



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

Leon Valley City Council Chambers  
6400 El Verde Road, Leon Valley, TX 78238  
Tuesday, November 01, 2022 at 6:00 PM

**AGENDA**

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

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

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1. Call to Order; Determine a Quorum is Present, Pledge of Allegiance
2. **The City Council Shall Meet in Executive Session to Discuss the Following:**
  1. Section 551.071: Consultation with the Attorney Regarding Pending or Contemplated Litigation, or Settlement Offer; or on a Matter in which the Duty of the Attorney to the Governmental Body Under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas Clearly Conflicts with the Texas Open Meetings Act, Re: City of Leon Valley v. 5622 Equity DE LLC, a Delaware Limited Liability Company D/B/A Vista Del Rey Apartments Located at 5622 Evers Road
3. **Reconvene into Regular Session**
4. **Citizens to be Heard**
5. **Possible Action on Issues Discussed in Executive Session If Necessary**
6. **Presentations**
  1. Presentation and Discussion on Funding Source for the Seneca West Drainage Project - M. Moritz, Public Works Director
  2. Presentations Discussion and Possible Action on renewing the Memorandum of Understanding between the City of Leon Valley and the Leon Valley Historical Society - Mayor Chris Riley.

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

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

## 8. City Manager's Report

### 1. UPCOMING IMPORTANT EVENTS:

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

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

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

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

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

Miscellaneous other events and announcements.

## 9. Consent Agenda

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

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

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

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

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

## 10. Regular Agenda

1. Discussion and Action to Consider Approval of a Resolution Adopting the 2022 Leon Valley Americans with Disabilities Act (ADA) Transition Plan - M. Moritz, Public Works Director
2. Presentation and Discussion on an Ordinance Amending the City of Leon Valley Code of Ordinances, Chapter 4 Business Regulations, Article 4.03 Alcoholic Beverages, Division 1. Generally, and Division 2. License and Permit Fees (First Read as Required by City Charter) - S. Passailaigue, City Secretary
3. Presentation and Discussion on an Ordinance Amending the Leon Valley Code of Ordinances, Chapter 1 General Provisions, Article 1.09 Parks and Recreation, Division 2 Use Regulations, Section 1.09.032 Alcoholic Beverages to Consider Prohibiting Alcohol Consumption at City-owned Swimming Pool Facilities as Recommended by the Park Commission (1st Read as Required by City Charter) - M. Moritz, Public Works Director
4. Discussion and Possible Action Seeking City Council Approval of the 2023 City Council Meeting Schedule - S. Passailaigue, City Secretary

## 11. Citizens to be Heard

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

1. City Manager's Presentation of Future Agenda Items

## 13. Adjournment

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

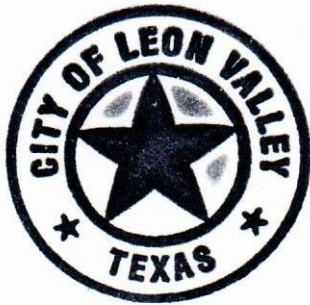
**Sec. 551.0411. MEETING NOTICE REQUIREMENTS IN CERTAIN CIRCUMSTANCES:** (a) Section does not require a governmental body that recesses an open meeting to the following regular business day to post notice of the continued meeting if the action is taken in good faith and not to circumvent this chapter.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

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

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

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

SAUNDRA PASSAILAIGUE, TRMC  
City Secretary  
October 27, 2022 at 5:05 PM





# Presentation & Discussion Budget Adjustment Seneca West Drainage Project

Melinda Moritz  
Director of Public Works  
City Council Meeting  
November 1, 2022

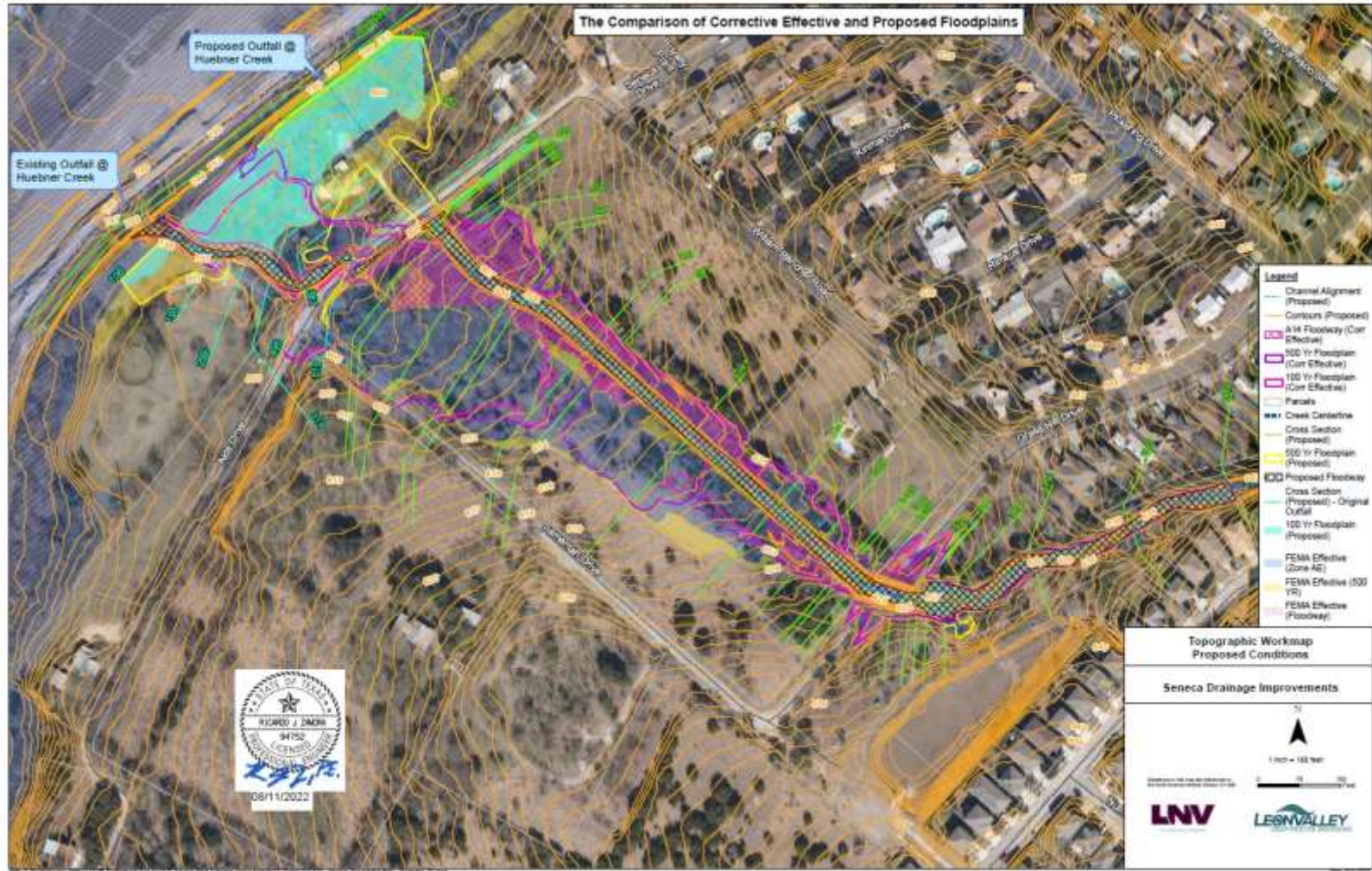
# Summary

- Question
  - Seneca West Drainage Project budget overrun
  - How to fund of \$832,498.00 for construction
- Options
  - Pay from ARP Funds
  - Pay from combination of funding sources
  - Reject all bids & deny budget adjustment
  - Other
- Declaration
  - At City Council discretion

# Purpose

- To discuss how to pay for the Seneca West Drainage Project cost overrun in the amount \$832,498.50 for drainage improvements in the Seneca West neighborhood

# Seneca West Drainage Project



# Background

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

# Background

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



# Background

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



# Bids

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

# Fiscal Impact

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

# Possible Funding Sources

Fund	Amount
Water Capital	\$150,000.00
Sewer Capital	\$250,000.00
Stormwater Fund Balance	\$258,565.00
Total	\$658,565.00
Bexar County or ARP	\$173,933.50
Total	\$832,498.50

# Recommendation

- City Engineer reviewed each of the bid submittals, the Contractor's bid documents, and completed reference checks
- They recommend awarding the bid to J3 Construction, Inc.

# S.E.E. Statement

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

## **MAYOR AND COUNCIL COMMUNICATION**

**DATE:** January 7, 2020

**M&C # 2020-01-07-01 K. KUENSTLER**

**TO:** Mayor and Council

**SUBJECT:** Discussion and Possible Action on a Resolution of the City Council of the City of Leon Valley, TX., Authorizing the Execution of a Memorandum of Understanding Between the City of Leon Valley and the Leon Valley Historical Society

### **PURPOSE**

The original purpose of the MOU was to form a partnership to work together on the restoration and eventual opening of a museum at the Huebner-Onion Homestead & Stagecoach Stop.

The purpose of this evening's presentation is to update Council on the progress and discuss recommendations.

### **SEE Statement**

**Social Equity** - The education of our citizens on the history of Leon Valley affects all citizens. The City utilizes its resources in an expeditious manner, dispersing it when only absolutely necessary to meet the needs of the citizens in our community.

**Economic Development** - If the project is ever developed and tours are available on a regular basis, it could be a tourist attraction for the City. Authorizing this MOU will give the City the opportunity to showcase Leon Valley and what we have to offer.

**Environmental Stewardship** - The preservation of the building is important and it is vital for future generations to understand how pioneers respected the environment with regards to environmentally friendly life practices.

### **Fiscal Impact of this MOU**

**Staff Services for building/grounds maintenance** - This requires 2 staff members at \$20 per hour each for approximately 4 hours; this service is done as needed.

Possible match funds for grant submissions (if approved by Council) - There have been no grant submissions so no match funds have been requested.

Staff time working on project with Historical Society and TXDOT.

The Historical Society has not worked with TXDOT as of yet due to the Bandera Road Work Group


Staff did work with TXDOT and the City Engineer to investigate construction of a driveway approach. No action was taken due to the estimated cost which was over \$50,000.00

### **RECOMMENDATION**

Staff recommends approval of this resolution.

**RESULT:**           **ADOPTED BY CONSENT VOTE [UNANIMOUS]**  
**MOVER:**           Donna Charles, Council Place 1  
**SECONDER:**       Catherine Rodriguez, Council Place 2  
**AYES:**            Donna Charles, Catherine Rodriguez, Matthew Hodde, Will Bradshaw

ATTEST:

  
**SAUNDRA PASSAILAIGUE, TRMC**  
City Secretary



**RESOLUTION No. 20-001R**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TX.,  
AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING  
BETWEEN THE CITY OF LEON VALLEY AND THE LEON VALLEY HISTORICAL  
SOCIETY**

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**WHEREAS**, the Leon Valley Historical Society (LVHS) is a 501 (c) (3) is a non-profit organization; and

**WHEREAS**, the LVHS intends to continue the partnership it has with the City of Leon Valley (CoLV) to work together on the restoration and eventual opening of a museum at the Huebner-Onion Homestead & Stagecoach Stop; and

**WHEREAS**, it is the desire of the City Council to authorize the execution of a Memorandum of Understanding between the City of Leon Valley and the Leon Valley Historical Society;

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

- Section 1. The execution of the Memorandum of Understanding between the City of Leon Valley and the Leon Valley Historical Society is hereby authorized. Said Memorandum of Understanding is attached hereto, in substantially final form, as Exhibit A.
- Section 2. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Resolution are severable, and if any phrase, clause, sentence, or section of this Resolution 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 Resolution.
- Section 3. The repeal of any Resolution or part of Resolutions effectuated by the enactment of this Resolution shall not be construed as abandoning any action now pending under or by virtue of such Resolution 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 Resolution.


**PASSED, ADOPTED AND APPROVED** by the City Council of the City of Leon Valley  
this the 7th day of January 2020.

**APPROVED**


  
**CHRIS RILEY**  
MAYOR



Attest:

  
**SAUNDRA PASSAILAIGUE, TRMC**  
City Secretary

Approved as to Form:

  
**HABIB H. ERKAN, JR.**  
City Attorney

## Memorandum of Understanding

This Memorandum of Understanding (MOU) between the Leon Valley Historical Society and the City of Leon Valley is intended to describe the objective of forming a partnership to work together on the restoration and eventual opening of a museum at the Huebner-Onion Homestead & Stagecoach Stop. The Homestead is a two-story structure along Bandera Road that dates to the 1850s, is listed in the National Register of Historic Places and has received a Texas Historical Marker. The Leon Valley Historical Society also received a Historic Texas Cemetery Designation from the Texas Historical Commission for the Joseph Huebner gravesite in the Natural Area.

The Roles and Responsibilities of the partners are identified below. Furthermore, some time frames are included as a means to develop a roadmap for the partnership going forward:

### **The Leon Valley Historical Society:**

The Leon Valley Historical Society, a 501 (c) (3) non- profit organization, intends to:

- a. Identify significant sources for funding support and potential grants by December 31, 2020, recognizing that funding sources have specific deadlines during the year and research for grants and funding is a continuous process. The sources identified should be shared with the Leon Valley City Council on an annual basis;
- b. Apply for funding for the Heritage Center and the Triangle Park during the 2020 calendar year and after and annually provide proof to the City of Leon Valley that applications were submitted;
- c. Work in conjunction with the City of Leon Valley and the Northwest Area Chamber of Commerce in an effort to spur economic development in the area of the Heritage Center and Triangle Park and report to the City Council on the results annually;
- d. Work with the Northside Independent School District to develop curriculum and tour packages for local students by December of 2020 and present an update to the Leon Valley City Council on the progress annually;
- e. Staff the potential Heritage Center on a part-time basis (volunteer or paid) depending on funding sources and potential traffic after the opening of the Heritage Center;
- f. Provide regular open meetings for public input on the future of the project and report to the City Council the results of the public input and the number of citizens who provided public input on an annual basis.

### The City of Leon Valley:

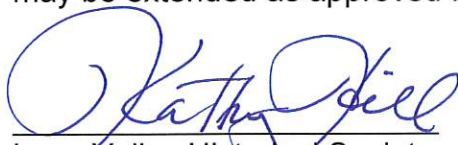
The City of Leon Valley, incorporated in 1952 in the State of Texas, intends to:

- a. Assist the project through the use of the 36-acre natural area that is adjacent to the Huebner-Onion Homestead;
- b. Provide a designated parking area or adjacent area for museum goers at the Raymond Rimkus Park in conjunction with the Bandera Road Reconstruction Project;
- c. Maintain the grounds and facility of the 36-acre natural area and the Huebner Onion Homestead;
- d. Work in conjunction with the Texas Department of Transportation (TXDOT) in an effort to facilitate a curb cut for entrance to the Huebner Onion Homestead during the Bandera Road Reconstruction Project;
- e. Present a budget request to the Leon Valley Economic and Community Development Advisory Committee for consideration of matching funds (in kind or cash), if necessary, for the project on future grant applications.

Attached to this Memorandum of Understanding (as Exhibit A) is a copy of the Master Plan completed in July of 2013 which outlines the methodology, the preservation philosophy, the history and the cost estimate of above stated venture. This Master Plan should be used as a road map for parties as the potential partnership forms.

The parties enter into this MOU wishing to maintain their own separate and unique missions and mandates, and their own accountabilities. Unless specifically provided otherwise, the cooperation among the Parties as outlined in this MOU shall not be construed as a partnership or other type of legal entity or personality. Each Party shall accept full and sole responsibility for any and all expenses incurred by itself relating to this MOU. Nothing in this MOU shall be construed as superseding or interfering in any way with any agreements or contracts entered into among the Parties, either prior to or subsequent to the signing of this MOU. Nothing in this MOU shall be construed as an exclusive working relationship. The Parties specifically acknowledge that this MOU is not an obligation of funds, nor does it constitute a legally binding commitment by any Party or create any rights in any third party.

This Memorandum of Understanding will be in effect through December 31, 2022, and may be extended as approved by the Council.

  
Leon Valley Historical Society  
Kathy Hill, President

  
City of Leon Valley  
Mayor



# Discussion, Consideration & Possible Action on Soofa Signs

Crystal Miranda

Community Relations Director

City Council Meeting

November 01, 2022

# Summary

- Question
  - **City Council is being asked to consider purchasing Soofa digital signs to enhance city communication, boost community engagement and improve local economy.**
- Options
  - Recommended:
    1. No change.
    2. Purchase 4 Soofa digital signs at the Ad Sponsorship Supported Level.
    3. Allow purchase of a number designated by City Council.
  - Denial
  - Other – Allow purchase of signs at another level.
- Declaration
  - At the October 13 Parks Commission Meeting the Parks Commission members approved the recommendation of purchasing up to 4 Soofa signs to be placed at the following locations with City Council approval:
    - 2 signs at Raymond Rimkus Park
    - 1 sign at Leon Valley Library
    - 1 sign at City Hall
  - Soof signs provides communication accessibility for all, including those without internet or devices.
  - So that Soofa will enhance wayfinding, welcome visitors, and support local businesses in Leon Valley.

# Purpose

- To discuss the possibility of purchasing Soofa signs to be installed at Raymond Rimkus Park, Leon Valley Library, and City Hall.
- To further discuss the location, specifics, and use for such signage.
- To get a consideration and recommendation of purchasing 4 Soofa Signs at the Ad Sponsorship-Supported level.



# Background

- Soofa is a women-founded company that offers outdoor advertising with a smart city communication platform.
- Soofa signs are 100% solar-powered with the capability to deliver instantaneous information to the community.
- Soofa apps deliver local content, upcoming community events, emergency information, real-time public transit, polls, social media feeds, and much more.



# Background

- Soofa signs are customizable with City branding and wayfinding designs.
- Performance is easily monitored and tracked. You can view minute by minute engagements on SoofaTalk, so municipalities can see how the product is working.
- Soofa offers a maintenance plan that includes sign installation, cleaning, content management, and repairs.



# Specs

- **Performance**

- Up to 23 hours operating hours/day
- Sensor-enabled LED overhead light illuminates screen in the dark
- Soofa Operations Team monitor performance metrics remotely

- **Durability**

- Proven seamless operation in extreme temperatures -10 to 100F (From Vegas to Boston)
- Epoxy powder-coating protects from graffiti, rust and corrosion

Introducing a better way  
to communicate and bring  
people together in your city.

#### Solar powered

- Solar panel: 65W
- Battery: 24V, 12Ah
- Wireless connectivity

#### Electronic paper display

- Sixteen shades of grey
- 42" screen size
- High resolution imaging

#### Beautiful, sturdy design

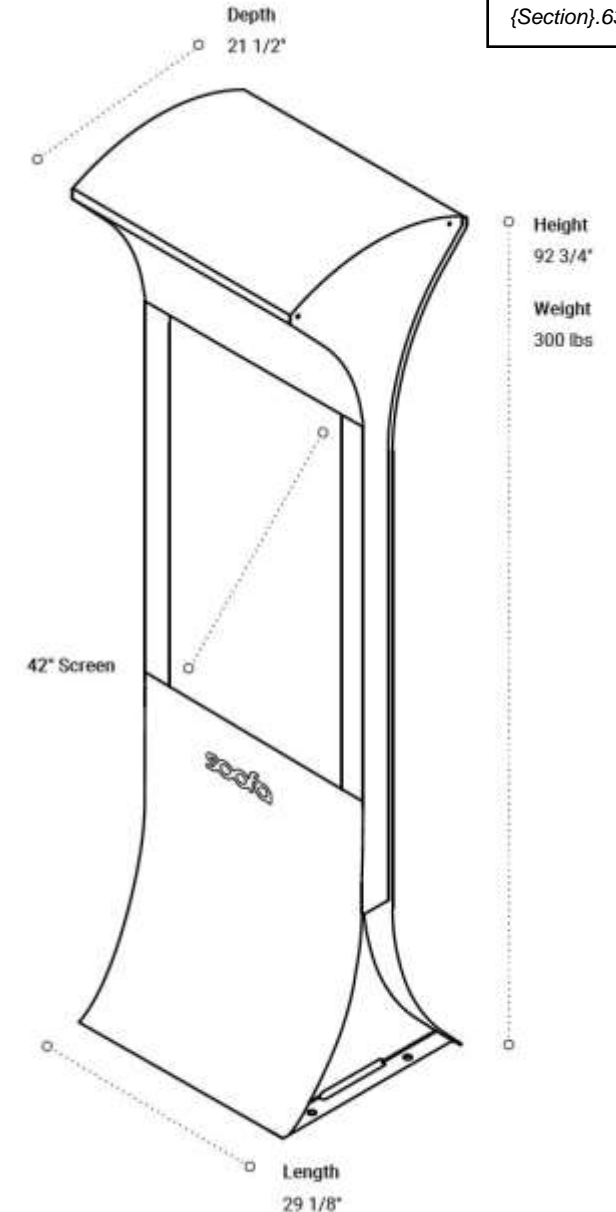
- Structure: steel
- Finish: zinc & polyester powder coated

#### Simple, four bolt installation

- Suggested anchors (not included):
  - 8" 1/2 dia. threaded rods
  - 1/2" theft proof nuts

#### Protect your investment

- One year limited warranty included
- Ask for SoofaCare+ for warranty extension





# Fiscal Impact

{Section}.63.

The 100% solar-powered, all-in-one solution for city communication and wayfinding.

**soofa** sign

## Community-branded

Landowner owns the rights to all communication and branding on the Sign. No advertising is allowed.

**One-Time Cost:** \$25,000/sign

**Annual Fee (after year 1):** \$6,200/sign



## Ad-supported

Cost of the sign is partially subsidized by digital advertising. Landowner owns the rights to the vinyl design.

**One-Time Cost:** \$18,000/sign

(includes 1 city vinyl)

**Annual Fee (after year 1):** \$6,200/sign

**Additional Vinyl Updates:** \$1,000/sign



## Ad & Sponsorship-supported

Cost of the sign is partially subsidized by digital advertising and sponsorship of the vinyl design.

**One-Time Cost:** \$16,000/sign

**Annual Fee (after year 1):** \$2,000/sign

**Additional Vinyl Updates:** \$1,000/sign



# Recommendation

- Use ARPA Funding to purchase 4 Soofa signs at the Ad & Sponsorship-supported option.
- Place two signs in Raymond Rimkus Park, one at the Leon Valley Library and another at City Hall.
- City Council discretion.

## S.E.E. Statement

Social Equity – The use of Soofa will promote high quality digital real-time news feed for residents and visitors to view and bridges the gap for those without smartphone access.

