candidate must receive more votes than any other candidate to win. A tie shall be resolved as provided by the Texas Elections Code.

### **Section 4.05 Taking of Office**

Each newly elected person to the City Council shall be inducted into office as the first item of business at the first regular City Council meeting following the canvass of the votes.

**Section 5.01 City Manager**

- A. Appointment and Qualifications. The City Council shall appoint a City Manager who shall be the chief administrative and executive officer of the City and shall be responsible to the City Council for the administration of all the affairs of the City. The City Manager shall be chosen by the City Council solely on the basis of the City Manager's executive and administrative training, experience and ability.
- B. Term and Compensation. The City Manager shall be appointed for an indefinite term upon the affirmative vote of two-thirds (2/3) of the City Council and may be removed at the discretion of the City Council by an affirmative vote of a majority of the City Council. The action of the City Council in suspending or removing the City Manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such suspension or removal in the City Council. In the event of termination, the City Manager shall not receive more than one (1) times the annual base salary and accrued personal leave. The City Manager shall receive compensation as may be fixed by an affirmative vote of two-thirds (2/3) of the City Council.
- C. Powers and Duties. The City Manager shall have the following powers and duties:
1. The City Manager shall appoint and, when the City Manager deems it necessary for the good of the City, may suspend or remove any City employee except as otherwise provided by law, this Charter, or personnel rules adopted pursuant to this Charter. The City Manager may authorize any employee who is subject to the City Manager's direction and supervision to exercise these powers with respect to subordinates in that employee's department, office or agency;
  2. The City Manager shall direct and supervise the administration of all departments, offices, and agencies of the City, except as otherwise provided by this Charter or by law;
  3. The City Manager shall attend all City Council meetings, except when excused by the Mayor or Mayor Pro-Tem, and shall have the right to take part in discussion but may not vote;
  4. The City Manager shall see that all laws, provisions of this Charter and acts of the City Council, subject to enforcement by the City Manager or by those subject to the City Manager's direction and supervision, are faithfully executed;
  5. The City Manager shall make such reports as the City Council may require concerning the operations of the City departments, offices and agencies subject to the City Manager's direction and supervision;
  6. The City Manager shall keep the City Council fully advised as to the financial condition and future needs of the City and make such recommendations to the City Council concerning the affairs of the City as the City Manager deems desirable;
  7. The City Manager shall have the authority to execute on behalf of the City, standard form documents, including but not limited to deeds, releases of liens, rental agreements, easements, right- of-way agreements, joint use agreements, and other similar documents, under the following conditions:
    - a. The execution of the document is necessary to carry out a public works project; utilize, maintain or improve a City facility, street, right-of-way, easement, park or other City property, or to implement other City policies; provided that such project, program or policy has been approved by the City Council;
    - b. That all blanks are filled in on any document correctly and that such document is consistent with the objectives approved by the City Council; and
    - c. That the form of such document shall be approved by the City Attorney.
  8. The City Manager shall perform such other duties as are specified in this Charter or may be required by the City Council.
  9. The City Manager shall appoint department heads, including but not limited to, the city secretary, police chief, fire chief, planning and zoning director, library director, human resources director, public works director, economic development director, finance director and assistant city manager(s) upon consent of the majority of the City Council.
- D. Review. The City Council shall perform a review of the City Manager's performance at least annually, but no more than twice in any fiscal year.
- E. Acting City Manager. By letter filed with the City Secretary, the City Manager shall designate, subject

approval of the City Council, a qualified employee to exercise the powers and perform the duties of during the City Manager's temporary absence or disability. The City Council may revoke such designation and appoint another individual to serve until the City Manager shall return or his/her disability shall cease. {Section}. 104.

## **Section 5.02 Other Departments, Offices, and Agencies**

### **A. General Provisions.**

1. Creation of Departments. The City Council may continue or establish City departments, offices or agencies in addition to those created by this Charter and may prescribe the functions of all departments, offices and agencies.
2. Direction by City Manager. All departments, offices and agencies under the direction and supervision of the City Manager shall be administered by an employee appointed by and subject to the direction and supervision of the City Manager.

B. City Attorney. The City Attorney shall be appointed by the City Council. He or she shall report to the City Council and may be removed from office by the City Council.

C. Municipal Court; Judge(s). The City Council shall establish a municipal court. The Mayor shall appoint a licensed attorney of the State of Texas as presiding judge(s) and any such other licensed attorneys of the State of Texas as associate judge(s) as are deemed necessary and the appointment shall be subject to confirmation by the City Council. The judge(s) of the municipal court shall serve a term of two years to run concurrently with the term of Office of the Mayor. The presiding judge and any associate judge may be removed by an affirmative vote of two-thirds (2/3) of the City Council.

