



**CITY OF LEON VALLEY  
COFFEE WITH THE MAYOR AND CITY COUNCIL**

**Leon Valley Conference Center**  
**6421 El Verde Road, Leon Valley, TX 78238**  
**Saturday, October 22, 2022 at 9:00 AM**

**AMENDED AGENDA**

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1. Call to Order; Determine a Quorum is Present
2. Presentation of Time Capsule
3. **Leon Valley City Council Will Host a Citizens' Communication Meeting to Hear Citizen Issues and Provide General Policy and Factual Information as To Issues Brought Up by Citizens. No Action Will Be Taken Except to Place an Item on A Future Agenda as Appropriate**
4. **Presentation and Discussion of the November 08, 2022, Special Election, Proposed Charter Amendments – Crystal Caldera City Manager**
5. **Adjournment**

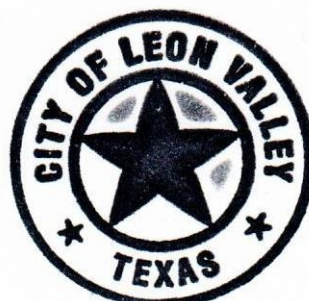
**Executive Session.** The City Council of the City of Leon Valley reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on the posted agenda, above, as authorized by the Texas Government Code, Sections 551.071 (consultation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

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

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

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

SAUNDRA PASSAILAIGUE, TRMC  
City Secretary  
October 18, 2022 at 8:30 PM



## MAYOR AND COUNCIL COMMUNICATION

**DATE:** October 3, 2022

**TO:** Mayor and Council

**FROM:** Melinda Moritz, Public Works Director

**THROUGH:** Crystal Caldera, City Manager

**SUBJECT:** Presentation and Discussion on Possible Road Closures - John Marshall High School

**SPONSOR(S):** Councilor Jed Hefner

### **PURPOSE**

To brief the citizens and City Council on the request to close roads in Monte Robles Park to mitigate traffic from John Marshall High School.

### **FISCAL IMPACT**

If road closures on Thunderbird and Bluebird were the preferred option, the following estimated costs would have to be considered:

|                |             |
|----------------|-------------|
| Roadway Gates: | \$ 96,787   |
| Hammerhead:    | \$2,282,828 |
| Cul-de-sac:    | \$2,429,189 |

### **RECOMMENDATION**

Investigate alternative methods of traffic calming in this neighborhood. Work with NISD to determine acceptable solutions.

### **SEE LEON VALLEY**

**Social** - Assuring children can get to and from school safely, while allowing a safer traffic circulation pattern for all vehicles, improves the quality of life for all citizens.

**Economic** – N/A

**Environmental** - Creating a new traffic circulation pattern would decrease the amount of vehicle idling from parents waiting to pick up the children, which helps to reduce air pollution

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**RECOMMENDATION**

At Council discretion.

ATTEST :

**SAUNDRA PASSAILAIGUE, TRMC**  
City Secretary

**OPINION OF PROBABLE CONSTRUCTION COST  
JOHN MARSHALL HIGH SCHOOL TRAFFIC CIRCULATION  
HAMMERHEAD OPTION**

DATE: 9/15/2022



| ITEM        | DESCRIPTION  | UNIT | QUANTITY | UNIT PRICE   | AMOUNT                |
|-------------|--|------|----------|--------------|-----------------------|
| CoSA 100.1  | MOBILIZATION   | LS   | 1        | 11%          | \$ 167,855.06         |
| CoSA 100.2  | INSURANCE AND BOND                                       | LS   | 1        | 3%           | \$ 45,778.65          |
| CoSA 101.1  | PREPARING ROW  | LS   | 1        | 4%           | \$ 61,038.21          |
| CoSA 103.1  | REMOVE CONCRETE CURB (< 700 LF)                          | LF   | 300      | \$ 7.75      | \$ 2,325.00           |
| CoSA 103.3  | REMOVE SIDEWALKS AND DRIVEWAYS                           | SF   | 20,453   | \$ 3.66      | \$ 74,857.98          |
| CoSA 104.1  | STREET EXCAVATION (1,000 CY < X < 10,000 CY)             | CY   | 5,325    | \$ 30.12     | \$ 160,389.00         |
| CoSA 108.1  | LIME TREATED SUBGRADE (6" COMP DEPTH)                    | SY   | 10,717   | \$ 8.94      | \$ 95,810.20          |
| CoSA 200.1  | FLEXIBLE BASE (10" COMPACTED DEPTH)(TYPE B)              | SY   | 10,717   | \$ 35.00     | \$ 375,095.86         |
| CoSA 202.1  | PRIME COAT   | GAL  | 2,143    | \$ 4.95      | \$ 10,609.85          |
| CoSA 203.1  | TACK COAT  | GAL  | 1,072    | \$ 6.35      | \$ 6,805.31           |
| CoSA 204.1  | ONE COURSE SURFACE TREATMENT                             | SY   | 10,717   | \$ 3.50      | \$ 37,509.59          |
| CoSA 205.4  | HOT MIX ASPHALTIC PAVEMENT TYPE D (2" COMP DEPTH)        | SY   | 10,315   | \$ 14.09     | \$ 145,335.84         |
| CoSA 500.1  | CONCRETE CURB  | LF   | 300      | \$ 31.89     | \$ 9,567.00           |
| CoSA 502.1  | CONCRETE SIDEWALKS (1,000 SY < X < 10,000 SY)            | SY   | 240      | \$ 71.85     | \$ 17,244.80          |
| CoSA 503.1  | PORTLAND CEMENT CONCRETE DRIVEWAY                        | SY   | 2,035    | \$ 92.73     | \$ 188,705.55         |
| CoSA 508.1  | RELOCATING WIRE FENCE                                    | LF   | 2,255    | \$ 20.93     | \$ 47,197.15          |
| CoSA 513.1  | REMOVING AND RELOCATING MAILBOXES                        | EA   | 8        | \$ 1,500.00  | \$ 12,000.00          |
| CoSA 530.1  | BARRICADES, SIGNS, AND TRAFFIC HANDLING                  | LS   | 1        | 5%           | \$ 76,297.76          |
| CoSA 531    | ADVANCE WARNING AND PARKING SIGNS                        | EA   | 24       | \$ 210.00    | \$ 5,040.00           |
| CoSA 531.58 | W14-1P DEAD END STREET MARKER (36" X 9")(HIGH INTENSITY) | EA   | 2        | \$ 250.00    | \$ 500.00             |
| CoSA 535    | 6 INCH WIDE RED LINE                                     | LF   | 4,000    | \$ 1.00      | \$ 4,000.00           |
| CoSA 540    | STORMWATER POLLUTION PREVENTION PLAN                     | LS   | 1        | 3%           | \$ 45,778.65          |
| CoSA 686.2  | RELOCATE TRAFFIC SIGNAL POLE ASSEMBLIES (STEEL)(TYPE)    | EA   | 1        | \$ 30,000.00 | \$ 30,000.00          |
|             | ROW ACQUISITION (COMMERCIAL)                             | SF   | 9,710    | \$ 5.00      | \$ 48,550.00          |
|             | ROW ACQUISITION (RESIDENTIAL)                            | SF   | 38,304   | \$ 3.00      | \$ 114,912.00         |
|             | TREE REMOVAL   | AC   | 1        | \$ 20,000.00 | \$ 20,000.00          |
|             | RELOCATING POWER POLE                                    | EA   | 21       | \$ 1,500.00  | \$ 31,500.00          |
|             | FIRE HYDRANT ASSEMBLY                                    | EA   | 2        | \$ 10,000.00 | \$ 20,000.00          |
|             | EXISTING VALVE BOX ADJUSTMENTS                           | EA   | 3        | \$ 2,000.00  | \$ 6,000.00           |
|             | EXISTING WATER METER AND BOX ADJUSTMENTS                 | EA   | 11       | \$ 2,500.00  | \$ 27,500.00          |
|             | FIRE HYDRANT ADJUSTMENTS                                 | EA   | 4        | \$ 8,000.00  | \$ 32,000.00          |
|             | EXISTING GAS METER RELOCATION                            | EA   | 1        | \$ 2,500.00  | \$ 2,500.00           |
|             | DRAINAGE IMPROVEMENTS                                    | LS   | 1        | 10%          | \$ 152,595.51         |
|             | <b>PROBABLE COST ESTIMATE SUBTOTAL</b>                   |      |          |              | <b>\$2,075,298.98</b> |
|             | <b>10% CONTINGENCY</b>                                   |      |          |              | <b>\$207,529.90</b>   |
|             | <b>ESTIMATE OF PROBABLE COST TOTAL</b>                   |      |          |              | <b>\$2,282,828.88</b> |



**OPINION OF PROBABLE CONSTRUCTION COST  
JOHN MARSHALL HIGH SCHOOL TRAFFIC CIRCULATION  
CUL-DE-SAC OPTION**



DATE: 9/15/2022

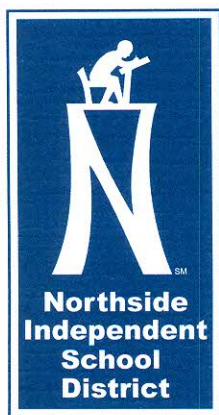
| ITEM        | DESCRIPTION  | UNIT | QUANTITY | UNIT PRICE   | AMOUNT                |
|-------------|--|------|----------|--------------|-----------------------|
| CoSA 100.1  | MOBILIZATION   | LS   | 1        | 11%          | \$ 178,616.88         |
| CoSA 100.2  | INSURANCE AND BOND                                       | LS   | 1        | 3%           | \$ 48,713.70          |
| CoSA 101.1  | PREPARING ROW  | LS   | 1        | 4%           | \$ 64,951.59          |
| CoSA 103.1  | REMOVE CONCRETE CURB (< 700 LF)                          | LF   | 300      | \$ 7.75      | \$ 2,325.00           |
| CoSA 103.3  | REMOVE SIDEWALKS AND DRIVEWAYS                           | SF   | 20,453   | \$ 3.66      | \$ 74,857.98          |
| CoSA 104.1  | STREET EXCAVATION (1,000 CY < X < 10,000 CY)             | CY   | 5,635    | \$ 30.12     | \$ 169,726.20         |
| CoSA 108.1  | LIME TREATED SUBGRADE (6" COMP DEPTH)                    | SY   | 12,057   | \$ 8.94      | \$ 107,789.58         |
| CoSA 200.1  | FLEXIBLE BASE (10" COMPACTED DEPTH)(TYPE B)              | SY   | 12,057   | \$ 35.00     | \$ 422,002.92         |
| CoSA 202.1  | PRIME COAT   | GAL  | 2,411    | \$ 4.95      | \$ 11,934.45          |
| CoSA 203.1  | TACK COAT  | GAL  | 1,206    | \$ 6.35      | \$ 7,658.10           |
| CoSA 204.1  | ONE COURSE SURFACE TREATMENT                             | SY   | 12,057   | \$ 3.50      | \$ 42,199.50          |
| CoSA 205.4  | HOT MIX ASPHALTIC PAVEMENT TYPE D (2" COMP DEPTH)        | SY   | 11,645   | \$ 14.09     | \$ 164,079.62         |
| CoSA 500.1  | CONCRETE CURB  | LF   | 300      | \$ 31.89     | \$ 9,567.00           |
| CoSA 502.1  | CONCRETE SIDEWALKS (1,000 SY < X < 10,000 SY)            | SY   | 240      | \$ 71.85     | \$ 17,244.80          |
| CoSA 503.1  | PORTLAND CEMENT CONCRETE DRIVEWAY                        | SY   | 2,035    | \$ 92.73     | \$ 188,705.55         |
| CoSA 508.1  | RELOCATING WIRE FENCE                                    | LF   | 2,255    | \$ 20.93     | \$ 47,197.15          |
| CoSA 513.1  | REMOVING AND RELOCATING MAILBOXES                        | EA   | 8        | \$ 1,500.00  | \$ 12,000.00          |
| CoSA 530.1  | BARRICADES, SIGNS, AND TRAFFIC HANDLING                  | LS   | 1        | 5%           | \$ 81,189.49          |
| CoSA 531    | ADVANCE WARNING AND PARKING SIGNS                        | EA   | 24       | \$ 210.00    | \$ 5,040.00           |
| CoSA 531.58 | W14-1P DEAD END STREET MARKER (36" X 9")(HIGH INTENSITY) | EA   | 2        | \$ 250.00    | \$ 500.00             |
| CoSA 535    | 6 INCH WIDE RED LINE                                     | LF   | 4,000    | \$ 1.00      | \$ 4,000.00           |
| CoSA 540    | STORMWATER POLLUTION PREVENTION PLAN                     | LS   | 1        | 3%           | \$ 48,713.70          |
| CoSA 686.2  | RELOCATE TRAFFIC SIGNAL POLE ASSEMBLIES (STEEL)(TYPE)    | EA   | 1        | \$ 30,000.00 | \$ 30,000.00          |
|             | ROW ACQUISITION (COMMERCIAL)                             | SF   | 9,710    | \$ 5.00      | \$ 48,550.00          |
|             | ROW ACQUISITION (RESIDENTIAL)                            | SF   | 38,304   | \$ 3.00      | \$ 114,912.00         |
|             | TREE REMOVAL   | AC   | 1        | \$ 20,000.00 | \$ 20,000.00          |
|             | RELOCATING POWER POLE                                    | EA   | 21       | \$ 1,500.00  | \$ 31,500.00          |
|             | EXISTING VALVE BOX ADJUSTMENTS                           | EA   | 5        | \$ 2,000.00  | \$ 10,000.00          |
|             | FIRE HYDRANT ASSEMBLY                                    | EA   | 2        | \$ 10,000.00 | \$ 20,000.00          |
|             | EXISTING WATER METER AND BOX ADJUSTMENTS                 | EA   | 11       | \$ 2,500.00  | \$ 27,500.00          |
|             | FIRE HYDRANT ADJUSTMENTS                                 | EA   | 4        | \$ 8,000.00  | \$ 32,000.00          |
|             | EXISTING GAS METER RELOCATION                            | EA   | 1        | \$ 2,500.00  | \$ 2,500.00           |
|             | DRAINAGE IMPROVEMENTS                                    | LS   | 1        | 10%          | \$ 162,378.98         |
|             | <b>PROBABLE COST ESTIMATE SUBTOTAL</b>                   |      |          |              | <b>\$2,208,354.19</b> |
|             | <b>10% CONTINGENCY</b>                                   |      |          |              | <b>\$220,835.42</b>   |
|             | <b>ESTIMATE OF PROBABLE COST TOTAL</b>                   |      |          |              | <b>\$2,429,189.61</b> |

**OPINION OF PROBABLE CONSTRUCTION COST  
JOHN MARSHALL HIGH SCHOOL TRAFFIC CIRCULATION  
ROADWAY GATES**

DATE: 9/15/2022



| ITEM        | DESCRIPTION                             | UNIT | QUANTITY | UNIT PRICE   | AMOUNT             |
|-------------|---|------|----------|--------------|--------------------|
| CoSA 100.1  | MOBILIZATION                            | LS   | 1        | 11%          | \$ 7,681.52        |
| CoSA 100.2  | INSURANCE AND BOND                      | LS   | 1        | 3%           | \$ 2,094.96        |
| CoSA 101.1  | PREPARING ROW                           | LS   | 1        | 4%           | \$ 2,793.28        |
| CoSA 530.1  | BARRICADES, SIGNS, AND TRAFFIC HANDLING | LS   | 1        | 5%           | \$ 3,491.60        |
| CoSA 540    | STORMWATER POLLUTION PREVENTION PLAN    | LS   | 1        | 3%           | \$ 2,094.96        |
|             | ROADWAY GATES                           | EA   | 4        | \$ 8,000.00  | \$ 32,000.00       |
| CoSA 531    | ADVANCE WARNING AND PARKING SIGNS       | EA   | 8        | \$ 229.00    | \$ 1,832.00        |
| CoSA 628.1  | ELECTRICAL SERVICES (INSTALLATION)      | EA   | 2        | \$ 10,000.00 | \$ 20,000.00       |
| CoSA 9003.1 | BOLLARDS, 4" DIA x 42" HIGH             | EA   | 16       | \$ 1,000.00  | \$ 16,000.00       |
|             | <b>PROBABLE COST ESTIMATE SUBTOTAL</b>  |      |          |              | <b>\$87,988.32</b> |
|             | <b>10% CONTINGENCY</b>                  |      |          |              | <b>\$8,798.83</b>  |
|             | <b>ESTIMATE OF PROBABLE COST TOTAL</b>  |      |          |              | <b>\$96,787.15</b> |



September 14, 2022

Crystal Caldera, PhD  
Acting City Manager  
City of Leon Valley  
6400 El Verde Road  
Leon Valley, Texas 78238

**Brian T. Woods, Ed.D.**  
**Superintendent**

Dear Dr. Caldera:

Thank you for meeting with the Northside Independent School District ("District") on August 7, 2022 at Marshall High School to discuss the City of Leon Valley's traffic mitigation plan that included several options to address traffic issues around the John Marshall High School ("Marshall High School") campus. The District was made aware of numerous concerns that have been brought to the attention of the City of Leon Valley by some of the residents who reside in the areas adjacent to and behind Marshall High School along Thunderbird Drive and Bluebird Lane up to Huebner Road. The area behind Marshall High School is part of Monte Robles Park Subdivision and is known as the Monte Robles Park neighborhood or neighborhood.