Economic Development- Soofa signs will exhibit a distinctive and welcoming identity, promote the City's brand, and provides connection to developers, businesses, and residents throughout the community

Environmental Stewardship – Soofa signs are 100% solar-powered

# Questions?





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

Leon Valley City Council Chambers  
6400 El Verde Road, Leon Valley, TX 78238  
Tuesday, October 18, 2022 at 6:00 PM

**MINUTES**

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

Citizens May E-Mail Public Comments To [citizenstobeheard@leonvalleytexas.gov](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**

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

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

1. Pursuant to Texas Government Code, Chapter 551, Section 551.072, Deliberations on Real Property: 6401 El Verde Road, Leon Valley Texas, 78238, (Lot CB 5955 Lot 34A-0.3600 Acres), 6503 Samaritan Drive, Leon Valley, Texas, 78238, (CB 4430 P-15: 2.137 acres, P-16: 6.391 acres & P-16A: 1.0 acre, ABS432), Various Parcels located William Rancher, Grass Hill, Samaritan, and Aids Drive BCAD Parcel Identification No.'s 217816, 217817, 217818, 217819, 217820, 217281, 217838, 217840, 217843 (21 Acres)

Mayor Riley read aloud the agenda caption for Item 2.1

The City Council went into Executive Session at 6:03 PM

**3. Reconvene into Regular Session**

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

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

Those who spoke at this time were: Tina Chasan (Leon Valley); and Kishore Kamaraju (Leon Valley)

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

No action taken at this time.

#### **6. Presentations**

##### **1. Presentation of Good Neighbor Awards for National Night Out 2022 Participants - Mayor Chris Riley**

Mayor Chris Riley presented Good Neighbor Awards for National Night Out 2022 Participants to Tina Chasan and Kishore Kamaraju. Linda Meffert was not present.

##### **2. Presentation on the Monthly Financial Report Ending September 30, 2022 - K. Rule, Finance Director**

Kevin Rule, Finance Director presented the Monthly Financial Report Ending September 30, 2022.

Those who spoke on this item were: Yvonne Orozco (Leon Valley)

##### **3. Presentation and Discussion on American Rescue Plan (ARP) Funds - K. Rule, Finance Director**

Kevin Rule, Finance Director gave a brief presentation on American Rescue Plan (ARP) Funds.

Councilor Benny Martinez asked that City Manager Caldera include him in any AV planning meetings.

Those who spoke on this item were: Kishore Kamaraju (Leon Valley)

##### **4. Discussion and Direction to Staff on Continuing Maintenance of Neighborhood Monuments - M. Moritz, Public Works Director**

Melinda Moritz, Public Works Director gave a presentation regarding the continuing maintenance of neighborhood monuments.

There was a consensus among members of City Council to remove the monuments at Forest Meadow, Forest Moss, and Forest Pine.

Councilor Benny Martinez asked that staff try to salvage some of the bricks to be re-used in the future.

Those who spoke on this item were: Tina Chasan (Leon Valley); and Pat Martinez (Leon Valley)

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

Announcements were made by the Mayor and Council Members.

**8. City Manager's Report**

Crystal Caldera, City Manager reminded everyone that the City Manager's Report was out on the table as well as on the website.

City Manager Caldera also lead a brief discussion on whether or not to add another presentation on the proposed Charter Amendments on the October 22nd Coffee with the Mayor & City Council agenda as requested by Mayor Chris Riley.

There was a consensus to add it with the approval of City Attorney Nicole Warren.

Those who spoke at this time on this topic were: Tina Chasan (Leon Valley); and Erick Matta (Leon Valley)

**1. UPCOMING IMPORTANT EVENTS:**

**Regular City Council Meeting, Tuesday, November 01, 2022, at 6:30 PM, in Council Chambers.**

**Coffee with the Mayor & City Council, Saturday, October 22, 2022, from 9:00 AM to 11:00 AM.**

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

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

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

**Miscellaneous other events and announcements.**

## 9. Consent Agenda

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

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

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

#### a. October 03, 2022 Regular City Council Meeting Minutes

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

#### a. 08-22-2022 Tree Advisory Board Meeting Minutes

#### b. 09-21-2022 Earthwise Living Committee Meeting Minutes

### 3. Discussion and Possible Action of an Ordinance Revising Chapter 15 Zoning, Division 7 Permitted Use Table, Section 15.02.381 Permitted Use Table, to Remove the Requirement for a Specific Use Permit From the Use "Mobile Food Unit" (1<sup>st</sup> Read was Held on 10-03-22) - M. Teague, Planning and Zoning Director

### 4. Discussion and Action to Consider Approval of a Budget Adjustment in the Amount of \$633,167.00 from the Stormwater Fund Balance to Fund the Engineering and Design of a Flood and Erosion Control Project in Huebner Creek (1<sup>st</sup> Read Held on 10-3-22) - M. Moritz, Public Works Director

### 5. Presentation, Discussion and Possible Action of an Ordinance Authorizing Budget Adjustments for the FY 2022-2023 for Carry Over Capital Projects (1<sup>st</sup> Reading was Held on 10-03-2022) – K. Rule, Finance Director

### 6. Presentation and Possible Action on Quarterly Investment Report September 30, 2022 - K. Rule, Finance Director

### 7. Discussion and Possible Action on a Resolution Appointing Members to the Library Board of Trustees - S. Passailaigue, City Secretary

## 10. Regular Agenda

### 1. Discussion and Possible Action on In-Kind Grant Application for Leon Valley Historical Society - C. Miranda, Community Relations Director

Crystal Miranda, Community Relations Director presented an In-Kind Grant application as requested by the Leon Valley Historical Society for City Council consideration.

Applicant, Kathy Hill, Leon Valley Historical Society was also present.

A motion was made by Councilor Josh Stevens to grant the request as presented. The motion was seconded by Councilor Benny Martinez.

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

**2. Discussion and Action to Consider Approval of a Resolution to Enter Into an Interlocal Agreement with The Interlocal Purchasing System (TIPS) to Purchase Items Through Their Cooperative Purchasing Program - M. Moritz, Public Works Director**

Melinda Moritz, Public Works Director presented a resolution to enter into an Interlocal Agreement with the Interlocal Purchasing System (TIPS) to Purchase items through their Cooperative Purchasing Program.

A motion was made by Councilor Will Bradshaw to approve the resolution as presented. The motion was seconded by Councilor Rey Orozco.

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

**3. Discussion and Action to Consider Approval of an Ordinance Repealing and Replacing the Leon Valley Code of Ordinances, Chapter 3 Building Regulations, Article 3.02 Technical and Construction Codes and Standards, Divisions 2., 3., 4., 5., 6. with a New Division 2 Technical and Construction Codes Adopted, Amending Article 3.06 Swimming Pools, and Amending Appendix A of the Code of Ordinances, Article A8.000 Building and Construction Related Fees, Section A8.001 Contractor registration fee, to Adopt the 2020 National Electrical Code, and the 2021 International Residential, Building, Mechanical, Plumbing, Swimming Pool and Spa, Fuel Gas, Energy and Conservation, and Existing Building Codes, with Amendments, and Removing Contractor Registration Fees (1st Read was Held on 10-3-22) – M. Moritz, Public Works Director**

Melinda Moritz, Public Works Director presented an ordinance repealing and replacing the Leon Valley Code of Ordinances, Chapter 3 Building Regulations, Article 3.02 Technical and Construction Codes and Standards, Divisions 2., 3., 4., 5., 6. with a new Division 2 Technical and Construction Codes Adopted, Amending Article 3.06 Swimming Pools, and Amending Appendix A of the Code of Ordinances, Article A8.000 Building and Construction Related Fees, Section A8.001 Contractor registration fee, to Adopt the 2020 National Electrical Code, and the 2021 International Residential, Building, Mechanical, Plumbing, Swimming Pool and Spa, Fuel Gas, Energy and Conservation, and Existing Building Codes, with Amendments, and Removing Contractor Registration Fees.

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

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

## 11. Citizens to be Heard

Those who spoke at this time were: Lyn Joseph (Leon Valley); and Evan Bohl (Leon Valley)

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

Mayor Chris Riley requested the Leon Valley Historical Society MOU be added to the next agenda for review.

Councilor Josh Stevens requested an item regarding capital items.

Councilor Will Bradshaw requested that the lights on Evers Road Bridge be changed to orange for October/November and then to green and red for December, if possible.

## 13. Adjournment

Mayor Riley announced that the meeting adjourned at 8:20 PM.

**These minutes approved by the Leon Valley City Council on the 1st of November, 2022.**

APPROVED

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

ATTEST: \_\_\_\_\_

**SAUNDRA PASSAILAIGUE, TRMC**  
CITY SECRETARY



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

Leon Valley Conference Center  
6400 El Verde Road, Leon Valley, TX 78238  
Saturday, October 22, 2022 at 9:00 AM

**MINUTES**

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**Call to Order; Determine a Quorum is Present**

**PRESENT**

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

**ABSENT**

Council Place 3 Jed Hefner – Excused

City Manager Crystal Caldera, City Secretary Sandra Passailaigue, Community Relations Director Crystal Miranda, Public Works Director Melinda Moritz, LVFD Michael Naughton, LVPD Chief David Gonzalez, Planning and Zoning Director Mindy Teague, Library Director Regina Reed, and Finance Director Kevin Rule were also in attendance.

Mayor Chris Riley called the meeting to order at 9:00 AM and then welcomed everyone and introduced members of City Council.

**Presentation of Time Capsule**

Mayor Chris Riley, City Council Members, Kathy Hill of the Leon Valley Historical Society presented items to be enclosed in the Time Capsule which is to be opened in 2072.

**Leon Valley City Council Will Host a Citizens' Communication Meeting to Hear Citizen Issues and Provide General Policy and Factual Information as To Issues Brought Up by Citizens. No Action Will Be Taken Except to Place an Item on A Future Agenda as Appropriate**

Mayor Chris Riley read the Coffee Guidelines aloud for all to hear as required.

**Presentation and Discussion of the November 08, 2022, Special Election, Proposed Charter Amendments – Crystal Caldera City Manager**

City Manager Crystal Caldera gave a brief presentation on the proposed Charter amendments that are on the Leon Valley Special Election Ballot for November 08, 2022.

Mayor Riley asked if there were any citizens that wanted to speak.

Those who spoke at this time were: Tina Chasan (Leon Valley); Erick Matta (Leon Valley); Ann Kelly (Leon Valley); Kathy Hill (Leon Valley/LVHS); Monica (Leon Valley); and Darby Riley (Leon Valley)

Mayor Chris Riley invited everyone to join her and the City Council Members at the Leon Valley Fire Department at noon for the Truck Push-In ceremony.

Mayor Riley also spoke about the October 26th TxDOT and City of San Antonio meeting about their redevelopment plan. This meeting is scheduled for 6:30 PM

Tina Chasan (Leon Valley) spoke once more.

### **Adjournment**

Mayor Riley announced that the meeting adjourned at 9:42 AM.

**These minutes approved by the Leon Valley City Council on the 1st of November, 2022.**

APPROVED

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

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





2025 Goal: Adopt-Out/Plant  
10,000 Trees  
Current Count To-Date:  
6,675 Trees

## **MINUTES OF THE MEETING OF THE LEON VALLEY TREE ADVISORY BOARD**

Meeting of the Leon Valley Tree Advisory Board (TAB) at 6:06 PM, on Monday, September 26, 2022, at Leon Valley Public Works (Employee Breakroom), 6429 Evers Road, Leon Valley, Texas.

### **I. Poll for Attendance and Determination of a Quorum.**

- Staff Liaison: David Dimaline (Present)
- TAB Forester: Mark Kroeze, Texas Forest Service (Absent)
- Members Present: Thomas Benavides, Denise Berger, Mary Key, Diana Sarfin, & Rich Sarfin
- Members Absent: Irene Baldrige, Kimberly Crawford, & Katie Gwaltney
- Guest: Herminio Griego (Assistant City Arborist, City of San Antonio)
- Note: Mr. Griego came to the meeting as an observer.

### **II. Approval of Meeting Minutes – August 22, 2022.**

- Ms. Key made a motion to approve the minutes from Monday, August 22, 2022, Mr. Sarfin seconded, and the motion was unanimously carried.

### **III. Presentation and Discussion of the 2022 Arbor Day Tree Adoption Event Scheduled for October 29, 2022.**

- The Arbor Day Tree Adoption Event is scheduled for Saturday, October 29, 2022. Discussions are as follows:
  - This event will be held in conjunction with the Northwest Senior's Trash N Treasure Sale (Community Center) and with the LV Library Halloween Fall Festival (Library).
  - TAB will partner with CPS Energy and split the cost of the trees.
  - Public Works will setup the trees at 8:00 AM.
  - The tree adoption will be held on the patio of the LV Community Center and it will run from 9:00 AM to 12:00 PM.
  - A total of 300 trees will be purchased from Mosty Brothers Nursery in Center Point, Texas.
    - Tree type and size will be determined once availability is known.
  - Mr. and Mrs. Sarfin delivered the rules and applications for participation in the Leon Valley Arbor Day Poster Contest to Leon Valley Elementary School and Pat M. Neff Middle School.
    - The theme for the Poster Contest is "Trees & You, What Do They Do."
    - Participant categories include 1<sup>st</sup>-3<sup>rd</sup> Grade, 4<sup>th</sup>-5<sup>th</sup> Grade, and 6<sup>th</sup>-8<sup>th</sup> Grade.
    - Certificates for 1<sup>st</sup>, 2<sup>nd</sup>, & 3<sup>rd</sup> Place will be awarded in each category to include Honorable Mention for 4<sup>th</sup> and 5<sup>th</sup> Place. Also, appropriate reading level books on trees will be given to all participants.
    - The posters will be judged during the monthly TAB meeting on Monday, October 24, 2022.
    - Posters will be displayed in the LV Library (Children's Section) on October 29, 2022.

### **IV. Future Agenda Items.**

#### **A. Create more Opportunities for Tree Education.**

- Mr. Dimaline will contact Mr. Kroeze to see if he is available to provide education outreach during the 2022 Arbor Day Tree Adoption Event.

#### **B. Create more Opportunities for Tree Planting.**

- Bexar County will be turning over the maintenance of the LC-17 project to Leon Valley in the spring of 2023. This will provide more tree planting opportunities for the TAB.

**V. Adjourn.**

- Mr. Sarfin made a motion to adjourn the meeting at 6:23 PM, Ms. Key seconded, and the motion was unanimously carried.
- The next meeting of the TAB is scheduled for Monday, October 24, 2022, at 6:00 PM, at Leon Valley Public Works (Employee Breakroom), 6429 Evers Road, Leon Valley, Texas.



Chairperson



## CITY OF LEON VALLEY **NOTICE OF MEETING**

Planning & Zoning  
Commission Meeting  
**6:30 PM – September 27, 2022**

Leon Valley City Council Chambers  
6400 El Verde Road, Leon Valley, TX 78238

### **MINUTES**

#### **1. CALL TO ORDER AND ROLL CALL**

Chair Rowse called the Planning and Zoning Commission to order at 6:32 PM

Chair Rowse announced that Commissioner Matta would not be in attendance and was excused. Also present were Planning and Zoning Director Mindy Teague, Permit Technicians Elizabeth Aguilar and Melissa Nott, Council Liaison Benny Martinez, and City Council Member Rey Orozco.

#### **PRESENT**

Chair, Commissioner 5 Cassie Rowse  
1st Vice Chair, Commissioner 1 Edward Alonzo  
Commissioner 2 Marilou Mathews  
Commissioner 3 Philip Campos  
Commissioner 4 Pat Martinez  
Commissioner 7 Richard Blackmore  
1st Alternate Kimberly Bohl  
2nd Alternate Andrea Roofe  
3rd Alternate David Perry  
Council Liaison, Council Place 1 Benny Martinez

#### **ABSENT**

2nd Vice Chair, Commissioner 6 Erick Matta - Excused

#### **2. APPROVAL OF ZONING COMMISSION MINUTES**

Commissioner Alternate Roofe indicated that her attendance be corrected from present to absent, she arrived after the meeting was adjourned.

Commissioner 3 Philip Campos made a motion to approve the minutes as corrected, which was seconded by 1st Alternate Kimberly Bohl, and the motion carried unanimously.

Voting Yea: Chair, Commissioner 5 Rowse, 1st Vice Chair, Commissioner 1 Alonzo, Commissioner 2 Mathews, Commissioner 4 Martinez, Commissioner 7 Blackmore

1. Planning & Zoning Commission-Regular Meeting-Aug 23, 2022 6:30 PM

**3. NEW BUSINESS**

1. Presentation, Public Hearing, and Discussion to Consider an Ordinance Revising Chapter 15 Zoning, Division 7 Permitted Use Table, Section 15.02.381 Permitted Use Table, to Remove the Requirements for a Specific Use Permit from the Use " Mobile Food Unit". M.Teague, Planning and Zoning Director

Ms. Teague present the revision of Chapter 15 Zoning, Division 7 Permitted Use Table, Section 15.02.381 to Remove the Requirement for a Specific Use Permit From the Use "Mobile Food Unit".

A general discussion was held on the requirements, inspections, and reason for removing this requirement for the food trucks by the Commissioners and Mindy Teague. Alternate Andrea Roofe asked if the food trucks would be able to place anywhere or if there were set locations for the food trucks. Mindy Teague indicated that they would not be allowed in residential areas.

Chair Rowse opened the public hearing at 6:38 PM. Seeing no one wishing to speak, she closed the public hearing at 6:39 PM.

Commissioner Campos made a motion to recommend approval of the revision and send to City Council as presented. The motion was seconded by Commissioner Martinez and the motion carried unanimously.

**4. ANNOUNCEMENTS BY COMMISSIONERS AND CITY STAFF**

In accordance with Section 551.0415 of the Government Code, topics discussed under this item are limited to expressions of thanks, congratulations or condolence; information regarding holiday schedules; recognition of a public official, public employee or other citizen; a reminder about an upcoming event organized or sponsored by the governing body; information regarding a social, ceremonial or community event; and announcements involving an imminent threat to the public health and safety of people in the political subdivision that has arisen after the posting of the agenda.

Chair Rowse announced that she would be absent the following meeting in October. She announced that the Zoning Commission Meeting for November will be held on Wednesday the 16th and for December on the 14th, the Wednesdays prior to the Holidays.

Mindy Teague introduced the new Permit Technician Melissa Nott.

Chair Rowse introduced the new Alternates David Perry and Andrea Roofe.

## 5. ADJOURNMENT

Chair Rowse announced the meeting be adjourned at 6:53 PM

**These minutes approved by the Leon Valley Planning & Zoning Commission on the 25th of October 2022.**

APPROVED



EDWARD ALONZO  
1<sup>ST</sup> VICE CHAIR

ATTEST: 

**ELIZABETH AGUILAR**  
PERMIT TECHNICIAN



## MAYOR AND COUNCIL COMMUNICATION

**DATE:** November 01, 2022

**TO:** Mayor and Council

**FROM:** Sandra Passailaigue, City Secretary

**THROUGH:** Crystal Caldera, City Manager

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

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

### **PURPOSE**

This agenda item will allow the City Council to consider a resolution appointing members to the Park Commission, and the Economic & Community Development Advisory Committee.

### **FISCAL IMPACT**

None

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

*Social Equity* - The City will encourage collaborative participation by its residents, businesses, and stakeholders. The City's citizens participate by serving on boards, committees, and commissions. This encourages transparency, communication, and accountability.

*Environmental* - Not applicable

*Economic Development* - Not applicable

### **STRATEGIC GOALS**

N/A

### **RECOMMENDATION**

City Council Discretion

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

APPROVED WITH THE FOLLOWING AMENDMENTS:

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ATTEST:

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

RESOLUTION No. \_\_\_\_\_

**A RESOLUTION OF THE CITY OF LEON VALLEY CITY COUNCIL APPOINTING MEMBERS TO THE PARK COMMISSION, AND THE ECONOMIC & COMMUNITY DEVELOPMENT ADVISORY COMMITTEE**

---

**WHEREAS**, it is necessary to create boards, commissions and committees composed of volunteers from the community to perform specific functions for the City; and

**WHEREAS**, these boards, commissions and committees are invaluable to the City Council for their expertise, insight, and dedication to the City of Leon Valley; and

**WHEREAS**, the City Council formally **appoints** and sets the term for the following individuals to the:

**PARK COMMISSION**

Vera “Ann” Sawyer - Commissioner - Term Expiring 05-31-2024

**ECONOMIC & COMMUNITY DEVELOPMENT ADVISORY BOARD**

Kishore Kamaraju - Member - Term Expiring 05-31-2023

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

That the above listed applicants to the are hereby appointed and the term for each individual becomes effective immediately.

**PASSED, ADOPTED AND APPROVED** by the City Council of the City of Leon Valley this the 1st day of November 2022.

**APPROVED**

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**CHRIS RILEY**  
MAYOR

Attest:

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**SAUNDRA PASSAILAIGUE, TRMC**  
City Secretary

Approved as to Form:

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**NICOLE WARREN**  
City Attorney



## MAYOR AND COUNCIL COMMUNICATION

**DATE:** November 1, 2022

**TO:** Mayor and Council

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

**THROUGH:** Crystal Caldera, City Manager

**SUBJECT:** Discussion and Action to Consider Approval of a Resolution Adopting the 2022 Leon Valley Americans with Disabilities Act (ADA) Transition Plan

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

### **PURPOSE**

This M & C is to consider approval of a Resolution to approval a Resolution adopting an ADA Transition Plan.

The City Council was presented with a draft edition of this plan in July of 2022. The Plan was placed on the city’s website for public comment for a period of three months. Only two public comments were received, and both were placed in the plan.

The proposed ADA Title II Transition Plan update fulfills the requirements set forth in Title II of the Americans with Disabilities Act (ADA). The ADA states that a public entity must plan for modifications to its facilities, policies, practices, and/or procedures to avoid discrimination against people with disabilities. The City of Leon Valley remains committed to providing accessible services to all of our community members.

The Transition Plan identifies physical barriers that may limit access to City programs and services and develops a plan to eliminate them. Many of the potential barriers identified are associated with facilities that have accessible features such as designated parking, accessible restrooms, access ramps, accessible door hardware, and other code compliant and usable features. This is a living document, to be updated every five years, and as barriers are removed and new facilities come under ownership or control of the City.

### **FISCAL IMPACT**

Some of the barriers may be removed at little to no cost, such as modified door handles, parking signage, and curb ramps. Some will require the City plan for large expenditures over time, such as the pools, park restroom, Public Works, and the Library Annex.

## **STRATEGIC GOALS**

N/A

## **SEE LEON VALLEY**

***Social Equity*** – Bringing city facilities into compliance with ADA regulations allows people with disabilities to work, play, and use all taxpayer funded facilities – the City has a duty to ensure effective communication, the provision of auxiliary aids, and all city-offered services, so that individuals with disabilities may participate in civic life.

***Economic Development*** – All people with disabilities will be able to take part in, and benefit from, the programs and services of our local government, which may encourage relocation by families with disabled members.

***Environmental Stewardship*** – Bringing older facilities into compliance with ADA regulations and other considerations has the happy consequence of removing environmentally hazardous construction materials, such as asbestos, and improving energy efficiency, contributing to the City’s carbon neutral goals.

## **RECOMMENDATION**

Approve as presented.

ATTEST :

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

2022

# City of Leon Valley Americans with Disabilities Act Transition Plan



Public Works Department  
City of Leon Valley  
11/1/2022

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## ADA Title II Transition Plan Update



## Introduction

This ADA Title II Transition Plan update fulfills the requirements set forth in Title II of the Americans with Disabilities Act (ADA). The ADA states that a public entity must reasonably modify its policies, practices, or procedures to avoid discrimination against people with disabilities. This report will assist the City of Leon Valley in identifying policy, program, and physical barriers to accessibility, and to develop barrier removal solutions that will facilitate the opportunity of access to all individuals.

The City of Leon Valley is committed to providing accessible services to the community. Pedestrian improvements, building renovations, and the delivery of services have and are being accomplished with careful consideration for the needs of people with disabilities.