D. City Secretary. The City Manager shall appoint a City Secretary whose duties and obligations shall be determined and supervised by the City Manager.

## **Section 5.03 Personnel Rules**

The City Manager shall be responsible for the preparation of personnel rules. Such rules shall be submitted by the City Manager to the City Council. The City Council may accept and adopt such rules as proposed or may adopt them with amendments.

# **ARTICLE VI. INITIATIVE, REFERENDUM AND RECALL**

## **Section 6.01 General Authority**

A. Initiative. The registered voters of the City shall have power to propose ordinances to the Council. Such power shall not extend to the granting of franchises, budget or any capital program, or relating to appropriation of money, issuing of bonds, setting of utility rates and levy of taxes or salaries of City officers or employees, or any other ordinance not subject to initiative as provided by state statute or common law.

B. Referendum. The registered voters of the City shall have power to require reconsideration by the Council of any adopted ordinance. Such power shall not extend to the granting of franchises, budget or any capital program, or relating to appropriation of money, issuing of bonds, setting of utility rates and levy of taxes or salaries of City officers or employees, or any other ordinance not subject to referendum as provided by state statute or common law.

C. Recall. The registered voters of the City shall have the power to petition for recall of the Mayor or any Councilmember.

## **Section 6.02 Commencement of Initiative, Referendum and Recall Petitions; Petitioners' Committee; Affidavit**

A. Any five (5) registered voters of the City may commence initiative, referendum, or recall proceedings by filing with the City Secretary an affidavit stating they will constitute the petitioners' committee and be responsible for the petition and filing it in proper form, stating their names and addresses and specifying the designated address to which all notices to the committee are to be sent and setting out in full the proposed initiative ordinance or citing the ordinances sought to be reconsidered, or the name of the individual to be recalled.

B. All papers of a petition shall be uniform in size and style, shall be assembled as one instrument for filing, and shall comply with all requirements for the specific petition. Each signature shall comply with Chapter 277 of the Texas Election Code as it may be amended from time-to-time.

C. Petitions shall be returned to the Office of the City Secretary for filing within ninety (90) calendar days

filing of the affidavit of petitioners committee and no signature on said petition shall have been affixed to the filing of the affidavit of petitioners committee.

{Section}. 104.

D. Petitions shall only be circulated by a registered voter of the City and the signatures on petitions shall be verified by oath in the following form to be affixed on the bottom of each page of the petitions:

STATE OF TEXAS

COUNTY OF BEXAR

I, \_\_\_\_\_, being first duly sworn, on oath depose and say that I am one of the signers of the above petition, and that the statements made therein are true, and that each signature appearing thereto was made in my presence on the day and date it purports to have been made, and I solemnly swear that the same is the genuine signature of the person it purports to be.

Signature \_\_\_\_\_

Sworn and subscribed before me this day of 20.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF TEXAS

My commission expires: \_\_\_\_\_

### **Section 6.03 Initiative, Referendum and Recall Petition Process; Certificate of City Secretary; Supplementation; Presentation to Council; Council Review**

A. Within forty-five (45) calendar days after a petition for initiative or referendum and forty-five (45) calendar days after a petition for recall (the "Original Petition") is filed, the City Secretary, or the City Secretaries designee, shall complete a certificate as to its sufficiency or insufficiency as mandated herein, specifying, if it is insufficient, the particulars wherein it is defective and shall within said period send a copy of the certificate to the petitioners' committee by first class regular mail and certified mail return receipt requested or by hand delivery with signed proof of delivery to the designated address.

B. A petition certified insufficient for lack of the required number of valid signatures may be supplemented once if the petitioners' committee files a notice of intention to supplement with the City Secretary within three (3) working days after receiving the copy of the Certificate of the City Secretary. The supplementary petition shall be filed within the time specified in Subsection 6.03.C. Such supplementary petition shall comply with the requirements of [Subsections 6.02.B and D](#), and within ten (10) working days after the supplementary petition is filed, the secretary shall complete a certificate as to the sufficiency of the petition as supplemented and send a copy of such certificate to the petitioners' committee by first class regular mail and certified mail return receipt requested or by hand delivery with signed proof of delivery to the designated address as in the case of an Original Petition.

