



**CITY OF LEON VALLEY
CITY COUNCIL REGULAR MEETING**
Leon Valley City Council Chambers
6400 El Verde Road, Leon Valley, TX 78238
Tuesday, February 20, 2024 at 6:00 PM

AGENDA

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

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

1. **Call to Order; Determine a Quorum is Present, Pledge of Allegiance**
2. **Citizens to be Heard**
3. **Presentations**
 1. Presentation and Possible Action on the Procedure to Conduct the Trash Survey. -Dr. Crystal Caldera, City Manager
4. **Announcements by the Mayor and Council Members.** At this time, reports about items of community interest, which no action will be taken may be given to the public as per Chapter 551.0415 of the Government Code, such as: expressions of thanks, congratulations or condolence, information regarding holiday schedules, reminders of social, ceremonial, or community events organized or sponsored by the governing body or that was or will be attended by a member of the Leon Valley City Council or a City official.
5. **City Manager's Report**
 1. **Upcoming Important Events:**

Regular City Council Meeting, Tuesday, March 05, 2024, at 6:30 PM, in City Council Chambers.

Special City Council Meeting, Saturday, February 24, 2024, 9:00 AM, in City Council Chambers.

Earthwise Living Day, Saturday, March 02, 2024, from 9:30 AM to 1:30 PM, at the Leon Valley Events Center.

Trash & Treasure Event, Saturday, March 09, 2024, from 9:00 AM to 12:00 PM, at the Leon Valley Community Center.

Miscellaneous other events and announcements.

6. Consent Agenda

1. Discussion and Possible Action Approving of the Following City Council Minutes:
 - a. 01-27-2024 Annual Town Hall Meeting Minutes
 - b. 02-03-2024 Special City Council Meeting Minutes
 - c. 02-06-2024 Regular City Council Meeting Minutes

2. Discussion and Possible Action Accepting of the Following Board/Commission Minutes:
 - a. 01-11-2024 Park Commission Meeting Minutes

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

4. Presentation, Discussion and Possible Action on a Resolution Continuing the Utility Assistance Program Agreement with Ascension De Paul from February 21, 2024 - March 31, 2025, or Until Funds are Depleted - R. Salinas, Economic Development Director

5. Discussion and Possible Action on an Ordinance Authorizing a Fiscal Year 2023-24 General Fund Budget Adjustment in the Amount of \$5,000 for the Purpose of Increasing the City Manager & Council Department Budget to Settle the Lawsuit Between Frederick vs. City of Leon Valley (1st Read was Held on 02/06/24) - C. Goering, Finance Director

7. Regular Agenda

1. Discussion and Possible Action on a Resolution of City Council Amending the Interlocal Cooperation Contract for The City of Leon Valley Municipal Court – T. Arizola, Court Administrator

2. Presentation, Discussion on Amending Ordinance Article 4.03 Alcoholic Beverages by Amending Section 4.03.034 Late Hours Permit, Amending Section 4.03.035 City Fees Levy, Amending Section 4.03.036 Beverage Fee Due Date, Amending Section 4.03.038 Display of Receipt, Amending Section 4.03.041 Definitions and Amending Section A17.011 BYOB Establishments (1st Read as Required by the City Charter) - Dr. C. Caldera, City Manager


- 8. **Requests from Members of City Council to Add Items to Future Agendas – Per Section 3.10 (A) of the City of Leon Valley’s Code of Ordinances, at a meeting of City Council, a member of City Council may place an item on an agenda by making a motion to place the item on a future agenda and receiving a second. No discussion shall occur at the meeting regarding the placement of the item on a future agenda.**
- 9. **The City Council Shall Meet in Executive Session to Discuss the Following:**
 - 1. Executive session - Pursuant to Texas Government Code, Chapter 551, Section 551.074 Personnel Matters: Regarding the City Attorney and Attendance at the City Council Meeting.
- 10. **Reconvene into Regular Session**
- 11. **Possible Action on Issues Discussed in Executive Session If Necessary**
- 12. **Adjournment**

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

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

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

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


 SAUNDRA PASSAILAIGUE, TRMC
 City Secretary
 February 15, 2024 at 12:15 PM



MAYOR AND COUNCIL COMMUNICATION

DATE: February 20, 2024
TO: Mayor and Council
FROM: Dr. Crystal Caldera, City Manager
SUBJECT: Presentation and Possible Action on the Procedure to Conduct the Trash Survey.

PURPOSE

The purpose of this item is for City Council to determine how to distribute the Trash survey. Option 1 includes a survey company to handle the trash survey for the City. This option will cost about \$12,000. Option 2 google form this would handled internally not costing the city any additional funds. Option 3 Mailout the survey this option will cost \$4,979 for residents only. \$5,528 for residents and businesses.

FISCAL IMPACT

Depends on which option the council chooses.

RECOMMENDATION

Council discretion.

APPROVED : _____ DISAPPROVED : _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST :

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Trash Survey

Crystal Caldera, PhD

City Manager

2/20/2024

Summary

- The purpose of this item is for the City Council to determine how to distribute the Trash Survey.
- Options
 - Approve
 - A company to distribute electronically
 - City Staff to use a Google form - unlimited
 - The City to mail out with return envelope, using an identifier
 - One survey
 - Two surveys
 - Combination
 - Do not send out the Survey

Option 1 - Company Demo (Polco)

- Polco's online community engagement polling platform provides the information tools local governments and other public sector leaders need.
- Polco was designed from inception for civic environments by former public servants. After spending time at some of the best tech companies, they wanted to bring world-class communication technology to the civic process.
- Now, hundreds of organizations nationwide use Polco for strategic planning, budgeting, and empowering resident voices. We make civil, verified community engagement online not only possible, but accessible.
- Together with our National Research Center (NRC) survey science team, we provide insights and results that leaders can trust.
- Cost \$12,000

Option 2 – google form

- Only use one per address – will not anonymous
- Allow to be unlimited
- Free

Option 3 – Mailout

- Only use one per address – will not anonymous \$4,979
- Do you want to included businesses \$5,528
- Allow to be unlimited

Fiscal impact

- Depending on the option.

Trash Survey

Crystal Caldera, PhD

City Manager

2/20/2024



**CITY OF LEON VALLEY
TOWN HALL MEETING**
6421 Evers Road, Leon Valley, TX 78238
Saturday, January 27, 2024 at 8:30 AM

MINUTES

1. **8:30 AM** Call to Order and Determine a Quorum is Present.

PRESENT

Mayor Chris Riley
Council Place 1 Benny Martinez
Mayor Pro Tem, Council Place 2 Josh Stevens - arrived at 9:43 AM
Council Place 3 Philip Campos
Council Place 4 Rey Orozco
Council Place 5 Will Bradshaw

2. **Presentations**

A. Welcome to the 14th Annual Town Hall Meeting! - Mayor Chris Riley (estimated start time 8:30 am)

Mayor Chris Riley called the meeting to order at 8:40 AM

B. Introduction of City Council, Staff, and Procedures for the Meeting - Mayor Chris Riley (estimated start time 8:40 am)

Mayor Chris Riley introduced members of City Council and Staff; then explained the procedures for the days event would flow.

C. City Manager Update on 2023 Town Hall Meeting and Annual Report - Dr. Crystal Caldera, City Manager (estimated start time 8:50 am)

Dr. Crystal Caldera, City Manager presented the Annual Report.

D. Presentation on Bandera Road - Chad Gardiner (estimated start time 9:00 am)

Mayor Chris Riley introduced Chad Gardiner, Consultant Project Manager with Halff & Associates. Along with Mr. Gardiner was Scott Nelson, Project Manager, TxDOT - San Antonio Division and William Long, Kosnicky Camarrilo. All are part of the Halff team for Community Outreach on the Bandera Road Project.

Those who spoke on this item were: William Johnson, Oralia Huggins, Lyn Joseph, Evan Bohl, Lou Kelley, and Hilda Gomez

E. Presentation on the Solid Waste and Neighborhood Survey - Melinda Moritz, Public Works Director (estimated start time 9:30 am)

Mayor Riley introduced Melinda Moritz, Public Works Director, to present this item.

Dr. Crystal Caldera, City Manager provided the Mentimeter access code and staff was present to assist those who needed assistance.

Dr. Crystal Caldera, City Manager announced that this is a test of the survey that will be sent out in the in a month or so.

F. Law Enforcement: Update and Information from the Police Department - David Gonzalez, LVPD Chief (estimated start time 10:00 am)

Mayor Riley introduced David Gonzalez, LVPD Chief to present an Update from the Leon Valley Police Department.

Mayor Chris Riley introduced members of the Citizens Police Advisory Committee.

Those who spoke at this time were: Evan Bohl, Linda Meffert, Rita Burnside, Robin Johnson, Judy Pearl, Mr. Stratton, Lelani Mercado, Judy Pearl, Erick Matta, Tina Chasan, Oralia Huggins, Kim Crawford, Lou Kelley, Al Ranzau, Beth Mursch, Maria Gamboa, Sandy Aguirre, William Johnson, Robin Johnson, and Judy Pearl, and Councilor Josh Stevens

Crystal Miranda, Community Relations Director read some comments from Facebook.

G. Presentation and Discussion on Land Development of City Owned Property Located at William Rancher, Grasshill, Samaritan, and Aids Drive, Approximately 21-acres - Dr. Crystal Calder, City Manager (estimated start time 11:00 am)

Mayor Riley introduced Dr. Crystal Caldera, City Manager who presented the background on the property located at William Rancher, Grasshill, Samaritan, and Aids Drive.

Dr. Crystal Caldera, City Manager introduced "Project 1" from Meritage Homes - Jeremy, Bryan, and Matt from Meritage Homes.

Those who spoke at this time were: Lou Kelley, Beth Mursch, Mary Fernandez, Lynn Joseph, Melissa Bennett, Cassie Rowse, Kathy Hill, Linda Marker, Ann Sawyer, Rita Burnside, and Abraham Diaz

Dr. Crystal Caldera, City Manager introduced "Project 2" from Samir Chehade, Texas Home.

Those who spoke at this time were: Lou Kelley, Judy Pearl, Heather Riddle, Ann Sawyer, Linda Gomez, Mary Fernandez, Erick Matta, Sharon Hendricks, and Kathy Hill

Dr. Crystal Caldera, City Manager ended the questions and answer period for "Project 2" and opened the mic for "General Statements about the Projects" at this time. Those who spoke at this time were: Ann Sawyer, Mary Fernandez, and Rita Burnside

Dr. Crystal Caldera, City Manager opened up the survey for voting on Mentimeter.

H. Citizens to be Heard (estimated start time 12:00 pm)

Those who spoke at this time were: Cynthia Hernandez, Mary Key, Abraham Diaz, Beth Mursch, Olen Yarnell, Lyn Joseph, Evan Bohl, Linda Meffert, Lelani Mercado, Russell Hernandez, Daniel Hernandez, Jennifer Saenz, Sara, John Hall, Rita Burnside, Maria Gamboa, and William Johnson.

3. Adjournment

Mayor Riley thanked everyone for coming and participating in this year's Town Hall Meeting; and then announced that the meeting was adjourned at 1:20 PM.

These minutes were approved by the Leon Valley City Council on the 20th of February, 2024.

APPROVED

CHRIS RILEY
MAYOR

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
CITY SECRETARY

**City Manager's Meeting Summary and Survey Results are attached below.*

Summary of Town Hall Meeting 1/30/2024

Mayor's Welcome

The Mayor introduced the council and staff and went over the agenda and procedure for the day.

City Manager's Update

City Manager Caldera reviewed the FY 2023 annual report.

Bandera Rd update

- **What will be done to ensure businesses are taken care of during construction?**
They will all have entryways/accesses maintained during construction.
- **If you are coming out of Seneca, I will only be allowed to turn right?**
Yes, you will only be allowed to turn right.
- **So it will be a boulevard concept with elevated roadways, correct?**
No, it is a parkway concept with all roads at street level. There will be no elevated roadways with this concept.
- **Bicycles on the roadway are too dangerous; they need to be moved.**
The Bicycle lanes will not be on the roadway. They will be dedicated bike lanes. Federal funding requires multi-modal transportation. We need that funding resource so bike lanes have to be included.
- **During construction, the through traffic, especially along Evers, has TxDOT considered traffic signals along Evers?**
TxDOT nor the city has a current answer to this question.
- **All three intersections, Seneca, Poss, and Huebner, will have R cuts and require a right turn only?**
Yes, however, there will be turn around constructed throughout the corridor.
- **The city will have to contribute 10% of the cost, how do we anticipate the ability to pay for this?**
No, this is no longer the case. The law has changed. The state will fund the entire project.
- **Has there been a model or simulation done to know if what you all are saying is true, or it's going to work the way that you think it is going to work?**
Yes, even though these are fairly new concepts, much research has been done that shows these concepts to be effective.
- **Are the traffic lights coordinated? Is there going to be appropriate signage?**
Yes, the City of San Antonio controls all the lights and yes, there will be a lot of signage.

Solid Waste Survey

Ms. Moritz went through the survey questions. The survey results are as follows:

- The majority of respondents were between the ages of 70-79 and were female.
- The majority of respondents were residents that owned their own homes.
- The Majority of respondents feel that their current solid waste services provider has excellent trash, and recycling collection and customer service.
- The majority of respondents have no complaints. If they did, they were satisfied with how it was handled.

- The majority of respondents are not willing to pay more for twice-a-week pickup, increased bulk collection, or organic waste collection. However, organic waste collection was a close vote, but only if it increased their trash fee to \$1-\$3 more a month.
- The majority of respondents would not like to choose their own service.
- Household Hazardous waste is a major concern for the residents.

Full survey results are posted on our website.

Law enforcement Presentation

Chief David Gonzalez gave a report and the full report is posted online.

- **What is your average response time?**
For police departments, it is a bit different than the Fire/EMS calls because calls for Police are periodized by seriousness. For example, a shoplifter call versus a domestic disturbance call. So, those response times are going to vary depending on the offense.
- **What are your insights? Do you think our police department is doing better or worse than the surrounding area?**
According to our data, we are doing much better than the surrounding area.
- **Education on code and animal care is important. What do you do to educate?**
We put articles in the Lion's Roar and e-news. Also, we try to educate on wildlife and leaving wildlife alone.
- **How many employees does the Police department have?**
About 40, two civilian Animal/Code personnel and one civilian Administrative Assistant.
- **What is the plan for building our own animal control facility?**
You do not have the funds to build, with continued maintenance and staffing needs. So, the City is working with the county on a long-term solution. The city utilized for many years a rescue facility in the Leon Valley that is no longer operating, and so we have to seek alternative solutions.
- **Do we participate in the TNR program and where can people adopt a dog?**
We do participate in the cat TNR program, and we post our animals online that are available. The facility that we use is not a public facility.
- **When can we get our own dispatch?**
You cannot afford your own dispatch center, personnel, equipment, and required system upgrades.
- **Is there any other number other than 911 to call?**
You can call the nonemergency number at 210-684-8897 or you can call city hall and Jennifer is there Monday – Friday, 8-5, and she can also assist you with city-related issues. But please call 911 if it is an emergency.
- **911 dispatch was busy?**
October 14, 2023, the line was busy. We will look into this call.
- **Hodges area, what are we doing about the homeless walking in our area and encampments? On August 8th, a naked homeless man was left after police came.**
Being homeless is not a crime. They can walk in public right away. Homeless are given two weeks to remove their encampments on public property. On private property, we need permission.
- **Sun View Fire Leon Valley was the third fire department to show up.**
This is not a true statement. We have a dashcam video to prove it. Our response time was 4:14.
- **If your car is impounded, do you allow them to call someone to come and pick it up?**

Depending on the officer, if the tow truck beats the person there, then the car is being towed. Cars with no insurance cannot leave. No, you can't leave the car on a public street.

- **Where are these PowerPoints for today's meeting?**

They are located under the Agenda and Minutes page on the website.

- **What is our solve rate?**

That is our National Incident-Based Reporting System (NIBRS) report. Should come out in February.

- **Car headlights too bright?**

There is nothing we can do about this.

- **What's going on with redlight cameras? When does the contract end, and where would the money come from?**

The contract ends in 2035. Once the contract ends, you have to find close to a million dollars just to cover personnel.

- **Need a Police Officer at the intersections on Evers and the Forest neighborhood and do not come in marked vehicles.**

The police department does make its rounds at different intersections, and the council has an initiative to change all vehicles into marked vehicles.

- **Do we monitor the Walgreens and QT parking lot for people who try to avoid the light?**

Yes, we do, and we do monitor.

- **If we want more police officers, it's going to cost the city.**

Yes, but we are in the process of a staff utilization study that we are hoping to get a determination of what our police department needs in regard to personnel.

Grass Hill/William Rancher Land Development

- Dr. Caldera presented the history of the property.
- Meritage Homes gave a 10-minute presentation. The front part of the property stays a natural park with R6 in the backside.

Where would the access be to the subdivision?

They would all come in/out of Seneca and Grasshill.

How long would this project take?

From start to finish, 1.5 years.

Are you going to do a traffic study?

Yes, we will be following all ordinances the city requires.

How many trees will come down?

We do not know, but we will follow the city's tree ordinance.

Would you have to come for a zone change?

Yes, we would have to go through the zone change process.

How many homes are there going to be?

Estimated 123 homes total. With the city property and the undeveloped property owned by the Laubachs.

Can you connect the back part of the property to the other neighborhood?

No

Are you going to change the plans once you get the R6 and ask for variances to get more homes back there?

No, this is the plan and we will stay with R6 zoning.

I have to put in French drains to keep water off my property. Is your development going to cause more flooding?

We have an analysis done to ensure street slope and elevation, and appropriate detention is added to ensure no additional runoff.

What is going to be the cost of your home?

Estimated around \$380,000

Are you going to include the Laubach property?

Yes, as part of this project, the Laubach property is included, but the Dooley property is not.

- Samir Chehade gave a 10-minute presentation. He is willing to do whatever the community would like, but essentially, R6 in the back with memory care or park in the front.

How many homes?

276 homes

What about the product?

All the home builders have the same quality product with the same warranties.

What is the cost of the home?

Estimated around \$400,000

Will you be seeking variances like you did for the trilogy property or will this be true R6?

This will be a true R6

Has Texas homes purchased the Dooley property?

They have advanced money and it is under contract

Is the contract dependent on the purchasing of the city property?

No

Samir is willing to continue to have conversations with the community to comprise on the project. He will have multiple access points, but they will all still go out to Seneca and Grass Hill.

So, your project has an increase in homes?

Yes. But it will bring an increase in monies to the city to assist with addressing the city's needs.

If you are flexible, why won't you develop it into one-acre lots?

It is not financially feasible.

Melinda gave a definition of R1 vs R6. R1 properties have a minimum lot size of 8400 Sq ft and a frontage of 70 feet. R6 has a minimum lot size of 4,500 sq ft and a frontage of 45 feet.

R6 brings a certain type of person we need to elevate our community.

\$400,00 home minimum salary is \$123,000/yr. This is going to bring in elevated people.

You are going to bring 8 times the amount of homes to the area; how are you going to handle the traffic?

The preliminary traffic analysis. Seneca and Grasshill are 60 feet right away, which means they can handle 8 to 12,000 cars a day.

How many trees will you be taking out?

We do not know the exact number, but in the aerial count, there are no heritage trees going to be taken out. If you go further back on this property, there were no trees to begin with. It was farmland. We would be adding more and nicer trees.

What about the parking?

There will be enough parking to park in the garage, driveway and street.

How are you going to keep up with the integrity of the neighborhood and its farmland history and manage the exterior of the home?

We will be 100% compliant with the code not deviating from that.

General comments about the Grasshill and William Rancher property.

- People who are buying these types of homes are not coming from a community that has low-ranking schools like we do.
- Samir is going to build it all out.
- The city can choose not to do anything with the property.
- Can we put the presentation online?
- It doesn't mean that we will have an economic boom.
- Could destroy the environment 35% of the land should be green. If we want to improve Leon Valley then we need to do that.
- Native American Author "only when the last tree has died, and last river has been poisoned, and the last fish has died, we will realize, we cannot eat money".

The Survey question:

- Between the Meritage Project 1 or Samir Chegade Project 2. The majority of the participants chose the Meritage project.
- Between Meritage Project 1 or Samir Chegade Project 2 and have the city develop the property. The majority of participants would like the city to develop it.
- Between Meritage Project 1 or Samir Chegade Project 2 and have the city develop the property or leave it alone. The majority of participants would like to leave it alone.

Citizen comments:

- **Ms. Hernandez - Property back into the drainage area for William Rancher, what are my options for signage regarding trespassers?**
You can stick signs on your property. You just cannot stick signs on city-owned property.
- **Ms. Key -I would like an update on the Huebner Creek drainage/erosion project.**
The City Council is going over its options for alignment, but no decision has been made.
- **Mr. Diaz -I don't want my quality of life disrupted and all these developments would disrupt my quality of life.**
- **Beth- How do we follow what's going on?**
Enews, newspaper, signs, Mayor writes in the Lion's Roar.
- **Beth -Enews has the same thing.**
We are looking into revamping.
- **Yarnell – he was on the zoning commission at the time and that neighborhood did not want another access point.**
- **The survey says they want the city to develop how much will it cost?**
\$4,000,000
- **Ms. Joseph -We would get a lot of people to come to the city council meeting. Now, we don't get a lot of people that come. Participate in the city. We have lost our community.**
- **Mr. Bohl - Not just coming to the City Council Meeting, but also coming to the Planning and Zoning Commission. The council knows up to two weeks before the meeting what's coming up.**
We have the pipeline, but we do not always know what's going on council two weeks before the Council Meeting.
- **Martinez – you can call your council members we are here to serve.**

- **Meffert- Are you going through all of the mission statements, including the Environmental component?**
Yes, it is part of the discussion.
- **Burnside – Pushing the fact about how much money we will get from the development, but what is the real price we will pay?**
- **Facebook - Can we make the turn light at Seneca and Bandera?**
We have to look into this when we are looking at the Bandera Rd plan.
- **Can we prevent the carwash from coming in?**
No, as long as it is a permitted use. The council does not select the business.
- **Mr. Hernandez- I am a homeless street coordinator and work with SA Corzon. Any conversation on homeless he is available to help.**
- **Mr. Rodriguez – He wants potholes fixed on private property and pitched his Veterans Park concept again.**
Potholes on private property can't really be controlled by the city. But we will reach out.
- **Parent's home was the one that was on fire. She spoke to the Chief for the last hour. Thanked the community for the outreach and help to her parents. Concern about dispatch and there is time not accounted for.**
The city is committed to finding out what happened, and as soon as we do, then we will get back to you.
- **Can something be done about water in the street due to rain?**
No, there is nothing we can do about puddles in the street.
- **What can we do about the Dead trees on forest grove?**
It is private property and the city can not cut them down.
- **Enews, can we have an archive section?**
That is a good idea. We will look into it.
- **Speed humps at thistle and watercress**
We will send them the speed hump policy.
- **The Marquee is out at the Library?**
We know it's out and we are working on it.
- **When is the café going to open?**
We have had a pest problem and so we have been working on getting this mitigated before they move in.
- **I am willing to pay \$1000 a year for the next five years. I am willing to do that to pay for an officer, so if we can get 200 more people, this will pay for one more officer.**

Next Steps

- Ms. Miranda will be looking at changing the format of the e-news
- The naked gentleman who was running in the neighborhood was let go. When police arrived, he was dressed and was asked to move on, which he did.
- House fire on Sundial: the City Manager is still looking into this.
- 911 Dispatch addressing this at the next Coffee, looking at the history and previous cost.
- Grasshill/ William Rancher property will be on the 2/6/2024 agenda.
- Busy 911 signal. It is possible, that means all lines are in use if the busy signal is fast stay on the line and it will start ringing.

Summary of Town Hall Meeting 1/30/2024

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- The Majority of respondents feel that their current solid waste services provider has excellent trash, and recycling collection and customer service.

- The majority of respondents have no complaints. If they did, they were satisfied with how it was handled.
- The majority of respondents are not willing to pay more for twice-a-week pickup, increased bulk collection, or organic waste collection. However, organic waste collection was a close vote, but only if it increased their trash fee to \$1-\$3 more a month.
- The majority of respondents would not like to choose their own service.
- Household Hazardous waste is a major concern for the residents.

Full survey results are posted on our website.

Law enforcement Presentation

Chief David Gonzalez gave a report and the full report is posted online.

- **What is your average response time?**
For police departments, it is a bit different than the Fire/EMS calls because calls for Police are periodized by seriousness. For example, a shoplifter call versus a domestic disturbance call. So, those response times are going to vary depending on the offense.
What are your insights? Do you think our police department is doing better or worse than the surrounding area?
According to our data, we are doing much better than the surrounding area.
- **Education on code and animal care is important. What do you do to educate?**
We put articles in the Lion's Roar and e-news. Also, we try to educate on wildlife and leaving wildlife alone.
- **How many employees does the Police department have?**
About 40, two civilian Animal/Code personnel and one civilian Administrative Assistant.
- **What is the plan for building our own animal control facility?**
You do not have the funds to build, with continued maintenance and staffing needs. So, the City is working with the county on a long-term solution. The city utilized for many years a rescue facility in the Leon Valley that is no longer operating, and so we have to seek alternative solutions.
- **Do we participate in the TNR program and where can people adopt a dog?**
We do participate in the cat TNR program, and we post our animals online that are available. The facility that we use is not a public facility.
- **When can we get our own dispatch?**
You cannot afford your own dispatch center, personnel, equipment, and required system upgrades.
- **Is there any other number other than 911 to call?**
You can call the nonemergency number at 210-684-8897 or you can call city hall and Jennifer is there Monday – Friday, 8-5, and she can also assist you with city-related issues. But please call 911 if it is an emergency.
- **911 dispatch was busy?**
October 14, 2023, the line was busy. We will look into this call.
- **Hodges area, what are we doing about the homeless walking in our area and encampments? On August 8th, a naked homeless man was left after police came.**

Being homeless is not a crime. They can walk in public right away. Homeless are given two weeks to remove their encampments on public property. On private property, we need permission.

- **Sun View Fire Leon Valley was the third fire department to show up.**
This is not a true statement. We have a dashcam video to prove it. Our response time was 4:14.
- **If your car is impounded, do you allow them to call someone to come and pick it up?**
Depending on the officer, if the tow truck beats the person there, then the car is being towed. Cars with no insurance cannot leave. No, you can't leave the car on a public street.
- **Where are these PowerPoints for today's meeting?**
They are located under the Agenda and Minutes page on the website.
- **What is our solve rate?**
That is our National Incident-Based Reporting System (NIBRS) report. Should come out in February.
- **Car headlights too bright?**
There is nothing we can do about this.
- **What's going on with redlight cameras? When does the contract end, and where would the money come from?**
The contract ends in 2035. Once the contract ends, you have to find close to a million dollars just to cover personnel.
- **Need a Police Officer at the intersections on Evers and the Forest neighborhood and do not come in marked vehicles.**
The police department does make its rounds at different intersections, and the council has an initiative to change all vehicles into marked vehicles.
- **Do we monitor the Walgreens and QT parking lot for people who try to avoid the light?**
Yes, we do, and we do monitor.
- **If we want more police officers, it's going to cost the city.**
Yes, but we are in the process of a staff utilization study that we are hoping to get a determination of what our police department needs in regard to personnel.

Grass Hill/William Rancher Land Development

- Dr. Caldera presented the history of the property.
- Meritage Homes gave a 10-minute presentation. The front part of the property stays a natural park with R6 in the backside.

Where would the access be to the subdivision?

They would all come in/out of Seneca and Grasshill.

How long would this project take?

From start to finish, 1.5 years.

Are you going to do a traffic study?

Yes, we will be following all ordinances the city requires.

How many trees will come down?

We do not know, but we will follow the city's tree ordinance.

Would you have to come for a zone change?

Yes, we would have to go through the zone change process.

How many homes are there going to be?

Estimated 123 homes total. With the city property and the undeveloped property owned by the Laubachs.

Can you connect the back part of the property to the other neighborhood?

No

Are you going to change the plans once you get the R6 and ask for variances to get more homes back there?

No, this is the plan and we will stay with R6 zoning.

I have to put in French drains to keep water off my property. Is your development going to cause more flooding?

We have an analysis done to ensure street slope and elevation, and appropriate detention is added to ensure no additional runoff.

What is going to be the cost of your home?

Estimated around \$380,000

Are you going to include the Laubach property?

Yes, as part of this project, the Laubach property is included, but the Dooley property is not.

- Samir Chehade gave a 10-minute presentation. He is willing to do whatever the community would like, but essentially, R6 in the back with memory care or park in the front.

How many homes?

276 homes

What about the product?

All the home builders have the same quality product with the same warranties.

What is the cost of the home?

Estimated around \$400,000

Will you be seeking variances like you did for the trilogy property or will this be true R6?

This will be a true R6

Has Texas homes purchased the Dooley property?

They have advanced money and it is under contract

Is the contract dependent on the purchasing of the city property?

No

Samir is willing to continue to have conversations with the community to comprise on the project. He will have multiple access points, but they will all still go out to Seneca and Grass Hill.

So, your project has an increase in homes?

Yes. But it will bring an increase in monies to the city to assist with addressing the city's needs.

If you are flexible, why won't you develop it into one-acre lots?

It is not financially feasible.

Melinda gave a definition of R1 vs R6. R1 properties have a minimum lot size of 8400 Sq ft and a frontage of 70 feet. R6 has a minimum lot size of 4,500 sq ft and a frontage of 45 feet.

R6 brings a certain type of person we need to elevate our community.

\$400,00 home minimum salary is \$123,000/yr. This is going to bring in elevated people.

You are going to bring 8 times the amount of homes to the area; how are you going to handle the traffic?

The preliminary traffic analysis. Seneca and Grasshill are 60 feet right away, which means they can handle 8 to 12,000 cars a day.

How many trees will you be taking out?

We do not know the exact number, but in the aerial count, there are no heritage trees going to be taken out. If you go further back on this property, there were no trees to begin with. It was farmland. We would be adding more and nicer trees.

What about the parking?

There will be enough parking to park in the garage, driveway and street.

How are you going to keep up with the integrity of the neighborhood and its farmland history and manage the exterior of the home?

We will be 100% compliant with the code not deviating from that.

General comments about the Grasshill and William Rancher property.

- People who are buying these types of homes are not coming from a community that has low-ranking schools like we do.
- Samir is going to build it all out.
- The city can choose not to do anything with the property.
- Can we put the presentation online?
- It doesn't mean that we will have an economic boom.
- Could destroy the environment 35% of the land should be green. If we want to improve Leon Valley then we need to do that.
- Native American Author "only when the last tree has died, and last river has been poisoned, and the last fish has died, we will realize, we cannot eat money".

The Survey question:

- Between the Meritage Project 1 or Samir Chegade Project 2. The majority of the participants chose the Meritage project.
- Between Meritage Project 1 or Samir Chegade Project 2 and have the city develop the property. The majority of participants would like the city to develop it.
- Between Meritage Project 1 or Samir Chegade Project 2 and have the city develop the property or leave it alone. The majority of participants would like to leave it alone.

Citizen comments:

- **Ms. Hernandez - Property back into the drainage area for William Rancher, what are my options for signage regarding trespassers?**
You can stick signs on your property. You just cannot stick signs on city-owned property.
- **Ms. Key -I would like an update on the Huebner Creek drainage/erosion project.**
The City Council is going over its options for alignment, but no decision has been made.
- **Mr. Diaz -I don't want my quality of life disrupted and all these developments would disrupt my quality of life.**
- **Beth- How do we follow what's going on?**
Enews, newspaper, signs, Mayor writes in the Lion's Roar.
- **Beth -Enews has the same thing.**
We are looking into revamping.