The District understands the concerns of the Monte Robles Park neighborhood residents are as follows:

1. Traffic congestion during morning, lunch and evening hours
2. An increase in traffic through the neighborhood
3. Students racing through the residential neighborhood
4. Students throwing trash on neighbor's property
5. Students acting inappropriately in neighbor's property
6. School buses driving through the neighborhood

As a result of these Monte Robles Park neighborhood concerns, it is the District's understanding the City Council of the City of Leon Valley is contemplating adopting one of the options from the traffic mitigation plan that consists of permanently blocking through-traffic (by using a barricade) along (a) Thunderbird Drive from its beginning at the southwest corner of the Marshall High School property to its intersection with Chaparral Lane (which intersects with Huebner Road) with the barricade located at a point next to the southeast corner of the Marshall High School property; and (b) Bluebird Lane (eventually becoming Deer Lane) from its intersection with Eckhert Road to its intersection with Redbird Lane (which intersects with Huebner Road) with the barricade located at a point next to the northeast corner of the Marshall High School property ("the proposed Street Barricade Plan"). The proposed Street Barricade Plan was provided to the District during the August 7, 2022 meeting.

The District has several concerns of its own regarding implementation of the proposed Street Barricade Plan to address points of concern 1, 2 and 3.

5900 Evers Road  
San Antonio, Texas  
78238-1606  
Tel: 210.397.8770  
Fax: 210.706.8772  
www.nisd.net



First, the consequence of the proposed Street Barricade Plan is that all vehicular traffic coming onto the Marshall High School campus, including vehicular traffic originating from the adjacent Monte Robles Park neighborhood residents, will have to exit Eckhert Road. If the current traffic circulation is maintained and the proposed Street Barricade Plan is superimposed on the current traffic circulation (*i.e.*, one-way in from Eckhert Road onto Robin Road to Lobo Lane and one-way out from Bluebird Lane to Eckhert Road), then all school buses, parents dropping off and picking up students, student drivers, school staff, visitors, several existing residents located north of the southeast corner of Marshall High School, and members and staff of the Grace Fellowship Baptist Church located across from and north of the northeast corner of Marshall High School can only exit at the signal light at Eckhert Road from Bluebird Lane. In short, one way in and one way out.

It is, therefore, the District's position that the City of Leon Valley's action and related consequence of having one way in and one way out of the Marshall High School campus will (i) negatively impact the operation of Marshall High School due to a high probability of creating a serious safety issue arising from the fact that the sum total of the traffic volume associated with Marshall High School has only one way in and one way out; and (ii) add additional traffic volume to Eckhert Road.

It is important to know and understand that the safety and security of the District's students and staff is a priority. Given the recent school tragedies in the Uvalde and Santa Fe Independent School Districts, the District is committed to providing the best options to keep its students and staff safe.

Consequently, it is also the District's position that the elimination of a secondary means of exit from the Marshall High School campus through public roadways south of Marshall High School will negatively impact the ability of Marshall High School to safely evacuate students and staff in case of an emergency to a safe location if an incident prohibits the use of Eckhert Drive and there is no other outlet provided. Marshall High School has co-existed with the Monte Robles Park neighborhood for several decades and vehicular traffic has not been a critical problem in the past. The District believes that prior efforts by the community working with the District and Marshall High School have overcome the necessity of blocking through-traffic along Thunderbird Drive and Bluebird Lane.

Second, the District is concerned about residents adjacent to the Marshall High School campus. There are several residents (*i.e.*, located within five (5) homes) that front Thunderbird Drive on the north side of the proposed blocked point on Thunderbird Drive that would have to deal with the increased traffic on the north side of the campus. The impact would also be felt by members and staff of the Grace Fellowship Baptist Church that fronts on Bluebird Lane. The District hopes the impact of the City of Leon Valley's proposed Street Barricade Plan on these neighborhood residents, and church members and staff has been considered.

Third, the District is concerned about residents in the Monte Robles Park neighborhood who are located south of the proposed blocked points on Thunderbird Drive and Bluebird Lane. Their vehicular access to Marshall High School will be longer and more circuitous.



Fourth and finally, the District is concerned about the inability of first responders to easily reach Marshall High School from all directions. This includes law enforcement and fire personnel. This will present a potential impact to the safety and security of students and staff the District is obligated to protect. The District hopes the City of Leon Valley shares the same concerns.

With respect to the implementation of the proposed Street Barricade Plan to address points of concern 4 and 5, the District is prepared to assist the City of Leon Valley with the District's resources to address these concerns.

Marshall High School can send out a communication to parents, staff and students to enlist their assistance in being courteous and sensitive to the surrounding Monte Robles Park neighborhood residents regarding adhering to posted speed zones and acting appropriately when they leave the high school. However, it is important to know and understand that while the District has control over students when they are on the Marshall High School campus, the District has no control over students once they leave the campus.

With respect to implementation of the proposed Street Barricade Plan to address point of concern 6 involving school buses, the District is concerned that the consequence of the City of Leon Valley's action is that the school buses will be limited to only using Eckhert Road to gain access to the Marshall High School campus. The proposed Street Barricade Plan will exacerbate this limited access situation by causing school bus delays as well as frustration of parents, students, staff and several of the residents that live in the area. To that end, the District anticipates potential conflict points; thus, a safety concern.

It is the District's position that school buses must be able to freely traverse public rights-of-way from all directions to get to and from their destination and to ensure safe passage for the District's students while being efficient in the District's transportation operation. It is important to point out the current count of buses for the 2021-2022 school year is 22 buses traveling through the Monte Robles Park neighborhood to pick up and drop off students who live in the general proximity of the school. The count based on the 2020-2021 school year was 38 buses which translates to a reduction of 16 buses. The District recognizes that bus traffic tends to impact the surrounding residents, but this necessary bus traffic has been ongoing for several decades and to the District's knowledge there have been no significant issues. One of the reasons buses are traversing the Monte Robles Park neighborhood stems from the traffic signal at Eckhert Road and Bluebird Lane. The timing on the current signalization is very short which, in the District's opinion, does not allow the adequate movement of traffic onto Eckhert Road. The District has reached out to the City of San Antonio to reconsider the timing, given it is their right-of-way. The District has been informed that the City of Leon Valley has also reached out to the City of San Antonio. It is also important to point out that there are students who reside within the Monte Robles Park neighborhood who are being picked up for the District's middle and elementary schools. Consequently, a total elimination of bus traffic south of the proposed blocking points on Thunderbird Drive and Bluebird Lane is neither practical nor reasonable. While the District can commit



to limiting the bus traffic if at all possible; it cannot eliminate bus traffic south of the proposed blocking points on Thunderbird Drive and Bluebird Lane due to the District's obligations to serve its student population.

There are a number of additional District concerns about the City of Leon Valley's proposed Street Barricade Plan that merit consideration and discussion.

First, there have been previous discussions between the District and the City of Leon Valley regarding the use of the District's police and their role in mitigating traffic issues. To reiterate, the District's police officers' primary role is to provide for the safety of the students and staff on school grounds. The District's police officers are not employed to perform traffic control on a routine basis. On occasion, the District's police officers do provide traffic control during large events, functions, etc. at a school. Given the current circumstances, the District can commit to providing some level of traffic control, but such commitment can only be successful through collaboration between the District, the City of Leon Valley and the City of San Antonio police departments as well as the Bexar County Sheriff's Department.

The District strongly believes the City of Leon Valley should reach out to the City of San Antonio to share the proposed Street Barricade Plan given the increase in traffic congestion which will materially and negatively impact Eckhert Road. As an example, you should know the City of San Antonio reached out to the District several years ago as a result of a council person's concerns regarding Culebra Road traffic issues that apparently came from traffic on Eckhert Road. The District subsequently and quickly reached out to the City of Leon Valley to bring them into the discussion given potential impacts on the City of Leon Valley's jurisdiction. Since the District has always been sensitive to the concerns of both the City of Leon Valley and the City of San Antonio, it felt compelled to bring both cities into any traffic discussions. Consequently, the District was willing to entertain a meeting to work out the logistics. Current traffic concerns and any proposed options such as the proposed Street Barricade Plan equally merit a discussion between the District, the City of Leon Valley, the City of San Antonio and Bexar County.

It is also important to know that the City of Leon Valley and the District have met at different times, especially during construction of the latest building, in a collaborative way to address concerns. We will continue our commitment in working together to address issues.

Second, given broader concerns over accessibility to the school and community, especially during a potential catastrophic event (*e.g.*, like the events at Uvalde and Santa Fe ISDs) that requires multiple agencies to respond, the District again believes that the City of Leon Valley should also reach out to its own Police, Fire and EMS Departments, the City of San Antonio's Police, Fire and EMS Departments along with the Bexar County Sheriff's Department and share the proposed Street Barricade Plan and seek their input. The District fully understands the City of Leon Valley has complete jurisdiction of their roadways. However, looking at the broader picture, the District feels certain the first responders from the City of Leon Valley, the City of San Antonio and Bexar County would want to weigh in since they

will be impacted when providing critical service to Marshall High School and the Leon Valley and San Antonio communities.

Third, the District is concerned about certain traffic engineering issues. The blocked points will, of course, require signage at both blocked locations and prior to the blocked locations. The signage will include either "No Outlet" or "Dead End" barricade signs that must meet the requirements of the Manual on Uniform Traffic Control Devices. However, and more importantly, since each side of the barricade will not automatically be a cul-de-sac, Section 5C.11 of the Manual on Uniform Traffic Control Devices states that "these signs should be placed at a location that gives drivers of large commercial or recreational vehicles an opportunity to select a different route or turn around." At the present time, neither Thunderbird Drive nor Bluebird Lane are wide enough for a turn-around movement by large commercial or recreational vehicles. Therefore, it appears that cul-de-sacs or other turn-around areas will need to be installed which will require the additional acquisition of right-of-way either through negotiation and/or eminent domain, which, of course, adds to the cost of the proposed Street Barricade Plan.

In essence, the District desires to encourage avoidance of actions such as adoption of the proposed Street Barricade Plan that could lead to potential liability.

Accordingly, the District is committed to continue working collaboratively with the City of Leon Valley to find reasonable, practical, effective and cost-conscious traffic safety measures for students and staff at Marshall High School, the surrounding residents and the community at large. The collaboration between the District and the City of Leon Valley, however, requires out of necessity, consideration and prudence that the proposed Street Barricade Plan be reviewed and discussed by all stakeholders including the City of Leon Valley, the City of San Antonio, Bexar County and the surrounding residents that will be impacted by the plan.

Should you like to discuss these matters in more detail, we will make ourselves available to you.

Sincerely,



Brian T. Woods, Ed.D., Superintendent

cc: Leroy San Miguel, Assistant Superintendent for Facilities & Operations

Traffic Circulation  
John Marshall High School  
Monte Robles Park Subdivision

City Council Meeting  
October 3, 2020  
Public Works Director Melinda Moritz



# Purpose

- The purpose of this item is to brief the citizens and City Council of proposed traffic calming options
- On streets surrounding John Marshall High School in the Monte Robles Park subdivision

John Marshall  
High School  
Monte Robles Park





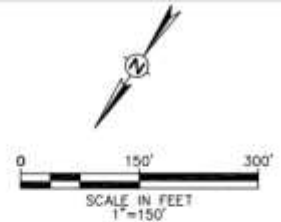
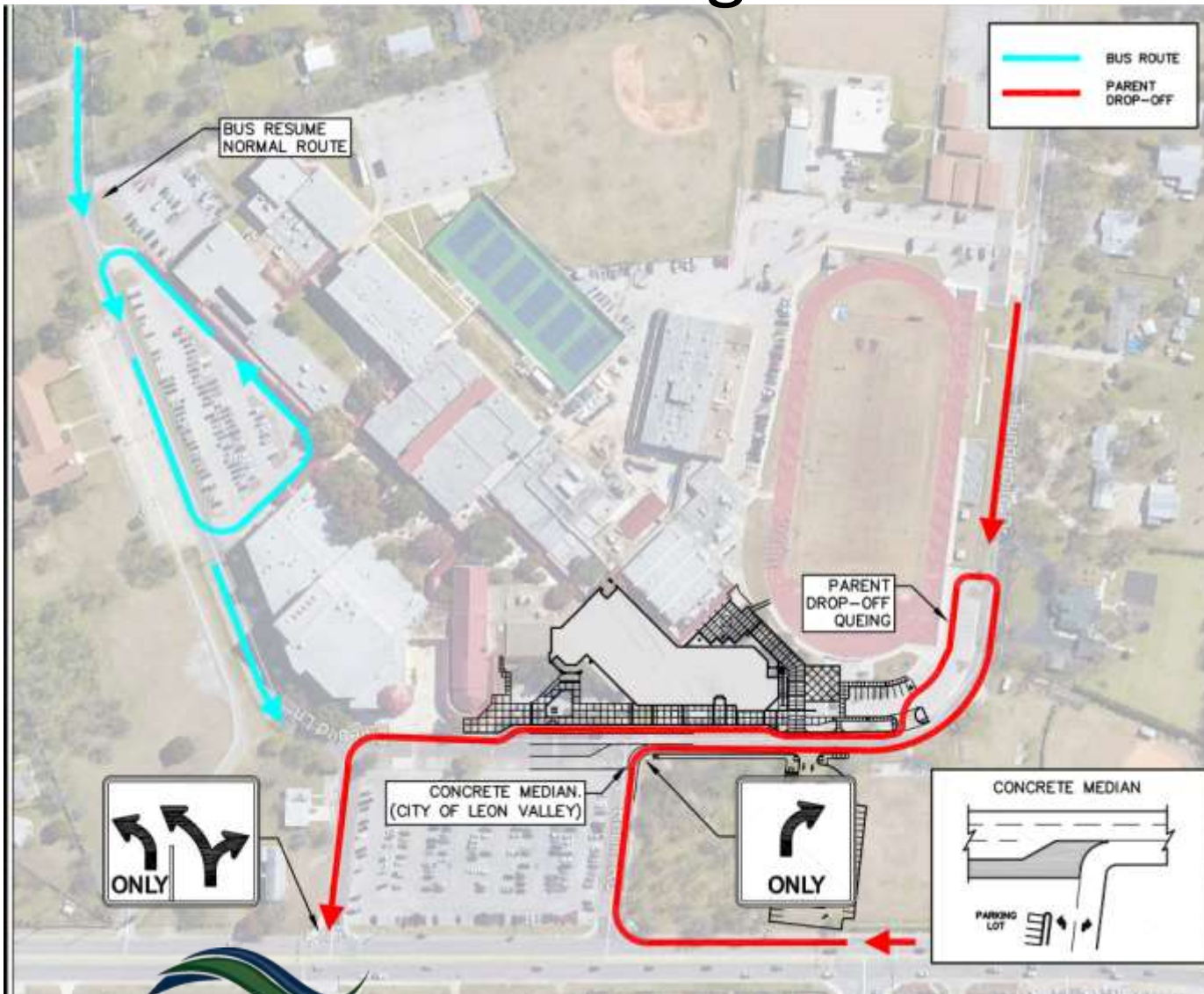
# Background

- The high school underwent remodeling after becoming a Law Enforcement and Medical Magnet High School
- The citizens in the surrounding neighborhood are objecting to the traffic through their neighborhood
  - Traffic congestion during morning, lunch, and after school hours
  - Students throwing trash
  - Vehicles racing along Thunderbird
  - School buses driving through neighborhood

# Background

- March 2020 - Created long term traffic calming plan
  - NISD to assist in traffic control
  - NISD to assist in ROW acquisition on Bluebird at Eckhert
  - COLV to construct concrete median at Robin & Lobo Lanes
  - COLV to install left and right turn striping at Bluebird and Eckhert
  - COSA to provide traffic striping on Eckhert
  - COSA to revise signal timing at Eckhert & Bluebird Lane

# Long Term Plan



## AREA OF RESPONSIBILITY

### NISD

- ASSIST IN TRAFFIC CONTROL DURING EARLY STAGES.
- REMOVAL OF SWING GATES.

### CITY OF LEON VALLEY

- APPROVAL/CONSTRUCTION OF CONCRETE MEDIAN AT ROBIN AND LOBO LN
- LEFT AND RIGHT STRIPING AT BLUEBIRD LN AND ECKHERT RD
- INITIAL TRAFFIC CONTROL PERSONNEL

### CITY OF SAN ANTONIO

- TRAFFIC STRIPING
- REVISE SIGNAL TIMING AT ECKHERT/BLUEBIRD INTERSECTION

**DRAFT**

LONG TERM TRAFFIC CIRCULATION

# Work Performed by COLV

- NISD – Working on COSA to increase length of signal at Eckhert and Bluebird
- COLV - installed more speed limit signs, new chevron signs on Thunderbird, contacted COSA to have traffic signal timing revised, removed monument at Chaparral and Huebner, performing traffic counts on Thunderbird

# Proposal by Residents

- Speed humps on Thunderbird and other traffic calming solutions were not preferred
- Would like to close both Thunderbird and Bluebird at Stebbins
- Would force school traffic out to Eckhert on Bluebird



# Road Closure

— Closure  
Point





# Agency Concerns

- Road closure would require acquisition of right-of-way from adjacent property owners
- Fire trucks, garbage trucks, box vans, etc., would not be able to turn around without a cul-de-sac or hammerhead at end of each street
- Students, teachers, visitors, vendors, and residents would only have one way in and out
- If Eckhert Road is closed for emergencies, no way for persons to leave area

# Agency Concerns

- Residents that live on one side would not be able to get out the other side
- Buses still have to pick up children in Monte Robles Park that go to other schools
  - NISD has reduced the number of buses from 38 to 22
- First Responders would take longer to respond

# Alternatives

- NISD would work with the City of San Antonio and Leon Valley to acquire right of way along Bluebird to widen roadway and lengthen signal timing
- NISD will provide more law enforcement, along with Bexar County, San Antonio, and Leon Valley to monitor and move traffic on Bluebird and Thunderbird
- Suggest reconsidering other traffic calming measures

# Fiscal Impact

- Estimated Costs if road is closed:
- Road gates               \$     96,787
- Hammerhead       \$2,282,828
- Cul-de-sac           \$2,429,189
- Estimated costs for speed humps:
- Per set               \$     5,500

# S.E.E. Statement

- *Social* – Assuring children can get to and from school safely, while allowing a safer traffic circulation pattern for all vehicles, improves the quality of life for all citizens
- *Economic* – N/A
- *Environmental* – Creating a new traffic circulation pattern will decrease the amount of vehicle idling from parents waiting to pick up the children, which helps to reduce air pollution





## **PROCLAMATION CITY OF LEON VALLEY TEACHER'S DAY**

*WHEREAS, the City of Leon Valley's future strength depends on providing a high-quality education to all students; and*

*WHEREAS, teacher quality matters more to student achievement than any other school-related factor; and*

*WHEREAS, teachers spend countless hours preparing lesson plans and supporting students; and*

*WHEREAS, our NISD teachers have demonstrated great resilience, adaptability, and creativity during the COVID-19 crisis; and*

*WHEREAS, our community recognizes and supports its teachers in educating the children of this community; and*

*WHEREAS, #TeachersCan is a statewide movement supported by more than 125 partnering businesses and organizations committed to elevating the teaching profession and honoring the critical role teachers play in the success of Texas; and*

*NOW, THEREFORE, I, CHRIS RILEY, Mayor on behalf of the Leon Valley City Council, join #TeachersCan and its partnering entities across Texas in celebrating World Teacher's Day and proclaims October 5, 2022 to be City of Leon Valley Teacher's Day; and*

**BE IT FURTHER RESOLVED** that the City of Leon Valley City Council encourages members of our community to "Be a light for Leon Valley teachers" and personally express appreciation to our teachers and display a light blue ribbon outside your homes or businesses the week of October 5 as a symbol of support for our educators.