The purpose of the Transition Plan is to identify physical barriers that may limit access to City programs and services. Many of the potential barriers identified are associated with facilities that have accessible features such as designated parking, accessible restrooms, access ramps, accessible door hardware, and other code compliant and usable features. The needs of the community of persons with disabilities inform the removal of barriers and are incorporated into the work to create more access.

The Transition Plan is intended to provide a framework for the continuous improvement of City facilities for people with disabilities. This is a living document, regularly updated as barriers are removed and new facilities come under ownership or control of the City.



## 1.0 Introduction to Policy and Framework

A Transition Plan is a document that outlines how jurisdictions transition toward compliance with the Americans with Disabilities Act. The Transition Plan identifies barriers for persons with disabilities and a schedule to remove those barriers over time. The Plan must outline the following:

- 1) How requests for modifications are made,
- 2) a facilities evaluation of what architectural barriers exist for persons with disabilities, and
- 3) identification of barriers for persons with disabilities and a list of evaluated facilities.

This document is the second phase of the evaluation and includes how requests for modifications are made or how complaints are filed. The next phase includes a timeline for removal of any barriers that exist to access programs and an update of the right-of-way survey and policy review.

This chapter outlines the requirements for completing a Transition Plan under the Americans with Disabilities Act (ADA) and is organized into these topic areas: Legislative History, ADA Transition Plan Requirement and Process, Discrimination and Accessibility, Undue Burden Exemption for Programs or Activities, and City of Leon Valley Non-discrimination and ADA Policies and Complaint Procedure.

## 1.1 Document Organization

The document is organized into Chapters containing the following:

### *Chapter 1: Introduction to Policy and Framework*

This chapter provides an overview of the legal requirements under the Americans with Disabilities Act through a review of its legislative history. The chapter also provides a summary of the City of Leon Valley's ADA policies.

### *Chapter 2: Transition Plan Process*

A description of the process for developing the City's ADA Facility Evaluations and Transition Plan, including the engagement of City staff and community stakeholders. The Plan Process also outlines how the additional elements will be completed.

### *Chapter 3: Transition Plan Methodology*

The City's process for developing the barrier removal timeline based on the findings of the facility evaluations.

### *Chapter 4: ADA Transition Plan*

The City's timeline for addressing the barriers identified in the facility valuations.

### *Chapter 5: Glossary*

Definitions of commonly used terms found in an ADA Self Evaluation and Transition Plan.

### *Chapter 6: Resources*

Organizations providing services to people with disabilities in the City of Leon Valley, Bexar County, the San Antonio Metropolitan Region, and State and Federal entities.

### *Chapter 7 Appendices*

This Chapter contains the accessibility reports about city facilities and the complaint form.

## 1.2 Legal Requirements

*ADA Title II Transition Plan Update*

The Americans with Disabilities Act is a comprehensive civil rights law for persons with disabilities. All public entities subject to Title II of the Americans with Disabilities Act of 1990 (ADA) were required to complete a self-evaluation by January 26, 1993. If structural modifications were required to achieve program accessibility, all public entities with 50 or more employees were required to create a Transition Plan that set a schedule for removing existing barriers according to 28 CFR. §§ 35.105 and 35.150(d).

The Transition Plan must, at a minimum:

- Identify physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities
- Describe in detail the methods that will be used to make the facilities accessible
- Specify the schedule for taking the steps necessary to achieve compliance with §§ 35.105, 35.150(d) and, if the time period of the Transition Plan is longer than one year, identify steps that will be taken during each year of the transition period; and, indicate the official responsible for implementation of the plan.

This document is a significant update of the previous work to identify barriers for persons with disabilities and the City of Leon Valley's efforts to comply with the ADA.

### **Legislative History**

Congress passed the Americans with Disabilities Act on July 26, 1990. This Civil Rights legislation was a critical milestone for creating more inclusion and access for persons with disabilities. Title II of the ADA covers programs, activities and services of public entities, and civic life. The Department of Justice's Title II regulation adopted the general prohibitions of discrimination established under Section 504 of the Rehabilitation Act of 1973 and incorporated specific prohibitions of discrimination for the ADA. Title II provides protections to individuals with disabilities that are at least equal to those previously provided by the nondiscrimination provisions of Title V of the Rehabilitation Act. The act was updated in 2010, with the revisions being effective in March of 2011.

Specifically, the City may not, either directly or through contractual arrangements, do any of the following:

- Deny persons with disabilities equal opportunity to participate as members of advisory boards and commissions;
- Deny persons with disabilities equal opportunity to participate in services, programs, or activities; and



- In determining the location of facilities, make selections that have the effect of excluding or discriminating against persons with disabilities.

Title II of the ADA provides that the City and other public entities must identify and evaluate all programs, activities, and services and review all policies, practices, and procedures that govern administration of the entity's programs, activities, and services. This report and certain documents incorporated by reference, updates an important part of the City's ADA Title II Facilities Evaluation of the Transition Plan while outlining the next steps to complete the evaluation of barriers for persons with disabilities to access programs, services or benefits provided by the City of Leon Valley.

### **ADA Transition Plan Requirements and Process**

This Transition Plan is an assessment of the City's facilities to determine if there are barriers for persons with disabilities. The task for the City was to identify which City owned or managed locations are open to the public, survey those facilities and identify any barriers that exist for persons with disabilities.

The next phase of the project is to continue to evaluate current and new policies, practices, and procedures for members of the public to determine if there are barriers for persons with disabilities. This is called "self –evaluation for programmatic access." An ADA Self-Evaluation for programmatic access identifies and makes recommendations to correct those policies and practices that are inconsistent with Title II requirements and result in limitations on access for persons with disabilities. During the next phase of the Self-Evaluation, the City:

- Identifies the City's programs, activities, and services; and
- Reviews the policies, practices, and procedures that govern the administration of the City's programs, activities, and services.

The Transition Plan described in Chapter 4 is the result of a detailed evaluation of all City of Leon Valley municipal facilities where programs, activities, and services are available to the public. Municipal facilities include City buildings, public parking lots, and City-owned and managed facilities operated by private or other public entities.

### **Discrimination and Accessibility**

There are two kinds of accessibility, being program accessibility and physical accessibility. Absence of discrimination requires that both types of accessibility be

provided. Program accessibility includes physical accessibility, but also entails all the policies, practices, and procedures that permit people with disabilities to participate in programs and access important information. Physical accessibility requires that a facility be barrier-free. Barriers include any obstacles that prevent or restrict the entrance to or use of a facility. Program accessibility requires that individuals with disabilities be provided an equally effective opportunity to participate in or benefit from a public entity's programs and services.

Programs offered by the City to the public must be accessible. Accessibility includes advertisement, orientation, eligibility, participation, testing or evaluation, physical access, provision of auxiliary aids, transportation, policies, and communication.

The City may achieve program accessibility by:

- Employing structural methods such as altering an existing facility;
- Acquisition or redesign of equipment;
- Assignment of aides; and
- Providing services at alternate accessible sites.

When choosing a method of providing program access, the City will give priority to the one that results in the most integrated setting appropriate to encourage interaction among all users, including individuals with disabilities. In compliance with the requirements of the ADA, the City must provide equality of opportunity.

### **Undue Burden Exemption for Programs or Activities**

The City is not required to take any action that it can demonstrate would result in a fundamental alteration in the nature of its program or activity, would create a hazardous condition resulting in a direct threat to the participant or others, or would represent an undue financial and administrative burden.

The determination that an undue burden would result must be based on an evaluation of all resources available for use in the City. For example, if a barrier removal action is judged unduly burdensome, the City must consider other options for providing access to the benefits and services of the program or activity by individuals with disabilities.

### **City of Leon Valley Non-discrimination and ADA Policies and Complaint Procedure**

The Americans with Disability Act (ADA) was passed to prohibit discrimination and ensure equal opportunity for persons with disabilities in employment, state and local government

## ADA Title II Transition Plan Update

services, public accommodations, commercial facilities, and transportation. Title II of the ADA prohibits local governments from excluding persons with disabilities from participation or denying persons with disabilities the benefits of the agency's services, programs, or activities.

The Leon Valley City Council affirms that all programs, services, and activities provided by the City are either already accessible to people with disabilities or will be within a prescribed period of time, as stated in this Plan. The Council resolves those persons with disabilities should not be discriminated against when pursuing employment with the City. As a public entity with 50 or more employees, the City is required to designate at least one responsible employee to coordinate Americans with Disabilities Act (ADA) compliance. The Assistant City Manager is designated to coordinate and implement the City's efforts to comply with rules and regulations in the ADA, including program services, activities, and employment. For violations, please e-mail [ADAComplaints@leonvalleytexas.gov](mailto:ADAComplaints@leonvalleytexas.gov)

The City's non-discrimination statement covers discrimination under both Title II ADA and Title VI Civil Rights.

*"The City of Leon Valley operates without regard to race, color, national origin, religion, sex, sexual orientation, gender identity, marital status, age, veteran status or physical or mental disability in accordance with the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice and related statutes and regulations, including Title II of the ADA, ORS chapter 659A. Title VI of the Civil Rights Act requires that no person in the United States shall be excluded from participation in, be denied the benefits of or otherwise be subjected to discrimination under any City program or activity, on the grounds of race, color, or national origin. To help ensure access to City programs, services and activities, the City will provide translations, will reasonably modify policies and procedures and will provide auxiliary aids or alternative formats to persons with disabilities. For accommodations at public meetings, translations, or additional information, contact the City Secretary at 6400 El Verde Road, Leon Valley, Texas 78238, by email at [s.pass@leonvalleytexas.gov](mailto:s.pass@leonvalleytexas.gov), or by telephone (210) 684-1391 x 216. Any person who believes they have been aggrieved by an unlawful discriminatory practice may file a complaint with the Assistant City Manager [ADAComplaints@leonvalleytexas.gov](mailto:ADAComplaints@leonvalleytexas.gov). Any Title VI complaint must be in writing and filed with the City within one hundred eighty (180) days following the date of the alleged discriminatory occurrence."*

In addition to the nondiscrimination statement, the City's web page provides links for document translations requests, accommodation requests, filing ADA complaints, ADA Coordinator contact information, and a description of City policies and procedures. The

following description of policy and procedure may be found on the Notice under the Americans with Disability Act web page at <https://www.leonvalleytexas.gov>.

The City of Leon Valley will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all its programs, services, and activities. For example, individuals with service animals are welcomed in our offices, even where pets are generally prohibited.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a City program, service, or activity, should directly contact the City Secretary as soon as possible, but no later than 5 (five) business days before the scheduled event.

Complaints that a City program, service, or activity is not accessible to persons with disabilities should be directed to the City Manager (CM) within 180 days of the alleged violation. Please use the Initial Complaint Form to file your complaint or provide the necessary information to the CM.

Any individual not satisfied with the response to a request for reasonable accommodation or a complaint in regard to a City program, service or activities' accessibility may appeal for review with the City Manager, within 10 (ten) business days of receiving the initial response/decision.

The ADA does not require The City of Leon Valley to take any action that would fundamentally alter the nature of its programs or services or impose an undue financial or administrative burden.

The City of Leon Valley will not place a surcharge on a particular individual with a disability or any group of individuals with disabilities to cover the cost of providing auxiliary aids/services or reasonable modifications of policy, such as retrieving items from locations that are open to the public but are not accessible to persons who use wheelchairs.

The City's Complaint Procedure is included in Chapter 7 Appendices. More importantly, the City of Leon Valley welcomes engagement from its disabled citizens to guide the City in ensuring that it is a more universally accessible city for all. The City works to broaden outreach and inclusion of persons with disabilities in Leon Valley, representing a wide spectrum of disabilities on behalf of the residents of the City of Leon Valley, and facilitates increased collaboration and information exchange among persons with disabilities, City departments, and City Council.

In addition, the City of Leon Valley is in the process of adopting a captioning policy. The intent of the policy is to increase the accessibility for individuals who are deaf or have hearing loss to City of Leon Valley video and audio content produced for external use.

### **Model Employment Policy**

The Human Resources Director is working to develop, implement, and evaluate a strategic plan and action items for increasing the City of Leon Valley's employment of people with disabilities. Through the implementation of this policy, the equal opportunity provision of the American with Disabilities Act will be addressed, elements of the Leon Valley Plan will be successful, and the City will diversify with a highly motivated and productive workforce.

The plan will include an assessment of the current employment of people with disabilities, and analysis of barriers affecting the City's capacity to increase opportunities. The City will identify actions for recruitment, hiring, on-boarding, advancement, and retention; and set measurable outcomes and timelines for evaluating progress to increase access to employment for persons with disabilities.



## 2.0 Transition Plan Process

To fully comply with the legal mandate for a Self-Evaluation and Transition Plan, the City of Leon Valley must complete inventories of both physical barriers at City facilities and program barriers to City-provided services to all citizens. This plan addresses the initial inventory of physical barriers and establishes a schedule for removing barriers identified for each of the City Departments. The self-evaluation of the program barriers is the next step in constructing the final plan.

In addition to the physical barriers at City facilities, the physical barriers located in the public rights-of-way providing access and the means of getting to a facility have been identified and addressed. The development of a schedule for removing these barriers has completed the development of the self-evaluation and Transition Plan.

This chapter outlines the process and stakeholders involved in producing the self-evaluation and Transition Plan, including the program and physical barrier evaluations, the public outreach, the Department involvement, and staff training.

### 2.1 Planning Process

The City of Leon Valley developed a schedule for the Transition Plan. Critical first steps included identifying the previous ADA Transition plan, the establishment of a facilities list, and properties to include in the evaluation.

The facility evaluations were performed over a 6-month period. Facility reports identifying accessibility barriers were developed, and City staff reviewed the findings of the draft reports and is developing a timeline for addressing the barriers identified in the assessment through its Capital Facilities Oversight Committee. This process is included in the preparation of the Transition Plan.

Buildings and facilities in Texas are subject to compliance with the Texas Accessibility Standards (TAS). These standards were written to be consistent with the Americans with Disabilities Act (ADA) requirements for accessibility contained in the federal 2010 Standards for Accessible Design. To understand the barriers included in the Transition Plan, the City contracted with a certified TAS Inspector to inspect and make recommendations for changes to assure accessible facilities. Staff were also trained on their duties to track barrier removals at the facilities identified in the facility reports.

### **Facility Evaluations**

As stated, during 2019 and 2020, the City completed a physical audit of facilities to identify facility barriers and identify recommendations and alterations in order to meet State and Federal accessibility standards. A complete list of the facilities evaluated for this Transition Plan is located in Chapter 4. The list of facilities evaluated include City-owned parks, buildings, sidewalk facilities, parking areas, and traffic signalized intersections.

The facility evaluations were conducted using the ADA 2010 Standards and the Architectural Barriers Act (ABA) 2010 Outdoor Developed Area Guidelines.

Evaluators used accessibility checklists to evaluate barriers in City facilities. The checklist covers all manner of barrier conditions commonly found in City facilities and programs including parking, signage, paths of travel, buildings, restrooms, and outdoor recreation facilities.

Findings from the facility evaluation were entered into a facility report outlining identified barriers and proposed barrier removal actions were produced. The resulting facility reports are located in Chapter 7 Appendices. Each facility report lists potential barriers, provides information about the relevant State and Federal codes; includes a planning level cost estimate to remove the barrier; and indicates a barrier removal category.

### **Self-Evaluation**

As mentioned previously, the City of Leon Valley will evaluate its policies, programs, and procedures to determine current levels of service, and the extent to which its policies and programs created barriers to accessibility for persons with disabilities in the next phase of this work

Each City Department provided information on the nature of the Department's programs, forms and methods used to advertise the program's services and activities, and any special modifications provided. Upon completion the results were summarized and integrated into the Transition Plan Update.



## Public Rights-of-Way

In addition to an evaluation of barriers at City facilities, an assessment of the physical barriers in the public rights-of-way was carried out and a timeline is being developed for removing those barriers to fulfill all the requirements of an ADA Self-Evaluation and Transition Plan. Similar to barriers within facilities, barriers in the public rights-of-way can prevent or restrict access to City provided programs and services.

## 2.2 Public Engagement

Community involvement and input are priorities to the City and this project. Public review of a jurisdiction's Transition Plan is required. See 28 CFR 35.150(d)(1) the Federal Statute states under the heading Transition Plan:

"In the event that structural changes to facilities will be undertaken to achieve program accessibility, a public entity that employs 50 or more persons shall develop, within six months of January 26, 1992, a transition plan setting forth the steps necessary to complete such changes. A public entity shall provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the transition plan by submitting comments. A copy of the transition plan shall be made available for public inspection."

Copies of the draft Transition Plan will be made available to public for review in June of 2022 on the City's website. In July of 2022, the City of Leon Valley will provide the public the opportunity to comment on this draft Transition Plan via email, regular mail, or in person at a City Council public hearing on this Plan.

## Public Comment Summary

Public comments on the Transition Plan received by the City of Leon Valley from comments submitted in writing or via email, as well as being addressed at a public hearing and over the phone will be available in Chapter 7 Appendices, "Public Outreach Materials & Public Comments" when the review period has been completed and the comments are incorporated into the Plan.

The vast majority of the public comments received thus far involved one or more of the following concerns: accessibility at Leon Valley public parks and the public rights-of-way, including trail surfaces in the parks, sidewalk curb ramps, and a program for identification by Police and Fire of the addresses and contact number for disabled persons within the City limits. Barriers identified at Leon Valley parks are currently being scheduled for removal. Barriers will be removed during routine maintenance, minor and major maintenance, renovations, and capital improvement projects. Barriers at non-park City

facilities have been identified and are being scheduled for removal. All City facilities have been assessed for barriers to persons with disabilities and the barriers identified are being scheduled for removal. Police and Fire will be creating a plan, being cognizant of HIPPA regulations, for the identification of addresses and contact information for disabled persons and their caregivers.

## **Stakeholders**

It is important to note that the effort to complete a Citywide evaluation of City owned facilities and Transition Plan will be developed in partnership with the public. Staff will review their comments and propose a schedule of barrier removal.

## **Website**

As people turn to the Internet as their primary source of information regarding services, programs, activities, and facilities, the City's website at <http://www.leonvalleytexas.gov> takes on increased importance as a communications tool, as do the other social media sites.

Providing public access to City publications online is an effective means of reaching persons with disabilities. New accessibility standards for electronic and information technology covered by Section 508 of the Rehabilitation Act Amendments of 1998 have set forth the technical and functional performance criteria necessary for such technology to be accessible. The Act was updated in 2000.

The City's website has a web page on the Americans with Disabilities Act Title II Program that provides information on the City's policies, including the nondiscrimination notice, and links to programs offered by the City. Service request forms, the ADA complaint form, and contact information are all included on the page. The web page can be found at <https://www.leonvalleytexas.gov>.

## **2.3 City Department Review & Participation**

City Departments have been involved in the development of this project, from selecting the facilities to be evaluated to reviewing the findings of the evaluation and building the schedule of barrier removal. Each Department dedicated staff time and resources to developing this plan and have reviewed and commented on the results. This document is a stronger plan moving forward based on the engagement and participation of the Department staff committed to improving access for persons with disabilities.

## 2.4 Staff Training

As part of preparation for implementation of the Transition Plan, the Human Resources Director will be holding training for certain city staff. In addition, on-going training will be held for new employees. New programs and facilities will be evaluated for compliance with regulations prior to implementation or occupation.



### 3.0 Transition Plan Methodology

The process of developing the transition plan includes the identification of barriers, the evaluation of the barriers based on the priority assigned by the ADA to that type of barrier, and the categorization of the effort to remove the barrier. After the prioritization of barriers and categorization of barrier removal, a timeline for the efforts can be established. The City of Leon Valley is creating a timeline for barrier removal.

#### 3.1 Facility Evaluation Process

At the time of the facilities evaluation, the International Building Code, 2015 edition, and the International Residential Code, 2015 edition, together with all appendices, as published by the International Code Council, as well as all state and federal regulations were used to identify barriers at City facilities. When one of the codes was more stringent than the other, the more rigorous of the codes was applied.

Building codes are revised every few years and this barrier evaluation provides a description of current conditions as viewed by current code and provides a baseline for future barrier removal. It is important to note with revisions to the building code, all future barrier removal projects shall comply with the code current at the time of the alteration.

#### 3.2 Leon Valley's Prioritization Process

The ADA Title II Technical Assistance Manual states “when choosing a method of providing program access, a public entity must give priority to the one that results in the most integrated setting appropriate to encourage interaction among all users, including individuals with disabilities”. Recognizing that the City has limited funds and cannot immediately make all buildings, facilities, and parks fully accessible, City staff and stakeholders will consider the following criteria to prioritize facilities for removal of architectural barriers:

**Level of use by the public:** Facilities that have a high level of public use can be assigned a higher priority. Seasonal availability and hours/days of operation can be factored into this criterion;

**Program uniqueness:** Some programs are unique to a building, facility, or park and cannot occur at another location;

**Geographic distribution:** Selecting a range of facilities that are distributed throughout the City, and considering the proximity of these facilities to public transportation help provide maximum accessibility for all residents;

**Critical nature of the service provided:** Facilities that provide services related to accessibility, health, wellness, safety, emergency/disaster preparedness, and the administration of essential City services such as permitting and licensing can be assigned a higher priority;

**Identified complaints:** Facilities that have a history of citizen complaints related to accessibility can be assigned a higher priority; and

**Social need/equity:** Facilities that are identified by the Leon Valley community of people with disabilities as high priority for accessibility improvement and facilities that serve historically underserved populations can be assigned a higher priority.

### **Categorizing Barrier Removal within Facilities**

The following categorization protocol is referenced in the ADA under 28 CFR Part 35, §35.150 and §35.150 under Subpart D - Program Accessibility. The term “priority” is used within 28 CFR Part 35 but is referred to as “category” within this Transition Plan document and its appendices. The principle of the protocol is to ensure that basic access is provided, access to activities is provided, amenities are accessible, and alternatives to architectural modifications are allowed when appropriate. Translating these categories into action plans must be accomplished using a programmatic approach.

The criteria listed below were used to assist in the determination of specific program-based barrier removal actions within a building or facility for the ADA Transition Plan schedule.

**Category One:** The highest Category is placed on those barrier removal items that provide accessibility at the main entrance of a facility or improve a path of travel to the portion of the facility where program activities take place (e.g., parking, walks, ramps, stairs, doors, corridors, etc.).

**Category Two:** A second Category is placed on those barrier removal items that improve or enhance access to program use areas (e.g., transaction counters, conference rooms, public offices, restrooms, etc.).

**Category Three:** A third Category is placed on those barrier removal items that improve access to amenities serving program areas (e.g., drinking fountains, telephones, site furnishings, vending machines).

**Category Four:** A fourth Category identifies areas or features not required to be modified for accessibility (no public programs located in this area, or duplicate features).

The facility reports appended to this document provide the identification of barriers and the specific barrier removal actions. The City will accomplish barrier removals based on two strategies: policy and procedure modifications to remove programmatic barriers; and construction projects to remove architectural barriers.

### 3.3 City Departments

Each City Department developed its own unique process for addressing prioritization and barrier removal. The following is a summary of these processes.

#### City Administration

City Administration is overseen by the City Manager and provides core central services necessary for the operation of the City of Leon Valley government. They are guided by the City's Annual Fiscal Year Budget and Capital Acquisition Plan that identifies the organizational mission, values, goals, strategies, and performance measures. The plan is described in more detail in the Goals and Objectives portion of the budget narrative.