- **Yarnell – he was on the zoning commission at the time and that neighborhood did not want another access point.**
- **The survey says they want the city to develop how much will it cost?**
\$4,000,000
- **Ms. Joseph -We would get a lot of people to come to the city council meeting. Now, we don't get a lot of people that come. Participate in the city. We have lost our community.**
- **Mr. Bohl - Not just coming to the City Council Meeting, but also coming to the Planning and Zoning Commission. The council knows up to two weeks before the meeting what's coming up. We have the pipeline, but we do not always know what's going on council two weeks before the Council Meeting.**
- **Martinez – you can call your council members we are here to serve.**
- **Meffert- Are you going through all of the mission statements, including the Environmental component?**
Yes, it is part of the discussion.
- **Burnside – Pushing the fact about how much money we will get from the development, but what is the real price we will pay?**
- **Facebook - Can we make the turn light at Seneca and Bandera?**
We have to look into this when we are looking at the Bandera Rd plan.
- **Can we prevent the carwash from coming in?**
No, as long as it is a permitted use. The council does not select the business.
- **Mr. Hernandez- I am a homeless street coordinator and work with SA Corzon. Any conversation on homeless he is available to help.**
- **Mr. Rodriguez – He wants potholes fixed on private property and pitched his Veterans Park concept again.**
Potholes on private property can't really be controlled by the city. But we will reach out.
- **Parent's home was the one that was on fire. She spoke to the Chief for the last hour. Thanked the community for the outreach and help to her parents. Concern about dispatch and there is time not accounted for.**
The city is committed to finding out what happened, and as soon as we do, then we will get back to you.
- **Can something be done about water in the street due to rain?**
No, there is nothing we can do about puddles in the street.
- **What can we do about the Dead trees on forest grove?**
It is private property and the city can not cut them down.
- **Enews, can we have an archive section?**
That is a good idea. We will look into it.
- **Speed humps at thistle and watercress**
We will send them the speed hump policy.
- **The Marquee is out at the Library?**
We know it's out and we are working on it.
- **When is the café going to open?**
We have had a pest problem and so we have been working on getting this mitigated before they move in.

- **I am willing to pay \$1000 a year for the next five years. I am willing to do that to pay for an officer, so if we can get 200 more people, this will pay for one more officer.**

Next Steps

- Ms. Miranda will be looking at changing the format of the e-news
- The naked gentleman who was running in the neighborhood was let go. When police arrived, he was dressed and was asked to move on, which he did.
- House fire on Sundial: the City Manager is still looking into this.
- 911 Dispatch addressing this at the next Coffee, looking at the history and previous cost.
- Grasshill/ William Rancher property will be on the 2/6/2024 agenda.
- Busy 911 signal. It is possible, that means all lines are in use if the busy signal is fast stay on the line and it will start ringing.

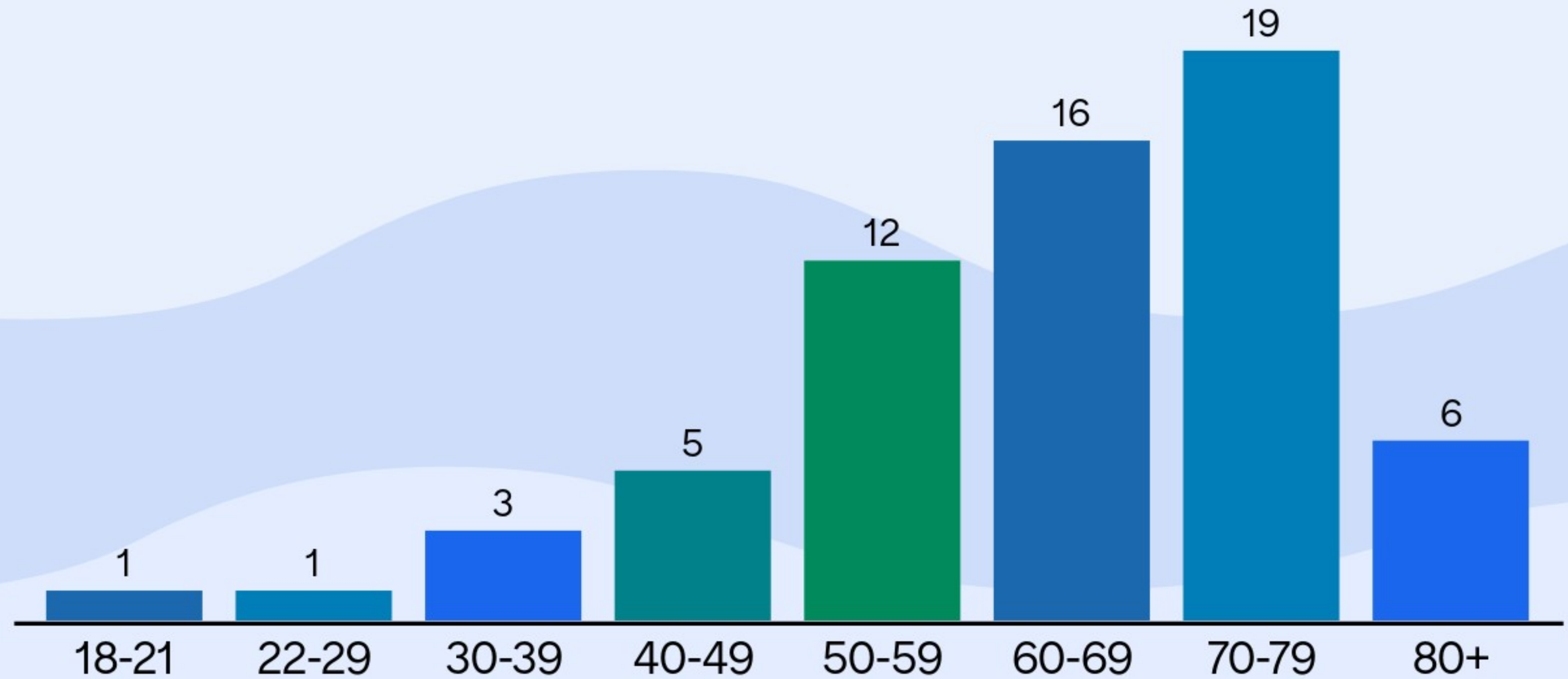


Solid Waste Survey

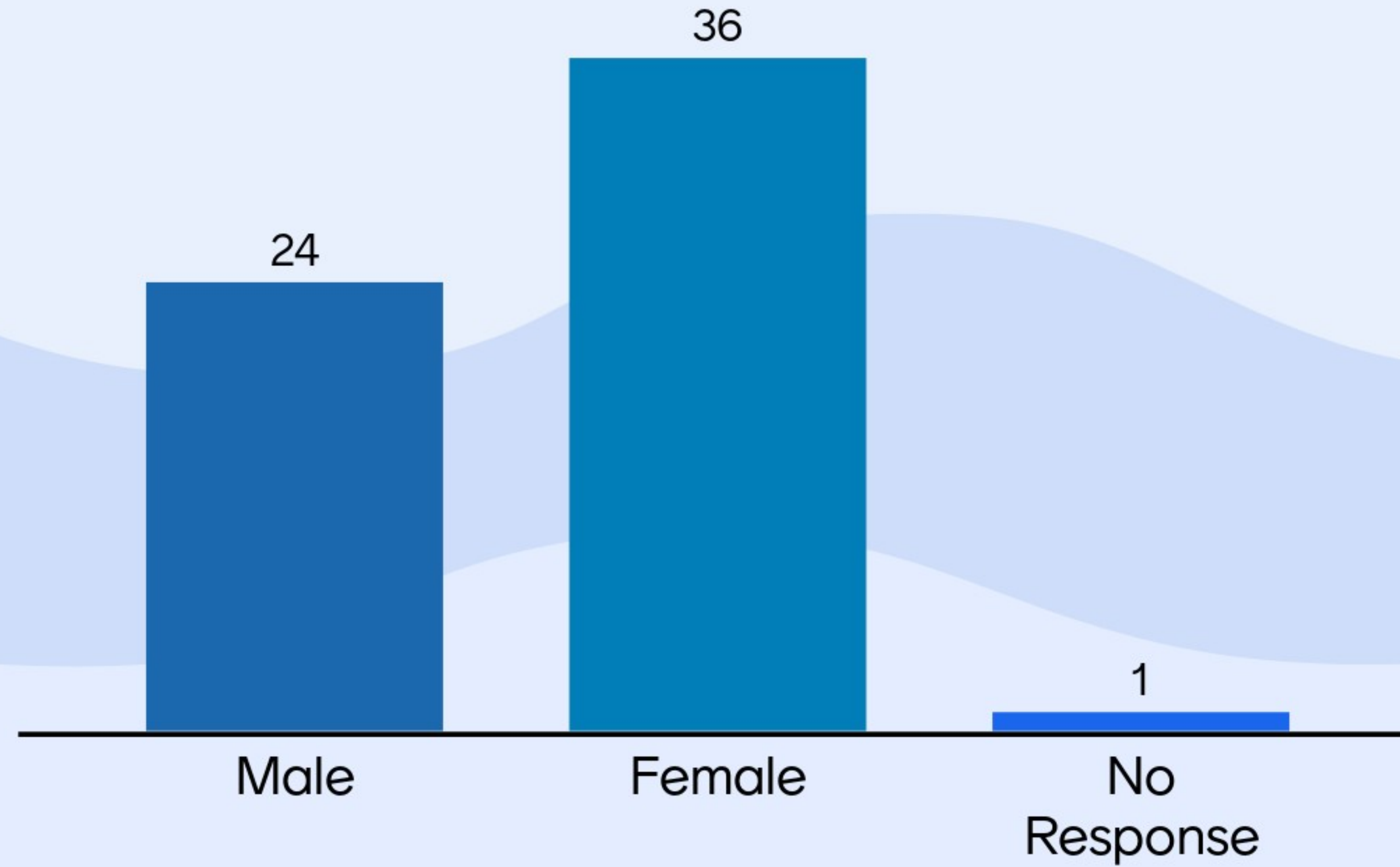
Town Hall Meeting
1/27/2024

Demographic Questions

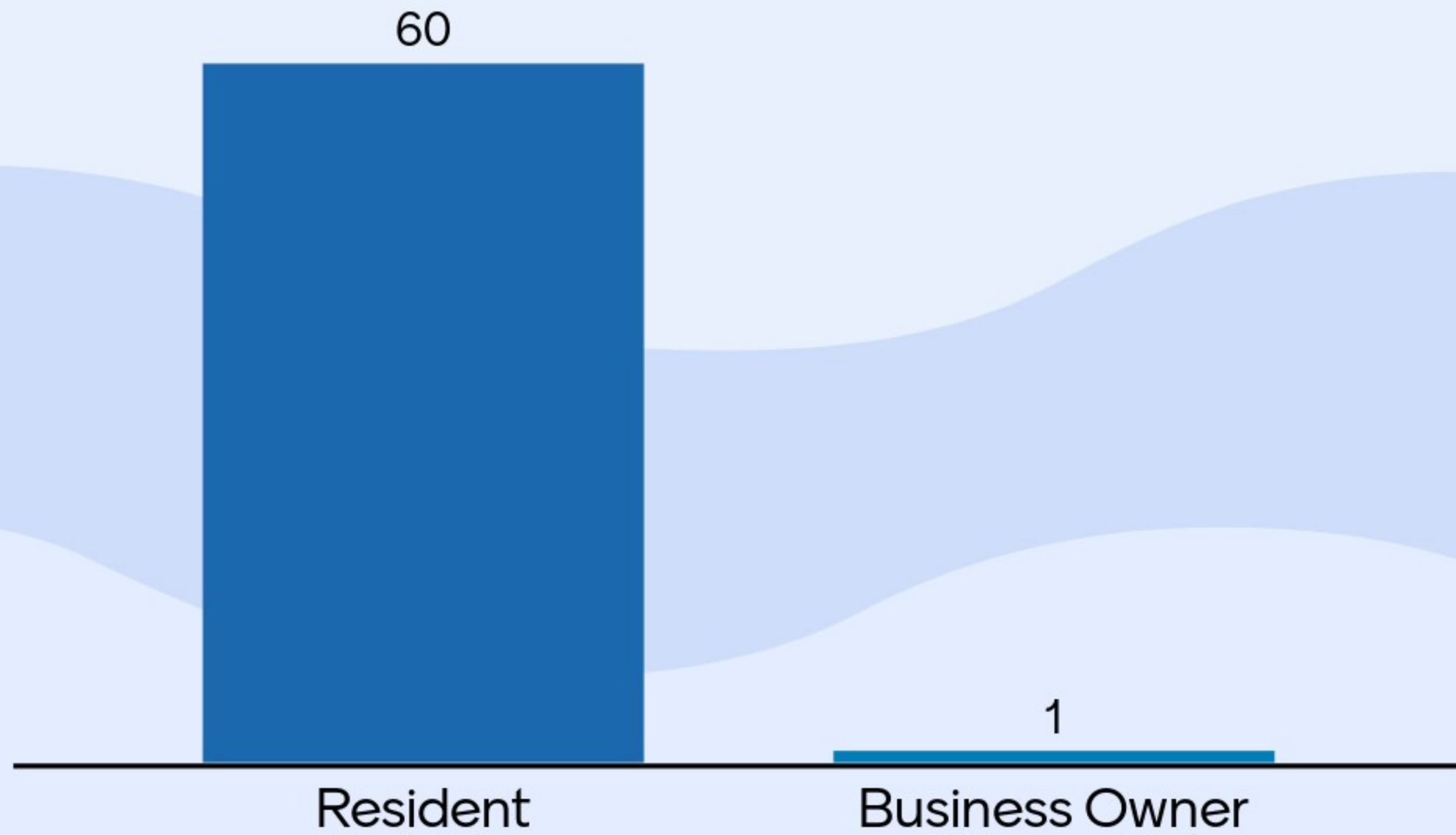
What is your age range?



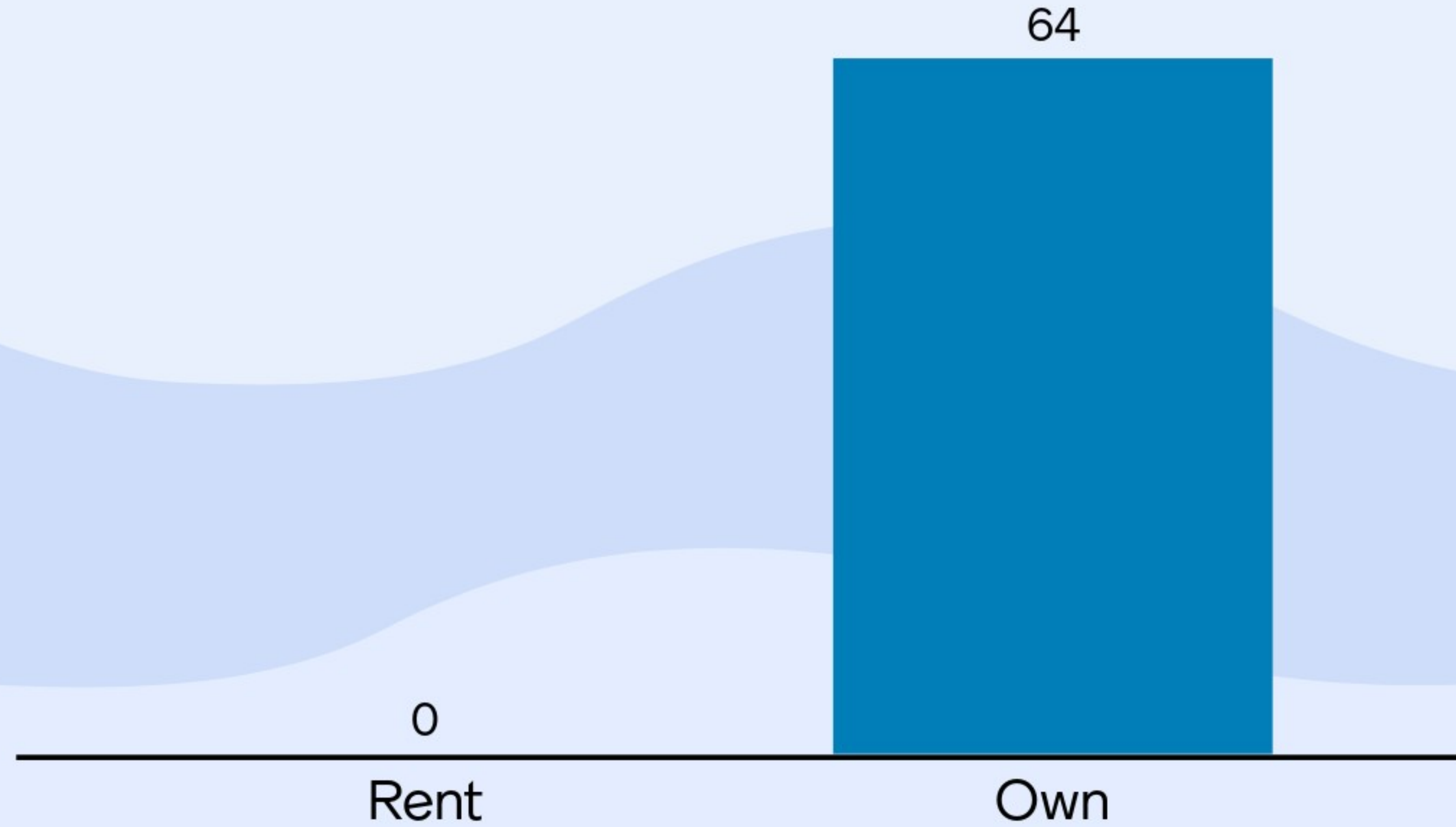
What is your Gender?



Are you a Resident or Business Owner?



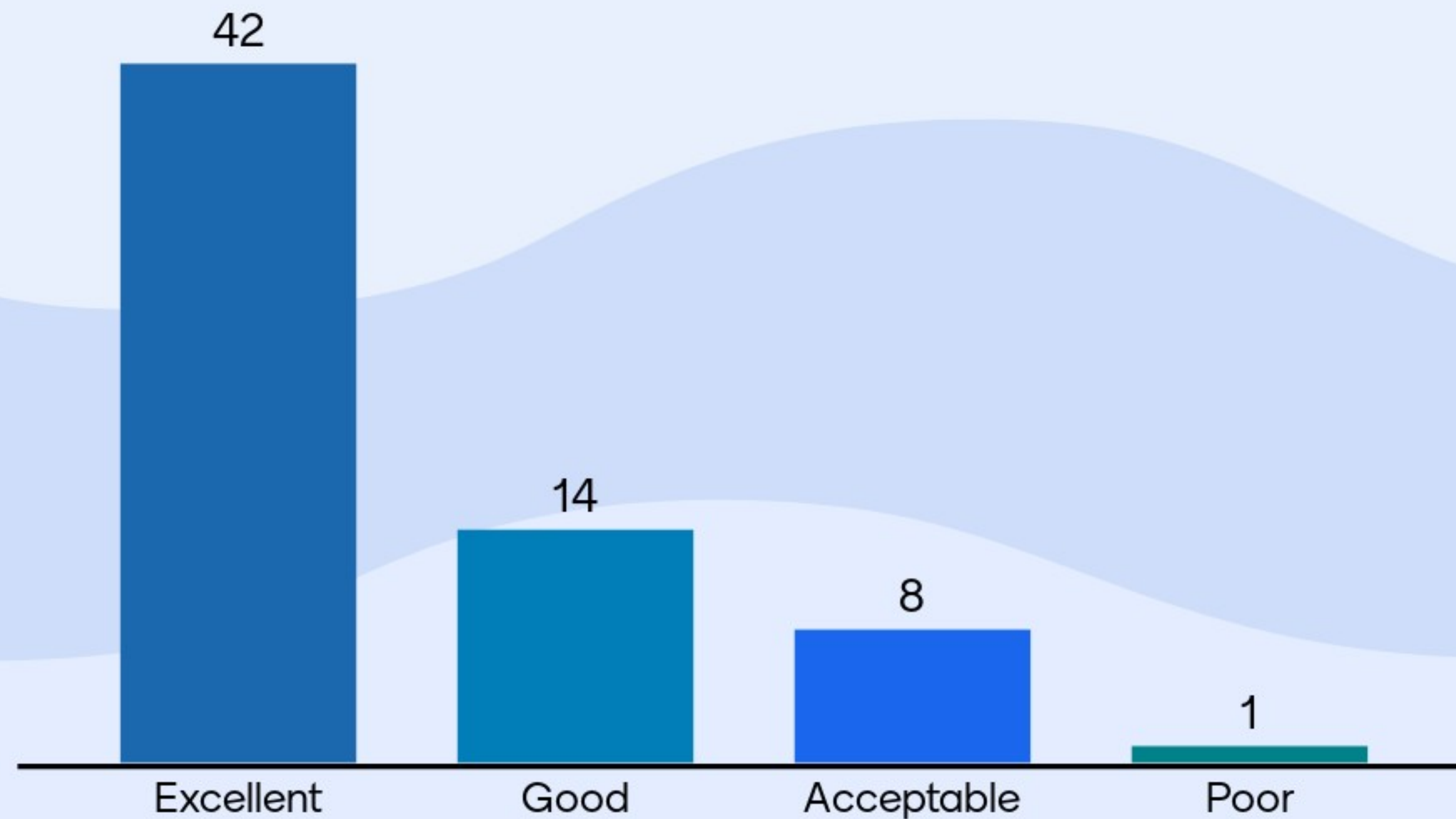
Do you rent or own your home?



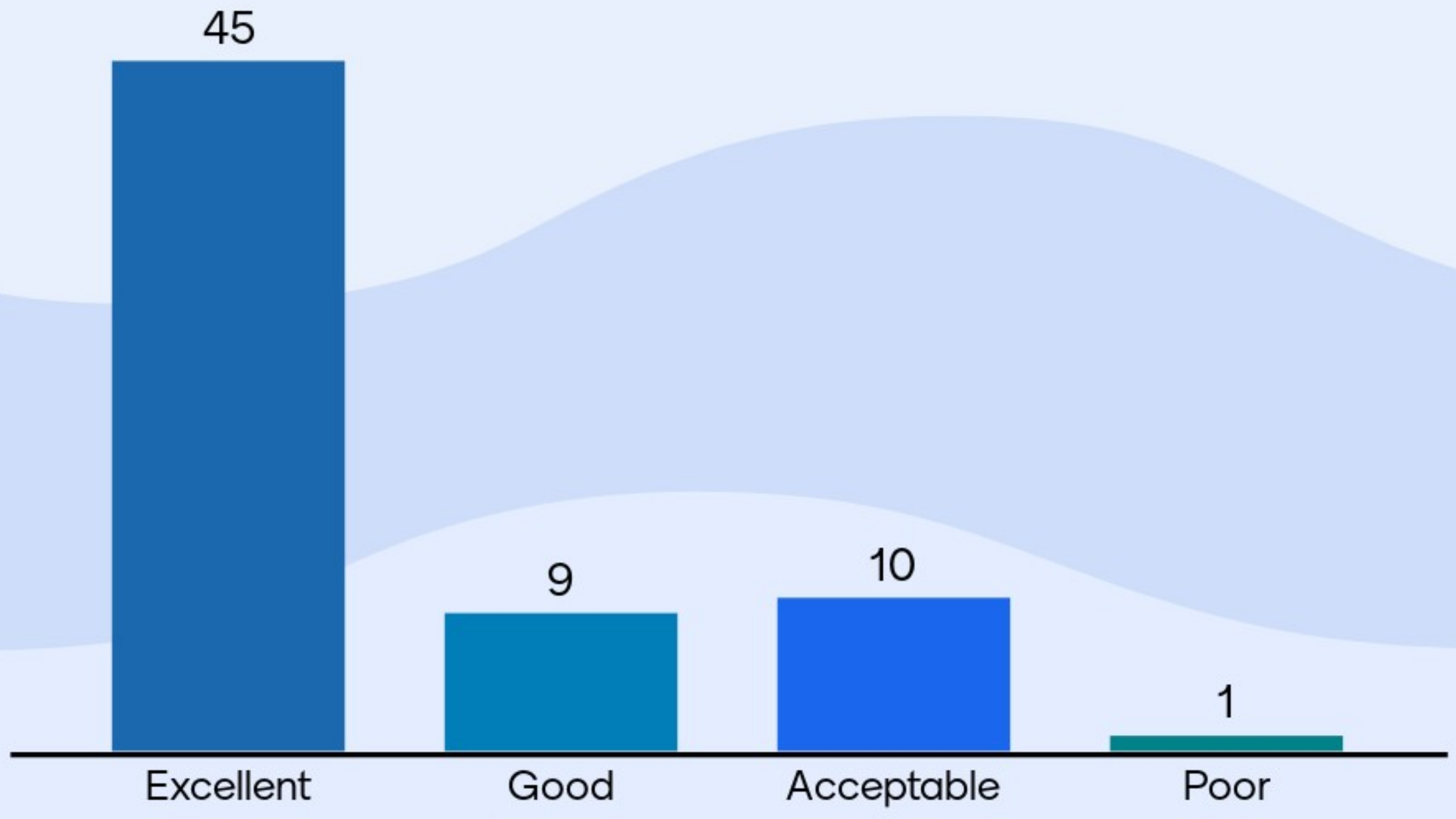
Current Services



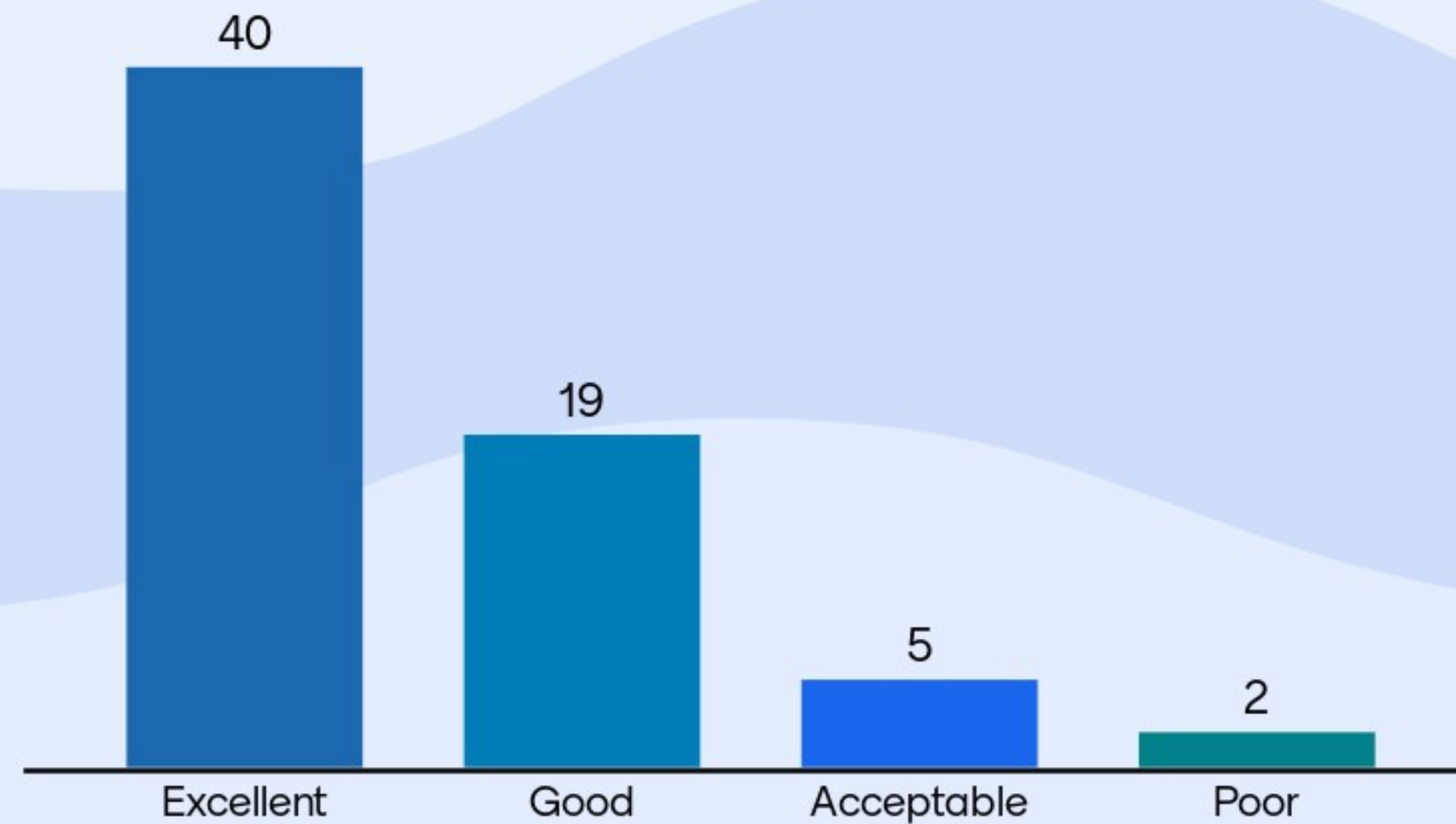
Garbage Collection (reliable, picked up on scheduled day, neat, complete)



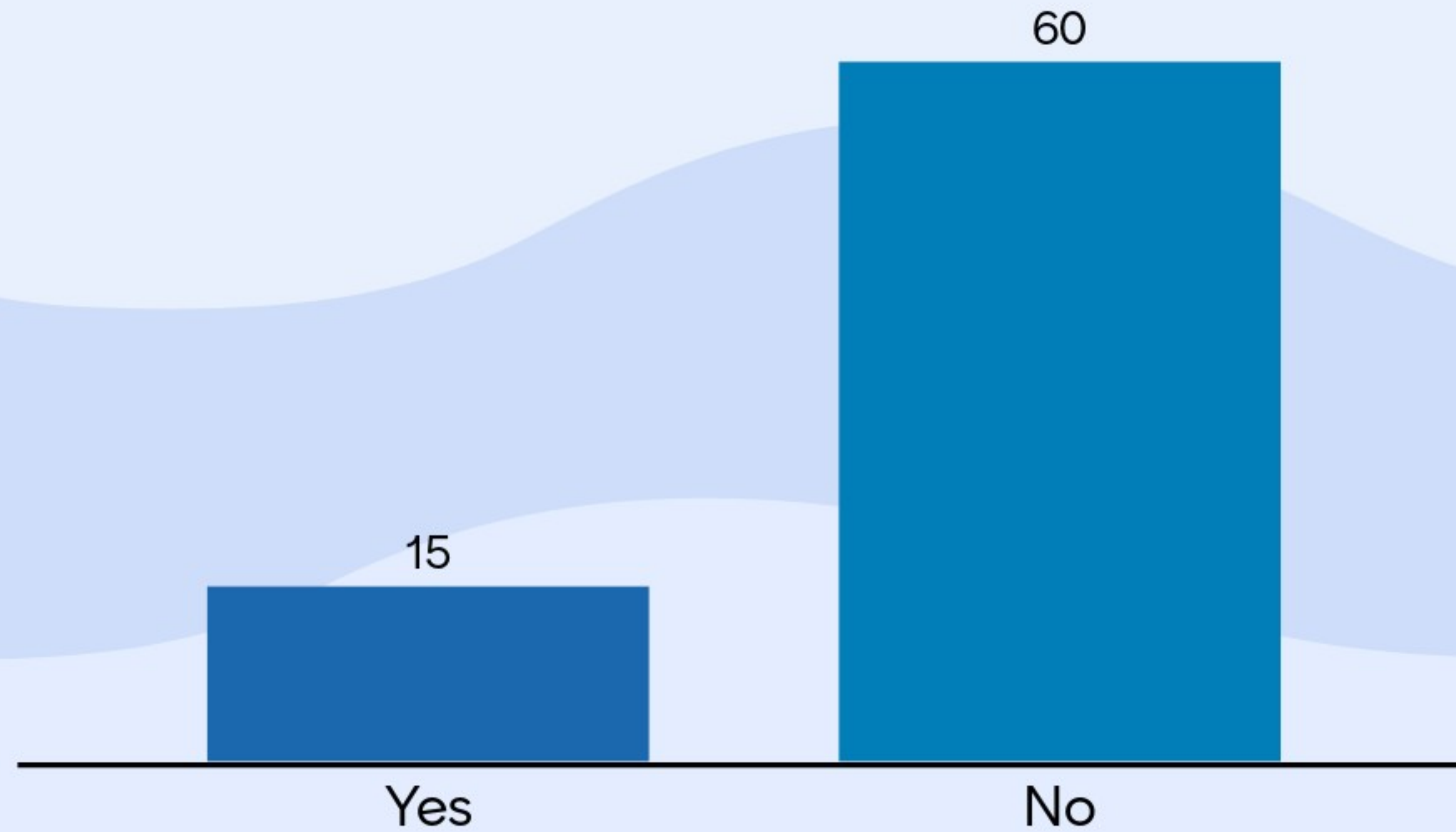
Recycling Collection (reliable, picked up on scheduled day, neat, complete)



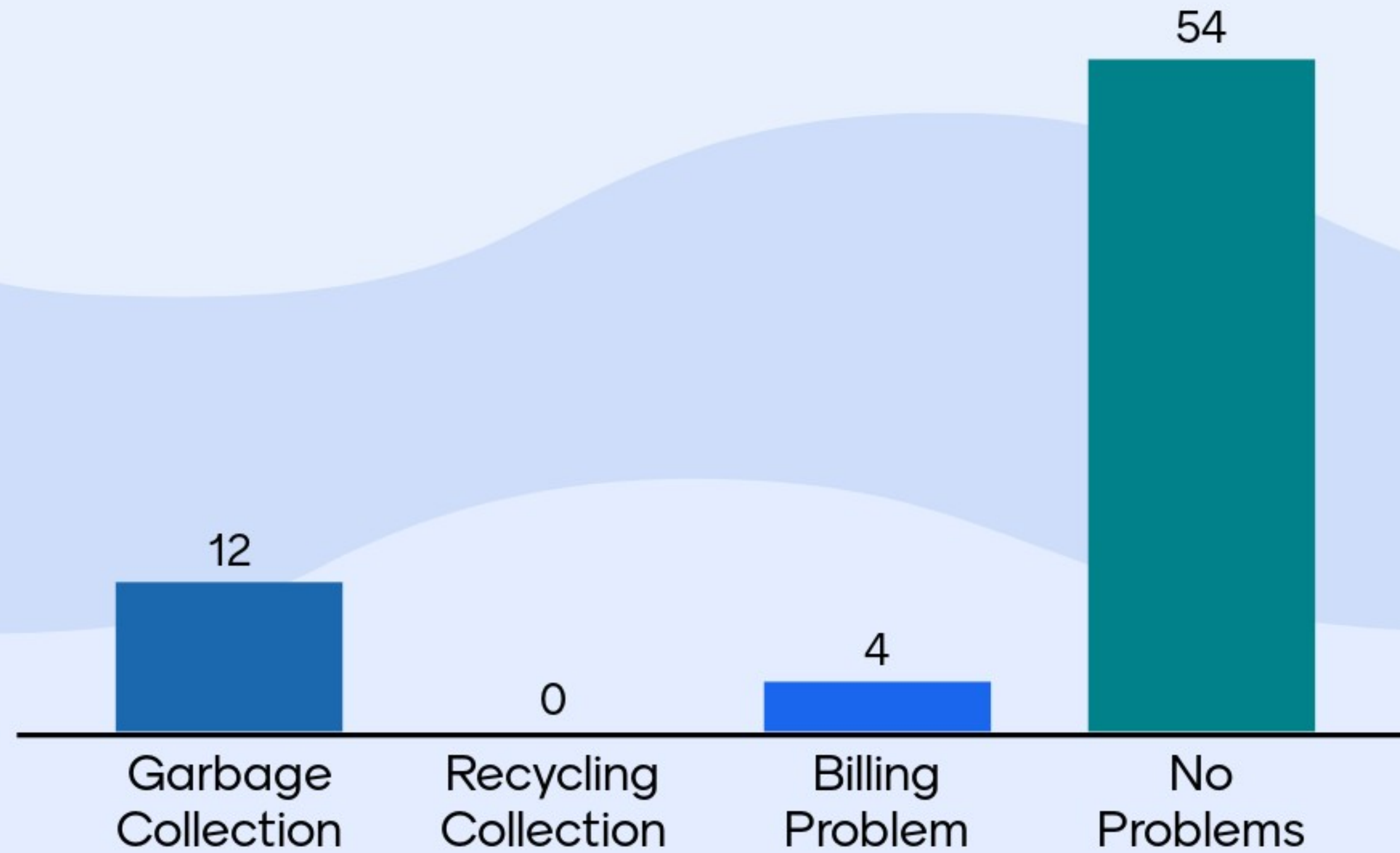
Customer Service (complaints handled courteously, bills received and processed appropriately)



In the past year, have you made a complaint about your solid waste service?