*Signed by my hand on this the 28<sup>th</sup> day of September, 2022.*

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



## MAYOR AND COUNCIL COMMUNICATION

**DATE:** October 3, 2022

**TO:** Mayor and Council

**FROM:** Melinda Moritz, Public Works Director

**THROUGH:** Crystal Caldera, City Manager

**SUBJECT:** Presentation, Discussion, and Action to Accept the Capital Facilities Oversight Committee Final Report and to Sunset the Committee.

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

### **PURPOSE**

The purpose of this item is to accept a final report from the Capital Facilities Oversight Committee and sunset the Committee for the time being.

Ordinance 2021-9 created this Committee and Section 7 of that Ordinance gives the City Council authority to sunset the Committee once their assigned tasks have been completed. The tasks assigned were to evaluate the Public Works, Forest Oaks Community Pool, Leon Valley Community Pool, Library Annex, and the Park restroom facilities and determine what actions should be taken to bring these facilities into compliance with ADA requirements and current building codes. The attached final report sets out their recommendations to the City Council.

The City Council has determined that the tasks assigned at this time have been substantially completed, thanks the Committee for all of their hard work and dedication and are now sunsetting the Committee until such time as their services are further required.

### **FISCAL IMPACT**

N/A

### **SEE LEON VALLEY**

Social - having an Oversight Committee assures all citizens that funds or potential project funding has oversight by a group of citizens and assures any funds are spent wisely and economically.

Economic - having an Oversight Committee assures all citizens that funds or potential project funding has oversight by a group of citizens and assures any funds are spent wisely and economically.

Environmental - The Capital Facilities Oversight Committee will assure that any improvements to City facilities meet current building construction and environmental codes, which helps to reduce our impact on the environment.

**RECOMMENDATION**

At Council discretion.

ATTEST :

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



**City of Leon Valley  
Capital Facilities Oversight Committee  
Final Report – Recommendations for 2021/2022 Capital Projects**

Date: October 3, 2022

To: Mayor and City Council

From: Capital Facilities Oversight Committee

Re: FY 2022-2023 Capital Projects - Facilities Upgrades – ADA Compliance  
Public Works, Swimming Pools, Library Annex, Park Restroom

This report is to forward recommendations from the Capital Facilities Oversight Committee for the possible renovation, rehabilitation, and demolition of the above-named facilities. Due to age and condition, these facilities are not compliant with modern building and life safety codes, are not Americans with Disabilities Act (ADA) compliant and are in poor to fair condition. A citizen survey was conducted to gauge the public's approval or disapproval of the possibility of a Bond ballot initiative to fund these projects. The survey returned 634 respondents, which is approximately 5.49% of the total population of Leon Valley. The results of that survey for each facility are included in the summaries below.

### **Public Works Facility**

The Public Works Facility was constructed in 1984 and was designed to accommodate approximately ten employees and related materials, supplies, and equipment. The current staffing level is twenty-four (24) employees and projected staffing levels would be at twenty-eight (28) employees. The structure is a pre-engineered metal building, with metal roof and sides, open bay areas, seven office spaces (one of which was converted from a storage closet), a breakroom, numerous residential type storage sheds, pole barns and parking areas. It does not meet the requirements of the ADA.

With city growth and a significant increase in responsibilities of the department has come the addition of employees and numerous pieces of light and expensive heavy-duty equipment, such as additional dump trucks, backhoes, a water truck, asphalt zipper, 3-ton roller, a street sweeper, sewer jet machine, more mowers, additional tractors, a 4,000 gallon above ground gas and diesel storage tank and pumps, and more. The facility is out of space for not only the current, but for possible additional employees, and the current and future materials, supplies, and equipment.

In addition to removing numerous ADA violations, the following are areas of concern and need remediation:

- Building insulation deteriorated or non-existent
- Not enough room for equipment and existing employees, need to add space for future employees

- In need of dedicated space for employee uniforms, lockers, showers, and changing areas, and a larger breakroom
- Space for meetings, two more offices
- Loading/unloading dock for large deliveries
- More covered parking areas for heavy equipment/vehicles
- Dedicated and enclosed area for storage of paper goods, cleaning supplies, event supplies, decorations
- Second floor is open to the elements, not ADA accessible, and deteriorating
- Air conditioning/heating system in poor condition and not energy efficient
- Not easily accessible for visitors and consultants
- Exterior wall panels have deteriorated and allows rodents, bugs, & birds free access, and allows for air infiltration at numerous points throughout administrative area
- Needs dedicated DMARC, mechanical, and electrical room

After careful consideration of the options available, it is recommended that a new building be constructed, which will house the personnel functions, create access to the facility by the general public, and then use the existing building, with modifications made in-house and with contractors, to house vehicles, supplies and equipment, provide for dedicated welding, woodworking, and sign making spaces. A new secured and weather tight storage building should be installed to take the place of the small residential type sheds currently in use for storage of event materials and supplies.

### **Construction Estimates:**

|  |             |
|--|-------------|
| • New 3,998 square foot administrative building:           | \$1,400,000 |
| • 1,000 square foot prefabricated storage building:        | \$ 30,000   |
| • Architect, engineering, environmental, inspection, etc.: | \$ 570,000  |
| • Total:   | \$2,000,000 |

### **Citizen Survey Results:**

Of the 634 respondents, 457 or 75% were in favor of a ballot initiative to construct a new Public Works facility.

### **Recommendation:**

To address these issues and prepare the city for the long-term, the Capital Facilities Advisory Oversight Committee recommends to the City Council that either a General Obligation Bond or a Certificate of Obligation be obtained to fund the improvements for this facility.

### **Forest Oaks Community Pool**

This facility was acquired by the City in 2017, but it was constructed in the early 1970's. The facility and concrete deck areas are not ADA compliant and should be brought into compliance with the Act. The facility is constructed of CMU block walls with brick veneer, which makes renovation more costly. In addition, the facility has old wiring and plumbing, uses too much energy, is outdated, and the pool needs replastering. Almost all of the exterior patio area is out of ADA compliance, as it was built to drain water, resulting in too much slope. The 2021 pool usage report for this facility shows that 4,491 persons visited this pool, and 2,138 persons visited the Leon Valley Community Pool that season.

#### **Construction Estimates:**

|            |  |                          |
|------------|--|--------------------------|
| Option A - | Remodel existing facility and patio area:  | \$945,000 to \$1,000,000 |
| Option B - | New prefabricated building, correct patio areas, replaster pool, small splash pad: | \$750,000                |

#### **Citizen Survey Results:**

The survey results indicate that citizens would agree to close one pool facility and renovate the remaining facility. Of the 634 surveys sent, 249 or 48.9% of respondents indicated they would prefer to keep the Leon Valley Community Pool facility and replace the Forest Oaks facility with a recreational facility of a different type.

#### **Recommendation:**

At their 11/10/21 meeting, the Park Commission voted to modify or replace the facility the City decided to keep, in order to comply with the ADA.

Should the City Council decide to keep this pool facility, the CFOC recommends Option B - Demolish building, construct new prefabricated building, correct patio areas, replaster pool, demolish baby pool and install small splash pad.

### **Leon Valley Community Pool**

This facility was also constructed in the early 1970's and is also non-compliant with the ADA. The building is a wood framed structure, therefore the cost to renovate is less than at the Forest Oaks pool facility. The concession building, restrooms, and portion of patio, the concrete deck areas, and the parking lot are not ADA compliant. The buildings and the pool are costing more each year in maintenance and utilities. The pool itself needs replastering now. The 2021 pool usage report for this facility shows that 2,138 persons visited this pool, and 4,491 persons visited the Forest Oaks Community Pool that season.

#### **Construction Estimate:**

|            |   |           |
|------------|---|-----------|
| Option A - | Remodel existing building, concrete deck areas: | \$300,000 |
|------------|---|-----------|

Option B - New prefabricated building, splash pad, parking area: \$2–4 million

### **Citizen Survey:**

The survey indicates that citizens would prefer to close one pool facility and renovate the remaining facility. Of the 634 surveys sent, 260 or 51.1% of the respondents indicated they would prefer to keep the Forest Oaks Community Pool facility and replace the Leon Valley pool facility with a recreational facility of a different type.

### **Recommendation:**

At their 11/10/21 meeting, the Park Commission voted to modify or replace the facility the City decided to keep, in order to comply with the ADA.

Should the City Council decide to keep this facility, the CFOC recommends Option A - remodel existing building and concrete deck areas .

### **Library Annex**

This building was donated to the City by the developer of the Grass Valley neighborhood in the mid-1970's and was used as the City's library until the current library was built in the 1990's. The ADA ramp to the rear of the building is the only portion of the building in compliance with the ADA and the building is in poor condition. All areas of the interior are old, non-compliant, and may constitute a fire danger. In addition, it is located at intersection of Poss and Evers, and parking creates a traffic hazard. The books have to be driven from the library to the Annex by Trustees and volunteers. The lot near the library in the civic complex would be a more convenient location for this building and it could be built to not only hold sale inventory, but also house and display the City's historical archives.

### **Construction Estimate:**

|   |                       |
|---|-----------------------|
| Construct prefabricated building on new site: | \$250,000 - \$260,000 |
|---|-----------------------|

### **Citizen Survey:**

The survey indicates that of the 634 respondents, 326 or 53.7% are in favor of constructing a new building at the new site.

### **Recommendation:**

The CFOC recommends a new building be constructed on the new site with Bond funds, with assistance from the Library Board of Trustees funding and possibly a grant, and gives this project a high priority. They also recommend that the City Council, in conjunction with the Library Board of Trustees, consider naming the facility the Carol Poss Archive Education Center.

## **Park Restrooms**

The Raymond Rimkus Park restroom nearest to the large playground was built in 1977 and is not ADA compliant. In addition, Staff has received numerous complaints over the years, and in previous surveys for the Park Commission, that the restroom is dark, not convenient for new mothers, and is not aesthetically pleasing. Staff has also received complaints regarding the other restroom facility at the park as also being old and needing some renovation. After inspection of both restrooms, it was determined that the most cost-effective option would be to demolish the existing non-ADA compliant building and replace it with a prefabricated building with “smart” technology and renovate the other restroom.

### **Construction Estimate:**

|            |                                   |           |
|------------|-----------------------------------|-----------|
| Option A - | New prefabricated building:       | \$200,000 |
|            | Renovate restroom near ball field | \$ 50,000 |
| Option B - | Replace both buildings:           | \$400,000 |

### **Citizen Survey:**

This building was not included in the citizen survey. The 2018 Park Commission survey results indicated the citizens preference for updating both of the park restrooms and provide diaper changing stations and nursing areas in each.

### **Recommendation:**

The CFOC remanded this item back to the Park Commission. The Park Commission recommended the City apply for a grant from the Texas Parks and Wildlife Department to fund the replacement of both buildings. The CFOC agrees with this recommendation.



# Final Report Capital Facilities Oversight Committee

City Council Meeting  
October 3, 2022

# Purpose

- To give the City Council the Capital Facilities Oversight Committee's (CFOC) Final Report on recommendations for the renovation, remodel, and/or demolition of certain city facilities; and
- To consider sunsetting the Committee

# Background

- The CFOC was created in 2021
- Their purpose was to evaluate and make recommendations for city facilities in order to conform to ADA requirements, and to bring these facilities up to date and up to building construction codes
- They were also to provide recommendations on the funding for these projects



# Background

- The facilities to be studied included:
  - Public Works
  - Forest Oaks and Leon Valley Community Pools
  - Library Annex
  - Raymond Rimkus Park restroom
- The recommendations in this report take into consideration the citizens Bond survey results

# Public Works

- CFOC recommends a new Public Works administrative building be constructed & existing building be modified to accommodate vehicles, equipment, and supplies
  - Of the 634 survey respondents, 457 (75%) were in favor of constructing a new Public Works facility
- Funding would come from a General Obligation Bond, once the interest rates have returned to a lower amount and/or at the City Council's discretion

# Forest Oaks Community Pool

- The citizens were almost evenly split between which pool facility should be replaced with a recreational facility
  - Survey to keep the Forest Oaks Community Pool facility and replace the Leon Valley pool facility with a recreational facility was 260 or 51.1%
- If the City Council so chooses, CFOC recommends demolishing the building, replace with a prefabricated, correct patio areas for ADA compliance, replace baby pool with a splash pad, & replaster the pool

# Leon Valley Community Pool

- The citizens were almost evenly split between which pool facility should be replaced with a recreational facility
  - Survey to keep Leon Valley Community Pool facility and replace the Forest Oaks facility with a recreational facility was 249 or 48.9%
- If Council so chooses, CFOC recommends demolishing existing building, replace with prefabricated building, correct patio & parking areas for ADA compliance, replace baby pool with small splash pad, & replaster pool

# Library Annex

- The CFOC recommends that this building be demolished, and a new building be installed on the records storage building site near the library
  - Survey to replace Annex indicates that 326 or 53.7% in favor of constructing a new building at the new site
  - Would like to name it the Carol Poss Archive and Education Center
- They also recommend funding this with a Bond and with assistance from the Library Board of Trustees and/or a grant
- They have given this project a high priority

# Raymond Rimkus Park Restrooms

- The Park Commission and the CFOC recommend that this facility be replaced with a prefabricated ADA compliant building with “Smart” technology
  - This was not included in the Bond survey
- They also recommend funding this through a grant from the Texas Parks and Wildlife Department

# Sunset Committee

- The Ordinance creating this Committee gives the City Council the option to sunset the Committee once their duties have been completed
- The City Council now has the CFOC recommendations and will make decisions for funding each project, including a timeline for such funding
  - The Committee does not need to meet until funding decisions have been made and at the discretion of the Council
- The Committee may be reactivated at any time

## S.E.E. Statement

- Social Equity – ADA compliant facilities allow all citizens to actively participate in community funded programs and activities
- Economic Development – Maintaining modern, ADA compliant, and attractive resources provides additional incentive for citizens and businesses to relocate or stay in Leon Valley
- Environmental Stewardship – Constructing buildings with modern building codes assures reduction in energy usage and provides opportunities for sustainable operations



# **Presentation, Discussion and Possible Action on Christmas Tree Lighting Event**

City Council Meeting  
October 3, 2022  
Crystal Miranda  
Community Relations Director

# Purpose

- To present options for the Annual Christmas Tree Lighting Event



# Background

{Section}.64.

- **Before COVID-19**
  - John Marshall Carolers and Saxophone Musicians performances
  - Leon Valley Elementary and Pat Neff Middle School performances
  - City Staff and Sponsor booths
- **2021**
  - John Marshall Carolers and Saxophone Musicians performances
  - Leon Valley Elementary and Pat Neff Middle School performances
  - City Staff and Sponsor booths
  - Performance by the Beethoven Concert Band in the Community Center

# Background

- Each year City Staff has added more lighting and displays
- The site is at its maximum capacity for electrical use



# Fiscal Impact

- Previous Years = \$2,800
- Council Discretion

# Option 1

- **Add a series of events leading up to Christmas Tree Lighting:**
  - **Saturday, December 3 – Breakfast with Santa**
  - **Sunday, December 4 – Beethoven Concert and Cocoa**
  - **Monday, December 5 – Annual Christmas Tree Lighting Event**



## Option 2

- **Keep all concerts/performances on Monday, December 5**
  - **Have all performances held outdoors**
    - This allows for open space no crowding
    - Everyone can enjoy the lighting and music
- **Rent a stage or utilize park land**

## Option 3

- Extend the length of the event to accommodate performances at the Community Center.



# Concerns

- **At the Town Hall Meeting the public discussed wanting more lighting or adding to this event.**
  - **Add more electrical**
    - Transformer
    - Pole streetlamps
    - More outlets
  - **Add more displays**
    - Make Tree taller – add a layer
    - Extend tunnel
    - Rent an attraction – large display (snow globe, angel wings, etc.)

# Continued

- **Add a Community/City type contest**

- Christmas tree decorating contest
- Cocoa station contest

- **Add Snow**

- Held during the Christmas Tree Lighting
  - Snow station
  - Ice Skating rink



# Recommendation

- Council Discretion



An aerial night photograph of a park or plaza. Numerous trees are covered in dense, colorful Christmas lights in shades of red, white, blue, and yellow. Some trees are shaped like animals, including a large white bird. In the foreground, several cars are parked, also decorated with lights. The scene is illuminated by the lights themselves, creating a vibrant, festive atmosphere.