C. Upon the submission of the Original Petition to the City Secretary, the time line for submission as provided for in [Section 6.02](#) shall be tolled. The petitioners committee shall submit the supplementary petition to the City Secretary within the remaining tolled deadline, said remaining time to be calculated from receipt of the certificate of insufficiency by the petitioner's committee or committee member as applicable. No signature on said supplementary petition shall have been affixed prior to the receipt by the petitioners committee of the certificate of insufficiency.

D. The City Secretary shall, at the next regular Council meeting held in compliance with the Texas Open Meetings Act after completion of certification of the petition or supplementary petition, present such certificate to the Council.

### **Section 6.04 Requirements Specific to Petitions for Recall**

Before the question of a recall shall be submitted to the registered voters of the City, a petition containing the signatures of at least five hundred (500) registered voters, demanding such question to be so submitted shall first be filed with the Office of the City Secretary pursuant to this Article. The petition shall be addressed to the City Council of the City and shall state distinctly and specifically the alleged action(s) and the factual circumstance(s) surrounding such action(s) taken by the individual that warrant the reason for the recall as to give the individual sought to be removed notice of the matter(s) and thing(s) on which the individual's recall is predicated. If there be more than one (1) reason, said petition shall distinctly and specifically state each reason upon which such petition for removal is predicated and shall distinctly and specifically state the alleged action(s) and the factual circumstance(s) surrounding such action(s) taken by the individual that warrant the recall as to give the indi



sought to be removed notice of the matter(s) and thing(s) on which the recall is predicated.

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### **Section 6.05 Public Hearing to be Held on Recall Petition**

The individual whose removal is sought may, within ten (10) working days after such recall petition has been presented to the City Council, request that a special meeting be held to permit him/her to present a response to the reasons for recall specified in the recall petition. In this event, the City Council shall order such special meeting to be held, at the discretion of the individual whose removal is sought and in compliance with the Texas Open Meetings Act, but in no even no less than fifteen (15) days before early voting.

At any special meeting held under this Section the individual whose removal is sought shall have a thirty (30) minute period to state their response to the recall petition. There shall be no public participation in the special meeting and no other items of business shall be a part of the special meeting.

### **Section 6.06 Calling of Recall Election**

If the individual whose removal is sought does not resign, then the City Council shall for the next available uniform election date, order an election for holding such recall election. If, after the recall election date is established, the officer vacates his/her position, the election shall be cancelled in accordance with state law.

### **Section 6.07 Ballots in Recall Election**

Ballots used at recall elections shall conform to the following requirements:

A. With respect to each individual whose removal is sought, the question shall be submitted:

“Shall \_\_\_\_\_ be removed from the office of \_\_\_\_\_ by recall?”

B. Immediately below each such question, there shall be printed the following words, one above the other, in the order indicated:

“Yes”

“No”

### **Section 6.08 Result of Recall Election**

If a majority of the votes cast at a recall election shall be “No,” that is against the recall of the individual named on the ballot, the individual shall continue in office for the remainder of his/her unexpired term, subject to recall as provided herein. If a majority of the votes cast at such election be “Yes,” that is for the recall of the individual named on the ballot, the individual shall, regardless of any technical defects in the recall petition, be deemed removed from office upon passing of the resolution canvassing the election, and the vacancy shall be filled by the City Council as provided for in State law.

### **Section 6.09 Recall Restrictions**

No petition shall be filed for the recall of an individual within ninety (90) days of the date of the individual’s election to City Council or within ninety (90) days before the end of the individual’s term on City Council.

### **Section 6.10 Initiative; Requirements Specific to Petition for Initiative; Procedure**

A. A petition for initiative must contain signatures totaling at least three hundred (300) registered voters and shall otherwise comply with the requirements for petitions in this Article. Each copy of the petition shall have attached to it a copy of the full text of the proposed legislation in the form of an ordinance including a descriptive caption. Each page of the petition shall have, at the top of the page, the full substantive text of the proposed ordinance.

B. Upon presentation to the City Council, it shall become the duty of the City Council, within forty-five (45) calendar days after the date the petition is finally determined sufficient, to pass and adopt such ordinance without alteration as to meaning or effect, or to call for an election, to be held on the soonest date allowed under the Texas Election Code, at which the registered voters of the City shall vote on the question of adopting or rejecting the proposed ordinance.

C. If a majority of the registered electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon the canvassing of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

D. No ordinance on the same subject as an initiated ordinance which has been defeated at any election may be initiated by the voters within two (2) years from the date of such election.

**Section 6.11 Referendum; Requirements Specific to Petition for Referendum; Procedure; Election**

{Section}. 104.