If yes, please indicate what the complaint was about (choose all that apply).



If you have a complaint that was not listed in the previous slide , please state what your complaint is?

None

None

N/A

None

None

None

None

N/A

If you have a complaint that was not listed in the previous slide , please state what your complaint is?

Bulk pickup

None

Bulk pickup - nickel and dime us!

Nine

None

None

Missed garbage collection

NA

If you have a complaint that was not listed in the previous slide , please state what your complaint is?

None

None

None

N/A

N/A

None

NA

We need compost bin for leaves and branches

If you have a complaint that was not listed in the previous slide , please state what your complaint is?

N/a

NA

None

None

N/A

N/a

None

N/A

If you have a complaint that was not listed in the previous slide , please state what your complaint is?

None

Na

Solid waste pick up was not that great

Not applicable

bulk pick up. Evan Bohl's fault

Garbage can lid is broken and hasn't been replaced

None

None

If you have a complaint that was not listed in the previous slide , please state what your complaint is?

They go beyond helping citizens with disabilities

I wish Tiger would offer a can to collect brush ie. Tree limbs , pizza boxes etc.

Bulk pickup

Brush pickup should be scheduled farther apart

N/a

Trash container damaged by automated trash pick up truck

Large item pickup is a month too early, spring and fall. Spring cleanup should be March.

Need smaller bins

If you have a complaint that was not listed in the previous slide , please state what your complaint is?

NA

Complaint with leftover brush pickup & debris left behind.
Also prefer pickup in March not Feb

NA

Tiger has missed and also left some of my bulk pickup. Waste management always picked up everything.

Bulk pickup

Brush pickup should be scheduled farther apart

None

Brush pu shld be March

If you have a complaint that was not listed in the previous slide , please state what your complaint is?

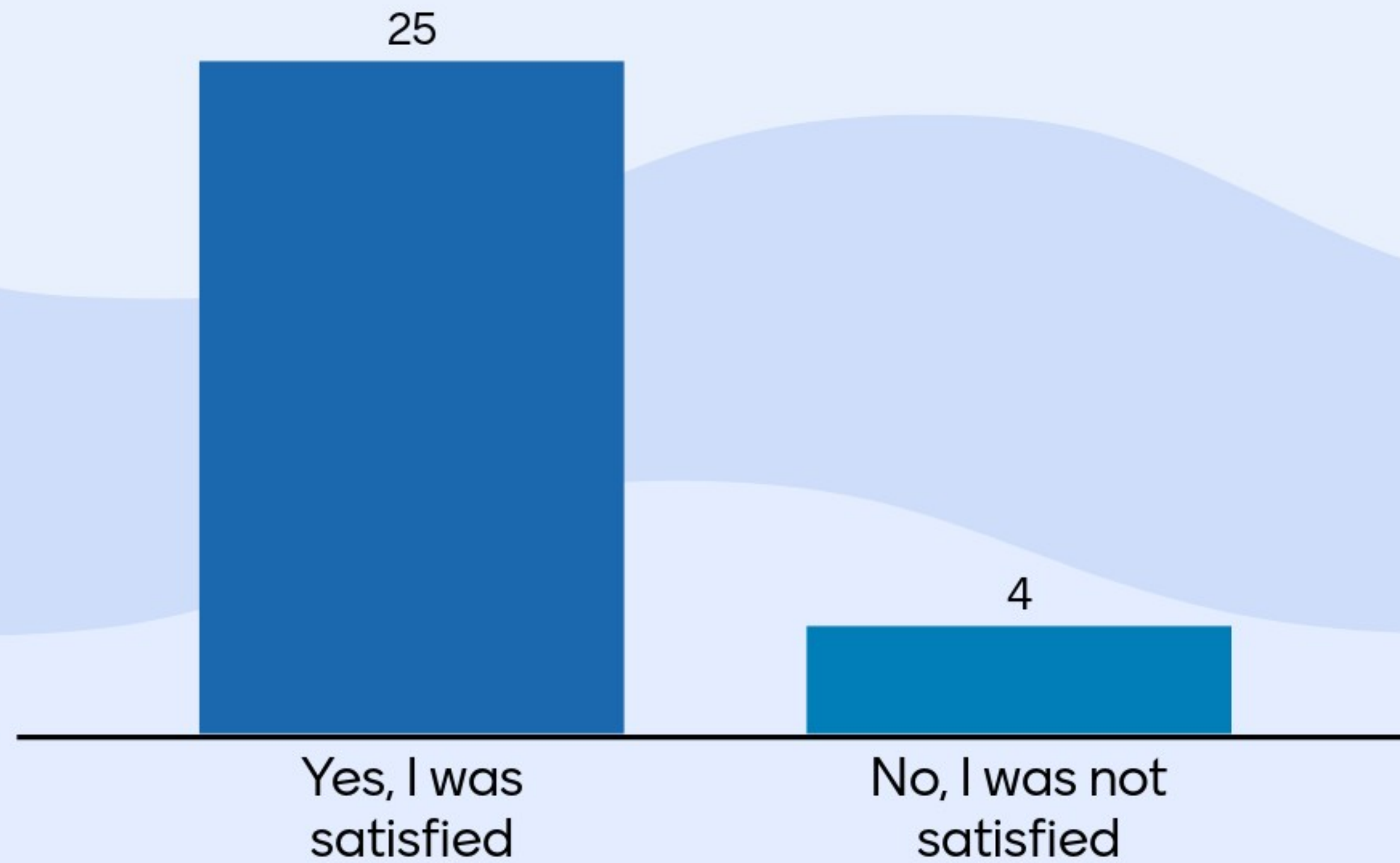
NA

Brush pick up. Should be scheduled farther apart

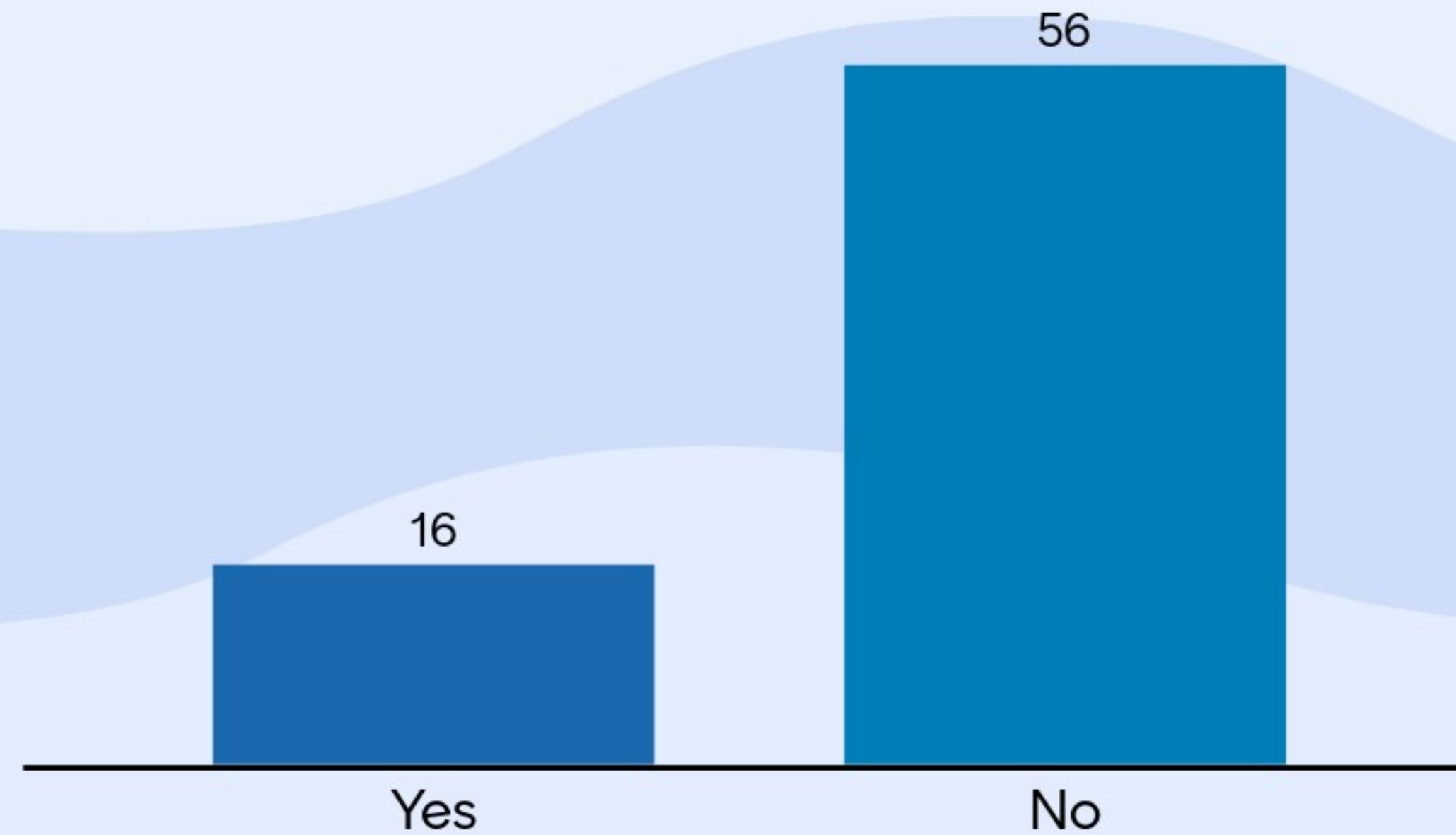
Brush pu should be in March

Need a smaller green garbage can. Tow requests have been answered that they have no more. I used the small green box we had originally but they will not accept that means of green disposal anymore

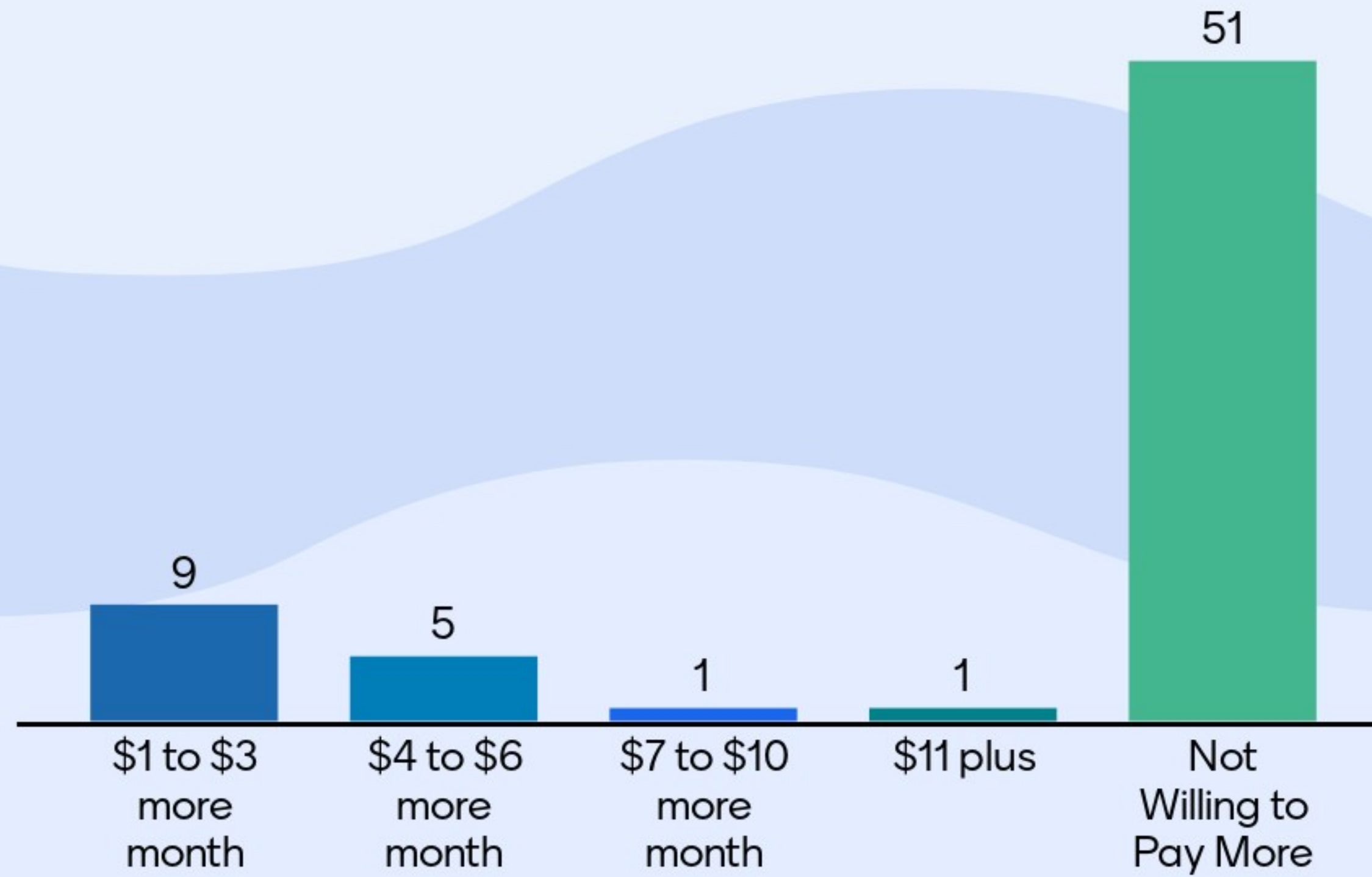
If you had a complaint were you statisfied with the way your complaint was handled?



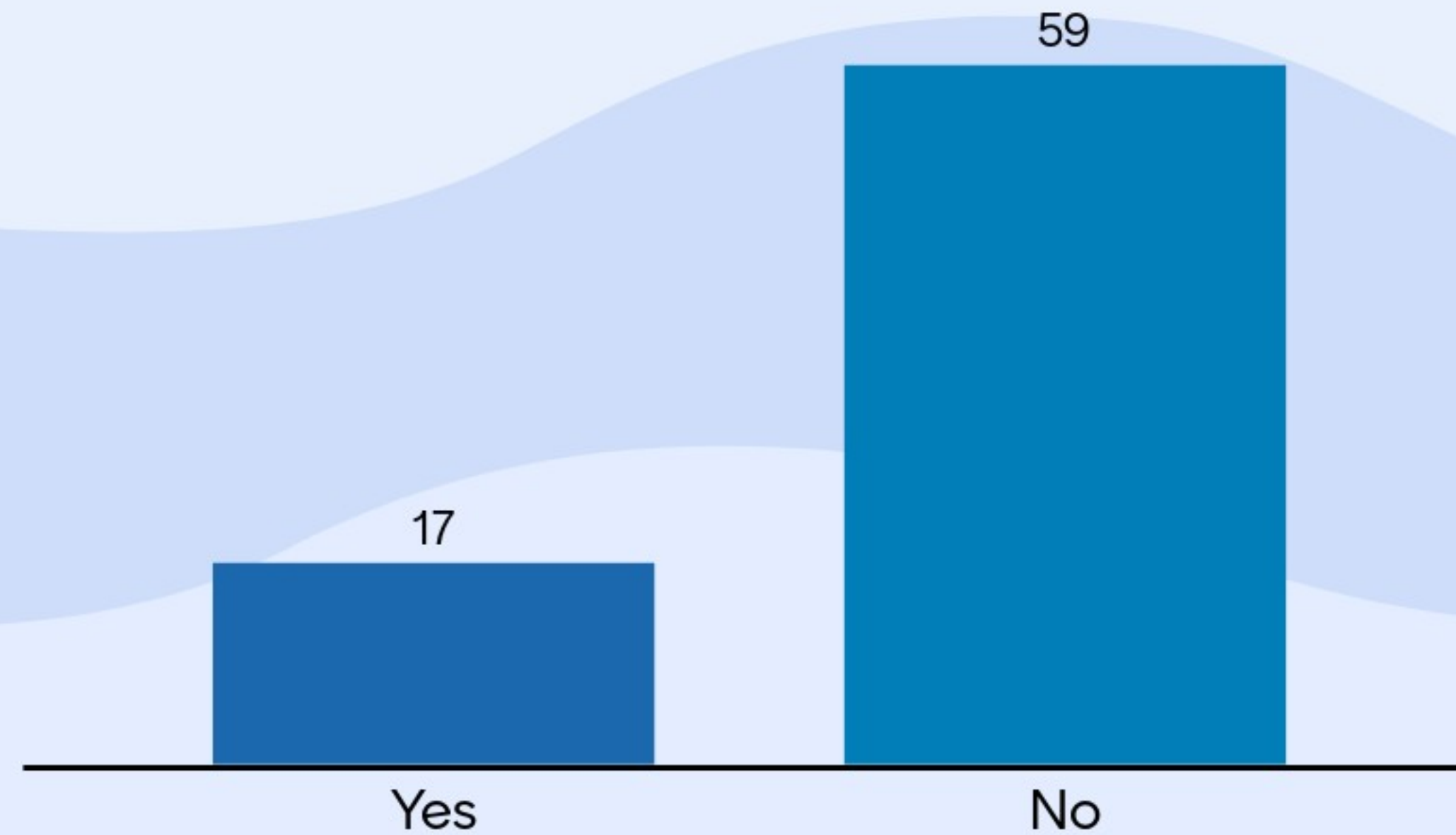
Currently, the City has once a week trash collection service. Would you be willing to pay more for twice a week service?



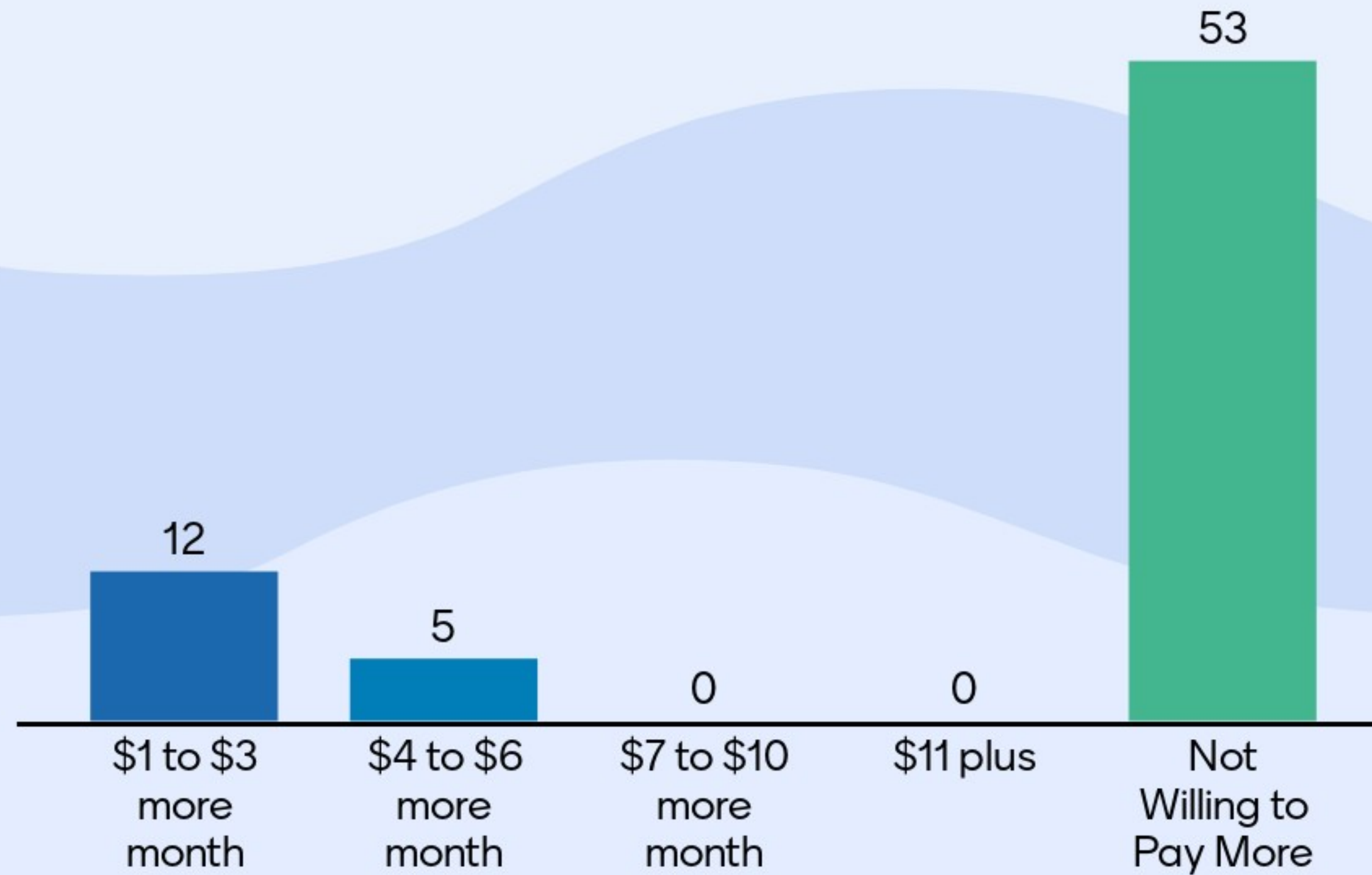
If you are willing to pay more, how much more?



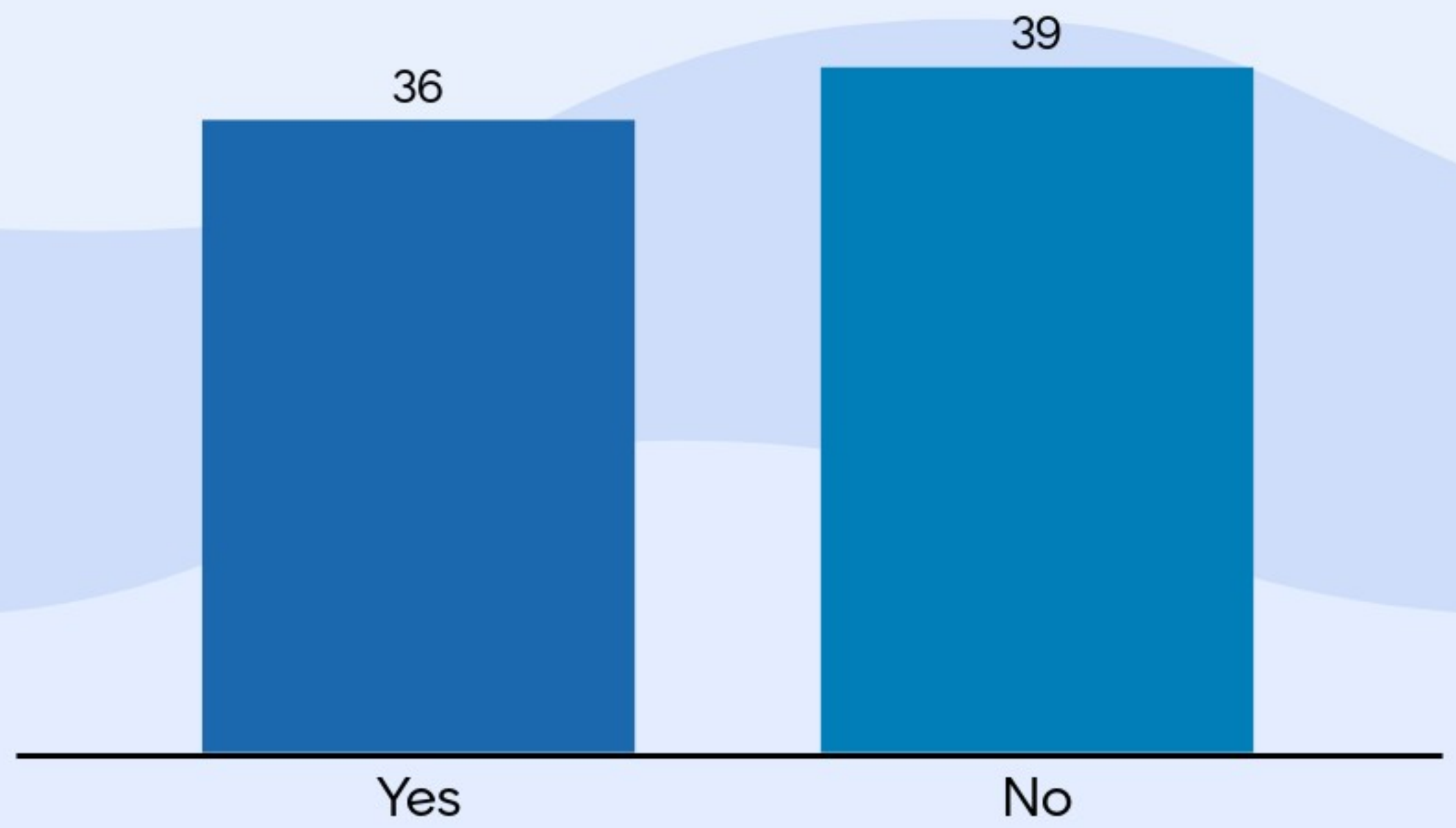
Twice yearly, the city has large item disposal of up to 8 cubic yards. Would you be willing to pay more for 16 cubic yards?



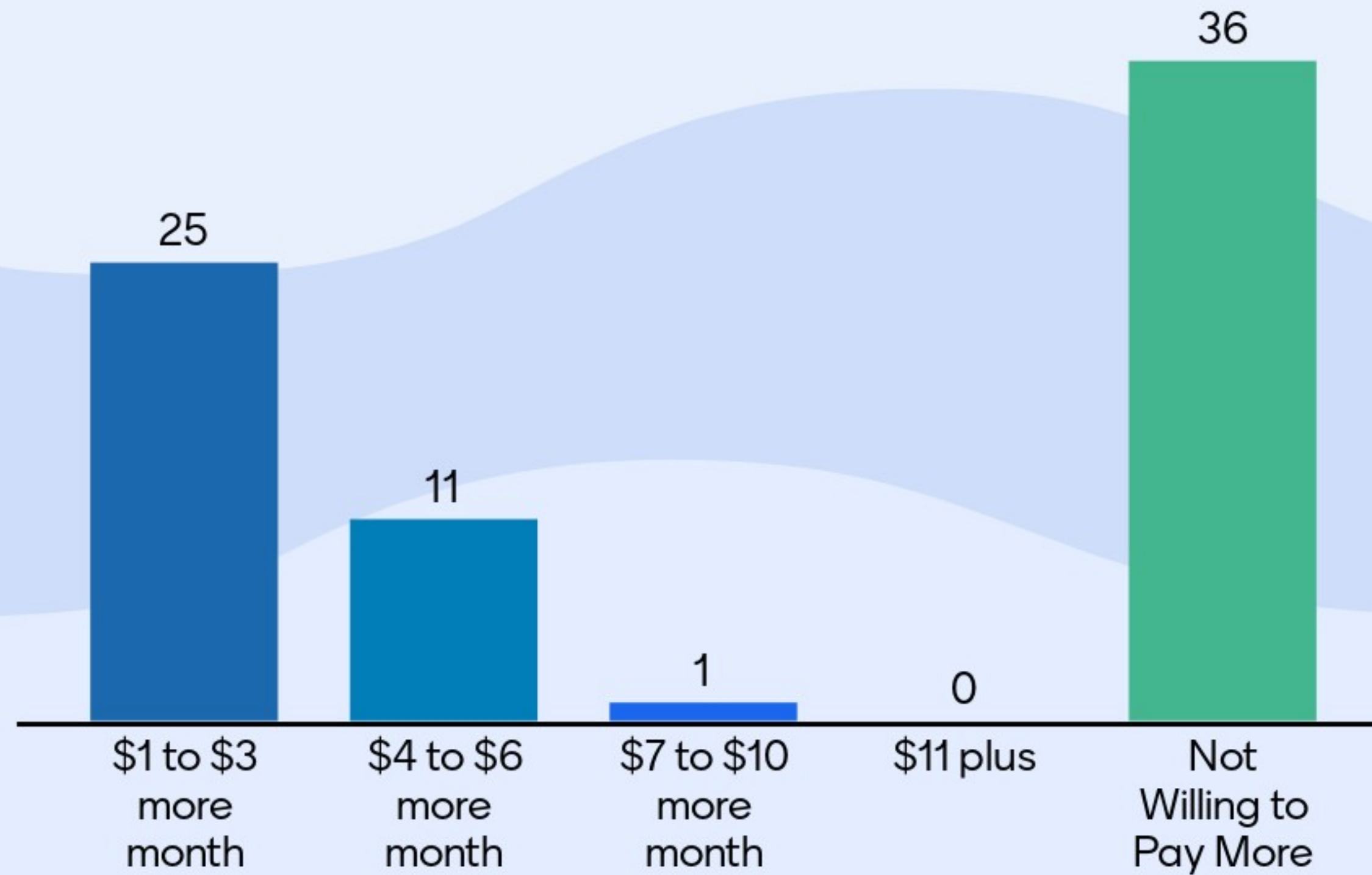
If you are willing to pay more, how much more?



