



CITY OF LEON VALLEY
CITY COUNCIL REGULAR MEETING
Leon Valley City Council Chambers
6400 El Verde Road, Leon Valley, TX 78238
Tuesday, November 07, 2023 at 6:00 PM

AGENDA

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

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

- 1. Call to Order; Determine a Quorum is Present, Pledge of Allegiance**
- 2. Citizens to be Heard**
- 3. Presentations**
 1. Presentation, Discussion and Direction to Staff on the Rules of Decorum and City Council Meeting Guidelines/Procedures - Dr. Caldera, City Manager
 2. Presentation of a Proclamation by Mayor Chris Riley, Proclaiming November 18,2023, America Recycles Day
- 4. Regular Agenda**
 1. Presentation, Discussion, and Possible Action on an Ordinance Amending Leon Valley Code Of Ordinances, Chapter 4 Business Regulations; Adding Article 4.13 Short Term Rental, Sections 4.13.001 – 4.13.011; Providing For Regulations for the Registration and Use of Short Term Rentals; Providing for Definitions Providing for Brochure and Safety Requirements; Providing a Penalty Not to Exceed Five Hundred and No/100 Dollars (\$500.00); Amending Chapter 11 -Taxation of the Code of Ordinances By Amending the Definition of a Hotel to Include Short Term Rental Units; Amending Appendix A Fee Schedule, Adding Article A17.011 Short-Term Rental Registration Fee (First Reading was Held 09-05-2023) - Councilor Josh Stevens and Councilor Rey Orozco
 2. Discussion and Possible Action on a Request for Approval of an Appeal to the 2021 International Fire Code, Appendix D Fire Apparatus Access Roads, Section D107 One

or Two-Family Residential Developments, D107.1 One or Two-Family Dwelling Residential Developments, to Allow Non-Fire Sprinklered Housing Units, at the Poss Landing Subdivision, Located at 7213 Huebner Road - M. Teague, Planning and Zoning Director

5. **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.

6. **City Manager's Report**

1. **Upcoming Important Events:**

Regular City Council Meeting, Tuesday, November 21, 2023, at 6:30 PM, in City Council Chambers.

City Offices and Municipal Court will be closed Friday, November 10, 2023 in observance of Veterans Day.

City Offices and Municipal Court will be closed Thursday, November 23, 2023 and Friday, November 24, 2023 in observance of the Thanksgiving Holiday.

Breakfast with Santa, Saturday, December 02, 2023, from 8:00 AM to 10:30 AM, at the Leon Valley Public Library.

Lighting of the Christmas Tree and Celebration, Monday, December 04, 2023, at 6:00 PM, in the grassy area outside of the Leon Valley Conference Center.

Miscellaneous other events and announcements.

7. **Consent Agenda**

1. Discussion and Possible Action Approving of the Following City Council Minutes:
 - a. 10-17-2023 Regular City Council Meeting Minutes
 - b. 10-28-2023 Coffee with the Mayor & City Council Minutes

2. Discussion and Possible Action Accepting of the Following Board/Commission Minutes:
 - a. 09-14-2023 Library Advisory Board Meeting Minutes
 - b. 09-14-2023 Park Commission Meeting Minutes
 - c. 09-26-2023 Planning & Zoning Commission Meeting Minutes

3. Discussion and Possible Action on a Resolution of the City of Leon Valley, Tx., City Council Appointing David Perry as Commissioner to the Leon Valley Planning & Zoning Commission - S. Passailaigue, City Secretary

4. Discussion and Possible Action on Amending Ordinance Chapter 3 Building Regulations; Article 3.02 - Technical and Construction Codes and Standards; Sec. 3.02.054 - Property Maintenance Code and Sec. 3.02.055 - Appeals and Variances to Technical and Construction Codes (1st Read was Held on 09-18-2023) – Dr. Caldera, City Manager
5. Discussion and Possible Action on and Ordinance Amending the City Of Leon Valley Code Of Ordinances, Chapter 1, Article 1.04 City Council, Sec. 1.04.001 Rules Of Meeting Decorum and Conduct, Adding Executive Session Meeting Time of 6:00 p.m. and Prohibiting Outside Presentations (1st Read was Held 09-05-2023) - Dr. Caldera, City Manager
6. Presentation, Discussion, Possible Action of a Resolution Granting a Fence Variance for 6406 Royalty Pt, CB 4429A BLK 1Lot 25, Seneca Estates - M. Teague, Planning and Zoning Director