The Administrative Department works with each Department to address the maintenance improvements in the short and mid-term and seek to be opportunistic when capital projects are advanced to include barrier removal. The schedule reflects that implementation of longer-range projects will be delayed.

#### Leon Valley Police Department

The mission of the Leon Valley Police Department is to impartially enforce the law in a fair, unbiased and consistent manner, recognizing both the statutory and judicial limitation of its authority, and the constitutional rights of all persons, regardless of race, ethnicity, creed, or gender. Their duties include diligently serving the public through the prevention of crime, preservation of the public peace, protection of lives and property, the detection and arrest of violators, and the enforcement of all laws and ordinances. Officers strive for

excellence and professionalism in every aspect of their duties, solving problems through partnerships with the Leon Valley community. The Police Department consists of four Divisions: Police Department, Impound Lot, Red-Light Camera and Traffic Safety Divisions.

The goals and the strategies that follow are designed to create and sustain healthy, vital neighborhoods:

1. Develop long-term solutions to crime and social disorder;
2. Build community trust;
3. Create a professional work force to meet the public safety needs of the City; and
4. Implement best practices for effective policing

The Leon Valley Police ADA Transition Plan is focused around how and where the public interact with the police. The Police Department is housed inside the City's Municipal Building, which was renovated in 2016 and meets all ADA requirements for removal of architectural barriers.

### **Leon Valley Fire Department**

The Leon Valley Department's mission is to protect life aggressively and safely, property and the environment. The Fire Department is divided into two functional sections; Administrative Section and Operations Section.

The mission of the Administrative section is to manage the City's multifaceted all-risk emergency services including fire suppression, investigation and prevention, emergency management, rescue, hazardous materials, weapons of mass destruction and emergency medical services. The administration of the Fire Department works with the City Manager to establish levels of service propose new programs or improvements and formulate budget requests.

The mission of the City's Emergency Management Program provides action plans for City emergencies, maintains emergency warning equipment, and governs overall disaster responses and mitigation capabilities for the City.

The Fire Department's station offers a community meeting room but permitting services are done either on-line or through the Planning and Zoning Department at City Hall. The station also offers blood pressure checks, safety information, smoke and carbon monoxide detector information, and explanation of fire and EMS resources available to protect neighborhoods. The Department also offers a Mobile Integrated Healthcare (MIH)

service, which operates in the field and only uses the facility for office space. The MIH responds to a person's residence and offers assistance with prescription pickup, sessions on trip hazards, and other health services tailored to each patient's needs.

This facility was constructed in 2015 and was inspected upon completion by a certified TAS Inspector and found to follow ADA regulations for accessibility. The Leon Valley Fire Department ADA Transition Plan is focused around how and where the public interact with the Fire Department.

### **Leon Valley Library**

The Leon Valley Public Library is the city's friendly gateway to the worlds of learning, imagination, creativity, and community interaction. The primary mission of the Leon Valley Public Library is to provide quality educational and information resources, historical and cultural opportunities, and recreational activities enriching the entire community. The Leon Valley Library ADA Transition Plan is focused around how and where the public interact with the Library and Library Annex. The library was remodel and a new children's wing added in 2013. The building, including the new wing, conforms to the ADA requirements for removal of architectural barriers.

The library also operates a library annex building, in which is stored books and other materials that are no longer being circulated but are offered to the public for sale. A staff of volunteers operates this ancillary structure. The annex was acquired by the City in 1976, is not ADA accessible, and plans are underway to construct a new ADA compliant library annex at a different location and demolish the existing site.

### **Public Works**

The mission of this department is to construct, operate, maintain and repair the City's infrastructure including streets, sidewalks, curbs, drains, rights-of-way, traffic control systems and signage, marquees, buildings, and other facilities and to provide support services to other City departments and to the public. Included is the operation of environmental activities such as solid waste disposal, used oil recycling, drought management, right-of-way mowing, street sweeping and mosquito control. Also included is supervision of franchised utilities, telecommunication companies and developer construction of public infrastructure.

The Public works facility was built in 1984 and is not ADA compliant. In addition, the building does not meet energy efficiency standards and is in poor condition. The building is currently not open to the general public. For this and other reasons, it is recommended



that a new Public Works administrative facility be constructed in accordance with ADA requirements, energy efficiency standards, and so access by the public can be assured.

### **Community Center**

The Community Center is used to house the Northwest Senior Citizens Club and was built with Federal funds. The Center is also offered for rent for events such as weddings, birthdays, graduations, Quinceaneras, and civic affairs. The building was renovated in January of 2021 and the project addressed ADA compliance issues throughout. Handicap door buttons were added in the past two years to further assure ease in entering and exiting the building and restrooms.

### **Conference Center**

This building is offered for rent for small conventions, voting, and city-hosted functions. The building was constructed in 1999 and is, for the most part, ADA compliant; however, modifications to the entrance, parking lot, parking signage, restrooms, and doors will be added in the near future. There are no on-going programs being offered to the public from this building.

### **Kinman House**

This building was the home of one of Leon Valley's first Mayors and it was originally built in 1930's. It was purchased from in 1998 and renovated in 2006 into an office for the Economic Development Corporation. In 2015, the building was renovated again to house a restaurant. During each renovation, it was inspected for ADA compliance. The site needs some modifications to egress points conform to today's ADA standards.

### **Parks**

The goal of the Parks and Recreation Department is to provide excellent parks, recreational green space, and cultural opportunities. The mission of the Parks and Recreation Department is to monitor and revise the Parks Master Plan, encourage development of new recreational programs, continue to improve park spaces, continue to develop the hike & bike trail system, develop a program to encourage residents to take advantage of outside amenities, and to provide cultural opportunities to our citizens and guests. The Department will enhance the citizens' quality of life by providing safe, well-maintained parks and public places; preserving open space and historic resources; strengthening the bonds of community; and creating opportunities for enrichment. This department works with the Reservation Clerk for rentals in the park and provides staff support to the Park Commission.

The City has been diligent over recent years to provide amenities at each park that are consistent with ADA regulations. Each park has been examined for continued ADA compliance, including trails, walking paths, playgrounds, exercise stations, and other amenities. Modifications and/or renovations to existing restrooms, walking trail, playground entrances, signage, and athletic fields will be performed.

### **Swimming Pool Facilities**

The City owns and operates the Leon Valley Community Pool and the Forest Oaks Community Pool. Both facilities have are non-conforming with current ADA regulations, as they were constructed in the mid-1970's and have never been renovated. It is recommended that the structures at both sites be either remodeled or removed, and modifications be made to decks and walking areas. In addition, both pools have structural issues and should be either replastered and replumbed or demolished, and new pool facilities constructed.

### **Sidewalks**

The City has developed a comprehensive plan for replacing all non-compliant intersection ramps, in conjunction with each street maintenance project. Several neighborhoods do not have sidewalks, as they were platted before current subdivision code requirements. The City is not required to build sidewalks where none currently exist; however, in order to become completely inclusive, plans have been developed for the construction of sidewalks in most of these neighborhoods.

### **Street Intersections**

The City owns two traffic signalized intersections, which were recently replaced. The pedestrian crossings at these intersections were replaced with ADA complaint crossings, to include “talking” walk indicators.



#### 4.0 ADA Transition Plan

Title II of the ADA requires that public entities having responsibility for or authority over facilities, streets, roads, sidewalks and/or other areas meant for public use to develop a Transition Plan to make their facilities meet the standards for Program Accessibility. Program Accessibility means that a program, activity, and/or service are accessible when viewed in its entirety. Simply put, a Transition Plan transitions inaccessible facilities into environments that are accessible to and functional for individuals with disabilities.

A final Transition Plan combines the findings of the facility evaluations, public rights-of-way evaluations, policy assessments and program evaluations. Each facility report contains a complete list of architectural barriers and barrier removal actions. Not all of these barriers must be removed in order to provide program access. The first priority is to remove those barriers limiting access to programs.

Leon Valley's Transition Plan is divided into three parts: facilities, which includes buildings, parks, and their related grounds; the public rights-of-way, which includes sidewalks and curb ramps; and the self-evaluation of access to programs for persons with disabilities.

In compliance with the requirements of the ADA, the City will maintain in working order equipment and features that are required to provide access to individuals with disabilities.

## 4.1 Barrier Removal Schedule

A phasing schedule reflects the ADA requirement that programs, activities, and services drive the development of the Transition Plan schedule. Barriers in City facilities will be removed systematically city-wide, based on the established program priorities listed in Chapter 3.

It is the intent of the City to address and remove barriers to accessibility in public buildings and parks, based upon on the immediate necessity of programmatic access, degree of complexity, uniqueness of program, and overall cost. The City established categories of project types to assist in the scheduling of barrier removal actions.

The ADA Transition Plan table is the required schedule that summarizes when identified accessibility barriers will be removed. The City's ADA Transition Plan table will represent the following timeline:

### Barrier Removal Actions and Project Types

The following is a list of the barrier removal categories incorporated into this manual.

- |                         |                                      |
|-------------------------|--------------------------------------|
| ▪ Assembly Areas        | ▪ Paths of Travel - <i>includes:</i> |
| ▪ Corridors & Aisles    | ○ Curb ramps                         |
| ▪ Doors                 | ○ Walks                              |
| ▪ Drinking Fountains    | ○ Ramps                              |
| ▪ Eating & Vending      | ○ Stairs                             |
| ▪ Exercise Equipment    | ○ Building lift or level             |
| ▪ Hazards               | ▪ Picnic Areas                       |
| ▪ Judicial Facilities   | ▪ Play Areas                         |
| ▪ Kitchens              | ▪ Restrooms - <i>includes:</i>       |
| ▪ Locker Rooms          | ○ Multi-user                         |
| ▪ Outdoor Park Features | ○ Single-user                        |
| ▪ Other                 | ▪ Room Elements                      |
| ▪ Parking               | ▪ Signage                            |

- Passenger loading zones
- Sports Fields & Courts
- Swimming Pools
- Work Surfaces

Departments analyzed the information from the facility evaluations and the categorization meetings, and along with knowledge of their own Capital Improvement Plans, established timelines for barrier removal. The categories in the following section are organized to show the deficiencies and corrections to be made by fiscal year.

## 4.2 City Facilities

The following summarizes each City Facility and the ADA status for each as it relates to basic access, access to activities and amenities, and planned architectural modifications.

### City Hall



Leon Valley City Hall, located at 6400 El Verde Road, was completely renovated in 2016 and there were no architectural barriers at the time. Both entrances have push button ADA accessible doors, and all restrooms are built to ADA standards. A hearing loop was placed in the floor in the City Council Chambers. In 2019, the City Council Chamber entrance to City Hall was locked and is now accessible only during times of meetings. This change was deemed necessary for security purposes. Visitors must now enter through the main entrance doors and staff has received complaints regarding ADA parking and access to the main entrance. This situation will have to be studied to determine how best to provide access without causing an undue burden as it relates to construction of a possible ADA ramp at the main entrance.

Activities in this facility include the payment of traffic citations and utility bills; park, pool, and Community and Conference Center rentals; Public Information Requests, Police reports, and permits. Programs include City Council, Zoning, Board of Adjustment, Economic Development, and various other meetings.

Category	Deficiency	Removal Year
1	Main entrance does not have easily accessible route, handicap parking located on other side of building or across the street	FY 2025

## Police Department



The Police Department, also located at 6400 El Verde Road, is housed in the main building and was also renovated in 2016. It meets ADA accessibility standards. Assistance with access into the police department by victims, witnesses, suspects, or visitors are accomplished by contacting the police department before arriving at the building. Visitors may utilize the handicap spaces in the parking lot east of the building which does have a ramp to be used by persons utilizing wheelchairs or scooters. Additionally, and located next to the handicap parking spaces, a person in need of assistance will find an emergency station/call button. This button will put the person in touch with the on-duty police supervisor who can assist the person within minutes.

Once inside the building, a person that has been unable to purchase/receive a copy of a report through our online process will be assisted in using the computer portal located in the building breezeway or will be assisted in filling out the required forms in order to receive the report at a later time. Requests for reports are processed in the order received which does include reports requested through the online portal. Persons with compliments and/or complaints will be assisted in a similar manner. Victims, witnesses, and/or suspects are assisted by officers or detectives within the police department.

Barriers may exist in some of the programming offered, so the Police Chief and his staff will examine each program for accessibility. Some of the programs include the Citizens Police Advisory Committee, Crime Control, Neighborhood Watch, Neighborhood meetings, Blue Santa, Internship, Mentorship, and participation with Special Olympics.

Meetings related to the various programs sponsored by the Police Department are usually held in the large conference room located in the City Hall building. Citizen access may be accomplished by the use of the parking lots surrounding the building. All parking lots have dedicated handicap parking spaces. The parking lots on the east and west sides of the building both have access to ramps that can be used by participants requiring the use of



a wheelchair or scooter. Other accommodations may be available through advanced notice.

Barriers may exist in some of the programming offered, so the Police Chief and his staff will examine each program for accessibility.

Category	Deficiency	Removal Year
1	Main entrance does not have accessible route, handicap parking located on other side of building or across the street	FY 2025

## Fire Station



The Fire Station, located at 6300 El Verde, was constructed in 2015 to ADA standards. This station has a meeting room used for training and small community meetings. Programming includes:

- MIH – Mobile Integrated Health field services
- Smoke Detector Replacement Program

Category	Deficiency	Modification Date
4	None	N/A



## Library

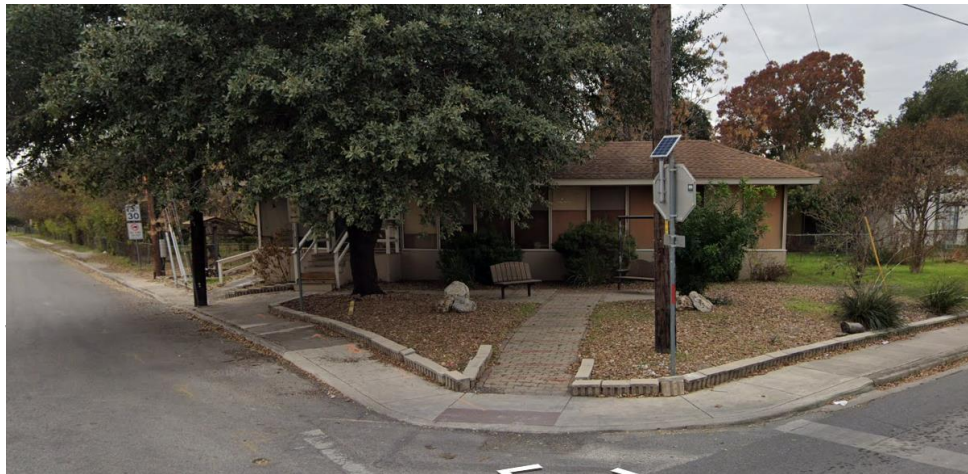


The Leon Valley library was renovated in 2013 to add a Children's Wing. At that time, the building, parking, and grounds were ADA compliant. The Library has the ability through the Texas State Library and Archives Commission to help set up patrons with the Talking Book Program, which provides Braille and Audio Reading download service providing over 120,000 audiobooks, digital audio playback equipment with digital audiobooks, Braille, electronic Braille, and additional large print books that are not available at the library. An application must be filled out, signed by a certifying authority, and mailed to the talking book program to participate. . With prior notification, they are able to provide additional seating assistance, copies of materials, ASL sign-language, and noise canceling headphones to all events held in this facility.

Noted deficiencies:

Category	Deficiency	Modification Date
1	No Public Terminal with assistive technology that enable use by persons with visual impairments	FY 2024
2	No Public Terminal with assistive technology to facilitate usage by people with motor and dexterity impairments.	FY 2024
	The Library website does not meet w3c disability standards.	FY 2024
1	Staff Workroom not ADA compliant including access to sink, refrigerator, microwave, and office supplies.	FY 2024

## Library Annex



The Library Annex should be removed from its present location and a determination made on the purchase and possible alternative location for this facility.

Programming includes twice yearly book sales.

Category	Deficiency	Modification Date
1	Main entrance does not have accessible route, handicap parking located on other side of street, interior of building is not accessible in any area, rear ADA ramp not code compliant	TBD
2	Program accessibility when in building	TBD
1	Needs improved access to restroom and break area	TBD

## Leon Valley Community Center



The Leon Valley Community Center was remodeled in November of 2020 and is now ADA accessible. Programs at this center include the activities of the Northwest Senior's Club and the group integrates ADA accessibility in each of their programs. The center is also available for rent for private parties and ingress/egress is ADA compliant.

Category	Deficiency	Modification Date
1	Parking signage not to code	FY 2023

## Leon Valley Conference Center



The Leon Valley Conference Center needs some minor modifications to the restrooms and parking areas, which are being included in the FY 2022-23 budget. There are no on-going City programs being operated from this facility, with the exception of an annual Town Hall City Council meeting, voting, and civic and private events.

Category	Deficiency	Removal Year
1	Main entrance ramps have too much slope	FY 2023
1	ADA parking spaces and access isles must meet grade.	FY 2023
1	Restroom mirrors too high	FY 2023
1	Missing handrail on steps	FY 2023
1	Coat hooks in restroom too high	FY 2023



**Kinman House**

The Kinman House is rented to private enterprises as a restaurant. Minor modifications are needed for full compliance with the ADA.

<b>Category</b>	<b>Deficiency</b>	<b>Modification Date</b>
1	Curb ramp has too much fall	FY 2023
1	Threshold over 1/2" in height and there are no landings	FY 2023
1	No check writing area	FY 2023
1	Parking signs are not in compliance	FY 2023
1	Paper towel dispenser is higher than 48" from floor	FY 2023
1	Ramps have non-compliant railings	FY 2023
1	Restroom grab bars are not in compliance	FY 2023
1	Flush controls on toilet need to be ADA compliant	FY 2023

## Public Works Department Facility



The existing Public Works building is being studied to determine if it is to be used as a maintenance barn only, with new administrative offices constructed either in a new building located on the same lot or by the addition of space. The existing facility has ADA compliance concerns, which will be removed upon remodel. The Tree Advisory Board and Earthwise Living Day Committee meet in this building.

Category	Deficiency	Modification Date
1	Main entrance does not have accessible landing, handicap parking space missing	FY 2030
1	Restrooms are not ADA compliant	FY 2030
1	Kitchen sink not accessible	FY 2030
1	Doors must have lever handles	FY 2023
1	Dressing areas not ADA accessible	FY 2030

## Leon Valley Community Pool



The Leon Valley Community Pool was constructed in the early 1970's and needs modifications for ADA compliance in the parking and walkway areas, as well as the restrooms and concession areas. The City is considering either renovation or demolishing and constructing new facilities on this site.

Category	Deficiency	Modification Date
1	Parking areas have too much slope and handicap parking space not clearly defined	TBD
1	Deck around restrooms has too much slope	TBD
1	Concessions stand aisle width too small	TBD
1	Restroom aisle width too small	TBD

## Forest Oaks Community Pool and Tennis Court



The Forest Oaks Community pool was constructed in the late 1960's and is not ADA compliant in most of the structures, patio, and walkways. Retrofitting the existing building to comply would result in a significant expense and it would be more cost effective to demolish the existing facilities.

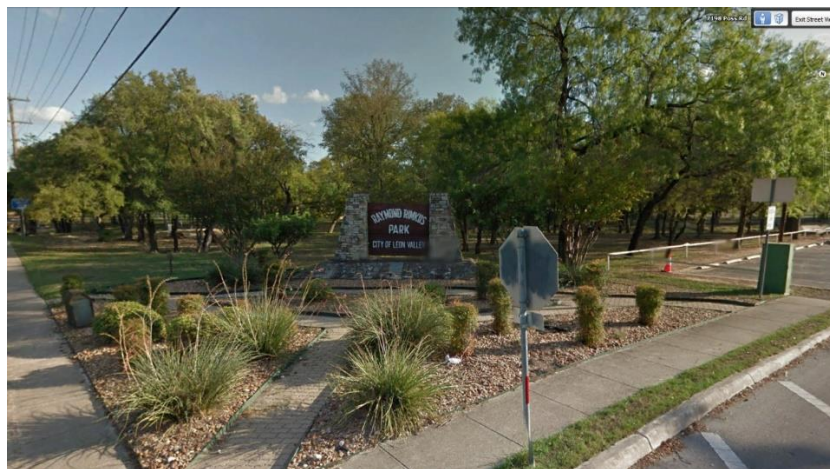
Category	Deficiency	Modification Date
1	Non-compliant parking (off-load areas, curb ramps, slopes to main entry)	TBD
1	Narrow corridor to main restroom facilities	TBD
1	Non-compliant single use restroom facilities	TBD
1	Elevation changes in narrow corridors	TBD
1	Significant drops from doors leading out of restrooms to pool areas	TBD
1	Significant drop from meeting room to pool area	TBD
1	Significant slopes in front of concession area	TBD
1	Trenches around pool with floor drains	TBD



## Park Facilities

Existing structures, walking trails, and play/fitness equipment are, for the most part, ADA compliant; however, certain play structures, walking trails, and picnic areas are not. Efforts should be made to add inclusivity each time new amenities are considered.

### Raymond Rimkus Park



The picnic pads located near Huebner Creek have eroded and the bases are no longer ADA compliant. The playgrounds are ADA compliant, but not all inclusive for persons with disabilities such as autism. Items are being included in future Capital Acquisition plans for inclusivity. The walking trail does not meet code required slope in several areas and entrances to the playground area needs slight modification.

Category	Deficiency	Modification Date
1	Areas in walkways that have cracks that are over ½" in width	FY 2023
1	Main restroom does not meet code	TBD
1	Playground entrance ramp has a hump that prevents access	FY 2023
1	Walking trail has areas where slope does not meet code requirements	FY 2023
1	Picnic pads are too high for access	FY 2023

## Huebner-Onion Natural Area Park



This is a 36 acre “natural” area type of park with a very primitive walking trail. The trail is not ADA compliant and has been further eroded by Huebner Creek, which aligns with the southern side of the trail. A feasibility study of the creek has been performed in hopes of obtaining grant funds for erosion repair and control, and to rebuild the trail. Plans are underway to complete an ADA compliant Hike & Bike trail around the perimeter of this park.

Category	Deficiency	Modification Date
1	Trail does not have an “all weather” surface and several areas are inaccessible by wheelchair	FY 23-24

Huebner Creek Greenway Trail



This trail will connect to the Huebner-Onion Natural Area Park trail and then align with El Verde Road, ending at Shadow Mist. The engineering and design are underway, with the expectation that construction will begin in the fall of 2021. This trail will be constructed to ADA standards.

Category	Deficiency	Modification Date
4	None noted	N/A



Steurenthaler - Silo Park



This park is located near 7520 Huebner Road and is ADA compliant, with the recently added ADA compliant trail leading from Canterfield to the park. Shade structures were installed over the playground and fitness equipment areas in the past year. An additional entranceway will be constructed from Huebner Road, which will increase attendance at this facility.

Category	Deficiency	Modification Date
4	No non-compliance	N/A

Old Mill Park



This park, located at 6501 Huebner Road, was constructed in 2018 and is ADA compliant, to include ADA parking spaces and walking trail. Shade structures were installed over the playground and fitness equipment areas in the past year. This park recently experienced some flooding, which affected private property to the rear, so a detention pond is to be constructed in the near future.