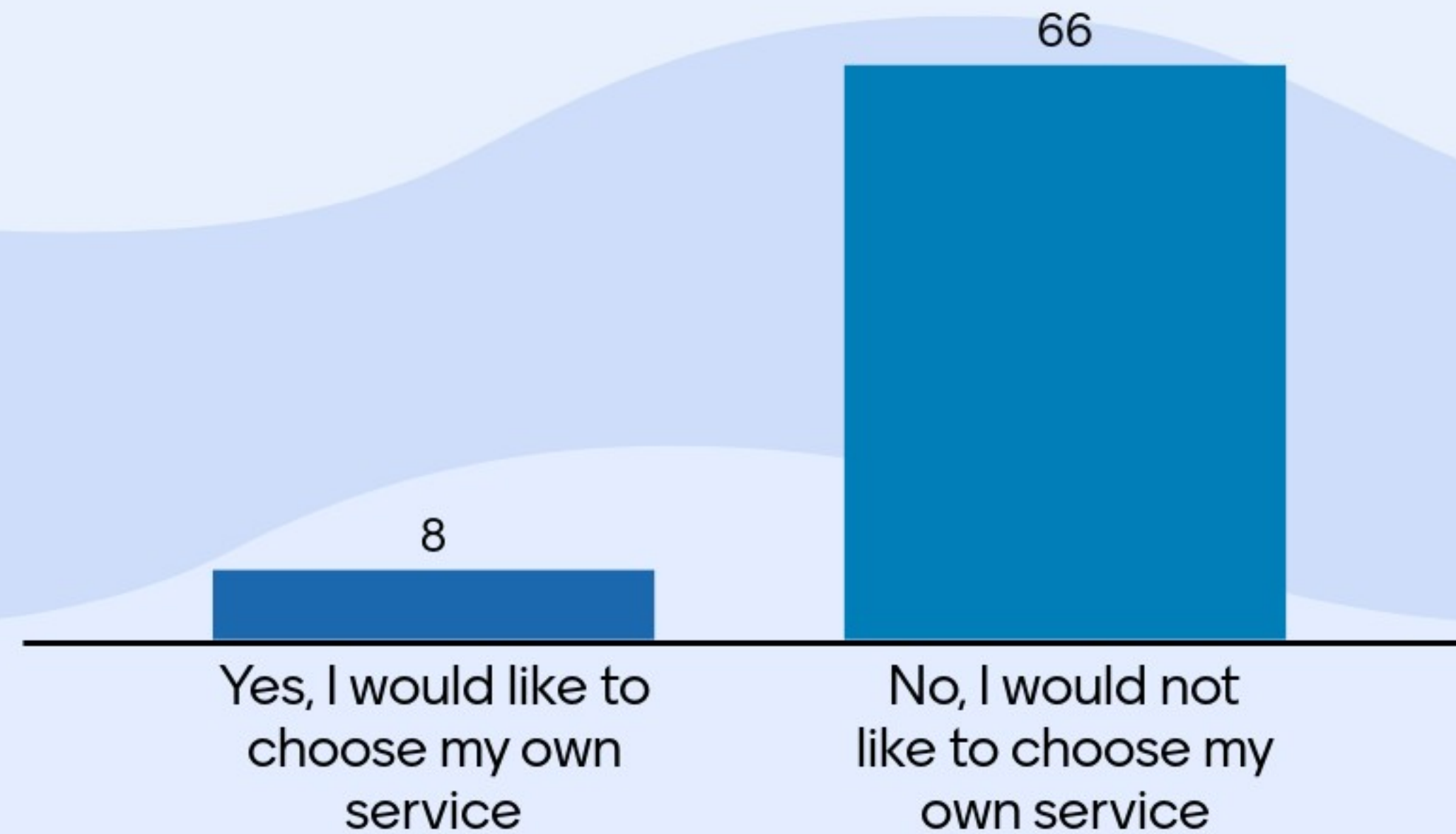
Currently, the City does not have organic waste disposal -Soiled food containers, food waste, Yard trimmings. Would you be willing to pay more?



If you are willing to pay more, how much more?



Would you prefer to choose your own trash and recycling service and the city no longer contracts out for these services?



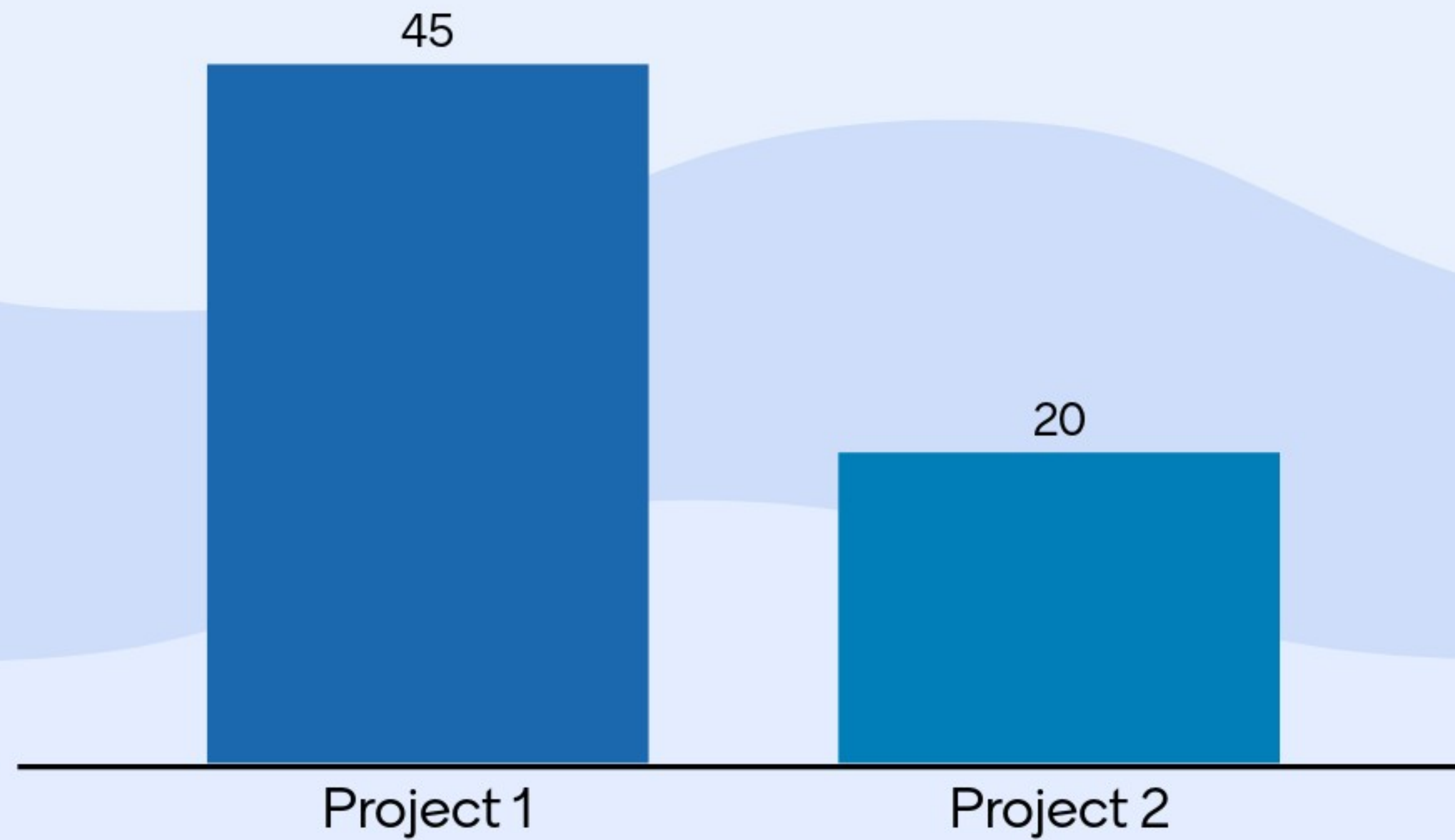
Tell us anything you would like us to know about your solid waste service?

85 responses

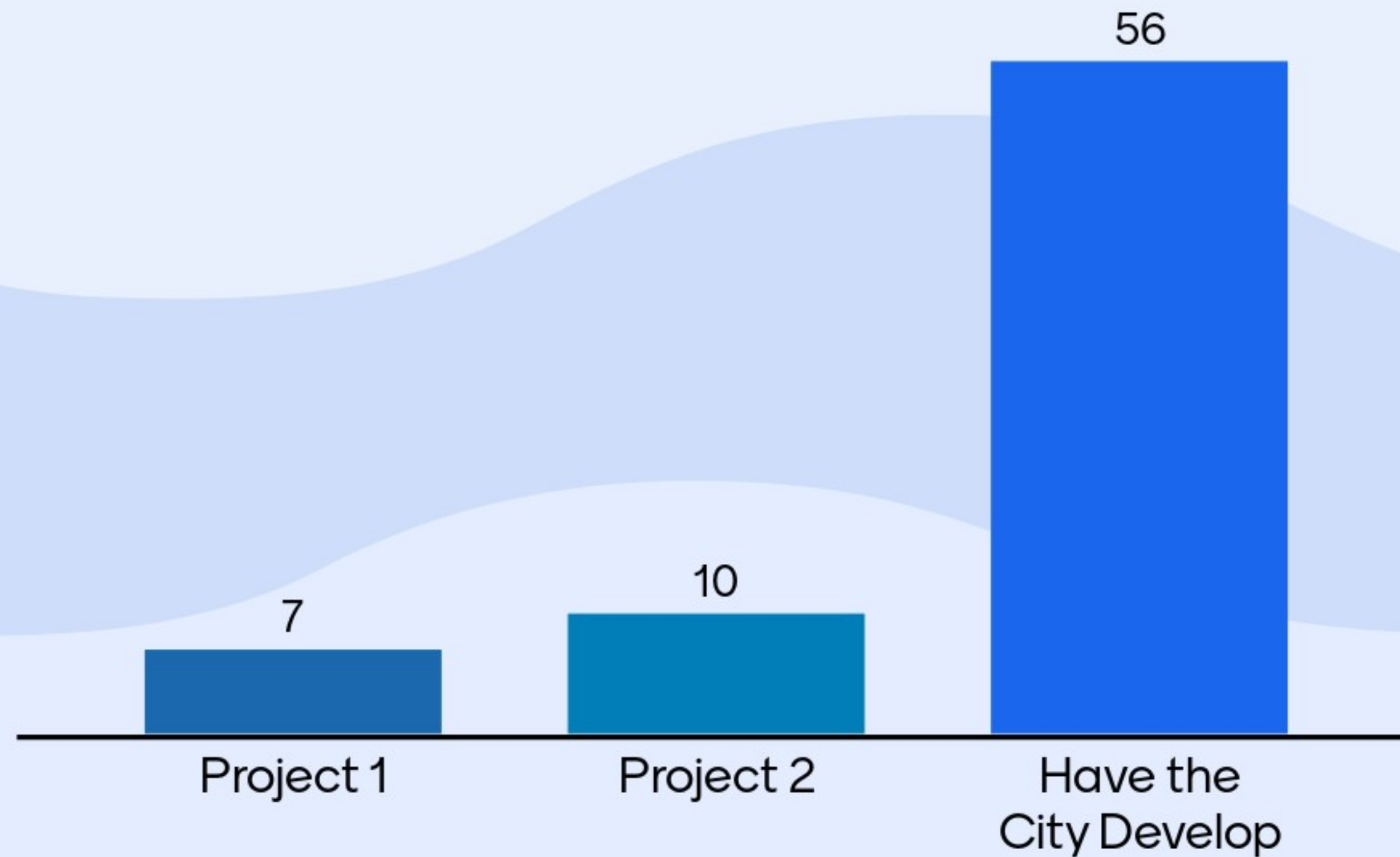


Grass Hill Estates Subdivision/ William Rancher Property

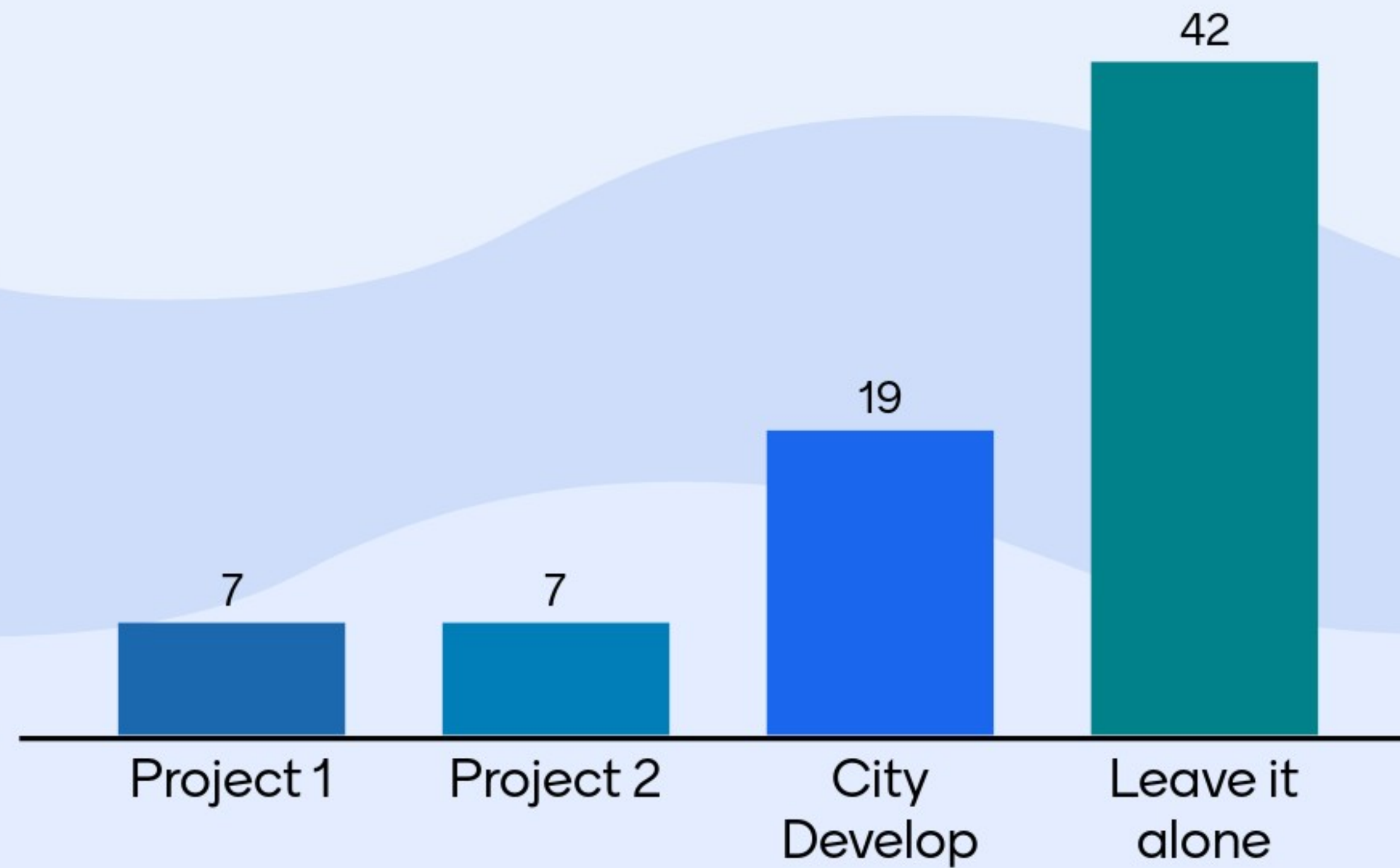
Of the following two options which would you prefer?



Of the following three options which would you prefer? Multiple Choice



Of the following four options which would you prefer?





**CITY OF LEON VALLEY
SPECIAL CITY COUNCIL MEETING**
Leon Valley City Council Chambers
6400 El Verde Road, Leon Valley, TX 78238
Saturday, February 03, 2024 at 9:00 AM

MINUTES

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

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

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

PRESENT

- Mayor Chris Riley
- Council Place 1 Benny Martinez
- Mayor Pro Tem, Council Place 2 Josh Stevens - arrived at 9:38 AM
- Council Place 3 Philip Campos
- Council Place 4 Rey Orozco
- Council Place 5 Will Bradshaw

Mayor Chris Riley called the meeting to order at 9:00 AM and announced that a quorum of City Council was present in Council Chambers with the exception of Councilor Josh Stevens who would be arriving late due to a work obligation.

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

2. Citizens to be Heard

None

3. Presentations

1. Presentation, Discussion, and Possible Action on the City of Leon Valley Strategic Plan - Dr. C. Caldera, City Manager

Dr. Crystal Caldera, City Manager began the City of Leon Valley Strategic Plan presentation.

Those who spoke at this time were: Judy Pearl (Leon Valley); Erick Matta (Leon Valley); Beth Mursch (Leon Valley) and Linda Meffert (Leon Valley)

There was a consensus among members of City Council to review strategic goals of other cities; and to start by producing a mission statement.

4. Adjournment

Mayor Riley announced that the meeting adjourned at 11:23 AM

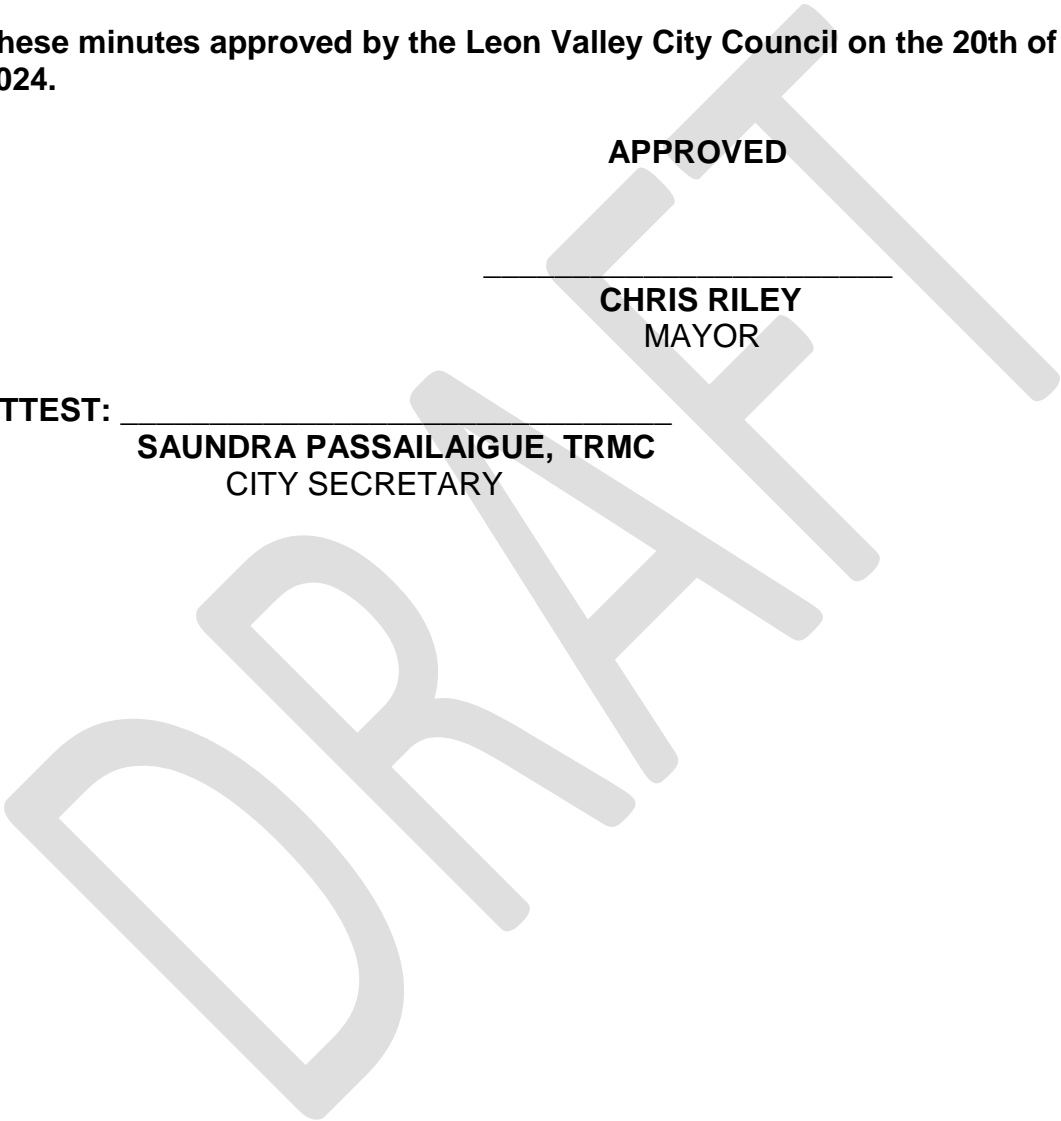
These minutes approved by the Leon Valley City Council on the 20th of February, 2024.

APPROVED

**CHRIS RILEY
MAYOR**

ATTEST:

**SAUNDRA PASSAILAIGUE, TRMC
CITY SECRETARY**





**CITY OF LEON VALLEY
CITY COUNCIL REGULAR MEETING**
Leon Valley City Council Chambers
6400 El Verde Road, Leon Valley, TX 78238
Tuesday, February 06, 2024 at 6:00 PM

MINUTES

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

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

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

PRESENT

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

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

Mayor Riley asked Councilor Josh Stevens to lead the Pledge of Allegiance.

2. Citizens to be Heard

Those who spoke at this time were: John White (Leon Valley); Mary Ruth Fernandez (Leon Valley)

Mayor Chris Riley read an email from Melissa Zavala.

Councilor Philip Campos read an email from Kathy Hill.

3. Presentations

1. Discussion, Presentation, and Possible Action on 2024 Fourth of July Celebration - C. Miranda, Community Relations Director

Crystal Miranda, Community Relations Director presented possibilities for the upcoming 2024 Fourth of July Celebration.

Mrs. Miranda will check with the FAA to see if a laser light and/or higher altitude fireworks show is allowed in this area.

There was a consensus to have Finding Friday as the headliner and end the event around 10:00 PM.

Mayor Riley will attempt to get a SPURS contact for Grand Marshall.

When it came to a theme, it was discussed to honor the military but no decision was made this evening.

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

Mayor Riley and member of City Council made announcements.

5. City Manager's Report

1. Upcoming Important Events:

Regular City Council Meeting, Tuesday, February 20, 2024, at 6:30 PM, in City Council Chambers.

Special City Council Meeting, Saturday, February 24, 2024, 9:00 AM, in City Council Chambers.

Filing for a Place on the May 04, 2024 City of Leon Valley, General Election for Council Place 2, Council Place 4, and Mayor begins Wednesday, January 17, 2024 through 5:00 PM on Friday, February 16, 2024.

Basura Bash, Saturday, February 17, 2024, from 9:00 AM to 12:00 PM

Earthwise Living Day, Saturday, March 02, 2024, from 9:30 AM to 1:30 PM, at the Leon Valley Events Center.

Trash & Treasure Event, Saturday, March 09, 2024, from 9:00 AM to 12:00 PM, at the Leon Valley Community Center.

Miscellaneous other events and announcements.

Dr. Crystal Caldera, City Manager announced that the City Manager's Report was printed and available on the table in the foyer, as well as posted on the website. Dr. Caldera added a note about insects and rodents at the Library Annex and the Kinman House. Please do not feed the feral cats at City buildings as feeding items such as bowls will be thrown out; Dr. Caldera also mentioned the Sunview fire stating that she posted an update on the City website; lastly there will be an E-Waste drop off at the upcoming Earthwise Living Event.

6. Consent Agenda

Councilor Rey Orozco made a motion to approve the Consent Agenda as presented. Councilor Will Bradshaw seconded the motion.

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

The motion passed.

1. **Discussion and Possible Action Approving of the Following City Council Minutes:**
 - a. **01-16-2024 Regular City Council Meeting Minutes**
2. **Discussion and Possible Action Accepting of the Following Board/Commission Minutes:**
 - a. **11-16-2023 Board of Adjustment Minutes**
 - b. **01-11-2024 Board of Adjustment Minutes**
 - c. **10-12-2023 Park Commission Meeting Minutes**
3. **Presentation and Discussion to Consider Approving a Request to Postpone Specific Use Permit Case # 2023-30, a Request for a Specific Use Permit to Construct and Operate a "Carwash (automatic)", on an Approximately 2.32-Acre Tract of Vacant Land, Located in the 5400 Block of Grissom Road, Being Lots 4 and 5, Block 102, CB 4433 Block 102, Timberhill Apartments Subdivision - M. Teague, Planning and Zoning Director**

7. Regular Agenda

1. **Discussion and Possible Action on a Resolution of the City Council of the City of Leon Valley Ordering and Establishing Procedures for a General Election in the City of Leon Valley, Texas to Elect Three Council Members: (Places 2, 4 and for the Office of the Mayor) by the Qualified Voters of the City of Leon Valley; Authorizing the City Manager to Sign a Joint Election Agreement with the Bexar County Elections Administrator for the Conduct of Said Elections, and Providing Details Relating to the Conduct of Holding the Election, Authorizing the Use of the Leon Valley City Council Chambers and the Leon Valley Conference Center on the 4th Day of May, 2024, for Election Day Voting, and the Use of the Leon Valley Conference Center, located at 6421 Evers Road, Leon Valley, Texas, 78238, for Early Voting (April 22, 2024 Through April 30, 2024)**

Discusión y posible acción sobre una Resolución del Consejo Municipal de la Ciudad de Leon Valley ordenando y estableciendo procedimientos para una Elección General en la Ciudad de Leon Valley, Texas, para elegir tres miembros del Consejo: (Posiciones 2, 4 y el cargo de Alcalde) por parte de los votantes habilitados de la Ciudad de Leon Valley; autorizando al Administrador de la Ciudad a firmar un Acuerdo de Elección Conjunto con el Administrador de Elecciones del Condado de Bexar para la celebración de dichas elecciones, y proporcionando detalles relativos a la celebración de la elección, autorizando el uso de las Cámaras del Consejo Municipal de la Ciudad de Leon Valley y el Centro de Conferencias de Leon Valley el cuatro de día mayo de 2024 para la votación del día de elección y el uso del Centro de Conferencias de Leon Valley, ubicado en 6421 Evers Road, Leon Valley, Texas, 78238, para la votación anticipada (del 22 de abril de 2024 hasta el 30 de abril de 2024, inclusive)

Saundra Passailaigue, City Secretary presented a resolution calling the May 4, 2024 General Election; authorizing the City Manager to sign a Joint Election Agreement designating Jacqueline Callanan as the Elections Administrator and authorizing the use of the Leon Valley Conference Center for both early voting and Election Day voting.

Councilor Josh Stevens made a motion to approve the resolution as presented. Councilor Rey Orozco seconded the motion.

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

The motion passed.

2. Presentation, Discussion, and Possible Action to Purchase a 1 Year Subscription to Placer.Ai Software for the Economic Development Department - R. Salinas, Director of Economic Development

Roque Salinas, Economic Development Director presented this item seeking Council approval to purchase a one-year subscription to Placer.Ai Software.

Councilor Philip Campos made a motion to approve this item as presented. Councilor Benny Martinez seconded the motion.

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

The motion passed.

3. Presentation and Discussion on an Ordinance Authorizing a Fiscal Year 2023-24 General Fund Budget Adjustment in the Amount of \$5,000 for the Purpose of Increasing the City Manager & Council Department Budget to Settle the Lawsuit Between Frederick vs. City of Leon Valley (1st Read as Required by City Charter) - C. Goering, Finance Director

Dr. Crystal Caldera, City Manager presented this item for a first read.

This item will be placed on the February 20, 2024 Consent Agenda for a second read.

Those who spoke at this time were: Erick Matta (Leon Valley)

- 8. Requests from Members of City Council to Add Items to Future Agendas – Per Section 3.10 (A) of the City of Leon Valley’s Code of Ordinances, at a meeting of City Council, a member of City Council may place an item on an agenda by making a motion to place the item on a future agenda and receiving a second. No discussion shall occur at the meeting regarding the placement of the item on a future agenda.**

None

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

Mayor Riley read aloud the agenda caption for Item 9.1 and 9.2. The City Council went into Executive Session at 7:15 PM

- 1. Pursuant to Texas Government Code, Chapter 551, Section 551.072, Deliberations on Real Property: 6503 Samaritan Drive, Leon Valley, Texas, 78238, (CB 4430 P-15: 2.137 acres, P-16: 6.391 acres & P-16A: 1.0 acre, ABS432), Various Parcels located William Rancher, Grass Hill, Samaritan, and Aids Drive BCAD Parcel Identification No.’s 217816, 217817, 217818, 217819, 217820, 217281, 217838, 217840,217843 (21 Acres)**
- 2. Pursuant to Texas Government Code, Chapter 551, Section 551.071, Consultation with Counsel on Legal Matters: To Receive Legal Advice Regarding a Legal Matter Regarding Personnel Matters.**

- 10. Reconvene into Regular Session**

The City Council reconvened into Open Session at 8:48 PM

- 11. Possible Action on Issues Discussed in Executive Session If Necessary**

No action was taken on either item.

- 12. Adjournment**

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

These minutes approved by the Leon Valley City Council on the 20th of February, 2024.

APPROVED

CHRIS RILEY
MAYOR

ATTEST: _____
SAUNDRA PASSAILAIGUE, TRMC
CITY SECRETARY

DRAFT

**PARK COMMISSION OF THE CITY OF LEON VALLEY, TEXAS
JANUARY 11, 2024, MEETING MINUTES**

{Section}.62.

The Park Commission of the City of Leon Valley, Texas met on the 11th day of January 2024, at 6:30 p.m., at the Leon Valley Conference Center, 6421 Evers Road, Leon Valley, Texas, for the purpose of the following business, to-wit:

LEON VALLEY PARK COMMISSION MEETING, 6:30 P.M.

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

Vice-chair Danielle Bolton called the Park Commission meeting to order at 6:35 p.m., as Chair Roger Christensen was running late, and she had the following Park Commissioners in attendance: Roger Christensen, Julie Carreon-Martinez, Elaine Valdez, Thomas Benavides, Nancy Marrufo, and Ann Sawyer. Absent and excused were Commissioners Joyce Trent and Diane Frazer. Also present was Staff Liaison Melinda Moritz.

2. Review and Approval of the October 12, 2023 Regular Park Commission Meeting Minutes.

Commissioner Sawyer made a motion to approve the minutes from the October 12, 2023 Regular Park Commission meeting. Commissioner Marrufo seconded the motion, and the motion was carried unanimously.

3. Citizens to be Heard.

There were no other citizens present.