- A. A petition for referendum must contain signatures totaling at least three hundred (300) registered voters and shall otherwise comply with the requirements for petitions in this Article.
- B. Within forty-five (45) days after final sufficiency of the petition, City Council shall either repeal the referred ordinance or order an election to submit the referred ordinance to the registered voters of the City. Said election shall be held on the first available uniform election date authorized by law.
- C. If a majority of the registered electors voting on a referred ordinance vote against the ordinance, it shall be considered repealed upon certification of the election results.
- D. A petition for referendum on the same subject matter may only be submitted once every three (3) years.

**Section 6.12 Initiative and Referendum; Form of Ballots**

The ballots used when voting upon initiative or referendum shall set forth their nature sufficiently to identify them and shall also set forth, upon separate lines, the words:

“For the Ordinance”

or

“Against the Ordinance”

**Section 6.13 Ordinances Passed by Popular Vote, Repeal or Amendment**

Any ordinance adopted by initiative shall not be subject to repeal or substantial modification by action of the Council for a period of three (3) years from the date of the election, except by referendum election called by the Council or by petition as herein provided. Any ordinance repealed by referendum shall not be reinstituted in whole or substantial part by action of the Council for a period of three (3) years from the date of the election, except by referendum election called by the Council or by petition as herein provided.

**ARTICLE VII. GENERAL PROVISIONS**

**Section 7.01 Conflicts of Interest Prohibition**

For purposes of this Section, the term “City Official” means any individual subject to the requirements of Texas Local Government Code, Chapter 171.

It is hereby prohibited for City Council members or a City Official to violate the rules and regulations regarding conflicts of interests as set out in the Texas Local Government Code, Chapter 171, as may be amended hereafter.

**Section 7.02 General Prohibitions**

- A. No person shall be appointed to or removed from or in any way favored or discriminated against with respect to any City position or appointive City administrative office because of gender, sexual orientation, race, national origin, sex, political or religious opinions or affiliations, or an otherwise legally protected class.
- B. No person who seeks appointment or promotion with respect to any City position or appointive City administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his or her test, appointment, proposed appointment, promotion or proposed promotion.
- C. No employee of the city shall continue in such position after becoming a candidate for City Council.

**Section 7.03 Regulation of Alcohol**

The City Council may enact any and all other regulations regarding the sale, consumption, distribution, etc. of alcoholic beverages, as permitted by law, including but not limited to the regulation of the sale of liquor in residential sections or areas of the City.

**Section 7.04 Disaster Clause**

In case of disaster when a legal quorum of the City Council cannot otherwise be assembled due to multiple deaths or injuries, the surviving persons of the City Council, or highest surviving City official, if no elected official remains, shall, within twenty-four (24) hours of such disaster, request the highest surviving officers of the Bexar County Commissioners Court to appoint a number of residents of Leon Valley equal to the number necessary to make a quorum to act during the emergency as the City Council. The newly appointed City Council shall call

City election within fifteen (15) days of their appointment, or as provided in the Texas Election Code of the vacant offices, if for good reasons it is known a quorum of the present City Council will never meet again, the appointed Councilmembers shall serve in their position until such time as the present Councilmembers may begin serving.

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#### **Section 7.05 Charter Review Committee**

- A. The City Council may appoint a Charter Review Committee at any time. The Charter Review Committee shall consist of thirteen (13) citizens of the City. The citizens appointed shall consist of two (2) appointments by each councilmember and three (3) appointments by the Mayor.
- B. The Committee shall:
1. Inquire into the operation of the City government under the Charter and determine whether any provision requires revision. To this end public hearings may be held. The Committee may request the attendance of any officer or employee of the City and the production of any City records that may be needed; and
  2. Propose any recommendations it deems desirable to insure compliance with the Charter; and
  3. Report its findings and present its recommendations to the City Council in the form of a report; and
  4. File a copy of its report with the Office of the City Secretary where it shall be a public record.
- C. The term of office of the Charter Review Committee shall be for not more than nine (9) months.
- D. Upon finalization of the Charter Review Committee's report, the City Council shall receive the report. Notice shall be published in the official newspaper of the City that a copy of the report is available in the Office of the City Secretary.
- E. The City Council shall consider any recommendations made and may order any recommendations be submitted to the voters of the City in the manner provided by state law.
- F. Nothing in this section prohibits the City Council from forming a Charter Review Committee at any time or from submitting any amendments to the Charter to election on its own initiative at any time in compliance with state law.

#### **Section 7.06 Amendment**

Amendments to this Charter may be framed, proposed, and adopted in any manner provided for herein and by the laws of the State of Texas.

