



**CITY OF LEON VALLEY  
CITY COUNCIL REGULAR MEETING**  
Leon Valley City Council Chambers  
6400 El Verde Road, Leon Valley, TX 78238  
Tuesday, September 19, 2023 at 6:30 PM

**AGENDA**

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

**Citizens May E-Mail Public Comments To [citizenstobeheard@leonvalleytexas.gov](mailto:citizenstobeheard@leonvalleytexas.gov). All Other Citizen Participation May Be Provided In-Person at City Council Chambers.**

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- 1. Call to Order; Determine a Quorum is Present, Pledge of Allegiance**
- 2. Citizens to be Heard**
- 3. Presentations**
  1. Presentation, Discussion and Possible Action to Review, Edit, and Approve a Citizen Survey for Solid Waste Services - M. Moritz, Public Works Director
  2. Presentation, Discussion and Possible Direction to the Staff on a Shared Personnel Cost with the County for a Homeless Outreach Coordinator- Dr. Caldera, City Manager
  3. Presentation and Discussion on the City's Investment Report - Councilor Philip Campos and Councilor Josh Stevens
- 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, October 03, 2023 was cancelled.**

**Regular City Council Meeting, Tuesday, October 17, 2023, at 6:30 PM, in City Council Chambers.**

**National Night Out, Tuesday, October 04, 2023. Deadline to register your event is Thursday, September 28, 2023. More information is available at <https://www.leonvalleytexas.gov/police/page/national-night-out>**

**Texas Municipal League (TML) 111th Annual Conference and Exhibition, Wednesday, October 04 – Friday, October 06, 2023, in Dallas, TX.**

**Coffee with the Mayor & City Council, Saturday, October 28, 2023, from 9:00 AM to 11:00 AM, at the Leon Valley Conference Center.**

**Trash & Treasure Event, Saturday, October 28, 2023, from 9:00 AM to 12:00 PM, at the Leon Valley Community Center.**

**Arbor Day Event, Saturday, October 28, 2023, 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. 09-05-2023 Regular City Council Meeting
2. Presentation of a Proclamation in Recognition of World Teacher's Day - October 05, 2023 by Mayor Chris Riley
3. Discussion and Possible Action to Consider Approval of an Ordinance Amending the Leon Valley Code of Ordinances, Chapter 1 General Provisions, Article 1.09 Parks and Recreation, Division 2 Use Regulations, Sec. 1.09.034 - Additional Prohibited Uses and Activities, to Add a Sub-section (h), Prohibiting Smoking in the Huebner-Onion Natural Area Park (HONAP) (1st Read was Held on 09-05-2023) - M. Moritz, Public Works Director
4. Presentation and Discussion of the Monthly Financial Report Ending August 31, 2023 - C. Goering, Finance Director
5. Discussion and Possible Action on an Ordinance Authorizing a Fiscal Year 2022-23 General Fund Budget Adjustment in the Amount of \$25,000 for the Purpose of Increasing the Finance Department Budget. (1st Read was Held on 09-05-2023) - C. Goering, Finance Director
6. Presentation, Discussion and Possible Action on an Ordinance Amending Chapter 15 Zoning, Division 6, Section 15.02.306 R-1 Single-Family Dwelling District, to Allow Accessory Buildings in the Side Yard (1st Read was Held on 09-05-2023) - M. Teague, Planning and Zoning Director

7. Discussion and Possible Action on an Ordinance of the City of Leon Valley, Texas, City Council Amending the City of Leon Valley Code of Ordinances, Chapter 4, Business Regulations, Article 4.03 Alcoholic Beverages, Removing Section 4.03.033 Sales Near Churches, Public Schools, or Private Schools; Amending Section 4.03.035 Late Hours Permit (D)(3) Allowing for a Two-Year Permit; Amending Section 4.03.037 Beverage Fee Due Date; and Appendix A Fee Schedule, A2.000 Administrative Fees (1st Read was Held on 09-05-2023) - S. Passailaigue, City Secretary
8. Discussion and Possible Action on a Resolution Renaming the Leon Valley Community Center to the Leon Valley Irene Baldrige Community Center - Mayor Riley
9. Discussion and Possible Action on an Ordinance Authorizing the Amendment of the General Fund Budget for Earthwise Living Fiscal Year of 2022-2023 (1st Read was Held 09-05-2023) - C. Miranda, Community Relations Director

## 7. Regular Agenda

1. Conduct a Public Hearing for the City of Leon Valley on the Proposed 2023 Tax Rate - Dr. Caldera, City Manager
2. Discussion and Possible Action on an Ordinance Approving and Adopting the Tax Year 2023; Levying a Tax of \$0.433176 for Maintenance and Operations and \$0.051563 for the Interest and Sinking Fund, for a Total Tax Rate of \$0.484739 . (1st Read Was Held on 09-05-2023) - Dr. Caldera, City Manager
3. Presentation, Discussion, and Possible Action Granting a Time Extension for Planned Development District (PD) #2021-1, on a 2.85 Acre Parcel of Land, Generally Located at 6758 Poss Road, Being Lot 64, Block 4, CB 5784, Quality Subdivision - M. Teague, Planning and Zoning Director
4. Presentation and Discussion on an Ordinance Repealing the City's Juvenile Curfew Ordinance in the City's Code of Ordinances Chapter 8, Specifically Division 2. Chapter 8.02.031 - 8.02.035 (1st Read as Required by City Charter) - M. Tacquard, Asst. Police Chief
5. Presentation and Discussion on Amending Ordinance Chapter 3 Building Regulations; Article 3.02 - Technical and Construction Codes and Standards; Sec. 3.02.054 - Property Maintenance Code and Sec. 3.02.055 - Appeals and Variances to Technical and Construction Codes. (1<sup>st</sup> Read as Required by the Charter) – Dr. Caldera, City Manager
6. Presentation and Discussion to Consider an Ordinance Amending the Leon Valley Code of Ordinances, Appendix A Fee Schedule to Amend Fees Associated with Building, Health, and Trade Permit and Inspection Fees, and to Remove Sections No Longer in Use (1st Read as Required by City Charter) - M. Moritz, Public Works Director

## 8. Citizens to be Heard

9. **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.**

10. **Adjournment**

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

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

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

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

SAUNDRA PASSAILAIGUE, TRMC  
City Secretary  
September 14, 2023 2:57 PM







## **City of Leon Valley** **2023 Solid Waste Survey**

In order to improve customer service and better serve your needs, the City of Leon Valley asks for your input on solid waste management services.

The City of Leon Valley's agreement with Tiger Sanitation will end January of 2025, and city leadership will soon decide whether to negotiate a new multi-year contract with Tiger Sanitation or request proposals from competing solid waste companies working in our area.

Whether you're a resident or a business, please select the appropriate survey option below to share your satisfaction level with current service offerings and preferences on garbage and recycling, and more.

### **DEMOGRAPHIC INFORMATION**

1. Age of Respondent: \_\_\_\_\_ Gender:    M    F    No Response

2. Check one:        Resident         Business Owner

### **SERVICE QUALITY**

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

- Excellent
- Good
- Acceptable
- Poor

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

- Excellent
- Good
- Acceptable
- Poor

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

- Excellent
- Good
- Acceptable
- Poor

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

- Yes  No

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

- Garbage Collection
  - Recycling Collection
  - Billing Problem
  - Other (please specify)
- 

6. If yes, were you satisfied with the way your complaint was handled?

- Yes  No

7. If you were not satisfied, please describe the problem, specify who you contacted to complain and indicate what was lacking in its resolution. Feel free to use this space for positive comments as well.

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**PREFERRED SERVICES**

8. Residents: Would you prefer?

- Collection & disposal of garbage and recycling by a company of your choosing and on days of your choosing.
- Once weekly collection and disposal of garbage and recycling by a company contracted by the City.
- Twice weekly collection of garbage and recycling by a company contracted by the City.
- Large item disposal (furniture, non-freon appliances, brush, etc.), of up to 8 cubic yards, twice yearly.
- Large Item Disposal in an unlimited amount twice yearly.
- Unlimited amount of large items/brush twice yearly.
- Unlimited amount of large items/brush monthly.

9. Businesses: Would you prefer:

- Using a vendor of your choice instead of a city-wide contracted service.
- Using a vendor of your choice for dumpster service only.

10. What factors would be most important to you in garbage service? Circle as many as you like.

- |                             |                           |             |            |
|-----------------------------|---------------------------|-------------|------------|
| Cost                        | Service                   | Recycling   | Composting |
| Large Item/Brush Collection | Household Hazardous Waste | Electronics |            |

Other:

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*Thank you for providing us with your input!*

The City Council is considering assembling a team of citizens and business owners to form a committee to gather more information on the wants and needs of its citizens and business owners as they pertain to solid waste removal. If you would be interested in serving on such a committee or if you would like a City staff person to call you about a solid waste problem or other matter, please include your name, daytime telephone number and/or email address below.

Name: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_



# Homeless Outreach Coordinator

Crystal Caldera, PhD  
City Manager  
City Council Meeting  
September 19, 2023

# Summary

- **Question**
  - Whether or not the council would be interested in sharing a 50% cost with the county for a homeless outreach coordinator?
- **Options**
  - Approve the request
  - Approve a variation of the request
  - Deny
- **Declaration**
  - The City Council's Discretion

# Background

{Section}.32.

- One June 6, 2023, the Council adopted a homeless encampment ordinance
- On June 15, 2023, city leaders and stakeholders took part in a meeting where a discussion was had
  - On funding opportunities
    - The flow chart for federal and state grants
    - encampment identification in Leon Valley
  - outreach programs
    - South Alamo Regional Alliance for the Homeless (SARAH)
    - CorazonSA
    - Haven for Hope
    - COSA
    - the County
  - Policies and procedures for the removal of encampments
  - future steps



# Purpose

- The county has selected the City of Leon Valley as a pilot program.
- The program would include shared costs for personnel to Haven for Hope.
  - 50% of \$150,000 (negotiable)
  - 3 year program
  - They would provide the city with bimonthly reports (negotiables)
- Some items to workout in the program but wanted to see if the council was willing to move forward with the cost.

# Fiscal Impact

- \$37,500 per fiscal year for the next 3 years.

# TexPool Overview

Crystal Caldera, PhD and Councilor Campos  
City Council Meeting  
September 19, 2023

# TexPool Overview

- Oldest and largest local government investment pool in the State of Texas.
- Seeks to preserve principal, liquidity, and yield of capital investment consistent with the Texas Public funds Investment Act.
- Managed and serviced by Federated Hermes, Inc., one of the nation's leading investment managers.
- Thirty seven states rely on Federated Hermes for some form of liquidity management.
- Portfolio of over \$42.1 billion in public funds

# Overview

- TexPool currently provides investment services to over 2,800 individual public entities in Texas
  - School Districts
  - Higher Education
  - Utility Districts
  - Healthcare
  - Cities
  - Counties

# Overview

- Structure
  - The State Comptroller of Public Accounts oversees TexPool.
- Philosophy
  - Managed conservatively to provide a safe, efficient, and liquid investment alternative to Texas governments.
  - The pools seek to maintain a \$1.00 value per share as required by the Texas Public Funds Investment Act.
  - Investments consist exclusively of U.S. Government securities, repurchase agreements collateralized by U.S. Government securities, and AAA-rated no-load money market mutual funds.
- Minimum Balances
  - No minimum balance requirements for TexPool participants, and there is no limit on the number of accounts a participant can have.



# Overview

- Interest
  - Interest is accrued daily and paid monthly. Interest may either be left in the participant's account or withdrawn.
- Deposit and Withdrawal
  - Deposits and withdrawals to TexPool can be made on any business day of the week.
  - Two methods of completing transactions are available.
  - Deposits, withdrawals, and transfers may be made using our TexConnect Online system or by contacting a Participant Services Representative directly.
  - Transactions can be requested up to 90 business days in advance on TexConnect Online.

# Overview

- What are the benefits
  - Daily liquidity
  - Complete yield
  - No minimums
  - AAA rating
- What types of assets are invested
  - Operating cash
  - Bond proceeds
  - State aid
  - General funds
  - Trust funds

# City Investment Practice

- Does not maintain over \$2.5 M in Bank Depository Accounts
- Invests excess fund in TexPool
  - Interest is earned on funds invested
  - Funds transfers occur weekly/daily
- TexPool Balances

Description	6/30/23	9/30/22	9/30/21	9/30/20
Unrestricted	\$8,806,356	\$11,576,114	\$8,142,521	\$7,064,436
Restricted	\$ 9,934,581	\$ 4,068,538	\$4,540,047	\$4,137,917

<b>City of Leon Valley</b>				
Investment Quarterly Report				
Quarter Ending June 30, 2023				
		<i>*Cash</i>	<i>Investment</i>	
<b>Fund</b>		<b>Frost</b>	<b>TexPool</b>	<b>Total</b>
General Fund		74,945.64	8,731,410.62	8,806,356.26
Impound Lot		-	321,856.36	321,856.36
Economic Development		-	435,953.46	435,953.46
Parks Bucks		-	5,770.86	5,770.86
Water/Sewer/Stormwater		849,442.54	3,168,029.83	4,017,472.37
Traffic Safety		766,216.93	458,362.00	1,224,578.93
ARP Funds		746,722.86	676,949.81	1,423,672.67
LEOSE Funds		9,123.55	-	9,123.55
Community Center		95,750.99	228,768.29	324,519.28
Debt Service		683,856.98	299,577.35	983,434.33
Street Maintenance		620,492.31	983,951.53	1,604,443.84
Crime Control District		153,780.23	351,625.00	505,405.23
Police Forfeiture Federal		146,780.00	191,861.81	338,641.81
Police Forfeiture State		-	11,001.48	11,001.48
MC Building Security		22,463.86	45,567.34	68,031.20
MC Technology		1,049.90	34,772.59	35,822.49
Child Safety		12,019.62	47,643.36	59,662.98
Capital Projects		(1,434,810.06)	-	(1,434,810.06)
		<b>\$ 2,747,835</b>	<b>\$ 15,993,102</b>	<b>\$ 18,740,937</b>
* These balances represent what is on the General Ledger				

# TexPool Unrestricted @ 9/30/22

Unrestricted Investment Details	
Description	Amount
General Fund	\$ 9,450,680
Debt Service	\$ 290,113
Street Maintenance Tax Fund	\$ 952,868
Other Nonmajor Governmental Fund	
Community Center	\$ 221,541
Crime Control & Prevention Distr.	\$ 340,517
Child Safety	\$ 46,138
State Police Forfeitures	\$ 10,654
Federal Police Forfeitures	\$ 185,801
Building Security	\$ 44,128
Court Technology	\$ 33,674
<b>Sub-Total Other Nonmajor Govnmental Fund</b>	<b>\$ 882,453</b>
<b>Total Unrestricted Investments</b>	<b>\$ 11,576,114</b>

**From Page 19 of 9/30/22 Annual Comprehensive Financial Report**

# 2022

CITY OF LEON VALLEY  
STATEMENT OF NET POSITION  
SEPTEMBER 30, 2022

	Primary Government		
	Governmental Activities	Business-Type Activities	Total
<b>ASSETS</b>			
<i>Current Assets:</i>			
Cash and Cash Equivalents:			
Unrestricted	\$ 2,345,263	\$ 82,703	\$ 2,228,066
Restricted for Customer Deposits	-	133,742	133,742
Investments			
Unrestricted	11,576,114	-	11,576,114
Restricted Investments - Water/Wastewater	-	4,068,538	4,068,538
Receivables (net of allowances)			
Property Taxes	193,152	-	193,152
Special Assessment	13,278	-	13,278
Other	62,475	467,331	529,806
Due from Other Governments	903,641	-	903,641
Inventories	4,568	-	4,568
<b>Total Current Assets</b>	<b>14,898,591</b>	<b>4,752,314</b>	<b>19,650,905</b>
<i>Noncurrent Assets:</i>			
Capital Assets:			
Land	1,497,118	203,227	1,700,345
Water Rights	-	2,276,080	2,276,080
Buildings	10,981,760	25,403	11,007,163
Water/Wastewater System-Plant	-	10,578,970	10,578,970
Other Machinery and Equipment	2,260,934	-	2,260,934
Office Equipment	56,134	-	56,134
Infrastructure	16,449,425	-	16,449,425
Transportation and Equipment	5,048,695	1,389,790	6,438,485
Construction in Progress	239,170	345,811	585,181
Less: Accumulated Depreciation	(17,548,249)	(6,652,616)	(24,200,865)
<b>Total Noncurrent Assets</b>	<b>18,985,187</b>	<b>8,166,667</b>	<b>27,151,854</b>
<b>TOTAL ASSETS</b>	<b>33,883,778</b>	<b>12,918,981</b>	<b>46,802,759</b>
<b>DEFERRED OUTFLOWS OF RESOURCES</b>			
Deferred Pension Related Outflows	1,481,917	258,000	1,739,917
Deferred OPEB Related Outflows	34,881	14,765	99,646
<b>TOTAL DEFERRED OUTFLOWS OF RESOURCES</b>	<b>\$ 1,566,798</b>	<b>\$ 272,765</b>	<b>\$ 1,839,563</b>

**City of Leon Valley**  
Investment Quarterly Report  
Quarter Ending 09/30/2022

Fund	Investment	
	TexPool	Total
General Fund*	\$ 4,961,097	\$ 4,961,097
Water/Sewer/Stormwater	\$ 4,068,538	\$ 4,068,538
Tree Mitigation & Replacement	\$ -	\$ -
Economic Development*	\$ 422,181	\$ 422,181
Impound Lot*	\$ 311,689	\$ 311,689
ARP Funds*	\$ 2,289,799	\$ 2,289,799
PEG Funds	\$ -	\$ -
Park Bucks*	\$ 5,588	\$ 5,588
Community Center	\$ 221,541	\$ 221,541
Grants	\$ -	\$ -
Debt Service	\$ 290,113	\$ 290,113
Street Maintenance	\$ 952,868	\$ 952,868
Crime Control District	\$ 340,517	\$ 340,517
Police Forieture	\$ 196,455	\$ 196,455
MC Building Security	\$ 44,128	\$ 44,128
MC Technolgy	\$ 33,674	\$ 33,674
Child Safety	\$ 46,138	\$ 46,138
Red Light Camera*	\$ 1,460,325	\$ 1,460,325
	\$ 15,644,652	\$ 15,644,652
Page 15 *	\$ 11,576,114	

See accompanying notes to basic financial statements.





# General Fund Breakdown @ 9/30/22

General Fund Investment Details	
Description	Amount
General Fund	\$ 4,961,097
Economic Development	\$ 422,181
Impound Lot	\$ 311,689
ARP Funds	\$ 2,289,799
Park Bucks	\$ 5,588
Red Light Camera	\$ 1,460,325
Rounding	\$ 1
<b>Total General Fund Unrestricted Investment</b>	<b>\$ 9,450,680</b>

General Fund Further Breakdown of \$4,961,097	
Emergency Fund	\$1,000,000



# 2024

- The combined fund balance (Emergency and Reserve) represents approximately 3.2 months of operating income
  - \$2,877,030 in the Capital Reserve Fund
  - \$1,000,000 in the Emergency Fund
    - Estimated total of \$3,877,030
  - Operating Income is GF personnel, supplies, and contractual



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CITY COUNCIL REGULAR MEETING**  
Leon Valley City Council Chambers  
6400 El Verde Road, Leon Valley, TX 78238  
Tuesday, September 05, 2023 at 6:30 PM

**MINUTES**

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

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

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

**PRESENT**

- Mayor Chris Riley
- Council Place 1 Benny Martinez
- 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 6:30 PM and announced that a quorum of City Council was present in Council Chambers.