4. Old Business

a. Discussion – 2023 Swimming Pool Season Report and City Council Direction to Staff

Staff Liaison Moritz presented the 2023 Swimming Pool report noting that most of the attendees at the pools were not residents of Leon Valley. She also explained that the Leon Valley Community Pool had the least number in attendance and that the City Council had made the decision to close that pool facility permanently, that fees for non-residents were to be increased, and had directed staff to obtain pricing for the rehabilitation of the Forest Oaks Pool facility. A general discussion was held regarding the type of rehabilitation to be performed, costs, and whether the Forest Oaks pool facility would be open for the 2024 swim season. Ms. Moritz stated that the timeline for any such rehab had not yet been determined, so the Forest Oaks pool would be open for the next swimming season.

5. New Business

a. Discussion – Revising the Park Master Plan (Commissioner Roger Christensen)

Staff Liaison Moritz explained that one of the Park Commission's duties was to revise the Park Master Plan every five years and that it usually took a year to complete the revisions. She gave each member a copy of the current plan and asked that they carefully review the recommendations and the park survey that was taken in 2018 and make new recommendations based on their own observations and the requests from the citizens. A general discussion was held regarding ADA compliance and inclusiveness, sending out a new survey to residents, reviewing the City of San Antonio's Park Master Plan, including sustainability and resilience in any text, improving natural infrastructure, and increasing the number of park spaces.

b. Discussion – FY 25 Park Budget

Ms. Moritz explained that the budget for the next fiscal year was being prepared and she wanted to know what items the Park Commissioners wanted included in the Capital Plan. Chair Christensen stated that he would place this item on the February Park Commission agenda and that he wanted the Commissioners to submit their requests prior to that time.

c. Discussion – Park Bucks Program

Chair Christensen stated that this was a voluntary program for residents to donate money to the park system via their water bills or by separate donation. Ms. Moritz reported that there was currently about \$770 in the fund, but that it changed as people moved in or out. The Commissioners had some general questions but expressed their thanks for informing them of the program.

A. Commissioner's and Staff Comments

Commissioner Benavides reported that at the last Arbor Day event, the city had given away about 300 trees which brought the tree planting total to 7275 trees, supporting the City's goal of planting 10,000 trees by 2025 as stated in the El Verde by 2025 Resolution. He went on to explain that a tree planting event had been held at Driggers Elementary School at which an additional 142 trees had been planted,

**PARK COMMISSION OF THE CITY OF LEON VALLEY, TEXAS
JANUARY 11, 2024, MEETING MINUTES**

{Section}.62.

bringing the new total to 7417 trees. Mr. Benavides stated that the Arbor Day poster contest had been a great success, and that they were just waiting for delivery of the books to give out prizes to the winning artists. He noted that next year they would have a category for each grade, as there had been a great competition at the middle schools. Chair Christensen thanked Mr. Benavides and Mrs. Marrufo for all their hard work in planning and executing the event.

Commissioner Marrufo stated that she had been to the library and had reviewed the posters and that it was great to see them being displayed.

Commissioner Carreon-Martinez also thanked the Commissioners for the update.

Vice-chair Bolton noted her concerns regarding the deer that had been crossing Huebner Road at the Church of Jesus Christ of Latter Day Saints facility and asked that deer crossing signs be installed at that location.

Commissioner Sawyer commented that it had been a very productive meeting and that she was looking forward to revising the Park Master Plan.

Commissioner Valdez stated that she too was looking forward to revising the Park Master Plan and then reminded everyone of the upcoming Town Hall meeting and the Earthwise Living Day event. She also mentioned that the City's E-News program only had about 800 participants and she urged everyone to sign up for the weekly web-based city news program.

Chair Christensen reiterated the information about the upcoming Town Hall meeting and then asked for adjournment.

6. Adjourn.

Commissioner Marrufo made a motion to adjourn the meeting. Commissioner Sawyer seconded the motion and the motion carried unanimously. The meeting was adjourned at 7:38 p.m.



Roger Christensen - Chair



Date

MAYOR AND COUNCIL COMMUNICATION

DATE: February 20, 2024
TO: Mayor and Council
FROM: Roque Salinas, Director of Economic Development
THROUGH: Dr. Crystal Caldera, City Manager
SUBJECT: Presentation, Discussion and Possible Action on a Resolution Continuing the Utility Assistance Program Agreement with Ascension De Paul from February 21, 2024 - March 31, 2025, or Until Funds are Depleted - R. Salinas, Economic Development Director

PURPOSE

This resolution authorizes the City Manager to continue with the agreement with Ascension De Paul for the Utility Assistance Program from February 21, 2024 - March 31, 2025 or until the funds are depleted.

FISCAL IMPACT

The program will provide up to \$500 per household per calendar year. The program is in its third year and funds were set aside from the American Rescue Plan. If funds are depleted before March 31, 2025, then the program will cease to operate.

RECOMMENDATION

Council discretion.

APPROVED : _____ DISAPPROVED : _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST :

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

A RESOLUTION OF THE CITY OF LEON VALLEY COUNCIL, APPROVING A PROGRAM, INCLUDING GRANTS OF PUBLIC MONEY UP TO \$20,818.31 TOTAL TO BE USED FOR AN UTILITY ASSISTANCE PROGRAM LOCATED WITHIN THE CITY OF LEON VALLEY THROUGH THE AMERICAN RESCUE PLAN ACT AND TO BE ADMINISTERED BY LOCAL NON-PROFIT ENTITIES; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.

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

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

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

WHEREAS, the United States Department of Treasury deposited the City of Leon Valley's first tranche of funds of one million, five hundred twenty-four thousand, six hundred twenty-six and 96/100 Dollars (\$1,524,626.95); and

WHEREAS, the City Council previously determined that providing financial assistance in an amount not to exceed Twenty Thousand Eight Hundred and Eighteen Dollars and 31/100 dollar (\$20,818.31) of American Rescue Plan Act Funds for Utility Assistance located within the City of Leon Valley, Texas, is consistent with the guidance provided by the United States Department of Treasury; and

WHEREAS, the City Council does now find and determine that providing additional financial assistance in an amount not to exceed Twenty Thousand Eight Hundred and Eighteen Dollars and 31/100 dollar (\$20,818.31) of funding from the ARPA Fund of the City of Leon Valley to be administered by Non-Profit entities to provide utility assistance services to households in Leon Valley is consistent with the guidance provided by the United States Department of Treasury, serves a public purpose, and is in the best interest of the community.

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

Section 1. That the foregoing recitals are hereby found to be true and correct findings

of the City Council and are fully incorporated into the body of this Resolution.

Section 2. That the City Council does hereby find and determine that the provision of financial assistance not to exceed Twenty Thousand Eight Hundred and Eighteen Dollars and 31/100 dollar (\$20,818.31) for Utility Assistance located within the City of Leon Valley, Texas, is necessary to mitigate the financial burden due to Covid-19 and increasing unemployment rates in Leon Valley, which serves a public purpose and is in the best interest of the community.

Section 3. That the City Council approves of the Rules and Administrative Guideline for the Utility Assistance Program for Leon Valley as set forth in the attached Exhibit A and the Performance Agreement as set forth in attached Exhibit B.

Section 4. That the City Council hereby designates the Non-Profit entities that have entered into a Performance Agreement as set forth in the attached Exhibit B, as the administrators of this Utility Assistance Program and delegates the necessary authority to review applications for assistance and negotiate the award of assistance that will comply with and facilitate recovery from economic hardships resulting from the public health emergency.

Section 5. That the disbursement of funds to the Non-Profit entities to administer the Utility Assistance Program on behalf of the City is in accordance with the Texas Local Government Code §252.022(a)(1). The funds provided under this Agreement are being dispersed from the City's American Rescue Plan Act (ARPA) Funds. In the event that any funds provided to Non-Profit entities pursuant to the Utility Assistance Program must be repaid, such funds shall be repaid to the City's American Rescue Act Funds.

Section 6. That no funds provided under this Utility Assistance Program shall be dispersed by Non-Profit entities after March 31, 2025. Non-Profit entities shall return any remaining funds not dispersed before April 30, 2025, to the City's American Rescue Act Funds.

Section 7. That should any Non-Profit entity administering the Utility Assistance Program fail to comply with the rules and guidelines for the program, or if federal agencies or authorities having jurisdiction over the funding subsequently determine that the funding was used improperly or that a payment was made but later determined to not be actual or allowable costs, Non-Profit will return to the City of Leon Valley the amount identified as improperly used or not allowable.

Section 8. That the City Council authorizes the Mayor to execute this Resolution and any Program Performance Agreements on behalf of the City, as needed, without further approval of the City Council.

Section 9. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this

Ordinance, was given, all as required by Chapter 551, Texas Government Code, as amended.

Section 10. That this Resolution shall become effective from and after its passage.

DULY RESOLVED by the City Council of the City of Leon Valley on this the 20th day of February, 2024.

APPROVED

MAYOR
CHRIS RILEY

ATTEST:

SAUNDRA PASSAILAIGUE
CITY SECRETARY

EXHIBIT A

RULES AND ADMINISTRATIVE GUIDELINE FOR A PROGRAM OF THE CITY OF LEON VALLEY PURSUANT TO THE AMERICAN RESCUE PLAN ACT AND PROVIDE FOR THE ADMINISTRATION OF A PROGRAM, INCLUDING GRANTS OF PUBLIC MONEY UP TO \$20,818.31 TOTAL TO BE USED FOR UTILITY ASSISTANCE LOCATED WITHIN THE CITY OF LEON VALLEY AND TO BE ADMINISTERED BY LOCAL NON-PROFIT ENTITIES

Utility Assistance Program

1. The City Council of Leon Valley has established a program for making grants of public money to provide utility assistance to households and residents in Leon Valley in an effort to mitigate the financial burden and continuing effects caused by Covid-19.
2. The City Council of Leon Valley designates Non-Profit Entities to administer the program, and will, if needed, provide personnel and services of the municipality in support of the program.
 - Non-Profit Entities shall only use program funds for “Utility Assistance” which means and includes financial assistance to individuals and families.
 - Non-Profit Entities must maintain records to provide accountability for all expenditures of dispersed funds, reporting measures, and funds received from the City. This includes but is not limited to; records providing that all recipients of funds under this Program are residents of Leon Valley, Texas.
 - Non-Profit Entities shall disperse program funds prior to March 31, 2024. Any funds not dispersed by Non-Profit during the Term must be returned to the City on or before April 30, 2024.
 - Non-Profit Entities must continue to report to the City at the end of each quarter, until all funds are dispersed, or the Term has ended.
 - Non-Profit Entities are eligible to recover nominal administrative cost associated with administrating the Utility Assistance Program, as outlined in the Performance Agreement.
3. Grants administered under the Utility Assistance Program shall meet the following parameters:
 - Recipients of funds from the utility assistance provided under this Program shall be residents of Leon Valley, Texas.
 - Disbursements and assistance provided under the Utility Assistance Program are directly associated with and are necessary expenditures incurred as a result of partial or complete loss of income.
 - Utilities shall be defined as; Electricity, Natural Gas, Water, Sewer, and Sanitation Services.
 - Total utility assistance grant funds shall not exceed \$500 per household.

EXHIBIT B

LEON VALLEY UTILITY ASSISTANCE PROGRAM PERFORMANCE AGREEMENT

This **PERFORMANCE AGREEMENT** by and between Ascension DePaul Services, a Texas 501(c)3 organization (hereinafter referred to as “Non-Profit”) and **THE CITY OF LEON VALLEY** (hereinafter referred to as the “City”) is made and executed on the following recitals, terms and conditions.

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

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

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

WHEREAS, the United States Department of Treasury deposited the City of Leon Valley’s first tranche of funds of one million, five hundred twenty-four thousand, six hundred twenty-six and 96/100 Dollars (\$1,524,626.95); and

WHEREAS, the City Council does now find and determine that providing additional financial assistance in an amount not to exceed Twenty Thousand Eight Hundred and Eighteen Dollars and 31/100 dollar (\$20,818.31) of funding from the ARPA Funds to be administered by Non-Profit entities to provide utility assistance services to households in Leon Valley is consistent with the guidance provided by the United States Department of Treasury, serves a public purpose, and is in the best interest of the community.

WHEREAS, the City Council for the City of Leon Valley passed and approved an item authorizing the City Manager to enter into a Performance Agreement with Ascension DePaul Services to expend funds on utility assistance programs that conform to the stipulations of the Department of Treasury on 5th of February 2024; and

WHEREAS, the City Council for the City of Leon Valley desires to enter into this agreement with Non-Profit to administer and distribute Utility Assistance funds on qualified expenditures to Leon Valley households on behalf of the City.

NOW, THEREFORE, for and in consideration of the agreements contained herein, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and Non-Profit agree as follows:

SECTION 1. FINDINGS INCORPORATED.

The foregoing recitals are hereby incorporated into the body of this Agreement and shall be considered part of the mutual covenants, consideration and promises that bind the parties.

SECTION 2. TERM & TERMINATION.

The term of this Agreement shall begin as of the date of the last signature set forth below and shall expire as of **March 31, 2024**, unless terminated sooner under the provisions hereof.

The City may terminate this Agreement, without recourse, liability, or penalty against the City, upon written notice to Non-Profit.

SECTION 3. DEFINITIONS.

The following words shall have the following meanings when used in this Agreement.

- a) **Agreement.** The word “Agreement” means this Performance Agreement, together with all exhibits and schedules attached to this Agreement from time to time, if any.
- b) **City.** The word “City” means the City of Leon Valley, Texas, its successors and assigns, whose address for the purpose of this Agreement is 6400 El Verde, Leon Valley, Texas 78238.
- c) **Non-Profit.** The word “Non-Profit” mean the Ascension DePaul Services, a Texas non-profit, its successors and assigns, whose address for the purposes of this Agreement is 7607 Somerset Road, San Antonio, Texas 78211.
- d) **Effective Date.** The words “Effective Date” mean the date of the latter to execute this Agreement by and between the Non-Profit and the City.
- e) **Event of Default.** The words “Event of Default” mean and include any of the Events of Default set forth below in the section entitled “Events of Default.”
- f) **Overdue / Past due.** The words “Overdue” and “Past due” and used synonymously and mean a utility bill that is late by the terms of the service agreement with the provider and has not been paid for a minimum of forty-five days.

- g) **Utility Assistance.** The words “Utility Assistance” shall mean and include basic electrical service, water, sewer, natural gas, and sanitation services.
- h) **Qualified Expenditures.** The words “Qualified Expenditures” mean those costs associated with past-due utilities due to unforeseen financial hardships. Utility assistance costs include, but are not limited to overdue utility bills, reconnection fees, late charges, and other fees accessed to maintain basic utilities for the household. Applicant is responsible for providing supporting evidence of past due utility bill to the non-profit entity.
- i) **Term.** The word “Term” means the term of this Agreement as specified in Section 2 of this Agreement.

SECTION 4. ADMINISTRATION OF THE PROGRAM

- (a) **Authority.** The City has approved and authorized disbursement of funds to the Non-Profit to administer the Utility Assistance Program on behalf of the City in accordance with the Texas Local Government Code §252.022(a)(1).
- (b) **Origin of Funds.** The funds provided under this Agreement are being dispersed from the City’s American Rescue Plan Act funds pursuant to the COVID-19 Pandemic Response & Relief.
- (c) **Payment of Funds.** Funds allocated under this Agreement shall be disbursed to the Non-Profit within fourteen days upon the effective date of this Agreement.
- (d) **Reporting.** Quarterly Fiscal and Needs Met report shall be provided to the City and shall include:
 - Name and Address of Applicant(s)
 - Type of Utility Assistance and amount of each need;
 - Total Funds distributed to the Household;
 - Disclosure of administrative hours and fees accessed per household.
- (e) **Stop-Loss.** Fees incurred by the Non-Profit to administer the program have been set at \$39.00 per hour plus mileage. Milage will only be applicable in rare cases to serve the elderly and disabled. Administration fees shall not exceed Fifteen Thousand and No/100 (\$15,000.00) for the administration of the Utility Assistance Program.
- (f) **Guarantee of payment to Administrator.** The administrator will be paid for all hours, regardless of availability of funds in the grant program. The administrator will take payment of fees at the end of every quarter. The administrator will stop accepting and reviewing applications once the funds are exhausted. The administrator must provide notice to city staff once all funds have been exhausted. In the event that funds are exhausted, and the administrator’s fee has not been collected the City will pay the fee out of the economic development operations

account.

- (g) **Repayment of Funds.** In the event that any funds provided to Non-Profit pursuant to this Agreement must be repaid, the funds shall be repaid to the City's American Rescue Plan Act fund.
- (h) **Term.** In order to be eligible for Utility Assistance funding, Non-Profit shall disburse funds to vendor(s) on or before March 31, 2024. Non-Profit agrees to submit final Utility Assistance Program reports to City no later than April 30, 2024.

SECTION 5. AFFIRMATIVE COVENANTS OF DEVELOPER.

Non-Profit covenants and agrees with the City, while this Agreement is in effect, it shall comply with the following terms and conditions:

- (a) **Operate Non-Profit.** Non-Profit agrees during the Term of this Agreement to maintain and keep open the Non-Profit entity in good standing with the State of Texas and Internal Revenue Bureau.
- (b) **Records.** Non-Profit shall maintain appropriate records for the Term of this Agreement to provide accountability for all expenditures of dispersed funds, reporting measures, and funds received from the City and dispersed under this Agreement. Records maintained by Non-Profit will, at a minimum, identify the supporting documentation prepared by Non-Profit to permit an audit of its accounting systems and payment verification with respect to the expenditure of any funds provided under this Agreement.
- (c) **Report.** At the Term of this Agreement the Non-profit agrees to report to the City, including all records-maintained accounting for all expenditures of dispersed funds, reporting measures, and funds received from the City and dispersed under this Agreement.
- (d) **Utility Assistance Funds.** Non-profit agrees during the Term of this Agreement, that all financial assistance dispersed shall be to individuals and families directly impacted by a loss of income and all funds under this Agreement shall be provided to families and households located only in Leon Valley, Texas.
- (e) **Audit.** If any audit, monitoring, investigations, review of awards, or other compliance review reveals any discrepancies, inadequacies, or deficiencies which are necessary to correct in order to maintain compliance with the City's Grant Agreement, the American Rescue Plan Act, United States Department of the Treasury Guidelines applicable to ARPA funding, other applicable laws, regulations, or City's obligations, Non-Profit agrees to correct such discrepancies or inadequacies within thirty (30) calendar days after City's receipt of the findings.
- (f) **Performance Conditions.** Non-Profit agrees to make, execute, and deliver to City

such other instruments, documents and other agreements as City or its attorneys may reasonably request to evidence this Agreement.

- (g) **Performance.** Non-Profit agrees to perform and comply with all terms, conditions, and provisions set forth in this Agreement and in all other instruments and agreements by and between the Non-Profit and City.

SECTION 6. AFFIRMATIVE COVENANTS OF THE CITY.

City covenants and agrees with Non-Profit that, while this Agreement is in effect, it shall comply with the following terms and conditions:

- (a) **Financial Assistance for Qualified Expenditures.** City covenants and agrees to provide financial assistance in the amount not to exceed Twenty Thousand Eight Hundred and Eighteen Dollars and 31/100 dollar (\$20,818.31) to Non-Profit. The City shall disburse funds to the Non-Profit for funds within fourteen days upon the Effective Date of this Agreement to administer the Utility Assistance Program by utilizing the funds for qualified expenditures.
- (b) **Performance.** City agrees to perform and comply with all terms, conditions, and provisions set forth in this Agreement and in all other instruments and agreements by and between Non-Profit and City.

SECTION 7. CESSATION OF ADVANCES.

If the City has made any commitment to provide any financial assistance to Non-Profit, whether under this Agreement or under any other agreement, the City shall have no obligation to advance or disburse the financial assistance if: (i) Non-Profit becomes insolvent, files a petition in bankruptcy or similar proceedings, or is adjudged bankrupt; or (ii) an Event of Default occurs.

SECTION 8. EVENTS OF DEFAULT.

Each of the following shall constitute an Event of Default under this Agreement:

- (a) **General Event of Default.** Failure of Non-Profit or City to comply with or to perform any other term, obligation, covenant, or condition contained in this Agreement, or failure of Non-Profit or City to comply with or to perform any other term, obligation, covenant, or condition contained in any other agreement by and between Non-Profit or City is an Event of Default.
- (b) **False Statements.** Any warranty, representation, or statement made or furnished to the City by or on behalf of Non-Profit under this Agreement that is false or misleading in any material respect, either now or at the time made or furnished is an Event of Default.

- (c) **Insolvency.** Non-Profit's insolvency, appointment of receiver for any part of Non-Profit's property, any assignment for the benefit of creditors of Non-Profit, any type of creditor workout for Non-Profit's, or the commencement of any proceeding under any bankruptcy or insolvency laws by or against Non-Profit is an Event of Default.

SECTION 9. EFFECT OF AN EVENT OF DEFAULT.

In the event of default under Section 7 of this Agreement, the non-defaulting party shall give written notice to the other party of any default, and the defaulting party shall have thirty (30) days to cure said default. Should said default remain uncured as of the last day of the applicable cure period, and the non-defaulting party is not otherwise in default, the non-defaulting party shall have the right to immediately terminate this Agreement. In the event, Non-Profit defaults and is unable or unwilling to cure said default within the prescribed time period, the amounts provided by the City to Non-Profit pursuant to Section 5(a) of this Agreement shall become immediately due and payable by Non-Profit to the City.

SECTION 10. INDEMNIFICATION.

Non-profit shall indemnify, save, and hold harmless the City, its directors, officers, agents, attorneys, and employees (collectively, the "Indemnitees") from and against: (i) any and all claims, demands, actions or causes of action that are asserted against any Indemnitee if the claim, demand, action or cause of action directly or indirectly relates to tortious interference with contract or business interference, or wrongful or negligent use of City's grant advances by Non-Profit or its agents and employees; (ii) any administrative or investigative proceeding by any governmental authority directly or indirectly related, to a claim, demand, action or cause of action in which the City is a disinterested party; (iii) any claim, demand, action or cause of action which directly or indirectly contests alleges the legal authority of the City or Non-Profit to enter into this Agreement; and (iv) any and all liabilities, losses, costs, or expenses (including reasonable attorneys' fees and disbursements) that any Indemnitee suffers or incurs as a result of any of the foregoing; provided, however, that Non-Profit shall have no obligation under this Section to the City with respect to any of the foregoing arising out of the gross negligence or willful misconduct of the City or the breach by the City of this Agreement. If any claim, demand, action, or cause of action is asserted against any Indemnitee, such Indemnitee shall promptly notify Non-Profit, but the failure to so promptly notify Non-Profit shall not affect Business Owner's obligations under this Section unless such failure materially prejudices Non-Profit's right to participate in the contest of such claim, demand, action or cause of action, as hereinafter provided. If requested by Non-Profit in writing, as so long as no Default or Event of Default shall have occurred and be continuing, such Indemnitee shall in good faith contest the validity, applicability and amount of such claim, demand, action, or cause of action and shall permit Non-Profit to participate in such contest. Any Indemnitee that proposes to settle or compromise any claim, demand, action, cause of action or proceeding for which Non-Profit may be liable for payment of

indemnity hereunder shall give Non-Profit written notice of the terms of such proposed settlement or compromise reasonably in advance of settling or compromising such claim or proceeding and shall obtain Non-Profit's concurrence thereto.

SECTION 11. MISCELLANEOUS PROVISIONS.

The following miscellaneous provisions are a part of this Agreement:

- a) **Assignment.** This Agreement shall bind and benefit the respective Parties and their legal successors and shall not be assignable, in whole or in part, by any party without first obtaining written consent of the other party.
- b) **Amendment or Modification.** Except as otherwise provided in this Agreement, this Agreement shall be subject to change, amendment, or modification only in writing, and by the signatures and mutual consent of the Parties.
- c) **Parties in Interest.** This Agreement shall be for the sole and exclusive benefit of the Parties hereto and shall not be construed to confer any rights upon any third party.
- d) **Remedies Not Exclusive.** The rights and remedies contained in this Agreement shall not be exclusive but shall be cumulative of all rights and remedies now or hereinafter existing, by law or in equity.
- e) **Waiver.** The failure of any party to insist in any one or more instances on the performance of any of the terms, covenants, or conditions of this Agreement, or to exercise any of its rights, shall not be construed as a waiver or relinquishment of such term, covenant, or condition, or right with respect to further performance.
- f) **Entire Agreement.** This Agreement constitutes the entire agreement between the Parties related to the subject matter of this Agreement and supersedes any and all prior agreements, whether oral or written, dealing with the subject matter of this Agreement.
- g) **Venue.** This Agreement shall be performable and enforceable in the state district courts of Bexar County, Texas, and shall be construed in accordance with the laws of the State of Texas.
- h) **Severability.** If any term or provision of this Agreement is held to be invalid, void, or unenforceable by a court of competent jurisdiction, the remainder of the terms and provisions of this Agreement shall remain in full force and effect and shall not in any way be invalidated, impaired or affected.
- i) **Notices.** Any notice provided or permitted to be given under this Agreement must be in writing and may be served by (i) depositing the same in the United

States mail, addressed to the party to be notified, postage prepaid, registered or certified mail, return receipt requested; or (ii) by delivering the same in person to such party; or (iii) by overnight or messenger delivery service that retains regular records of delivery and receipt; or (iv) by facsimile; provided a copy of such notice is sent within one (1) day thereafter by another method provided above. The initial addresses of the parties for the purpose of notice under this Agreement shall be as follows:

- i. If to City: CITY OF LEON VALLEY
 - i. 6400 El Verde
 - ii. Leon Valley, Texas 78238
 - iii. Attention: City Manager

 - ii. With copy to: Messer, Fort & McDonald, PLLC
 - i. 6371 Preston Road, Suite 200
 - ii. Frisco, TX 75034
 - iii. Attention: _____

 - iii. If to Non-Profit: ASCENSION DEPAUL SERVICES
 - i. 7607 Somerset Road
 - ii. San Antonio, Texas 78211
- j) No Joint Venture. Nothing contained in this Agreement is intended by the Parties to create a partnership or joint venture between the Parties and any implication to the contrary is hereby expressly disavowed. It is understood and agreed that this Agreement does not create a joint enterprise, nor does it appoint either Party as an agent of the other for any purpose whatsoever. Except, as otherwise specifically provided herein, neither Party shall in any way assume any of the liability of the other for acts of the other or obligations of the other.
- k) Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be considered an original, but all of which constitute one instrument.
- l) Governmental Immunity. The City does not waive or relinquish any immunity or defense on behalf of itself, its officers, employees, Councilmembers, and agents as a result of the execution of this Agreement and the performance of the covenants and actions contained herein.
- m) Binding Effect. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, executors, representatives, successors, and assigns, and the terms hereof shall run with the Property.
- n) Legal Construction. If any provision in this Agreement is for any reason unenforceable, to the extent the unenforceability does not destroy the basis of the bargain among the parties, such unenforceability will not affect any other provision hereof, and this Agreement will be construed as if the unenforceable

provision had never been a part of this Agreement. Whenever the context requires, the singular will include the plural and neuter include the masculine or feminine gender, and vice versa. Article and section headings in this Agreement are for reference only and are not intended to restrict or define the text of any section. This Agreement will not be construed more or less favorably between the parties by reason of authorship or origin of language.

- o) Recitals; Exhibits. Any recitals in this Agreement are represented by the parties hereto to be accurate, constitute a part of the parties' substantive agreement, and are fully incorporated herein as matters of contract and not mere recitals. Further, any exhibits to this Agreement are incorporated herein as matters of contract and not mere exhibits.
- p) Compliance with the AMERICAN RESCUE PLAN ACT. Should Non-Profit fail to comply or if federal agencies or authorities having jurisdiction over the funding subsequently determine that the funding was used improperly or that a payment was made but later determined to not be actual or allowable costs, Non-Profit warrants that it will return to City the amount identified as improperly used or not allowable, whether during the Term of this Agreement or after. Non-Profit shall refund any such payment to City.
- q) Public Information. Notwithstanding any provisions of this Agreement to the contrary, Non-Profit acknowledges that City and this Agreement are subject to the Texas Public Information Act, Texas Government Code Chapter 552 (the "PIA"). Non-Profit acknowledges that City will comply with the PIA, as interpreted by its legal counsel based on judicial opinions and opinions of the Attorney General of the State of Texas.
- r) Time is of Essence. Time is of the essence in the performance of this Agreement.

[Signatures and acknowledgments on the following pages]

THE PARTIES ACKNOWLEDGE HAVING READ ALL THE PROVISIONS OF THIS PERFORMANCE AGREEMENT, AND THE PARTIES AGREE TO ITS TERMS. THIS AGREEMENT IS EFFECTIVE AS OF THE EFFECTIVE DATE AS IS PROVIDED HEREIN.

CITY:

LEON VALLEY, TEXAS,
a Texas home-rule municipality

By: _____
Crystal Caldera
Leon Valley City Manager

Date Signed:

NON-PROFIT:

Ascension DePaul Services,
a Texas Non-Profit Organization

By: _____
Patrick Butler
President and Chief Executive Officer

Date Signed:

Utility Assistance Program

Roque Salinas, MPA

Director of Economic Development

2/20/2024

Summary

- The Council is being asked to consider a Resolution approving the continuation of the Utility Assistance Program through Ascension DePaul Services which will be used for utility assistance within the City Of Leon Valley and authorizing the City Manager to enter into a performance agreement with Ascension DePaul Services for the administration of the program. This would be the third year of the program.
- Options
 - Approve
 - Deny

Background

- The Utility Assistance Program will provide economic relief to citizens who are unable to pay basic utility bills,
- including:
 - • Electrical Service
 - • Water
 - • Sewer
 - • Natural Gas
 - • Sanitation Services

Fiscal impact

- The program will provide up to \$500 per household per calendar year. The program is in its third year and funds were set aside from the American Rescue Plan. If funds are depleted before March 31, 2025, then the program will cease to operate.