Category	Deficiency	Modification Date
4	No non-compliance	N/A



The Ridge at Leon Valley Park and Hetherington Trail



This park and trail are still under construction, but the amenities that have been constructed are ADA compliant. Shade structures were installed over the playground and fitness equipment areas in the past year. A new basketball court will be installed in this fiscal year and the walking trail is expected to be completed in FY 2022.

Category	Deficiency	Modification Date
4	None noted	N/A

## Leon Valley Ranches Park



This is a newly dedicated park and will not be constructed until FY 2023-24. All parking areas and proposed amenities will conform to ADA standards.

Category	Deficiency	Modification Date
4	None noted	N/A



Linkwood / Pavona Place Trail



The property was acquired in the early 2000’s and a chat-based trail was installed, but it was not maintained over the years and the trail surface materials are now missing. The City recently installed an ADA accessible outdoor fitness station and the trail surface will be redeveloped in FY 2022 to conform to ADA standards.

Category	Deficiency	Modification Date
1	Main entrance does not have accessible route	FY 2023
1	Walking trail does not have an all-weather surface	FY 2023



## Sidewalks

There are several subdivisions in Leon Valley that were developed before the requirement for sidewalks. The City is not required to install sidewalks where none exist; however, it is the goal of the City Council to provide connectivity where possible, so decisions will be made in the future for the construction of new sidewalks. Concentrated efforts are being made to fill in gaps between sidewalks in the rest of the neighborhoods. The City has an on-going Street Maintenance Program in which all sidewalk intersections are evaluated for ADA compliance. If found to be out of compliance, these intersections are replaced with ADA compliant curb ramps with detectable warning devices.

Category	Deficiency	Modification Date
1	Sidewalk intersections need properly sloped ramps with detectable warnings throughout city	Budget \$100,000 each fiscal year budget

## Signalized Intersections

The City owns and operates two signalized intersections – one at Huebner and Evers and one at Wurzbach and Exchange Parkway. Both signal systems were replaced - one in 2018 and one in 2019, and both are now ADA compliant.

Category	Deficiency	Modification Date
4	None noted	N/A

### 4.3 Next Steps

The City of Leon Valley has completed the assessment of facilities and identified physical barriers at sites used for public programs. This assessment included potential barrier removal actions with planning level cost estimates and priorities. Next steps include the following:

#### **Complete a Self-Evaluation of City Programs, Activities, and Service.**

Develop an inventory of the current condition of City programs, services, and activities. Assess City and Department procedures for providing public access to programs including customer service and facilitation of inclusive participation. This should include a review of policy documents to identify issues that should be addressed to ensure that the City's programs, activities, and services are non-discriminatory and welcoming to people with disabilities. Policy documents will include facility rules and regulations, administrative bulletins, and other written Department policy documents.

#### **Complete Modifications of the Public Right-of-Way**

Develop a schedule for the removal of barriers within the public right-of-way. Public entities that have the responsibility for the maintenance and the development of streets, roads, or walkways are required to provide curb ramps where pedestrian walkways cross curbs. Priority should be given to walkways serving facilities that provide public services and programming, followed by walkways serving other areas. The schedule must be included as part of a transition plan.

Under Title II of the ADA, a City is not necessarily required to construct curb ramps at every point where a sidewalk intersects a curb. Traffic safety considerations may make construction of ramps at some locations undesirable. Alternative routes to buildings that make use of existing curb ramps may be acceptable under the concept of program accessibility in the limited circumstances where individuals with disabilities need only travel a marginally longer route. In addition, the undue financial or administrative burden limitation recognized by Title II of the ADA may limit the number of curb ramps that the City is required to provide.



## 5.0 Glossary

Many words used in this Self-Evaluation and Transition Plan have meanings unique and specific when included in the context of the ADA and accessibility requirements. The following is a summary of selected definitions found in the ADA. Please refer to the Americans with Disabilities Act for the full text of definitions and explanations (<http://www.ada.gov/reg3a.html#Anchor-36104>).

### 5.1 Definitions

#### Auxiliary Aids and Services

The term auxiliary aids and services include:

- Qualified interpreters or other effective methods of making orally delivered materials available to individuals with hearing impairments;
- Qualified readers, taped texts, or other effective methods of making visually delivered materials available to individuals with visual impairments; and
- Acquisition or modification of equipment or devices; and other similar services and actions.

#### Complaint

A complaint is a claimed violation of the ADA.

#### CFR

The Code of Federal Regulations is the codification of the general and permanent rules and regulations published in the Federal Register.

**Disability**

The term disability means, with respect to an individual:

- A physical or mental impairment that substantially limits one or more of the major life activities of such individual;
- A record of such impairment; or
- Being regarded as having such impairment.

**Discrimination on the Basis of Disability**

Discrimination on the basis of disability means to:

- Limit, segregate, or classify a citizen in a way that may adversely affect opportunities or status because of the person's disability;
- Limit, segregate, or classify a participant in a program or activity offered to the public in a way that may adversely affect opportunities or status because of the participant's disability;
- Participate in a contract that could subject a qualified citizen with a disability to discrimination;
- Use any standards, criteria, or methods of administration that have the effect of discriminating on the basis of disability;
- Deny equal benefits because of a disability;
- Fail to make reasonable accommodations to known physical or mental limitations of an otherwise qualified individual unless it can be shown that the accommodation would impose an undue burden on the City's operations;
- Use selection criteria that exclude otherwise qualified people with disabilities from participating in the programs or activities offered to the public; and
- Fail to use tests, including eligibility tests, in a manner that ensures that the test results accurately reflect the qualified applicant's skills or aptitude to participate in a program or activity.

## **Having a Record of Impairment**

An individual is disabled if he or she has a history of having an impairment that substantially limits the performance of a major life activity; or has been diagnosed, correctly or incorrectly, as having such impairment.

## **Physical or Mental Impairments**

Physical or mental impairments may include, but are not limited to: vision, speech, and hearing impairments; emotional disturbance and mental illness; seizure disorders; mental retardation; orthopedic and neuromotor disabilities; learning disabilities; diabetes; heart disease; nervous conditions; cancer; asthma; Hepatitis B; HIV infection (HIV condition); and drug addiction if the addict has successfully completed or is participating in a rehabilitation program and no longer uses illegal drugs.

The following conditions are not physical or mental impairments: transvestitism; illegal drug use; homosexuality or bisexuality; compulsive gambling; kleptomania; pyromania; pedophilia; exhibitionism; voyeurism; pregnancy; height; weight; eye color; hair color; left-handedness; poverty; lack of education; a prison record; and poor judgment or quick temper if not symptoms of a mental or physiological disorder.

## **Qualified Individual with a Disability**

A qualified individual with a disability means an individual with a disability who, with or without reasonable modification to rules, policies, or practices; the removal of architectural, communication, or transportation barriers; or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the City.

## **Reasonable Program Modifications**

If the individual's disabilities prevent them from performing the essential functions of the program or activity, it is necessary to determine whether reasonable program modifications would enable an individual to perform the essential functions of the program or activity.

Reasonable program modification is any change in program or activity or in the way things are customarily done that enables an individual with a disability to enjoy equal program opportunities. Accommodation means modifications or adjustments:

- To a registration or application process to enable an individual with a disability to be considered for the program or activity;

- To the program or activity environment in which the duties of a position are performed so that a person with a disability can perform the essential functions of the program or activity; and
- That enables individuals with disabilities to enjoy equally the benefits of the program or activity as other similarly situated individuals without disabilities enjoy.
- Modification includes making existing facilities and equipment used by individuals readily accessible and usable by individuals with disabilities.

Modification applies to:

- All decisions and to the application or registration process;
- All services provided in connection with the program or activity; and
- Known disabilities only.

Modification is not required if:

- It changes the essential nature of a program or activity of the person with a disability;
- It creates a hazardous situation;
- Adjustments or modifications requested are primarily for the personal benefit of the individual with a disability; or
- It poses an undue burden on the City.

### **Regarded as Having a Disability**

An individual is disabled if she or he is treated or perceived as having an impairment that substantially limits major life activities, although no such impairment exists.

### **Substantial Limitations of Major Life Activities**

Individuals are disabled if they have a physical or mental impairment that (a) renders them unable to perform a major life activity, or (b) substantially limits the condition, manner, or duration under which they can perform a particular major life activity in comparison to other people.

Major life activities are functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

In determining whether physical or mental impairment substantially limits the condition, manner, or duration under which an individual can perform a particular major life activity in comparison to other people, the following factors shall be considered:

- The nature and severity of the impairment;
- The duration or expected duration of the impairment; and
- The permanent or long-term impact (or expected impact) of or resulting from the impairment.



## 6.0 Resources

In order to facilitate access to all City programs and Departments, the City will utilize these, and other, program accessibility guidelines, standards, and resources. This information is available to all employees and volunteers. The City will endeavor to maintain and expand these guidelines as necessary and to include information that can assist City staff and volunteers. The City will periodically review the components of this section, as new information, organizations, and technologies are developed. This section also contains references and links to the accessibility standards that govern new construction and alterations to existing City facilities.

### Federal and Texas State Accessibility Standards and Regulations

There are both State and Federal regulations for accessible facilities. Below are resources for both the State of Texas and Federal facility regulations.

#### U.S. Department of Justice

The U.S. Department of Justice provides many free ADA materials including the Americans with Disability Act (ADA) text. Printed materials may be ordered by calling the ADA Information Line [(800) 514-0301 (Voice) or (800) 514-0383 (TTY)]. Publications are available in standard print as well as large print, audiotape, Braille, and computer disk for people with disabilities. Documents, including the following publications, can also be downloaded from the Department of Justice website (<http://www.ada.gov/>).

ADA Regulation for Title II: This publication describes Title II of the Americans with Disabilities Act, Pub. L. 101-336, which prohibits discrimination on the basis of disability by public entities. Title II of the ADA protects qualified individuals with disabilities from discrimination on the basis of disability in the services, programs, or activities of all state and local governments. This rule adopts the general prohibitions of discrimination established under section 504, as well as the requirements for making programs accessible to individuals with disabilities and for providing equally effective communications. It also sets forth standards for what constitutes discrimination on the basis of mental or physical disability, provides a definition of disability and qualified



individual with a disability, and establishes a complaint mechanism for resolving allegations of discrimination.

Title II Technical Assistance Manual (1993) and Yearly Supplements. This 56-page manual explains in lay terms what state and local governments must do to ensure that their services, programs, and activities are provided to the public in a nondiscriminatory manner. Many examples are provided for practical guidance.

Accessibility of State and Local Government Websites to People with Disabilities. A 5-page publication providing guidance on making state and local government websites accessible.

ADA Information for Law Enforcement. This page contains compliance assistance materials to help state and local law enforcement officers understand how to interact with victims, witnesses, suspects, and others who have disabilities.

## **U.S. Access Board Publications**

The full texts of federal laws and regulations that provide the guidelines for the design of accessible facilities and programs are available from the U.S. Access Board. Single copies of publications are available at no cost and can be downloaded or ordered by completing a form available on the Access Board's website (<http://www.access-board.gov/>). In addition to regular print, publications are available in: large print, disk, audiocassette, and Braille.

## **Communications & IT**

Access to information and communication technology (ICT) is addressed by Board standards and guidelines issued under Section 508 of the Rehabilitation Act and Section 255 of the Telecommunications Act.

Section 508 Standards:

<http://www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-section-508-standards>

Refresh of the Section 508 Standards and the Telecommunications Act Guidelines:

<http://www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-ict-refresh>

Telecommunications Act Accessibility Guidelines:

<http://www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-telecommunications-act-guidelines>

## **Buildings & Sites**

Standards issued under the Americans with Disabilities Act (ADA) address access to buildings and sites nationwide in new construction and alterations.

2010 ADA Standards for Accessible Design: This document contains scoping and technical requirements for accessibility to buildings and facilities by individuals with disabilities under the Americans with Disabilities Act (ADA) of 1990. These scoping and technical requirements are to be applied during the design, construction, and alteration of buildings and facilities covered by Titles II and III of the ADA to the extent required by regulations issued by federal agencies, including the Department of Justice and the Department of Transportation, under the ADA. This document must be used in conjunction with the Texas Structural Specialty Code Chapter 11 Accessibility (see State of Texas Accessibility Standards and Regulations).

2012 ADA Standards:

<http://www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-ada-standards>

## **Recreation Facilities**

Access to recreation facilities, including play areas, swimming pools, sports facilities, fishing piers, boating facilities, golf courses, and amusement rides is addressed in the ADA and ABA standards. New provisions will cover access to trails, picnic and camping sites, and beach access routes.

Recreation Facilities:

<http://www.access-board.gov/guidelines-and-standards/recreation-facilities/about-recreation-facilities>

Outdoor Developed Areas:

<http://www.access-board.gov/guidelines-and-standards/recreation-facilities/outdoor-developed-areas>

## Streets and Sidewalks

New guidelines the Board is developing will cover access to public rights-of-way, including sidewalks, intersections, street crossings, and on-street parking. The Board is also addressing access to shared use paths providing off-road means of transportation and recreation.

### ***Public Rights-of-Way:***

<http://www.access-board.gov/guidelines-and-standards/streets-sidewalks/public-rights-of-way>

### ***Shared Use Paths:***

<http://www.access-board.gov/guidelines-and-standards/streets-sidewalks/shared-use-paths/about-this-rulemaking>

## **Title II: U.S. Department of Justice Publications**

### ***Title II Technical Assistance Manual | Supplement***

A 56-page manual that explains in lay terms what State and local governments must do to ensure that their services, programs, and activities are provided to the public in a nondiscriminatory manner. (1993) <http://www.ada.gov/taman2.html>

### ***The ADA and City Governments: Common Problems |***

<http://www.ada.gov/comprob.pdf>

A 9-page document that contains a sampling of common problems shared by city governments of all sizes, provides examples of common deficiencies and explains how these problems affect persons with disabilities. (2000) <http://www.ada.gov/comprob.htm>

### ***ADA Guide for Small Towns |*** <http://www.ada.gov/smtown.pdf>

A 21-page guide that presents an informal overview of some basic ADA requirements and provides cost-effective tips on how small towns can comply with the ADA. (2000) <http://www.ada.gov/comprob.htm>

### ***Accessibility of State and Local Government Websites to People with Disabilities |*** [http://www.ada.gov/websites2\\_prnt.pdf](http://www.ada.gov/websites2_prnt.pdf)

A 5-page publication providing guidance on making State and local government websites accessible. (2003) <http://www.ada.gov/websites2.htm>

**ADA Checklist for Polling Places** | <http://www.ada.gov/votingprt.pdf>

This 39-page checklist is a self-help Evaluation that voting officials can use to determine whether a polling place has basic accessible features needed by most voters with disabilities. (2004) <http://www.ada.gov/votingchecklist.htm>

**An ADA Guide for Local Governments: Making Community Emergency Preparedness and Response Programs Accessible to People with Disabilities** | <http://www.ada.gov/emerpreguideprt.pdf>

An 11-page illustrated publication that provides guidance on preparing for and carrying out emergency response programs in a manner that results in the services being accessible to people with disabilities. (2006) <http://www.ada.gov/emergencyprep.htm>

**Access for 9-1-1 and Telephone Emergency Services** | <http://www.ada.gov/911ta.pdf>

A 10-page publication explaining the requirements for direct, equal access to 9-1-1 for persons who use teletypewriters (TTYs). (1998) <http://www.ada.gov/911ta.htm>

**Commonly Asked Questions about the ADA and Law Enforcement**

A 12-page publication providing information for law enforcement agencies in a simple question and answer format. (2006) [http://www.ada.gov/q&a\\_law.htm](http://www.ada.gov/q&a_law.htm)

**Communicating with People Who Are Deaf or Hard of Hearing: ADA Guide for Law Enforcement Officers** | <http://www.ada.gov/lawenfcomm.pdf>

This 8-panel pocket guide provides basic information for officers about ADA requirements for communicating effectively with people who are deaf or hard of hearing. (2006) <http://www.ada.gov/lawenfcomm.htm>

**Model Policy for Law Enforcement on Communicating with People Who Are Deaf or Hard of Hearing** | <http://www.ada.gov/lawenfmodpolicy.pdf>

This 4-page document serves as a model for law enforcement agencies when adopting a policy on effective communication with people who are deaf or hard of hearing. Agencies are encouraged to download and adapt the policy to suit their needs. (2006) <http://www.ada.gov/lawenfmodpolicy.htm>

**Questions and Answers: The ADA and Hiring Police Officers**

A 5-page publication providing information on ADA requirements for interviewing and hiring police officers. (1997) <http://www.ada.gov/copsq7a.htm>

## State of Texas Accessibility Standards and Regulations

International Building Code Chapter 11 Accessibility can be found at the following website: <https://codes.iccsafe.org/content/IBC2018/chapter-11-accessibility>

The State of Texas has also adopted a set of design guidelines for accessible facilities, which can be found in the Texas Government Code, Chapter 469. This code contains general building design and construction requirements relating to fire and life safety, structural safety, and access compliance. OSSC provisions provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures and certain equipment. The Texas Building Code Division follows the 2009 International Building Code (IBC) with amendments and provisions specific to the State of Texas.

Because building codes are updated every few years, the City has an ongoing program of regularly reviewing changes and updating policies and procedures related to accessibility to ensure compliance with current code.

<https://www.tdlr.texas.gov/ab/abtas.htm> - 2012 Texas Accessibility Standards (2012 TAS), Elimination of Architectural Barriers Texas Government Code, Chapter 469, as administered by the Texas Department of Licensing and Regulation.

<https://texasprojectfirst.org> – This website was created by parents, for parents. A project of the Family to Family Network committed to providing accurate and consistent information to parents and families of students with disabilities. information on families and school.

## Resources for Providing Accessible Programs and Facilities

**ADA Document Portal:** This website provides links to an ADA Collection consisting of more than 7,400 documents on a wide range of topics. The ADA Document Portal is supported by the ten ADA & IT Technical Assistance Centers (<http://www.adaportal.org/>).

**American Association of Museums:** Accessible exhibit design publications are available for purchase from AAM's website, including Everyone's Welcome (available in a variety of formats), which addresses museum programs and the ADA, The Accessible Museum, which offers model programs of accessibility for older people and people with disabilities, and What Museum Guides Need to Know to provide access to blind and visually impaired visitors (<http://www.aam-us.org>).

**Beneficial Designs:** Beneficial Designs works toward universal access through research, design, and education. Beneficial Designs develops assistive and adaptive technology, performs rehabilitation research, contract design, legal consultation, standards development, and serves as a rehabilitation information resource. Contact Beneficial Designs, Inc. at 2240 Meridian Blvd, Suite C, Minden, NV 89423-8628, (775) 783-8822), (<http://www.beneficialdesigns.com/>).

**DisabilityInfo.gov:** A one-stop interagency portal for information on Federal programs, services, and resources for people with disabilities, their families, employers, service providers, and other community members.

**National Center on Accessibility:** The Center is a cooperative project between the National Park Service and Indiana University to provide information and technical assistance, primarily on recreation access. An example of the research activities of the NCA is the National Trails Surface Study. This study is primarily the result of questions that NCA has, for many years and continues to receive from organizations, agencies and individuals who desire to make their trails accessible; are interested in an unobtrusive surface that blends and is friendly to the environment; and provides a quality trail experience for people with and without disabilities.

NCA also publishes 'What is an Accessible Trail?' which summarizes the federal guidelines for outdoor developed areas and is available for downloading from its website. The NCA website also has information on campground accessibility, accessible picnic tables, access to beaches, and inclusion of people with disabilities in aquatic venues. (<http://www.ncaonline.org/>)

**National Center on Physical Activity and Disability:** The Center provides information and resources on physical activity to help people with disabilities find ways to become more active and healthier. The Center also provides information on how to provide access to fitness centers, schools, recreation facilities, camps, and health and leisure services (<http://www.ncpad.org/>).

**Smithsonian Institution:** The Accessibility Program has developed the Smithsonian Guidelines for Accessible Exhibition Design (1996), which are available for downloading from their website: (<http://accessible.si.edu>). Further information is available from the Smithsonian Accessibility Program at the Arts and Industries Building, Room 1239 MRC 426, Washington, D.C. 20560 (202) 786-2942.

### **Resources for Assistive Technologies (General)**

The City should utilize the many disability-related resources available through the Internet.

**AbleData:** The National Institute on Disability and Rehabilitation Research of the U.S. Department of Education maintains a national web-based service which provides up-to-date links to assistive technologies and disability-related resources(<http://www.abledata.com/>).

**Texas Technology Access Program:** The Texas Technology Access Program (OTAP) provides training, information, technical assistance and resources regarding the uses of technology for children with disabilities. OTAP services are available to anyone concerned with the needs of Texas's children with disabilities from birth to age twenty-one. The program is sponsored by the Texas Department of Education (ODE). (<http://www.otap-Texas.org>)

### **Alternative Format Communications**

Resources to produce standardized publications such as applications and registration forms in Braille, audiotape, large-print text, and accessible electronic media will be assembled. Information regarding Braille Services and other accommodations for people with visual disabilities is available by contacting:

**American Council of the Blind:** The ACB (<http://www.acb.org/>) is a national organization advocating on behalf of persons who are blind or have low vision. ACB also publishes A Guide to Making Documents Accessible to People Who Are Blind or Visually Impaired, which is available online, in regular print, large print, Braille, or on cassette tape. ACB is located at 1155 15th St. NW, Suite 1004, Washington, DC 20005 (800) 424-8666 or by email at [info@acb.org](mailto:info@acb.org).

**National Center on Accessibility:** The NCA publishes 'What are Alternative Formats? How Do They Apply to Programs and Services?' which is available for downloading from their website (<http://www.ncaonline.org/>).

**National Center for Accessible Media:** NCAM is a research and development facility dedicated to the issues of media and information technology for people with disabilities in their homes, schools, workplaces, and communities. Developers of Web- and CD-ROM-based multimedia need an authoring tool for making their materials accessible to persons with disabilities. NCAM has developed two such tools, version 1.0 and 2.01 of the Media Access Generator (MAGpie), for creating captions and audio descriptions for rich media. Media Access Generator (MAGpie) is available for downloading from NCAM's website (<http://ncam.wgbh.org>)

**American Sign Language Interpreters:** A pool of on-call American Sign Language interpreters should be developed. This list should be routinely updated to ensure their



availability. Some programs may need to have a pool of interpreters who are available on a twenty-four-hour basis to handle emergency procedures.

The required qualifications of these interpreters should be established. Many non-certified interpreters provided by local services may have excellent skills and be qualified to handle most circumstances. However, certain circumstances, such as the provision of emergency medical services, may require interpreters who are approved by the courts and can ensure a level of confidentiality.

You may want to contact each agency in advance of a need for services to determine their rates so that you are prepared to cover the communication expenses, should the need arise.

You should always request RID certified interpreters. Only in the event that certified interpreters are unavailable should you rely on non-certified interpreters.

Individuals who are hard of hearing generally do not use ASL interpreters. Always ask the individual requesting an accommodation what type of accommodation works best for them. Determining what accommodation(s) will be provided is an interactive process. Depending on the situation, accommodating an individual who is hard of hearing may include note writing, use of assistive listening devices, and/or provision of Computer Assisted Real-Time (CART) captioning.