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

**2. Citizens to be Heard**

Those who spoke at this time were: Evan Bohl (Leon Valley); Johnny Morales (Leon Valley); and JR Haseloff (Leon Valley)

**3. Presentations**

**1. Presentation of a Proclamation Declaring Payroll Week - Ms. Deloris Kelly with Holt CAT - Mayor Chris Riley**

Mayor Chris Riley presented a proclamation declaring Payroll Week to Ms. Sade Weathington Parker.

## 2. **Presentation, Discussion, and Possible Action on Fourth of July Recap - C. Miranda, Community Relations Director**

Crystal Miranda, Community Relations Director presented a brief recap of the 2023 Fourth of July event.

## 3. **Discussion and Possible Action on a Resolution Renaming the Leon Valley Community Center to the Irene Baldrige Community Center - Mayor Riley**

Crystal Miranda, Community Relations Director presenting an item for Council consideration to rename the Leon Valley Community Center to the Irene Baldrige Community Center.

This item will be brought back on the September 19, 2023 Consent Agenda for final consideration and approval.

## 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 Chris Riley and Members of City Council made announcements.

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

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

### 1. **Upcoming Important Events:**

**Regular City Council Meeting, Tuesday, September 19, 2023, at 6:30 PM, in City Council Chambers.**

**Regular City Council Meeting, Tuesday, October 03, 2023 was cancelled.**

**Texas Municipal League (TML) 111th Annual Conference and Exhibition, Wednesday, October 04 – Friday, October 06, 2023, in Dallas, TX.**

**National Night Out, Tuesday, October 04, 2023. Deadline to register for your event is Thursday, September 28, 2023. More information is located at <https://www.leonvalleytexas.gov/police/page/national-night-out>**

**Miscellaneous other events and announcements.**

## 6. **Consent Agenda**

Councilor Rey Orozco made a motion to approve Consent Agenda Items 6.1 through 6.3 as presented. Councilor Philip Campos 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

1. **Discussion and Possible Action Approving of the Following City Council Minutes:**
  - a. **08-15-2023 Regular City Council Meeting Minutes**
2. **Discussion and Possible Action Accepting of the Following Board/Commission Minutes:**
  - a. **05-10-2023 Earthwise Living Committee Meeting Minutes**
  - b. **07-13-2023 Park Commission Meeting Minutes**
  - c. **07-25-2023 Planning & Zoning Commission Meeting Minutes**
3. **Discussion and Possible Action Excusing Councilor Benny Martinez from the August 01, 2023 and the August 15, 2023 Regular City Council Meeting in Accordance with the City of Leon Valley Charter, Article III - The City Council and Mayor - Mayor Chris Riley**

## 7. Regular Agenda

1. **Presentation and Discussion on an Ordinance Amending Leon Valley Code Of Ordinances, Chapter 4 Business Regulations; Adding Article 4.13 Short Term Rental, Sections 4.13.001 – 4.13.011; Providing For Regulations for the Registration and Use of Short Term Rentals; Providing for Definitions; Providing for Inspections; Providing for Restrictions; Providing for Brochure and Safety Requirements; Providing a Penalty Not to Exceed Five Hundred and No/100 Dollars (\$500.00); Amending Chapter 11 -Taxation of the Code of Ordinances By Amending the Definition of a Hotel to Include Short Term Rental Units; Amending Appendix A Fee Schedule, Adding Article A17.011 Short-Term Rental Registration Fee - (First Read, Councilor Campos and Orozco)**

Councilor Philip Campos presented a proposed amendment to the City of Leon Valley's Code of Ordinances that would regulate Short Term Rentals (STR).

Those who spoke on this item were: JR Haseloff (Libertarian Party of Bexar County); Evan Bohl (Leon Valley); Roger Saucedo (Leon Valley); Erick Matta (Leon Valley); and Maria Saucedo (Leon Valley)

Mayor Chris Riley read an email submitted by Linda Meffert (Leon Valley)

Councilor Benny Martinez read an email submitted by Tina Chasan (Leon Valley)

Crystal Caldera, City Manager asked that members of City Council submit red-lined drafts of this ordinance to her by September 29th; the item will be brought back for consideration on October 17, 2023.

2. **Presentation, Discussion, and Possible Action on a Resolution Authorizing the City Manager to Negotiate and Enter Into a Contract with Ardurra Engineering or Other Firm For Professional Consulting Engineering Services - M. Moritz, Public Works Director**



Melinda Moritz, Public Works Director presented a resolution authorizing the City Manager to negotiate a contract with Ardurra Engineering or other firm for professional consulting engineering services.

Councilor Rey Orozco made a motion to authorize the city manager to negotiate a contract with Ardurra Engineering. Councilor Philip Campos 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

This item will be brought back to City Council for final approval at a later date.

**3. Presentation, Public Hearing, and Discussion to Consider Approval of an Ordinance Amending Chapter 15 Zoning, Division 6, Section 15.02.306 R-1 Single-Family Dwelling District, to Allow Accessory Buildings in the Side Yard - (1st Read as Required by City Charter) - M. Teague, Planning and Zoning Director**

Mindy Teague, Planning & Zoning Director presented an item proposing an amendment Chapter 15 Zoning, Division 6, Section 15.02.306 R-1 Single-Family Dwelling District, to allow accessory buildings in the side yard.

Mayor Chris Riley opened the Public Hearing at 9:00 PM. There being no public comment; Mayor Riley closed the Public Hearing at 9:00 PM

**4. Presentation and Discussion to Consider an Ordinance Amending the Leon Valley Code of Ordinances, Chapter 1 General Provisions, Article 1.09 Parks and Recreation, Division 2 Use Regulations, Sec. 1.09.034 - Additional Prohibited Uses and Activities, to Add a Sub-section (h), Prohibiting Smoking in the Huebner-Onion Natural Area Park (HONAP) (1st Read as Required by City Charter) - M. Moritz, Public Works Director**

Melinda Moritz, Public Works Director presented an ordinance amending the Leon Valley Code of Ordinances prohibiting smoking in the Huebner-Onion Natural Area Park (HONAP).

**5. Presentation and Discussion on an Ordinance Authorizing the Amendment of the General Fund Budget for Fiscal Year of 2022-2023 (1st Read as Required by City Charter) - C. Miranda, Community Relations Director**

Crystal Miranda, Community Relations Director presented an item seeking a budget adjustment for Earthwise Living Committee to purchase items for Earthwise Living Day.

**6. Conduct a Public Hearing for the City of Leon Valley on the Proposed Budget Fiscal Year 2023-2024 - Dr. Caldera, City Manager**

Mayor Chris Riley opened the Public Hearing at 9:09; there being no public comment, Mayor Riley closed the Public Hearing at 9:09 PM

**7. Discussion and Possible Action on an Ordinance Approving and Adopting Fiscal Year 2023-2024 Budget and Associated Capital Acquisition Plan (1st Read Was Held on 06-20-2023) - Dr. Caldera, City Manager**

Crystal Caldera, City Manager presented the proposed Fiscal Year 2023-2024 Budget and Associated Capital Acquisition Plan.

Councilor Will Bradshaw made a motion to adopt the ordinance approving the budgets and associated capital acquisition plans for the City of Leon Valley, Texas for the Fiscal Year 2024. Councilor Rey Orozco seconded the motion.

Those who spoke at this time were: Evan Bohl (Leon Valley)

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

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

Mayor Riley announced the motion passed.

**8. Discussion and Possible Auction of a Resolution Ratifying the Fiscal Year 2024 Budget that will Raise Less Revenue from Property Taxes than Last Year's Budget by \$5,553 or .00102406 percent decrease from last year's budget. The Property Tax Revenue to be Raised from New Property Added to the Tax Roll This Year is \$10,026.27 - Dr. Caldera, City Manager**

Councilor Benny Martinez made a motion to keep the tax rate at "the 50". The motion died for a lack of second.

Councilor Benny Martinez made a motion to adopt the resolution ratifying the Fiscal Year 2024 Budget that will raise less revenue from property taxes than last year's budget by an amount of \$5,553 which is a .00102406 percent decrease from last year's budget. The property tax revenue to be raised from new property added to the tax roll this year is \$10,026.27. Councilor Rey Orozco seconded the motion.

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

City Secretary Passailaigue proceeded with a roll call vote to which the City Council replied: Councilor Benny Martinez - Nae; Councilor Josh Stevens - Yea; Councilor Philip Campos - Yea; Councilor Rey Orozco - Yea; and Councilor Will Bradshaw - Yea.

Mayor Riley announced the motion passed.

**9. Presentation and Discussion on an Ordinance Authorizing the 2023 Property Tax Rate. (1st Reading as Required by City Charter) - Dr. Caldera, City Manager**

Crystal Caldera, City Manager presented an ordinance authorizing the 2023 Property Tax Rate.

This item will be brought back at the next meeting for a public hearing and second read.

10. Presentation and Discussion on an Ordinance of the City of Leon Valley, Texas, City Council Amending the City of Leon Valley Code of Ordinances, Chapter 4, Business Regulations, Article 4.03 Alcoholic Beverages, Removing Section 4.03.033 Sales Near Churches, Public Schools, or Private Schools; Amending Section 4.03.035 Late Hours Permit (D)(3) Allowing for a Two-Year Permit; Amending Section 4.03.037 Beverage Fee Due Date; and Appendix A Fee Schedule, A2.000 Administrative Fees (1st Read as Required by City Charter) - S. Passailaigue, City Secretary

Saundra Passailaigue, City Secretary presented an ordinance of the City of Leon Valley Code of Ordinances, Chapter 4, Business Regulations, Article 4.03 Alcoholic Beverages, Removing Section 4.03.033 Sales Near Churches, Public Schools, or Private Schools; Amending Section 4.03.035 Late Hours Permit (D)(3) Allowing for a Two-Year Permit; Amending Section 4.03.037 Beverage Fee Due Date; and Appendix A Fee Schedule, A2.000 Administrative Fees.

This item will be brought back at the next meeting Consent Agenda for a second read.

11. **Presentation and Discussion on Authorizing an Ordinance Amending the City Of Leon Valley Code Of Ordinances, Chapter 1, Article 1.04 City Council, Sec. 1.04.001 Rules Of Meeting Decorum and Conduct, Adding Executive Session Meeting Time of 6:00 p.m. and Prohibiting Outside Presentations (First Read as Required by City Charter) - Dr. Caldera, City Manager**

Crystal Caldera, City Manager presented an ordinance amending the City of Leon Valley Code of Ordinances, Chapter 1, Article 1.04 City Council, Sec. 1.04.001 Rules of Meeting Decorum and Conduct, by adding that Executive Session meeting time of 6:00 p.m. and prohibiting outside presentations.

This item will be brought back at the next meeting Consent Agenda for a second read.

12. **Discussion and Possible Action on an Ordinance Authorizing a Fiscal Year 2022-23 General Fund Budget Adjustment in the Amount of \$25,000 for the Purpose of Increasing the Finance Department Budget. (1st Read was Held on 09/05/2023) - C. Goering, Finance Director**

Carol Goering, Finance Director presented an ordinance authorizing a Fiscal Year 2022-23 General Fund Budget Adjustment in the amount of \$25,000 for the purpose of increasing the Finance Department Budget.

This item will be brought back at the next meeting Consent Agenda for a second read.

## 8. Citizens to be Heard

Those who spoke at this time were: Evan Bohl (Leon Valley)

**9. 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.**

Councilor Philip Campos requested a discussion on the TexPool accounts; and also recommends that moving forward staff no longer bring up former staff during presentations. Councilor Josh Stevens seconded the request.

Councilor Rey Orozco

Councilor Benny Martinez spoke about TML briefing of the items mentioned tonight.

**10. Adjournment**

Mayor Riley announced that the meeting adjourned at 10:18 PM

**These minutes approved by the Leon Valley City Council on the 19th of September, 2023.**

**APPROVED**

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

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



**PROCLAMATION  
CITY OF LEON VALLEY TEACHER’S DAY**

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

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

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

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

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

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

*NOW, THEREFORE, I, CHRIS RILEY, Mayor on behalf of the Leon Valley City Council, join #TeachersCan and its partnering entities across Texas in celebrating World Teacher’s Day and proclaims October 5, 2023 to be City of Leon Valley Teacher’s Day; and*

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

*Signed by my hand on this the 19<sup>th</sup> day of September, 2023.*

*Chris Riley*  
Mayor Chris Riley



# Amending Chapter 1 General Provisions, Article 1.09 Parks and Recreation Prohibiting Smoking Huebner-Onion Natural Area Park

City Council Meeting

Public Works Director Melinda Moritz

September 19, 2023



# Purpose

- To consider amending the Leon Valley Code of Ordinances, Chapter 1 General Provisions, Article 1.09 Parks and Recreation, Division 2 Use Regulations, Sec. 1.09.034 - Additional prohibited uses and activities, to add a sub-section (h), prohibiting smoking in the Huebner-Onion Natural Area Park (HONAP)
- Options
  - Approve
  - Approve with modifications
  - Deny
- Recommendation
  - Recommend approval as presented

# Background

- The Huebner-Onion Natural Area Park is an area with many trees and other vegetation that has been left in its natural state and is frequently overgrown
- A fire break is maintained only along the perimeter where the park abuts improved properties
- Rest of the area is not watered, and the vegetation dies during times of drought, which leaves it vulnerable to fire

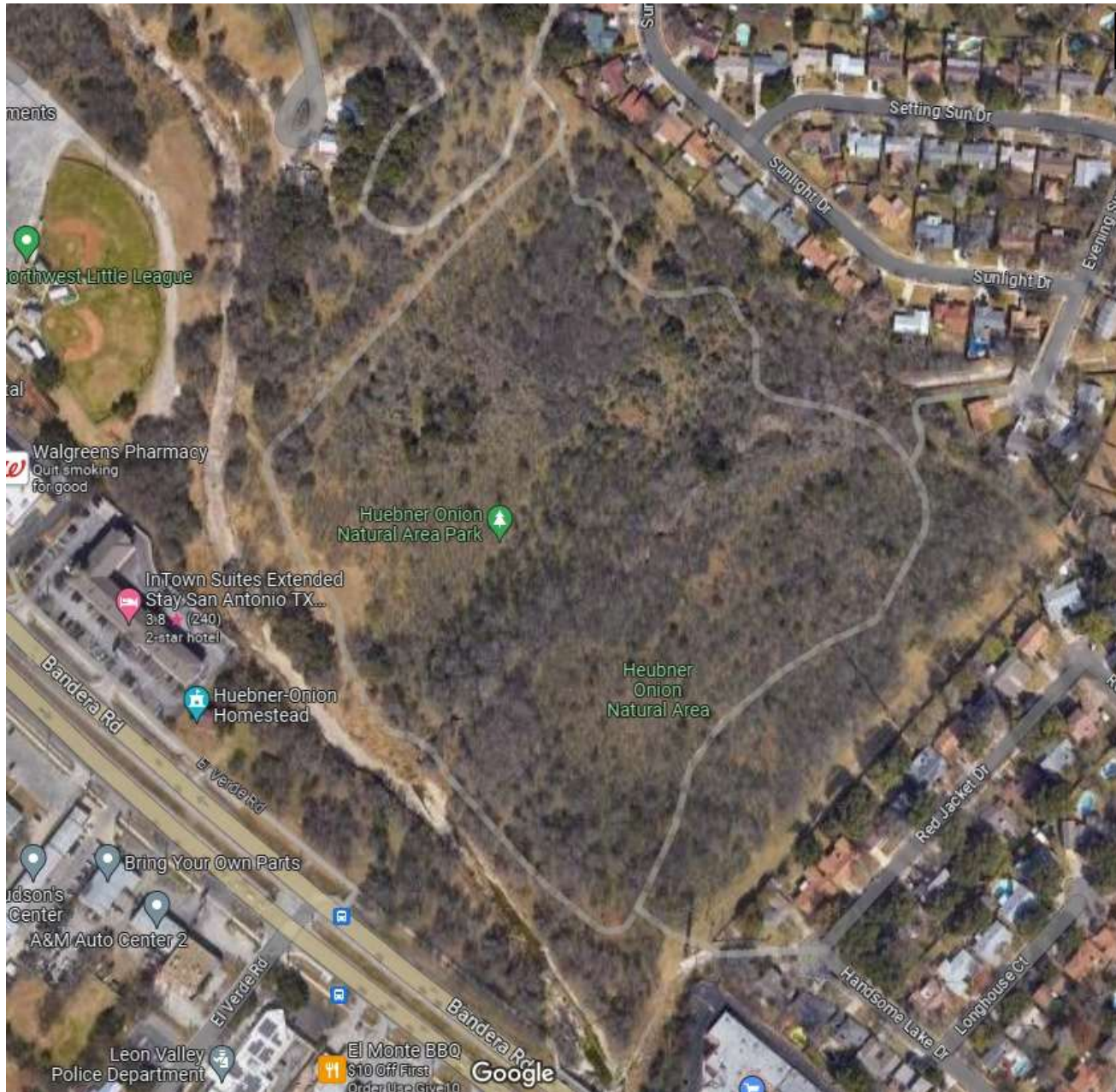


# Purpose

- The new subsection would read:

“(h) Smoking or possessing a burning tobacco, weed, or other plant product, or any lighted burning pipe, cigar or cigarette of any kind, or smoking equipment or device, is prohibited in the Huebner-Onion Natural Area Park.”

# Aerial View



{Section}.63.

# Fiscal Impact

- Fires can be extremely costly, depending on how many resources are used to extinguish a fire and whether or not any homes are damaged

# Recommendation

- At their August 10, 2023 meeting, the Park Commission recommended approval of this amendment

# S.E.E. Statement

- *Social Equity* – HONAP provides a unique natural and undisturbed open space for all visitors and residents of the city. The prohibition of smoking in this park furthers the goal of keeping the park in as pristine a state as possible
- *Economic Development* –The park is a very desirable amenity, which may attract new residents, which may attract businesses to the city, increasing sales and ad valorem taxes
- *Environmental Stewardship* – Prohibiting smoking in this park will further the prevention of fires that would destroy the ecosystem of this area

## MAYOR AND COUNCIL COMMUNICATION

**DATE:** September 19, 2023  
**TO:** Park Commission  
**FROM:** Melinda Moritz, Director of Public Works

**SUBJECT:** Discussion and Possible Action to Consider Approval of an Ordinance Amending the Leon Valley Code of Ordinances, Chapter 1 General Provisions, Article 1.09 Parks and Recreation, Division 2 Use Regulations, Sec. 1.09.034 - Additional Prohibited Uses and Activities, to Add a Sub-section (h), Prohibiting Smoking in the Huebner-Onion Natural Area Park (HONAP)

**SPONSOR(S):** Mayor Chris Riley, Park Commission

### **PURPOSE**

The purpose of this item is to consider approval of an Ordinance amending the Leon Valley Code of Ordinances, Chapter 1 General Provisions, Article 1.09 Parks and Recreation, Division 2 Use Regulations, Sec. 1.09.034 - Additional prohibited uses and activities, to add a sub-section (h), which would prohibit smoking in the Huebner-Onion Natural Area Park.

The park is an area with many trees and other vegetation that has been left in its natural state and is frequently overgrown. A fire break is maintained along the perimeter where the park abuts improved properties, but the rest of the area is not watered and the vegetation dies during times of drought, which leaves it vulnerable to fire.

The new subsection would read:

“(h) Smoking or possessing a burning tobacco, weed, or other plant product, or any lighted burning pipe, cigar or cigarette of any kind, or smoking equipment or device, is prohibited in the Huebner-Onion Natural Area Park.”

### **FISCAL IMPACT**

Fires can be extremely costly depending on the resources used to extinguish a fire and whether or not any homes were impacted by a fire.