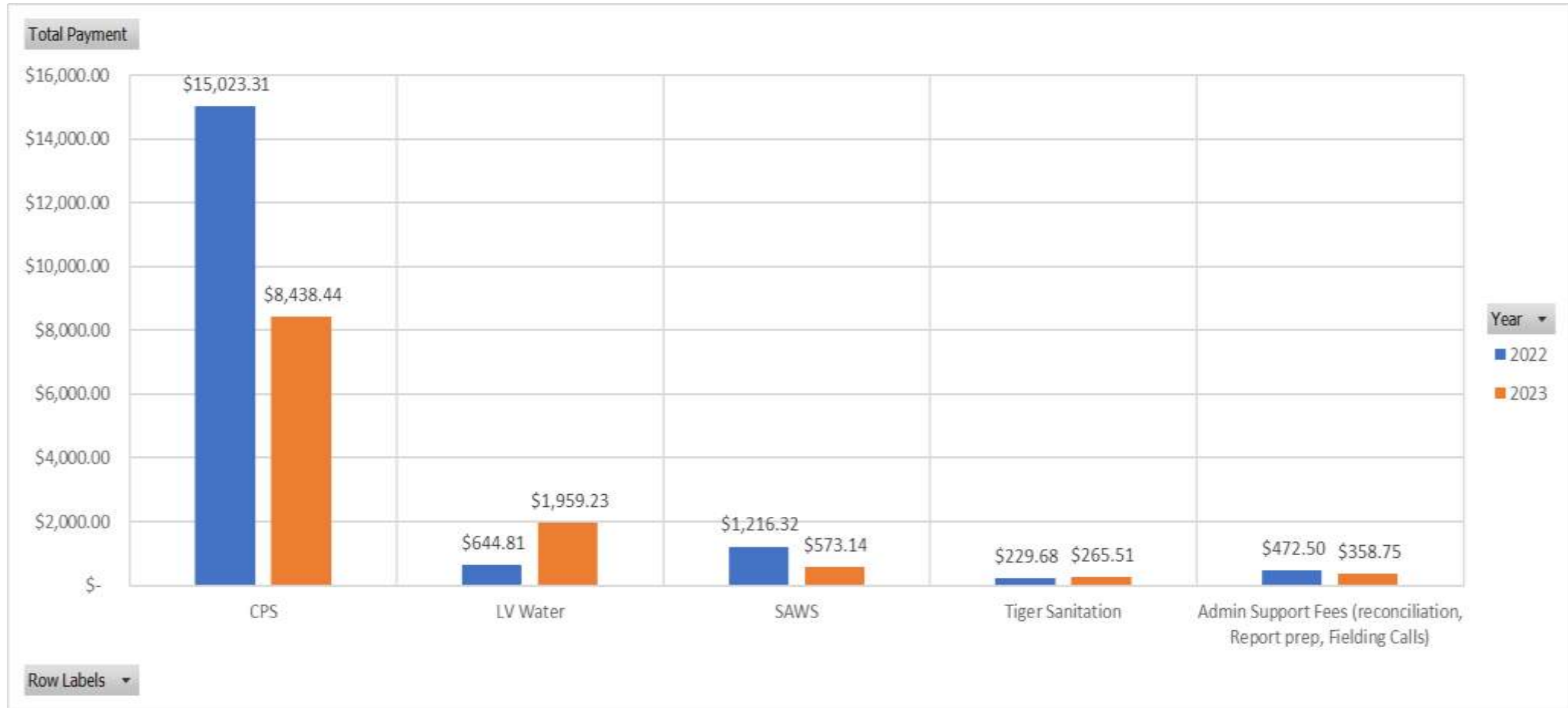
Program History

*Max pay out in 2022 was \$750.00

Starting funds	\$ 50,000.00
Program funds spent	\$29,181.69
Funds left	\$ 20,818.31

Item	Total Payment	People	Average Payment
2022			
CPS	\$ 15,023.31	23	\$ 653.19
LV Water	\$ 644.81	4	\$ 161.20
SAWS	\$ 1,216.32	2	\$ 608.16
Tiger Sanitation	\$ 229.68	2	\$ 114.84
Admin Support Fees (reconciliation, Report prep, Fielding Calls)	\$ 472.50	1	\$ 472.50
2022 Total	\$ 17,586.62	32	\$ 2,009.89
2023			
CPS	\$ 8,438.44	20	\$ 421.92
LV Water	\$ 1,959.23	7	\$ 279.89
SAWS	\$ 573.14	3	\$ 191.05
Tiger Sanitation	\$ 265.51	3	\$ 88.50
Admin Support Fees (reconciliation, Report prep, Fielding Calls)	\$ 358.75	1	\$ 358.75
2023 Total	\$ 11,595.07	34	\$ 1,340.11
Grand Total	\$ 29,181.69	66	

Program History



Utility Assistance Program

Roque Salinas, MPA

Director of Economic Development

2/20/2024

MAYOR AND COUNCIL COMMUNICATION

DATE: FEBRUARY 20, 2024

TO: Mayor and Council

FROM: Carol Goering, Finance Director

THROUGH: Crystal Caldera, City Manager

SUBJECT: Presentation Discussion and Possible Action on an Ordinance Authorizing a Fiscal Year 2023-24 General Fund Budget Adjustment in the Amount of \$5,000 for the Purpose of Increasing the City Manager & Council Department Budget.

SPONSOR(S): N/A

PURPOSE

This M & C requests approval for a budget adjustment, which will increase the City Manager & Council Department by \$5,000 to fund the settlement of the lawsuit between Denise Frederick v. the City of Leon Valley.

FISCAL IMPACT

A budget adjustment in the amount of \$5,000 is requested. The funds would come from the General Fund Reserve.

RECOMMENDATION

Staff recommends approval.

APPROVED : _____

DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS :

ATTEST :

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

AN ORDINANCE OF THE CITY OF LEON VALLEY, TX, CITY COUNCIL AUTHORIZING A FISCAL YEAR 2023-24 GENERAL FUND BUDGET IN THE AMOUNT OF \$5,000 FOR THE PURPOSE OF INCREASING THE CITY MANAGER & COUNCIL DEPARTMENT; PROVIDING FOR REPEALER, SEVERABILITY AND SAVING CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Leon Valley has already approved their FY 2023-2024 Budget on September 05, 2023; and

WHEREAS, it has been determined that funding should be added to the FY 2023-2024 Budget; and

WHEREAS, it is necessary to adjust the City Manager & Council Department Budget by a total amount of \$5,000

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

SECTION 1. The City's General Fund budget is hereby adjusted in the amount of \$5,000 to increase the City Manager & Council Department Budget.

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

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

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

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

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley
this the ___ day of ____, 2023.

APPROVED

CHRIS RILEY
MAYOR

Attest:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form:

NICOLE WARREN
City Attorney

Approval of an Ordinance Authorizing a Fiscal Year
2022-23 General Fund Budget Adjustment in the
Amount of \$5,000 for the Purpose of Increasing the
City Manager & Council Department Budget.

Carol Goering
Finance Director
City Council Meeting
February 20, 2024

Summary

- Question

- Approve an Ordinance authorizing budget adjustments for the FY 2023-2024 budget year.

- Options

- Recommendation:

- Approve the budget adjustment that fund the City Manager & Council department by \$5,000

- Denial of the request.

- Declaration

- This adjustment will fund the City Manager & Council Department, any excess in budget will roll back into the General Fund Reserve.

Purpose/Background

- Consider approval of an Ordinance authorizing budget adjustments for FY 2023-2024
 - Budget adjustment will increase the City Manager & Council Department by \$5,000 to fund the settlement of the lawsuit between Denise Frederick v. the City of Leon Valley.

Recommendation

- It is recommended that City Council approves an Ordinance authorizing budget adjustment for the FY 2023-2024 budget

MAYOR AND COUNCIL COMMUNICATION

DATE: February 20, 2024
TO: Mayor and Council
FROM: Tiffany Arizola, Court Administrator
THROUGH: Dr. Crystal Caldera, City Manager
SUBJECT: Interlocal Cooperation Contract (ICC) for the Failure to Appear (FTA) program with Texas Department of Public Safety (TxDPS).
SPONSOR(S): N/A

PURPOSE & BACKGROUND

The Leon Valley Municipal Court (LVMC) submits an FTA report to OMNIbase Services of Texas, LP when a person fails to appear or fails to pay or satisfy a judgment as required by law. DPS uses the FTA system to deny renewal of a driver license to a person who is the subject of an FTA system entry generated from an FTA report.

On February 4, 2004, the Council signed the ICC, and it was in effect from and after this date automatically renewed on a yearly basis.

The Municipal Court received notice from TxDPS of changes occurring in the 88th Legislative Session and the need to sign a new contract to continue our participation in the FTA program.

Per TxDPS the following changes have been made to the ICC:

- Changes to language and restructuring of the original ICC to provide clarity regarding the specific responsibilities held by each party.
- Inclusion of indigency into the programs mandated by House Bill 291, 88th Legislative Session.
- Language to account for future changes to the current statute, either federal or state, ensuring that the ICC remains in compliance with the latest legal requirements until a revised ICC is available.

FISCAL IMPACT

\$4.00 of the \$10.00 Reimbursement Fee could no longer be credited to the general fund of the City of Leon Valley. Outstanding fines and fees can potentially remain unsatisfied.

RECOMMENDATION

Sign the updated contract to continue utilizing the FTA program. The program holds defendants responsible to satisfy their offenses with LVMC by denying renewal of their driver license.

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Interlocal Cooperation Contract

1. STATE OF TEXAS §

§

COUNTY OF BEXAR §

I. Parties

This Interlocal Cooperation Contract (“Contract”) is made and entered into between the Texas Department of Public Safety (“TDPS”), a political subdivision of the State of Texas, and the CITY of LEON VALLEY, a local political subdivision of the State of Texas.

II. Overview

The purpose of this Contract is to implement the provisions of Texas Transportation Code Chapter 706. A local political subdivision may contract with the TDPS to provide information necessary to deny renewal of the driver license of a person who fails to appear for a complaint or citation or fails to pay or satisfy a judgement ordering payment of a fine or cost in the manner ordered by the court in a manner involving any offense within the jurisdiction of the justice or municipal court.

The TDPS has authority to contract with a private vendor (“Vendor”) pursuant to Texas Transportation Code §706.008. The Vendor will provide the necessary goods and services to establish an automated system (“FTA System”) whereby information regarding violators subject to the provisions of Texas Transportation Code Chapter 706 may be accurately stored and accessed by the TDPS. Utilizing the FTA System as a source of information, the TDPS may deny renewal of a driver license to a person who is the subject of an FTA System entry.

Each local political subdivision contracting with the TDPS will pay monies to the Vendor based on a fee certain established by this Contract. The TDPS will make no direct or indirect payments to the Vendor. The Vendor will ensure that accurate information is available to the TDPS, political subdivisions and persons seeking to clear their licenses at all reasonable times.

III. Definitions

“Complaint” means notice of an offense as defined in Article 27.14(d) or Article 45.019, Code of Criminal Procedure.

“Department” or “TDPS” means the Texas Department of Public Safety.

“Failure to Appear Program” or “FTA Program” refers to the implementation efforts of all parties, including those system components provided by the TDPS, local political subdivisions and the Vendor, including the FTA System.

“Failure to Appear System” or “FTA System” refers to the goods and services, including all hardware, software, consulting services, telephone and related support services, supplied by the Vendor.

“FTA Software” refers to computer software developed or maintained now or in the future by the Vendor to support the FTA System.

“Originating Court” refers to the court in which an applicable violation has been filed for which a person has failed to appear or failed to pay or satisfy a judgement and which has submitted an appropriate FTA report.

“State” refers to the State of Texas.

“Local political subdivision” refers to a city or county of the State of Texas.

Unless otherwise defined, terms used herein shall have the meaning assigned by Texas Transportation Code Chapter 706 or other relevant statute. Terms not defined in this Contract or by other relevant statutes shall be given their ordinary meanings.

IV. Governing Law

This Contract is entered into pursuant to Texas Government Code Chapter 791 and is subject to the laws and jurisdiction of the State of Texas and shall be construed and interpreted accordingly.

V. Venue

The parties agree that this contract is deemed performable in Travis County, Texas, and that venue for any suit arising from the interpretation or enforcement of this Contract shall lie in Travis County, Texas.

VI. Application and Scope of Contract

This Contract applies to each FTA report submitted to and accepted by the TDPS or the Vendor by the local political subdivision pursuant to the authority of Texas Transportation Code Chapter 706.

VII. Required Warning on Citation for Traffic Law Violations

A peace officer authorized to issue citations within the jurisdiction of the local political subdivision shall issue a written warning to each person to whom the officer issues a citation for a traffic law violation. This warning shall be provided in addition to any other warnings required by law. The warning must state in substance that if the person fails to appear in court for the prosecution of the offense or if the person fails to pay or satisfy a judgement ordering the payment of a fine and cost in the manner ordered by the court, the person may be denied renewal of the person’s driver license. The written warning may be printed on the citation or on a separate instrument.

VIII. FTA Report

If the person fails to appear or fails to pay or satisfy a judgement as required by law, the local political subdivision may submit an FTA report containing the following information:

- (1) the jurisdiction in which the alleged offense occurred;
- (2) the name of the local political subdivision submitting the report;
- (3) the name, date of birth and Texas driver license number of the person who failed to appear or failed to pay or satisfy a judgement;
- (4) the date of the alleged violation;
- (5) a brief description of the alleged violation;
- (6) a statement that the person failed to appear or failed to pay or satisfy a judgement as required by law;
- (7) the date that the person failed to appear or failed to pay or satisfy a judgement; and
- (8) any other information required by the TDPS.

There is no requirement that a criminal warrant be issued in response to the person's failure to appear. The local political subdivision must make reasonable efforts to ensure that all FTA Reports are accurate, complete and non-duplicative.

IX. Clearance Reports

The originating court that files the FTA Report has a continuing obligation to review the report and promptly submit appropriate additional information or reports to the Vendor or the TDPS. The clearance report shall identify the person, state whether or not a fee was required, advise the TDPS to lift the denial of renewal and state the grounds for the action. All clearance reports must be submitted within five business days of the time and date that the originating court receives appropriate payment or other information that satisfies the citizen's obligation to that court.

To the extent that a local political subdivision utilizes the FTA Program by submitting an FTA Report, there is a corresponding obligation to collect the statutorily required \$30.00 administrative fee. If the person is acquitted of the underlying offense for which the original FTA Report was filed, the originating court shall not require payment of the administrative fee. The local political subdivision shall submit a clearance report within five business days advising the TDPS to lift the denial of renewal and identifying the grounds for the action.

The local political subdivision must promptly file a clearance report upon payment of the administrative fee and:

- (1) the perfection of an appeal of the case for which the warrant of arrest was issued or judgement arose;
- (2) the dismissal of the charge for which the warrant of arrest was issued or judgement arose;
- (3) the posting of a bond or the giving of other security to reinstate the charge for which the warrant was issued;
- (4) the payment or discharge of the fine and cost owed on an outstanding judgement of the court;
or
- (5) other suitable arrangement to pay the fine and cost within the court's discretion.

The TDPS will not continue to deny renewal of the person’s driver license after receiving notice from the local political subdivision that the FTA report was submitted in error or has been destroyed in accordance with local political subdivision’s record retention policy.

X. Compliance with Law

The local political subdivision understands and agrees that it will comply with all local, state and federal laws in the performance of this Contract, including administrative rules adopted by the TDPS.

XI. Accounting Procedures

An officer collecting fees pursuant to Texas Transportation Code §706.006 shall keep separate records of the funds and shall deposit the funds in the appropriate municipal or county treasury. The custodian of the municipal or county treasury may deposit such fees in an interest-bearing account and retain the interest earned thereon for the local political subdivision. The custodian shall keep accurate and complete records of funds received and disbursed in accordance with this Contract and the governing statutes.

The custodian shall remit \$20.00 of each fee collected pursuant to Texas Transportation Code §706.006 to the Comptroller on or before the last day of each calendar quarter and retain \$10.00 of each fee for payment to the Vendor and credit to the general fund of the municipal or county treasury.

XII. Payments to Vendor

The TDPS has contracted with OmniBase Services, Inc. (“Vendor”), a corporation organized and incorporated under the laws of the State of Texas, with its principal place of business in Austin, Texas, to assist with the implementation of the FTA Program.

Correspondence to the Vendor may be addressed as follows:

OmniBase Services, Inc.

6101 W. Courtyard Drive, Building 3, Suite 210

Austin, Texas 78730

(512) 346-6511 ext. 100; (512) 346-9312 (fax)

The local political subdivision must pay the Vendor a fee of \$6.00 per person for each violation which has been reported to the Vendor and for which the local political subdivision has subsequently collected the statutorily required \$30.00 administrative fee. In the event that the person has been acquitted of the underlying charge, no payment will be made to the Vendor or required of the local political subdivision.

The parties agree that payment shall be made by the local political subdivision to the Vendor no later than the last day of the month following the close of the calendar quarter in which the payment was received by the local political subdivision.

XIII. Litigation and Indemnity

In the event that the local political subdivision is aware of litigation in which this Contract or Texas Transportation Code Chapter 706 is subject to constitutional, statutory, or common-law challenge, or is struck down by judicial decision, the local political subdivision shall make a good faith effort to notify the TDPS immediately.

Each party may participate in the defense of a claim or suit affecting the FTA Program, but no costs or expenses shall be incurred for any party by the other party without the other parties written consent.

To the extent authorized by law, the local political subdivision agrees to indemnify and hold harmless the TDPS against any claims, suits, actions, damages and costs of every nature or description arising out of or resulting from the performance of this Contract, and the local political subdivision further agrees to satisfy any final judgement awarded against the local political subdivision or the TDPS arising from the performance of this Contract, provided said claim, suit, action, damage, judgement or related cost is not attributed by the judgement of a court of competent jurisdiction to the sole negligence of the TDPS.

It is the agreement of the parties that any litigation involving the parties to this Contract may not be compromised or settled without the express consent of the TDPS, unless such litigation does not name the TDPS as a party.

This section is subject to the statutory rights and duties of the Attorney General for the State of Texas.

XIV. Contract Modification

No modifications, amendments or supplements to, or waivers of, any provision of this Contract shall be valid unless made in writing and executed in the same manner as this Contract.

XV. Severability

If any provision of this Contract is held to be illegal, invalid or unenforceable under present or future laws effective during the term hereof, such provision shall be fully severable. This Contract shall be construed and enforced as if such illegal, invalid or unenforceable provision had never comprised a part hereof, and the remaining provisions shall remain in full force and effect and shall not be affected by the illegal, invalid or unenforceable provision or by its severance therefrom.

XVI. Multiple Counterparts

This agreement may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes and all of which constitutes, collectively, one agreement. But, in making proof of this agreement, it shall not be necessary to produce or account for more than one such counterpart.

XVII. Effective Date of Contract

This contract shall be in effect from and after the date that the final signature is set forth below. This contract shall automatically renew on a yearly basis. However, either party may terminate this agreement upon thirty days written notice to the other party. Notice may be given at the following addresses:

Local Political Subdivision

Texas Department of Public Safety



Project Administrator, FTA Program

City Manager

6400 El Verde Rd

5805 North Lamar Boulevard

Leon Valley, Texas 78238

Austin, Texas 78773-0001

(210) 684-4476

(512) 424-5948 (fax)

Notice is effective upon receipt or three days after deposit in the U.S. mail, whichever occurs first. After termination, the local political subdivision has a continuing obligation to report dispositions and collect fees for all violators in the FTA System at the time of termination.

TEXAS DEPARTMENT OF LOCAL POLITICAL SUBDIVISION*

PUBLIC SAFETY



Tom Haas Authorized Signature

Chief of Finance

Date Title

2-4-04

Date

* An additional page may be attached if more than one signature is required to execute this contract on behalf of the local political subdivision. Each signature block must contain the person's title and the date.

RECEIVED

JAN 27 2004

LIB

FAILURE TO APPEAR PROGRAM INFORMATION SHEET

PS ID # _____
I.L. Rec'd _____ {Section}.71.
County _____

[counties should complete this form for each precinct or court that will participate in the FTA Program]

City of Leon Valley M-Th 7:30a-5:30p Fri 7:30a-11:30a
Name of Political Subdivision Business Hours
6400 El Verde Road Leon Valley, Texas 78238
Address City Zip

Telephone # for violators to call regarding outstanding tickets: (n/a)

FTA Administrator: Gretchen Black Title: Assistant City Manager

Telephone #: (210) 684-1391 x216 Fax #: (210) 684-4476
Email: gblack@ci.leon-valley.tx.us

FTA Computer Operator (if different from FTA Administrator):
Sonia Hernandez Title: Administrative Clerk

Telephone #: (210) 684-1391 x213 Fax #: () same
Email: none

FTA Billing Matters: Gretchen Black Title: Assistant City Manager

Telephone #: () same as above Fax #: ()
Email: _____

BEST TIME TO CONTACT YOUR FTA COORDINATOR? During above hours listed

Equipment requirements for Failure to Appear software: **WINDOWS 95, WINDOWS 98 OR GREATER**

MINIMUM: IBM PC or Compatible, 486 Processor or Better, 16 Megabytes of Random Access Memory, 10 Megabyte or Larger Hard Disk Drive, 100% Hayes Compatible Modem

RECOMMENDED: IBM PC or Compatible, Pentium 100MHz or Faster, 32 Megabytes of Random Access Memory, 25 Megabytes or Larger Hard Disk Drive, 100% Hayes Compatible Modem

Your current computer hardware and software [please check one]:

Operating System: Windows 95 Windows 98 Windows NT

Other [please identify]: _____

Word Processing Software: Word WordPerfect Other: _____

Does your computer have a modem? Yes No

Do you have access to a long distance telephone line? Yes No

Does Your Computer Have a Cd Rom Drive? YES NO Do you have access to the Internet? YES NO

If you do not currently have the minimum equipment requirements, when do you expect to acquire and have them operational? N/A

PLEASE COMPLETE THIS FORM AND RETURN TO: **OMNIBASE SERVICES OF TEXAS**

ATTN: DONETTA MOORE
7320 N. MOPAC STE 310
AUSTIN, TX 78731
FAX 512/ 346-9312
FOR INFORMATION CALL 512/ 346-6511

{Section}.71.

CITY OF LEON VALLEY

ADMINISTRATION

Interoffice Memorandum

To: Staff

From:  Gretchen Black, ACM

Subject: Warrant Program

Date: March 30, 2004

As you know we are working towards all of our warrants being reported to DPS. We still have a few items to address before the program is underway however, one change will be effective immediately as follows:

1. All warrants will be recorded on the warrant clipboard.
2. Those that are "old warrants", without a RED warrant status will be highlighted in yellow so that the Warrant Officers will know that the warrants are in the case jacket.
3. We will no longer have a "warrant list to balance" as all warrants in practice will be active. However, please note that it is still critical that the defendant's name be written down for all those in-between, end of day issues, etc.
4. The Judge has agreed to allow staff to stamp the warrants so this creates only active or voided warrants. Voided warrants will still need to be returned to Sharon for her daily check list.

There are still going to be issues to work out so be patient, ask questions, and don't get "set" into any one way of thinking until the entire program is fully on-line.

FTA Program Update

The FTA Program will have it's first trial run on Monday, June 14th. Sonia is in charge of the program and the reporting. The following information establishes how the program will be implemented and managed.

1. The Program will begin with warrants dated 9/1/99. It can be run for any type of warrant although the dates for capais and general warrants may have a later start date, and if so, I will let you know.
2. Sonia will enter the date range for the DPS system flag 30 days at a time and print a hard copy for verification. She will continue to produce lists about every two weeks until the approximately 4000 or so old warrants have been added to the system. The cases will be marked with a red DPS stamp.
3. When the DPS flag has been added a \$30.00 fee will be put on the warrant case by the computer system. It will NOT be on the actual warrant unless staff adds it to the total. This means that when the Warrant Officers are out in the field they need to be extra careful about confirming the amount due.
4. Sonia will add the \$30.00 fee to the outside of the case jacket label. Staff will need to remember to put a DPS tag on any case that is not cleared at the time of the initial contact with the defendant. This will be just as we did with MSB whereby the cases are returned to Sonia for reporting to DPS.
5. No DL will be cleared until ALL the original cases due and reported to DPS are cleared. It is in the best interest of the defendant to pay in full. Remember all the cases will be active warrants and therefore, they must be paid in cash.
6. After all the warrants have been input AND the DPS flag has been added it will then be a process whereby the Warrant Officers will turn in warrants after 90 days, similar to the process we had with the UTL warrants that were given to MSB.
7. In the initial phase we know that some cases cannot be reported because the defendant might not have a Texas driver license. If there is no DL there is no reporting.
8. I will remind the Judge and Prosecutor that they need to be careful about reducing the fees due on warrants as we have to pay this new \$30.00 fee first to the State, along with all their other court costs before the City receives any share.

This website will be unavailable due to system maintenance from 6:00 p.m. on Friday, February 16, 2024, through 8:00 a.m. on Tuesday, February 20, 2024 {Section}.71.

H.B. No. 291

AN ACT

relating to occupational driver's licenses and to the renewal of driver's licenses.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 521.001(a)(3), Transportation Code, is amended to read as follows:

(3) "Driver's license" means an authorization issued by the department for the operation of a motor vehicle. The term includes:

- (A) a temporary license or learner license; and
- (B) an occupational driver's license.

SECTION 2. Subchapter L, Chapter 521, Transportation Code, is amended to read as follows:

SUBCHAPTER L. OCCUPATIONAL DRIVER'S LICENSE

Sec. 521.241. DEFINITIONS. In this subchapter:

(1) "Essential need" means a need of a person to operate [~~for the operation of~~] a motor vehicle:

- (A) in the performance of an occupation or trade or for transportation to and from the place at which the person practices the person's occupation or trade;
- (B) in the pursuit of an occupation or trade;
- ~~(C)~~ for transportation to and from an educational facility in which the person is enrolled; or
- ~~(D)~~ [~~(C)~~] in the performance of essential household duties.

(2) "Ignition interlock device" means a device that uses a deep-lung breath analysis mechanism to make impractical the operation of a motor vehicle if ethyl alcohol is detected in the breath of the operator of the vehicle.

(3) "Offense relating to the operating of a motor vehicle while intoxicated" has the meaning assigned by Section 49.09, Penal Code.

Sec. 521.242. ELIGIBILITY [PETITION]. (a) A person is eligible to apply for an occupational driver's license if:

(1) the person's [whose] license has been suspended, revoked, or canceled for a cause other than:

- (A) a physical or mental disability or impairment; or
- (B) a determination by the department under Section 521.294 that the person is incapable of safely operating a motor vehicle;

(2) the person does not hold a driver's license and is ineligible to obtain a driver's license because of a suspension order, including an order due to a conviction or an order under Chapter 524 or 724; or

(3) the person is ineligible to obtain a driver's license because the person holds a driver's license issued by another state or country that was suspended, revoked, or canceled for a cause other than a physical or mental disability or impairment. [~~conviction of an offense under Sections 49.04-49.08, Penal Code~~]

(b) An occupational driver's license does not authorize a

person to operate a commercial motor vehicle to which Chapter 522 applies.

Sec. 521.2421. PETITION. (a) Except as provided by Subsections (b) and (c), a person may apply for an occupational driver's license by filing a verified petition with the clerk of a justice, county, or district court with jurisdiction that includes the [~~precinct or~~] county in which:

- (1) the person resides; or
- (2) the incident [~~offense~~] occurred for which the

license was suspended, ~~revoked, or canceled.~~

(b) If a person's license has been automatically suspended, revoked, or canceled due to a conviction of an offense as provided by Subchapter O or P, the [A] person may apply for an occupational driver's license by filing a verified petition only with the clerk of the court in which the person was convicted [~~if:~~

[~~(1) the person's license has been automatically suspended or canceled under this chapter for a conviction of an offense under the laws of this state; and~~

[~~(2) the person has not been issued, in the 10 years preceding the date of the filing of the petition, more than one occupational license after a conviction under the laws of this state].~~

(c) If a person's license is suspended, revoked, or canceled due to a court order submitted to the department by a district, county, or justice court, the person may apply for an occupational driver's license by filing a verified petition with a court described by Subsection (a) or the court that issued the order.

(d) [~~(e)~~] A petition filed under this section must:

(1) set forth in detail the petitioner's [~~person's~~] essential need, including a description of the hours and location of essential travel;

(2) describe the reason for the petitioner's license suspension, revocation, or cancellation;

(3) provide evidence of the petitioner's financial responsibility in accordance with Chapter 601; and

(4) include a certified abstract of the petitioner's complete driving record.

[~~(d) A petition filed under Subsection (b) must state that the petitioner was convicted in that court for an offense under the laws of this state.~~

[~~(e) The clerk of the court shall file the petition as in any other matter.]~~

(f) If a court lacks jurisdiction over a petition filed under this section, the court shall dismiss the application. The court may hold a hearing to determine if the court has jurisdiction over the petition. If the petition is dismissed, the petitioner may submit a written request for the petition to be reinstated within 14 days of the dismissal, stating the reason the court has jurisdiction over the petition.

Sec. 521.2422. COURT COSTS. (a) A petitioner must pay the filing fee the court charges for filing a civil action or file a statement of inability to afford payment of court costs under the Texas Rules of Civil Procedure. If a petition is dismissed under Section 521.2421(f), the court shall refund any filing fee paid by the petitioner under this subsection.

(b) If a petitioner files a statement of inability to afford payment of court costs, the court may hold a hearing to determine the person's ability to afford the payment of the filing fee. The hearing may be held at the time the statement of inability to afford payment of court costs is filed or at the time of the hearing to determine the petitioner's essential need. If the court determines the petitioner is able to afford the payment of the filing fee, the court may not grant an occupational driver's license to the petitioner until the petitioner pays the fee.

Sec. 521.2423. FORMS. A court shall make the forms required

for petitioning for an occupational driver's license and for the statement of inability to afford payment of court costs available at no cost.

Sec. 521.2424. COMMERCIAL MOTOR VEHICLES. A court may not grant an occupational driver's license for the operation of a commercial motor vehicle to which Chapter 522 applies. This section does not prevent a person who has been issued a commercial driver's license from obtaining an occupational driver's license for the operation of a noncommercial motor vehicle.

Sec. 521.243. NOTICE TO STATE; PRESENTATION OF EVIDENCE.

(a) Unless the petition is dismissed under Section 521.2421(f), the [The] clerk of the court shall send by certified mail to the attorney representing the state a copy of the petition and notice of the hearing if the petitioner's license was suspended, revoked, or canceled following a conviction for:

(1) an offense under Section 19.05 or Sections 49.04-49.08, Penal Code; or

(2) an offense to which Section 521.342 applies.

(b) The court may notify the attorney representing the state of any other hearing on a petition for an occupational driver's license.

(c) A person who receives notice [a copy of a petition] under Subsection (a) or (b) may attend the hearing and may present evidence at the hearing for or against granting the petition.

Sec. 521.244. [HEARING; ORDER;] DETERMINATION OF ESSENTIAL NEED; HEARING AND ORDER. (a) The judge shall hold a hearing on the petition if the petitioner's license was suspended, revoked, or canceled following a conviction for:

(1) an offense under Section 19.05 or Sections 49.04-49.08, Penal Code; or

(2) an offense to which Section 521.342 applies.

(a-1) If the petitioner's license was suspended, revoked, or canceled for a reason other than a reason described by Subsection (a), the judge may hold a hearing on the petition or may make a determination of essential need based on the petition [The judge who hears the petition shall sign an order finding whether an essential need exists].

[(b) In determining whether an essential need exists, the judge shall consider:

[(1) the petitioner's driving record; and

[(2) any evidence presented by a person under Section 521.243(b)].

[(c) If the judge finds that there is an essential need, the judge also, as part of the order, shall:

[(1) determine the actual need of the petitioner to operate a motor vehicle; and

[(2) require the petitioner to provide evidence of financial responsibility in accordance with Chapter 601.]

(d) Except as provided by Section 521.243(c) [521.243(b)], the hearing on the petition may be ex parte. The hearing may be held using electronic or telephonic means.

(e) Subject to Subsection (f), if the judge determines the person is eligible for an occupational driver's license and has an essential need, the judge shall enter an order granting the petition. If the judge determines the person is ineligible for an occupational driver's license or does not have an essential need, the judge shall enter an order denying the petition.

(f) The judge may enter an order denying the petition based on evidence presented at a hearing by the attorney representing the state. The judge may also enter an order denying the petition if the petitioner:

(1) is unable to present evidence of financial responsibility under Chapter 601;

(2) has been convicted more than once in the 10 years preceding the date of the petition of an offense to which Sections

49.04-49.08, Penal Code, apply; or

(3) is subject to a revocation order under Section 521.252 or 521.253 [A person convicted of an offense under Sections 49.04-49.08, Penal Code, who is restricted to the operation of a motor vehicle equipped with an ignition interlock device is entitled to receive an occupational license without a finding that an essential need exists for that person, provided that the person shows:

[(1) evidence of financial responsibility under Chapter 601; and

[(2) proof the person has had an ignition interlock device installed on each motor vehicle owned or operated by the person].

(g) An order granting or denying an application for an occupational driver's license may not be appealed.

Sec. 521.245. REQUIRED ALCOHOL DEPENDENCE COUNSELING. (a) If the petitioner's license has been suspended under Chapter 524 or 724, or as the result of a conviction for an offense relating to the operating of a motor vehicle while intoxicated, the court shall require the petitioner to attend a program approved by the court that is designed to provide counseling and rehabilitation services to persons for alcohol dependence. The court may waive the requirement on a showing of good cause [This requirement shall be stated in the order granting the occupational license].

(b) The program required under Subsection (a) may not be the program provided by Section 521.344 or by Article 42A.403 or 42A.404, Code of Criminal Procedure.

(c) The court may require the person to report periodically to the court to verify that the person is attending the required program.

(d) On finding that the person is not attending the program as required, the court may:

(1) revoke the order granting the occupational driver's license, as provided by Section 521.252; or

(2) if the person is not currently restricted to the operation of a motor vehicle with an ignition interlock device installed, modify the order to include that restriction, as provided by Section 521.246. [The court shall send a certified copy of the order revoking the license to the department.

[(e) On receipt of the copy under Subsection (d), the department shall suspend the person's occupational license for:

[(1) 60 days, if the original driver's license suspension was under Chapter 524; or

[(2) 120 days, if the original driver's license suspension was under Chapter 724.