# Questions?



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

**MINUTES**

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

| Attendee Name  | Organization        | Title                          | Status  |
|----------------|---------------------|--------------------------------|---------|
| Chris Riley    | City of Leon Valley | Mayor                          | Present |
| Rey Orozco     | City of Leon Valley | Mayor Pro Tem, Council Place 4 | Present |
| Benny Martinez | City of Leon Valley | Council Place 1                | Present |
| Josh Stevens   | City of Leon Valley | Council Place 2                | Present |
| Jed Hefner     | City of Leon Valley | Council Place 3                | Present |
| Will Bradshaw  | City of Leon Valley | Council Place 5                | Present |

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

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

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

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

Mayor Riley read aloud the agenda caption for Item 2.1

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

**RESULT: PRESENTED**

### **RECONVENE INTO REGULAR SESSION**

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

### **CITIZENS TO BE HEARD**

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

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

No action taken at this time.

### **PRESENTATIONS**

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

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

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

**RESULT: PRESENTED**

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

Announcements were made by members of City Council.

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

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

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

**RESULT:       PRESENTED****CONSENT AGENDA**

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

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

**Consideration of the Following City Council Minutes:****a.       Regular Meeting- September 6, 2022 6:00 PM**

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

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

**ORDINANCE**

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

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

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

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

Mayor Riley asked City Secretary Sandra Passailaigue to take a roll call vote.

City Secretary Passailaigue proceeded with a roll call vote to which the City Council replied: Councilor Benny Martinez - Nay; Councilor Josh Stevens - Aye; Councilor Jed Hefner - Aye; Councilor Rey Orozco - Aye; and Councilor Will Bradshaw - Aye.

Mayor Riley announced the motion carried.

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

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

Mayor Riley asked City Secretary Sandra Passailaigue to take a roll call vote.

City Secretary Passailaigue proceeded with a roll call vote to which the City Council replied: Councilor Benny Martinez - Nay; Councilor Josh Stevens - Nay; Councilor Jed Hefner - Aye; Councilor Rey Orozco - Nay; and Councilor Will Bradshaw - Aye.

Mayor Riley announced the motion failed.

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

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

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

Mayor Riley asked City Secretary Sandra Passailaigue to take a roll call vote.

City Secretary Passailaigue proceeded with a roll call vote to which the City Council replied: Councilor Benny Martinez - Nay; Councilor Josh Stevens - Aye; Councilor Jed Hefner - Aye; Councilor Rey Orozco - Aye; and Councilor Will Bradshaw - Aye.

Mayor Riley announced the motion carried.



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

## **REGULAR AGENDA**

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

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

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

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

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

Mayor Riley asked City Secretary Sandra Passailaigue to take a roll call vote.

City Secretary Passailaigue proceeded with a roll call vote to which the City Council replied: Councilor Benny Martinez - Nay; Councilor Josh Stevens - Aye; Councilor Jed Hefner - Aye; Councilor Rey Orozco - Aye; and Councilor Will Bradshaw - Aye.

Mayor Riley announced the motion carried.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**RESULT:** FIRST READ

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

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

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

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

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

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

**RESULT: FIRST READ**

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

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

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

**RESULT: PRESENTED**

**CITIZENS TO BE HEARD**

None

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

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

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

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

**RESULT: PRESENTED**

**ADJOURNMENT**

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



**CITY OF LEON VALLEY  
CITIZEN POLICE ADVISORY COMMITTEE**

Conference Center  
6421 Evers Road, Leon Valley, Texas 78240  
Wednesday, March 16, 2022, at 6:00 p.m.

**MINUTES**

The Citizen Police Advisory Committee met on the 16th day of March 2022, at the Leon Valley Conference Center located at 6421 Evers Road, Leon Valley, Texas for the purpose of the following business:

**6:00 p.m. Call to Order and Announcement of a Quorum**

Erick Matta called the Police Advisory Committee Meeting to order at 6:00 p.m.

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

City Manager Crystal Caldera, Councilman Stevens, and Orozco were also present.

**Approval of the Minutes from February 16, 2022**

The minutes were approved.

**Citizens to be Heard**

Denise Grigwire, came to speak about Nolan Harmon having his property confiscated after an incident involving a dog attack she also passed out some documentation.

**Presentation/Discussion: CPAC shift in focus to Training Provider Advisory Board**

City Manager, Caldera explained why this component was an important part of the committee, but not the only part of the committee. She further stated that training assists the city in saving money and keeping the police department current with the Current Education hours. The committee agreed to continue to review any possible training provided to them by the staff liaison. The Committee also agreed to have a staff liaison to help with the meeting coordination.

**Discussion on Community Concerns About the Lack of Police Presence in our Neighborhoods and it's Effects on Crime Along with Possible Solutions**



The committee discussed the accountability of crimes and the confidence of the citizens in their police. The committee would like the police to stop and get to know their community. City Manager Caldera explained that the goal of the police department is to make this happen, due to staff turnover, they are in the process of training new officers and reestablishing the designated neighborhood police officer. There was also some discussion of budgeting for a Police Community Resources Officer similar to the MIH position in the Fire Department.

Committee Member Riley asked about painting police cars to be recognized as police. City Manager Caldera responded by stating the city has 3 vehicles that have logos, but it is costly to redo the vehicles. The plan is to schedule the new cars to have the logo placed on the vehicles, as these are cycled out.

Committee Member Tom Nolan, recommended having some research and statistics done such as call volume and hours. City Manager Caldera explained to them that this information is already on the website under the residence/city-data/City Manager Report.

City Manager Caldera stated that at a future meeting Chief David Gonzalez should have a map illustrating crime that could be presented to the committee.

#### **Discussion on the Pros and Cons Regarding in House Dispatch vs Bexar County Dispatch**

City Manager Caldera discussed the cost of owning our own dispatch service. She explained in 2015/2016 the salaries were close to \$279,000 for 6 employees now the cost of employment would be upwards of \$400,000 for 8 employees which would be the minimum needed to run the operation. She continued by stating this does not include equipment and facilities.

#### **Discussion on the Concerns Regarding Visibility at the Evers/Adair Intersection**

Committee member Campos expressed his concerns with the traffic on Evers and the safety concern exiting onto Evers road. City Manager, Caldera stated that the City Engineer is doing a traffic analysis to determine what the best solution is, However, a mirror was ruled out due to glare issues.

#### **Discussion and Action Setting Time and Date for Next Meeting with Proposed Dates being April 20, 22; July 2022; and October 19, 2022**

The committee agreed to meet on May 18, 2022.

#### **Adjournment**

Erick Matta announced the meeting adjourned at 8:03 p.m.

**These minutes approved by the Leon Valley Police Advisory Committee on the \_\_\_\_  
of May, 2022.**

APPROVED

A handwritten signature in black ink, appearing to read 'Erick Matta', written in a cursive style.

**Erick Matta  
CHAIR**

**EARTHWISE LIVING COMMITTEE MEETING MINUTES  
CITY OF LEON VALLEY, TEXAS  
July 13, 2022**

The Earthwise Living Committee of the City of Leon Valley, Texas met in person on the 13th day of July 2022 at 5:30 pm in the Large Conference Room at City Hall, located at 6400 El Verde Road, Leon Valley, Texas, for the purpose of the following business, to-wit:

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**REGULAR MEETING OF THE CITY OF LEON VALLEY EARTHWISE LIVING COMMITTEE, 5:30 PM.**

**1. Call the City of Leon Valley Regular Earthwise Living Committee Meeting to Order and Determine Quorum is Present.**

The meeting was called to order at 5:35 pm. Present were committee members Meffert, Bacon Knopf, Key, Valdez, Bohl, Castillo and Orozco. Also present were Staff liaison Miranda, Council liaison Mayor Riley and City Manager Caldera. Absent member was Burnside.

**2. Election and Installation of Committee Members.**

Rita Burnside was elected Chair, Linda Meffert was elected Vice Chair, and Leslie Bacon Knopf was elected Secretary. Yvonne Orozco resigned as Committee Secretary to serve on other committees.

**3. Review and Consider Approval of the February 22, and May 11, 2022 Regular meeting minutes.**

The minutes were reviewed, accepted and passed without objection.

**4. Discussion and Possible Action and Recap Regarding Earthwise Living Day 2022.**

General discussion was had regarding Earthwise Living Day 2022. What current programs should carry over and what new programs should be initiated.

The next Earthwise Living Day will be on March 4, 2023 the first Saturday in March. It will feature previous exhibits from prior events including the Art Competition and Sustainability exhibits. Also mentioned to be possibly included were Nature Photography, New Educational Events and Sustainability Contests for local area schools to participate in Earthwise Living Day. Council liaison Mayor Riley mentioned including taco, piece of fruit and coffee during the morning sessions.

The Earthwise Living Committee budget has funds that need to be spent and items paid for by September 30, 2022. The committee discussed funding two Earthwise Living Hanging Banners, Styrofoam Bags, T-Shirts and Aprons.

**5. Other Business**

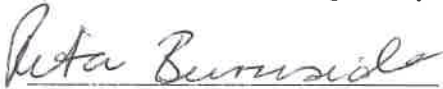
The Committee discussed expanding the scope of the committee beyond the Earthwise Living Yearly event to seek active participation in new Local, State and National Sustainability Initiatives.

The committee discussed the possibility of Hazard Waste Pickup during Texas Recycles Day held on November 15, 2022 and the need to work with the current vendor Tiger Sanitation or a different vendor.

The committee discussed the next Earthwise Committee meeting date to be on September 21, 2022 at 5:30 PM. Inviting back The League of Women Voters to be put on the agenda for this meeting was discussed.

**6. Adjourn**

Member Meffert moved to adjourn the meeting and the motion was seconded by member Castillo. The meeting was adjourned without objection at 6:45 PM.



**Chair**

9-22-22

**Date**





**THE CITY OF LEON VALLEY  
CAPITAL FACILITIES OVERSIGHT COMMITTEE MEETING MINUTES**

**The Capital Facilities Oversight Committee (CFOC) of the City of Leon Valley, Texas met on the 25th day of July 2022, at 6:30 p.m., at the Leon Valley Conference Center, 6421 Evers Road, Leon Valley, Texas, 78238 for the purpose of the following business, to-wit:**

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

Former Chairman Olen Yarnell called the meeting to order at 6:35 pm. Present were Committee members Yvonne Orozco, Erick Matta, Elizabeth Maloy, Elaine Valdez, Evan Bohl, and City Council Liaison Josh Stevens. Absent were members Leslie Bacon-Knopf and Alternate Kim Crawford, and City Council Liaison Jed Hefner. Also attending was former CFOC member Adam Castillo, Councilmember Rey Orozco, City Manager Crystal Caldera, and Staff Liaison Melinda Moritz.

**2. Discussion and Action – Election of Officers**

Former Chairman Yarnell asked for nominations and a motion for the position of Chairman. Committee member Orozco made a motion to nominate Mr. Yarnell, which was seconded by Committee member Bohl. Upon Mr. Yarnell's consent, the motion carried unanimously.

Chairman Yarnell then asked for nominations and a motion for the position of Vice-Chair. Chairman Yarnell nominated Mrs. Orozco and Mr. Bohl nominated himself. A vote was held to elect Mr. Bohl to the position, which failed. A motion was made to elect Mrs. Orozco to the position, seconded by Mr. Matta, and the motion carried unanimously.

Chairman Yarnell then asked for nominations and a motion to elect the position of Secretary. Mr. Matta made a motion to nominate Mr. Bohl for the position. The motion was seconded by Mrs. Maloy and the motion carried five to one in favor.

**3. Discussion and Action – Approval of the May 23, 2022, CFOC minutes**

Committee Member Maloy made a motion to approve the minutes as presented. Committee Member Orozco seconded the motion and the motion carried unanimously.

**4. Citizens to be Heard**

Former Committee member Castillo told the Committee that he had seen a splash pad at Lady of the Lake in Elmendorf that he really liked, noting that it had a partial soft surface and partial concrete surface, and he encouraged the members to visit the place.

## 5. Discussion and action – City Council Final Report

Staff member Moritz directed the Committee's attention to the report she had drafted for the Committee's review, stating that it was based on their previous recommendations in other meetings and told the Committee members they should make any changes and she would revise the report.

Committee member Orozco stated that the recommendation for the new Public Works facility should include that the previous Bond Oversight Committee had recommended that the Public Works building be renovated no later than seven years after city hall and the fire station were completed. Several Committee members asked if the proposed building would include future staff members.

City Manager Caldera stated that the Council would be reviewing staffing levels in the next fiscal year but that four more positions had been included in the calculations. Ms. Caldera explained that the City Council was not yet ready to put a Bond on the ballot as the interest rates were higher than when the Committee started their investigations. She noted that when they were ready, the estimated costs would be revised and would include any future position spaces.

Councilmember Stevens explained that a Bond at the current interest rates would cost the City Council approximately \$183,000 per year for the next 20 years and that the City just didn't have the income to do that at the current time. He then noted that property appraisals were also increased due to the housing market and that persons would be experiencing a 10% higher tax than the previous year.

Chairman Yarnell then directed the Committee to the pool facilities. Committee member Bohl noted that the Park Commission had already recommended that the City Council should decide which pool facility to keep and that once that decision had been made, they would make a recommendation on modifications to the remaining facility.

Committee member Valdez stated that only five percent of the citizens had responded to the survey, but that they had made it clear they only wanted to keep one facility. Chairman Yarnell stated that the vote was too close to decide on which facility to keep. He noted that they should take the matter to a vote by the citizens. Ms. Valdez stated that the Committee should try to determine why more people use the Forest Oaks pool and that the Leon Valley pool might have a better location. Committee member Bohl stated that the percentage of persons who answered the survey was representative of the persons who will vote. A general discussion was held on the cost for renovations at each pool.

Chairman Yarnell suggested that the Committee label the options for each pool, with Option A being the modest remodel and Option B being the full renovation and let the Council decide which one to fund and when.

Committee member Bohl made a motion to choose Option B for the Forest Oaks pool facility. A vote was taken with the result being four in favor and one abstaining. Chairman Yarnell then asked for a motion on which option should be recommended for the Leon Valley pool facility.

Committee member Orozco made a motion for Option A. The vote was five to one in favor of Option A for the Leon Valley pool facility.

Chairman Yarnell then moved to the Library Annex facility. A general discussion was held on the use of the future facility. The Committee agreed that this facility renovation needed to carry a high priority as Mrs. Poss was about to resign from the Library Board of Trustees and that she had worked very hard to hold the book sales events and restore the archives and had gathered so much Leon Valley history over the years. Chairman Yarnell then asked the Committee if the recommendation should include the use of partial bond funding. Seeing a general agreement, he made a motion to recommend the project go forward with partial bond funding, which was seconded by Committee member Bohl, and the motion carried unanimously.

Committee member Orozco then asked the Committee if the recommendation from the Park Commission to fund the replacement of the park restrooms with Texas Parks and Wildlife Department grants should go forward. Seeing agreement, Committee member Bohl seconded the motion and the motion carried unanimously.

## 5. Committee and Staff Comments

City Manager Caldera thanked the Committee members for their time and service to the community.

Chairman Yarnell then asked if the Committee should meet again. Staff member Moritz stated that they should, in order to approval the final report.

## 6. Adjourn.

Committee Member Bohl made a motion to adjourn the meeting, which was seconded by Chairman Yarnell. The meeting adjourned at 7:35 pm.



Olen Yarnell - Chairman

Capital Facilities Oversight Committee

9-22-22

Date

## MAYOR AND COUNCIL COMMUNICATION

**DATE:** October 3, 2022

**TO:** Mayor and Council

**FROM:** Melinda Moritz, Public Works Director

**THROUGH:** Crystal Caldera, City Manager

**SUBJECT:** Discussion and Action to Consider an Ordinance Amending the Leon Valley Code of Ordinances, Appendix A, Article A11.000 Water and Sewer Fees to Allow a Retroactive Adjustment to a Water Bill for a Verifiable Water Leak That Occurred Prior to November 2021 (1st Read Held on 9-20-22)

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

### **PURPOSE**

The purpose of this agenda item is to consider approval of an Ordinance amending the Leon Valley Code of Ordinances, Appendix A, Article A11.000 Water and Sewer Fees to allow a one-time adjustment to a water bill for a verifiable water leak that occurred prior to November 2021.

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

The Ordinance amendment would read as follows in red:

Appendix A, Article 11.000 Water and Sewer Fees, Sec. A11.001 Generally, (b) Water Service

“(D) Methods for adjusting for commercial and residential water leaks.

1. Customers who have experienced a water leak may apply for a one time per calendar year adjustment to their water bill. A second water bill adjustment may be requested during the same calendar year, but only under extraordinary circumstances as approved by the City Manager.

Leon Valley Water customers may also request a water bill adjustment for a water leak that occurred at any time prior to the passage of Ordinance 2021-50, but this shall be



limited to one occurrence. Customer must provide proof of repairs in the form of receipts or paid invoices from either a plumbing service provider or from the resident performing their own plumbing work.”

### **FISCAL IMPACT**

It is unknown at this time how many customers will request a retroactive water bill adjustment.

### **SEE LEON VALLEY**

***Social Equity*** - Providing relief from high water bills adds to the general quality of life, by reducing unplanned monthly utility expenses.

***Economic Development***- Providing relief from high water bills where warranted may enhance the image of our city, which may attract residents.

***Environmental Stewardship*** - Water leaks can waste nearly 1 trillion gallons of water annually nationwide and providing incentives to repair leaks will reduce water consumption, which reduces water loss, supporting water conservation and drought management.

### **RECOMMENDATION**

At Council discretion.

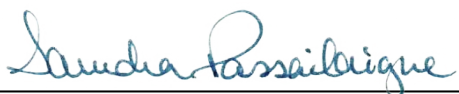
APPROVED: \_\_\_\_\_  \_\_\_\_\_ DISAPPROVED: \_\_\_\_\_

### **CITY COUNCIL ACTION:**

A motion was made by Councilor Rey Orozco to approve the Consent Agenda with the amendment to be made to the minutes as discussed. The motion was seconded by Councilor Jed Hefner.