### **RECOMMENDATION**

At their August 10, 2023 meeting, the Park Commission recommended approval of this amendment.

### **S.E.E. IMPACT STATEMENT**

**Social Equity** – The HONAP provides a unique natural and undisturbed open space for all visitors and residents of the city. The prohibition of smoking in this park furthers the goal of keeping the park in as natural a state as possible.

**Economic Development** – The park is a very desirable amenity, which may attract new residents, which may attract businesses to the city, increasing sales and ad valorem taxes.

**Environmental Stewardship** – Prohibiting smoking in this park will further the prevention of fires that would destroy the ecosystem of this area.

**RECOMMENDATION:**

APPROVE: \_\_\_\_\_ DISAPPROVE: \_\_\_\_\_

APPROVE WITH THE FOLLOWING AMENDMENTS:

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ATTEST:

\_\_\_\_\_  
**Saundra Passailaigue, TRMC**  
City Secretary

**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY OF LEON VALLEY, TEXAS, CITY COUNCIL, AMENDING THE LEON VALLEY CODE OF ORDINANCES, CHAPTER 1 GENERAL PROVISIONS, ARTICLE 1.09 PARKS AND RECREATION, DIVISION 2 USE REGULATIONS, SEC. 1.09.034 ADDITIONAL PROHIBITED USES AND ACTIVITIES, TO ADD A SUB-SECTION (h), PROHIBITING SMOKING IN THE HUEBNER-ONION NATURAL AREA PARK (HONAP); REPEALING ALL ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; SAVINGS; AN EFFECTIVE DATE; NOTICE OF OPEN MEETING CLAUSES AND PROVIDING FOR A PENALTY.**

**WHEREAS**, the Huebner-Onion Natural Area Park was designated as such to preserve the area's natural beauty and native wildlife; and

**WHEREAS**, the City has few remaining large open natural areas for its citizens and others to enjoy and use and the property has remained a natural area since its purchase by the city; and

**WHEREAS**, smoking in this area extremely dangerous due to the nature of its state of overgrowth, vegetation, and trees, and fires could be easily ignited from the dropping of lit cigarettes; and

**WHEREAS**; the park does not have adequate access for fire department personnel to quickly extinguish a fire should one start in the area, leaving the existing surrounding homes vulnerable to catastrophic consequences from fires;

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

**Section 1.** The Leon Valley Code of Ordinances, Chapter 1 General Provisions, Article 1.09 Parks and Recreation, Division 2 Use Regulations, Sec. 1.09.034 - Additional prohibited uses and activities, is hereby amended to add a sub-section (h), to read as follows:

“(h) Smoking or possessing a burning tobacco, weed, or other plant product, or any lighted burning pipe, cigar or cigarette of any kind, or smoking equipment or device, is prohibited in the Huebner-Onion Natural Area Park.”

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



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

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

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

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

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

**PASSED, ADOPTED AND APPROVED** by the City Council of the City of Leon Valley this the 5th day of September 2023.

**APPROVED**

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

Attest :

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

Approved as to Form:

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**NICOLE WARREN**  
City Attorney

# City of Leon Valley August 2023 Financial Report

Carol Goering  
Finance Director

City Council Meeting  
September 19, 2023

# City of Leon Valley Monthly Financial August 2023

{Section}.64.

## General Fund

Target Percentage 91.67

REVENUE	FY 2023 BUDGET	FY 2023 Y-T-D ACTUAL		FY 2022 Y-T-D ACTUAL	
Ad Valorem	\$ 5,476,000	\$ 5,425,688	99.1%	\$ 5,254,548	95.0%
Sales Taxes	3,719,631	2,843,424	76.4%	2,418,564	80.6%
Franchise Taxes	911,798	966,224	106.0%	887,453	98.4%
Licenses, Permits, Fees & Fines	1,576,080	1,168,807	74.2%	1,272,616	-391.4%
Miscellaneous Revenue	650,516	878,096	135.0%	469,075	30.3%
Transfers In	2,080,594	2,267,183	109.0%	512,420	19.8%
<b>Total Revenue</b>	<b>\$ 14,414,619</b>	<b>\$ 13,549,423</b>	<b>94.0%</b>	<b>\$ 10,814,675</b>	<b>70.1%</b>

EXPENDITURES					
Municipal Court	\$ 419,050	\$ 348,566	83.2%	\$ 152,193	36.3%
Finance	407,845	376,003	92.2%	149,597	36.7%
Council & Manager	1,329,819	1,165,249	87.6%	776,875	48.2%
Information Technology	315,183	227,301	72.1%	-	-
Police	3,311,063	2,888,516	87.2%	2,305,954	68.8%
Traffic Safety Program	-	-	-	380,264	137.8%
Red Light Cameras	-	-	-	-	0.0%
Impound Lot	113,594	111,897	98.5%	-	0.0%
Fire	3,623,269	3,007,227	83.0%	3,065,177	84.2%
Public Works	2,232,693	1,771,783	79.4%	1,270,129	54.6%
Planning and Zoning	515,533	329,090	63.8%	299,028	58.0%
Economic Development	442,549	260,143	58.8%	-	0.0%
Special Events	140,350	126,838	90.4%	122,392	70.5%
Parks & Recreation	281,400	215,724	76.7%	285,496	17.3%
Library	572,648	393,283	68.7%	407,082	63.4%
Transfers Out	1,200,569	659,000	54.9%	-	-
<b>Total Expenditures</b>	<b>\$ 14,905,565</b>	<b>\$ 11,880,621</b>	<b>79.7%</b>	<b>\$ 9,214,188</b>	<b>54.2%</b>

## City of Leon Valley Monthly Financial August 2023

### Water/Sewer/Storm Water Fund

Target Percentage 91.67

REVENUE	FY 2023 BUDGET	FY 2023 Y-T-D ACTUAL		FY 2022 Y-T-D ACTUAL	
Water Sales	\$ 2,007,300	\$ 1,823,994	64.9%	\$ 1,891,349	92.0%
Sewer Sales	2,486,600	2,255,289	90.7%	2,234,421	90.6%
Storm Water	589,288	417,165	70.8%	354,949	88.8%
Connection & Platting	-	-	-	-	-
Customer Fees	71,983	67,596	93.9%	68,220	120.3%
Tapping Fees	-	-	-	-	-
Interest Income	6,200	129,432	81.61	20,438	21.91
Miscellaneous Revenue	-	83,076	0.0%	730,323	41.2%
<b>Total Revenue</b>	<b>\$ 5,161,371</b>	<b>\$ 4,776,551</b>	<b>92.5%</b>	<b>\$ 4,548,940</b>	<b>78.0%</b>

### EXPENDITURES

Business Office	\$ -	\$ -	-	\$ 772,357	745.2%
Water System	1,002,017	784,696	78.3%	2,568,064	117.9%
Sewer System	2,354,679	1,510,265	64.1%	2,047,051	72.8%
Storm Water	822,246	173,002	21.0%	286,209	16.1%
Other Sources/Uses	2,151,086	2,295,147	106.7%	-	-
<b>Total Expenditures</b>	<b>\$ 6,330,028</b>	<b>\$ 4,763,110</b>	<b>75.2%</b>	<b>\$ 5,673,680</b>	<b>83.8%</b>

# City of Leon Valley Monthly Financial August 2023

## Community Center Fund

Target Percentage 91.67

REVENUE	FY 2023 BUDGET	FY 2023 Y-T-D ACTUAL		FY 2022 Y-T-D ACTUAL	
Hotel/Motel Taxes	\$ 70,000	\$ 51,612	73.7%	\$ 64,949	92.8%
<b>RENTAL FEES</b>					
Community Center	50,000	44,762	89.5%	42,369	84.7%
Conference Center	-	15,088	-	12,234	-
Interest Income	100	9,258	257.9%	1,031	31.1%
Transfers in	24,567	-	-	-	-
<b>Total Revenue</b>	<b>\$ 144,667</b>	<b>\$ 120,720</b>	<b>83.4%</b>	<b>\$ 120,582</b>	<b>83.4%</b>

### EXPENDITURES

Personnel	\$ 73,610	\$ 70,798	96.2%	\$ 52,776	71.7%
Supplies	7,500	669	8.9%	672	9.0%
Contractual	51,557	31,749	61.6%	42,098	81.7%
Capital Outlay	12,000	-	-	1,076	9.0%
<b>Total Expenditures</b>	<b>\$ 144,667</b>	<b>\$ 103,217</b>	<b>71.3%</b>	<b>\$ 96,622</b>	<b>66.8%</b>

# City of Leon Valley Monthly Financial August 2023

## Economic/Community Development

Target Percentage 91.67

REVENUE	FY 2023	FY 2023		FY 2022	
	Budget	Y-T-D ACTUAL		Y-T-D Actual	
Sales Tax Revenues	\$ 399,000	\$ 313,216	78.5%	\$ 300,923	41.9%
Interest Income	5,500	17,642	320.8%	1,346	24.47
<b>Total Revenues</b>	<b>\$ 404,500</b>	<b>\$ 330,858</b>	<b>81.8%</b>	<b>\$ 302,268</b>	<b>41.6%</b>
<b>EXPENDITURES</b>					
Personnel	\$ 151,392	\$ 103,857	68.6%	\$ 175,026	48.4%
Supplies	13,275	8,505	64.1%	3,618	15.1%
Contractual	277,882	147,781	53.2%	102,360	45.4%
<b>Total Expenditures</b>	<b>\$ 442,549</b>	<b>\$ 260,143</b>	<b>58.8%</b>	<b>\$ 281,004</b>	<b>41.7%</b>

# City of Leon Valley Monthly Financial August 2023

## Impound Lot

Target Percentage 91.67

REVENUE	FY 2023	FY 2023		FY 2022	
	Budget	Y-T-D ACTUAL		Y-T-D Actual	
Impound Lot Fees	\$ 60,000	\$ 99,645	166.1%	\$ 57,725	115.5%
Auctions	71,080	68,749	96.7%	39,571	95.2%
<b>Total Revenues</b>	<b>\$ 131,080</b>	<b>\$ 168,394</b>	<b>128.5%</b>	<b>\$ 97,296</b>	<b>106.2%</b>

EXPENDITURES					
Personnel	\$ 102,194	\$ 102,517	100.3%	\$ 96,604	92.5%
Supplies	1,900	2,340	123.1%	1,500	79.0%
Contractual	9,500	7,041	74.1%	4,013	47.2%
Capital	-	-	-	-	-
<b>Total Expenditures</b>	<b>\$ 113,594</b>	<b>\$ 111,897</b>	<b>98.5%</b>	<b>\$ 102,117</b>	<b>88.9%</b>



# City of Leon Valley Monthly Financial August 2023

{Section}.64.

## Red Light Cameras (RLC)

Target Percentage 91.67

REVENUE	FY 2023 Budget	FY 2023 Y-T-D ACTUAL		FY 2022 Y-T-D Actual	
Red Light Camera Fines	\$ 2,234,341	\$ 2,170,971	97.2%	\$ 1,745,940	42.5%
Late Fees/Court Costs	200,000	171,174	85.6%	173,985	87.0%
Interest Income	3,000	42,672	68.1%	7,018	233.94
Transfers in	3,007	-	-	-	-
<b>Total Revenues</b>	<b>\$ 2,440,348</b>	<b>\$ 2,384,817</b>	<b>97.7%</b>	<b>\$ 1,926,943</b>	<b>129.4%</b>

## EXPENDITURES

### *Red Light Cameras*

Personnel	\$ 611,108	\$ 539,804	88.3%	\$ 466,190	40.1%
Supplies	4,000	3,346	83.6%	1,100	18.04
Contractual	901,000	734,357	81.5%	707,759	39.4%
Transfers	326,574.00	326,574	100.0%	-	-
<b>Total Tier One</b>	<b>\$ 1,842,682</b>	<b>\$ 1,604,081</b>	<b>87.1%</b>	<b>\$ 1,175,049</b>	<b>34.4%</b>

### *Traffic Safety*

Personnel	\$ 275,892	\$ 197,881	71.7%	\$ 357,083	129.4%
Supplies	-	2,047	-	7,715	-
Contractual	-	-	-	15,466	-
Capital Outlay	86,830	-	-	-	-
Transfers	126,000	126,000	100.0%	-	-
<b>Total Tier Two</b>	<b>\$ 488,722</b>	<b>\$ 325,928</b>	<b>66.7%</b>	<b>\$ 380,264</b>	<b>137.8%</b>

# City of Leon Valley August 2023 Financial Report

Carol Goering  
Finance Director

City Council Meeting  
September 19, 2023

**MAYOR AND COUNCIL COMMUNICATION**

**DATE:** SEPTEMBER 05, 2023

**TO:** Mayor and Council

**FROM:** Carol Goering, Finance Director

**THROUGH:** Crystal Caldera, City Manager

**SUBJECT:** Presentation and Discussion to Consider Approval of an Ordinance Authorizing a Fiscal Year 2022-23 General Fund Budget Adjustment in the Amount of \$25,000 for the Purpose of Increasing the Finance Department Budget. (1st Read as Required by City Charter).

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

**PURPOSE**

This M & C requests approval for a budget adjustment, which will increase the Finance Department by \$25,000.

**FISCAL IMPACT**

A budget adjustment in the amount of \$25,000 is requested. The funds would come from the General Fund Reserve.

**S.E.E. Statement**

*Social Equity* – Transparency in city financial matter is important to all citizens, as it states what their money is being used for.

*Economic Development* – N/A

*Environmental Stewardship* –N/A

**RECOMMENDATION**

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

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

APPROVED WITH THE FOLLOWING AMENDMENTS :

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ATTEST :

SAUNDRA PASSAILAIGUE, TRMC  
City Secretary

**AN ORDINANCE OF THE CITY OF LEON VALLEY, TX, CITY COUNCIL AUTHORIZING A FISCAL YEAR 2022-23 GENERAL FUND BUDGET IN THE AMOUNT OF \$25,000 FOR THE PURPOSE OF INCREASING THE FINANCE DEPARTMENT; PROVIDING FOR REPEALER, SEVERABILITY AND SAVING CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

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

**WHEREAS**, it is necessary to adjust the Finance Budget by a total amount of \$25,000

**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 \$25,000 to increase the Finance 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 \$25,000 for the Purpose of Increasing  
the Finance Department Budget.

Carol Goering, Finance Director  
City Council Meeting  
September 05, 2023

# Summary

- Question
  - Approve an Ordinance authorizing budget adjustments for the FY 2022-2023 budget year.
- Options
  - Recommendation:
    - Approve the budget adjustment that fund the Finance department by \$25,000
  - Denial of the request.
- Declaration
  - This adjustment will fund the Finance Department, any excess in budget will roll back into the General Fund Reserve.



# Background

- Consider approval of an Ordinance authorizing budget adjustments for FY 2022-2023
  - Budget adjustments that will fund the Finance Department.

# Recommendation

- It is recommended that City Council approves an Ordinance authorizing budget adjustments for the FY 2022-2023 budget

# S.E.E. Statement

Social Equity – Providing amenities similar to other nearby cities assure that our residents are being offered the same advantages and activities as the citizens of the metro area

Economic Development- Allowing mobile food vendors at the park may attract visitors, who might visit other shops and possibly decide to become residents, increasing our sales and property tax revenue

Environmental Stewardship - Land being used as a park reduces the number of structures located in a floodplain which maintains pervious cover, reducing sediment and erosion in our watershed areas

Approval of an Ordinance Authorizing a Fiscal Year  
2022-23 General Fund Budget Adjustment in the  
Amount of \$25,000 for the Purpose of Increasing  
the Finance Department Budget.

Carol Goering, Finance Director  
City Council Meeting  
September 05, 2023

## MAYOR AND COUNCIL COMMUNICATION

**DATE:** September 19, 2023  
**TO:** Mayor and Council  
**FROM:** Mindy Teague, Planning and Zoning Director  
**THROUGH:** Crystal Caldera, City Manager

**SUBJECT:** Discussion and Possible Action to Consider an Ordinance Revising Chapter 15 Zoning, Division 6, Section 15.02.306 (R-1 Single-Family Dwelling District) to Allow Accessory Buildings in the Side Yard.

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

### PURPOSE

The purpose of this item is to consider approval of an Ordinance correcting a conflict by amending Chapter 15 Zoning, Division 6, Section 15.02.306 "R-1 Single Family-Dwelling" district to allow accessory buildings in the side yard with the setback requirement of not less than 5 feet from side property line to main structure.

Staff received a request from a property owner to construct a swimming pool within the side yard. Swimming pools are considered to be accessory buildings. After reviewing the Code, it was determined that the pool would not be allowed in a side yard.

Sec. 15.02.306 - "R-1" single-family dwelling, (d) Other states:

"(1) Accessory buildings. Shall be allowed but shall be located no closer than five feet from any property line and **must be located in the rear yard**. In no case shall an accessory building occupy more than 30 percent of the total open space in the rear yard; with the following exceptions:"

However, the Code then clearly conflicts as it goes on to state:

"a. No setback shall be required for accessory buildings located **within a side** or rear yard which abuts an alley with a minimum 20 feet of public rights-of-way; or

b. No setback shall be required for accessory buildings located **within a side** or rear yard, which were constructed prior July 7, 2021, and are located a minimum of ten feet from the nearest structure on an abutting property."

The new language would revise the portion of the sentence in (1) that states "and must be located in the rear yard". This action will remove the conflict.

The proposed language would add "and must be located in the side or rear yard"

**SEE LEON VALLEY**

Social – Revising the zoning code would allow Leon Valley property owners more design options.

Economic - Assuring quality development maintains housing property values.

Environmental – Any new structures would be required to conform to the 2021 International Energy and Building codes.

**FISCAL IMPACT**

N/A

**STRATEGIC GOALS**

Goal # 1 - Economic Development · Objective F – Promote Leon Valley

**RECOMMENDATION**

At their September 22, 2023 meeting, the Planning and Zoning Commission recommended approval of this amendment.

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

APPROVED WITH THE FOLLOWING AMENDMENTS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ATTEST:

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

**AN ORDINANCE OF THE CITY OF LEON VALLEY, TX, CITY COUNCIL AMENDING THE LEON VALLEY CODE OF ORDINANCES, CHAPTER 15 ZONING, DIVISION 6, SECTION 15.02.306, R-1 SINGLE FAMILY DWELLING” DISTRICT TO ALLOW ACCESSORY BUILDINGS IN THE SIDE YARD WITH THE SETBACK REQUIREMENT OF NOT LESS THAN 5 FEET FROM SIDE PROPERTY LINE TO MAIN STRUCTURE; PROVIDING FOR REPEALER, SEVERABILITY AND SAVINGS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS** Chapter 15 Zoning of the City of Leon Valley Code of Ordinances establishes the City’s Zoning Districts, including District Boundaries and Use regulations; and

**WHEREAS** Chapter 15 currently contains a range of residential zoning districts that each have minimum front side and rear yard setback requirements; and

**WHEREAS** this allows certain structures, such as accessory structures to be constructed in the rear and side yard; and

**WHEREAS** the Zoning Commission of the City of Leon Valley held a public hearing to determine the appropriateness of amending the Zoning Code to allow for accessory structures in the side yard with the setback requirement of not less than 5 feet from side property line to main structure in the R-1 single family dwelling district; and

**WHEREAS** the City Council of the City of Leon Valley also held a public hearing, with proper notice and publication, and determined to allow for accessory structures in the side yard with the setback requirement of not less than 5 feet from side property line to main structure in the R-1 single family dwelling district, and now desires to amend Chapter 15 Zoning Code, Section 15.02.306; and

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

**SECTION 1.** That Chapter 15 Zoning Code, Division 6, Section 15.02.306 is hereby amended as follows:

“(1) Accessory buildings. Shall be allowed but shall be located no closer than five feet from any property line and must be located in the side or rear yard. In no case shall an accessory building occupy more than 30 percent of the total open space in the rear yard; with the following exceptions:”

“a. No setback shall be required for accessory buildings located within a side or rear yard which abuts an alley with a minimum 20 feet of public rights-of-way; or

b. No setback shall be required for accessory buildings located within a side or rear yard, which were constructed prior July 7, 2021, and are located a minimum of ten feet from the nearest structure on an abutting property.”