[(f) A suspension under Subsection (e):

[(1) takes effect on the date on which the court signs the order revoking the occupational license; and

[(2) is cumulative of the original suspension.

[(g) A person is not eligible for an occupational license during a period of suspension under Subsection (e).]

Sec. 521.246. IGNITION INTERLOCK DEVICE REQUIREMENT. (a) Subject to Subsection (b-1), the [If the person's license has been suspended after a conviction of an offense under Sections 49.04-49.08, Penal Code, the] judge shall restrict the person to the operation of a motor vehicle equipped with an ignition interlock device if:

(1) the person is currently under an order restricting the person to the operation of a motor vehicle equipped with an ignition interlock device, including an order imposed as a condition of bond; or

(2) the person's license has been suspended, revoked, or canceled after a conviction for an offense under Sections 49.04-49.08, Penal Code.

(b) On a finding of good cause, the judge may restrict the

person to the operation of a motor vehicle equipped with an ignition interlock device in a case not described by Subsection (a).

(b-1) The court may waive the ignition interlock device requirement under Subsection (a) if the court finds the requirement is not necessary for the safety of the community and the waiver is in the best interest of justice.

(c) The person shall obtain the ignition interlock device at the person's own expense unless the court finds that to do so is not in the best interest of justice and enters that finding in the record. If the court determines that the person is unable to pay for the device, the court may impose a reasonable payment schedule for a term not to exceed twice the period of the court's order.

(d) The court shall order the ignition interlock device to remain installed for the duration of the period of suspension, unless the court finds:

(1) good cause for the removal of the device; and

(2) the device is not necessary for the safety of the community.

(e) A person to whom this section applies may operate a motor vehicle without the installation of an approved ignition interlock device if:

(1) the person is required to operate a motor vehicle in the course and scope of the person's employment;

(2) the vehicle is owned by the person's employer;

(3) the employer is not owned or controlled by the person whose driving privilege is restricted;

(4) the employer is notified of the driving privilege restriction; and

(5) proof of that notification is with the vehicle.

~~[(f) A previous conviction may not be used for purposes of restricting a person to the operation of a motor vehicle equipped with an interlock ignition device under this section if:~~

~~[(1) the previous conviction was a final conviction for an offense under Sections 49.04-49.08, Penal Code, and was for an offense committed more than 10 years before the instant offense for which the person was convicted; and~~

~~[(2) the person has not been convicted of an offense under Sections 49.04-49.08 of that code committed within 10 years before the date on which the instant offense for which the person was convicted.]~~

Sec. 521.2461. TESTING FOR ALCOHOL OR CONTROLLED SUBSTANCES. The court granting an occupational driver's license under this subchapter may require as a condition of the license that the person submit to periodic testing for alcohol or controlled substances, to be conducted by an entity specified by the court, if the person's license has been suspended, revoked, or canceled under Chapter 524 or 724 or as a result of the person's conviction for ~~[of]~~ an offense relating to the operating ~~[involving the operation]~~ of a motor vehicle while intoxicated.

Sec. 521.2462. SUPERVISION OF PERSON ISSUED OCCUPATIONAL DRIVER'S LICENSE. (a) The court granting an occupational driver's license under this subchapter may order the person receiving the license to submit to supervision for the purpose of verifying the person's compliance with the conditions specified by the order granting the license, including ~~[the]~~ conditions specified in accordance with Section 521.248.

(a-1) The court may order the supervision of the person to be conducted by:

(1) the local community supervision and corrections department; or

(2) a personal bond office established under Article 17.42, Code of Criminal Procedure.

(a-2) If the court orders the person's supervision to be conducted by the local community supervision and corrections department, the court shall order the person to pay a monthly

administrative fee under Section 76.015, Government Code.

(a-3) If the court orders the person's supervision to be conducted by a personal bond office, the office may collect from the person a reasonable administrative fee of not less than \$25 and not more than \$60 per month.

(b) The court may order the supervision to continue until the end of the period of suspension, revocation, or cancellation of the person's driver's license, including any extensions of that period.

(c) The court for good cause may modify or terminate supervision before the end of the period of license suspension, revocation, or cancellation.

Sec. 521.2465. RESTRICTED LICENSE. (a) On receipt of notice that a person has been restricted to the use of a motor vehicle equipped with an ignition interlock device, the department shall notify that person that the person's driver's license expires on the 30th day after the date of the notice. On application by the person and payment of a fee of \$10, the department shall issue a special restricted license that conspicuously indicates that the person is authorized to operate only a motor vehicle equipped with an ignition interlock device.

(a-1) The notice provided to the person by the department under Subsection (a) may be provided by:

- (1) first class mail; or
- (2) e-mail if the person has provided an e-mail

address to the department and has elected to receive notice electronically.

(b) On receipt of a copy of a court order removing the restriction or at the end of the period of suspension, as applicable, the department shall issue the person a driver's license without the restriction.

Sec. 521.247. APPROVAL OF IGNITION INTERLOCK DEVICES BY DEPARTMENT. (a) The department shall adopt rules for the approval of ignition interlock devices used under this subchapter.

(b) The department by rule shall establish general standards for the calibration and maintenance of the devices. The manufacturer or an authorized representative of the manufacturer is responsible for calibrating and maintaining the device.

(c) If the department approves a device, the department shall notify the manufacturer of that approval in writing. Written notice from the department to a manufacturer is admissible in a civil or criminal proceeding in this state. The manufacturer shall reimburse the department for any cost incurred by the department in approving the device.

(d) The department is not liable in a civil or criminal proceeding that arises from the use of an approved device.

Sec. 521.2475. IGNITION INTERLOCK DEVICE EVALUATION. (a) On January 1 of each year, the department shall issue an evaluation of each ignition interlock device approved under Section 521.247 using guidelines established by the National Highway Traffic Safety Administration, including:

- (1) whether the device provides accurate detection of alveolar air;
- (2) the moving retest abilities of the device;
- (3) the use of tamper-proof blood alcohol content level software by the device;
- (4) the anticircumvention design of the device;
- (5) the recalibration requirements of the device; and
- (6) the breath action required by the operator.

(b) The department shall assess the cost of preparing the evaluation equally against each manufacturer of an approved device.

Sec. 521.2476. MINIMUM STANDARDS FOR VENDORS OF IGNITION INTERLOCK DEVICES. (a) The department by rule shall establish:

- (1) minimum standards for vendors of ignition interlock devices who conduct business in this state; and

(2) procedures to ensure compliance with those standards, including procedures for the inspection of a vendor's facilities.

(b) The minimum standards shall require each vendor to:

- (1) be authorized by the department to do business in this state;
- (2) install a device only if the device is approved under Section 521.247;
- (3) obtain liability insurance providing coverage for damages arising out of the operation or use of devices in amounts and under the terms specified by the department;
- (4) install the device and activate any anticircumvention feature of the device within a reasonable time after the vendor receives notice that installation is ordered by a court;
- (5) install and inspect the device in accordance with any applicable court order;
- (6) repair or replace a device not later than 48 hours after receiving notice of a complaint regarding the operation of the device;
- (7) submit a written report of any violation of a court order to that court and to the person's supervising officer, if any, not later than 48 hours after the vendor discovers the violation;
- (8) maintain a record of each action taken by the vendor with respect to each device installed by the vendor, including each action taken as a result of an attempt to circumvent the device, until at least the fifth anniversary after the date of installation;
- (9) make a copy of the record available for inspection by or send a copy of the record to any court, supervising officer, or the department on request; and
- (10) annually provide to the department a written report of each service and ignition interlock device feature made available by the vendor.

(c) The department may revoke the department's authorization for a vendor to do business in this state if the vendor or an officer or employee of the vendor violates:

- (1) any law of this state that applies to the vendor;
- or
- (2) any rule adopted by the department under this section or another law that applies to the vendor.

(d) A vendor shall reimburse the department for the reasonable cost of conducting each inspection of the vendor's facilities under this section.

~~[(e) In this section, "offense relating to the operating of a motor vehicle while intoxicated" has the meaning assigned by Section 49.09, Penal Code.]~~

Sec. 521.248. ORDER GRANTING LICENSE [REQUIREMENTS]. (a) An order granting an occupational driver's license must specify:

- (1) the hours of the day and days of the week during which the person may operate a motor vehicle;
- (2) the reasons for which the person may operate a motor vehicle;
- (3) areas or routes of travel permitted;
- (4) that the person may not operate a commercial motor vehicle;
- (5) that the person is restricted to the operation of a motor vehicle equipped with an ignition interlock device, if applicable; [and]
- (6) [(5)] that the person must submit to periodic testing for alcohol or controlled substances, if applicable;
- (7) that the person is required to attend alcohol dependence counseling, if applicable; and
- (8) that the person is required to submit to supervision to ensure compliance with conditions of the order, if

applicable.

(b) The person may not operate a motor vehicle for more than four hours in any 24-hour period, except that on a showing of necessity the court may allow the person to drive for any period determined by the court that does not exceed 12 hours in any 24-hour period.

(c) An order granting an occupational driver's license remains valid until the end of the period of suspension, revocation, or cancellation of the person's regular driver's license.

(d) A person who is restricted to the operation of a motor vehicle equipped with an ignition interlock device may not be subject to any time of travel, reason for travel, or location of travel restrictions described by Subsection (a) (1), (2), or (3) or (b).

(e) An order granting an occupational driver's license may require the person to keep a travel log showing the date, time, and location of travel. The court may require the person to show the travel log to demonstrate compliance with the conditions of the order.

(f) The court shall give a copy of the order to the person and inform the person that they must comply with any requirements of the department for the issuance of an occupational driver's license.

(g) An order issued under this section may be modified at any time by the court without a hearing or payment of a filing fee. The issuance date of the order is not changed by a modification. If the order is modified, the court shall deliver a certified copy to the person and to the department.

Sec. 521.249. NOTICE TO DEPARTMENT; ISSUANCE OF OCCUPATIONAL DRIVER'S LICENSE. (a) The court shall send a certified copy of the petition and the court order setting out the judge's findings and restrictions to the department. The person may use a copy of the order as a restricted license until the 45th day after the date on which the order takes effect.

(a-1) It is an affirmative defense to prosecution under Sections 521.025 and 521.457 that the person has applied for and complied with the department's requirements for the issuance of an occupational driver's license on or before the 10th day after the issuance of the court order but has not been issued the license.

(b) On receipt of the copy under this section and after compliance with Chapter 601, the department shall issue an occupational driver's license to the person. The license must refer on its face to the court order.

Sec. 521.250. COURT ORDER IN OPERATOR'S POSSESSION. A person who is issued an occupational driver's license shall have in the person's possession a certified copy of the court order granting the license while operating a motor vehicle. The person shall allow a peace officer to examine the order on request.

~~[Sec. 521.251. EFFECTIVE DATE OF OCCUPATIONAL LICENSE. (a) If a person's license is suspended under Chapter 524 or 724 and the person has not had a prior suspension arising from an alcohol-related or drug-related enforcement contact in the five years preceding the date of the person's arrest, an order under this subchapter granting the person an occupational license takes effect immediately. However, the court shall order the person to comply with the counseling and rehabilitation program required under Section 521.245.~~

~~(b) If the person's driver's license has been suspended as a result of an alcohol-related or drug-related enforcement contact during the five years preceding the date of the person's arrest, the order may not take effect before the 91st day after the effective date of the suspension.~~

~~(c) If the person's driver's license has been suspended as a result of a conviction of an offense under Sections 49.04-49.08,~~

Penal Code, during the five years preceding the date of the person's arrest, the order may not take effect before the 181st day after the effective date of the suspension.

~~[(d) Notwithstanding any other provision in this section, if the person's driver's license has been suspended as a result of a second or subsequent conviction under Sections 49.04-49.08, Penal Code, committed within five years of the date on which the most recent preceding offense was committed, an order granting the person an occupational license may not take effect before the first anniversary of the effective date of the suspension.]~~

~~[(d-1) Notwithstanding Subsections (b), (c), and (d), the court may issue an occupational license to a person if the person submits proof the person has an ignition interlock device installed on each motor vehicle owned or operated by the person. If a person issued an occupational license under this subsection fails to maintain an installed ignition interlock device on each motor vehicle owned or operated by the person, the court shall revoke the occupational license under Section 521.252 and reinstate the suspension of the person's driver's license. A person granted an occupational license under this subsection may not be ordered, under Section 521.2462, to submit to the supervision of the local community supervision and corrections department or a personal bond office established under Article 17.42, Code of Criminal Procedure, unless the order is entered by a court of record.]~~

~~[(e) For the purposes of this section, "alcohol related or drug related enforcement contact" has the meaning assigned by Section 524.001.]~~

Sec. 521.252. LICENSE REVOCATION. (a) The court that signs an order granting an occupational driver's license may, at any time, issue ~~[at any time]~~ an order revoking the license for good cause.

(b) The court that signed an order granting an occupational driver's license shall issue an order revoking the license if the person is restricted to the operation of a motor vehicle equipped with an ignition interlock device and operates a vehicle that is not equipped with an ignition interlock device, unless authorized to operate the vehicle under Section 521.246(e).

[(c) The court shall send a certified copy of the order to the person and to the department.]

Sec. 521.253. CRIMINAL OFFENSE; PENALTY. (a) A person who holds an occupational driver's license commits an offense if the person:

(1) operates a motor vehicle in violation of a restriction imposed on the license; or

(2) fails to have in the person's possession a certified copy of the court order as required under Section 521.250.

(b) An offense under this section is a Class B misdemeanor.

[(c) On conviction of an offense under this section, the convicting court shall:

(1) issue an order revoking the occupational driver's license; and

(2) deliver the revocation order to the person, the court that issued the order granting the occupational driver's license, and the department [and the order granting that license are revoked].

SECTION 3. Section 521.320(e), Transportation Code, is amended to read as follows:

(e) A person whose license is suspended under Subsection (a) remains eligible to receive an occupational driver's license under Subchapter L.

SECTION 4. Section 521.342(c), Transportation Code, is amended to read as follows:

(c) A person whose license is suspended under Subsection (a) remains eligible to receive an occupational driver's license under

Subchapter L. Suspension under Subsection (a) is not a suspension for physical or mental disability or impairment for purposes of eligibility to apply for an occupational driver's license under Subchapter L.

SECTION 5. Section 521.350(c), Transportation Code, is amended to read as follows:

(c) A person whose license is suspended under Subsection (a) remains eligible to receive an occupational driver's license under Subchapter L, except that an occupational driver's license issued to a person younger than 18 years of age whose license is suspended under this section may permit the operation of a motor vehicle only for transportation to and from an educational facility in which the person is enrolled and the place where the person resides.

SECTION 6. Section 521.377(b), Transportation Code, is amended to read as follows:

(b) A person whose license is suspended under Section 521.372 remains eligible to receive an occupational driver's license under Subchapter L. Suspension under Section 521.372 is not a suspension for physical or mental disability or impairment for purposes of eligibility to apply for an occupational driver's license under Subchapter L.

SECTION 7. Section 521.421(d), Transportation Code, is amended to read as follows:

(d) The fee for issuance or renewal of an occupational driver's license is \$10.

SECTION 8. Section 601.332, Transportation Code, is amended by adding Subsection (c) to read as follows:

(c) A person whose license is suspended under Subsection (a) is eligible for an occupational driver's license under Subchapter L, Chapter 521.

SECTION 9. Section 706.005(a), Transportation Code, is amended to read as follows:

(a) A political subdivision shall immediately notify the department that there is no cause to continue to deny renewal of a person's driver's license based on the person's previous failure to appear or failure to pay or satisfy a judgment ordering the payment of a fine and cost in the manner ordered by the court in a matter involving an offense described by Section 706.002(a), on payment of a reimbursement fee, or on a finding by the court that the person is indigent and not required to pay a reimbursement fee, as provided by Section 706.006 and:

- (1) the perfection of an appeal of the case for which the warrant of arrest was issued or judgment arose;
- (2) the dismissal of the charge for which the warrant of arrest was issued or judgment arose, other than a dismissal with prejudice by motion of the appropriate prosecuting attorney for lack of evidence;
- (3) the posting of bond or the giving of other security to reinstate the charge for which the warrant was issued;
- (4) the payment or discharge of the fine and cost owed on an outstanding judgment of the court; or
- (5) other suitable arrangement to satisfy ~~pay~~ the fine and cost within the court's discretion.

SECTION 10. Section 54.042(e), Family Code, is amended to read as follows:

(e) A child whose driver's license or permit has been suspended or denied pursuant to this section may, if the child is otherwise eligible for, and fulfills the requirements for issuance of, a provisional driver's license or permit under Chapter 521, Transportation Code, apply for and receive an occupational driver's license in accordance with the provisions of Subchapter L of that chapter.

SECTION 11. Section 75.014(e), Government Code, is amended to read as follows:

(e) The County Courts at Law No. 6 and No. 7 of El Paso

{Section}.71.

County, Texas, are designated as criminal misdemeanor courts. Courts designated as criminal misdemeanor courts shall give preference to and have primary responsibility for:

- (1) criminal misdemeanor cases;
- (2) appeals or petitions under Section 501.052, 521.2421 [~~521.242~~], 521.302, or 524.041, Transportation Code;
- (3) misdemeanor bail bond and personal bond forfeiture cases; and
- (4) appeals de novo from the municipal and justice courts.

SECTION 12. Section 123.009, Government Code, is amended to read as follows:

Sec. 123.009. OCCUPATIONAL DRIVER'S LICENSE. Notwithstanding Section 521.2421 [~~521.242~~], Transportation Code, if a participant's driver's license has been suspended as a result of an alcohol-related or drug-related enforcement contact, as defined by Section 524.001, Transportation Code, or as a result of a conviction under Section 49.04, 49.07, or 49.08, Penal Code, the judge or magistrate administering a drug court program under this chapter may order that an occupational driver's license be issued to the participant. An order issued under this section is subject to Sections 521.248, 521.249, 521.250, 521.252, and 521.253 [~~521.248-521.252~~], Transportation Code, except that any reference to a petition under Section 521.2421 [~~521.242~~] of that code does not apply.

SECTION 13. Section 524.022(d), Transportation Code, is repealed.

SECTION 14. This Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I certify that H.B. No. 291 was passed by the House on April 20, 2023, by the following vote: Yeas 142, Nays 4, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 291 was passed by the Senate on May 19, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____
Date

Governor

**Interlocal Cooperation Contract
Failure to Appear Program**

State of Texas

County of Bexar

I. PARTIES AND AUTHORITY

This Interlocal Cooperation Contract (Contract) is entered into between the Department of Public Safety of the State of Texas (DPS), an agency of the State of Texas and the _____ Court of the [City or County] of Leon Valley (Court), a political subdivision of the State of Texas, referred to collectively in this Contract as the Parties, under the authority granted in Tex. Transp. Code Chapter 706 and Tex. Gov't Code Chapter 791 (the Interlocal Cooperation Act).

II. BACKGROUND

A peace officer authorized to issue citations within the jurisdiction of the Court must issue a written warning to each person to whom the officer issues a citation for a traffic law violation. This warning must be provided in addition to any other warnings required by law. The warning must state in substance that if the person fails to appear in court for the prosecution of the offense or if the person fails to pay or satisfy a judgment ordering the payment of a fine and cost in the manner ordered by the Court, the person may be denied renewal of the person's driver license.

As permitted under Tex. Transp. Code § 706.008, DPS contracts with a private vendor (Vendor) to provide and establish an automated Failure to Appear (FTA) system that accurately stores information regarding violators subject to the provisions of Tex. Transp. Code Chapter 706. DPS uses the FTA system to properly deny renewal of a driver license to a person who is the subject of an FTA system entry generated from an FTA Report.

An FTA Report is a notice sent by Court requesting a person be denied renewal of a driver's license in accordance with this Contract. The Court may submit an FTA Report to DPS's Vendor if a person fails to appear or fails to pay or satisfy a judgment as required by law. There is no requirement that a criminal warrant be issued in response to the person's failure to appear.

III. PURPOSE

This Contract applies to each FTA Report submitted by the Court to DPS or its Vendor and accepted by DPS or its Vendor.

IV. PERIOD OF PERFORMANCE

This Contract will be effective on the date of execution and terminate five years from that execution date unless terminated earlier in accordance with Section VII.C, *General Terms and Conditions, Termination*.

V. COURT RESPONSIBILITIES

A. FTA Report

For a matter involving any offense which a Court has jurisdiction of under Tex. Code Crim. Proc. Chapter 4, where a person fails to appear for a complaint or citation or fails to pay or

satisfy a judgment ordering payment of a fine and cost in the manner ordered by the Court, the Court will supply DPS, through its Vendor, an FTA report including the information that is necessary to deny renewal of the driver license of that person. The Court must make reasonable efforts to ensure that all FTA Reports are accurate, complete, and non-duplicative. The FTA Report must include the following information:

1. the jurisdiction in which the alleged offense occurred;
2. the name of the court submitting the report;
3. the name, date of birth, and Texas driver license number of the person who failed to appear or failed to pay or satisfy a judgment;
4. the date of the alleged violation;
5. a brief description of the alleged violation;
6. a statement that the person failed to appear or failed to pay or satisfy a judgment as required by law;
7. the date that the person failed to appear or failed to pay or satisfy a judgment; and
8. any other information required by DPS.

B. Clearance Reports

The Court that files the FTA Report has a continuing obligation to review the FTA Report and promptly submit appropriate additional information or reports to the Vendor. The clearance report must identify the person, state whether or not a fee was required, and advise DPS to lift the denial of renewal and state the grounds for the action. All clearance reports must be submitted immediately, but no later than two business days from the time and date that the Court receives appropriate payment or other information that satisfies the person's obligation to that Court.

To the extent that a Court uses the FTA system by submitting an FTA Report, the Court must collect the statutorily required \$10.00 reimbursement fee from the person who failed to appear, pay or satisfy a judgment ordering payment of a fine and cost in the manner ordered by the Court. If the person is acquitted of the underlying offense for which the original FTA Report was filed or found indigent by the court, the Court will not require payment of the reimbursement fee.

Court must submit a clearance report for the following circumstances:

1. the perfection of an appeal of the case for which the warrant of arrest was issued or judgment arose;
2. the dismissal of the charge for which the warrant of arrest was issued or judgment arose;
3. the posting of a bond or the giving of other security to reinstate the charge for which the warrant was issued;
4. the payment or discharge of the fine and cost owed on an outstanding judgment of the Court; or
5. other suitable arrangement to satisfy the fine and cost within the Court's discretion.

After termination of the Contract, the Court has a continuing obligation to report dispositions and collect fees for all violators in the FTA system at the time of termination. Failure to comply with the continuing obligation to report will result in the removal of all outstanding entries of the Court in the FTA Report, resulting in the lifting of any denied driver license renewal status from DPS.

C. Quarterly Reports and Audits

Court must submit quarterly reports to DPS in a format established by DPS.

Court is subject to audit and inspection at any time during normal business hours and at a mutually agreed upon location by the state auditor, DPS, and any other department or agency, responsible for determining that the Parties have complied with the applicable laws. Court must provide all reasonable facilities and assistance for the safe and convenient performance of any audit or inspection.

Court must correct any non-conforming transactions performed by the Court, at its own cost, until acceptable to DPS.

Court must keep all records and documents regarding this Contract for the term of this Contract and for seven years after the termination of this Contract, or until DPS or the State Auditor's Office (SAO) is satisfied that all audit and litigation matters are resolved, whichever period is longer.

D. Accounting Procedures

Court must keep separate, accurate, and complete records of the funds collected and disbursed and must deposit the funds in the appropriate municipal or county treasury. Court may deposit such fees in an interest-bearing account and retain the interest earned on such accounts for the Court.

Court will allocate \$6.00 of each \$10.00 reimbursement fee received for payment to the Vendor and \$4.00 for credit to the general fund of the municipal or county treasury.

E. Non-Waiver of Fees

Court will not waive the \$10.00 reimbursement fee for any person that has been submitted on an FTA Report, unless any of the requirements in Tex. Trans. Code § 706.006(a) or §706.006(d) are met.

Failure to comply with this section will result in: (i) termination of this Contract for cause; and (ii) the removal of all outstanding entries of the Court in the FTA Report, resulting in the lifting of any denied driver license renewal status from DPS.

F. Litigation Notice

The Court must make a good-faith attempt to immediately notify DPS in the event that the Court becomes aware of litigation in which this Contract or Tex. Transp. Code Chapter 706 is subject to constitutional, statutory, or common-law challenge, or is struck down by judicial decision.

VI. DPS's RESPONSIBILITIES

DPS will not continue to deny renewal of the person's driver license after receiving notice from the Court that the FTA Report was submitted in error or has been destroyed in accordance with the Court's record retention policy.

VII. PAYMENTS TO VENDOR

Court must pay the Vendor a fee of \$6.00 per person for each violation that has been reported to the Vendor and for which the Court has subsequently collected the statutorily required \$10.00 reimbursement fee. In the event that the fee has been waived by Tex. Trans. Code § 706.006(a) or §706.006(d), no payment will be made to the Vendor.

Court agrees that payment will be made to the Vendor no later than the last day of the month following the close of the calendar quarter in which the payment was received by the Court.

DPS will not pay Vendor for any fees that should have been submitted by a Court.

VIII. GENERAL TERMS AND CONDITIONS

- A. Compliance with Law.** This Contract is governed by and construed under and in accordance with the laws of the State of Texas. The Court understands and agrees that it will comply with all local, state, and federal laws in the performance of this Contract, including administrative rules adopted by DPS.
- B. Notice.** The respective party will send the other party notice as noted in this section. Either party may change its information by giving the other party written notice and the effective date of the change.

Court	Department of Public Safety
Attn.:	Enforcement & Compliance Service
Address:	5805 North Lamar Blvd., Bldg A
Address:	Austin, Texas 78752-0001
Fax:	(512) 424-5311 [fax]
Email:	Driver.Improvement@dps.texas.gov
Phone:	(512) 424-7172

C. Termination.

Either party may terminate this Contract with 30 days' written notice.

DPS may also terminate this Contract for cause if Court doesn't comply with Section V.C., *Quarterly Reports and Audits* and V.E., *Non- Waiver of Fees*.

If either Party is subject to a lack of appropriations that are necessary for that Party's performance of its obligations under this Contract, the Contract is subject to immediate cancellation or termination, without penalty to either Party.

D. Amendments.

This contract may only be amended by mutual written agreement of the Parties.

E. Miscellaneous.

- The parties shall use the dispute resolution process provided for in Chapter 2260 of the Texas Government Code to resolve any disputes under this Contract; provided

however nothing in this paragraph shall preclude either Party from pursuing any remedies available under Texas law.

- 2. This Contract shall not constitute or be construed as a waiver of any of the privileges, rights, defenses, remedies, or immunities available to either Party or the State of Texas.
- 3. Any alterations, additions, or deletions to the terms of the contract that are required by changes in federal or state law or regulations are automatically incorporated into the contract without written amendment hereto, and shall become effective on the date designated by such law or by regulation.

CERTIFICATIONS

The Parties certify that (1) the Contract is authorized by the governing body of each party; (2) the purpose, terms, rights, and duties of the Parties are stated within the Contract; and (3) each party will make payments for the performance of governmental functions or services from current revenues available to the paying party.

The undersigned signatories have full authority to enter into this Contract on behalf of the respective Parties.

Court*

Department of Public Safety

Authorized Signatory

Driver License Division Chief or Designee

Title

Date

Date

*An additional page may be attached if more than one signature is required to execute this Contract on behalf of the Court. Each signature block must contain the person’s title and date.

RESOLUTION No. -----

A RESOLUTION OF THE CITY OF LEON VALLEY, TX., CITY COUNCIL AMMENDING THE INTERLOCAL COOPERATION CONTRACT (ICC) FOR THE CITY OF LEON VALLEY MUNICIPAL COURT.

WHEREAS, on February 4, 2004, the Council signed the ICC, and it was in effect from and after this date automatically renewed on a yearly basis,

WHEREAS, changes occurring in the 88th Legislative Session Texas Department of Public Safety revised the Failure to Appear Interlocal Cooperation Contract,

WHEREAS, changes to the ICC language and restructuring of the original ICC to provide clarity regarding the specific responsibilities held by the City of Leon Valley Municipal Court and Texas Department of Public Safety,

WHEREAS, inclusion of indigency into the program as mandated by House Bill 291, 88th Legislative Session,

WHEREAS, the contract applies to each Failure to Appear report submitted by the Leon Valley Municipal Court to Department of Public Safety or its Vendor and accepted by them,

WHEREAS, the contract will be effective on the date of execution and terminate five years from that execution date unless terminated earlier with 30 days' written notice.

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY OF LEON VALLEY: APPROVES THE SIGNING OF THE INTEROCAL COOPERATION CONTRACT FOR THE CITY OF LEON VALLEY MUNICIPAL COURT.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 20th day of February, 2024.

APPROVED

CHRIS RILEY
MAYOR

Attest :

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form: City Attorney

City Attorney

Interlocal Cooperation Contract (ICC) for the Failure to Appear (FTA) Program

Tiffany Arizola
Court Administrator
City Council Meeting
February 20, 2024

Summary

- Question
 - **Consider an amended ICC for the City’s FTA program.**
- Options
 - Recommended:
 1. Adopt resolution as presented.
 - Denial
 - Other
- Declaration
 - The City continue with the FTA program.

Purpose

Amendments are as follows:

- Changes to language and restructuring of the original ICC.
- Inclusion of indigency into the ICC.
- Language to account for future changes to the current statute.

Purpose / Background

- To implement the provisions of Texas Transportation Code Chapter 706.
- First adopted on February 04, 2004.
- Has automatically renewed on a yearly basis.
- Amended contract will expire 2029.

Fiscal Impact

- \$4.00 of the \$10.00 Reimbursement.
- Unsatisfied outstanding fines and fees aging.

MAYOR AND COUNCIL COMMUNICATION

DATE: February 20, 2024

TO: Mayor and Council

FROM: Dr. Crystal Caldera, City Manager

SUBJECT: Presentation, Discussion on Amending Ordinance Article 4.03 Alcoholic Beverages by Amending Section 4.03.034 Late Hours Permit, Amending Section 4.03.035 City Fees Levy, Section 4.03.036 Beverage Fee Due Date, Amending Section 4.03.038 Display of Receipt, Amending Section 4.03.041 Definitions and Section A17.011 BYOB Establishments (1st Read as Required by the City Charter)

PURPOSE & BACKGROUND

Effective September 1, 2023, the 88th Legislature amended Chapter 437 of the Health and Safety Code by adding the following:

*Sec. 437.01235. **FEES FOR PREMISES WITH ALCOHOLIC BEVERAGE PERMIT OR LICENSE.** A county or a municipality with a public health district that charges a fee for the issuance or renewal of a permit under Section 437.012 or 437.0123 for premises located in the county or municipality and permitted or licensed by the Texas Alcoholic Beverage Commission may not also charge a fee under Section 11.38 or 61.36, Alcoholic Beverage Code, for issuance of an alcoholic beverage permit or license for the premises.*

Under resolution number 22-007R, the City of Leon Valley falls under Bexar County’s Public Health District.

This means the City of Leon Valley cannot charge for both a Health Inspection and an Alcohol beverage permit.

Further, under Division 3. Bring Your Own Bottle Establishments (BYOB) under Section 4.03.041 Definitions, a definition for the term operator was added. Section A17.011 BYOB Establishments, the application of \$50.00 did not cover the cost of the background checks and staff time to process; therefore, we are requesting an increase from \$50.00 to \$80.00 to cover these costs.

FISCAL IMPACT

The revenue loss is an estimated \$10,000.

RECOMMENDATION

Recommend Approval

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

RESOLUTION No. 22-007R

A RESOLUTION OF THE CITY OF LEON VALLEY, TX., CITY COUNCIL REAPPOINTING DR. CHICHI JUNDA WOO AS THE HEALTH AUTHORITY FOR THE CITY OF LEON VALLEY.