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

ATTEST:



**SAUNDRA PASSAILAIGUE, TRMC**  
City Secretary

**AN ORDINANCE OF THE CITY OF LEON VALLEY, TX, CITY COUNCIL AMENDING THE LEON VALLEY CODE OF ORDINANCES APPENDIX A FEE SCHEDULE, ARTICLE A11.000 WATER AND SEWER FEES, SECTION A11.001 GENERALLY, (a) MONTHLY WATER RATES AND CHARGES, ALL CUSTOMERS RESIDENTIAL OR NONRESIDENTIAL, (2) MONTHLY VOLUMETRIC RATE (PER THOUSAND GALLONS) TO PROVIDE RELIEF FOR WATER CUSTOMERS WHO EXPERIENCED A HIGH WATER CHARGE DUE TO A WATER LEAK PRIOR TO THE PASSAGE OF ORDINANCE 2021-50; PROVIDING FOR REPEALER, SEVERABILITY, AND SAVINGS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.**

---

**WHEREAS**, the City of Leon Valley owns and operates a water utility and water customers pay water rates that support the maintenance and operations of the water utility; and

**WHEREAS**, plumbing leaks on private properties increase the amount of water traversing through the customer's water meter, with the water not being productively used, consequently increasing the fees for water service; and

**WHEREAS**, the City recognizes that unplanned plumbing repairs negatively affect a person's ability to pay a high water bill; and

**WHEREAS**, the City seeks to assist its water customers by reducing excessive water bills caused by unplanned water leaks on private property; and

**WHEREAS**, providing incentives to repair water leaks expeditiously reduces overall water loss, which greatly assists in the City's goal of water conservation and drought management.

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

**SECTION 1.** That Article A11.000 Water and Sewer Fees, Section A11.001 Generally, (2) Monthly volumetric rate (per thousand gallons), is hereby amended to add:

(D) Methods for adjusting for commercial and residential water leaks.

1. Customers who have experience a water leak may apply for a one time per calendar year adjustment to their water bill. A second water bill adjustment may be requested during the same calendar year, but only under extraordinary circumstances as approved by the City Manager. **Leon Valley Water customers may also request a water bill adjustment for a water leak that occurred at any time prior to the passage of Ordinance 2021-50, but this shall be limited to one occurrence. Customer must provide proof of repairs in the form of receipts or paid invoices from either a plumbing service provider or from the resident performing their own plumbing work.**

**SECTION 2.** 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 3.** 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 4.** This Ordinance shall become effective immediately upon its passage and publication as required by law.

Consider Amending Ordinance  
Leon Valley Code of Ordinances  
Appendix A  
Previous Water Leak Bill Adjustment

Melinda Moritz  
Public Works Director  
City Council Meeting  
October 3, 2022



# Purpose

- To discuss and consider approval of an Ordinance amending the Leon Valley Code of Ordinances, Appendix A, Article A11.000 Water and Sewer Fees
- To allow a one-time adjustment to a water bill for a verifiable water leak that occurred prior to November 2021

# Background

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

# Proposal

- Appendix A, Article 11.000 Water and Sewer Fees, Sec. A11.001 Generally, (b) Water Service - Added New Code language:
  - (D) Methods for adjusting for commercial and residential water leaks.
  - 1. Customers who have experienced a water leak may apply for a one time per calendar year adjustment to their water bill. A second water bill adjustment may be requested during the same calendar year, but only under extraordinary circumstances as approved by the City Manager
  - Leon Valley Water customers may also request a water bill adjustment for a water leak that occurred at any time prior to the passage of Ordinance 2021-50, but this shall be limited to one occurrence.
  - Customer must provide proof of repairs in the form of receipts or paid invoices from either a plumbing service provider or from the resident performing their own plumbing work.

# Fiscal Impact

- Unknown

# Recommendation

- None – at City Council's discretion



# S.E.E. Statement

Social Equity - Providing relief from high water bills adds to the general quality of life, by reducing unplanned monthly utility expenses

Economic Development- Providing relief from high water bills where warranted may enhance the image of our city, which may attract residents

Environmental Stewardship - Water leaks can waste nearly 1 trillion gallons of water annually nationwide and providing incentives to repair leaks will reduce water consumption, which reduces water loss, supporting water conservation and drought management

## MAYOR AND COUNCIL COMMUNICATION

**DATE:** October 3, 2022

**TO:** Mayor and Council

**FROM:** Melinda Moritz, Public Works Director

**THROUGH:** Crystal Caldera, City Manager

**SUBJECT:** Presentation and Discussion of an Ordinance Amending the Leon Valley Code of Ordinances, Chapter 14 Utilities, Article 14.11 Water Conservation and Drought Management, Division 2. Landscape Watering to Add a New Section 14.11.038 Conservation Programs (1st Read was Held 09-20-2022)

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

### **PURPOSE**

The purpose of this agenda item is to consider approving an Ordinance amending Chapter 14 Utilities, Article 14.11 Water Conservation and Drought Management, Division 2. Landscape Watering to add a new Section 14.11.038 Conservation Programs. This amendment will establish the existing water conservation programs and add a one-time rebate for prior conservation efforts.

The City has water conservation rebate programs:

- Replacement of regular toilets with low flow toilets - \$50 per toilet, 2 toilets per household
- Replacement of older washing machines with high efficiency washing machines - \$100, 1 machine per household
- Installation of rain barrel - \$40, 1 rain barrel per household
- Xeriscape landscape - \$100 per 200 sq ft of xeriscape area, twice a year

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

The new section of Code would read as follows:

“Section 14.11.038 Conservation Programs

The City of Leon Valley encourages its Leon Valley Water System water customers to reduce the use of water from the City's water system by offering rebates for several conservation programs. The following rebate programs are promoted for water conservation:

- a. Toilet Rebate - Replacement of regular toilets with low flow toilets. Rebates are \$50 per toilet with a two-toilet maximum per household.
- b. Washing Machine - Replacement of older washing machines with high efficiency washing machines. Rebates are \$100 per washing machine per household.
- c. Rain Barrel Rebate – Installation of a rain barrel for landscape watering use. Customers may purchase a rain barrel at any store but must have the barrel installed and inspected by the City prior to a rebate being applied to their account. A one-time rebate of \$40 for one rain barrel per household is allowed.
- d. Xeriscape Rebate – Customer must install two hundred (200) square feet of xeriscape/hardscape plantings. Customer must take “before” pictures and City staff must inspect the site after xeriscaping is installed. Plantings must be proven to be drought tolerant. Customers are encouraged to refer to the wildscape and xeriscape plant lists provided by the Texas A & M Agrilife Extension Service. The rebate is a one-time \$100 per xeriscaped area per household.
- e. Resident's water billing account must be in good standing and not past due before a rebate may be issued.
- f. Residents who installed a rain barrel or a xeriscape garden prior to the passage of this Ordinance may request a one-time rebate upon proof of purchase, installation, and inspection by City personnel.”

### **FISCAL IMPACT**

Rebates are credited to the person's water billing account. In the past four years, we have issued the following rebates:

|             |           |       |
|-------------|-----------|-------|
| Xeriscape   | 6 rebates | \$600 |
| Rain Barrel | 2 rebates | \$ 80 |

- 2019 1 rain barrel and 1 xeriscape
- 2020 1 rain barrel and 1 xeriscape
- 2021 0 rain barrel and 2 xeriscape
- 2022 0 rain barrel and 2 xeriscape

### **SEE LEON VALLEY**

***Social Equity*** - The rebates help to conserve water for all citizens.

***Economic Development*** - Providing additional rebates can lower customer bills and promotes an aesthetic value, which assists in attracting new residents and businesses.

***Environmental Stewardship*** - Rain barrels benefit the environment by reducing the amount of rainwater runoff from roofs and protect our local watershed. Xeriscaping will reduce customer irrigation water use and lower water bills, while conserving a valuable resource.

### **RECOMMENDATION**

At Council discretion.

ATTEST :

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

**AN ORDINANCE OF THE CITY OF LEON VALLEY, TX, CITY COUNCIL AMENDING THE LEON VALLEY CODE OF ORDINANCES, CHAPTER 14 UTILITIES, ARTICLE 14.11 WATER CONSERVATION AND DROUGHT MANAGEMENT, DIVISION 2. LANDSCAPE WATERING TO ADD SECTION 14.11.038 CONSERVATION PROGRAMS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR AN EFFECTIVE DATE, AND PROVIDING A NOTICE AND MEETING CLAUSE**

---

**WHEREAS**, the City of Leon Valley owns and operates a water system which relies on water supply from the Edwards Aquifer; and

**WHEREAS**, it is the goal of the City to conserve water usage as much as possible in order to preserve the delicate nature of the aquifer; and

**WHEREAS**, the City encourages its water customers to also conserve water and in order to provide incentives for conservation now wishes to create several conservation programs.

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

**SECTION 1.** That Chapter 14 Utilities, Article 14.11 Water Conservation and Drought Management, Division 2. Landscape Watering, is here by amended to add a new Section 14.11.038 Conservation Programs as stated below:

“Section 14.11.038 Conservation Programs

The City of Leon Valley encourages its Leon Valley Water System water customers to reduce the use of water from the City’s water system by offering rebates for several conservation programs. The following rebate programs are promoted for water conservation:

- a. Toilet Rebate - Replacement of regular toilets with low flow toilets. Rebates are \$50 per toilet with a two-toilet maximum per household.
- b. Washing Machine - Replacement of older washing machines with high efficiency washing machines. Rebates are \$100 per washing machine per household.
- c. Rain Barrel Rebate - Installation of a rain barrel for landscape watering use. Customers may purchase a rain barrel at any store but must have the barrel installed and inspected by the City prior to a rebate being applied to their account. A one-time rebate of \$40 for one rain barrel per household is allowed.
- d. Xeriscape Rebate - Customer must install two hundred (200) square feet of xeriscape/hardscape plantings. Customer must take “before” pictures and City staff must inspect the site after xeriscaping is installed. Plantings must be proven to be drought tolerant. Customers are encouraged to refer to the wildscape and



xeriscape plant lists provided by the Texas A & M Agrilife Extension Service. The rebate is a one-time \$100 per xeriscaped area per household.

- e. Resident's water billing account must be in good standing and not past due before a rebate may be issued.
- f. Residents who installed a rain barrel or a xeriscape garden prior to the passage of this Ordinance may request a one-time rebate upon proof of purchase, installation, and inspection by City personnel."

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

**SECTION 3. EFFECTIVE DATE.** That this Ordinance shall take effect immediately from and after its passage as required by law.

**SECTION 4. NOTICE OF MEETING CLAUSE.** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

# Consider Ordinance Amending Chapter 14 Utilities To Add Conservation Rebate Programs

City Council Meeting  
September 20, 2022

Melinda Moritz, Public Works Director

# Purpose

- To consider approving an Ordinance amending Chapter 14 Utilities, Article 14.11 Water Conservation and Drought Management, Division 2. Landscape Watering
- To add a new Section 14.11.038 Conservation Programs
- Establishing the existing water conservation programs & adding a one-time rebate for prior conservation efforts

# Background

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

# Purpose

- Rain barrel and xeriscape rebates were added to our policies last November
  - Never been in any Ordinance
- This year, the City received 2 requests for retroactive rebates – 1 for rain barrels and 1 for xeriscaped area
- The City does not have a rebate for persons who installed a rain barrel or xeriscape area prior to November of last year



# New Ordinance Section 14.11.038

- The City of Leon Valley encourages its water customers to reduce the use of water from the City's water system by offering rebates for several conservation programs. The following rebate programs are promoted for water conservation:
  - Toilet Rebate - Replacement of regular toilets with low flow toilets. Rebates are \$50 per toilet with a two-toilet maximum per household.
  - Washing Machine - Replacement of older washing machines with high efficiency washing machines. Rebates are \$100 per washing machine per household.
  - Rain Barrel Rebate – Installation of a rain barrel for landscape watering use. Customers may purchase a rain barrel at any store but must have the barrel installed and inspected by the City prior to a rebate being applied to their account. A one-time rebate of \$40 for one rain barrel per household is allowed.

# New Ordinance Section 14.11.038

- Xeriscape Rebate – Customer must install two hundred (200) square feet of xeriscape/hardscape plantings. Customer must take “before” pictures and City staff must inspect the site after xeriscaping is installed. Plantings must be proven to be drought tolerant. Customers are encouraged to refer to the wildscape and xeriscape plant lists provided by the Texas A & M Agrilife Extension Service. The rebate is a one-time \$100 per xeriscaped area per household.
- Resident’s water billing account must be in good standing and not past due prior to a rebate being applied to the account.
- Residents who installed a rain barrel or an approved xeriscape garden prior to the passage of this Ordinance may request a one-time rebate upon proof of purchase, installation, and inspection by City personnel.”

# Fiscal Impact

- Rebates are credited to the person's water billing account
- Xeriscape                  6 rebates                  \$600
- Rain Barrel              2 rebates                  \$80
  - 2019      1 rain barrel and 1 xeriscape
  - 2020      1 rain barrel and 1 xeriscape
  - 2021      0 rain barrel and 2 xeriscape
  - 2022      0 rain barrel and 2 xeriscape

# Recommendation

- Approve an Ordinance amending Chapter 14 Utilities, Article 14.11 Water Conservation and Drought Management, Division 2. Landscape Watering, is hereby amended to add a new Section 14.11.038 Conservation Programs

# S.E.E. Statement

- Social Equity - The rebates help to conserve water for all citizens.
- Economic Development - Providing additional rebates can lower customer bills and promotes an aesthetic value, which assists in attracting new residents and businesses.
- Environmental Stewardship - Rain barrels benefit the environment by reducing the amount of rainwater runoff from roofs and protect our local watershed. Xeriscaping will reduce customer irrigation water use and lower water bills, while conserving a valuable resource.



## MAYOR AND COUNCIL COMMUNICATION

**DATE:** October 18, 2022

**TO:** Mayor and Council

**FROM:** Kevin Rule, Finance Director

**THROUGH:** Crystal Caldera, City Manager

**SUBJECT:** Presentation and Discussion of an Ordinance Authorizing Budget Adjustments for the FY 2022-2023 for Carry Over Capital Projects (1st Reading was held on 10/03/2022)

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

### **PURPOSE**

The purpose of this Ordinance is to consider approval of budget adjustments for the FY 2022-2023 budget for Capital items that were not completed during the previous fiscal year (FY 2021-2022)

The projects are as follows:

#### **General Fund Reserve**

##### *Huebner Creek Hike & Bike Trail - Segment 1*

The Huebner Creek Greenway Hike & Bike Trail Project is to construct a trail from Shadow Mist Drive to Bandera Road, adjacent to Huebner Creek and El Verde Road. The trail will connect with the City of San Antonio's Crystal Hills trailhead at Shadow Mist Drive.

##### *Dump Truck*

In FY 2021-2022 a dump truck for Public Works was approved to replace a 1999 model that is past its economic life.

#### **American Rescue Plan Funds (ARP)**

##### *Well Generator*

In FY 2021-2022 a generator was approved to purchase a backup for the well if we should experience an electrical outage at this site.

## Water Fund Reserve

### *Well Houses*

In FY 2021-2022 well houses were approved for covering each well head to ensure the pipes will not freeze during a severe weather event.

### *Elevated Water Tank Rehabilitation*

The Marshall Elevated Storage Tank was inspected in 2019 and found to be in poor condition. The tank was brought to the site behind John Marshall High School in the mid-1930's and was last rehabilitated in 2001.

Rehabilitation of this tank was delayed, as there was an active hawk's nest on the catwalk. The hawks are a protected species and therefore the nest could not be removed until the fledglings had flown, so all work on this project was stopped.

The project is now ready to move forward, and the project is already bid out. Waiting on winter months to take the water tank out of service to complete work.

## Stormwater Fund Reserve

### *Seneca West Drainage Project*

This project, construction of a large drainage channel on city-owned property, will assist in floodwater and erosion reduction on Samaritan, Aids and Grass Hill streets and will also reclaim land from the floodway. The County granted the City \$1,346,000 for the construction portion. The City's remaining cost of the project is \$122,550.

## **FISCAL IMPACT**

### **Hike and Bike Trail Project**

|          |                  |                            |    |              |
|----------|------------------|----------------------------|----|--------------|
| INCREASE | 851.42010        | TX DOT Reimbursement       | \$ | 903,144.00   |
| INCREASE | 851.45001        | Transfer In - General Fund | \$ | 441,569.00   |
| INCREASE | 851.5023.580.526 | Hike & Bike Trail          | \$ | 1,344,713.00 |

### **Dump Truck**

|          |                  |                            |    |            |
|----------|------------------|----------------------------|----|------------|
| INCREASE | 851.45001        | Transfer In - General Fund | \$ | 100,000.00 |
| INCREASE | 851.5023.580.527 | PW - Dump Truck            | \$ | 100,000.00 |

### **Elevated Storage Tank Rehab**

|          |                  |                           |    |            |
|----------|------------------|---------------------------|----|------------|
| INCREASE | 851.45001        | Transfer In - Water       | \$ | 374,500.00 |
| INCREASE | 851.5023.580.528 | Elevated Water Tank Rehab | \$ | 374,500.00 |

**Well Houses**

|          |                  |                     |    |           |
|----------|------------------|---------------------|----|-----------|
| INCREASE | 851.45001        | Transfer In - Water | \$ | 12,000.00 |
| INCREASE | 851.5023.580.529 | Well Houses         | \$ | 12,000.00 |

**Well****Generator**

|          |                 |                         |    |            |
|----------|-----------------|-------------------------|----|------------|
| INCREASE | 851.45008       | Transfer In - ARP Funds | \$ | 204,320.00 |
| INCREASE | 851.5023.580.30 | Well Generator          | \$ | 204,320.00 |

**Seneca West Drainage Project**

|          |                  |                          |    |              |
|----------|------------------|--------------------------|----|--------------|
| INCREASE | 851.42011        | CDBG - Reimbursement     | \$ | 1,346,000.00 |
| INCREASE | 851.45008        | Transfer In - Stormwater | \$ | 122,550.00   |
| INCREASE | 851.5023.580.531 | Seneca West Drainage     | \$ | 1,468,550.00 |

**SEE LEON VALLEY**

***Social Equity*** – Continuing to construct meaningful capital improvement projects improves everyone’s quality of life and protects valuable taxpayer funded assets.