#### **Section 7.07 Power to Settle Claims**

The City Council shall have the power to compromise and settle any and all claims and lawsuits of every kind and character, in favor of or against the City, including suits by the City to recover delinquent taxes after consulting with the City Attorney.

#### **Section 7.08 Service of Process Against the City**

All legal process against the City shall be served upon the City Manager.

#### **Section 7.09 Judicial Notice**

This Charter shall be deemed a public act, may be read in evidence without pleading or proof, and judicial notice shall be taken thereof in all courts and places provided that the City Secretary certifies the most current City Charter with any amendments.

#### **Section 7.10 Property Not Exempt from Special Assessments**

No property of any kind, by whomsoever owned or held or by whatsoever institution, agency, political subdivision or organization, owned or held, whether in trust or by nonprofit organization, or corporation, or by foundation, or otherwise, (except property of the City), shall be exempt in any way from any special taxes, charges, levies and assessments except where required by state law.

#### **Section 7.11 Bond Requirement**

In addition to any provisions contained herein, the City Council may require any City official, department director, or City employee, before entering upon his/her duties, to execute a good and sufficient bond with a surety company doing business in the State of Texas and approved by the City Council. The premium of such bond shall be paid by the City.

## Section 7.12 Construction of Charter

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The Charter shall not be construed as a mere grant of enumerated powers, but shall be construed as a ~~general grant~~ of power and as a limitation of power on the government of the City of Leon Valley in the same manner as the Constitution of Texas is construed as a limitation on the powers of the Legislature. Except where expressly prohibited by this Charter, each and every power under Article XI, Section 5 of the Constitution of Texas, which it would be competent for the people of the City of Leon Valley to expressly grant to the City, shall be construed to be granted to the City by this Charter.

## Section 7.13 Definitions

The following constructions apply unless the context in which the word or phrase appears necessarily requires a different construction or unless a different construction is expressly provided for in the section in which the word or phrase appears:

“Days” when not modified by the word “working” shall mean calendar days “May” creates discretionary authority or grants permission or a power. “Must” creates or recognizes a condition precedent

“Shall” provides direction or imposes a duty.

“Working days” shall mean weekdays which are not an official City holiday.

## Section 7.14 Charter Translation

This Charter shall be translated into Spanish and may be translated into any other language at the discretion of the City Council. As to any conflict in interpretation and substance between the English version and any other language the English version shall control.

## Section 7.15 Severability

If any term or other provision of this Charter is determined by a court of competent jurisdiction to be invalid, illegal or incapable of being enforced by any rule of law or public policy, all other terms or provisions of this Charter shall nevertheless remain in full force and effect.

# Presentation and Discussion on an Ordinance of The City Council of The City of Leon Valley, Texas, Ordering and Declaring The 2022 Charter Amendments Adopted (1<sup>ST</sup> Reading)

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City Council Meeting

November 15, 2022

Sandra Passailaigue, City Secretary



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# Background

- **The proposed propositions were presented at the following public meetings:**
  - March 26, 2022, Annual Town Hall Meeting
  - June 04, 2022, Special City Council Workshop
  - June 18, 2022, City Council/Manager Retreat
  - July 12, 2022, Special City Council Meeting
  - July 19, 2022, Regular City Council Meeting
  - August 02, 2022, Regular City Council Meeting
  - August 16, 2022, Regular City Council Meeting
  - October 22, 2022, Coffee with the Mayor & City Council

# Next Steps

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Present a first read ordinance to  
Adopt the 2022 Charter  
Amendments – 11-15-2022

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Present a second read ordinance  
for adoption of the 2022 Charter  
Amendments – 12-06-2022

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City Secretary will certify to the  
Texas Secretary of State, an  
authenticated copy of the 2022  
Charter Amendments.

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The Secretary of State shall file  
the certification.

# S.E.E. Statement

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***Social Equity*** – The Charter benefits the City of Leon Valley by providing better policy and service delivery to the citizens.

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***Environmental Stewardship*** – The Charter promotes economic development by enabling City Council freedom to enact laws that will better accommodate and provide a more inviting area for new businesses.

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***Economic Development*** – The Charter will enable City Council to enact laws that protect our City's natural resources, and freedom to enact comprehensive conservation legislation.





Any  
Questions ?