### **Assistive Listening Systems and Devices**

Systems and devices to amplify sound for persons with hearing disabilities should be available for public meetings and events. Various technologies exist for these devices. Different types of devices are more suitable for different types of hearing disabilities. Devices should be chosen to accommodate the greatest number of individuals.

See the Assistive Listening Systems Technical Bulletins available on the U.S. Access Board's website (<http://www.access-board.gov/>).

**Closed Caption Machine:** To the extent practical, City departments should have access to a device for encoding closed captioning on films and videotapes used for training and other programs.

**Optical Readers:** Equipment that can translate printed information into an audio format should be available to the City programs.

**Text Telephone (TTY):** City programs should have access to a text telephone or have access to a telephone transfer service as required by the law and offered by public



telephone companies. See the Text Telephones Technical Bulletin available on the U.S. Access Board's website (<http://www.access-board.gov/>).

**TDI:** TDI's (formerly known as Telecommunications for the Deaf, Inc.) mission is to promote equal access in telecommunications and media for people who are deaf, hard of hearing, late deafened, or deaf blind. TDI's on-line resources include information about telecommunications access such a TTY, pagers, telephony, VoIP, and more (<http://tdiforaccess.org/>).

**Video Relay Services (VRS):** Video Relay Service (VRS) is a form of Telecommunications Relay Service (TRS) that enables persons with hearing disabilities who use American Sign Language to communicate with voice telephone users through video equipment, rather than through typed text. Video equipment links the VRS user with a TRS operator – called a “communications assistant” (CA) – so that the VRS user and the CA can see and communicate with each other in signed conversation. Because the conversation between the VRS user and the CA flows much more quickly than with a text-based TRS call, VRS has become a popular form of TRS ([www.fcc.gov/guides/video-relay-services](http://www.fcc.gov/guides/video-relay-services)).

**Hands on Video Relay Service:** (877) 467-4877 English or (877) 467-4875 Spanish

**Sorenson Video Relay:** Using a standard telephone, simply call the toll-free number 1-(866)-327-8877. Have the contact information of the deaf or hard-of-hearing individual (i.e. name, videophone number or IP address) ready. Remain on hold until the call is answered by the next available interpreter.

**Sprint VRS Directions:** (877)709-5776 or website [www.sprintvrs.com](http://www.sprintvrs.com)

## **Resources and Organizations Serving People with Disabilities**

### ***Adaptive Environments***

This educational non-profit organization is committed to advancing the role of design in expanding opportunity and enhancing experience for people of all ages and abilities. Adaptive Environments provides education and consultation to public and private entities about strategies, precedents and best practices that go beyond legal requirements to design places, things, communication and policy that integrate solutions to the reality of human diversity (<http://www.adaptenv.org/>).

### ***American Association of People with Disabilities***

The American Association of People with Disabilities is the largest nonprofit, nonpartisan, cross-disability organization in the United States (<http://www.aapd.com/>).

***American Foundation for the Blind***

The American Foundation for the Blind is committed to improving accessibility in all aspects of life—from cell phones to ATMs, on web sites and in workplaces. Services include assistance in making products and services accessible to people with visual impairments. AFB offers expert consulting services and accessible media production. AFB provides objective product evaluations of adaptive technologies through its assistive technology product database (<http://www.afb.org/>).

***The Arc***

The Arc (formerly Association for Retarded Citizens of the United States) is the country's largest voluntary organization committed to the welfare of all children and adults with mental retardation and their families (<http://www.thearc.org>). Local information is available from The Arc Texas, 2405 Front Street NE, Ste 120, Salem, OR 97301, (503) 581-2726 (<http://thearcTexas.org/>)

***Autism Society of Texas***

An affiliate of the Autism Society, the nation's leading grassroots autism organization, exists to improve the lives of all affected by autism. We do this by increasing public awareness about the day-to-day issues faced by people on the spectrum, advocating for appropriate services for individuals across the lifespan, and providing the latest information regarding treatment, education, research and advocacy. (<http://autismsocietyTexas.org/>)

***DisabilityInfo.gov's online resources for High School***

Guidelines for Accessing Alternative Format, inclusion materials, educational technology, a comprehensive list including college preparatory materials, transition issues for children with special needs and more (<https://www.disability.gov/education>).

***Disability Resources, Inc.***

Disability Resources, Inc. is a national nonprofit organization that provides information about resources for independent living. DRI maintains an on-line directory of assistive technology resources (<http://www.disabilityresources.org/>).

***Family Center on Technology and Disability***

Funded by the U.S. Department of Education's Office of Special Education Programs, the Family Center on Technology and Disability provides a wide range of resources on

assistive technology, from introductory fact sheets and training materials to in-depth discussion of best practices and emerging research. (<http://www.fctd.info/>)

### ***Guide to Disabilities and Disability Etiquette***

A guide to disabilities and disability etiquette should be assembled and distributed to staff and volunteers. The guide will ensure that staff and volunteers are familiar with a variety of types of disabilities and that they are sensitive to the abilities and needs of people with disabilities in order not to offend or demean them. The guide should be periodically updated to ensure that it includes current acceptable language for talking about disabilities.

### ***Disability Etiquette***

Interacting with People with Disabilities is available on-line at the County of Long Beach's website ([http://www.longbeach.gov/hr/ada/disability\\_etiquette.asp](http://www.longbeach.gov/hr/ada/disability_etiquette.asp)).

### ***National Association of the Deaf***

NAD is a national consumer organization representing people who are deaf and hard of hearing. NAD provides information about standards for American Sign Language Interpreters and the Captioned Media Program on its website (<http://www.nad.org/>).

### ***National Federation of the Blind***

NFB is a national organization advocating on behalf of persons who are blind or have low vision. NFB provided on-line resources for technology for the blind, including a technology resource list, a computer resource list, screen access technology, sources of large print software for computers, and sources of closed circuit TV (CCTV's) (<http://www.nfb.org/>).

### ***National Organization on Disability***

The National Organization on Disability promotes the full and equal participation and contribution of America's 54 million men, women and children with disabilities in all aspects of life. NOD maintains an on-line directory of information and links including transportation-related resources (<http://www.nod.org/>).

### ***Northwest ADA Center, National Institute on Disability and Rehabilitation Research***

The ADA National Network Centers are a national platform of ten centers comprised of ADA professionals and experts charged with assisting businesses, state and local governments, and people with disabilities as they manage the process of changing our

culture to be user friendly to disability and the effect the variety of health conditions can have on society. The Northwest ADA Center is a part of the [Department of Rehabilitation Medicine](#) at the University of Washington, and collaborates with the [Center for Technology and Disability Studies](#), a program within the Center for Human Development and Disability and the Department of Rehabilitation Medicine. (<http://dbtacnorthwest.org/>)

### ***Texas Department of State Health Services***

The Texas Department of State Health Services mission is to make it possible for Seniors and People with Disabilities to become independent, healthy and safe. The Department of Human Services helps seniors and people with disabilities achieve well-being through opportunities for community living, employment, family support and services that promote independence, choice and dignity.

### ***Paralyzed Veterans of America***

PVA is a national advocacy organization representing veterans. PVA's Sports and Recreation Program promotes a range of activities for people with disabilities, with special emphasis on activities that enhance lifetime health and fitness. PVA's website: (<http://www.pva.org>) provides information on useful sports publications and a list of contacts.

### ***United Cerebral Palsy Association***

UCP's mission is to advance the independence, productivity and full citizenship of people with cerebral palsy and other disabilities, through our commitment to the principles of independence, inclusion and self-determination. UCP's Sports and Leisure Channel is designed for people with disabilities who are interested in sports and other leisure activities and proposes creative ideas for inclusive community recreation programs, including outdoor adventure activities for people with disabilities. Information about the Sports and Leisure Channel is available on UCP's website (<http://www.ucp.org>).

### ***United Spinal Association***

United Spinal Association is a membership organization serving individuals with spinal cord injuries or disease. Formerly known as the Eastern Paralyzed Veterans Association, the organization expanded its mission to serve people with spinal cord injuries or disease regardless of their age, gender, or veteran status. Information on accessibility training and consulting services and recreational opportunities for people with spinal cord injuries or disease is available on their website (<http://www.unitedspinal.org>).

***World Institute on Disability***

WID is an international public policy center dedicated to carrying out research on disability issues. WID maintains an online information and resource directory on technology, research, universal design, and ADA (<http://www.wid.org/resources/>).



## 7.0 Appendices

The development of the Transition Plan was based on the findings of the facility evaluations and meetings with City staff to establish the schedule for addressing barrier removal. After the draft Transition Plan has circulated through the City Departments, the City will open the draft Transition Plan to the public for comment. The following appendices references the facility reports by Department, as well as materials used for the public outreach materials comments.

### 7.1 Public Outreach Materials & Comments

The public outreach materials and public comments will be made available on the City's website: <http://www.leonvalleytexas.gov>

### Timeline of City of Leon Valley Actions to Comply with the ADA and Advance Access

The City Council will strive to adopt a Resolution affirming that all programs, services, and activities provided by the City are accessible to people with disabilities. The resolution will affirm that persons with disabilities should not be discriminated against when pursuing employment with the City. The City Council will designate the City Manager and City Secretary's offices to coordinate and implement the City's efforts to comply with rules and regulations in the ADA, including program services, activities, and employment.

The City Secretary and City Manager will be authorized to adopt rules, procedures and forms to assist in the implementation of the City of Leon Valley's ADA Title II policy and program. The City Manager will manage the ADA Title II program, work with the Departments to ensure that the City of Leon Valley is in compliance with this policy, manage the Citywide ADA Coordination Program, and manage the Citywide Transition Plan.

## **ADM-18.21 - City of Leon Valley American's With Disabilities Act Title II Non-discrimination Policy**

### **PURPOSE**

Section 1. The Council finds:

1. On July 26, 1990, The Americans with Disability Act (ADA) was passed to prohibit discrimination and ensure equal opportunity for persons with disabilities in employment, state and local government services, public accommodations, commercial facilities and transportation. Title II of the ADA prohibits local governments from excluding persons with disabilities from participation or deny persons with disabilities the benefits of the agency's services programs or activities.
2. On \*, 2022, City Council unanimously adopted Resolution \*\*\*\*\*, which affirms that all programs, services, and activities provided by the City are or will be accessible to people with disabilities. The resolution affirms that persons with disabilities should not be discriminated against when pursuing employment with the City. The Council designated the City Manager and City Secretary to coordinate and implement the City's efforts to comply with rules and regulations in the ADA, including program services, activities, and employment.

### **POLICY**

**NOW THEREFORE**, the City Council directs:

- a. The City Council hereby reaffirms the previous policies to comply with Title II of the ADA and that the City will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities.
- b. The City Manager will manage the ADA Title II program, work with the Departments to ensure that the City of Leon Valley is in compliance with this policy, manage the citywide ADA Coordinator Program and manage the citywide Transition Plan.
- c. The City Manager will provide a report to City Council on citywide compliance with Title II every five years.
- d. The Resolution is City Policy.

Section 2. The Council declares that because delay in the creation of rules, procedures, and forms to implement the program could unreasonably burden the community of

persons with disabilities, this Resolution shall be in full force and effect from and after its passage by the Council.

### **ADM 18.20 Title II ADA – Complaint Procedures**

Administrative Rule Adopted by the Office of the City Manager, pursuant to rule-making authority.

#### **Purpose**

The City of Leon Valley is responsible for complying with Title II of the Americans with Disabilities Act (ADA). Title II of the ADA prohibits the City from excluding or denying qualified persons with disabilities access to City facilities or participation in City services, programs or activities.

One component of the City's compliance with the ADA is the development and implementation of procedures to ensure adequate tracking and investigation of complaints made under Title II. This administrative rule establishes procedures and forms for making complaints under Title II of the ADA.

#### **Scope**

Any person who believes he or she has been unlawfully denied access to City facilities, programs, services, benefits, or activities based on his or her status as a qualified individual with a disability has the right to file a complaint under Title II of the ADA with the City of Leon Valley.

These procedures apply to all Title II complaints against the City of Leon Valley.

These administrative procedures do not provide for compensatory or punitive damages for the complainant.

The City's complaint procedure for Title II is not exclusive. This means that a person who files a complaint with the City may also file a complaint with other state or federal agencies or the courts. Other agencies will have time limits for filing complaints. Generally, federal agencies require Title II complaints to be filed within 180 days of the date of the alleged discrimination.



## **Title II Complaint Procedures**

### **Step 1 - Filing a Complaint**

1. The City of Leon Valley has established a complaint form for Title II complaints.
2. To be accepted, a Title II complaint must:
  - a) involve discrimination on the basis of the person's qualified disability;
  - b) allege that the discrimination was committed by the City of Leon Valley or a City of Leon Valley agent or employee;
  - c) be filed within 60 days of the alleged occurrence or when the alleged occurrence become known to the complainant;
  - d) involve a City of Leon Valley facility, program, service, benefit or activity.
3. Complaints should be filed with Title II Program Manager in the City Secretary's office.
4. Complaints must be in writing and signed by the complainant. If the complainant needs assistance in reducing the complaint to writing or signing it, he or she may request assistance from the Title II Program Manager or may have another person write and acknowledge the complaint on his or her behalf.
5. Complaints should include:
  - a) the name, address and phone number of the person who experienced the discriminatory action;
  - b) the date of the alleged act of discrimination or the date when the complainant(s) became aware of the alleged discrimination;
  - c) a brief but specific description of the discriminatory situation, practice or action and including any relevant facts.
6. The complaint should include names and contact information of any witnesses.
7. A complaint may be faxed or e-mailed and will be acknowledged and processed once the identity of the complainant and the intent to proceed with the complaint have been established. A complaint received by telephone will be reduced to writing on a complaint form and provided to complainant for confirmation or revision before processing.

8. The complaint form must be signed or acknowledged and sent to the City Manager for processing. The original copy may be dropped off, mailed, or emailed to:

City Manager  
Americans with Disabilities Act Complaint  
City of Leon Valley  
6400 El Verde Road  
Leon Valley, Texas 78238  
[c.caldera@leonvalleytexas.gov](mailto:c.caldera@leonvalleytexas.gov)

### **Step 2 - Processing a Complaint**

1. Upon receipt of the complaint, the City Manager or his/her designee will determine whether or not:
  - a) The City has jurisdiction;
  - b) The complaint is timely;
  - c) The complaint is complete; and,
  - d) Additional information is needed.
2. The City will notify the complainant in writing, either by mail or email, within five (5) working days of receipt whether the complaint is accepted or not. If the complaint is not accepted, the City will provide an explanation in writing. If the complaint is not accepted because additional information is needed, the complainant will be notified what information is needed. The complainant may then resubmit the additional information for review.
3. If the complaint is accepted, the City Manager will investigate the merits of the complaint and attempt to resolve it.
4. City departments that receive complaints directly are responsible for forwarding those complaints to the City Manager or his/her designee for intake.

### **Step 3 - Dismissing a Complaint**

1. The City of Leon Valley may dismiss a complaint for any of the following reasons:
  - a) The complainant withdraws the complaint.

- b) The complainant fails to respond to repeated requests for additional information needed to process the complaint.
- c) The complaint is untimely.
- d) The complainant cannot be located.
- e) The complaint is determined to be legally insufficient.

#### ***Step 4 - Investigating and Tracking a Complaint***

1. The City Manager or his/her designee will notify the complainant in writing within five (5) working days of the decision to accept or reject the complaint. Notification will include a case number assigned to the complaint.
2. If the parties are unable to resolve the complaint, the City Council will investigate the complaint. The complainant will be provided a written decision on the complaint within sixty (60) working days of the acceptance of the complaint for investigation.

#### ***Step 5 - Appealing the City's Written Decision***

1. The City Manager will only re-consider their decision regarding a complaint if new facts come to light.
2. If the complainant is not satisfied with the written decision of the City Manager, the complainant has fourteen (14) working days from the date of the decision to provide the City Manager with written notice of intent to appeal.
3. The appeal shall be sent to the director of the relevant City department no later than fourteen (14) days after the receipt of the written decision.
4. The department director shall issue a decision on the appeal within thirty (30) working days of the notice of intent to appeal, which shall be submitted to the City Manager.

#### **Responsibility**

- a) The City Manager or his/her designee is authorized to administer and monitor this administrative rule.
- b) The City Manager or his/her designee is authorized to formulate, administer, and monitor procedures and forms to assist in the implementation of the City of Leon Valley's Title II complaint procedures.

- c) The City Manager or his/her designee has the authority to promulgate changes to the program at any time.

**TEXAS ACCESSIBILITY STANDARDS**  
**Plan Review and Inspection Service**  
**RAS # 78**

November 24, 2020

**Melinda Moritz, Director of Public Works**

**The following is a summary report of the 6 buildings that were inspected by David McMillan CBO, RAS 078 for the 2012 Texas Accessibility Standards.**

**The Public Works Building**

The Building was found to be non-compliant in all areas requiring compliance. Attached is it's 49 page inspection report. The good news is the majority of the areas of non-compliance are large enough to be remodeled without relocating or moving walls.

Starting with the parking area there is no longer a clearly marked handicapped space with signage or a marked access route to the main doors of the building. The main doors are lacking exterior landings that would provide access into the building. The restrooms are large enough to be remodeled and provide a handicapped toilet and a handicapped shower. [note if mens room has a handicapped shower then the womens needs one too] Both restrooms need handicapped lavatories (wall hung) and toilets. The breakroom has a stove in it which requires there to be a standard kitchen sink with wheelchair access. All doors must have lever handles on them. The current dressing area is not large enough to provide wheelchair access or a place for a disabled person to change clothing.

**Libray Annex**

The building was found to be non-compliant in all areas. It has no ADA parking space associated with it. The sidewalks in front of the building are not in compliance nor is the small park like feature in front of the building. It has a ramp leading into a back entrance which is not allowed unless the building has been declared a historic site by the state of Texas. The restroom does not comply due to size and access door size is under 36 inches. There are obstacles in each reading room making it impossible for a wheelchair to maneuver

**Raymond Rimkus Park**

Has two restroom facilities. The one next to the large playground area will be referred to as Building "A" and the other one as building "B". Building "B" is the newer of the two and is compliant. Building "A" is not compliant with 2012 Accessibility Code. The play

areas appear to meet Accessibility Codes with the exception of the entrance into the play area having a hump in the walk way that prevents easy access into the play area. The paved walking track does not comply as it has areas in it where the running slope is over 5%. Per the Code all walkways in the park can not have a running slope over 5% and a cross slope over 2%. There is also areas in the walkway where there are cracks that are wider than ½ inch.

### **Conference Center**

The Conference Center is missing a hand rail on a set of steps. 50% of the ADA parking is not compliant, in terms of the spaces meeting the required 2% grade in all direction for the actual space and it's accompanying access isle. Some coat hooks have been installed in the toilet stalls that are over 48 inches high and need to be replaced. There was some concern that the walkway to the woman's handicap stall was too narrow but Code allows it to be 36 inches wide and currently its 41 inches wide.

### **Kinman House / Restaurant**

Wooden ramps into side door do not comply as they are missing correct handrails and is not allowed if building in not considered a historical building. Almost all doors were missing a correct landing and correct thresholds. The Unisex restroom was non compliant. There is a change of elevation in kitchen area that has created a trip hazard.

RES. NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS  
ADOPTING THE CITY OF LEON VALLEY 2022 AMERICANS WITH DISABILITIES  
ACT (ADA) TRANSITION PLAN**

**WHEREAS**, Title II of the Americans with Disabilities Act (ADA) applies to State and local government entities, and protects qualified individuals with disabilities from discrimination on the basis of disability in services, programs, and activities provided by State and local government entities; and

**WHEREAS**, Title II of the ADA mandates that every agency with more than fifty employees has an ADA Transition Plan, which describes how a city will ensure its service, programs, and activities are accessible; and

**WHEREAS**, the City of Leon Valley, in compliance with Title II of the ADA is required to address the subject of ensuring that the City of Leon Valley's services, programs, and activities, and public rights of way are accessible to persons with disabilities; and

**WHEREAS**, the City of Leon Valley now desires to adopt the "City of Leon Valley 2022 ADA Transition Plan" as currently presented and hereafter amended is attached hereto as "Exhibit A", said exhibit being referenced fully included in this resolution as if specifically set out herein;

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

**SECTION 1.** The Leon Valley City Council does hereby adopt the "2022 Leon Valley Americans with Disabilities Act Transition Plan" as referenced in the attached Exhibit A.

**SECTION 2.** The City Manager is authorized to make necessary corrections and amendments to this Plan as corrective measures are taken to remediate non-compliant areas of the city.

**SECTION 3.** The City of Leon Valley will continue to work to provide accessibility in all services, programs, and activities to better serve the disabled community.

**PASSED** and **APPROVED** this the \_\_\_\_ day of November, 2022.

**APPROVED**

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**CHRIS RILEY**

Mayor

Attest:

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**SAUNDRA PASSAILAIGUE, TRMC**

City Secretary

Approved as to Form:

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**NICOLE WARREN**

City Attorney



# Consider Approval of a Resolution Adopting the 2022 Leon Valley ADA Transition Plan



Melinda Moritz  
Public Works Director  
City Council Meeting  
November 1, 2022

# Summary

- Question
  - Should the City Council approve a Resolution adopting the 2022 Leon Valley Americans with Disabilities Act (ADA) Transition Plan
- Options
  - Approve
  - Approve with revisions
  - Deny
- Declaration
  - The City is required to have an ADA Transition Plan in order to comply with State and Federal law

# Purpose

- To consider approval of a Resolution adopting the 2022 Leon Valley Americans with Disabilities (ADA) Transition Plan
- To plan for improvements to city facilities and programs to allow disabled persons to fully and actively participate in city life
- To comply with State and Federal law

# Background

- The proposed ADA Title II Transition Plan update fulfills the requirements set forth in Title II of the Americans with Disabilities Act (ADA)
- The ADA states that a public entity must plan for modifications to its facilities, policies, practices, and/or procedures to avoid discrimination against people with disabilities
- The City of Leon Valley is committed to providing accessible services to all of our community members

# Background

- Plan identifies physical barriers that may limit access to City programs and services & develops a plan to eliminate them
- Many identified potential barriers are associated with facilities that have accessible features such as designated parking, accessible restrooms, access ramps, accessible door hardware, and other code compliant and usable features
- Some of the barriers may be removed at little to no cost
- Some will require the City plan for large expenditures over time

# Background

- Plan is also intended to provide a framework for continuous improvement of City programs & activities for people with disabilities
- Pedestrian improvements, building renovations, & delivery of services have & are being accomplished with consideration for the needs of people with disabilities
- Plan is a living document, to be regularly updated as barriers are removed & new facilities come under ownership or control of the City

# Background

- Plan must outline the following:
  - How requests for modifications are made
  - A facilities evaluation of what architectural barriers exist for persons with disabilities
  - Identification of barriers for persons with disabilities and a list of evaluated facilities
- The proposed plan was developed after a facilities investigation was performed
- Input was then requested from all departments, and their comments and suggestions were incorporated into the Plan



# Background

- Plan was made available on the City's website for review and comment by the public for 3 months
  - Only received 2 comments – front entrance to City Hall & requests from Library
- All comments, suggestions, and concerns were added to the Plan
- City Council will determine the course of action to be taken, based on financing and other concerns, and add funding to fiscal year budgets where feasible
- Plan is to be updated every 5 years

# Fiscal Impact

- Some improvements to minor corrections can be made in each budget year
  - Correcting parking areas, installing handrails, minor modifications to restrooms/buildings
- Some improvements will need careful planning as they will be costly
  - Public Works facility, pools, Library Annex
- City Council will have to determine what budget years to make the final completions
- Staff will be investigating all grant opportunities available

# S.E.E. Statement

- *Social Equity* – Bringing city facilities into compliance with ADA regulations allows people with disabilities to work, play, and use all taxpayer funded facilities – the City has a duty to ensure effective communication , the provision of auxiliary aids, and all city-offered services, so that individuals with disabilities may participate in civic life
- *Economic Development* – All people with disabilities will be able to take part in, and benefit from, the programs and services of our local government, which may encourage relocation by families with disabled members
- *Environmental Stewardship* – Bringing older facilities into compliance with ADA regulations and other considerations has the happy consequence of removing environmentally hazardous construction materials, such as asbestos, and improving energy efficiency, contributing to the City’s carbon neutral goals

## MAYOR AND COUNCIL COMMUNICATION

**DATE:** November 01, 2022

**TO:** Mayor and Council

**FROM:** Sandra Passailaigue, City Secretary

**THROUGH:** Crystal Caldera, City Manager

**SUBJECT:** Presentation and Discussion on an Ordinance Amending the City of Leon Valley Code of Ordinances, Chapter 4 Business Regulations, Article 4.03 Alcoholic Beverages, Division 1. Generally, and Division 2. License and Permit Fees.