***Economic Development*** - Improving our capital infrastructure and existing facilities protects our capital assets and may enhance our reputation as a forward-thinking city, which may entice businesses and resident. Improving the Community Center increases rental potential and introduces our city to non-residents.

***Environmental Stewardship*** - These projects improve our environment by increasing the city’s walkability and reducing the effects of stormwater on downstream water bodies.

**STRATEGIC GOALS**

This budget adjustment supports Strategic Goal #4

**RECOMMENDATION**

City Council approve the Ordinance authoring the budget adjustment

ATTEST :

**SAUNDRA PASSAILAIGUE, TRMC**  
City Secretary

**AN ORDINANCE OF THE CITY OF LEON VALLEY, TX, CITY COUNCIL AMENDING THE CITY OF LEON VALLEY, TEXAS MUNICIPAL BUDGET FOR THE FISCAL YEAR 2022-2023, WHICH INCLUDES FUNDS FOR CONTINGENCIES; PROVIDING FOR REPEALER, SEVERABILITY AND SAVING CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.**

---

**WHEREAS**, several planned Capital Improvement projects that were approved by the City Council in FY 2021-2022 have been delayed; and

**WHEREAS**, these Capital Improvement projects funding ended on September 30, 2022; and

**WHEREAS**, the City of Leon Valley has already passed their FY 2022-2023 Budget on September 20, 2021; and

**WHEREAS**, City Council approved the budget for the City of Leon Valley for FY 2022-2023; and

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

**WHEREAS**, it is necessary to adjust the Budget by a total amount of \$3,504,083 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 these Fund Budgets for FY 2021-2022 in a total amount \$3,504,083.00, in order to fund Capital Improvements Projects that were bid, approved, and/or awarded by the City Council of the City of Leon Valley in FY 2021-2022, but not otherwise funded in FY 2022-2023;

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

**SECTION 1.** The FY 2022-2023 Capital Fund Budget of the City of Leon Valley is hereby amended to increase the budget by \$3,504,083, to provide funding for the Hike & Bike Trail Project, a Dump Truck, Elevated Storage Tank Rehab, Well Houses, Well Generator, and the Seneca West Drainage Project, as follows:

|          |                  |                            |    |              |
|----------|------------------|----------------------------|----|--------------|
| INCREASE | 851.42010        | TX DOT Reimbursement       | \$ | 903,144.00   |
| INCREASE | 851.45001        | Transfer In - General Fund | \$ | 441,569.00   |
| INCREASE | 851.5023.580.526 | Hike & Bike Trail          | \$ | 1,344,713.00 |
| INCREASE | 851.45001        | Transfer In - General Fund | \$ | 100,000.00   |

|          |                  |                           |    |              |
|----------|------------------|---------------------------|----|--------------|
| INCREASE | 851.5023.580.527 | PW - Dump Truck           | \$ | 100,000.00   |
| INCREASE | 851.45001        | Transfer In - Water       | \$ | 374,500.00   |
| INCREASE | 851.5023.580.528 | Elevated Water Tank Rehab | \$ | 374,500.00   |
| INCREASE | 851.45001        | Transfer In - Water       | \$ | 12,000.00    |
| INCREASE | 851.5023.580.529 | Well Houses               | \$ | 12,000.00    |
| INCREASE | 851.45008        | Transfer In - ARP Funds   | \$ | 204,320.00   |
| INCREASE | 851.5023.580.30  | Well Generator            | \$ | 204,320.00   |
| INCREASE | 851.42011        | CDBG - Reimbursement      | \$ | 1,346,000.00 |
| INCREASE | 851.45008        | Transfer In - Stormwater  | \$ | 122,550.00   |
| INCREASE | 851.5023.580.531 | Seneca West Drainage      | \$ | 1,468,550.00 |

**SECTION 2.** The financial allocations in this Ordinance are subject to approval by the Finance Director. The Finance Director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations as necessary to carry out the purpose of this Ordinance.

**SECTION 5.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph, or section of this Ordinance.

**SECTION 6.** The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this Ordinance.

**SECTION 7.** This Ordinance shall become effective immediately upon its passage and publication as required by law.

## MAYOR AND COUNCIL COMMUNICATION

**DATE:** October 3, 2022

**TO:** Mayor and Council

**FROM:** Melinda Moritz, Public Works Director

**THROUGH:** Crystal Caldera, City Manager

**SUBJECT:** Presentation and Discussion of an Ordinance 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 (1st Read as Required by City Charter)

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

### **PURPOSE**

**SUBJECT:** Presentation and Discussion to Consider Approval of an Ordinance 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 (1st Read as Required by City Charter)

### **PURPOSE**

The City of Leon Valley has currently adopted the 2015 editions of the International Building, Residential, Existing Building, Mechanical, Energy, and Plumbing Codes, and the 2017 National Electric Code, with amendments. The newest model code series, the 2020 and 2021 editions, were recently published by the International Code Council and should be adopted by the City. The updates are necessary to ensure that the most current construction and safety standards are maintained in the City of Leon Valley.



It is also proposed to add the 2021 International Fuel Gas Code and the International Swimming Pool and Spa Code to the Code of Ordinances. The adoption of the Swimming Pool and Spa Code will assist in assuring public and private pools and spas are safe.

Building code adoption happens at the local level, but Texas' municipal building, residential, fire, plumbing, mechanical, fuel gas, and swimming pool and spa codes are promulgated through legislation in state statute. A listing of these codes is referenced at the Texas State Law Library. Cities are allowed to make local amendments to these codes and adopt later editions.

The energy conservation code is promulgated through the Texas State Energy Conservation Office (SECO) by administrative rule. The City is allowed to adopt local amendments to Texas' commercial and residential energy codes, but any amendments can't have less stringent energy efficiency requirements in non-attainment affected counties. On July 25, 2018, the EPA designated Bexar County as nonattainment with a marginal classification.

The amendments to these codes include, but are not limited to, inserting the local jurisdiction name, responsible party, fee schedules, and date of issuance.

Finally, it is recommended that the City Council remove fees for contractor registration, which are located in Appendix A of the Code of Ordinances. Article A8.000 Building and Construction Related Fees, Section A8.001 Contractor registration fee states:

- (a) All contractors, both general and subcontracted, which are providing professional services to addresses located within the city limits, both residential or and/or commercial, are subject to an annual contractor registration fee of \$100.00. This includes but is not limited to general building contractors, heating, and air conditioning (mechanical), bulk water, irrigation, gas, sewer trench, swimming pools, sidewalks/driveway/curbcuts, fences, foundation, roof, water well, sign and any nonfranchise utility construction contractors.

Currently, the contractor must upload a copy of their current trade license, along with the \$100 fee into the My Permit Now software, where it is stored. Because there is very little work on the part of the staff in storing and viewing these licenses, it is recommended that we don't charge a fee. The contractor would still be required to upload a current license to the software. State law already prohibits cities from collecting license fees from licensed HVAC/R contractors. The new language would state:

- (b) All contractors, both general and subcontracted, which are providing professional services to addresses located within the city limits, both residential or and/or commercial must register their current state issued trade license with the City annually. There is no fee associated with this registration. This includes but is not

limited to general building contractors, heating, and air conditioning (mechanical), electrical, bulk water, irrigation, gas, sewer trench, swimming pools, sidewalks/driveway/curbcuts, fences, foundation, roof, water well, sign and any nonfranchise utility construction contractors.

### **FISCAL IMPACT**

Contractor license registration generates approximately \$6,700 annually.

### **SEE LEON VALLEY**

***Social Equity*** – Adopting the most current and highest standard construction codes ensure safety for all citizens and visitors to Leon Valley.

***Economic Development*** – Maintaining high standards in construction codes ensures resiliency of the business community.

***Environmental Stewardship*** – Adoption of the new building codes assures environmentally friendly building construction materials and methods, thereby reducing pollutants into the environment.

### **STRATEGIC GOALS**

The ordinance supports strategic goal #2, to improve the safety and security of the City of Leon Valley, through adoption and implementation of the most current available construction codes.

### **RECOMMENDATION**

It is recommended the City Council approve an Ordinance amending the Leon Valley Code of Ordinances, Chapter 3 Building Regulations, Article 3.02 Technical and Construction Codes, Article 3.06 Swimming Pools, and Appendix A Schedule of fees as presented.

ATTEST :

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

## ORDINANCE No.

**AN ORDINANCE OF THE CITY OF LEON VALLEY, TEXAS, CITY COUNCIL, REPEALING AND REPLACING THE CITY OF LEON VALLEY'S 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, AMENDING ARTICLE 3.06 SWIMMING POOLS, AND AMENDING APPENDIX A, SECTION A8001 CONTRACTOR REGISTRATION FEE, TO ADOPT THE 2021 EDITIONS OF THE INTERNATIONAL BUILDING, RESIDENTIAL, MECHANICAL, PLUMBING, FUEL GAS, AND ENERGY CONSERVATION CODES, THE 2020 EDITION OF THE NATIONAL ELECTRIC CODE, AND THE 2021 EDITION OF THE SWIMMING POOL AND SPA CODE, ALL WITH AMENDMENTS, AND REVISING APPENDIX A SCHEDULE OF FEES, ARTICLE A8.0001 CONTRACTOR REGISTRATION FEES; PROVIDING AN EFFECTIVE DATE OF THE REVISION WITH PUBLICATION, AS REQUIRED BY LAW, PROVIDING A SAVINGS CLAUSE; AND PROVIDING A CONFLICTS PROVISION.**

---

**WHEREAS**, in December of 2014, the City of Leon Valley adopted the International Code Council's 2015 Building Codes, with amendments; and

**WHEREAS**, the newest model code series, the 2020 and 2021 editions, were recently published by the International Code Council and are updates to the existing codes; and

**WHEREAS**, an update to the codes is necessary to ensure the most current construction and hazardous operations safety standards are maintained in the City of Leon Valley;

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

**Section 1.** Chapter 3 Building Regulations, Divisions 2, 3., 4., 5., 6., are hereby repealed and replaced with a new Division 2 as shown in Exhibit A attached hereto.

**Section 2.** Chapter 3, Article 3.06 Swimming Pools is also revised as shown in Exhibit A attached hereto.

**Section 3.** Amending Appendix A Schedule of Fees, Article A8.0001 Contractor Registration Fees as shown in Exhibit A.

**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 3 Building Regulations and Appendix A, Article A8.000 Building and Construction Related Fees not revised or amended herein shall remain in effect.

**PASSED, ADOPTED AND APPROVED** by the City Council of the City of Leon Valley  
this the 3rd day of October 2022.

**APPROVED**

---

**CHRIS RILEY**  
MAYOR

Attest :

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**SAUNDRA PASSAILAIGUE, TRMC**  
City Secretary

Approved as to Form:

---

**NICOLE WARREN**  
City Attorney

**Exhibit A**  
**Leon Valley Code of Ordinances**  
**Building and Technical Code Adoption and Appendix A Amendment**

**SECTION 1.** Chapter 3 Building Regulations, Article 3.02 Technical and Construction Codes and Standards is repealed and replaced as follows:

**“Division 1. Generally**

**Secs. 3.02.001–3.02.050    Reserved**

**Division 2. Technical and Construction Codes Adopted**

**Sec. 3.02.051    Building code adopted**

The International Building Code, 2021 edition, together with appendices, as published by the International Code Council, is hereby adopted and incorporated by reference as though it was copied herein fully, except as follows:

- a. Section 101.1 Title is revised to read “These regulations shall be known as the Building Code of the City of Leon Valley, hereinafter referred to as “this code”.”
- b. Section 103.1 Creation of Enforcement Agency is revised to read “The City’s Building Inspector is the official in charge of enforcing this code and he shall be known as the Building Official. The Planning and Zoning Director, along with the Building Official, shall be the persons responsible for the implementation, administration, and enforcement of the provisions of this code.”
- c. Section 108.1 General is revised to read “The building official is authorized to issue a permit for temporary structures and temporary uses upon satisfactory compliance with Chapter 15 Zoning, Section 15.02.382 (a) Temporary Uses.”
- d. Section 110.3.1 Footing and Foundation Inspection is revised to read “Form, footing, and foundation inspection. Form, footing, and foundation inspections are required. A form survey is required and to be present and on-site at the plumbing rough-in inspection. Form inspection will assure all building setbacks have been observed as per Chapter 15 Zoning, and footing and foundation inspections shall be made after excavation for footings are complete and any required reinforcing steel is in place. Materials for the foundation shall be at the work site, except where concrete is ready mixed in accordance with ASTM C94, which need not be on the work site. Foundation designs, specifications, and plans are to be signed and sealed by a licensed professional engineer licensed in the state of Texas.”
- e. Section 110.3.3 Lowest floor elevation is revised to read “In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to any further vertical construction, the elevation certificate required in Section 1612.4 of this

code, the Leon Valley Code of Ordinances Chapter 3, Article 3.03 Flood Damage Prevention, and/or in the International Residential Code, as applicable, shall be submitted to the Building Official.”

- f. Section 113.3 Board of Appeals is deleted in its entirety along with all references to such in the IBC. An appeal of the decision of the building official will be considered by the planning and zoning director, fire chief, and city engineer and based on the joint recommendation of said individuals; the appeal may be granted or denied with final discretion by the city manager. A variance from the provisions of certain sections of the currently adopted code may be granted administratively by the planning and zoning director on the joint recommendation of the building inspector, fire chief, and public works director, if alternative requirements are made which will give an equivalent amount of protection. The variance shall specify the alternative measures.
- g. Appendix B Board of Appeals is deleted in its entirety.
- h. Appendix D Fire Districts, Section D101 is revised to read “All land situated either wholly or partially within the city limits of the City of Leon Valley is considered to be located in one fire district.”
- i. Appendix G, Section G101.5 is revised to read “The Planning and Zoning Director is designated as the floodplain administrator and is authorized and directed to enforce the provisions of this appendix. The floodplain administrator is authorized to delegate performance of certain duties to other employees of the jurisdiction. Such duties shall not alter any duties and powers of the Building Official.”
- j. Appendix G, Section G103.1 General is revised to read “Flood hazard areas are established as per the Federal Emergency Management Agency under the National Flood Insurance Program.”
- k. Appendix G, Section 104.7 Alterations in Coastal Areas is deleted in its entirety.
- l. Appendix H Signs, Section H101.2 Signs Exempt from permits is deleted in its entirety.
- m. Appendix M Tsunami-Generated Flood Hazards is deleted in its entirety.

### **Sec. 3.02.052 Residential code adopted**

The International Residential Code, 2021 edition, as adopted and published by the International Code Council, is hereby adopted and incorporated by reference as though it was copied herein fully in its entirety except as follows:

- a. Chapter 1 Scope and Administration, Section R101.1 Title is revised to state “These provisions shall be known as the Residential Code for One and Two Family



Dwellings of the City of Leon Valley and shall be cited as such and will be referred to herein as “this code”.”

- b. Section R108.5 Refunds is revised to read “The City Manager is authorized to establish a refund policy.”
- c. Section R110 Certificate of Occupancy, R110.01 Use and change of occupancy is deleted in its entirety.
- d. Section R112 Board of Appeals is deleted in its entirety.
- e. Appendix AV Board of Appeals is deleted in its entirety.

### **Sec. 3.02.053 Existing building code adopted**

The International Existing Building Code, 2021 edition, as adopted and published by the International Code Council, is hereby adopted and incorporated by reference as though it was copied herein fully in its entirety except as follows:

- a. Section 101.1 Title is revised to read “These regulations shall be known as the Existing Building Code of the City of Leon Valley, herein referred to as “this code”.”
- b. Section 112 Means of Appeal is deleted in its entirety.
- c. Appendix D Board of Appeals is deleted in its entirety.

### **Sec. 3.02.054 Property Maintenance Code**

The International Property Maintenance Code, 2021 edition, as adopted and published by the International Code Council, is hereby adopted and incorporated by reference as though it was copied herein fully in its entirety, with exceptions as follows:

- a. Section 101.1 Title. These regulations shall be known as the International Property Maintenance Code of the City of Leon Valley, hereinafter referred to as “this code.”
- b. Section 101.2 Scope. The provisions of this code shall apply to all existing multi-family residential and nonresidential structures, to include apartments, hotels, motels, suites, inns, rooming or boarding houses, and vacant single family structures, and all existing apartment, multi-family, hotels, motels, suites, inns, rooming or boarding houses, and vacant single family premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a

reasonable level of sanitary maintenance; the responsibility of owners, an owner's authorized agent, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

- c. Section 103.1 Creation of agency. The Leon Valley Planning and Zoning Department is hereby created and the official in charge thereof shall be known as the code official. The function of the agency shall be the implementation, administration, and enforcement of the provisions of this code.
- d. Section 104.1 Fees. The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be as established in Appendix A of the Leon Valley Code of Ordinances.
- e. Section 104.2 Refunds. The City Manager is authorized to establish a refund policy.
- f. Section 107 Means of Appeal is deleted.
- g. Section 108 Board of Appeals is deleted.
- h. Section 109.2 Notice of Violation. The code official, or his designee, shall serve a notice of violation or order in accordance with Section 111.4.
- i. Section 110.01 Authority. Where the code official, or his designee, finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the code official, or his designee, is authorized to issue a stop work order.
- j. Section 110.3 Emergencies. Where an emergency exists, the code official, or his designee, shall not be required to give a written notice prior to stopping the work.
- k. Section 112.6 Hearing is deleted.
- l. Section 302.4 Weeds. Premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve (12) inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.
- m. Section 304.14 Insect screens. Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human

consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

- n. Section 602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from November to April to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.
- o. Section 602.4 Occupiable workspaces. Indoor occupiable workspaces shall be supplied with heat during the period from November to April to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.
- p. Appendix B, Board of Appeals is deleted.