**OUTSTANDING CITY COUNCIL ITEMS**

- **Licensing Fee code amendment**
- **Presentation on continued TOMA training for the advisory committee**
  - 12/6/2022
- **Four-way stop at Forest Meadow and Evers**
  - To be evaluated upon the development of the Evers property
- **Presentation and discussion on the hiring process for Directors**
  - 12/6/2022
- **Review of the Water rates are Scheduled for the beginning of the new year.**
- **Sustainability Overlay**
  - Currently being reviewed by City Attorney
- **Stray Animal Ordinance**
  - Currently being reviewed by City Attorney
- **Amazon HUB Project**
  - Waitingng on site vist and approval
- **LVHS request for ARP funds**
  - Reviewing MOU on 11/1/2022
- **Combining Park, Tree and Earthwise living committee- WB**
  - 11/18/2022
- **Blood Drive and PTO Policy**
- **Huebner Creek Restoration -RO,BM**
- **Public Private Partnership with local petshops for pet adoption options**
- **The neighborhoods need to be established**
- **Neighborhood/citizen survey**
- **Discussion and possible action on amending BOA variance criterion by Texas Legislative changes**
- **Update on the Huebner Creek trenching**
- **Review of the personnel manual**
- **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**
- **Volunteer Appreciation Dinner**
  - Possibly after the Townhall mtg
  - Postpone until September
- **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
- **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
- **Ordinance Amending the City of Leon Valley Code of Ordinances, Chapter 4 Business Regulations, Article 4.03 Alcoholic Beverages, Division 1. Generally, and Division 2. License and Permit Fees**
  - First read on 11/1/2022
  - Second Read on 11/15/2022

### **ITEMS ARE STILL IN THE PIPELINE, BUT HAVE BEEN ADDRESSED**

- **Appointment of a home rule charter review committee**
  - Mayor was tasked with making recommended changes at the last retreat on 09/07/2021.
  - Mayor presented them at the Town Hall Meeting on 03/26/2022
  - Mayor presented them on 06/04/2022
  - The last day to call for a November election is August 22, 2022.
  - Deadline for the attorney to get the correct ballot language together is July 13, 2022.
  - Per Council Direction on 6/18/2022, the amendments were sent to City Attorney.
  - Council will vote on the amendments on July 12, 2022, and July 19, 2022.

- Election will be ordered on August 2, 2022, and August 16, 2022
- Election Scheduled for November
- Provided a review of the Amendments at the Coffee on 10/22/222
- **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](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.
- **Red-light cameras First Available Contract end term is May 2037**
  - City Council adopted a Resolution declaring the intent to phase out redlight cameras 4/6/2021 – Resolution # 21-009R
  - The RLC Contract would be difficult to terminate without financial obligation from the City
  - City Council supports HB 1209 and physically delivers letters in support to Cortez, Biederman, Canales, Menendez
  - Funds – Eligible projects – CR
    - Will be discussed at the Town Hall Meeting on January 22, 2022
  - Discussed at the retreat council has decided not to spend funds until we know what the legislature is doing
- **Tiger brush and bulk issues- Contract ends January 1, 2025**
  - Discussed at the following City Council Meetings

- 02/22/2021
  - Council addressed complaints and Tiger sanitation responded
- 09/7/2021
  - Considered a resolution on how to handle bulk pick-up. Resolution # 21-031-R, the direction was given to CM to come back with a plan.
  - Considered and Ordinance Amending the Ord 14.02 Solid Waste First reading.
- 11/2/2021
- Considered and Ordinance Amending the Ord 14.02 Solid Waste Second Reading Passes Ord. # 21-053.
- 1/11/2022
- Council considered two options to handle the overflow of Brush. The Council decided to have PW pick up the overage after Tiger sanitation picked up their 8 CY.
- There were 11 homes with oversized brush the City had the item picked on 3/4/22-3/8/22
- 05/17/2022 Council meeting discussing rate increase.
  - Council allowed the 2.5% increase for July and another in January but did not approve the 7.5 % increase
  - Council was willing to renegotiate terms
    - On 8/23/2022 council decided to leave terms as is
- **Opioid Litigation**
  - Item Was Addressed in Executives session on:
    - 6/15/2021
    - 09/7/2021
    - 9/21/2021
  - Council Addressed this item at the following Council meeting
    - 11/16/2021
      - Council Passed a resolution # 21-04 agreeing to participate in a settlement agreement with opioid manufacturer Johnson & Johnson. The other is three major pharmaceutical distributors: AmerisourceBergen, Cardinal Health, and McKesson and is estimated to receive \$28,389
  - The City still has an Agreement with Phipps, Ortiz and Talafuse for any remaining ongoing litigation
- **Comprehensive Master Plan**
  - Was addressed at the following Council meetings:
    - 2/2/2021
    - 3/23/2021
    - 06/1/2021