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

### **PURPOSE**

The purpose of this item is to repeal the 1972 ordinance the City of Leon Valley currently has related to the sale of alcoholic beverages and amend it with a new revision to comply with new regulations set by TABC; to update the Leon Valley Code of Ordinances outdated ordinance; and to be business friendly by offering a variety of options for businesses.

### **SEE LEON VALLEY**

**Social Equity** – The City will provide outstanding public safety services, high quality educational, recreational, historical, and cultural amenities, and superb infrastructure. The City will encourage collaborative participation by its residents, businesses, and stakeholders.

**Economic Development** – The City will provide a diverse and versatile business environment that supports a healthy economy.

**Environmental Stewardship** – The City will provide an online permit application to continue efforts to enhance procedures that enhance our environment with earth-friendly practices.

### **FISCAL IMPACT**

The City should see an increase in revenue once all establishments have obtained their permits and submit the appropriate sales tax.

## **STRATEGIC GOALS**

### **#1 C, D, and E**

To attract and retain quality businesses that will generate sales tax revenue withing the City by: C. Promote business friendly practices; D. Create, review, and enforce codes that impact economic development; and E. Increase educational and training resources.

### **#2 B**

Maintain a high level of safety and security for residential and business community by: B. Review, create, and/or modify ordinances and rules that promote a safe environment.

## **RECOMMENDATION**

Staff recommends approval of this ordinance, effective immediately but allowing a grace period ending January 15, 2023. This would allow businesses time (2 months) to obtain the appropriate licenses and permits to conduct their business; and it would also allow the City time to get information out on the new process and fees.

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

APPROVED WITH THE FOLLOWING AMENDMENTS:

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ATTEST:

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

## ARTICLE 4.03 ALCOHOLIC BEVERAGES<sup>\*</sup>

{Section}. 102.

### 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>\*</sup>

#### ~~Sec. 4.03.031 — Package stores and wine and beer retailers~~

~~A permit fee equal in amount to exactly one-half of that levied by the state is hereby levied upon all package stores and upon all wine and beer retailers located within the limits of the city. The permit fee shall be levied pursuant to the provisions of the Alcoholic Beverage Code, 11.01, 11.31, 11.38, Vernon's Texas Codes Annotated (V.T.C.A.). (This section does not apply to wine and beer retailer's permits, except those for railway cars or excursion boats, or to wine and beer retailer's off-premises permits.) (1972 Code, sec. 13.101; 2008 Code, sec. 4.03.031)~~

#### ~~Sec. 4.03.032 — Mixed beverage on-premises permit~~

~~An annual permit renewal fee equal in an amount of exactly one-half of that levied by the state is hereby levied upon all mixed beverage permits (which includes the sale of wine, beer, ale, and malt liquor for consumption on the licensed premises) after the three-year period following the issuance of the permit. This fee is levied pursuant to the provisions of the Alcoholic Beverage Code, 11.38, 28.01 and 28.02, V.T.C.A. (1972 Code, sec. 13.102; 2008 Code, sec. 4.03.032)~~

#### ~~Sec. 4.03.033 — Manufacture, distribution or sale of beer~~

~~A license fee and annual license renewal fee in the amount of exactly one-half of that levied by the state is hereby levied upon all licensed by the state to manufacture, distribute or sell beer (except a temporary or agent's beer license) within the city. These fees are levied pursuant to the provisions of the Alcoholic Beverage Code, 61.31, 61.36, V.T.C.A. (1972 Code, sec. 13.103; 2008 Code, sec. 4.03.033)~~

#### ~~Sec. 4.03.034 — Place and time of payment~~

~~All original permit fees and license fees shall be paid to the development department at city hall. All renewal fees shall be due to the development department at city hall on or before the expiration of the anniversary date of issuance. (1972 Code, sec. 13.104; 2008 Code, sec. 4.03.034)~~

#### ~~Sec. 4.03.035 — Other fees and taxes~~

~~The city shall not levy or collect any other fees or taxes from the above except general ad valorem taxes, the hotel occupancy tax levied under chapter 63, Acts of the 59th Legislature, Regular Session, 1965, as amended (V.T.C.A., Tax Code, ch. 351), and the local sales and use tax levied under the Municipal Sales and Use Tax Act (title 3 of the Tax Code). (1972 Code, sec. 13.201; 2008 Code, sec. 4.03.035)~~

#### ~~Sec. 4.03.036 — Failure to pay fee~~

~~It shall be an offense of this article to sell an alcoholic beverage without having first paid the permit fee or license fee set out above. (1972 Code, sec. 13.301; 2008 Code, sec. 4.03.036)~~

### Division 2. License and Permit Fees

#### 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.**

{Section}. 102.

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 Sales Near Churches, Public Schools, or Private Schools.**

It shall be unlawful for any person to sell or engage in the business of selling alcoholic beverages within the city where the place of business is within 300 feet of any church, public school, or private school. The measurement of the distance between the place of business where alcoholic beverages are sold and the church shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections. The measurement of the distance between the place of business where alcoholic beverages are sold and the public schools shall be in a direct line from the property line of the public school or private school to the property line of the place of business, and in a direct line across intersections.

As authorized by Texas Alcoholic Beverage Code Section 109.33(e), city council may consider applications for variances to the prohibition against the sale of alcoholic beverages within 300 feet of any church, private school or public school only if city council first conducts a public hearing on the matter and before the thirtieth day before the date of the public hearing notice is given by publication in the city's official newspaper and on the city's website, and after the conclusion of the public hearing at least three-fourths ( $\frac{3}{4}$ ) of the total membership of city council find all of the following:

- (1) The proposed sale of alcoholic beverages would constitute no more than 30 percent of the establishment's annual gross revenues.
- (2) Prior to the date of the public hearing an authorized representative of the affected church, public school, or private school has provided the city manager with written confirmation that the affected church, public school, or private school has no objection to the granting of the variance.
- (3) The granting of the variance will not have a negative effect on the health, safety, or welfare of the public.
- (4) On or before March 15 of the year following the granting of a variance, and every March 15 thereafter, the owner of the establishment for which the variance was granted shall submit to the city secretary all necessary documentation to verify that during the preceding calendar year no more than 30 percent of the establishment's annual gross revenues were generated by the sale of alcoholic beverages; and
- (5) Violations of the conditions on the variance are punishable by criminal fine and any and all remedies available at law and or equity including but not limited to revocation of the variance.

#### **Sec. 4.03.034 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. 4.03.035 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 must file an application for a permit with the Texas Alcoholic Beverage Commission and with 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:
- At least 51 percent of the establishment's gross daily receipts will be non-alcohol; and
  - 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:
- 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.
  - Conditioned on:
    - At least 51 percent of the establishment's gross daily receipts being non-alcohol; and
    - 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
  - 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 one year from the date on which it is granted. The establishment must apply for the permit each year 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. 4.03.036 City Fees Levy.

{Section}. 102.

- (a) **Levy Against Permit.** The City does hereby levy a City Alcoholic Beverage Fee equal to one-half (1/2) 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 (½) 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.
- (c) ~~The city manager may cancel a license if it finds the licensee has not paid a fee levied under this section.~~

#### Sec. 4.03.037 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 one 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 of 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 ~~city manager~~ commission or administrator may cancel or deny a license for the retail s

alcoholic beverages, including a license held by the holder of a food and beverage c  
finds that the license holder or applicant has not paid delinquent ad valorem taxes {Section}. 102.  
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 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 he city, may also result in permit cancellation.
- (c) In this section, "applicant" has the meaning assigned by section 11.45 of the Code.

**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, DIVISION 2 LICENSE AND PERMIT FEES; REPEALING ALL ORDINANCES IN CONFLICT THERWITH; PROVIDING FOR SEVERABILITY; SAVING CLAUSE; EFFECTIVE DATE; NOTICE OF OPEN MEETING AND PROVIDING FOR A PENALTY**

---

**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 Article 4.03 Alcoholic Beverages governing the sale of alcoholic beverages within the city: and

**WHEREAS**, The City Council wishes to levy fees for the sale of alcoholic beverages within the city; and

**WHEREAS**, The City of Leon Valley City Council believes that it is in the best interest of the citizens Leon Valley to adopt the Texas Alcoholic Beverage Code for the regulation and sale of alcoholic beverages within the city; 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, Division 2 License and Permit Fees shall be amended as follows:

**Division 2. License and Permit Fees**

**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.

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As authorized by Texas Alcoholic Beverage Code Section 109.33(e), city council may consider applications for variances to the prohibition against the sale of alcoholic beverages within 300 feet of any church, private school or public school only if city council first conducts a public hearing on the matter and before the thirtieth day before the date of the public hearing notice is given by publication in the city's official newspaper and on the city's website, and after the conclusion of the public hearing at least three-fourths ( $\frac{3}{4}$ ) of the total membership of city council find all of the following:

- (1) The proposed sale of alcoholic beverages would constitute no more than 30 percent of the establishment's annual gross revenues.
- (2) Prior to the date of the public hearing an authorized representative of the affected church, public school, or private school has provided the city manager with written confirmation that the affected church, public school, or private school has no objection to the granting of the variance.
- (3) The granting of the variance will not have a negative effect on the health, safety, or welfare of the public.
- (4) On or before March 15 of the year following the granting of a variance, and every March 15 thereafter, the owner of the establishment for which the variance was granted shall submit to the city secretary all necessary documentation to verify that during the preceding calendar year no more than 30 percent of the establishment's annual gross revenues were generated by the sale of alcoholic beverages; and
- (5) Violations of the conditions on the variance are punishable by criminal fine and any and all remedies available at law and or equity including but not limited to revocation of the variance.

**Sec. 4.03.034 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. 4.03.035 Late hours permit.**

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- (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 one year from the date on which it is granted. The establishment must apply for the permit each year 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. 4.03.036 City Fees Levy.**

- (a) **Levy Against Permit.** The City does hereby levy a City Alcoholic Beverage Fee equal to one-half (1/2) 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 (½) 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. 4.03.037 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 one 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 of 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 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 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 he city, may also result in permit cancellation.
- (c) In this section, "applicant" has the meaning assigned by section 11.45 of the Code.

**SECTION III. 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 IV. 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 V. 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 VI. EFFECTIVE DATE.** That this Ordinance shall take effect immediately from and after its passage and publication as required by law.

**SECTION VII. 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 VIII. 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 101.009 General penalty for violations of code: continuing violations of the City of Leon Valley Code, and/or applicable state law.

# TABC **2021** Changes

## Checklist

{Section}. 102.

**Visit: [tabc.texas.gov/2021](https://tabc.texas.gov/2021)**

*Doing business with TABC is about to get easier.  
Be sure to visit the webpage above to view crucial details for each step.*

### 1. Prepare now

- ☐ If opening a new location, submit original (new) applications and **complete all requirements** by July 31, or wait until Sept. 1 to apply.
- ☐ Prepare to use the new Alcohol Industry Management System (AIMS) for renewals if your license expires Sept. 1 or after.
- ☐ Read about beer, ale and malt beverage changes.

### 2. Learn about your license or permit

- ☐ Check to see if your license or permit will have changes in the new, simplified license structure.
- ☐ See new license and permit fees taking effect Sept. 1.

### 3. Check your onboarding date for the Alcohol Industry Management System (AIMS)

- ☐ **Who onboards in September:** Manufacturing and distribution tier businesses, brewpubs, and license or permit holders with September and October expiration months.
- ☐ Check the online calendar if your expiration month is November or later (date and year don't matter for AIMS onboarding).



TEXAS ALCOHOLIC  
BEVERAGE COMMISSION  
Texas Helping Businesses & Protecting Communities



Visit: [tabc.texas.gov/2021](https://tabc.texas.gov/2021)



# Licenses and Permits

## *Maximum Local Fees*

TIER	LICENSE/PERMIT TYPE	TWO-YEAR FEE IN CODE AUG. 31, 2021 (no surcharge)	MAXIMUM LOCAL FEE (for two-year period) <i>Effective Sept. 1, 2021</i>
Upper Tier	Brewer's License (BW) (consolidation of a Manufacturer's License and Brewer's Permit)	N/A	\$1,500
Upper Tier	Distiller's and Rectifier's Permit (D)	\$3,000	\$1,500
Upper Tier	Winery Permit (G)	\$150	\$75
Upper Tier	Out-of-State Winery Direct Shipper's Permit (DS)		N/A (Out-of-state)
Upper Tier	Nonresident Brewer's License (BN)		N/A (Out-of-state)
Upper Tier	Nonresident Seller's Permit (S)	\$300	\$150
Middle Tier	General Distributor's License (BB)	\$600	\$300
Middle Tier	Wholesaler's Permit (W)	\$3,750	\$1,875
Middle Tier	General Class B Wholesaler's Permit (X)	\$600	\$300
Lower Tier	Mixed Beverage Permit and Mixed Beverage w/ Food & Beverage Certificate (FB) required (MB)		
	ORIGINAL .....	\$6,000 .....	EXEMPT per Code Sec. 11.38(d)
	1ST RENEWAL .....	\$4,500 .....	\$1,125 EXEMPT per Code Sec. 11.38(d) in 1st year of 2-year renewal period
	2ND RENEWAL .....	\$3,000 .....	\$1,500
	3RD & SUBSEQUENT RENEWALS .....	\$1,500 .....	\$750
Lower Tier	Wine and Malt Beverage Retailer's Permit (BG) (previously known as a Wine and Beer Retailer's Permit)		
	Every county EXCEPT Bexar, Dallas, Harris, and Tarrant counties .....	\$350 .....	\$175
	ORIGINAL in Bexar, Dallas, Harris, and Tarrant counties .....	\$2,000 .....	\$1,000
	RENEWAL in Bexar, Dallas, Harris, and Tarrant counties .....	\$1,500 .....	\$750
Lower Tier	Wine and Malt Beverage Retailer's Off-Premise Permit (BQ) (previously known as Wine and Beer Retailer's Off-Premise Permit)	\$120	\$60

<b>TIER</b>	<b>LICENSE/PERMIT TYPE</b>	<b>TWO-YEAR FEE IN CODE AUG. 31, 2021 (no surcharge)</b>	<b>MAXIMUM LOCAL FEE (for two-year period) <i>Effective Sept. 1, 2021</i></b>
<b>Lower Tier</b>	(Malt Beverage) Retail Dealer's On-Premise License (BE)  <i>Every county EXCEPT Bexar, Dallas, Harris, and Tarrant counties</i>  <i>ORIGINAL in Bexar, Dallas, Harris, and Tarrant counties</i>  <i>RENEWAL in Bexar, Dallas, Harris, and Tarrant counties</i>	  \$300  \$2,000  \$1,500	  \$150  \$1,000  \$750
<b>Lower Tier</b>	(Malt Beverage) Retail Dealer's Off-Premise License (BF)	\$120	\$60
<b>Lower Tier</b>	Private Club Registration Permit (N)		EXEMPT per Code Sec. 11.38(d)
<b>Lower Tier</b>	Private Club Malt Beverage and Wine Permit (NB)		EXEMPT per Code Sec. 11.38(d)
<b>Lower Tier</b>	Private Club Exemption Certificate (NE)		EXEMPT per Code Sec. 32.11(b) and Code Sec. 11.38(d)
<b>Lower Tier</b>	Package Store Permit (P)	\$1,000	\$500
<b>Lower Tier</b>	Wine-Only Package Store Permit (Q)	\$150	\$75
<b>Lower Tier</b>	Passenger Transportation Permit (TR)		EXEMPT per Code Sec. 11.38(d)
<b>Other Permits</b>	Consumer Delivery Permit (CD)	N/A	No fee established in Code on 8/31/21; fee was established in rule per Code Sec. 57.03
<b>Other Permits</b>	Bonded Warehouse Permit (J/JD)	\$300	\$150
<b>Other Permits</b>	Manufacturer's Agent's Warehousing Permit (AW)	\$1,500	\$750
<b>Other Permits</b>	Carrier's Permit (C)		EXEMPT per Code Sec. 11.38(d)
<b>Other Permits</b>	Promotional Permit (PR)	\$600	\$300
<b>Other Permits</b>	Third-Party Local Cartage Permit (ET)		EXEMPT per Code Sec. 11.38(d)
<b>Other Permits</b>	Branch Distributor's License (BC)	\$150	\$75
<b>Subordinates</b>	Forwarding Center Authority (FC)		Not a license or permit so local fee is not authorized
<b>Subordinates</b>	Brewer's Self-Distribution License (SD) (consolidation of a Manufacturer's Self-Distribution License and Brewer's Self-Distribution Permit)	N/A	\$600
<b>Subordinates</b>	Brewpub License (BP)	\$1,000	\$500
<b>Subordinates</b>	Food and Beverage Certificate (FB)		Not a license or permit so local fee is not authorized
<b>Subordinates</b>	Late Hours Certificate (LH) (consolidation of a Mixed Beverage Late Hours Permit, Private Club Late Hours Permit, and a Retail Dealer's On-Premise Late Hours License)	N/A	Not a license or permit so local fee is not authorized
<b>Subordinates</b>	Local Distributor's Permit (LP)	\$200	\$100
<b>Subordinates</b>	Water Park Permit (WP)	\$60	\$30



An Ordinance Amending the City of Leon Valley Code of Ordinances, Chapter 4 Business Regulations, Article 4.03 Alcoholic Beverages, Division 1. Generally, and Division 2. License and Permit Fees

Saundra Passailaigue  
City Secretary  
City Council Meeting  
November 01, 2022





# Summary

{Section}. 102.

## •Question

—City Council is being asked to consider an amendment to the City's Code of Ordinances, Chapter 4 – Business Regulations, Article 4.03 Alcoholic Beverages, Division 1. Generally, and Division 2. License and Permit Fees.

## •Options

- Approve
- Approve with revisions
- Deny

## •Declaration

The Texas Alcoholic Beverage Commission (TABC) made changes to license types, fees, and technology. These changes went into effect September 1, 2021.

The TABC is the state agency that regulates all phases of the alcoholic beverage industry in Texas. The duties of the commission include regulating sales, taxation, importation, manufacturing, transporting, and advertising of alcoholic beverages.

The City of Leon Valley also requires a City permit for these types of businesses that operate within the City limits. City permits are valid for one year from the date of issue.

# Purpose

#1

To comply with State and Federal law.

#2

To update the 1972 Code the City currently has.

#3

To be more "business friendly" by offering options such as: late hours permit, variances, and an appeal process.

# Background

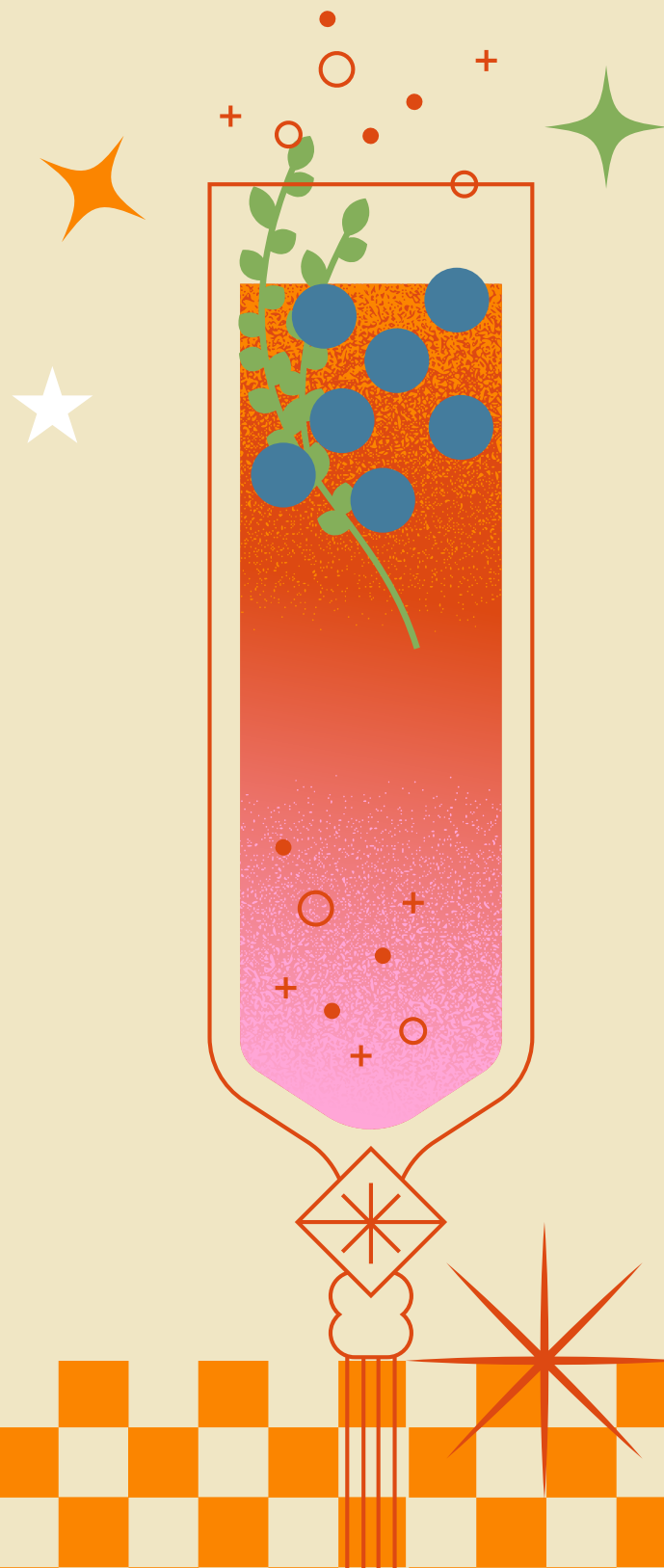
- The current City Code, Article 4.03 was adopted in 1972.
- There has only been one amendment to Article 4.03 and that was in 2008.
- There has been no enforcement of this Code which for many years.