#### **Sec. 3.02.055 Appeals and variances to Technical and Construction Codes**

- (a) An appeal of the decision of the building official will be considered by the planning and zoning director, fire chief, and city engineer and based on the joint recommendation of said individuals; the appeal may be granted or denied with final discretion by the city manager.
- (b) A variance from the provisions of certain sections of the currently adopted code may be granted administratively by the planning and zoning director on the joint recommendation of the building inspector, fire chief, and public works director, if alternative requirements are made which will give an equivalent amount of protection. The variance shall specify the alternative measures.

#### **Sec. 3.02.056 Electrical Code**

The National Electric Code, edition year 2020, as published by the National Fire Protection Association (NFPA), is hereby adopted and incorporated by reference as though it was copied herein fully.

#### **Sec. 3.02.057 Energy Conservation Code Adopted**

The International Energy Conservation Code, edition 2021, as adopted and published by the International Code Council, is hereby adopted and incorporated by reference as though it was copied herein fully in its entirety, with the following exceptions:

- a. Section C101.1 Title is revised to read “This code shall be known as the Energy Conservation Code of the City of Leon Valley and shall be cited as such. It is referred to herein as “this code”.”

- b. Section C110 Board of Appeals is deleted in its entirety.
- c. Appendix CA Board of Appeals - Commercial is deleted in its entirety.
- d. Appendix CA Board of Appeals – Residential is deleted in its entirety.

### **Sec. 3.02.058            Fire Code Adopted**

The International Fire Code, edition 2021, as adopted and published by the International Code Council, is hereby adopted as set forth in the Leon Valley Code of Ordinances, Chapter 5 Fire Protection and Prevention, Article 5.04 Fire Code, Section 5.04.001, Adopted, and Section 5.04.002 Amendments.

### **Sec. 3.02.059            Fuel Gas Code Adopted**

The International Fuel Gas Code, edition 2021, as adopted and published by the International Code Council, is hereby adopted and incorporated by reference as though it was copied herein fully in its entirety, with the following exceptions:

- a. Section 101 (IFGC), 101.1 Title is revised to read “This code shall be known as the Fuel Gas Code of the City of Leon Valley and shall be cited as such. It is referred to herein as “this code”.”
- b. Section 103.1 Creation of Agency is revised to read “The Planning and Zoning Department is responsible for the enforcement of this code and the official in charge thereof shall be known as the code official. The function of the agency shall be the implementation, administration, and enforcement of the provisions of this code.”
- c. Section 113 (IFGC) Means of Appeal is deleted in its entirety.
- d. Section 114 (IFGC) Board of Appeals is deleted in its entirety.
- e. Section 115.4 Violation Penalties is revised to read “Persons who violate a provision of this code, fail to comply with any of the requirements thereof or erect, install, alter or repair work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code shall be guilty of a Class C misdemeanor, punishable by a fine of not more than \$500.00 dollars. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

**Sec. 3.02.060****Mechanical Code Adopted**

The International Mechanical Code, edition 2021, as adopted and published by the International Code Council, is hereby adopted and incorporated by reference as though it was copied herein fully in its entirety, with the following exceptions:

- a. Section 101 (IFGC), 101.1 Title is revised to read “This code shall be known as the Mechanical Code of the City of Leon Valley and shall be cited as such. It is referred to herein as “this code”.”
- b. Section 103.1 Creation of Agency is revised to read “The Planning and Zoning Department is responsible for the enforcement of this code and the official in charge thereof shall be known as the code official. The function of the agency shall be the implementation, administration, and enforcement of the provisions of this code.”
- c. Section 113 (IMC) Means of Appeal is deleted in its entirety.
- d. Section 114 (IMC) Board of Appeals is deleted in its entirety.
- e. Section 115.4 Violation penalties is revised to read “Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a Class C misdemeanor, punishable by a fine of not more than \$500.00 dollars. Each day that a violation continues after due notice has been served shall be deemed a separate offense.”
- f. Appendix B Recommended Fee Schedule is deleted in its entirety.
- g. Appendix C Board of Appeals is deleted in its entirety.

**Sec. 3.02.061****Plumbing Code Adopted**

The International Plumbing Code, 2021 edition, together with all appendices, as published by the International Code Council, is hereby adopted and incorporated by reference as though it was copied herein fully, with the following exceptions:

- a. Chapter 1 Scope and Administration, Section 101.1 Title is revised to read “These regulations shall be known as the Plumbing Code of the City of Leon Valley hereinafter referred to as “this code.”
- b. Section 106.6.2 Fee Schedule is revised to read “The fees for all plumbing work shall be as stated in Appendix A of the Leon Valley Code of Ordinances.

- c. Section 106.6.3 Fee Refunds is revised to read “The City Manager sets the policy for any fee refunds. The code official shall authorize the refunding of the full amount of any fee paid herein that was erroneously paid or collected.”
- d. Section 108.4 Violation penalties is revised to read “Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a Class C misdemeanor, punishable by a fine of not more than \$500.00 dollars. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
- f. Section [A]108.5 Stop work orders is revised to read “Upon notice from the code official, work on any plumbing system that is being performed contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner’s authorized agent, or to the person performing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a Class C misdemeanor, punishable by a fine of not more than \$500.00 dollars. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
- e. Section 109 Means of Appeal is deleted in its entirety.
- f. Appendix A Plumbing Permit Fee Schedule is deleted in its entirety.
- g. Appendix B Rates of Rainfall for Various Cities is revised to read “Refer to the Leon Valley Code of Ordinances, Chapter 10 Subdivision Regulations, Rainfall Intensity Chart.”
- h. The city encourages all residential and business property owners to install rainwater collection systems for nonpotable uses such as landscape irrigation. These systems may include, but are not limited to, rain barrels, roof water collection, cisterns, grey water plumbing fixtures, above-ground storage tanks and related pressure tanks and pumps, and treatment and disinfection equipment.
- i. Rainwater collection and storage containers and equipment must comply with the 2006 edition of the Texas Manual on Rainwater Harvesting, as published by the state commission on environmental quality, in accordance with House Bill 2430, and all subsequent supplements and changes in and to said edition.



- j. All rainwater collection systems and related equipment must be permitted, inspected and approved by the city plumbing Inspector. Fees for such permits and inspections shall be as stated in the fee schedule.
- k. Rainwater collection systems shall not be connected to any plumbing that connects with the city's water supply system.
- l. Rainwater collection barrels and other water holding tanks or devices must be installed and maintained so as to prevent mosquito infestation and may not be located within any easement.
- m. Above-ground water collection devices, with the exception of roof gutters and rain barrels, shall not be located in the front yard area. Above-ground cisterns and water holding tanks must be located in the rear yard and must be screened from public view. Underground rainwater harvesting systems may be located in the front yard area but may not rise more than two feet (2') above grade. All storage areas shall be secured to promote safety and sanitation. All rainwater harvesting systems and related equipment must be situated at least five feet from any fence line.

### **Sec. 3.02.062 Contractor's License**

All contractors performing construction related work in the city limits must hold a current license under V.T.C.A., Occupations Code, Chapter 1302.

### **Sec. 3.02.063 Conflicts between adopted codes and other regulations**

To the extent of a conflict between any codes adopted herein and any locally adopted regulations regarding construction requirements, permitting, variances, and appeals from any code requirements and local administrative decisions, the locally adopted regulations shall apply.

### **Sec. 3.02.064 Penalty**

Violations of this division are punishable by a fine of not more than five hundred dollars (\$500.00) and each day such violation continues shall constitute a separate offense.

### **Section 3.02.065 – Federal or State Construction Projects**

Jobs inspected by federal or state agencies. On those construction jobs within the city where the Federal Housing Administration, the Veterans Administration, or other similar United States or State of Texas government agency is involved, then as to such construction jobs the building inspections provided herein may be waived by the city provided that the building permit reflects that such agency will conduct inspections and further provided that copies of all such inspections made by such federal agency are promptly forwarded to the city.

**Sec. 3.02.066 – 070      Reserved”**

**SECTION 2.** Article 3.06 Swimming Pools and Appendix A Fee Schedule are hereby amended as follows:

**ARTICLE 3.06 SWIMMING POOLS REVISION:****“Sec. 3.06.001      Code Adopted and Permit Requirements**

The International Swimming Pool and Spa Code, 2021 edition, as published by the International Code Council, Inc. is hereby adopted and incorporated by reference as though it was copied herein fully, with the following exceptions:

- a. Section 101.1 Title is revised to read “These regulations shall be known as the Swimming Pool and Spa Code of the City of Leon Valley, hereinafter referred to as “this code.”
- b. Section 103.1 Creation of Agency is revised to read “The Planning and Zoning Department is responsible for the enforcement of this code and the official in charge thereof shall be known as the code official. The function of the agency shall be the implementation, administration, and enforcement of the provisions of this code.”
- c. Section 108.6 Refunds is revised to read “The City Manager is authorized to establish a refund policy.”
- d. Section 111 Means of Appeal is deleted in its entirety.
- e. Section 112 Board of Appeals is deleted in its entirety.
- f. Section 113.4 Violation penalties is revised to read “Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair a swimming pool or spa in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a Class C misdemeanor, punishable by a fine of not more than \$500.00 dollars. Each day that a violation continues after due notice has been served shall be deemed a separate offense.”
- g. Appendix A Board of Appeals is deleted in its entirety.”

**Sec. 3.06.002      Emptying water into street**

- a. The owner, tenant or occupant of any property or residence whatsoever in the city on which is situated a swimming pool is hereby prohibited from emptying, causing

to be emptied, or permitting to be emptied said swimming pool in any manner whatsoever that causes or permits any amount of water therefrom to reach any street, alley or public way in the city.

- b. Each violation of this section shall be punished by a penalty of a fine of no more than \$1,000.00. Each day such violation continues shall constitute a separate offense.

## **APPENDIX A FEE SCHEDULE REVISION:**

### **“Sec. A8.001 Contractor registration fee**

- (b) All contractors, both general and subcontracted, which are providing professional services to addresses located within the city limits, both residential or and/or commercial must register their current state issued trade license with the City annually. There is no fee associated with this registration. This includes but is not limited to general building contractors, heating and air conditioning (mechanical), electrical, bulk water, irrigation, gas, sewer trench, swimming pools, sidewalks/driveway/curb cuts, fences, foundation, roof, water well, sign and any nonfranchise utility construction contractors.”

# Repealing and Replacing Chapter 3 Building Regulations, Article 3.02 Technical and Construction Codes

City Council Meeting

Public Works Director Melinda Moritz

October 4, 2022



# Purpose

- To consider repealing and replacing the Leon Valley Code of Ordinances, Chapter 3 Building Regulations, Article 3.02 Technical and Construction Codes and Standards, Article 3.06 Swimming Pools, and Appendix A, Section A8.001 Contractor Fees
- Options
  - Approve
  - Approve with modifications
  - Deny
- Recommendation
  - Approve as presented

# Background

- Chapter 3, Article 3 contains the building and technical codes that we currently enforce (exception – Chapter 5 Fire Code)
- Recently adopted the 2021 International Property Maintenance Code, but remaining codes are from 2015/2017
  - 2015 International Building Code
  - 2015 International Residential Code
  - 2015 International Existing Building Code
  - 2015 International Mechanical Code
  - 2015 International Plumbing Code
  - 2015 International Energy Conservation Code
  - 2015 International Commercial Energy Conservation Code
  - 2017 National Electric Code



# Background

- City has not adopted a swimming pool code
- Also have not adopted the International Fuel Gas Code
- Codes should be reviewed and updated/adopted every 4 years in order to keep up with current building construction safety, methods, & techniques
- Adopting these codes assures a *minimum* standard for the construction of all structures in the City

# Revisions

- Building code adoption happens at the local level, but Texas' municipal building, residential, fire, plumbing, mechanical, fuel gas, and swimming pool and spa codes are promulgated through legislation in state statute
  - A Listing of these codes is referenced at Texas State Law Library at <https://www.sll.texas.gov/law-legislation/texas/building-codes/>
- Cities can make local amendments to these codes & adopt later editions
- The energy conservation code is promulgated through the Texas State Energy Conservation Office (SECO) by administrative rule
  - City can adopt local amendments to Texas' commercial and residential energy codes, but amendments can't have less stringent energy efficiency requirements in non-attainment (ozone) & affected counties
  - July 25, 2018 - EPA designated Bexar County as nonattainment with a marginal classification

# Revisions

- Propose updating codes to the 2021 International:
  - Building Code
  - Existing Building Code
  - Residential Code
  - Plumbing Code
  - Mechanical Code
  - Energy Conservation Code
- Adding 2021 International Fuel Gas Code
- Adding 2021 International Swimming Pool & Spa Code

# Revisions

- Propose updating the 2017 National Electrical Code to the 2020 edition – International Code Council does not provide a code for electrical work, but references this agency's code
- Propose removing a fee to register a contractor's trade license
  - Fee is \$100
  - Can't charge HVAC/R contractors by state law
  - Very little staff time used to collect/monitor licenses
  - Still requires contractors to upload a current state license prior to being issued any permits

# Amendments

- Inserted name of the jurisdiction and responsible party in jurisdiction in most codes
- Added forms survey to Building Code – have had homes built out of setback requirements in past
- Inserted reference to City’s floodplain management code in Building Code
- Inserted reference to City’s zoning code in Building Code
- Removed Means of Appeal and Board of Appeals in most codes – don’t have one & don’t need one

# Amendments

- Revised refund policy to be as determined by City Manager instead of Building Official in most codes
- Inserted recently adopted International Property Maintenance Code in Article, but no change to Council approved text
- Changed violations statement in most codes to remove jail time & inserted current violation penalty fee
- Removed reference to rainfall intensity chart in Building Code to refer to our subdivision code



# Fiscal Impact

- FY 22 Contractor license fees \$6,700 (to date)
- Fees for permits are to stay the same

# Recommendation

- Staff recommends repealing and replacing Chapter 3, Article 3.02, Article 3.06, and Appendix A as presented

# S.E.E. Statement

- *Social* – Updating regulatory codes protects the health, safety, and welfare of all citizens
- *Economic* – Assuring quality development maintains housing and business property values
- *Environmental* – Updating the Code to the present environmental standards assures clean air and water

## MAYOR AND COUNCIL COMMUNICATION

**DATE:** October 3, 2022 **M&C # 2022-10-3 M. MORITZ**

**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 Authorizing a budget adjustment in the amount of \$633,167.00 to fund the engineering and design of a flood and erosion control project in Huebner Creek (1st Read as Required by City Charter).

This M & C is to consider approval an Ordinance authorizing a budget adjustment in the amount of \$633,167 from the Stormwater Fund balance for the purpose of engineering and designing a flooding and erosion control project for Huebner Creek, from Bandera Road to Poss Road at Cherryleaf.

At the September 20, 2022 City Council meeting, the Council was presented with engineering costs for designing a project that would reshape approximately 2,600 linear feet of Huebner Creek. Once designed, Staff will pursue grants for the construction of the project.

Controlling erosion and reducing the threat of flooding from this creek will improve life safety of the citizens, restore the Huebner-Onion Natural Area Trail, and improve the quality of water in the creek.

### **SEE LEON VALLEY**

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

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

Economic – Improving the trail in the Huebner-Onion Natural Area Park may bring more visitors to our City, which increases the sales tax revenue.

### **FISCAL IMPACT**

Detailed Design Phase Services

|             |           |
|-------------|-----------|
| Engineering | \$305,614 |
|-------------|-----------|

|               |                  |
|---------------|------------------|
| Surveying     | \$ 60,095        |
| Geotechnical  | \$ 14,030        |
| Environmental | \$225,643        |
| SUE           | \$ 27,785        |
| <b>Total</b>  | <b>\$633,167</b> |

Fund balance \$1,400,000.00 (as of 9-30-21)

### **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.

**AN ORDINANCE OF THE CITY OF LEON VALLEY, TX, CITY COUNCIL AMENDING THE CAPITAL FUND BUDGET OF THE CITY OF LEON VALLEY, TEXAS FOR THE FISCAL YEAR 2022-2023 IN A TOTAL AMOUNT OF \$633,167.00, TO PROVIDE FUNDING FOR THE LEON VALLEY CAPITAL FUND FOR THE ENGINEERING AND DESIGN OF THE HUEBNER CREEK FLOOD AND EROSION CONTROL PROJECT SEGMENT 1; PROVIDING FOR REPEALER, SEVERABILITY AND SAVING CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, the city desires to engineer and design a flood and erosion control project in Huebner Creek, from the Bandera Road bridge to Poss Road at Cherryleaf Street; and

**WHEREAS**, the fee for designing and engineering the project are not in the FY 2022-23 budget; and

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

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

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

**WHEREAS**, it is necessary to adjust the Capital Fund Budget by a total amount of \$633,167 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 the Capital Fund Budget for FY 2022-2023 in a total amount \$633,167.00, to fund a flood and erosion control project in Huebner Creek;

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

**SECTION 1.** The FY 2022-2023 Capital Fund Budget of the City of Leon Valley is hereby amended to increase the budget by the amount of \$633,167.00 to provide funding for the engineering and design of a flood and erosion control project in Huebner Creek.