**SECTION 2.** The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this Ordinance.

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

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

**PASSED, ADOPTED AND APPROVED** by the City Council of the City of Leon Valley this the 19th day of September 2023.

**APPROVED**

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

Attest :

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

Approved as to Form:

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



# Consider Approval of an Ordinance Amending the Zoning Code Accessory buildings in Side Yard

City Council Meeting

Planning & Zoning Director Mindy Teague

September 19, 2023

# Purpose

- To consider amending the Leon Valley Code of Ordinances, Chapter 15 Zoning, Division 6, Section 15.02.306 R-1 Single-Family Dwelling District, (d) Other, (1)
- To remove a Code conflict regarding accessory buildings within a side yard

# Background

- Staff received a request from a citizen (in R-1 Single Family district), to construct a swimming pool in a side yard
- Pools are considered accessory structures for plan review & inspection, unless stated otherwise in the code
- After review of the Code, it was determined that the request would be denied, but that the Code contained a conflict in this regard

# Current Code Language

- Chapter 15 Zoning, Division 6 - Districts, Boundaries, and Use Regulations, Section, 15.02.306 “R-1” Single Family Dwelling, (d) *Other* states:
  - (1) *Accessory buildings*. Shall be allowed but shall be located no closer than five feet from any property line **and must be located in the rear yard**. In no case shall an accessory building occupy more than 30 percent of the total open space in the rear yard; with the following exceptions:
    - It then states:
      - a. No setback shall be required for accessory buildings located **within a side** or rear yard which abuts an alley with a minimum 20 feet of public rights-of-way; or
      - b. No setback shall be required for accessory buildings located **within a side** or rear yard, which were constructed prior July 7, 2021, and are located a minimum of ten feet from the nearest structure on an abutting property.

# Proposed Code Amendment

- Chapter 15 Zoning, Division 6 - Districts, Boundaries, and Use Regulations, Section 15.02.306 “R-1” Single Family Dwelling, (d) Other.
  - (1) *Accessory buildings*. Shall be allowed but shall be located no closer than five feet from any property line and **must be located in the side or rear yard**. In no case shall an accessory building occupy more than 30 percent of the total open space in the rear yard nor be located in the front yard.

# Recommendation

- At their September 22, 2023 meeting, the Planning and Zoning Commission recommended approval of this amendment

# S.E.E. Leon Valley

- Social – Revising the code gives all citizens more flexibility with design options on their lots
- Economic – Assuring quality development maintains housing property values
- Environmental – Any new or remodeled swimming pool areas would be required to conform to the 2021 International Energy and Building codes

## MAYOR AND COUNCIL COMMUNICATION

**DATE:** September 19, 2023

**TO:** Mayor and Council

**FROM:** Sandra Passailaigue, City Secretary

**THROUGH:** Crystal Caldera, City Manager

**SUBJECT:** Presentation and Discussion to Consider Approval of an Ordinance Amending the Leon Valley Code of Ordinances, Chapter 4, Business Regulations, Article 4.03 Alcoholic Beverages, Removing Section 4.03.033 Sales Near Churches, Public Schools, or Private Schools; Amending Section 4.03.035 Late Hours Permit (D)(3) Allowing for a Two-Year Permit; Amending Section 4.03.037 Beverage Fee Due Date; and Amending Appendix A Fee Schedule, A2.000 Administrative Fees

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

### **PURPOSE**

To discuss a proposed Ordinance amending the Leon Valley Code of Ordinances, Chapter 4, Business Regulations, Article 4.03 Alcoholic Beverages, Removing Section 4.03.033 Sales Near Churches, Public Schools, or Private Schools; Amending Section 4.03.035 Late Hours Permit (D)(3) Allowing for a Two-Year Permit; Amending Section 4.03.037 Beverage Fee Due Date; and Appendix A Fee Schedule, A2.000 Administrative Fees

1. To amend the Code requiring an annual renewal of alcoholic beverage permits to a 2-year renewal, which is what TABC requires;
2. To include a \$25 certification fee to the application process which is a cost-of-service fee.
3. To remove the section related to sales near churches, public schools, or private schools entirely.

Churches - Establishments that sell alcohol are frequently located in or near shopping centers and small churches sometimes also rent spaces in these centers, which then places the alcoholic beverage store in non-conforming status.

Schools – Minors are already prohibited from purchasing alcohol. Private schools are being established in buildings that previously had other uses (School of Science and Technology – Discovery is located in an old grocery store adjacent to the HEB Marketplace). This places the alcoholic beverage stores near them in non-conforming status.



**SEE LEON VALLEY**

Social – To assist the business owners in making the permit process mirror that of the state.

Economic – Will improve communication with businesses by streamlining the permit process.

Environmental – N/A

**FISCAL IMPACT**

Alcohol sales generate sales tax, which increases the city revenue base.

**STRATEGIC GOALS**

The initiative is specifically listed in the 2013 – 2014 Strategic Goals, (7) “Pursue Revenue Enhancements to Enhance City Operations”.

**RECOMMENDATION**

This is a continuation of last year’s adopted update to this Chapter of the City’s Code of Ordinances. It is staff’s recommendation to approve these remaining amendments.

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

APPROVED WITH THE FOLLOWING AMENDMENTS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ATTEST:

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

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## ARTICLE 4.03 ALCOHOLIC BEVERAGES<sup>1</sup>

### *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 FEES<sup>2</sup>*

#### **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)

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<sup>1</sup>State 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.

<sup>2</sup>Ord. 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)

**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.
  - (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.
  - (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 years from the date on which it is granted. The establishment must apply for the permit 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)

### **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.

( Ord. No. 2022-54 , § II, 12-6-2022)

### **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 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)

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**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)

**Sec. 4.03.038 Display of city alcoholic beverage fee receipt**

The City of Leon Valley Alcoholic Beverage Fee Receipt shall be displayed in a conspicuous place at all times on the licensed premises. Failure to so display said receipt shall constitute of 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)

**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 a 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)

**ORDINANCE NO. 2023-\_\_**

**AN ORDINANCE OF THE CITY OF LEON VALLEY, TEXAS, CITY COUNCIL AMENDING THE CITY OF LEON VALLEY CODE OF ORDINANCES, CHAPTER 4, BUSINESS REGULATIONS, ARTICLE 4.03 ALCOHOLIC BEVERAGES REMOVING SECTION 4.03.033 SALES NEAR CHURCHES, PUBLIC SCHOOLS, OR PRIVATE SCHOOLS; AMENDING SECTION 4.03.035 LATE HOURS PERMIT (d)(3) ALLOWING FOR A TWO YEAR PERMIT; AMENDING SECTION 4.03.037 BEVERAGE FEE DUE DATE; FEES FOR PORTION OF YEAR; SEPARATE FEE FOR EACH OUTLET (a) ALLOWING FOR A TWO YEAR PERMIT; AND APPENDIX A FEE SCHEDULE, ARTICLE A5.00 ALCOHOLIC BEVERAGE ESTABLISHMENTS ADDING LATE HOURS PERMIT FEE; REPEALING ALL ORDINANCES IN CONFLICT THERWITH; PROVIDING FOR SEVERABILITY; SAVINGS CLAUSE; EFFECTIVE DATE; NOTICE OF OPEN MEETINGS; AND PROVIDING FOR A PENALTY.**

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**WHEREAS**, The authority of a City to regulate the manufacture, sale, distribution, transportation, and possession of alcoholic beverages is restricted by the Texas Alcoholic Beverage Code; and

**WHEREAS**, The City of Leon Valley City Council wishes to update Chapter 4 Business Regulations, Article 4.03 Alcoholic Beverages governing the sale of alcoholic beverages within the City by removing distance requirements and extending the late hours permit due date to two years; and

**WHEREAS**, the City Council has established fees for a variety of City services, has from time to time amended the Fee Schedule as needed to cover the cost of services provided in accordance with the City’s authority under state law, and has codified the Fee Schedule as Appendix A of the Code of Ordinances of the City (“Fee Schedule”); and

**WHEREAS**, having reviewed the fees for a Late Hours Permit, the City Council has determined those fees to be reasonable, commensurate with the services provided, are not excessive, and are necessary fees for the services provided to Leon Valley citizens; and

**WHEREAS**, The City of Leon Valley City Council believes that it is in the best interest of the citizens of Leon Valley to amend Chapter 4, Article 4.03 Alcoholic Beverages; and

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

**SECTION I.** All of the above premises are hereby found to be true and correct legislative and factual findings of the City of Leon Valley and are hereby approved and incorporated into the body of this ordinance as if copied in their entirety.

**SECTION II.** Chapter 4 Business Regulations, Article 4.03 Alcoholic Beverages, Article 4.03 shall read as follows:

**ARTICLE 4.03 ALCOHOLIC BEVERAGES<sup>1</sup>**

***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.

**Secs. 4.03.002—4.03.030 Reserved**

***DIVISION 2. LICENSE AND PERMIT FEES<sup>2</sup>***

**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.

**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.

**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.

**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.

- (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 years from the date on which it is granted. The establishment must apply for the permit 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.

**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.

**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 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.

**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.

**Sec. 4.03.038 Display of city alcoholic beverage fee receipt**

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

**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.

*Appendix A – Fee Schedule, Article A5.00 Alcoholic Beverage Establishments shall read as follows:*

Sec. A5.001 – License and Permit fees

Alcoholic beverage license or permit fees as prescribed by state law.

Late Hours Permit Fee: \$25.00

**SECTION 3. REPEALER CLAUSE.** The provisions of the Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent by any other ordinance.

**SECTION 4. SEVERABILITY CLAUSE.** If any provision, section, sentence, clause, or phrase of this ordinance or application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in

adopting, and the Mayor in approving this Ordinance, that no portion thereof or provisions or regulation contained herein shall become inoperative or fall by reason of any unconstitutionally or invalidity of any portion, provision, or regulation.

**SECTION 5. SAVINGS CLAUSE.** The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying, or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this ordinance.

**SECTION 6. EFFECTIVE DATE.** This ordinance shall become effective on and after its passage, approval and the meeting of all publication requirements as provided by law.

**SECTION 7. NOTICE OF MEETING CLAUSE.** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place, and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**SECTION 8. PENALTY.** Any person who violates any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined as provided in Chapter 1. General Provisions, Article 1.01 Code of Ordinances, Section 1.01.009 General penalty for violations of code: continuing violations of the City of Leon Valley Code, and/or applicable state law.

**PASSED, ADOPTED AND APPROVED** by the City Council of the City of Leon Valley this the 19th day of September, 2023.

**APPROVED**

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

Attest:

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

Approved as to Form:

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

An Ordinance Amending Chapter 4, Business Regulations, Article 4.03 Alcoholic Beverages, Removing Section 4.03.033 Sales Near Churches, Public Schools, or Private Schools; Amending Section 4.03.035 Late Hours Permit (D)(3) Allowing for a Two-Year Permit; Amending Section 4.03.037 Beverage Fee Due Date; and Amending Appendix A Fee Schedule, A2.000 Administrative Fees

Sandra Passailaigue  
City Secretary  
City Council Meeting  
September 19, 2023

# Summary

- Question
  - **City Council is being asked to consider an Ordinance Amending Chapter 4, Business Regulations, Article 4.03 Alcoholic Beverages, Removing Section 4.03.033 Sales Near Churches, Public Schools, or Private Schools; Amending Section 4.03.035 Late Hours Permit (D)(3) Allowing for a Two-Year Permit; Amending Section 4.03.037 Beverage Fee Due Date; and Amending Appendix A Fee Schedule, A2.000 Administrative Fees.**
- Options
  - Recommended:
    1. No change.
    2. Allow the amendment as requested.
    3. Modify the proposed amendment.
  - Denial
  - Other
- Declaration
  - This is a continuation of last year's adopted update to this Chapter of the City's Code of Ordinances. It is staff's recommendation to approve these remaining amendments.

# Purpose

To discuss a proposed Ordinance amending the Leon Valley Code of Ordinances, Chapter 4, Business Regulations, Article 4.03 Alcoholic Beverages, Removing Section 4.03.033 Sales Near Churches, Public Schools, or Private Schools; Amending Section 4.03.035 Late Hours Permit (D)(3) Allowing for a Two-Year Permit; Amending Section 4.03.037 Beverage Fee Due Date; and Appendix A Fee Schedule, A2.000 Administrative Fees

- 1. To amend the Code requiring an annual renewal of alcoholic beverage permits to a two-year renewal, which is what TABC requires.**
- 2. To include a \$25 Certification Fee to the application process; this is a cost-of-service fee.**

# Purpose / Background

## **3. To remove the section related to sales near churches, public schools, or private schools entirely.**

Churches - Establishments that sell alcohol are frequently located in or near shopping centers and small churches sometimes also rent spaces in these centers, which then places the alcoholic beverage store in non-conforming status.

Schools – Minors are already prohibited from purchasing alcohol. Private schools are being established in buildings that previously had other uses (School of Science and Technology – Discovery is located in an old grocery store adjacent to the HEB Marketplace). This places the alcoholic beverage stores near them in non-conforming status.



# Fiscal Impact

Alcohol sales generate sales tax, which increases the City revenue base.

# Recommendation

This is a continuation of last year's adopted update to this Chapter of the City's Code of Ordinances. It is staff's recommendation to approve these remaining amendments.

# S.E.E. Statement

Social Equity – To assist the business owners in making the permit process mirror that of the state.

Economic Development- Will improve communication with businesses by streamlining the permit process.

Environmental Stewardship – Not Applicable



It is with deep sorrow that The City of Leon Valley announces the passing of our beloved former Leon Valley Mayor, Irene S. Baldrige. Mrs. Baldrige died peacefully at home on May 22, 2023, after a brief illness, at the age of 94.

Irene served a total of 20 years on the Leon Valley City Council, including 10 years as mayor (1984-1994). As mayor, Irene oversaw the construction of the Community Center, the library building and the public works building, and the city's development of the Linkwood subdivision, among many other accomplishments.

After her most recent city council service (2007-2013), Irene continued to volunteer on several city committees. She was also a longtime board member of the Leon Valley Historical Society, helping to preserve the Huebner-Onion Homestead.

Irene's selfless devotion to her community will be greatly missed. A memorial service will be held at 10 am on Saturday, June 17<sup>th</sup> at Western Hills Christian Church at 8535 Huebner Road, San Antonio, TX. 78240.

RESOLUTION NO. \_\_\_\_

**A RESOLUTION OF THE CITY OF LEON VALLEY COUNCIL, APPROVING OR PROVIDING DIRECTION ON RENAMING THE LEON VALLEY COMMUNITY CENTER AFTER THE LATE IRENE S. BALDRIDGE.**

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**WHEREAS**, on May 22, 2023, the beloved former Leon Valley Mayor, Irene S. Baldrige passed away peacefully at her home at the age of 94; and

**WHEREAS**, Mrs. Baldrige served a total of 20 years on the Leon Valley City Council with 10 years as Mayor, contributing to projects, developments, accomplishments, including the construction of the Community Center; and

**WHEREAS**, the Leon Valley Community Center is a venue that hosts private weekend rentals which is also contracted with the Northwest Seniors for daily use; and

**WHEREAS**, the Leon Valley Community Center location is referred to as the Leon Valley Events Center; and

**WHEREAS**, the City of Leon Valley seeks recommendation to honor its former Mayor by naming the facility the Irene Baldrige Community Center; and

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

1. Approve the renaming of the Leon Valley Community Center to the City of Leon Valley Irene Baldrige Community Center

PASSED and APPROVED this the 19<sup>th</sup> day of September 2023.

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Chris Riley, Mayor

ATTEST:

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Sandra Passailaigue, City Secretary

APPROVED AS TO FORM

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City Attorney

# Discussion and Consideration to Rename the Leon Valley Community Center

Crystal Miranda  
Community Relations Director  
City Council Meeting  
September 5, 2023

# Summary

- Question
  - **City Council is being asked to consider renaming the Leon Valley Community Center to the City of Leon Valley Irene Baldrige Community Center.**
- Options
  - Recommended:
    1. No change.
    2. Allow change.
    3. Allow another Council recommendation.
  - Other



# Purpose

- To present to City Council a recommendation from Mayor Riley to rename the Leon Valley Community Center to the City of Leon Valley Irene Baldrige Community Center.
- To honor the late Irene S. Baldrige for her selfless devotion to the Leon Valley community.

# Purpose / Background

- At the previous City Council meeting Mayor Riley asked to consider renaming the Leon Valley Community Center to the Irene Baldrige Community Center.
- Irene S. Baldrige served a total of 20 years on the Leon Valley City Council including 10 years as Mayor (1984-1994).
- On May 22, 2023, Mrs. Baldrige died peacefully at her home.
- During her ten years as Mayor Mrs. Baldrige oversaw the construction of the Community Center, Library, Public Works building, and the City's development of the Linkwood subdivision.

# Fiscal Impact

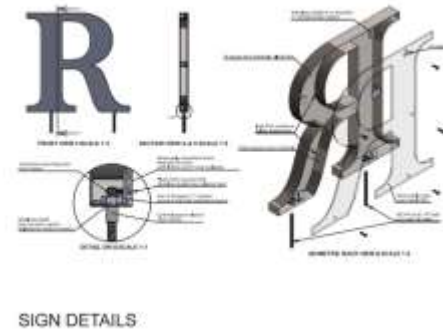
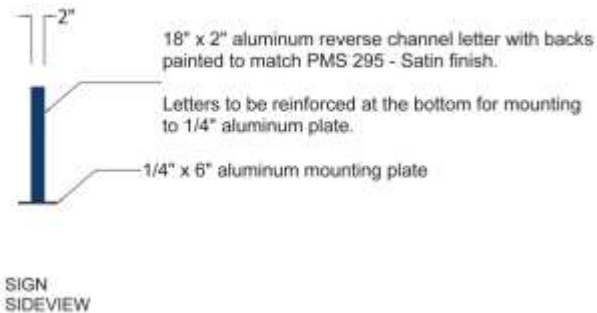
- Replacing the existing signage.



# Considerations

{Section}.68.

- Replace the vinyl letters only
- Replace all aluminum signs
- Add aluminum letters to building



# Questions

- Budget
- Recommendations
- Public Vote

# S.E.E. Statement

Social Equity – N/A

Economic  
Development- N/A

Environmental  
Stewardship – N/A

## MAYOR AND COUNCIL COMMUNICATION

**DATE:** September 5, 2023

**TO:** Mayor and Council

**FROM:** Crystal Miranda, Community Relations Director

**THROUGH:** Crystal Caldera, City Manager

**SUBJECT:** Request for a Budget Adjust on behalf of the Earthwise Living Day Committee from the General Fund in the amount of \$3,322.91 (2<sup>nd</sup> Reading as Required by City Charter)

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

### **PURPOSE**

The 2023 Earthwise Living Day event resulted in a profit of \$3,322.91 in sponsorships and vendor fees.

The Committee is requesting a budget adjustment to purchase supplies for future Earthwise Living Day events to continue their efforts to promote a healthier and sustainable living environment.

### **SEE LEON VALLEY**

Social – The Earthwise Living Day event gives the City Council another venue to educate the citizens on recycling, reusing, and reducing our carbon footprint, which benefits all citizens, by helping us live within the means of our planet.