8. Regular Agenda Continued

1. Presentation, **Public Hearing**, and Discussion to Consider an Ordinance Revising Chapter 15 Zoning, Division 3 Administration, Section 15.02.103 Certificate of Occupancy, to Require a Complete and Accurate Application and Owner Affidavit for a Certificate of Occupancy (C of O) - R. Salinas, Economic Development Director (1st Read as Required by City Charter)
2. Presentation, Discussion and Possible Action Adding Topics to the January 27, 2024, Annual Town Hall Meeting - Mayor Chris Riley
3. Presentation and Discussion Authorizing the City Council to Amend the Leon Valley Code of Ordinance, Chapter 11- Taxation, by Adding 11.05 – Short Term Rentals-Occupancy Tax -Article 11.05 – Short Term-Rentals- Occupancy Tax (1st Read as Required by the City Charter) - R. Salinas, Director Of Economic Development

9. Citizens to be Heard

10. 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: 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)

11. Reconvene into Regular Session

12. Possible Action on Issues Discussed in Executive Session If Necessary

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

14. **Adjournment**

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

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

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

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



SAUNDRA PASSAILAIGUE, TRMC
City Secretary
NOVEMBER 03, 2023 10:15 AM



Council Procedures

Crystal Caldera, PhD

11/7/2023



Citizen Participation

- Signup Sheet – Full Name and Neighborhood; or
- Comment Cards?
- Only allow Citizens to speak during Citizens to be heard?
- Gavel at exactly 3 minutes?

GENERAL MATTERS SPEAKER CARD (please print clearly) Date: _____

Presiding Officer:
I would like to speak regarding the following item...

Agenda Item & Page Number (motion, resolution, ordinance, order of business or report):

	Support	Oppose	Info. Only
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Name: _____

Address: _____

Representing: _____

Remarks: _____

(Please see speaker time rules on reverse of card)

Your signature required on the back hereof is certification that your statement is true and correct and an opportunity to acknowledge whether or not you have been compensated in exchange for your statement or attendance



City of Florence
A City in Motion

Request to Address the City Council (Speaker's Card)

Name: _____
(Please Print)

City Council Meeting Date: _____ Agenda Item No.: _____

Brief Overview of What You Wish to Discuss: _____

Do you represent an organization? Yes No Name of Org.: _____

Residence Address: _____

City, State, Zip: _____

Email (Optional): _____ Phone No. (Optional): _____

Would you like to be added to the City of Florence Email Distribution Lists?

Newsletter City Council

NOTE: ONCE COMPLETED, THIS CARD BECOMES A PUBLIC DOCUMENT

(See Reverse Side for Instructions)

Council Participation

- Time-limiting Council Speech -5 minutes?
- Only allowing the council to speak twice per item – Robert Rules?
- Continuing allowing Council members to prepare presentations?

Robert’s Rules of Order Cheat Sheet

Action	What to Say	Can interrupt speaker?	Need a Second?	Can be Debated?	Can be Amended?	Votes Needed
Introduce main motion	<i>"I move to..."</i>	No	Yes	Yes	Yes	Majority
Amend a motion	<i>"I move to amend the motion by it (add or strike words or both)"</i>	No	Yes	Yes	Yes	Majority
Move item to committee	<i>"I move that we refer the matter to committee."</i>	No	Yes	Yes	No	Majority
Postpone item	<i>"I move to postpone the matter until..."</i>	No	Yes	Yes	No	Majority
End debate	<i>"I move the previous question."</i>	No	Yes	Yes	No	Majority
Object to procedure	<i>"Point of order"</i>	Yes	No	No	No	Chair decision
Recess the meeting	<i>"I move that we recess until..."</i>	No	Yes	No	No	Majority
Adjourn the meeting	<i>"I move to adjourn the meeting."</i>	No	Yes	No	No	Majority
Request information	<i>"Point of information."</i>	Yes	No	No	No	No vote
Overrule the chair's ruling	<i>"I move to overrule the chair's ruling."</i>	Yes	Yes	Yes	No	Majority

Agenda Format

- Moving the Council Announcements and City Manager's report to the end of the Agenda?
- How about presentations – Action items first?




Packet Items

- Mayor and Council Communication – Memo
- PowerPoint –Bullets only, end slide, SEE statement
- Anything else you would like to see?

7 x 7 Rule

- Seven words per line, or less
- Seven bullets per slide, or less
- Add an additional slide, if necessary
- Too many words are distracting
- Be brief
- Font at least 18 point, but use 24 point or larger when possible

A group of approximately ten people are seated around a large, U-shaped wooden conference table in a meeting room. The room has wood-paneled walls, an American flag on the left, and a Texas state flag on the right. A circular seal is mounted on the wall behind the participants. The participants are engaged in a meeting, with some looking at laptops and others talking. The text is overlaid on the image in a white, italicized font.