- This item was discussed during the budget process and ultimately, the Council decided not to expend the funds on this project at this time.
- Will be discussed under the Townhall meeting update to the council on 4/19/2022
  - Council would like us to use our future land use map
- **Sewer Service Charge Adjustments**
  - Council meeting 2/15/22
  - Impact Fees Removed
  - Sewer Charges will be brought back at a later time.
- **Over 65 Tax Exemption**
  - Council Mtg. 3/1/22
    - Councilor Orozco will get with the Finance Director to see if this item will come back on a later date
- **John Marshall Traffic Plan – CR, JH**
  - Discussed at the following Council meeting
  - 12/14/2022 Next steps
  - NISD engineers are still working on the plan, collecting traffic counts, and coordinating with CoSA Traffic Department
  - Once complete, additional meetings will be held with the City to determine the feasibility and appropriateness
  - Once plans are final, the proposal will be presented to City Council for approval
  - John Marshal Update on 3/15 based on 2/14 meeting
  - The City received feedback on possible neighborhood suggestions on 5/09/2022. Joint meeting to be determined.
  - Heard by City Council to possible street closures on 8/23/20 Engineers will develop a report and PD and Fire will review
  - Taking to Council on 10/3/2022
- **Apartments Finley And Sierra Royale, Forest Oaks, Vista Del Rey- BM**
  - Update ion one of the Apartment Complexes at the CC mtg 3/15
    - Presentation was given on Vista Del Rey
    - Next apartment review is on 5/3/2022
      - Staff received legal advice in executive session
    - Executive session 8/2/2022
      - Council decided to file a Chapter 54 lawsuit against Vista del Rey, filed on 8/5/2022
      - TRO was granted on 8/8/2022
      - Administrative warrant executed on 8/17/2022
      - Temporary Injunction was granted on 8/22/2022
        - They have 6 months to comply.
      - 8/31/2022 Vista got new attorneys

- 9/9/2022 Vista filed a motion to dissolve the temporary injunction
  - C of Os issued Shed, Maintenance Shop, Laundry 1-3, Vista, Gym
  - 9/19/2022 hearing set and canceled
    - Executive Session 9/20/2022
- **Presentation, discussion, and possible action on fluoride survey results – JS**
  - CC Mtg. 3/1/2022 Postponed
  - Moved to 4/5/22
  - Presentation on given to the council and the community on the benefits, no direction was proved 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

- **Adding an End time to the City Council Meeting Agendas**
  - The Council reviewed the rules of Decorum at the retreat on 06/18/2022 this was not discussed.
  - Council will review Decourm at the 7/12/2022 council meeting.

## **COMPLETED**

- **Water Deposit Refund Policy**
  - Item Completed at the Council meeting 2/1/22
- **Criteria for projects – economic and community development advisory committee (ECDAC)**
  - Council Meeting 2/1/22 first read
  - Council Meeting 2/15/22 second read
  - COMPLETED 2/15/2022
- **Huebner Onion Homestead Encroachment - ROW**
  - Item Completed at the 1/18/22 City Council Meeting
  - Northwest Chamber Presentation on OFB
  - 3/15/2022
- **Library Policies**
  - City Council meeting 3/15
    - Council approved the Policies as presented and adopted by the board.
- **New City Attorney**
  - First read, CC Mtg 3/15/22
  - Second read, CC mtg 4/5/22
  - Start date 4/11/2022
- **Credit card processing fee**
  - CC Mtg. 2/15/22 presentation and direction was given by the Council
    - Charge 2% on all charges
    - First, read on 3/15/22
    - Second Read 4/5/22
    - This has been implemented water customers have until 7/1/2022 to change to another method if they do not want to be charged a Fee.
- **Fire Department Grants and budget Adjustments**
  - City Council meeting 4/5/22
- **Racial Profiling Presentation**
  - City Council Meeting 4/5/2022
  - Completed
- **The Platting Process**
  - CC Mtg. 3/1/2022 -Postponed
    - Mayor moved to the 3/15 Agenda
  - Presented to the Council on 3/15/2022, no direction given to staff