Economic – Promoting “greener” and sustainable living may entice new residents and businesses to locate/take residence in our City, increasing our sales and property taxes.

Environmental – Promoting recycling and teaching our citizens how to reduce their personal impact on the environment will save energy, reduce waste at landfills, and preserve our resources, protect wildlife, and help our climate problems.

### **FISCAL IMPACT**

An adjustment in the amount of \$3,322.91.

### **STRATEGIC GOALS**

The initiative is specifically listed in the 2013 – 2014 Strategic Goals, (5) “Environmental Sustainability”.

**RECOMMENDATION**

City Council 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 THE AMENDMENT OF THE GENERAL FUND BUDGET FOR FISCAL YEAR OF 2022-2023 IN THE AMOUNT OF \$3,322.91 TO PROVIDE PROPER FUNDING; PROVIDING FOR REPEALER, SEVERABILITY AND SAVINGS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, the 2022 Earthwise Living Day event resulted in a profit of \$3,322.91 in sponsorships and vendor fees; and

**WHEREAS**, to continue its efforts to promote a healthier and sustainable environment, the Committee would like to make some purchases with the profits that would educate and promote sustainable living; and

**WHEREAS**, it is a City Council goal to promote sustainability and to reduce the City's carbon footprint; and

**WHEREAS**, funds from the General Fund Budget are available for the purchases from revenues generated by the event and from previously budgeted funds; and

**WHEREAS**, the City of Leon Valley passed their FY2022-2023 Budget on September 20, 2022; and

**WHEREAS**, in order to fund the purchases, a budget adjustment in the amount of \$3,322.91 from the General Fund is necessary; and

**WHEREAS**, Texas Local Government Code Section 102.010 provides that a municipality is not prohibited from making changes to a budget for municipal purposes: and

**WHEREAS**, the Leon Valley City Council hereby finds and determines that the amendments adopted under this ordinance are for a municipal purpose;

**WHEREAS**, the Leon Valley City Council now desires to amend the General Fund Budget in the amount of \$3,322.91 to provide proper funding for such purchases;

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

**SECTION 1.** The FY 2022-2023 General Fund of the City of Leon Valley is hereby amended to increase the budget by the amount of \$3,322.91 to fund the purchases of supplies for future Earthwise Living Day events. The funds for the increase will come from the Earthwise Living Day revenues.

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

# 2023 Property Tax Rate Public Hearing (Ordinance 2<sup>nd</sup> Read)

Crystal Caldera  
City Manager

City Council Meeting  
September 19, 2023

# Overview

- No-New-Revenue Tax Rate formerly known as the Effective Rate is generally equal to the total tax rate needed to raise the same amount of property tax revenue for the same properties in both the tax years

# Overview

- Voter-Approval Tax Rate previously know as the Rollback Tax Rate provides the taxing unit with about the same amount of tax revenue it spent the previous year for day-to-day operations plus an extra 3.5% (previously 8%) increase for operations and sufficient funds to pay debts in the coming year
- Voter-Approval Tax Rate is the No-New-Revenue maintenance and operations tax rate times the 1.035 plus the current debt

# Overview

- The 2022 adopted tax rate
  - \$0.484739
- The calculated 2023 No-new-revenue tax rate
  - \$.421076
- The calculated 2023 Voter-approved tax rate
  - \$0.500397
- The 2023 proposed tax rate
  - \$0.484739 (same tax rate as last year)



# Overview

## Proposed Tax Rates

	<b>Tax Year 2022/Adopted</b>	<b>Tax Year 2023/Proposed</b>	<b>Difference</b>
M&O	\$ 0.438304	\$ 0.433176	\$ (0.005128)
I&S	\$ 0.046435	\$ 0.051563	\$ 0.005128
TOTAL	\$ 0.484739	\$ 0.484739	\$ -

# Overview

{Section}.71.

## Original Taxable Value Before New Exemptions (\$0.484739)

<b><i>Average Home Value Increase</i></b>		
TY 2022	TY 2023	Increase
\$230,715	\$254,101	\$23,386
<b>Average Tax Increase Due to Appraised Value Increase</b>		
TY 2022	TY 2023	Increase
\$1,118.37	\$1,231.73	\$113.36



# Overview

{Section}.71.

## New Taxable Value and Tax After New Exemptions (\$0.484739)

<b><i>Average Home Value Decrease</i></b>		
TY 2022	TY 2023	Increase
\$230,715	\$204,675	(\$26,040)
<b>Average Tax Decrease Due to Value Decrease</b>		
TY 2022	TY 2023	Increase
\$1,118.37	\$992.14	(\$126.23)

# Next Steps

- Vote to adopt the proposed 2023 tax rate of \$0.484739, which is the same tax rate as last year

# 2023 Property Tax Rate Public Hearing (Ordinance 2<sup>nd</sup> Read)

Crystal Caldera  
City Manager

City Council Meeting  
September 19, 2023

**ORDINANCE NO.**

**AN ORDINANCE ESTABLISHING AND ADOPTING FOR THE PURPOSE OF TAXATION FOR THE CALENDAR YEAR 2023 AND FISCAL YEAR 2024; LEVYING A TAX OF \$0.433176 FOR MAINTENANCE AND OPERATIONS AND \$0.051563 FOR THE INTEREST AND SINKING FUND FOR A TOTAL TAX RATE OF \$0.484739 ON ALL PROPERTY SUBJECT TO TAXATION AND SITUATED IN THE CITY OF LEON VALLEY, TEXAS, ON THE FIRST DAY OF JANUARY 2023; ESTABLISHING THE RATE OF SAID LEVY; DETERMINING DUE DATE; DELINQUENT DATE; INTEREST RATES ON DELINQUENCIES; AND FOR PENALTIES FOR DELINQUENCIES; AND DETERMINING AND ENACTING OTHER MATTERS PERTINENT, NECESSARY AND INCIDENT TO THE SUBJECT; AND PROVIDING A SAVINGS CLAUSE.**

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**WHEREAS**, it is necessary to impose a tax of \$0.433176 for maintenance and operations shall be levied on all persons and property, real and personal within the City; and

**WHEREAS**, it is also necessary to impose a tax of \$0.051563 for the interest and sinking fund shall be levied on all persons and property, real and personal within the City; and

**WHEREAS**, in connection with said taxes, a total tax rate of \$0.484739 shall be levied on all property situated in the City of Leon Valley, shall be subject to taxation on the first day of January 2023; and

**WHEREAS**, also in connection with said taxes, taxes for the calendar year 2023 shall become due and payable October 1, 2023, and shall be delinquent on February 1, 2024; and

**WHEREAS**, it is necessary that all delinquent taxes shall bear interest at the rate of six (6) percent for the first month of delinquency and one (1) percent for each additional month or part of a month from the date of delinquency; and

**WHEREAS**, it is necessary that a tax delinquent on July 1, 2024 incurs a total penalty of twelve (12) percent of the amount of the delinquent tax without regard to the number of months the tax has been delinquent; and

**WHEREAS**, it is also necessary to impose a penalty for failure to pay said taxes on or before January 31, 2024 for each successive month said tax remains unpaid;

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

1. A tax is hereby levied on all persons and property, real and personal, within the City of Leon Valley, Texas, subject to taxation by the laws of this State, and situated within the City on the 1st day of January 2023 and the rate of said tax is hereby fixed and determined to be at the rate of \$0.484739 per each \$100 dollars of property valuation. The property tax rate is hereby allocated as follows:

- a. \$0.433176 per each \$100 dollars of property valuation for Maintenance and Operations (M&O), said tax being hereby levied for the calendar year beginning January 1, 2023 and ending December 31, 2023 for expenditure during the fiscal year beginning October 1, 2023 and ending September 30, 2024.

THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE. THE TAX RATE WILL EFFECTIVELY BE RAISED BY 2.87% PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$12.10.

- b. \$0.051563 per each \$100 dollars of property valuation for the Interest and Sinking Fund (I&S), said tax being hereby levied for the calendar year beginning January 1, 2023 and ending December 31, 2023 for expenditure during the fiscal year beginning October 1, 2023 and ending September 30, 2024.

2. It is hereby determined that the taxes above levied shall become due and payable on October 1, 2023, and all such taxes not paid on or before January 31, 2024, shall be and become delinquent on February 1, 2024.

3. The following penalty and interest is hereby imposed on any person who fails to pay to the City of Leon Valley, Texas, all the taxes levied and imposed by the City upon his or her property for the year 2023 on or before the 31st day of January 2024:

- a. A delinquent tax incurs a penalty of six (6) percent of the amount of the tax for the first calendar month it is delinquent plus one (1) percent for each additional month or portion of a month the tax remains unpaid prior to July 1 of the year in which it becomes delinquent. However, a tax delinquent on July 1 incurs a total penalty of twelve (12) percent of the amount of the delinquent tax without regard to the number of months the tax has been delinquent. A delinquent tax continues to incur the penalty provided by this section as long as the tax remains unpaid, regardless of whether a judgment for the delinquent tax has been rendered.
- b. If a person who exercises the split-payment option provided by Section 31.03 of the Texas Property Tax Code fails to make the second payment before July 1, the second payment is delinquent and incurs a penalty of twelve (12) percent of the amount of the unpaid tax.
- c. If a person qualifies for a four payment plan on property taxes imposed on that person's property they may choose to make four equal installments without penalty and interest if the first installment is paid before February 1 and is accompanied by notice to the taxing unit that the person will pay the remaining taxes in three equal installments. The second payment is due before April 1 and the third installment is due before June 1. Payments are due under the four payment plan as follows:

1<sup>st</sup> payment – January 31st  
2<sup>nd</sup> payment – March 31st

3<sup>rd</sup> payment – May 31<sup>st</sup>  
4<sup>th</sup> payment – July 31<sup>st</sup>

- d. If a person who qualifies for a 10 month payment plan on property taxes imposed on that person’s property they may choose to make 10 monthly installments each month, for ten months, beginning in October and continuing monthly through July of the following year.
  
- 4. That all costs that may be allowed and imposed by law shall be and the same are hereby imposed in addition to penalties and interest accruing under the provisions hereof against any property upon which taxes are delinquent.
  
- 5. That on any list prepared showing delinquent taxes for the City of Leon Valley, Texas, it shall not be necessary for the assessor and collector of taxes to show on any such list the penalties, interest and costs accrued against any land, lot and/or property delinquent in taxes, but in each and every instance all such penalties, interest and costs shall be and remain a charge imposed hereby, with the same force and effect as if listed on any such list of delinquent taxes, and the said assessor and collector shall calculate and charge all such penalties, interest and costs on all delinquent tax statements, or delinquent tax reports issued by him.
  
- 6. The tax hereby levied is levied for the purpose specified in and authorized by Vernon's Tax Code, Title 3, Chapter 302, Section 302.001(c).
  
- 7. That the provisions of this ordinance are severable in the event any provision hereof shall be declared invalid by a Court of competent jurisdiction of this State, and it is hereby declared that the remaining provisions hereof would have been enacted notwithstanding such judicial determination and all remaining valid provisions hereof shall continue to be and remain in full force and effect.
  
- 8. This Ordinance shall take effect immediately from and after its passage.
  
- 9. It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was give as required by the Open Meetings Act.

**APPROVED**

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

**Attest:**

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

**Approved as to Form:**

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

**MAYOR AND COUNCIL COMMUNICATION**

**DATE:** September 19, 2023  
**TO:** Mayor and Council  
**FROM:** Mindy Teague, Planning and Zoning Director  
**THROUGH:** Crystal Caldera, City Manager

**SUBJECT:**  
Discussion, and Possible Action Granting a Time Extension for Planned Development District (PD) #2021-1, on a 2.85 acre Parcel of Land Generally Located at 6758 Poss Road, Being Lot 64, Block 4, CB 5784, Quality Subdivision

**SPONSOR(S):** None

**PURPOSE:**

The purpose of this item is to consider granting approval of a request for a time limit extension of Planned Development District #2021-01. The PD, for multi-use buildings, townhomes and apartment style residences, was approved by the City Council on November 2, 2021 and will expire on November 2, 2023. Per Chapter 15 Zoning, the City Council may authorize an extension of this time limit upon request by the owner prior to the expiration date of the time limit in effect.

The developer states that due to his efforts in developing another property in Leon Valley, he has not had enough time to focus on this project. In addition, a large drainageway on this property has caused him to consider revising the approved plan, which has resulted in a further delay. He is requesting a two-year extension, which will result in a new deadline of September 2025.

**Staff Analysis:**

Chapter 15 Zoning, Article 15.02, Division 6, Section 15.02.327, which regulates Planned Development Districts, states:

Expiration of a planned development district.

- (1) Except for the base zoning, including any applicable overlay districts established by a PD district ordinance, all provisions of PD district, including the project plan, shall initially be valid for a period of twenty-four (24) months.
- (2) If a building permit has not been issued or construction begun on the detail plan within the twenty-four (24) months, the PD district shall automatically

expire and no longer be valid, and the zoning of the property shall automatically convert to the base zoning specified.

(3) The city council may, prior to the twenty-four (24) month expiration, for good cause shown, extend for up to twenty-four (24) additional months; during which time all provisions of the original PD district ordinance may remain valid. Only one extension may be granted.

(4) Following both the issuance and commencement of progress pursuant to the adopted PD project plan, all provisions of the PD district shall remain effective without expiration.

**Alternatives:**

- Approval
- Conditional Approval
- Denial

**SEE LEON VALLEY**

Social Equity - The proposed development will increase the housing stock in Leon Valley and will offer our residents alternatives to single family home ownership.

Economic Development – The development will bring in more residents, which may result in an increase in the number and types of businesses to Leon Valley.

Environmental Stewardship – New construction includes modern building standards, which include environmentally friendly options.

**FISCAL IMPACT**

The City will see an increase in ad valorem and sales and use taxes.

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

APPROVED WITH THE FOLLOWING AMENDMENTS:

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ATTEST:



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**SAUNDRA PASSAILAIGUE, TRMC**  
City Secretary



Samir Chehad  
403-561-2425

{Section}.73.

[samir@sts-partners.com](mailto:samir@sts-partners.com)

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August 24, 2023

City of Leon Valley  
6400 El Verde Road  
Leon Valley, Texas 78238

Re: Extension of the current Planned Development District (“PDD”) Zoning for our property located at 6758 Poss Rd. (the “Property”)

Honorable Mayor, Honorable City Council Members, City Manager, Ms. Mindy Teague, and Ms. Melinda Moritz,

I am writing on behalf of One Stop Group humbly requesting Council’s support and approval to extend our PDD zoning for this Property. This PDD zoning was approved by Council on November 2, 2021 and will expire on November 2, 2023.

As you know, we have acquired the Evers Triangle property and have been focused on getting that project underway as our priority. We are currently completing the Engineering Plans to submit our Platting application for review, our goal being to appear in front of the Planning and Zoning Commission for approval on October 24, 2023.

We expect to kickstart the planning process for our Poss Rd Property in the second or third quarter of 2024, with the hope to start construction in 2025. To accommodate these timelines, we ask for your support and approval to grant us a two-year extension or, in the alternative and at your discretion, a permanent assignment of this PDD to the current zoning of this parcel.

We look forward to continuing to invest and add value to the City. We ask for your input, guidance, and continued support as we move ahead with our investment plans. We look forward to appearing soon in front of Council to answer any questions you may have regarding this request.

Sincerely,

A handwritten signature in blue ink, appearing to be "SC", written over a light blue rectangular background.

BY: \_\_\_\_\_

Samir Chehade  
Managing Partner, One Stop Group

**Time Extension Request**  
**PD 2021-1**  
**6758 Poss Road**  
**Quality Subdivision**

Regular City Council Meeting  
Mindy Teague, Director  
September 19, 2023

# Request

- By Mr. Samir Chehade
- Requesting a two-year extension for the Planned Development District located at 6758 Poss Rd,
- Being Lot 64, Block 4, CB 5784, Leon Valley Addition - Quality Subdivision

# Background

- Planned Development District (PD) #2021-01 (for multi-use buildings, townhomes and apartment style residences) approved by City Council on November 2, 2021
- PD will expire on November 2, 2023
- Per Code, the City Council may authorize an extension prior to the expiration date

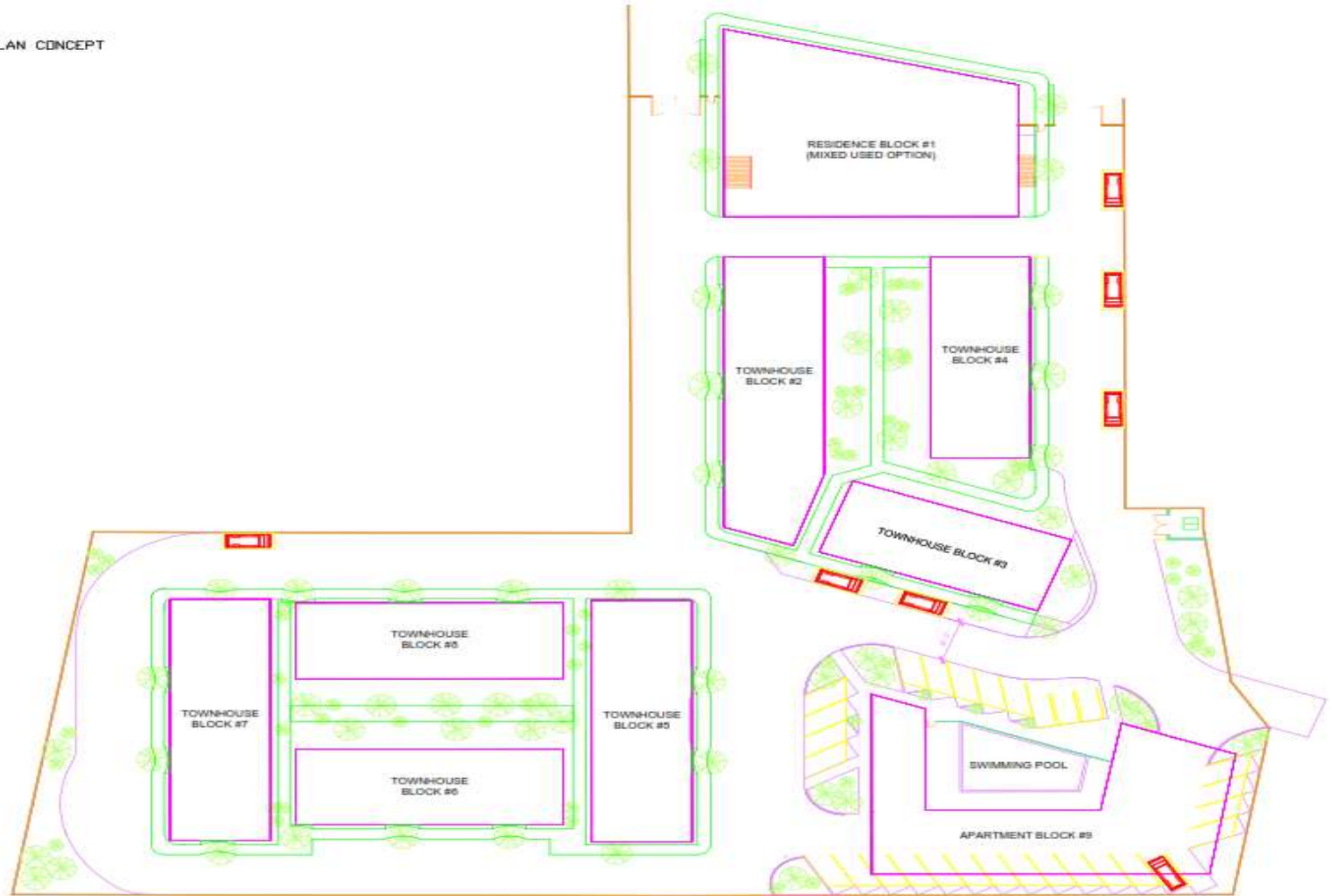
# Purpose

- Developer states that due to his efforts in developing another property in Leon Valley, he has not had enough time to focus on this project
- There is also a large drainageway on this property which may cause a slight revision to the approved plan
- Applicant is requesting a two-year extension, which will result in a new deadline of September 2025

# Approved Site Plan

{Section}.73.