“ An efficient meeting succeeds at two very different goals. It allows members (a) to conduct their business and (b) to go home early...Efficient meetings allow members to conduct their business in an orderly fashion. That may not be the same thing as “finishing” the business. Complex issues may require more than one meeting to finish.

Tomas A. Gwosdz J.D.

Council Procedures



Crystal Caldera, PhD

11/7/2023



{Section}.31.



PROCLAMATION
Leon Valley, Texas America Recycle Day
November 18, 2023

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

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

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

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

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

NOW, THEREFORE, I, CHRIS RILEY, Mayor of the City of Leon Valley, Texas, do hereby November 18, 2023

America Recycles Day

Signed by my hand on this the 7th day of November 2023.

Chris Riley

Mayor Chris Riley



EXHIBIT A

ARTICLE 4.13 - SHORT-TERM RENTAL

Sec. 4.13.001. Purpose and applicability.

This article aims to establish regulations for the registration and use of Short-Term Rentals for single-family living units. The requirements of this article apply only to Short-Term Rentals, as defined herein, located in residential zoning districts established under Chapter 15, Zoning of the City of Leon Valley Code of Ordinances. Nothing in this article, however, shall be construed as a waiver of the requirement to assess and collect hotel occupancy taxes for any residential rental for a period of less than 30 consecutive days of property located outside of such residential-only zoning districts.

Sec. 4.13.002. Definitions.

Advertise means the written, audio, oral or other methods of drawing the public's attention whether by brochure, written literature or on-line posting to a Short-Term Rental to promote the availability of the Short-Term Rental.

Hotel Occupancy Tax means the hotel occupancy tax as defined in Chapter 11 of the Leon Valley Code of Ordinances and V.T.C.A. Texas Tax Code, Chapter 351.

Local Emergency Contact means an individual other than the applicant, who resides within 50 miles of the subject property, and who is designated by the owner/applicant to act as the owner's authorized agent if the owner has traveled outside of the immediate area or is otherwise unavailable. The local emergency contact should be reachable on a 24-hour basis, have access to the Short-Term Rental Property, and be authorized by the owner to act in the owner's absence to address any complaints, disturbances, and emergencies.

Owner means any person, agent, operator, firm, trust, corporation, limited liability company, partnership or business organization having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or code official of the estate of such person if ordered to take possession of real property by a court. The term "owner" does not include the holder of a non-possessory security interest in the property.

Party means a social gathering of people or special event, including those who have not rented the residence, for the primary purpose of eating, drinking or entertainment in a manner that is disruptive to the surrounding properties.

Short-Term Rental (STR) means a residential dwelling unit, apartment, condominium or accessory dwelling, that may or may not be owner or lessee occupied; where sleeping areas are rented to overnight guests for a period less than 30 consecutive days (but not less than 12 hours). The term does not include:

- (1) A unit that is used for a nonresidential purpose, including an educational, health care, retail, restaurant, banquet space, or event center purpose or another similar use;
- (2) A bed and breakfast;
- (3) A hotel/residence hotel; or
- (4) Individual room rentals while owner/lessee holder-occupied

Sec. 4.13.003. Short-Term Rental registration requirements.

No person shall hereafter advertise, offer to rent or rent, lease, sublease, license or sublicense a residential property within the City as a Short-Term Rental for which a registration has not been properly made and filed with the Planning and Zoning Department of the City. Registration shall be made upon forms furnished by the City for such purpose and shall specifically require the following minimum information:

- (1) Name, address, phone number and e-mail address of the property owner of the Short-Term Rental property;
- (2) Name, address, phone number and e-mail address of the designated Local Emergency Contact;
- (3) All Short Term rentals existing before this ordinance will have six months from the passage of this ordinance to register (November 7, 2023).

Sec. 4.13.005. Restrictions on Short-Term Rentals.

- (1) To operate or allow to be operated a Short-Term Rental without first registering, in accordance with this article, the property in which the rental is to occur;
- (2) To advertise or offer a Short-Term Rental without first registering, in accordance with this article, the property in which the rental is to occur; documented advertisement of the subject property as a Short-Term Rental, online or offline, shall be considered evidence of a violation of this article;
- (3) To operate a Short-Term Rental that does not comply with all applicable city and state laws and codes;
- (4) To operate a Short-Term Rental without paying the required hotel occupancy taxes;
- (5) To offer or allow the use of a Short-Term Rental for the sole or primary purpose of having a party venue;
- (8) Permit the use of Short-Term Rental for the purpose of housing sex offenders; operating a structured sober, recovery or other purpose living home or similar enterprise; selling illegal drugs; selling alcohol or another activity that requires a permit or license under the Alcoholic Beverage Code or operating as a sexually oriented business.
- (9) In order to preserve the essential character of residential areas, it shall be unlawful In areas zoned for residential use, no short- term rental shall operate within 200 feet of another short-term rental on the same block face, measured property line to property line. This provision does not apply to individuals registered by May 30, 2023.