# FISCAL IMPACT

## Sales Tax Submitted in the Last 2 Years:

- Taco Cabana
- Chacho's
- Wing Daddy's
- Oky Doky





# S.E.E. STATEMENT



## •Social Equity –

The City will provide outstanding public safety services, high quality educational, recreational, historical and cultural amenities and superb infrastructure. The City will encourage collaborative participation by its residents, businesses and stakeholders.

## •Economic Development – N/A

## Environmental Stewardship – N/A



## MAYOR AND COUNCIL COMMUNICATION

**DATE:** November 1, 2022

**TO:** Mayor and Council

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

**THROUGH:** Crystal Caldera, City Manager

**SUBJECT:** Presentation and Discussion to Consider Approval of an Ordinance Amending the Leon Valley Code of Ordinances, Chapter 1 General Provisions, Article 1.09 Parks and Recreation, Division 2 Use Regulations, Section 1.09.032 Alcoholic Beverages to prohibit alcohol consumption at city-owned swimming pool facilities as recommended by the Park Commission (1st Read as Required by City Charter)

### **PURPOSE**

This item is to consider a Park Commission recommendation to prohibit the consumption of any type of alcohol at city-owned swimming pool facilities. The current code section states:

“No person shall consume or possess any intoxicating beverage whatever on city public park property except for wine, beer, ale, and malt liquor as those products are defined by the laws of the state. No person shall use or possess a volume-drinking device on city park property.”

The Park Commission is recommending an amendment to this section to add a sentence as follows:

“The consumption of alcohol of any kind is specifically prohibited at city swimming pool facilities.”

Alcohol can influence balance, coordination, and judgment, and its effects are heightened by sun exposure, wind, sun glare, and heat. Individuals may take risks, such as diving into shallow water. Alcohol can also reduce swimming skills, even those of an excellent swimmer.

- Alcohol depresses central nervous system processing and impairs balance and coordination.
- Alcohol lowers inhibitions and judgment and can lead to risky behaviors.
- Alcohol can dilate blood vessels increasing the risk of hyperthermia.
- Alcohol can contribute to fatigue or loss of consciousness.
- Alcohol reduces attention span and the effective supervision of children in and around water.

A review of Police Department records indicates that there have been two incidents reported at city-owned swimming pools as follows:

2005 – Disorderly conduct/Public Intoxication

2022 – Other Incident

### **SEE LEON VALLEY**

Social Equity – Prohibiting alcohol at swimming pool facilities reduces the threat of accidental drowning at city-owned pool facilities for all citizens.

Economic Development – The prohibition of alcohol at city-owned pools may encourage more families to visit the facilities, which may encourage relocation.

Environmental Stewardship – Prohibiting consumption of alcohol at the pool facilities may reduce the amount of trash accumulated at these facilities.

### **FISCAL IMPACT**

It is unknown if this amendment would have any effect on the number of memberships or pool parties at these facilities.

### **STRATEGIC GOALS**

N/A.

### **RECOMMENDATION**

At their October 13, 2022 meeting, the Park Commission recommended revising the current Park ordinance to prohibit the consumption of alcohol at city-owned swimming pool facilities.

ATTEST:

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



### **Why Alcohol Consumption Should Not Be Permitted at Swimming Pools**

The following are some ways that alcohol can affect a person in the water and lead to drowning, injuries, or head, neck or spinal injury:

- Alcohol affects balance. Ordinary actions on steps, ladders, diving boards become hazardous for an intoxicated person.
- Alcohol affects judgement. A person might take an uncharacteristic risk such as diving into shallow water.
- Alcohol slows body movements. It can greatly reduce swimming skills.
- Alcohol is not a rehydrating beverage. It doesn't contain the right nutritional profile to act as a recovery drink after exercise. It amplifies the effects of dehydration causing dizziness, light headed, increased heart rate, causing someone to black out and if in the pool, could possibly sink underwater.
- Alcohol can impair one's ability to supervise and monitor their children which could decrease their safety in and around the pool. Drinkers may become loud, obnoxious, combative and/or abusive to lifeguards. This disrupts the safety and family friendly ambiance at the facility for everyone.

Swimming will not sober up an intoxicated person. The water will not reduce the amount of alcohol in the bloodstream or reduce the effects of alcohol.

Pool patrons who are drinking alcohol (and eating) will typically spend longer time at the pool which will lead to increased incidents.

A common cause of choking includes drinking alcohol before or during meals (Alcohol dulls the nerves that aid swallowing, making choking on food more likely.)

It is unrealistic to expect teenage lifeguards to monitor alcoholic drinking, confront adult patrons who are intoxicated and ask them to leave the facility. Intoxicated persons may become loud and obnoxious, combative and/or abusive to lifeguards. When lifeguards have to deal with unruly patrons, it takes their attention away from their primary duties of monitoring swimmer safety in the water.

Alcoholic drinking at the pools definitely negatively impacts the safe, wholesome family recreational ambiance at the pool.

*Submitted by Park Commissioner Elaine Valdez  
August 1, 2022*

# Amending Chapter 1 General Provisions, Article 1.09 Parks and Recreation Consider Prohibiting Alcohol Consumption at City Pools

City Council Meeting  
Public Works Director Melinda Moritz  
November 1, 2022



# Purpose

- To consider amending the Leon Valley Code of Ordinances, Chapter 1 General Provisions, Article 1.09 Parks and Recreation, Division 2 Use Regulations, Section 1.09.032 Alcoholic Beverages to prohibit alcohol consumption at city-owned swimming pool facilities
- Options
  - Approve
  - Approve with modifications
  - Deny
- Recommendation
  - Park Commission Recommends Approval as presented

# Background

- The current code section states:
  - “No person shall consume or possess any intoxicating beverage whatever on city public park property except for wine, beer, ale, and malt liquor as those products are defined by the laws of the state. No person shall use or possess a volume-drinking device on city park property.”
- The Park Commission is recommending an amendment to this section to add a sentence as follows:
  - “The consumption of alcohol of any kind is specifically prohibited at city swimming pool facilities.”

# Background

- Alcohol may influence balance, coordination, and judgment
- Its effects are heightened by sun exposure, wind, sun glare, and heat
- Individuals may take risks, such as diving into shallow water
- Alcohol can also reduce swimming skills, even those of an excellent swimmer

# Background

- Alcohol depresses central nervous system processing, impairs balance and coordination, and may also:
  - Alcohol lowers inhibitions and judgment and can lead to risky behaviors
  - Alcohol can dilate blood vessels increasing the risk of hyperthermia
  - Alcohol can contribute to fatigue or loss of consciousness
  - Alcohol reduces attention span and the effective supervision of children in and around water

# Background

- Police Department records indicate two incidents reported at city-owned swimming pools:
  - 2005 – Disorderly conduct/Public Intoxication
  - 2022 – Other Incident



# Fiscal Impact

- Unknown if this action would affect pool memberships or parties

# Recommendation

- At their October 13, 2022 meeting, the Park Commission recommended revising the current Park ordinance to prohibit the consumption of alcohol at city-owned swimming pool facilities

# S.E.E. Statement

- *Social Equity* – Prohibiting alcohol at swimming pool facilities reduces the threat of accidental drowning at city-owned pool facilities for all citizens
- *Economic Development* – The prohibition of alcohol at city-owned pools may encourage more families to visit the facilities, which may encourage relocation
- *Environmental Stewardship* – Prohibiting consumption of alcohol at the pool facilities may reduce the amount of trash accumulated at these facilities

**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, SECTION 1.09.032 ALCOHOLIC BEVERAGES, TO PROHIBIT ALCOHOL CONSUMPTION AT CITY SWIMMING POOL FACILITIES; PROVIDING A REPEALER CLAUSE; SEVERABILITY CLAUSE; NOTICE OF MEETING; SAVINGS CLAUSE; PENALTY CLAUSE; PROVIDING AN EFFECTIVE DATE OF THE REVISION WITH PUBLICATION, AS REQUIRED BY LAW.**

**WHEREAS**, the consumption of alcohol is currently allowed at all city parks and recreational facilities, including both city swimming pool facilities; and

**WHEREAS**, according to the Centers for Disease Control and Prevention, alcohol use at swimming pools is involved in up to 70% of deaths associated with water recreation; and

**WHEREAS**, the consumption of alcohol influences balance, coordination, and judgment and its effects are heightened by sun exposure, wind, sun glare, and heat, and may cause individuals to take risks, such as diving into shallow water; and

**WHEREAS**, the Park Commission, at their October 13, 2022, meeting, discussed and have now recommended to the City Council that alcohol consumption of any kind should be prohibited at city-owned swimming pool facilities;

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

**SECTION 1.** Chapter 1 General Provisions, Article 1.09 Parks and Recreation, Division 2. Use Regulations, Section 1.09.032 Alcoholic Beverages is hereby revised to read:

“No person shall consume or possess any alcoholic beverage on city public park and recreational property except for wine, beer, ale and malt liquor as those products are defined by the laws of the state. No person shall use or possess a volume-drinking device on city park property. The consumption of any alcoholic beverage of any kind is specifically prohibited at city swimming pool facilities.”

**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 Leon Valley 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. 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 6. 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 101.009 General penalty for violations of code: continuing violations of the City of Leon Valley Code, and/or applicable state law.

**Section 7. 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 this the 1st day of November 2022.

**APPROVED**

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**CHRIS RILEY**  
MAYOR

Attest :

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**SAUNDRA PASSAILAIGUE, TRMC**  
City Secretary

Approved as to Form:

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**NICOLE WARREN**  
City Attorney

Regular City Council Meetings		
<b>Tuesday, January 03, 2023</b>	Tuesday, January 17, 2023	Council Chambers
Tuesday, February 07, 2023	Tuesday, February 21, 2023	Council Chambers
Tuesday, March 07, 2023	Tuesday, March 21, 2023	Council Chambers
Tuesday, April 04, 2023	Tuesday, April 18, 2023	Council Chambers
Tuesday, May 02, 2023	Tuesday, May 16, 2023	Council Chambers
Tuesday, June 06, 2023	Tuesday, June 20, 2023	Council Chambers
<b>Tuesday, July 04, 2023</b> The City will hold the annual event. Does City Council want to cancel or reschedule this meeting?	Tuesday, July 18, 2023	Council Chambers
Tuesday, August 01, 2023	Tuesday, August 15, 2023	Council Chambers
Tuesday, September 05, 2023	Tuesday, September 19, 2023	Council Chambers
<b>Tuesday, October 03, 2023</b>	Tuesday, October 17, 2023	Council Chambers
Tuesday, November 07, 2023	Tuesday, November 21, 2023	Council Chambers
Tuesday, December 05, 2023	Tuesday, December 19, 2023	Council Chambers

Annual Town Hall and Coffee with the Mayor & Council		
Saturday, January 28, 2023	Annual Town Hall Meeting	Conference Center
Saturday, March 25, 2023	Coffee with the Mayor & City Council	Conference Center
Saturday, July 22, 2023	Coffee with the Mayor & City Council	Conference Center
<b>Saturday, October 28, 2023</b> This is Halloween weekend. Does the City Council want to move it up 1 week to Oct. 21, 2023?	Coffee with the Mayor & City Council	Conference Center

Other Important Events:	
<b>*Tuesday, January 03, 2023</b> (Christmas Break 2022)	City Hall will be closed December 22, 2022 through January 02, 2023. The first meeting for January 2022 was bumped to the second Tuesday in January due to the holiday. Does Council want to consider the same for 2023?
Saturday, May 06, 2023	General Election
Saturday, May 27, 2023	Annual City-Wide Garage Sale
<b>*Tuesday, October 03, 2023</b>	October 03, 2023 is Texas National Night Out. Council has moved the Regular meeting in the past. Does Council want to consider the same for 2022?
<b>*Wednesday, October 04, 2023</b> (TML Annual Conference)	The TML 111 <sup>th</sup> Annual Conference and Exhibition is scheduled for October 04-06, 2023 in Dallas, Texas. This is the morning after Texas NNO. Does the City Council want to cancel the first meeting in October or reschedule?



## **OUTSTANDING CITY COUNCIL ITEMS**

- **Licensing Fee code amendment**
  - CC mtg.11/15/2022
- **Review of the Water rates are Scheduled for the beginning of the new year.**
- **Sustainability Overlay**
  - Currently being reviewed by City Attorney
- **Stray Animal Ordinance**
  - Currently being reviewed by City Attorney
- **Amazon HUB Project**
  - Waitingng on site vist and approval
- **LVHS request for ARP funds**
  - Reviewing MOU on 11/1/2022
- **Combining Park, Tree and Earthwise living committee- WB**
  - 11/18/2022
- **Blood Drive and PTO Policy**
- **Huebner Creek Restoration -RO,BM**
- **Public Private Partnership with local petshops for pet adoption options**
- **The neighborhoods need to be established**
- **ADA transition plan**
  - Presented at the 7/19/2022 city council meeting
    - Post on the website for public comment for three months on the website
  - First read on 11/1/2022
- **Neighborhood/citizen survey**
- **Discussion and possible action on amending BOA variance criterion by Texas Legislative changes**
- **Update on the Huebner Creek trenching**
- **Review of the personnel manual**
- **Legal review of the Sign Code**
  - Councilor Orozco and Bradshaw will work on this item
- **Looking at an amendment to Section 15.02 Appendix C (I), D Structural Nonconformity to add a matching percentage from Economic Community Development funds**
- **Volunteer Appreciation Dinner**
  - Possibly after the Townhall mtg
  - Postpone until September
- **Fourth of July Presentation**
  - City Council 3/15
  - Council provided direction
  - The next update will be on 6/7/2022
  - Recap August 2, 2022, and August 16, 2022

- Recap and Direction October 4, 2022
- **Flooding**
  - Was addressed at the following Council Meetings
    - 08/03/2021 – Flood Damage Prevention Ord. # 21-034
    - 11/2/2021 – To discuss Flood Mitigation Strategies
    - 12/07/2021 – Short Term options to address flooding
  - Budget Adjustment – For Funding floodway Monitoring and Software Upgrades
    - Upcoming Council presentation 1/18/2022
  - Budget Adjustment – for Creek Cleanup
    - Staff is proposing \$150,000 in ARP funds Upcoming Council meeting TBD
  - Segment one of Huebner creek will be presented to the council on 4/19/2022
    - Council decided to look at the 50 ‘ wide, protected little league, the study will be brought back to the council before we agree to do it.
  - Budget adjustment for creek cleanup
    - 6/7/2022
  - Budget adjustment for flood gates and notification system
    - 6/7/2022 postponed
- Huebner Creek Channel improvement presentation 9/20/2022
  - Council direction to bring back budget adjustment on \$633,000
    - First Read 10/3/2022
    - Second Read 10/18/2022
- **Ordinance Amending the City of Leon Valley Code of Ordinances, Chapter 4 Business Regulations, Article 4.03 Alcoholic Beverages, Division 1. Generally, and Division 2. License and Permit Fees**
  - First read on 11/1/2022

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

- **Appointment of a home rule charter review committee**
  - Mayor was tasked with making recommended changes at the last retreat on 09/07/2021.
  - Mayor presented them at the Town Hall Meeting on 03/26/2022
  - Mayor presented them on 06/04/2022
  - The last day to call for a November election is August 22, 2022.
  - Deadline for the attorney to get the correct ballot language together is July 13, 2022.
  - Per Council Direction on 6/18/2022, the amendments were sent to City Attorney.
  - Council will vote on the amendments on July 12, 2022, and July 19, 2022.
  - Election will be ordered on August 2, 2022, and August 16, 2022
  - Election Scheduled for November

- Provided a review of the Amendments at the Coffee on 10/22/222
- **Presentation and discussion on the status of implementation of TPCA best practices for law enforcement policies, including the mandatory provision of mental health PTO in accordance with Texas legislative changes - JS, RO**
  - Discussed at the following Council meeting
    - 6/1/2021
  - Update in the CM report 10/26/2021:
    - We released the initial 6 policies (6.1 - Use of Force, 6.3 - Non-lethal, Less than lethal weapons, 6.4 - Officer Involved Shooting, 7.15 - Vehicle Pursuits, 7.40 Investigations, 8.6 Active Shooter) in July and August. With the distribution, we included a record of receipt and pertinent training.
    - Since the initial release, we have now distributed 4 more policies (3.2 - Field Training Program, 3.2.1 - Field Training Program Operations Manual, 4.6 - Off-duty Employment, 5.4 - Body Worn Camera) and again, with the distribution, we have included a record of receipt and pertinent training.
    - Currently in the process of the last review before we release 8 other policies.
  - Mental Health quarantine Policies Section 614.015 of the Tx Gov't Code have been updated and can be found here:  
[https://cms3.revize.com/revize/leonvalleynew/departments/human\\_resources/procedural\\_directives.php#revize\\_document\\_center\\_rz4176](https://cms3.revize.com/revize/leonvalleynew/departments/human_resources/procedural_directives.php#revize_document_center_rz4176)
  - Distributed a Property and Evidence packaging manual that is used along with 12.1 Property and Evidence Management. 10.1 Prisoner Processing and 11.1 Municipal Court are in the final draft and edit stage and will be distributed both in the near future.
- **Red-light cameras First Available Contract end term is May 2037**
  - City Council adopted a Resolution declaring the intent to phase out redlight cameras 4/6/2021 – Resolution # 21-009R
  - The RLC Contract would be difficult to terminate without financial obligation from the City
  - City Council supports HB 1209 and physically delivers letters in support to Cortez, Biederman, Canales, Menendez
  - Funds – Eligible projects – CR
    - Will be discussed at the Town Hall Meeting on January 22, 2022
  - Discussed at the retreat council has decided not to spend funds until we know what the legislature is doing
- **Tiger brush and bulk issues- Contract ends January 1, 2025**
  - Discussed at the following City Council Meetings
    - 02/22/2021

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

- Will be discussed under the Townhall meeting update to the council on 4/19/2022
    - Council would like us to use our future land use map
- **Sewer Service Charge Adjustments**
  - Council meeting 2/15/22
  - Impact Fees Removed
  - Sewer Charges will be brought back at a later time.
- **Over 65 Tax Exemption**
  - Council Mtg. 3/1/22
    - Councilor Orozco will get with the Finance Director to see if this item will come back on a later date
- **John Marshall Traffic Plan – CR, JH**
  - Discussed at the following Council meeting
  - 12/14/2022 Next steps
  - NISD engineers are still working on the plan, collecting traffic counts, and coordinating with CoSA Traffic Department
  - Once complete, additional meetings will be held with the City to determine the feasibility and appropriateness
  - Once plans are final, the proposal will be presented to City Council for approval
  - John Marshal Update on 3/15 based on 2/14 meeting
  - The City received feedback on possible neighborhood suggestions on 5/09/2022. Joint meeting to be determined.
  - Heard by City Council to possible street closures on 8/23/20 Engineers will develop a report and PD and Fire will review
  - Taking to Council on 10/3/2022
- **Apartments Finley And Sierra Royale, Forest Oaks, Vista Del Rey- BM**
  - Update ion one of the Apartment Complexes at the CC mtg 3/15
    - Presentation was given on Vista Del Rey
    - Next apartment review is on 5/3/2022
      - Staff received legal advice in executive session
    - Executive session 8/2/2022
      - Council decided to file a Chapter 54 lawsuit against Vista del Rey, filed on 8/5/2022
      - TRO was granted on 8/8/2022
      - Administrative warrant executed on 8/17/2022
      - Temporary Injunction was granted on 8/22/2022
        - They have 6 months to comply.
      - 8/31/2022 Vista got new attorneys
      - 9/9/2022 Vista filed a motion to dissolve the temporary injunction

- C of Os issued Shed, Maintenance Shop, Laundry 1-3, Vista, Gym
  - 9/19/2022 hearing set and canceled
  - Executive Session 9/20/2022
- **Presentation, discussion, and possible action on fluoride survey results – JS**
  - CC Mtg. 3/1/2022 Postponed
  - Moved to 4/5/22
  - Presentation on given to the council and the community on the benefits, no direction was proved to staff
- **American Rescue Plan funds**
  - 8/17/2021 City Council meeting. Council agreed to budget in FY 2022 for the following
    - 911 Mass text - \$5,900
    - PPE and Decontamination Supplies -\$10,000
    - Disposal Supplies and Medication - \$45,000
    - 2 power stretchers – \$60,000
    - 12 LEAD Cardiac monitor - \$70,000
    - Library Hot Spots – \$5,220
    - Huebner Well Generator -\$230,000
  - 11/16/2021 Budget Adjustment ord. # 21-060
    - AV equipment – Council Chambers -\$41,000
    - PD AC Repair - \$10,000
    - Website upgrades - \$40,000
    - Premium Pay for Essential Workers -\$150,000
    - Citizen Utility Asst. -\$50,000
    - Library AC repair -\$25,000
  - For FY 23 Budget
    - Fire Truck-\$400,000
    - Shadow Mist Skate Park -\$70,000
  - This item was heard at the Town Hall Meeting on 3/26/2022
    - Citizen input will be presented at the 4/19/22 CC Mtg
  - At the 4/19/2022 council Meeting council decided to use \$400,000 to purchase a fire truck
  - Finance Director gave a presentation on 10/18/2022 council meeting
- **AV equipment for the Conference Center -Budget Adjustment from ARP Funds**
  - Council meeting 2/1/22 first read
  - Item amended to get the direction of the scope of work
  - Will bring the item back after the BID process
  - Discuss alternatives 5/3/2022
- **Adding an End time to the City Council Meeting Agendas**

- The Council reviewed the rules of Decorum at the retreat on 06/18/2022 this was not discussed.
- Council will review Decourm at the 7/12/2022 council meeting.

## **COMPLETED**

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



- CC mtg. 4/19/2022
  - Council provided direction to enhance the crosswalk at Evers by the library and traffic control for JMHS
  - HRC committee will be the council and Saturday workshop with budget
- **Funding options on a Fire Truck**
  - Cc mtg 4/19/2022
  - Council approved 50% from ARP funds and leasing the remainder on a 5 year lease.
- **Storm Water Utility Rate Revision**
  - CC Mtg. 4/19/22
  - This item will be brought back on 4/5 CC mtg.
    - The direction was to have the rates match SA, a possible scale for inflation of 3% and what the total impact would be.
  - Second Read 5/3/2022
    - Council approved with a 3% increase every year for 5 years.
- **Impound Lot Presentation**
  - CC mtg for 4/5/2022
    - Moved by Mayor to the next meeting
      - CC mtg 4/19/2022
    - Moved by Mayor to the next meeting
      - Will be presented at the 5/3/2022 CC mtg.
        - Council had not requested changes other than investigating the cost to relocate.
- **Presentation on Graffiti**
  - CC Mtg. 4/19/22
    - In investigating the current Ord. the City realized that our ord was not in line with the state statute
    - CC Mtg. 4/5 new Ord. will be presented
      - Moved by Mayor to the next meeting
    - Will be presented at the 4/19/ 2022 CC mtg.
      - Moved by Mayor to the next meeting
    - Will be presented at the 5/3/2022 CC mtg.
      - No changes were requested on presented changes
  - Second Read was presented on 5/17/2022 council meeting this item passed
- **Zazamora Creek cleanup & possible acquisition**
  - The council decided on no acquisition but to authorize a budget adjustment of the American Rescue Plan Fund in the amount of \$25,104.00 to the Stormwater Utility Fund Budget for the Purpose of the Zarzamora Creek Drainage Easement Clean-Up and debris haul off.
  - Creek cleanup started on 07/25/2022

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

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