DATE: 2021-09-02  
ADDRESS: 6758 POSS RD.  
DESCRIPTION: PROPOSED SITE PLAN CONCEPT



# Staff Analysis

{Section}.73.

- City Code Chapter 15 Zoning, Section 15.02.327, which regulates PD's states:
  - Expiration of a planned development district
    - Except for the base zoning, including any applicable overlay districts established by a PD district ordinance, all provisions of PD district, including the project plan, shall initially be valid for a period of twenty-four (24) months.
    - If a building permit has not been issued or construction begun on the detail plan within the twenty-four (24) months, the PD district shall automatically expire and no longer be valid, and the zoning of the property shall automatically convert to the base zoning specified.



# Staff Analysis

{Section}.73.

- The city council may, prior to the twenty-four (24) month expiration, for good cause shown, extend for up to twenty-four (24) additional months; during which time all provisions of the original PD district ordinance may remain valid. Only one extension may be granted.
- Following both the issuance and commencement of progress pursuant to the adopted PD project plan, all provisions of the PD district shall remain effective without expiration.

# Alternatives

- Approval of the request
- Denial of the request
- Other

# S.E.E. Statement

- Social Equity - The proposed development will increase the housing stock in Leon Valley and will offer residents alternatives to single family home ownership
- Economic Development - The development will bring in more residents, which may result in an increase in the number and types of businesses to Leon Valley
- Environmental Stewardship – New construction includes modern building standards, which include environmentally friendly options

**AN ORDINANCE OF THE CITY OF LEON VALLEY CITY COUNCIL AMENDING THE LEON VALLEY CODE OF ORDINANCES, CHAPTER 8 OFFENSES AND NUISANCES; REPEALING DIVISION 2. CURFEW SECTIONS 8.02.032 – 8.02.035; PROVIDING FOR REPEALER, SEVERABILITY AND SAVINGS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, the City of Leon Valley is authorized to adopt ordinances for the purpose of good government, peace, or order of the municipality pursuant to Chapter 51 of the Local Government Code; and has the authority to adopt an ordinance pursuant to Section 341.905 of the Local Government Code; and

**WHEREAS**, it is the overall goal of the City of Leon Valley to provide for safety of our citizens and all who visit our community in an economically expeditious manner; and

**WHEREAS**, to further these goals, the City of Leon Valley with its ordinances intends to remain consistent with Texas law

**WHEREAS**, the City of Leon Valley has found it necessary to repeal the City's Juvenile Curfew Ordinance in the City's Code Of Ordinances

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

**SECTION 1.** Chapter 8 – Offenses and Nuisances, Division 2. – Curfew Sections 8.02.032 – 8.02.035 of the Leon Valley Code of Ordinances is hereby repealed in its entirety.

**SECTION 2.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Ordinance.

**SECTION 3.** The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this Ordinance.

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

**MAYOR AND COUNCIL COMMUNICATION**

**DATE:** September 19, 2023  
**TO:** Mayor and Council  
**FROM:** Mike Tacquard, Assistant Police Chief  
**THROUGH:** Crystal Caldera, City Manager  
**SUBJECT:** Repealing the City’s Juvenile Curfew Ordinance in the City’s Code of Ordinances.  
**SPONSOR(S):**

**PURPOSE**

The City of Leon Valley first adopted a juvenile curfew ordinance in 2008. The ordinance was reviewed, amended, and re-adopted between 2008 and October 2022.

Legislation approved during the 88<sup>th</sup> Texas legislative session and signed by the governor prohibits municipalities from enacting or enforcing juvenile curfew ordinances effective September 1, 2023.

The City’s Juvenile Curfew Ordinance, Division 2.- Curfew, Sec. 8.02.032 - 8.02.035 should be considered for repeal to be consistent with state law.

**SEE LEON VALLEY**

Social – Provide consistency of ordinances and enforcement.

Economic – Consistency in laws and their enforcement.

Environmental – N/A

**FISCAL IMPACT**

N/A.

**STRATEGIC GOALS**

**RECOMMENDATION**

Repeal the City’s Juvenile Curfew Ordinance, Division 2.-Curfew Sec 8.02.032 Offenses; 8.02.033 Defenses; 8.02.034 Enforcement; 8.02.035 Penalties, to be consistent with state law.

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

APPROVED WITH THE FOLLOWING AMENDMENTS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ATTEST:

\_\_\_\_\_  
**SAUNDRA PASSAILAIGUE, TRMC**

# Ordinance repealing the City's Juvenile Curfew Ordinance in the City's Code of Ordinances

Mike Tacquard  
Assistant Police Chief  
City Council Meeting  
September 19, 2023

# Summary

City Council is being asked to consider repealing the City's Curfew Ordinance in the City's Code of Ordinances

Options:

- Do nothing – State Law prohibits enforcement
- Repeal the City's Curfew Ordinance



# Repealing the Juvenile Curfew Ordinance

- Legislation approved during the 88<sup>th</sup> Texas legislative session and signed by the governor prohibits municipalities from enacting or enforcing juvenile curfew ordinances, effective September 1, 2023
- The City's juvenile curfew ordinance should be considered for repeal to be consistent with state law

# Background

- The City of Leon Valley first adopted a juvenile curfew ordinance in 2008
- The ordinance was reviewed, amended and re-adopted between 2008 and 2022
- The ordinance was last amended and re-adopted in October 2022
- Legislation approved during the 88<sup>th</sup> Texas legislative session and signed by the governor prohibits municipalities from enacting or enforcing juvenile curfew ordinances, effective September 1, 2023

# Fiscal Impact

N/A

# Recommendation

- Repeal the City's juvenile curfew ordinance to be consistent with state law.

# S.E.E. Statement

Social Equity – Provide consistency of ordinances and enforcement with other municipalities

Economic Development- Consistency in laws and their enforcement may allow the City to sustain economic development at levels currently enjoyed by surrounding municipalities

Environmental Stewardship – N/A

## MAYOR AND COUNCIL COMMUNICATION

**DATE:** September 19, 2023  
**TO:** Mayor and Council  
**FROM:** Dr. Crystal Caldera, City Manager  
**SUBJECT:** Presentation, Discussion and Direction to Amend Ordinance Chapter 3 Building Regulations; Article 3.02 - Technical and Construction Codes and Standards; Sec. 3.02.054 - Property Maintenance Code and Sec. 3.02.055 - Appeals and Variances to Technical and Construction Codes.

### **PURPOSE**

To authorize an Ordinance that adds to Sec. 3.02.054 - Property Maintenance Code Any multi-family residential and nonresidential structures, including apartments, hotels, motels, suites, inns, rooming or boarding houses where the Police Department has responded to 60 or more calls in a span of three months will be required to have a licensed Police Officer on duty Sunday through Saturday during the hours of 8 PM and 6 AM for a period of one year.

To add to Sec. 3.02.055 - Appeals and Variances to Technical and Construction Codes- Any appeal denied by the City Manager may be heard and overturned by the governing body.

### **FISCAL IMPACT**

N/A

### **SEE LEON VALLEY**

***Social Equity*** – Requiring multi-family establishments to add security when they utilize city resources will promote a superior quality of life by responding to citizens in a fair and prompt manner, by providing outstanding public safety services.

***Economic Development*** – Providing building standards helps support a healthy economy.

***Environmental Stewardship*** – N/A

### **RECOMMENDATION**

City Council Discretion.

ATTEST :

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**SAUNDRA PASSAILAIGUE, TRMC**  
City Secretary

**ORDINANCE NO. 2023-\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS AMENDING THE CITY OF LEON VALLEY CODE OF ORDINANCES, AMENDING ORDINANCE CHAPTER 3 BUILDING REGULATIONS; ARTICLE 3.02 - TECHNICAL AND CONSTRUCTION CODES AND STANDARDS; SEC. 3.02.054 - PROPERTY MAINTENANCE CODE AND SEC. 3.02.055 - APPEALS AND VARIANCES TO TECHNICAL AND CONSTRUCTION CODES.; PROVIDING FOR REPEALER, SEVERABILITY; SAVINGS; NOTICE OF PUBLIC MEETING CLAUSES; PROVIDING A PENALTY AND AN EFFECTIVE DATE**

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**WHEREAS**, the City of Leon Valley, as a Home Rule Municipality, derives its powers from its Home Rule Charter and is limited in authority only by express provisions of the Texas Constitution and the State statutes; and

**WHEREAS**, City Council determines it is convenient to codify Article 3.02 - Technical and Construction Codes and Standards; Sec. 3.02.054 - Property Maintenance Code and Sec. 3.02.055 - Appeals and Variances to Technical and Construction Codes; and

**WHEREAS**, City Council determines in order to provide adequate public safety to the entire community substantive changes to Chapter 3 Building Regulations need to be made.

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

**Section 1. AMENDMENT.** Code of Ordinances Sec. 3.02.054 - Property Maintenance Code and Sec. 3.02.055 - Appeals and Variances to Technical and Construction Codes is hereby revised by attachment hereto designated as Exhibit "A" and incorporated by reference herein for all purposes.

**Section 2. RECITALS.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of the Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

**SECTION 3. REPEALER CLAUSE.** The provisions of the Ordinance shall be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein, provided, however, that all prior ordinances or parts of ordinances inconsistent or in conflict with any of the provisions of this ordinance are hereby expressly repealed to the extent that such inconsistency is apparent by any other ordinance.

**SECTION 4. SEVERABILITY CLAUSE.** If any provision, section, sentence, clause, or phrase of this ordinance or application of the same to any person or set of circumstances is for any reason held to be unconstitutional, void, invalid, or unenforceable, the validity of the remaining portions of this ordinance or its application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting, and the Mayor in approving this Ordinance, that no portion thereof or provisions



or regulation contained herein shall become inoperative or fall by reason of any unconstitutionally or invalidity of any portion, provision, or regulation.

**SECTION 5. SAVINGS CLAUSE.** The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this ordinance.

**SECTION 7. NOTICE OF MEETING CLAUSE.** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**SECTION 8. PENALTY.** Any person who violates any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined as provided in Chapter 1. General Provisions, Article 1.01 Code of Ordinances, Section 1.01.009 General penalty for violations of code: continuing violations of the City of Leon Valley Code, and/or applicable state law.

**SECTION 6. EFFECTIVE DATE.** This ordinance shall become effective on and after its passage, approval and the meeting of all publication requirements as provided by law.

**PASSED, ADOPTED, AND APPROVED** by the City Council of the City of Leon Valley, Texas on the 19<sup>th</sup> day of September, 2023.

**APPROVED**

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

**Attest:**

\_\_\_\_\_  
**SAUNDRA PASSAILAIGUE**  
City Secretary

**Approved as to Form:**

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

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## ARTICLE 3.02 TECHNICAL AND CONSTRUCTION CODES AND STANDARDS

### DIVISION 1. GENERALLY

Secs. 3.02.001—3.02.050 Reserved

### DIVISION 2. TECHNICAL AND CONSTRUCTION CODES ADOPTED<sup>1</sup>

#### Sec. 3.02.051 Building code adopted

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

- a. *Section 101.1 Title* is revised to read "These regulations shall be known as the Building Code of the City of Leon Valley, hereinafter referred to as "this code"."
- b. *Section 103.1 Creation of Enforcement Agency* is revised to read "The City's Building Inspector is the official in charge of enforcing this code and he shall be known as the Building Official. The Planning and Zoning Director, along with the Building Official, shall be the persons responsible for the implementation, administration, and enforcement of the provisions of this code."
- c. *Section 105, Permits, 105.2 Work exempt from permit, Building 1.* is hereby revised to read "One-story detached accessory structures used as tool and storage sheds, playhouses, pergolas, and similar uses,

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<sup>1</sup>Ord. No. 2022-52 , § 1(Exh. A), adopted October 18, 2022, repealed Divisions 2—6 of this article, §§ 3.02.051—3.02.059, 3.02.101, 302.131—3.02.133, 3.02.191, 3.02.192, 3.02.221, 3.02.251, 3.02.281—3.02.283, 3.02.321, 3.02.222, 3.02.361, 3.02.368, 3.02.431—3.02.433, and enacted a new Division 2 as set out herein. The former Divisions pertained to building code, residential code and existing building code; air conditioning and heating; electricity; energy code; plumbing; and derived from 1972 Code, secs. 6.104, 6.200, 3.103, 3.104, 6.104, 6.500, 14.401—14.408, secs. 19.200, 19.300, 19.410; Ordinance 04-004, sec. 2, April 6, 2004; Ordinance 04-005, sec. 3, April 6, 2004; Ordinance 04-006, April 6, 2004; Ordinance 07-003 adopted Feb. 6, 2007; Ordinance 07-005, sec. 1, Feb. 6, 2007; Ordinance 07-006, secs. 1, 2, Feb. 6, 2007; Ordinance 07-008, sec. 1, Feb. 20, 2007; Ordinance 07-042, sec. 1(A)—(F), Sept. 11, 2007; 2008 Code, secs. 3.02.051, 3.02.053—3.02.056, 3.02.101, 3.02.131—3.02.133, 3.02.192, 3.02.221, 3.02.222, 3.02.361—3.02.368, 3.02.281—3.02.283, 3.02.401—3.02.405, 3.02.431—3.02.433; Ordinance 14-029, Dec. 8, 2014; Ordinance 2017-69, secs. 1, 2, Nov. 21, 2017; 2017 Code; Ord. No. 2021-46 , § 1, Sept. 21, 2021; Ord. No. 2022-39 , § 1, Sept. 6, 2022.

State law reference(s)—Building and residential codes, V.T.C.A., Local Government Code, § 214.211 et seq.; adoption of rehabilitation codes or provisions, V.T.C.A., Local Government Code, § 214.215; International Building Code adopted as municipal commercial building code, V.T.C.A., Local Government Code, § 214.216; International Residential Code adopted as a municipal residential building code, V.T.C.A., Local Government Code, § 214.212.

provided that the floor area is not greater than three-hundred (300) square feet and the height does not exceed twenty (20) feet."

- d. *Section 105, Permits, 105.2 Work exempt from permit, Building 2.* Is deleted in its entirety.
- e. *Section 108.1 General* is revised to read "The building official is authorized to issue a permit for temporary structures and temporary uses upon satisfactory compliance with Chapter 15 Zoning, Section 15.02.382 (a) Temporary Uses."
- f. *Section 110.3.1 Footing and Foundation Inspection* is revised to read "Form, footing, and foundation inspection. Form, footing, and foundation inspections are required. A form survey is required and to be present and on-site at the plumbing rough-in inspection. Form inspection will assure all building setbacks have been observed as per Chapter 15 Zoning and footing and foundation inspections shall be made after excavation for footings are complete and any required reinforcing steel is in place. Materials for the foundation shall be at the work site, except where concrete is ready mixed in accordance with ASTM C94, which need not be on the work site. Foundations 600 square feet or larger, or for habitable space, are to be designed by a Professional Engineer, licensed in the State of Texas."
- g. *Section 110.3.3 Lowest floor elevation* is revised to read "In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to any further vertical construction, the elevation certificate required in Section 1612.4 of this code, the Leon Valley Code of Ordinances Chapter 3, Article 3.03 Flood Damage Prevention, and/or in the International Residential Code, as applicable, shall be submitted to the Building Official."
- h. *111.1 Change of occupancy* is revised to read "A building or structure shall not be used or occupied in whole or in part, and a change of occupancy of a building or structure or portion thereof shall not be made, until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. A Certificate of Occupancy shall be obtained for any of the following:
  - (1) Occupancy and use of a building hereafter erected or structurally altered.
  - (2) Change in use of an existing building to a different classification.
  - (3) Occupancy and use of vacant land.
  - (4) Change in the use of land to a use of a different classification.
  - (5) Any major or significant modification, alteration, or change in a nonconforming use; and
  - (6) Business ownership name change."
- i. *Section 113.3 Board of Appeals* is deleted in its entirety along with all references to such in the IBC. An appeal of the decision of the building official will be considered by the planning and zoning director, fire chief, and city engineer and based on the joint recommendation of said individuals; the appeal may be granted or denied with final discretion by the city manager. A variance from the provisions of certain sections of the currently adopted code may be granted administratively by the planning and zoning director on the joint recommendation of the building inspector, fire chief, and public works director, if alternative requirements are made which will give an equivalent amount of protection. The variance shall specify the alternative measures.
- j. *Appendix B Board of Appeals* is deleted in its entirety.
- k. *Appendix D Fire Districts, Section D101* is revised to read "All land situated either wholly or partially within the city limits of the City of Leon Valley is considered to be located in one fire district."

- l. *Appendix G, Section G101.5* is revised to read "The Planning and Zoning Director is designated as the floodplain administrator, is authorized, and directed to enforce the provisions of this appendix. The floodplain administrator is authorized to delegate performance of certain duties to other employees of the jurisdiction. Such duties shall not alter any duties and powers of the Building Official."
- m. *Appendix G, Section G103.1 General* is revised to read "Flood hazard areas are established as per the Federal Emergency Management Agency under the National Flood Insurance Program."
- n. *Appendix G, Section 104.7 Alterations in Coastal Areas* is deleted in its entirety.
- o. *Appendix H Signs, Section H101.2 Signs Exempt from permits* is deleted in its entirety.
- p. *Appendix M Tsunami-Generated Flood Hazards* is deleted in its entirety.

( Ord. No. 2022-52 , § 1(Exh. A), 10-18-2022)

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

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

- a. *Chapter 1 Scope and Administration, Section R101.1 Title* is revised to state "These provisions shall be known as the Residential Code for One- and Two-Family Dwellings of the City of Leon Valley and shall be cited as such and will be referred to herein as "this code"."
- b. *Section R105 Permits, R105.2 Work exempt from permit, Building 1.* is revised to read "Other than storm shelters, one story detached accessory structures, provided that the floor area does not exceed three hundred square feet.
- c. *Section R105 Permits, R105.2, Work exempt from permit, Building 2.* is deleted in its entirety.
- d. *Section R108.5 Refunds* is revised to read "The City Manager is authorized to establish a refund policy."
- e. *Section R110 Certificate of Occupancy, R110.01 Use and change of occupancy* is deleted in its entirety.
- f. *Section R112 Board of Appeals* is deleted in its entirety.
- g. *Appendix AV Board of Appeals* is deleted in its entirety.