- **Townhall meeting update and Direction from the Council on how to proceed with citizen input**
  - CC mtg. 4/19/2022
    - Council provided direction to enhance the crosswalk at Evers by the library and traffic control for JMHS
    - HRC committee will be the council and Saturday workshop with budget
- **Funding options on a Fire Truck**
  - Cc mtg 4/19/2022
  - Council approved 50% from ARP funds and leasing the remainder on a 5 year lease.
- **Storm Water Utility Rate Revision**
  - CC Mtg. 4/19/22
  - This item will be brought back on 4/5 CC mtg.
    - The direction was to have the rates match SA, a possible scale for inflation of 3% and what the total impact would be.
  - Second Read 5/3/2022
    - Council approved with a 3% increase every year for 5 years.
- **Impound Lot Presentation**
  - CC mtg for 4/5/2022
    - Moved by Mayor to the next meeting
      - CC mtg 4/19/2022
    - Moved by Mayor to the next meeting
      - Will be presented at the 5/3/2022 CC mtg.
        - Council had not requested changes other than investigating the cost to relocate.
- **Presentation on Graffiti**
  - CC Mtg. 4/19/22
    - In investigating the current Ord. the City realized that our ord was not in line with the state statute
    - CC Mtg. 4/5 new Ord. will be presented
      - Moved by Mayor to the next meeting
    - Will be presented at the 4/19/ 2022 CC mtg.
      - Moved by Mayor to the next meeting
    - Will be presented at the 5/3/2022 CC mtg.
      - No changes were requested on presented changes
  - Second Read was presented on 5/17/2022 council meeting this item passed
- **Zazamora Creek cleanup & possible acquisition**
  - The council decided on no acquisition but to authorize a budget adjustment of the American Rescue Plan Fund in the amount of

\$25,104.00 to the Stormwater Utility Fund Budget for the Purpose of the Zarzamora Creek Drainage Easement Clean-Up and debris haul off.

- Creek cleanup started on 07/25/2022
- **Charity Care Policy -Need to receive ASSPP funding**
  - First, read City Council meeting 5/17/2022
  - Second Read CC mtg. 6/7/2022 Council approved
- **Capital Facilities Committee Survey**
  - Closes April 15, 2022
  - Committee member William Johnson is gathering the survey information
  - The survey results were presented to the council on 06/07/2022
- **SAWS Agreement**
  - Council Meeting 8/16/2022
  - Second read 09/6/2022
    - Item passed
- **Time Capsule Event**
  - Presentation on 8/16/2022 – postponed
  - Presentation on 9/6/2022
  - This will be held on October 1, 2022
- **Subdivision Code Revisions**
  - Presented at P&Z meeting on 7/26/2022
    - Tabled until 8/22/2022
  - First read to council on 9/6/2022
  - Second Read to council on 9/20/2022
    - Passed unanimously
- **Curfew Ordinance**
  - City Attorney Review
  - Sent the Ord. for Hefner and Orozco to review
  - Placed on the 10/2/2022 city council meeting for second read
    - Passed unanimously with two amendments
      - Taking out day time hours and exceeding the time from 11 p.m. to 12:00 a.m.
- **One-time Water leak adjustment for retroactive repairs**
  - 9/20/2022
  - 10/3/2022 – Passed unanimously
- **One-time rainwater conservation adjustment for retroactive projects**
  - 9/20/2022
  - 10/3/2022 – Passed unanimously
- **Jazz Festival Direction**
  - Postpones by Mayor 8/6/2022
  - Postponed by Mayor 8/23/2022
  - Postponed by Mayor 9/6/2022
    - Scheduled for 9/20/2022
    - Council direction to have a March event

- **Capital Facilities final report presentation 10/3/2022**
- **Monument Maintenance -completed 10/18/2022**
  - Council provided direction to take out the ones that were following and look into alternative markers.
- **Removing SUP from Mobile Food Truck Ordinance**
  - Needs to go to Zoning Commission 9/27/2022
  - Will come to council on 10/3/2022
  - Second read 10/18/2022
    - Approved by city council
- **Repealing and Replacing the Leon Valley Code of Ordinances, Chapter 3 Building Regulations, Article 3.02 Technical and Construction Codes and Standards, Divisions 2., 3., 4., 5., 6. with a New Division 2 Technical and Construction Codes Adopted, Amending Article 3.06 Swimming Pools, and Amending Appendix A of the Code of Ordinances, Article A8.000 Building and Construction Related Fees, Section A8.001 Contractor registration fee, to Adopt the 2020 National Electrical Code, and the 2021 International Residential, Building, Mechanical, Plumbing, Swimming Pool and Spa, Fuel Gas, Energy and Conservation, and Existing Building Codes, with Amendments, and Removing Contractor Registration Fees**
  - First read 10/3/2022
  - Second Read 10/18/2022
    - Changed the minimum size of a shed to require a permit from 125 sq ft to 300 sq ft.
    - Council Passed.
- **ADA transition plan**
  - Presented at the 7/19/2022 city council meeting
    - Post on the website for public comment for three months on the website
  - Approved at 11/1/2022 Council meeting