**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.



Approval of an Ordinance  
Stormwater Fund Budget Adjustment  
Huebner Creek Flood & Erosion Control Project  
Segment 1 Engineering

Melinda Moritz  
Public Works Director  
City Council Meeting  
October 3, 2022

# Summary

- Question
  - Should the Council authorize a budget adjustment, in the amount of \$633,167, to engineer a flood and erosion control project in Huebner Creek, from Bandera Rd to Poss at Cherryleaf
- Options
  - Recommendation: Authorize the budget adjustment and prepare the engineering and design for a flood and erosion control project
  - Deny – leave Huebner Creek as is
- Declaration
  - Controlling erosion and reducing the threat of flooding from this creek will improve life safety of the citizens, restore the Huebner-Onion Natural Area Trail, and improve the quality of water in the creek

# Purpose

- To consider approval of an Ordinance authorizing a budget adjustment in the amount of \$633,167 from the Stormwater Fund balance
- To engineer and design a flood and erosion control project for Huebner Creek, from Bandera Road to Poss Road at Cherryleaf

# Background

- 9/20/22 - Council was presented with engineering costs for designing a project that would reshape approximately 2,600 linear feet of Huebner Creek to reduce the threat from flooding and control erosion in the creek
  - Once designed, Staff will pursue grants for the actual construction of the project
- Controlling erosion and reducing the threat of flooding from this creek will improve life safety of the citizens, restore the Huebner-Onion Natural Area Trail, and improve the quality of water in the creek

# Fiscal Impact

- Detailed Design Phase Services
  - Engineering \$305,614
  - Surveying \$ 60,095
  - Geotechnical \$ 14,030
  - Environmental \$225,643
  - SUE \$ 27,785
  - **Total** **\$633,167**
  
- Fund balance \$1,400,000 (as of 9-30-21)

# S.E.E. Statement

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

Economic - Erosion control provides for environmental stewardship of the floodway by improving the water quality

Environmental Stewardship – Reducing the threats from flooding and improving the trail in the Huebner-Onion Natural Area Park may bring more residents and visitors to our City, which increases the sales tax revenue

## MAYOR AND COUNCIL COMMUNICATION

**DATE:** October 3, 2022

**TO:** Mayor and Council

**FROM:** Mindy Teague, Planning and Zoning Director

**THROUGH:** Crystal Caldera, City Manager

**SUBJECT:** Presentation, Public Hearing, and Discussion of an Ordinance Revising Chapter 15 Zoning, Division 7 Permitted Use Table, Section 15.02.381 Permitted Use Table, to Remove the Requirement for a Specific Use Permit From the Use "Mobile Food Unit" (1st Read as Required by City Charter)

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

### **PURPOSE**

The purpose of this item is to consider approval of an Ordinance removing the requirement for a Specific Use Permit (SUP) from the use "Mobile Food Unit". This action was requested by the City Council.

This action would allow food trucks to operate in the business zoning districts city-wide without the requirement of obtaining an SUP. Food trucks would still be required to obtain health licenses from the appropriate agencies.

The SUP requirement is designed to regulate uses that may adversely affect traffic, public health, public utilities, public safety, and the general welfare of the city. The SUP assures that the use will not adversely affect the character and appropriate use of the area or substantially depreciate the value of adjacent and nearby properties

Food truck operators would still be required to obtain permission from the City to operate on city-owned land.

### **FISCAL IMPACT**

There may be an increase in the City's sales tax revenue from the operation of these trucks within the city limits.

### **SEE LEON VALLEY**

***Social Equity*** – food trucks are enjoyed by all citizens, as they prepare and serve many different and unusual types of cuisine.



***Economic Development*** – allowing food trucks to operate without the lengthy process for obtaining an SUP may encourage food truck owners to sell food in the city limits, which may increase sales tax revenues.

***Environmental Stewardship*** – food trucks occupy less real estate and disturb less soil than a conventional brick and mortar building, thereby reducing the impact to our environment.

### **STRATEGIC GOALS**

N/A

### **RECOMMENDATION**

At their 9-27-22 meeting, the Planning & Zoning Commission voted to recommend approval of this amendment.

ATTEST :

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

**AN ORDINANCE OF THE CITY OF LEON VALLEY, TX., CITY COUNCIL AMENDING THE LEON VAOLLEY CODE OF ORDINANCES, CHAPTER 15 ZONING, DIVISION 7 PERMITTED USE TABLE, SECTION 15.02.381 PERMITTED USE TABLE, TO REMOVE THE REQUIREMENT FOR A SPECIFIC USE PERMIT FROM THE USE “MOBILE FOOD UNIT”; PROVIDING FOR REPEALER, SEVERABILITY AND SAVINGS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Chapter 15 Zoning of the City’s Code of Ordinances is intended to regulate land uses within the city limits and to require Specific Use Permits for certain land use activities; and

**WHEREAS**, the City Council has determined that the use “Mobile Food Unit” is a land use and business activities that should be exempt from the Specific Use permitting requirements.

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

**SECTION 1.** Chapter 15 Zoning, Division 7 Permitted Use Table, Section 15.02.381 Permitted Use Table is here by revised to remove the Specific Use Permit requirement from the use “Mobile Food Unit”.  
follows:

**SECTION 2.** 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 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 3.** That it is hereby declared to be the intention of the City Council of the City of Leon Valley that phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph, and section.

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

# Consider Ordinance Amendment Removal of Specific Use Permit Requirement Mobile Food Units

City Council Meeting

October 3, 2022

Mindy Teague

Planning and Zoning Director

# Purpose

- To amend Chapter 15 Zoning, Division 7, Permitted Use Table, Section 15.02.381, Permitted Use Table
- To remove the SUP requirement from the use “Mobile Food Unit”
- This change was requested by the City Council

# Mobile Food Units

- Over the past several years, Staff received numerous inquiries regarding the operation of food trucks in the City
- April 2021- use “Mobile Food Unit” was added to the City’s Zoning Code, with the requirement for an SUP in all business zoning districts
- Use is only allowed in non-residential zoning districts

# Purpose

- SUP requirement is designed to regulate uses that may:
  - Adversely affect traffic, public health, public utilities, public safety, and the general welfare of the city
  - The SUP assures that the use will not adversely affect the character and appropriate use of the area or substantially depreciate the value of adjacent and nearby properties

# Staff Recommendation

- At the September 27<sup>th</sup> Planning and Zoning Commission recommended approval



# FISCAL IMPACT

- The removal of the Specific Use Permit requirement may encourage food trucks to operate more frequently in the city, which may increase sales tax revenue

# S.E.E. LEON VALLEY

- *Social* – food trucks are enjoyed by all citizens, as they prepare and serve many different types of cuisine
- *Economic* – allowing food trucks to operate without the lengthy process for obtaining an SUP may encourage food truck owners to sell food in the city limits, which may increase sales tax revenues
- *Environmental* – food trucks occupy less real estate and disturb less soil than a conventional brick and mortar building, thereby reducing the impact to our environment

## MAYOR AND COUNCIL COMMUNICATION

**DATE:** October 3, 2022

**TO:** Mayor and Council

**FROM:** David Gonzalez, Police Chief

**THROUGH:** Crystal Caldera, City Manager

**SUBJECT:** Discussion and Possible Action on the Juvenile Curfew Ordinance Review and Ordinance Renewal (1st Reading was held 05-03-2022)

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

### **PURPOSE**

The City of Leon Valley passed, adopted, and approved the current Juvenile Curfew Ordinance No. 2018-17, on February 6, 2018. The State Legislature mandates a three-year review of the juvenile curfew, reference in V. T. C. A. Local Government Code 370.002.

### **FISCAL IMPACT**

N/A

### **SEE LEON VALLEY**

***Social Equity*** – The purpose of this ordinance is to regulate and prohibit minors from remaining in public places during certain hours, to protect minors from adult perpetrators of crime, to reduce nocturnal juvenile crime and juvenile delinquency, to promote family responsibility and parental control over their children, and to protect and promote the peace, health, safety, welfare, and tranquility of the community.

***Economic Development*** – N/A

***Environmental Stewardship*** – N/A

### **STRATEGIC GOALS**

N/A

### **RECOMMENDATION**

Option 1 – Do nothing

Option 2 – Hold a public hearing and re-enact the Ordinance

Option 3 – Hold a public hearing and do not re-enact the Ordinance

ATTEST :

**SAUNDRA PASSAILAIGUE, TRMC**  
City Secretary

**A REVIEW OF THE CITY OF LEON VALLEY’S CODE OF ORDINANCES, CHAPTER 8 “OFFENSES AND NUISANCES” ARTICLE 8.02 “MINORS”, DIVISION 2 “CURFEW” TO RE-ENACT THE JUVENILE CURFEW ORDINANCE IN EFFECT; PROVIDING FOR A PENALTY; REPEALER; SEVERABILITY; AN EFFECTIVE DATE AND PROPER NOTICE AND MEETING.**

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**WHEREAS**, the City Council of the City of Leon Valley, Texas (the “City Council”) recognizes that persons under seventeen are particularly susceptible by their lack of maturity and experience to participate in unlawful activities and to be victims of older perpetrators of crime; and

**WHEREAS**, the City Council has an obligation to provide for the protection of minors from each other and from other persons, to promote parental controls over and responsibility for their children, for the protection of the general public and for the reduction of the incidence of juvenile criminal activity; and

**WHEREAS**, it is the belief that a curfew for those under seventeen years of age will be in the interest of public health, safety and general welfare, and will help to attain the foregoing objectives and to diminish the undesirable impact of such conduct on the citizens of the City of Leon Valley; and

**WHEREAS**, the State Legislature mandates a three-year review of the juvenile curfew, reference in V. T. C. A. Local Government Code 370.002; and

**WHEREAS**, the requirement of a three-year review had not occurred it is now necessary to review the ordinance in order for it to be re-enacted and in effect;

**WHEREAS**, it is now the desire of the City Council to keep in place the City of Leon Valley’s Code of Ordinances, Chapter 8 “Offenses and Nuisances” Article 8.02 “Minors”, Division 2 “Curfew” in effect;

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

**SECTION 1.** Chapter 8 “Offenses and Nuisances”, Article 8.02 “Minors”, Division 2 “Curfew” of the City’s Code of Ordinances is hereby re-enacted.

**SECTION 2. ENFORCEMENT AND PENALTIES.** Any violation of this Ordinance shall be subject to enforcement through a fine or other penalties as set out in Chapter 1, General Provisions, Section 1.01.009, General penalty for violation of code; continuing violations, Leon Valley Code of Ordinances.

**SECTION 3. REPEALER.** All ordinances or parts of ordinances in force when the provisions of this Ordinance become effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed, but only to the extent of any such conflict.

**SECTION 4. PROVIDING FOR SEVERABILITY.** If any provision, section, sentence, clauses or phrase of this Ordinance or application of same to any persons or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portion of this Ordinance or its application to other persons or sets of circumstances shall not be affected hereby, it being the intent of the City Council of the City of Leon Valley in adopting, and the Mayor in approving this Ordinance, that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any portion, provisions or regulation.

**SECTION 5. EFFECTIVE DATE.** This ordinance shall be in full force and effect from its date of approval and publication as required by law.

**SECTION 6. PROPER NOTICE AND MEETING.** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

## Division 2. Curfew<sup>†</sup>

### Sec. 8.02.031 Definitions

**Emergency.** Includes but not be limited to fire, natural disaster, an automobile accident, or obtaining immediate medical care for another person.

**Legal guardian.** Any person to whom custody of a minor has been given by a court order.

**Minor.** Any person less than seventeen (17) years of age and over nine (9) years of age.

**Parent.** A person who is the natural or adoptive parent of a person. As used herein, “parent” shall also include a court appointed guardian or other person eighteen (18) years of age or older, authorized by the parent, by a court order, or by the court appointed guardian to have the care and custody of a person.

**Public place.** Any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

(Ordinance adopting 2008 Code; 2008 Code, sec. 8.02.031; Ordinance 14-022 adopted 10/13/14; Ordinance 2018-17 adopted 2/6/18)

### Sec. 8.02.032 Offenses

(a) It shall be unlawful for a minor to purposefully remain, walk, run, stand, drive or ride about in or upon any public place in the city between the hours of ~~11:00 p.m.~~ 12:00 a.m. and 6:00 a.m., unaccompanied by a parent or legal guardian.

~~(b) It shall be unlawful for a minor to purposefully remain, walk, run, stand, drive or ride about in or upon any public place in the city between the hours of 9:00 a.m. and 3:30 p.m. on a Monday, Tuesday, Wednesday, Thursday or Friday on school days only, unaccompanied by a parent or legal guardian.~~

(c) It shall be unlawful for the parent or guardian having legal custody of a minor to knowingly allow or permit the minor to be in violation of the curfew imposed in subsections (a) and (b).

(Ordinance adopting 2008 Code; 2008 Code, sec. 8.02.032; Ordinance 14-022 adopted 10/13/14; Ordinance 2018-17 adopted 2/6/18)

### Sec. 8.02.033 Defenses

It is a defense to prosecution under [section 8.02.032](#) of this division that:

- (1) The minor was accompanied by his or her parent, legal guardian or another adult approved by the parents;
- (2) The minor was on an emergency errand directed by his or her parent or legal guardian;
- (3) The minor was attending a school, government sponsored, or religious activity or was going to or coming from a school, religious, or government sponsored activity without detour or stop;
- (4) The minor was engaged in a lawful employment or volunteer work at a recognized charity institution or was going to or coming from such activity without detour or stop;
- (5) The minor was on the sidewalk of the place where such minor resides or on the sidewalk of a place where the minor had permission from his or her parent or legal guardian to be;
- (6) The minor was in a motor vehicle involved in intrastate or interstate transportation or transportation for which passage through the curfew area was the most direct route;
- (7) The minor was exercising his or her First Amendment rights protected by the United States or Texas Constitution, including, but not limited to the free exercise of religion, freedom of speech, and freedom of assembly;
- (8) The minor is married or had been married or had disabilities of minority removed in accordance with V.T.C.A., Family Code chapter 31;
- (9) With respect to [section 8.02.032\(b\)](#) of this division, that the offense occurred during the scheduled vacation of or on a holiday observed by the school in which the minor was enrolled; or that the minor had graduated from high school or received a high school equivalency certificate; or that the minor



permission to be absent from school or be in a public place from an authorized school official. In the case of a minor being educated in a home school, a parent shall be deemed a school official. {Section}. 105.

(Ordinance adopting 2008 Code; 2008 Code, sec. 8.02.033; Ordinance 14-022 adopted 10/13/14; Ordinance 2018-17 adopted 2/6/18)

#### **Sec. 8.02.034 Enforcement**

- (a) Any peace officer, upon finding a minor in violation of [section 8.02.032](#) of this division, shall determine the name and address of the minor, and the name and address of his or her parent(s) or legal guardian(s) and may issue a warning notice or a citation.
- (1) Upon issuance of a warning notice, the notice shall be forwarded to the city's police department, which shall send a letter to the parent(s) or legal guardian(s) of the minor advising of the fact that the minor was found in violation of this division and soliciting cooperation in the future.
- (2) Upon issuance of a citation, the peace officer may transfer the case to proper authorities for handling under the provisions of V.T.C.A., Family Code title 3. In addition, a complaint will be filed against the parent(s) or legal guardian(s) in municipal court for violation of [section 8.02.032](#)(c). The police department shall file all necessary legal papers, supply all necessary documentation, and provide necessary testimony as required for pursuing the violation of this Division by either the minor or by any parent(s) or legal guardian(s).
- (b) Any peace officer, upon finding a minor in violation of [section 8.02.032](#) that has previously been issued a warning or citation as provided for in subsection (a) above, shall transfer the case to proper authorities for handling under the provisions of V.T.C.A., Family Code title 3. In addition, a complaint will be filed against the minor and any parent(s) or legal guardian(s) in municipal court for violation of [sections 8.02.032](#)(b) and (c) hereof. The police department shall file all necessary legal papers, supply all necessary documentation, and provide necessary testimony as required for pursuing violation of this division by either the minor or by any parent(s) or guardian(s).
- (c) In addition to the issuance of a warning notice or citation, the city's police department may schedule a person to person conference with the parent(s) or guardian(s) of the minor and the minor concerning this curfew and the city's expectation and requirement for parental control.

(Ordinance adopting 2008 Code; 2008 Code, sec. 8.02.034; Ordinance 14-022 adopted 10/13/14; Ordinance 2018-17 adopted 2/6/18)

#### **Sec. 8.02.035 Penalties**

- (a) Any minor violating the provisions of this division shall be guilty of a class C misdemeanor as defined in the Texas Penal Code and shall be dealt with in accordance with the provisions of V.T.C.A., Family Code title 3 and other applicable law.
- (b) Parent(s) or legal guardian(s) of a minor violating this division shall be guilty of a misdemeanor, which shall be punishable by a fine of not less than fifty dollars (\$50.00) and no more than five hundred dollars (\$500.00).
- (c) In assessing punishment for either any parent(s), legal guardian(s) or a minor, the municipal court judges are encouraged to consider the community service program.

(Ordinance adopting 2008 Code; 2008 Code, sec. 8.02.035; Ordinance 14-022 adopted 10/13/14; Ordinance adopting 2017 Code; Ordinance 2018-17 adopted 2/6/18)

# Juvenile Curfew Ordinance Review

David Gonzalez  
Police Chief

City Council Meeting  
October 3, 2022

# Purpose

{Section}. 105.

The State Legislature mandates a three-year review of the juvenile curfew, reference in V.T.C.A. Local Government Code 370.002

# Background

{Section}. 105.

The City of Leon Valley Juvenile Curfew Ordinance in Chapter 8 of the city's Code of Ordinances was enacted on February 6, 2018.

# Juvenile Curfew Ordinance Review

Per the State Legislature and the Local Government Code a review of the Juvenile Curfew Ordinance, along with a public hearing is required to re-enact the city's Ordinance in Chapter 8 of the city's Code of Ordinances

# Recommendation

Mayor and Council Discretion

# Juvenile Curfew Ordinance Review

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Police Chief

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