( Ord. No. 2022-52 , § 1(Exh. A), 10-18-2022)

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

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

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

( Ord. No. 2022-52 , § 1(Exh. A), 10-18-2022)

### Sec. 3.02.054 Property maintenance code

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

- a. *Section 101.1 Title.* These regulations shall be known as the International Property Maintenance Code of the City of Leon Valley, hereinafter referred to as "this code."
- b. *Section 101.2 Scope.* The provisions of this code shall apply to all existing multi-family residential and nonresidential structures, to include apartments, hotels, motels, suites, inns, rooming or boarding houses, and vacant single family structures, and all existing apartment, multi-family, hotels, motels, suites, inns, rooming or boarding houses, and vacant single family premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of owners, an owner's authorized agent, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.
- c. *Section 103.1 Creation of agency.* The Leon Valley Planning and Zoning Department is hereby created and the official in charge thereof shall be known as the code official. The function of the agency shall be the implementation, administration, and enforcement of the provisions of this code.
- d. *Section 104.1 Fees.* The fees for activities and services performed by the department in fulfilling its responsibilities under this code shall be as established in Appendix A of the Leon Valley Code of Ordinances.
- e. *Section 104.2 Refunds.* The City Manager is authorized to establish a refund policy.
- f. *Section 107 Means of Appeal* is deleted.
- g. *Section 108 Board of Appeals* is deleted.
- h. *Section 109.2 Notice of Violation.* The code official, or his designee, shall serve a notice of violation or order in accordance with Section 111.4.
- i. *Section 110.01 Authority.* Where the code official, or his designee, finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the code official, or his designee, is authorized to issue a stop work order.
- j. *Section 110.3 Emergencies.* Where an emergency exists, the code official, or his designee, shall not be required to give a written notice prior to stopping the work.
- k. *Section 112.6 Hearing* is deleted.
- l. *Section 302.4 Weeds.* Premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve (12) inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants, and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.
- m. *Section 304.14 Insect screens.* Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

- n. *Section 602.3 Heat supply.* Every owner and operator of any building who rents, leases, or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from November to April to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.
- o. *Section 602.4 Occupiable workspaces.* Indoor occupiable workspaces shall be supplied with heat during the period from November to April to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.
- p. *Appendix B, Board of Appeals* is deleted.
- q. *Section 301, adding section 310 Offenses and Nuisances.* Any multi-family residential and nonresidential structures, to include apartments, hotels, motels, suites, inns, rooming or boarding houses where the Police Department has responded to **60 or more calls** in a span of three months will be required to have a licensed Police Officer on duty Sunday through Saturday during the hours of 8 PM and 6 AM for a period of one year.

( Ord. No. 2022-52 , § 1(Exh. A), 10-18-2022)

### Sec. 3.02.055 Appeals and variances to technical and construction codes

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

( Ord. No. 2022-52 , § 1(Exh. A), 10-18-2022)

### Sec. 3.02.056 Electrical code

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

( Ord. No. 2022-52 , § 1(Exh. A), 10-18-2022)

### Sec. 3.02.057 Energy conservation code adopted

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

- a. *Section C101.1 Title* is revised to read "This code shall be known as the Energy Conservation Code of the City of Leon Valley and shall be cited as such. It is referred to herein as "this code"."
- b. *Section C110 Board of Appeals* is deleted in its entirety.
- c. *Appendix CA Board of Appeals - Commercial* is deleted in its entirety.

- d. *Appendix CA Board of Appeals - Residential* is deleted in its entirety.

( Ord. No. 2022-52 , § 1(Exh. A), 10-18-2022)

### **Sec. 3.02.058 Fire code adopted**

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

( Ord. No. 2022-52 , § 1(Exh. A), 10-18-2022)

### **Sec. 3.02.059 Fuel gas code adopted**

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

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

( Ord. No. 2022-52 , § 1(Exh. A), 10-18-2022)

### **Sec. 3.02.060 Mechanical code adopted**

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

- a. *Section 101 (IFGC), 101.1 Title* is revised to read "This code shall be known as the Mechanical Code of the City of Leon Valley and shall be cited as such. It is referred to herein as "this code"."
- b. *Section 103.1 Creation of Agency* is revised to read "The Planning and Zoning Department is responsible for the enforcement of this code and the official in charge thereof shall be known as the code official. The function of the agency shall be the implementation, administration, and enforcement of the provisions of this code."
- c. *Section 113 (IMC) Means of Appeal* is deleted in its entirety.

- d. *Section 114 (IMC) Board of Appeals* is deleted in its entirety.
- e. *Section 115.4 Violation penalties* is revised to read "Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a Class C misdemeanor, punishable by a fine of not more than \$500.00 dollars. Each day that a violation continues after due notice has been served shall be deemed a separate offense."
- f. *Appendix B Recommended Fee Schedule* is deleted in its entirety.
- g. *Appendix C Board of Appeals* is deleted in its entirety.

( Ord. No. 2022-52 , § 1(Exh. A), 10-18-2022)

### **Sec. 3.02.061 Plumbing code adopted**

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

- a. *Chapter 1 Scope and Administration, Section 101.1 Title* is revised to read "These regulations shall be known as the Plumbing Code of the City of Leon Valley hereinafter referred to as "this code."
- b. *Section 106.6.2 Fee Schedule* is revised to read "The fees for all plumbing work shall be as stated in Appendix A of the Leon Valley Code of Ordinances.
- c. *Section 106.6.3 Fee Refunds* is revised to read "The City Manager sets the policy for any fee refunds. The code official shall authorize the refunding of the full amount of any fee paid herein that was erroneously paid or collected."
- d. *Section 108.4 Violation penalties* is revised to read "Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a Class C misdemeanor, punishable by a fine of not more than \$500.00 dollars. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
- e. *Section [A]108.5 Stop work orders* is revised to read "Upon notice from the code official, work on any plumbing system that is being performed contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's authorized agent, or to the person performing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a Class C misdemeanor, punishable by a fine of not more than \$500.00 dollars. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
- f. *Section 109 Means of Appeal* is deleted in its entirety.
- g. *Appendix A Plumbing Permit Fee Schedule* is deleted in its entirety.
- h. *Appendix B Rates of Rainfall for Various Cities* is revised to read "Refer to the Leon Valley Code of Ordinances, Chapter 10 Subdivision Regulations, Rainfall Intensity Chart."



- i. The city encourages all residential and business property owners to install rainwater collection systems for non-potable uses such as landscape irrigation. These systems may include, but are not limited to, rain barrels, roof water collection, cisterns, grey water plumbing fixtures, above-ground storage tanks and related pressure tanks and pumps, and treatment and disinfection equipment.
- j. Rainwater collection and storage containers and equipment must comply with the 2006 edition of the Texas Manual on Rainwater Harvesting, as published by the state commission on environmental quality, in accordance with House Bill 2430, and all subsequent supplements and changes in and to said edition.
- k. All rainwater collection systems and related equipment must be permitted, inspected, and approved by the city plumbing Inspector. Fees for such permits and inspections shall be as stated in the fee schedule.
- l. Rainwater collection systems shall not be connected to any plumbing that connects with the city's water supply system.
- m. Rainwater collection barrels and other water holding tanks or devices must be installed and maintained so as to prevent mosquito infestation and may not be located within any easement.
- n. Above-ground water collection devices, with the exception of roof gutters and rain barrels, shall not be located in the front yard area. Above-ground cisterns and water holding tanks must be located in the rear yard and must be screened from public view. Underground rainwater harvesting systems may be located in the front yard area but may not rise more than two feet (2') above grade. All storage areas shall be secured to promote safety and sanitation. All rainwater harvesting systems and related equipment must be situated at least five feet from any fence line.

( Ord. No. 2022-52 , § 1(Exh. A), 10-18-2022)

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

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

( Ord. No. 2022-52 , § 1(Exh. A), 10-18-2022)

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

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

( Ord. No. 2022-52 , § 1(Exh. A), 10-18-2022)

### **Sec. 3.02.064 Penalty**

Violations of this division are a Class C misdemeanor, punishable by a fine of not more than five hundred (\$500.00) dollars. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

( Ord. No. 2022-52 , § 1(Exh. A), 10-18-2022)

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**Sec. 3.02.065 Federal or state construction projects**

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

( Ord. No. 2022-52 , § 1(Exh. A), 10-18-2022)

**Secs. 3.02.066—3.02.070 Reserved**



# Amending Ordinance Chapter 3 Building Regulations

Crystal Caldera, PhD  
City Manager  
City Council Meeting  
September 19, 2023

# Summary

- Question

- Whether or not the council wants to amend Ordinance Chapter 3 Building Regulations; Article 3.02 - Technical and Construction Codes and Standards; Sec. 3.02.054 - Property Maintenance Code and Sec. 3.02.055 - Appeals and Variances to Technical and Construction Codes.

- Options

- Approve the request
- Approve a variation of the request
- Deny

- Declaration

- The City Council's Discretion

# Purpose

- To add to Sec. 3.02.054 - Property Maintenance Code
  - Any multi-family residential and nonresidential structures, including apartments, hotels, motels, suites, inns, rooming or boarding houses where the Police Department has responded to 60 or more calls in a span of three months will be required to have a licensed Police Officer on duty Sunday through Saturday during the hours of 8 PM and 6 AM for a period of one year.
- To add to Sec. 3.02.055 - Appeals and Variances to Technical and Construction Codes
  - Any appeal denied by the City Manager may be heard and overturned by the governing body.

# Background

- City Council on October 18, 2022, Adopted the property maintenance code.
- The Council wanted to see accountability with deteriorating structures.
- However the number of police and fire response calls to these multicomplexes has gone up, placing a burden on our resources

# Background

- The property Maintenance code addresses
  - Light, Ventilation and Occupancy Limitations
    - le. Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with not less than a 60-watt standard incandescent light bulb for each 200 square feet (19 m<sup>2</sup>) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, interior and exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with not less than 1 footcandle (11 lux) at floors, landings and treads.
  - Plumbing Facilities and Fixture Requirements
    - le. Plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. Plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

# Background

{Section}.75.

- The property Maintenance code addresses
  - Mechanical and Electrical Requirements
    - Ie. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in Appendix D of the International Plumbing Code. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating.
  - Fire Safety Requirements
    - Ie Fire protection and life safety systems shall be maintained in accordance with the International Fire Code in an operative condition at all times, and shall be replaced or repaired where defective
  - Pest infestation
    - Ie. Structures shall be kept free from insect and rodent infestation. Structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation.



# Fiscal Impact

- N/A

Number of police response to calls in the last 6 months

Month	Vista	Finley	Barcelona	Valencia
March	99	13	4	5
April	111	17	8	6
May	132	6	10	11
June	123	9	7	10
July	142	20	13	11
Aug	122	17	8	10

# Recommendation

- City Council's Discretion

## MAYOR AND COUNCIL COMMUNICATION

**DATE:** September 19, 2023  
**TO:** Mayor and City Council  
**FROM:** Melinda Moritz, Director of Public Works

**SUBJECT:** Presentation and Discussion to Consider an Ordinance Amending the Leon Valley Code of Ordinances, Appendix A Fee Schedule to Amend Fees Associated with Building, Health, and Trade Permit and Inspection Fees and to Remove Sections No Longer in Use

**SPONSOR(S):** None

### **PURPOSE**

The purpose of this item is to consider approval of an Ordinance amending the Leon Valley Code of Ordinances, Appendix A Fee Schedule, to increase fees associated with temporary food licenses, building and trade permit fees and inspections, and to remove sections that no longer have relevance.

The City recently updated contracts with the Building and Health Inspectors and the fees for their services increased. To offset the increased cost of services, the proposed fees would be charged to the customers, which includes a 25% administrative cost for staffing and software. In addition to the trade permit fees, the Newsletter Advertising section and the Rental Registration fees were deleted as they are no longer in use.

### **FISCAL IMPACT**

The increased fees will ensure enough revenue is received to cover the cost of services borne by the City.

### **RECOMMENDATION**

Staff recommends approval of the amendments.

### **S.E.E. IMPACT STATEMENT**

**Social Equity** – Assuring prudent management for cost of services take the burden of paying for health and safety inspections off of all citizens.

**Economic Development** – The increased permit fees are minimal and shouldn't have a great impact on the business and development community.

**Environmental Stewardship** – Properly permitting new development projects ensures that structures are built according to the new environmental codes.

APPROVE: \_\_\_\_\_ DISAPPROVE: \_\_\_\_\_

APPROVE WITH THE FOLLOWING AMENDMENTS:

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ATTEST:

\_\_\_\_\_  
**Sandra Passailaigue, TRMC**  
City Secretary

**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY OF LEON VALLEY, TEXAS, CITY COUNCIL, AMENDING THE LEON VALLEY CODE OF ORDINANCES, APPENDIX A FEE SCHEDULE, TO REMOVE ARTICLE A2.000 ADMINISTRATIVE FEES, SECTION A2.012 NEWSLETTER ADVERTISEMENT FEES AND SECTION A8.015 RESIDENTIAL RENTAL REGISTRATION AND INSPECTION FEES, AND ARTICLE A8.000 BUILDING AND CONSTRUCTION RELATED FEES, SECTION A8.024 ENGINEERING FEES, AND TO AMEND CERTAIN OTHER SECTIONS IN ARTICLE A6.000 FOOD ESTABLISHMENTS AND ARTICLE A8.000 BUILDING AND CONSTRUCTION RELATED FEES, TO REMOVE IRRELEVANT SECTIONS AND TO INCREASE FEES FOR REVIEWS, PERMITS, AND INSPECTION SERVICES; PROVIDING AN EFFECTIVE DATE OF THE REVISION WITH PUBLICATION, AS REQUIRED BY LAW, PROVIDING A SAVINGS CLAUSE; AND PROVIDING A CONFLICTS PROVISION.**

**WHEREAS**, Appendix A Schedule of Fees contains the fees charged by the city for services rendered during the course of business; and

**WHEREAS**, recent contract negotiations with the city's subcontracted Building and Health Inspectors resulted in an increase of charges to the city; and

**WHEREAS**, these fee increases must be offset with an increase in fees collected from city customers using those services in order to meet the city's financial obligations;

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

**Section 1.** That the Leon Valley Code of Ordinances, Appendix A Fee Schedule be amended as stated in Exhibit A attached hereto.

**Section 2.** This ordinance shall become effective on and after its passage, approval and the meeting of all publication requirements as provided by law.

**Section 3.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict. All provisions, sections and sub-sections set forth in the Leon Valley Code of Ordinances, Appendix A Fee Schedule not revised or amended herein shall remain in effect.

**PASSED, ADOPTED AND APPROVED** by the City Council of the City of Leon Valley this the 3rd day of October 2023.

**APPROVED**

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**CHRIS RILEY**  
MAYOR

Attest :

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**SAUNDRA PASSAILAIGUE, TRMC**  
City Secretary

Approved as to Form:

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**NICOLE WARREN**  
City Attorney

## EXHIBIT A

### LEON VALLEY CODE OF ORDINANCES AMENDMENTS TO APPENDIX A FEE SCHEDULE

**Note: All sections in Appendix A that are not listed in this exhibit will remain unchanged. Text in ~~red-strikeout~~ are to be removed and text in blue are to be added. Texts in green are the justifications for the amendments and are not to be included in the approved Ordinance.**

#### ARTICLE A2.000 ADMINISTRATIVE FEES

##### Sec. A2.011 Memorial naming/renaming application and consideration fee

- (a) Application and consideration: ~~\$1,000.00~~ \$200.00
- (b) Costs associated with the manufacturing and placement of the signs is the responsibility of the requestor.

**The fee should reflect the service and it does not cost \$1,000 to present an item to City Council for their consideration.**

##### ~~Sec. A2.012 Newsletter advertisement fees~~

- ~~(a) 1/8 page: \$100.00.~~
  - ~~(b) 1/4 page: \$185.00.~~
- ~~(Ordinance 14-007 adopted 6-9-14)~~

**We no longer accept advertisements in the city newsletter.**

#### ARTICLE A6.000 FOOD ESTABLISHMENTS

##### Sec. A6.001 License fees

- (b) *Temporary food license for special events*: ~~\$30.00~~ \$40.00 per day per stand for temporary food service establishments with an \$80.00 maximum per stand per event, per person, for not over 14 days. (Not renewable.)
- (c) Mobile food vending license fee: \$120.00 (annually)  
Mobile food truck vending food license: ~~\$30.00~~ \$35.00 (annually)

**The increase covers the cost of the inspection and adds \$10 for administrative fees.**

#### ARTICLE A8.000 BUILDING AND CONSTRUCTION RELATED FEES

##### Sec. A8.004 Certificate of occupancy

- (a) Permit fee: \$125.00.

- (b) Reinspection: ~~\$65.00.~~ \$75.00
- (c) Duplicate copy fee: \$25.00.

**The increase covers the cost of the inspection and adds 25% administrative fees.**

**Sec. A8.006 Curb cut permit**

- (a) Permit fee: ~~\$65.00.~~ \$75.00
- (b) Reinspection: ~~\$65.00.~~ \$75.00

**The increase covers the cost for review and inspection, and adds 25% for administrative costs.**

**Sec. A8.008 Building permit (electrical)**

Building permit (electrical) fees:

- (1) Base fee (includes inspection): \$100.00.
  - (A) Residential: \$100.00.
  - (B) Commercial: \$200.00.
- (2) Reinspection fee: ~~\$65.00.~~ \$75.00

**The increase covers the cost for inspection and adds 25% for administrative costs.**

**Sec. A8.009 Fence permit**

- (a) Fence permit fee: ~~\$65.00.~~ \$75.00
- (b) Reinspection: ~~\$65.00.~~ \$75.00

**The increase covers the cost for review and inspection, and adds 25% for administrative costs.**

**Sec. A8.012 Heating, ventilation and air conditioning permit**

Heating, ventilation, and air conditioning permits:

- (1) Base fee and reinspection fees:
  - (A) Base fee (includes inspection):
    - (i) Residential: \$100.00.
    - (ii) Commercial: \$200.00.
  - (B) Reinspection fee: ~~65.00.~~ \$75.00

**The increase covers the cost for inspection plus 25% for administrative costs.**

**Sec. A8.014 Plumbing, gas, and sewer and trench fees**

- (a) Plumbing fees:
  - (1) Base fee (includes inspection):
    - Residential: \$100.00.
    - Commercial: \$200.00.
  - (2) Reinspection fee: ~~65.00.~~ \$75.00



**The increase covers the cost for inspection plus 25% for administrative costs.**

- (b) Gas permit fees:
  - (1) Base fee (includes inspection):  
Residential: \$100.00.  
Commercial: \$200.00.
  - (2) Reinspection fee: ~~65.00.~~ \$75.00

**The increase covers the cost for inspection plus 25% for administrative costs.**

- (c) Sewer and trench permit fees:
  - (1) Base fee (includes inspection):  
Residential: \$100.00.  
Commercial: \$200.00.
  - (2) Reinspection fee: ~~65.00.~~ \$75.00

**The increase covers the cost for inspection plus 25% for administrative costs.**

~~Sec. A8.015 Residential rental registration and inspection fees~~ Reserved

- ~~(a) Registration and initial inspection fee: \$65.00.~~
- ~~(b) Follow-up inspection: \$65.00.~~
- ~~(c) Third inspection: \$90.00.~~
- ~~(d) Fourth inspection: \$120.00.~~
- ~~(e) Fifth inspection or subsequent inspections: \$150.00.~~

**The city no longer has a residential rental registration program. The section is reserved for future use.**

**Sec. A8.016 Residential temporary portable storage unit permit**

Permit fee: ~~65.00.~~ \$75.00

**The increase covers the cost for review and inspection, and adds 25% for administrative costs.**

**Sec. A8.017 Roofing permit**

- (a) Roofing permit fee: ~~\$65.00.~~ \$75.00
- (b) Reinspection: ~~65.00.~~ \$75.00

**The increase covers the cost for review and inspection, and adds 25% for administrative costs.**

**Sec. A8.018 Sidewalk permit**

- (a) Base fee: ~~\$65.00.~~ \$75.00
- (b) Reinspection: ~~65.00.~~ \$75.00

The increase covers the cost for review and inspection, and adds 25% for administrative costs.