WHEREAS, during the 68th Legislature, Governor Mark White signed the “Local Public Health Reorganization Act” into law; and

WHEREAS, During the 71st Legislature, the legislature recodified the Act as Chapter 121 of the Texas Health and Safety Code. Which, among other things, defines the powers of the counties and municipalities as it relates to the local regulation of public health, including the establishment of a public health district; and,

WHEREAS, Bexar County and the City of Leon Valley are members of the Bexar County Metropolitan Health District, a public health district under Texas Health and Safety Code Chapter 121, Subchapter E; and,

WHEREAS, the members of the public health district shall approve the reappointment of a physician as the health authority for the district; and,

WHEREAS, the Health and Safety Code defines a health authority as an individual who acts as a state officer when performing their duties, which include; aiding the state with quarantine, sanitation enforcement, public health law enforcement, reportable diseases, and vital statistics collections; and,

WHEREAS, a health authority must be a competent physician with a reputable professional standing who is a resident of Texas, is legally qualified to practice medicine, shall serve for two years, and may be appointed to successive terms.

WHEREAS, Leon Valley seeks a health authority that strives to do what is in the best interest of all Leon Valley residents, one who encourages preparedness, prevention, planning, response, and recovery activities; and,

WHEREAS, Leon Valley requires the reappointment of a health authority who will work collaboratively with the county’s chief elected official, the Office of Emergency Management, county staff, and the Bexar County Hospital District; and,

WHEREAS, Dr. Woo is a licensed physician who meets all the Health and Safety Code requirements. She has held a Texas Medical License since June 2004, she currently serves in the adjunct clinical faculty at the UT School of Public Health, and the University of the Incarnate Word School of Osteopathic Medicine.

**NOW, THEREFORE, BE IT RESOLVED THAT THE CITY OF LEON VALLEY:
APPROVES THE REAPPOINTMENT OF DR. CHICHI JUNDA WOO AS THE HEALTH
AUTHORITY FOR THE CITY OF LEON VALLEY.**

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley
this the 5th day of April 2022.

APPROVED

Chris Riley

CHRIS RILEY
MAYOR

Attest :

Saundra Passailaigue

SAUNDRA PASSAILAIGUE, TRMC
City Secretary



Approved as to Form: City Attorney

Roxana Perez Stevens

ROXANA PEREZ STEVENS
City Attorney



Certificate of Appointment for a Health Authority

The Health Authority has been appointed and approved by the:

(Check the appropriate designation below)

_____ Commissioners Court for _____ County

X Governing Body for the Municipality of LEON VALLEY

_____ Director, _____ Health Department

_____ Director, _____ Public Health District

I, CHRIS RILEY, MAYOR, acting in my capacity as:

(Check the appropriate designation below)

_____ County Judge or Designee

X Mayor or Designee

_____ Non-physician and the Local Health Department Director

_____ Non-physician and the Public Health District Director

do hereby certify the physician, CHICHI JUNDA WOO, who is licensed by the Texas Board of Medical Examiners, was duly appointed as the (check as applicable),

X Health Authority

_____ Health Authority Designee

for the jurisdiction of LEON VALLEY, Texas.

Date term of office begins JUNE 10, 20 22

Date term of office ends JUNE 9, 20 24, unless removed by law.

I certify to the above information on this the 5th day of April, 2022.



Mayor Chris Riley

Signature of Appointing Official

AN ORDINANCE OF THE CITY OF LEON VALLEY, TX, CITY COUNCIL AMENDING ORDINANCE ARTICLE 4.03 ALCOHOLIC BEVERAGES BY AMENDING SECTION 4.03.034 LATE HOURS PERMIT, AMENDING SECTION 4.03.035 CITY FEES LEVY, AMENDING SECTION 4.03.036 BEVERAGE FEE DUE DATE, AMENDING SECTION 4.03.038 DISPLAY OF RECEIPT, AMENDING SECTION 4.03.041 DEFINITIONS AND AMENDING SECTION A17.011 BYOB ESTABLISHMENTS

WHEREAS, Effective September 1, 2023, the 88th Legislature amended Chapter 437 of the Health and Safety Code;

WHEREAS, the Health and Safety Code Sec. 437.01235. Fees For Premises With Alcoholic Beverage Permit or License, states “A county or a municipality with a public health district that charges a fee for the issuance or renewal of a permit under Section 437.012 or 437.0123 for premises located in the county or municipality and permitted or licensed by the Texas Alcoholic Beverage Commission may not also charge a fee under Section 11.38 or 61.36, Alcoholic Beverage Code, for issuance of an alcoholic beverage permit or license for the premises”.

WHEREAS, City of Leon Valley cannot charge for both a Health Inspection and an Alcohol beverage permit.

WHEREAS, Under Division 3. Bring Your Own Bottle Establishments (BYOB) under Section 4.03.041, Definitions, a definition for the term operator was added.

WHEREAS, Section A17.011 BYOB Establishments, increase the application fee from \$50.00 to \$80.00

WHEREAS, the amendments are attached as Exhibit A.

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

SECTION 1. The Amendments to Article 4.03 Alcohol Beverages are hereby authorized.

SECTION 2. The financial allocations in this Ordinance are subject to approval by the Director of Finance. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific accounts 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.

Exhibit A

ARTICLE 4.03 ALCOHOLIC BEVERAGES¹

DIVISION 1. GENERALLY

Sec. 4.03.001 Penalty

Each violation of this article shall be punishable by a fine in accordance with section 1.01.009 of this Code. Each day shall constitute a separate offense.

(1972 Code, sec. 13.302; 2008 Code, sec. 4.03.001; Ordinance adopting 2017 Code)

Secs. 4.03.002—4.03.030 Reserved

DIVISION 2. LICENSE AND PERMIT FEES²

Sec. 4.03.031 Definitions

Except as otherwise provided in this section, all words, and phrases in this article, which are defined in the Texas Alcoholic Beverage Code, shall, for the purposes of this article, have the definition ascribed to them in such Act.

Code means the Texas Alcoholic Beverage Code as same may be amended, revised or re-codified in the future.

(Ord. No. 2022-54 , § II, 12-6-2022)

Sec. 4.03.032 Code adopted

The Texas Alcoholic Beverage Code is hereby adopted and made part of this article by reference for all purposes as though fully set out herein.

(Ord. No. 2022-54 , § II, 12-6-2022)

¹State law reference(s)—Regulation of alcoholic beverages generally, V.T.C.A., Alcoholic Beverage Code; local regulation of alcoholic beverages, V.T.C.A., Alcoholic Beverage Code, § 109.31 et seq.

²Ord. No. 2022-54 , § II, adopted December 6, 2022, amended in its entirety the former Division 2, §§ 4.03.031—4.03.036, and enacted a new Division 2 as set out herein. The former Division 2 pertained to similar subject matter and derived from 1972 Code, secs. 13.101—13.104, 13.201, 13.301; 2008 Code, secs. 4.03.031—4.03.036.

State law reference(s)—Local fee authorized on alcoholic beverage permits, V.T.C.A., Alcoholic Beverage Code, § 11.38; local fee authorized on alcoholic beverage licenses, V.T.C.A., Alcoholic Beverage Code, § 61.36.

Sec. 4.03.033 Hours for sale and consumption

The "Standard Hours Area" provisions as established by Chapter 105 of the Texas Alcoholic Beverage Code are hereby adopted for the City of Leon Valley.

(Ord. No. 2022-54 , § II, 12-6-2022; Ord. No. 2023-36 , § II, 9-19-2023)

Ord. No. 2023-36 , § II, adopted September 19, 2023, repealed § 4.03.033 and renumbered the remaining sections, 4.03.034—4.03.040, as 4.03.033 through 4.03.039. The original § 4.03.033 pertained to sales near churches, public schools, or private schools and derived from Ord. No. 2022-54 , § II, December 6, 2022.

Sec. 4.03.034 Late hours permit

- (a) *Adoption of extended hours by city.* All establishments in the city limits and in compliance with the conditions of the city late hours permit will have their application for extended hours approved by the city secretary. The late-hours permit holder may thereafter legally offer alcohol for sale between midnight and 2:00 a.m. on any day, as prescribed by Texas Alcoholic Beverage Code §§ 105.03 and 105.05.
- (b) *Application for late hours permits.* Establishments seeking extended sale of alcohol hours must file an application for a permit with the Texas Alcoholic Beverage Commission and with the office of the city secretary. Applications for late-hour permits must be approved by the city secretary before an establishment can observe extended hours in the city. An establishment seeking a permit from the city must pay a fee of one-half of the fee charged by the state for a mixed beverage late-hours permit, except when said fee is waived according to the provisions of the Texas Alcoholic Beverage Code **and those that are issued a permit in compliance with Texas Health and Safety Code § 437.0123 or § 437.012.**
 - (1) An application for a permit must include but may not be limited to the following provisions: name, title, address, and telephone number of the authorized representative of the applicant.
 - (2) The application must include a sworn affidavit demonstrating that:
 - a. At least 51 percent of the establishment's gross daily receipts will be non-alcohol; and
 - b. The establishment will continue offering for sale food or its other non-alcohol commodities or services for the duration of the extended alcohol service hours.
 - (3) The city secretary shall make a determination on an application for a permit on or before the 30th day after the date the application was filed.
- (c) *Appeals process.* An applicant or permittee whose application is denied, or permit is revoked by the city secretary under the provisions of this article may appeal the city secretary's decision to city council.
- (d) *City late hours permit.* The city secretary may not grant a permit unless the applicant has complied with the requirements of the application. Continued operation of late hours is conditioned on compliance with the statements in the affidavit for the entirety of the permit period. The non-refundable fee for the certification of the application by the city secretary is \$25.00.
 - (1) The permit must show that the establishment may:
 - a. Legally offer alcohol for sale between midnight and 2:00 a.m. any day, as prescribed by Texas Alcoholic Beverage Code, §§ 105.03 and 105.05.
 - b. Conditioned on:
 1. At least 51 percent of the establishment's gross daily receipts being non-alcohol; and

2. The establishment continuing to offer the sale food or its other non-alcohol commodities or services for the duration of the extended alcohol service hours; and
- c. The time frame for which the permit is valid.
 - (2) *Compliance procedure.* The permit holder shall fully cooperate with city officials, the Texas Alcoholic Beverage Commission, and local law enforcement in their efforts deemed reasonably necessary to ensure compliance with the conditions of the permit. Compliance may be assessed by, but is not limited to, the following mechanisms: random audits, checking receipts upon yearly application, and reporting by citizens.
 - (3) *Expiration.* The permit will expire ~~two~~ **at the end of the calendar year (new business will be prorated).** The establishment must apply for the permit **every January 1 of each year.** ~~every two years~~ to maintain extended hours. The establishment's compliance with the conditions of the permit will be formally re-evaluated with each yearly application.
 - (4) *Permit revocation.* If a permit holder fails to comply with this article or applicable state law, a permit issued under this article may be revoked for a period of six months.

(Ord. No. 2022-54 , § II, 12-6-2022; Ord. No. 2023-36 , § II, 9-19-2023)

Editor's note(s)—See editor's note at § 4.03.033.

Sec. 4.03.035 City fees levy

- (a) *Levy against permit.* The city does hereby levy a city alcoholic beverage fee equal to one-half of the state fee, as provided by Section 11.38, of the Texas Alcoholic Beverage Code and other relevant provisions of said code, against each permit issued. Notwithstanding the forgoing, the following shall be exempted from the levy:
 - (1) Agent's, industrial, carrier's, private carrier's, private club registration, local cartage, storage, and temporary wine and beer retailer's permits.
 - (2) Wine and beer retailer's permit issued for a dining, buffet, or club car; and
 - (3) A mixed beverage permit during the three-year period following the issuance of the permit.
- (b) *Levy against licenses.* The city does hereby levy a city alcoholic beverage fee equal to one-half of the state fee, as provided by Section 61.36, of the Texas Alcoholic Beverage Code and other relevant provisions of said Code, against every permittee who is domiciled within the corporate limits of the city and who holds a permit from the state alcoholic beverage commission for the purchase, transportation, importation, sale or manufacture of alcoholic beverages or other permits in regard thereto; except a temporary or agent's beer license, issued for premises located within the county.
 - (1) A licensee who sells an alcoholic beverage without first having paid a fee levied under this section commits a Class "C" misdemeanor punishable by a fine of not less than \$10.00 nor more than \$200.00.

This section does not apply to those who are issued a permit in compliance with Texas Health and Safety Code § 437.0123 or § 437.012.

(Ord. No. 2022-54 , § II, 12-6-2022; Ord. No. 2023-36 , § II, 9-19-2023)

Editor's note(s)—See editor's note at § 4.03.033.

Sec. 4.03.036 Beverage fee due date; fees for portion of year; separate fee for each outlet

(a) All fees levied by this article shall be due and payable **annually** ~~in advance for two year~~ from the date of the issuance of the permit or license issued by the state alcoholic beverage commission, unless such fee is collected for only a portion of the year. In such event, the fee required shall cover the period of time from the date of such permit to midnight of the last day of August succeeding and only the proportionate part of the fee levied for such permit shall be collected. The fractional part of any month remaining shall be counted as one month in calculating the fee which shall be due.

(b) A separate fee shall be paid for each sales location in this city.

(Ord. No. 2022-54 , § II, 12-6-2022; Ord. No. 2023-36 , § II, 9-19-2023)

Editor's note(s)—See editor's note at § 4.03.033.

Sec. 4.03.037 Refund of fees

No refund of the fee shall be made for any reason, except when the permittee is prevented from continuing in business by reason of the result of a local option election, or a rejection of an application for a permit by the state alcoholic beverage commission or its administrator.

(Ord. No. 2022-54 , § II, 12-6-2022; Ord. No. 2023-36 , § II, 9-19-2023)

Editor's note(s)—See editor's note at § 4.03.033.

Sec. 4.03.038 Display of city alcoholic beverage ~~fee receipt~~ Permit

The City of Leon Valley Alcoholic Beverage Permit ~~Fee Receipt~~ shall be displayed in a conspicuous place at all times on the licensed premises. Failure to so display said ~~receipt~~ **permit** shall constitute a Class "C" misdemeanor punishable by a fine of not less than \$10.00 nor more than \$200.00.

(Ord. No. 2022-54 , § II, 12-6-2022; Ord. No. 2023-36 , § II, 9-19-2023)

Editor's note(s)—See editor's note at § 4.03.033.

Sec. 4.03.039 Cancellation or denial of license or permit

(a) The commission or administrator may cancel or deny a license for the retail sale of alcoholic beverages, including a license held by the holder of a food and beverage certificate, if it finds that the license holder or applicant has not paid delinquent ad valorem taxes due on that licensed premises or due from a business operated on that premises to any taxing authority in the county of the premises. For purposes of this subsection, a license holder or applicant is presumed delinquent if the payment of taxes due from the license holder or applicant:

- (1) Is placed on a delinquent tax roll prepared under Section 33.03, Tax Code.
- (2) Has received a notice of delinquency under Section 33.04, Tax Code; and
- (3) Has not made the payment required under Section 42.08, Tax Code.

(b) The city may cancel or deny an application or permit issued by the city if the permit holder or applicant has not paid delinquent ad valorem taxes due on the permitted premises or due from a business operated on the premises to any taxing authority in the county of the premises. Failure to renew on time with the city may also result in permit cancellation.

(Ord. No. 2022-54 , § II, 12-6-2022; Ord. No. 2023-36 , § II, 9-19-2023)

Editor's note(s)—See editor's note at § 4.03.033.

Sec. 4.03.040 Reserved

DIVISION 3. BRING YOUR OWN BOTTLE (BYOB) ESTABLISHMENTS

Sec. 4.03.041 Short title and purpose

- (a) This division may be known and cited as "BYOB establishments."
- (b) The purpose of this division is to protect the welfare of the citizens of the City of Leon Valley by monitoring and regulating BYOB businesses. To this end, this division establishes a permit program for BYOB businesses, imposes regulations of business operations of BYOB businesses, and imposes civil and criminal penalties for violations of this division by BYOB businesses.

(Ord. No. 2023-24 , § 2, 8-1-2023)

Sec. 4.03.042 Definitions

Unless the particular provision or the context otherwise requires, the definitions and provisions contained in this section shall govern the construction, meaning and application of words and phrases used in this division.

- (a) It is a common practice for an establishment that is open to the public, not licensed or permitted by the Texas Alcoholic Beverage Commission to sell or serve alcoholic beverages to allow its patrons to bring their own alcoholic beverages onto the premises for possession or consumption. This practice is often referred to as "BYOB," an acronym for "bring your own bottle."

- (b) In this division:

Alcoholic beverage has the meaning assigned by the Texas Alcoholic Beverage Code.

BYOB permit means a permit, issued pursuant to this division, to operate a BYOB venue.

BYOB venue or event means an establishment to which this division applies, as prescribed by section 4.03.043.

Department means the Planning and Zoning Department of the City of Leon Valley.

Director means the director of the planning and zoning department or designated agent.

Premises means the grounds and all buildings, vehicles, and appurtenances pertaining to the grounds, including any adjacent premises if they are directly or indirectly under the control of the same person.

Public place means any place accessible by the public, a business or public facility, a way or place, of whatever nature, opened to use of the public as a matter of right, or for purposes of vehicular travel as a street, or in the case of a sidewalk thereof, for pedestrian travel.

Restaurant means an establishment engaged in the preparation and retail sale of food and beverages for on-premise consumption or in a ready-to-consume state. To qualify as a restaurant under this chapter, the establishment must produce at least 80 percent of its total revenue, exclusive of tips and gratuities, from the provision of food service.

Operator is a manager or supervisor who leads and oversees the organization/business's employees and operations in the absence of the owner.

(Ord. No. 2023-24 , § 2, 8-1-2023)

Sec. 4.03.043 Applicability

- (a) Except as provided in (b) below, this division applies to an establishment that:
 - (1) Is not licensed or permitted by the Texas Alcoholic Beverage Commission to sell or serve alcoholic beverages; and
 - (2) Allows patrons to bring alcoholic beverages onto the premises for possession and consumption.
- (b) This chapter division does not apply to:
 - (1) A residence;
 - (2) An establishment operated by a governmental entity;
 - (3) A private club, as defined by the Texas Alcoholic Beverage Code;
 - (4) A fraternal or veteran's organization, as defined by the Texas Alcoholic Beverage Code;
 - (5) A college and university use;
 - (6) A religious assembly use;
 - (7) A restaurant;
 - (8) A licensed farmer's market;
 - (9) A banquet hall; or
 - (10) A theater use.

(Ord. No. 2023-24 , § 2, 8-1-2023)

Sec. 4.03.044 Notice

- (a) Official mailed notice shall be by certified tracking.
- (b) Notice to a permit holder may be delivered to the manager at the BYOB venue and is effective on delivery.

(Ord. No. 2023-24 , § 2, 8-1-2023)

Sec. 4.03.045 Administrative rules

The director shall adopt administrative rules to implement, administer, and enforce this chapter [division].

(Ord. No. 2023-24 , § 2, 8-1-2023)

Sec. 4.03.046 Permit required

- (a) A person shall obtain a permit issued by the department before the person may operate a BYOB venue. A BYOB establishment may operate for a period of no longer than 90 days, and under special circumstances.
- (b) The director must take all approved BYOB permit applications directly to the city council for approval.

- (c) If approved by the city council, the business must apply for an alcoholic permit from the city, and it must be fully displayed at the approved establishment.

(Ord. No. 2023-24 , § 2, 8-1-2023)

Sec. 4.03.047 Permit approval

- (a) The planning and zoning director shall approve a permit application if the director determines that the applicant and the proposed BYOB establishment meets the requirements of this section.
- (b) The director shall deny a permit application if the director determines that:
 - (1) The applicant is under the age of 21 years;
 - (2) Any owner, operator, employee, and/or staff member had a TABC permit that was involuntarily cancelled or suspended within the preceding 12-month period;
 - (3) The applicant provided incorrect or incomplete information on the application; or
 - (4) The owner **and** ~~or~~ operator of the BYOB establishment has been convicted of a criminal offense.
- (c) The director shall give written notice of a denial of an application to the applicant.
 - (1) An applicant may appeal a denial of a permit application to the director in writing within ten days of notice of denial and request for city council to overturn the denial. A city council hearing will require two city council members to vote to place the item on the agenda.
 - (2) If denied, an applicant may not re-apply for a period of 12 months.
- (d) Permit is not transferable. A permit issued under this section is not transferable to another person and/or business. Any change in ownership of a BYOB establishment, including, but not limited to, the sale of the BYOB establishment or any ownership interest therein, shall require the purchaser or transferee to submit a permit application.
- (e) Permit expiration, renewal.
 - (1) The city council may only approve a maximum period of 90 days for a permit.
 - (2) The owner shall file an application for permit renewal if they wish to continue operating as a BYOB after 90 days.
 - (3) An establishment may not be granted more than four consecutive permits.

(Ord. No. 2023-24 , § 2, 8-1-2023)

Sec. 4.03.048 Permit revocation

The planning and zoning director may suspend or revoke the permit for good cause. The holder of the permit may appeal the suspension or revocation within ten days of receiving notice to the city council. The city council may uphold or overturn the suspension or revocation after notice and public hearing.

(Ord. No. 2023-24 , § 2, 8-1-2023)

Sec. A17.011 BYOB establishments

BYOB establishment permit fee (per application): ~~\$50.00~~ **\$80.00.**

(Ord. No. 2023-24 , § 2, 8-1-2023)

Presentation, Discussion on Amending Ordinance
Article 4.03 Alcoholic Beverages
(1st Read as Required by the City Charter)

Crystal Caldera, PhD.
City Manager
City Council Meeting
02/20/2024

Summary

- Question
 - City Council is being asked to consider amending Article 4.03 Alcoholic Beverages in Accordance with Chapter 437 of the Health and Safety Code
- Options
 1. Approve
 2. Deny
- Declaration
 - Recommend approval

Purpose

- Effective September 1, 2023, the 88th Legislature amended Chapter 437
- Resolution #22-007R, the City of Leon Valley is under Bexar County's Public Health District.
- Therefore, the City cannot charge for both a Health Inspection and an Alcohol beverage permit.
- Add a definition to the BYOB
- Increase the Fee for the BYOB permit

Fiscal Impact

- Approximately \$10,000 a year loss.

OUTSTANDING CITY COUNCIL ITEMS

- **Review of the Water Rates**
 - 6/20/2023 Postpone council requested this be a retreat item for 7/22/23.
 - Council will be looking at a 1% increase at a future meeting.
 - This will be discussed at the Town Hall meeting- on 11/21/2023, the Council decided on a workshop.
 - 12/5/2023 city council reviewed the presentation from Waterworth the next workshop is scheduled for 2/20/2023
- **Flooding**
 - Was addressed at the following Council Meetings.
 - 08/03/2021 – Flood damage prevention Ord. # 21-034.
 - 11/2/2021 – To discuss flood mitigation strategies.
 - 12/07/2021 – Short-Term options to address flooding.
 - Budget Adjustment – For funding floodway monitoring and software upgrades.
 - Upcoming Council presentation 1/18/2022.
 - Budget Adjustment – for creek cleanup.
 - Staff is proposing \$150,000 in ARP funds. Upcoming Council meeting TBD.
 - Segment one of Huebner Creek will be presented to the Council on 4/19/2022.
 - Council decided to look at the 50' wide, protected little league, the study will be brought back to the Council before we agree to do it.
 - Budget adjustment for creek cleanup.
 - 6/7/2022
 - Budget adjustment for flood gates and notification system.
 - 6/7/2022 postponed
- Huebner Creek Channel Improvement presentation 9/20/2022.
 - Council direction to bring back budget adjustment on \$633,000.
 - First Read 10/3/2022.
 - Second Read 10/18/2022.
 - 11/21/2023 – PW Director will provide an update and receive direction – Council decided to have a field trip to look at the creek layout TBD.
 - The Council decided to conduct a field trip in the Natural Area
 - 12/6/2023 the Council walked the steaked-out creek realignment
 - 1/16/2023 – The Council will revisit the project.
 - 2/24/2023- the Council will have a workshop to discuss with the engineer.
- **Legal review of the Sign Code**
 - Councilor Orozco and Bradshaw will work on this item.
 - Look into sign flippers in the median on Bandera
 - The council requested this item go to the Economic Development Advisory Committee

- **Seneca West R6 Zone change**
 - 3/7/2023
 - Council requested some prices to replat as larger lots, not in favor of R6.
 - Staff will be getting prices to plat larger lots and bring them back to the Council.
 - Staff has received the plans and probable cost and will review them with the Council at the retreat.
 - 08/10/2023 Discuss at the retreat. The Council would just like to plat and sale as is.
 - 11/7/2023 Executive session on four options.
 - 11/21/2023 Executive session on two options.
 - Will be discussed at the town hall meeting.
 - Executive session on 2/6/24
 - Looking at revisiting in March
- **Tiger brush and bulk issues- Contract ends January 1, 2025 (Item Remaining from Retreat)**
 - Discussed at the following City Council Meetings
 - 02/22/2021
 - Council addressed complaints and Tiger Sanitation responded.
 - 09/7/2021
 - Considered a resolution on how to manage bulk pick-up. Resolution # 21-031-R, the direction was given to CM to come back with a plan.
 - Considered and Ordinance Amending the Ord 14.02 Solid Waste First reading.
 - 11/2/2021
 - Considered and Ordinance Amending the Ord 14.02 Solid Waste Second Reading Passes Ord. # 21-053.
 - 1/11/2022
 - The Council considered two options to manage the overflow of Brush. The Council decided to have PW pick up the overage after Tiger Sanitation picked up their 8 CY.
 - There were 11 homes with oversized brush the City had the item picked on 3/4/22-3/8/22.
 - 05/17/2022 Council meeting discussing rate increase.
 - Council allowed the 2.5% increase for July and another in January but did not approve the 7.5 % increase.
 - Council was willing to renegotiate terms.
 - On 8/23/2022, Council decided to leave terms as is.
 - On 9/19/2023 the staff took a draft survey to the Council. Staff will amend it and bring it back to the Council at a later time.

- Will ask for input at the Town Hall meeting. The council decided on the final survey on 12/19/2023.
- The Council presented the Survey at the Town Hall meeting. The majority of Participants are satisfied with their trash service
- 02/20/2024- The Council will discuss the distribution of the survey.
- **Discussion of updating the Strategic Plan, Mission, & Vision Statement**
 - Will be placed on the Town Hall meeting for discussion-Council decided at the 11/21/23 Council meeting to hold a workshop.
 - February 3, 2024, workshop scheduled. At the council chambers
- **Silo design per request of the adjacent property owner**
 - 5/2/2023 – Moved by CM due to the number of items on the agenda.
 - 5/16/2023 – Scheduled
 - Council Requested outreach to local universities.
 - Melinda is working on quotes.
- **Sustainability Overlay**
 - 6/6/2023 Staff is not ready and has been postponed until September.
 - 725/2023 – Zoning Commission started to review. The item is with the Attorney.
- **Stray Animal Ordinance**
 - Currently being reviewed by the City Attorney – we cannot require private industry to take in and adopt our stray animals.
 - Looking at a possible interlocal agreement.
 - Staff has met with the county for a long-term solution.
- **Neighborhood/Citizen Survey**
 - Will be tied to the solid waste survey. The council decided to keep these two separate items.
- **Looking at an amendment to Section 15.02 Appendix C (I), D Structural Nonconformity to add a matching percentage from Economic Community Development funds.**
 - **After the sustainability review.**
- **Four-way stop at Forest Meadow and Evers.**
 - To be evaluated upon the development of the Evers property.
- **Interlocal Agreement with the County regarding an Outreach Coordinator.**
 - Bexar County is asking the City to sign a separate agreement with Haven for Hope. They will be completing a draft and sending it over for council approval in March.
- **Consumer protection mandate on refunds**
 - Sent request to attorney.
- **Speed hump policy changes- (Item Remaining from Retreat)**
 - This was added by Mr. Campos who wants to review the policy before adding.
- **Review of the Personnel Manual**

- **Discussion on large capital projects – Possible Bond**
 - Public Works Building
 - ADA requirements
 - Crystal Hills Park
 - Pool
 - Dog Park
 - Library Annex

ITEMS ARE STILL IN THE PIPELINE BUT HAVE BEEN ADDRESSED

- **John Marshall Traffic Plan – CR, JH**
 - Discussed at the following Council meeting.
 - 12/14/2022 Next steps
 - NISD engineers are still working on the plan, collecting traffic counts, and coordinating with CoSA Traffic Department.
 - Once complete, additional meetings will be held with the City to determine the feasibility and appropriateness.
 - Once plans are final, the proposal will be presented to City Council for approval.
 - John Marshal Update on 3/15 based on 2/14 meeting.
 - The City received feedback on possible neighborhood suggestions on 5/09/2022. Joint meeting to be determined.
 - Heard by City Council to possible street closures on 8/23/20. Engineers will develop a report, and PD and Fire will review it.
 - Taking to Council on 10/3/2022.
 - 2/7/2023 council will review speed pads and school zones.
 - Council decided to move forward with the speed pads and wait on the school zone. The delineators will also be left alone.
 - Speed pads have been installed and school zone on Huebner is being addressed.
 - Interlocal agreement with San Antonio is complete. A budget adjustment of \$74,000 was approved by the Council for the mast traffic arms.
 - We met with the contractor, The Levy Company, and they informed us that the mast arms will take 16-24 weeks for delivery, so work will not start until December or January.
 - 1/10/2023- installation has begun
- **Red-light Cameras first available contract end term is May 2037**
 - City Council adopted a Resolution declaring the intent to phase out redlight cameras 4/6/2021 – Resolution # 21-009R.
 - The RLC Contract would be difficult to terminate without financial obligation from the City.
 - City Council supports HB 1209 and physically delivers letters in support to Cortez, Biederman, Canales, Menendez

- Funds – Eligible projects – CR
 - Will be discussed at the Town Hall Meeting on January 22, 2022.
- Discussed at the retreat Council has decided not to spend funds until we know what the legislature is doing.
- Resolution supporting SB 446-2/21/2023.
- The item was not approved during the legislation process the Council will try again in 2025.
- **Comprehensive Master Plan**
 - Was addressed at the following Council meetings:
 - 2/2/2021
 - 3/23/2021
 - 06/1/2021
 - This item was discussed during the budget process and ultimately, the Council decided not to expend the funds on this project at this time.
 - Will be discussed under the Town Hall meeting update to the Council on 4/19/2022.
 - Council would like us to use our future land use map.
 - Establish neighborhood boundaries
 - Council has opted not to Update Master Plan.
 - P & Z Director investigating a university conducting the plan.
 - Boundaries of the neighborhood
- **Sewer Service Charge Adjustments**
 - Council meeting 2/15/22.
 - Impact Fees Removed.
 - Sewer Charges will be brought back at a later time.
- **Apartments Finley And Sierra Royale, Forest Oaks, Vista Del Rey- BM**
 - Update on one of the Apartment Complexes at the CC mtg 3/15.
 - Presentation was given on Vista Del Rey.
 - Next apartment review is on 5/3/2022.
 - Staff received legal advice in the executive session.
 - Executive session 8/2/2022
 - Council decided to file a Chapter 54 lawsuit against Vista Del Rey, filed on 8/5/2022.
 - TRO was granted on 8/8/2022.
 - Administrative warrant executed on 8/17/2022.
 - Temporary Injunction was granted on 8/22/2022.
 - They have 6 months to comply.
 - 8/31/2022 Vista got new attorneys.
 - 9/9/2022 Vista filed a motion to dissolve the temporary injunction.
 - C of Os issued Shed, Maintenance Shop, Laundry 1-3, Vista, Gym.

- 9/19/2022 hearing set and canceled.
 - Executive Session 9/20/2022
 - Vistal Del Rey is 50% compliant Council agreed to settled on 4/18/2023.
 - Vista has completed all inspections and received their C of Os.
- **AV equipment for the Conference Center - Budget Adjustment from ARP Funds**
 - Council meeting 2/1/22 first read.
 - Item amended to get the direction of the scope of work.
 - Will bring the item back after the BID process.
 - Discuss alternatives 5/3/2022.
 - This item could not be purchased out of ARP funds.

COMPLETED