**Sec. A8.019 Signs**

- (a) Temporary sign permit: \$25.00 per sign.
- (b) Temporary sign deposit: \$50.00 per sign.
- (c) Permanent sign permit without electric hook-up: \$100.00 per sign.
- (d) Permanent sign permit with electric hook-up: \$150.00 per sign.
- (e) Sign variance request: \$200.00 per request.
- (f) Annual billboard sign permit: \$150.00 per year.
- (g) Temporary weekend signs: \$30.00 per permit and \$1.00 per sign, per calendar year.
- (h) Charge for removal and impoundment of signs in the right-of-way: \$25.00 per sign.
- (i) Master sign plan: \$100.00.
- (j) Sign reinspection fees, not including temporary signs: ~~65.00.~~ \$75.00

The increase covers the cost for inspection and adds 25% for administrative costs.

**Sec. A8.020 Swimming pool permit**

- (a) Base fee: As per Section A8.002 Building Permit Fees Refer to building permit fee.
- (b) Reinspection: ~~65.00.~~ \$75.00

The increase covers the cost for inspection and adds 25% for administrative costs.

**Sec. A8.021 Tree cutting/pruning contractor fees**

Annual registration fee: ~~\$60.00.~~ \$0.00

The city no longer charges for contractor registration.

**Sec. A8.023 Water well engineering, permit and reinspection fee**

- (a) Permit fee: ~~\$65.00.~~ \$75.00
- (b) Reinspection: ~~65.00.~~ \$75.00
- (c) Payment for all engineering fees incurred by the city in the review of the permit applications and inspections.

The increase covers the cost for review and inspection, and adds 25% for administrative costs.

~~Sec. A8.024 Engineering Fees~~ Reserved

~~The fee to be paid to the city for the permits required by article 14.03 of the Code of Ordinances shall be as follows (except persons, firms or corporations who are under contract with the city to furnish its inhabitants water). All engineering fees incurred by the city plus the following:~~

- ~~(a) Permit for the drilling, construction, or deepening of a new well: \$60.00.~~
- ~~(b) Permit to repair or correct a defective well: \$60.00.~~
- ~~(c) Permit to abandon and/or plug a well: \$60.00.~~

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**Consolidated fee with A8.023 above. Reserved section for possible future septic permit fees.**

**Sec. A8.025 Wired unmanned telecommunication box installation fees**

- (a) Wired unmanned telecommunication box application fee: ~~\$60.00~~ \$75.00
- (b) Wired unmanned telecommunication box reinspection fee: ~~\$65.00~~ \$75.00

**The increase covers the cost for review, inspection, and adds 25% for administrative costs.**

**Sec. A8.013 - Manufactured home park fees**

- (a) Manufactured home park permit fee based on valuation of on-site infrastructure at the rate of the current building code fee table, and not less than \$1,000.00.
- (b) Manufactured home park annual license and transfer of license fee: \$50.00 plus \$2.00 per space.
- (c) Manufactured home park space application fee: ~~\$65.00~~ \$75.00

**The increase covers the cost for review, inspection, and adds 25% for administrative costs.**

# Consider Amending Appendix A Fee Schedule Building, Health, Trades Permit and Inspection Fees

City Council Meeting  
Public Works Director Melinda Moritz  
September 19, 2023



# Purpose

- To Consider an Ordinance Amending the Leon Valley Code of Ordinances, Appendix A Fee Schedule to Amend Fees Associated with Building and Trade Permit and Inspection Fees
- Options
  - Approve
  - Approve with modifications
  - Deny
- Recommendation
  - Recommend approval as presented

# Background

- City recently updated contracts with the Building and Health Inspectors and fees for some services increased
- To offset the increased cost of services, the proposed fee increases would be charged to the customers
  - Includes a 25% administrative cost for staffing and software licensing
- In addition to the trade permit fees, the Newsletter Advertising section and the Rental Registration fees were deleted as they are no longer necessary

# Fiscal Impact

- The increased fees will ensure enough revenue is received to cover the cost of services borne by the City

# Recommendation

- Staff recommends approval of this Ordinance



# S.E.E. Statement

- *Social Equity* – Assuring prudent management for cost of services takes the burden of paying for health and safety inspections away from the citizens
- *Economic Development* – The increased permit fees are minimal and shouldn't have a great impact on the business and development community
- *Environmental Stewardship* – Properly permitting new development projects ensures that structures are built according to the new environmental codes

## **OUTSTANDING CITY COUNCIL ITEMS**

- **6417 Evers Road**
  - 11/2/20 – Lease approved
  - 8/3/21 – Amending lease to remove a lessee
  - 8/17/21- Executive session
  - 4/2/22 – first read SUP to allow Alcohol
  - 4/19/22 – second read SUP allow Alcohol
  - 12/6/22- Executive Session and EDC Funds
  - 12/20/22 -Executive Session
  - 3/21/23 – Executive Session
  - 5/2/2023- review of the agreement
    - Will go out for RFP once RFP is complete council will select. If MS Bania is not selected then she will have 30 days to vacate.
  - 06/20/2023 – RFP Review by Council
    - Moved by Mayor to overfilled Agenda
  - 7/18/2023 RFP Review by Council
  - RFP is posted and awaiting on responses.
- **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
- **Sustainability Overlay**
  - 6/6/2023 Staff is not ready and has postponed until September
  - 7/25/2023 – zoning commission started to review
- **Stray Animal Ordinance**
  - Currently being reviewed by City Attorney – we can not require private industry to take in and adopt our stray animals
  - Looking at a possible interlocal agreement.
  - Staff has met with the county for a long-term solution
- **Establish Neighborhood boundaries**
  - Council has opted not to Update Master Plan
  - P & Z Director investigating a university conducting the plan
- **Neighborhood/citizen survey**
- **Review of the personnel manual**
- **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
- **Legal review of the Sign Code**
  - Councilor Orozco and Bradshaw will work on this item
- **Looking at an amendment to Section 15.02 Appendix C (I), D Structural Nonconformity to add a matching percentage from Economic Community Development funds**

- After the sustainability review
- **Four-way stop at Forest Meadow and Evers**
  - To be evaluated upon the development of the Evers property
- **Short Term Rental**
  - 3/7/2023
  - Short Term rentals have appeared on the following agendas:
    - 1/12/2021- Tabled
    - 1/19/2021-Discussed
    - 4/6/2021-Discussed
    - 4/20/2021- Discussed
    - 8/3/2021-Tabled
    - 8/17/2021-Discussed
    - 8/16/2022-Tabled
    - 9/6/2022- Discussed
    - 1/17/2023- Discussed
    - 3/7/2023 – Item added by Councilor Stevens and Orozco
      - Council decided to have the city attorney draft an ordinance based on the information provided by Councilor Stevens
    - Attorney has developed an ordinance and will be discussed at the 7/22 retreat.
    - Will place on the 9/5/2023 agenda for discussion
    - Council will review the draft Ord. given by the City Attorney and provided feedback to the City Manager by September 29, 2023
- **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.
- **Regulations regarding front yard fences**
  - Date to be determined
- **Code regulations dealing with blighted multi-family complexes**
  - This is on the 9/19/2023 for discussion.
- **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 handle bulk pick-up. Resolution # 21-031-R, the direction was given to CM to come back with a plan.
  - Considered and Ordinance Amending the Ord 14.02 Solid Waste First reading.
- 11/2/2021
- Considered and Ordinance Amending the Ord 14.02 Solid Waste Second Reading Passes Ord. # 21-053.
- 1/11/2022
- Council considered two options to handle the overflow of Brush. The Council decided to have PW pick up the overage after Tiger sanitation picked up their 8 CY.
- There were 11 homes with oversized brush the City had the item picked on 3/4/22-3/8/22
- 05/17/2022 Council meeting discussing rate increase.
  - Council allowed the 2.5% increase for July and another in January but did not approve the 7.5 % increase
  - Council was willing to renegotiate terms
    - On 8/23/2022, Council decided to leave terms as is
- Renaming the Community Center After Ms. Baldrige
  - Item discussed at the 9/5/2023 council meeting
  - Item placed on 9/19 for approval
- Speed hump policy changes- **(Item Remaining from Retreat)**
- Discussion of updating the Strategic Plan - **(Item Remaining from Retreat)**
- Presentation on legislative changes that may impact our city - **(Item Remaining from Retreat)**

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

- **John Marshall Traffic Plan – CR, JH**
  - Discussed at the following Council meeting
  - 12/14/2022 Next steps
  - NISD engineers are still working on the plan, collecting traffic counts, and coordinating with CoSA Traffic Department
  - Once complete, additional meetings will be held with the City to determine the feasibility and appropriateness
  - Once plans are final, the proposal will be presented to City Council for approval
  - John Marshal Update on 3/15 based on 2/14 meeting
  - The City received feedback on possible neighborhood suggestions on 5/09/2022. Joint meeting to be determined.
  - Heard by City Council to possible street closures on 8/23/20 Engineers will develop a report and PD and Fire will review

- Taking to Council on 10/3/2022
- 2/7/2023 council will review speed pads and school zone
  - Council decided to move forward with the speed pads and wait on the school zone. The Delinators will also be left alone
- Speed pads have been installed and school zone on Huebner is being addressed.
- Interlocal agreement with San Antonio is complete. A budget adjustment for \$74,000 was approved by 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 won't start until December or January.
- **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
- **Presentation and discussion on the status of implementation of TPCA best practices for law enforcement policies, including the mandatory provision of mental health PTO in accordance with Texas legislative changes - JS, RO**
  - Discussed at the following Council meeting
    - 6/1/2021
  - Update in the CM report 10/26/2021:
    - We released the initial 6 policies (6.1 - Use of Force, 6.3 - Non-lethal, Less than lethal weapons, 6.4 - Officer Involved Shooting,

7.15 - Vehicle Pursuits, 7.40 Investigations, 8.6 Active Shooter) in July and August. With the distribution, we included a record of receipt and pertinent training.

- Since the initial release, we have now distributed 4 more policies (3.2 - Field Training Program, 3.2.1 - Field Training Program Operations Manual, 4.6 - Off-duty Employment, 5.4 - Body Worn Camera) and again, with the distribution, we have included a record of receipt and pertinent training.
- Currently in the process of the last review before we release 8 other policies.
- Mental Health quarantine Policies Section 614.015 of the Tx Gov't Code have been updated and can be found here:  
[https://cms3.revize.com/revize/leonvalleynew/departments/human\\_resources/procedural\\_directives.php#revize\\_document\\_center\\_rz4176](https://cms3.revize.com/revize/leonvalleynew/departments/human_resources/procedural_directives.php#revize_document_center_rz4176)
- Distributed a Property and Evidence packaging manual that is used along with 12.1 Property and Evidence Management. 10.1 Prisoner Processing and 11.1 Municipal Court are in the final draft and edit stage and will be distributed both in the near future.
- Citizens or Media Recording of Police Incidents 2/1/2022
- Evidence and Property 2/1/2022
- Body Worn Cameras 9/3/2022
- Differential Police Response (CFS Report Program) 9/6/2022
- Rules of Conduct 9/15/2022
- Mission, Values, Written Directives 12/27/2022
- Law Enforcement Role and Authority 12/27/2022
- Field Interviews, Stop and Frisk 12/27/2022
- Arrests With and Without Warrants 12/27/2022
- Eyewitness Identifications 12/27/2022
- **Red-light cameras First Available Contract end term is May 2037**
  - City Council adopted a Resolution declaring the intent to phase out redlight cameras 4/6/2021 – Resolution # 21-009R
  - The RLC Contract would be difficult to terminate without financial obligation from the City
  - City Council supports HB 1209 and physically delivers letters in support to Cortez, Biederman, Canales, Menendez
  - Funds – Eligible projects – CR
    - Will be discussed at the Town Hall Meeting on January 22, 2022
  - Discussed at the retreat council has decided not to spend funds until we know what the legislature is doing
  - Resolution supporting SB 446-2/21/2023
  - The item was not approved during the legislation process the council will try again in 2025
- **Opioid Litigation**

- Item Was Addressed in Executives session on:
  - 6/15/2021
  - 09/7/2021
  - 9/21/2021
- Council Addressed this item at the following Council meeting
  - 11/16/2021
    - Council Passed a resolution # 21-04, agreeing to participate in a settlement agreement with opioid manufacturer Johnson & Johnson. The other is three major pharmaceutical distributors: AmerisourceBergen, Cardinal Health, and McKesson and is estimated to receive \$28,389
- The City still has an Agreement with Phipps, Ortiz and Talafuse for any remaining ongoing litigation
- Received our first payment of \$7,000 on 4/20/2023
- **Comprehensive Master Plan**
  - Was addressed at the following Council meetings:
    - 2/2/2021
    - 3/23/2021
    - 06/1/2021
  - This item was discussed during the budget process and ultimately, the Council decided not to expend the funds on this project at this time.
  - Will be discussed under the Townhall meeting update to the council on 4/19/2022
    - Council would like us to use our future land use map
- **Sewer Service Charge Adjustments**
  - Council meeting 2/15/22
  - Impact Fees Removed
  - Sewer Charges will be brought back at a later time.
- **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
- **Presentation, discussion, and possible action on fluoride survey results – JS**
  - CC Mtg. 3/1/2022 Postponed
  - Moved to 4/5/22
  - Presentation on given to the council and the community on the benefits, no direction was provided to staff
- **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**

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



- 3/21/2023 - Will be on the agenda with an ordinance for a second read.
    - Approved unanimously
- **Discussion and possible action on amending BOA variance criterion by Texas Legislative changes**
  - 2/28/2023 – Went to the planning and zoning commission, which recommended approval
  - 3/7/2023 – Will be on for the first read
  - 3/21/2023 – Will be on for the second read
    - Passed unanimously
- **A policy on open meetings act in regards to how it applies to advisory committees**
  - 1/17/2023 – Moved by Mayor
  - 2/7/2023 – Moved by Mayor
  - 2/21/2023 – Moved by Mayor
  - 3/7/2023- The meeting agenda too full moved by City Manager
  - 3/21/2023- The meeting agenda too full moved by City Manager
  - 4/4/2023 – Placed on the agenda
  - 4/18/2023 – Will be placed on consent – Passed Unanimously
- **Presentation on VIA ridership and MTA .005 of sales tax**
  - 2/7/2023 – Mayor would like VIA present moved to 2/21/2023
  - 2/21/2023 – Placed on the agenda – The council requested more information to return to the council by April
  - 4/18/2023 – Item placed on the Agenda -No Action taken
- **Public Private Partnership with local petshops for pet adoption options**
  - 2/21/2023 City Council wished to proceed with the Partnership
  - 3/21/2023 will return with an official MOU – postponed due to being held up with Petland legal
  - 4/18/2023 – Placed on the Agenda as a resolution Passed Unanimously
- **Health Insurance Broker**
  - Gallagher benefits services the contract was awarded for three years Passed by council on 4/18/2023
- **Over 65 and Tax Exemption**
  - Council Mtg. 3/1/22
    - Councilor Orozco will get with the Finance Director to see if this item will come back on a later date
    - 2/21/2023 The Council looked at a 5% exemption for everyone. This will come back before July
    - 05/2/2023 Brought back by Councilor Stevens and Hefner as a first read
    - 5/16/2023 on for the second read
      - Item Passed
- **RFP for Staff utilization study**
  - Reviewed by council 6/20/23 passed unanimously for October start date

- **Towing Contract**
  - 04/04/2023 – Council Would like additional information
  - 5/2/2023 – will be back with additional information
    - Council selected Banis towing contract will come back for final approval.
  - 6/20/2023 -Scheduled
  - 7/18/2023 Second read approved unanimously
- **New Guidelines for Economic & Community Development Advisory Committee**
  - 5/2/2023 – Moved by CM due to the number of items on the agenda
  - 5/16/2023 – Scheduled-Moved by CM due to the number of items on the agenda
  - 6/6/2023 – Scheduled postpone until 6/20/2023
  - 06/20/2023 – postponed until 7/18/2023
  - 7/18/2023 – Council Review
  - 8/1/2023 – Second read- approved unamiously
- **Health Inspector contract**
  - Reviewed by council 6/20/23 staff will bring back on 7/18/2023
  - 7/18/2023- contract on the agenda for review
  - 08/1/2023 – first read
  - 08/15/2023 – second read
- **Building Official contract**
  - Reviewed by council 6/20/23 staff will bring back on 7/18/2023
  - 7/18/23 contract on the agenda for review
  - 08/01/2023 – first read
  - 08/15/2023 – second read
- **American Rescue Plan funds**
  - 8/17/2021 City Council meeting. Council agreed to budget in FY 2022 for the following
    - 911 Mass text - \$5,900
    - PPE and Decontamination Supplies -\$10,000
    - Disposal Supplies and Medication - \$45,000
    - 2 power stretchers – \$60,000
    - 12 LEAD Cardiac monitor - \$70,000
    - Library Hot Spots – \$5,220
    - Huebner Well Generator -\$230,000
  - 11/16/2021 Budget Adjustment ord. # 21-060
    - AV equipment – Council Chambers -\$41,000
    - PD AC Repair - \$10,000
    - Website upgrades - \$40,000
    - Premium Pay for Essential Workers -\$150,000
    - Citizen Utility Asst. -\$50,000
    - Library AC repair -\$25,000

- For FY 23 Budget
  - Fire Truck-\$400,000
  - Shadow Mist Skate Park -\$70,000
- This item was heard at the Town Hall Meeting on 3/26/2022
  - Citizen input will be presented at the 4/19/22 CC Mtg
- At the 4/19/2022 council Meeting council decided to use \$400,000 to purchase a fire truck
- Finance Director gave a presentation on 10/18/2022 council meeting
- City Manager updated eligible items and gave a presentation 4/18/2023. Council directed to buy a new Fire truck, ambulance and well generator.
- 8/15/2023 -Remaining funds will be allocated to water.
- **LVHS request for ARP funds**
  - Reviewing MOU on 11/1/2022, 12/6/2022
    - No funds remaining
- **Demolishion Policy**
  - 5/2/2023 – Moved by CM due to the number of items on the agenda
  - 5/16/2023 – Scheduled Moved by CM due to the number of items on the agenda
  - 6/6/2023 – scheduled received input will return on July 18, 2023
    - Overfilled Agenda Moved by City Manager
  - 7/18/2023
    - Overfilled Agenda Moved by City Manager
  - 08/01/2023
    - Overfilled agenda moved by manager
  - 08/15/2023
    - On the agenda for discussion. Council unanimously approved the policy
- **Capital Plans/FY24 Budget**
  - 5/16/2023 -Scheduled presented to council
    - Request to change out LV ranches park to dog park
  - 06/6/2023 – postponed by Mayor
  - 6/20/2023 – Scheduled
    - Council asked for this item to be looked at on 7/22/2023
    - Council asked this item be reviewed again on 8/1/2023
    - Council reviewed an made some deletions on 8/10/2023
    - Council Agreed on the deletions and tax rate will be on the 9/5/2023 agenda for approval.
    - Item approved
- **5616 Bandera road, also known as Comfort Cafe**
  - 3/21/2023 Public Hearing to remedy
    - Council decided to demo the property. Scheduled for May 1, 2023 demo
  - 4/24/2023 Owner paid the liens. Demo is scheduled for June 30<sup>th</sup>.

- Owner is waiting on CPS energy to pull the gas.
- Gas pulled and demo permit paid waiting on building review
- All permits have been approved and paid awaiting new timeline.
- Demo expected by 8/22/23 Demo completed
- **Fourth of July Presentation**
  - City Council 3/15
  - Council provided direction
  - The next update will be on 6/7/2022
  - Recap August 2, 2022, and August 16, 2022
  - Recap and Direction October 4, 2022
  - Review 11/15/2022
    - Time will remain the same and have a headliner that is well known
  - 6/20/23 a review of the upcoming event
  - 8/15/23 we have wrap up – moved to 9/5/2023- completed with no feedback