A special exception- In order to obtain a permit for a short-term rental that would otherwise violate the minimum separation distance and lot limitation described herein, a property owner may apply to the City Council for a special exception

The City Council shall consider factors such as the following:

- 1. Whether operation as a short-term rental in excess of the density limitation will not adversely impact the residential quality of the neighborhood in which the property is located;
- 2. Whether such operation is likely to disrupt adjacent owners’ right to the quiet enjoyment of their property (for example, by considering whether lot sizes are small enough that noise is likely to affect neighboring property owners);
- 3. Whether such operation will substantially impact nearby streets, including whether the property provides only limited off-street parking;

4. Whether the applicant seeks to operate an entire residence as a short-term rental or whether the short-term rental use is limited to an accessory dwelling;
5. Whether the applicant occupies the premises as their primary residence or uses it as an investment property; and
6. Whether other short-term rentals in excess of the minimum separation distance are already operating on that block.

Sec. 4.13.006. Brochure and safety features.

- (a) *Informational brochure.* Each registrant operating a Short-Term Rental shall provide to guests a brochure that includes:
 - (1) The registrant's 24-hour contact information;
 - (2) A local responsible party's 24-hour contract information if the owner is not within the city limits when guests are renting the premises;
 - (3) Pertinent neighborhood information including, but not limited to, parking restrictions, restrictions on noise and amplified sound, and trash collection schedules; and
 - (4) Information to assist guests in the case of emergencies posing threats to personal safety or damage to property, including emergency and non-emergency telephone numbers for police, fire and emergency medical services providers and instructions for obtaining severe weather, natural or manmade disaster alerts and updates.
- (b) *Safety features.* Each Short-Term Rental registrant shall provide, in the premises, working smoke detectors in accordance with adopted codes and at least one working carbon monoxide detector and alarm, and one working fire extinguisher. The premises shall, otherwise, comply with applicable Code of Ordinance requirements, including, but not limited to, Building and Fire Codes.

Sec. 4.13.008. Registration term, fees, and renewal.

- (a) All registrations under this Chapter shall be valid for a period of one year from the date of its issuance.
- (b) The fee for registration of a Short-Term Rental shall be \$25.00 with a late fee of twice the established fee.

Sec. 4.13.009. Suspension and revocation of Short-Term Rental registration.

- (a) The Planning and Zoning director, or his/her designee, may suspend and/or revoke a Short-Term Rental registration if it is determined that the activities set forth above in section 4.13.005 are determined to have occurred at the Short-Term Rental; or a Short-Term Rental unit is listed on a hosting platform or advertised elsewhere without being registered as required under section 4.13.003
- (b) In addition to section 4.13.011, a violation of any of the conditions in section 4.13.009(a) shall result in progressive enforcement:
 - (1) Upon the first violation, the owner shall receive a written warning that includes a description of enforcement for future violations.
 - (2) Upon the second violation, the registration for the Short-Term Rental shall be terminated and the Short-Term Rental host prohibited from re-applying for a new registration for six months from the date of termination.

- (3) Upon the third violation, the registration for the Short-Term Rental shall be terminated and the Short-Term Rental host prohibited from re-applying for a new registration for one year from the date of termination.
 - (4) Upon the fourth violation, the registration for the Short-Term Rental shall be terminated and the Short-Term Rental host prohibited from re-applying for a new registration at any time in the future.
- (c) During the time period that a Short-Term Rental registration is suspended or revoked, it shall be unlawful to advertise, offer to rent or rent, lease, sublease, license or sublicense the residential property subject to the suspension or revocation the within the City as a Short-Term Rental.

Sec. 4.13.010. Appeal of denial, suspension or revocation of registration.

In the event an applicant has been denied registration or if a registration has been suspended or revoked, the party affected may appeal that action to the city manager by submitting a letter within ten business days of the denial, suspension or revocation. The city manager, or his/her designee, shall review the appeal at a staff level and decide within ten business days of receiving the appeal request and shall have the authority to uphold or reject the action complained of and order that the registration be granted or reinstated. However, should the city manager uphold the denial, suspension or revocation, they shall schedule a hearing before the city council at a regular or special meeting within 30 days of the denial, unless the applicant withdraws the appeal in writing. Such a hearing shall be an administrative hearing, and adherence to formal rules of evidence shall not be required. The decision of the city council may be appealed as allowed by law to any court with jurisdiction.

Sec. 4.13.011. Violations and penalties.

Violation of this Article upon conviction shall be punished by a fine not to exceed the sum of \$500.00 for each offense and each day such violation shall continue shall be deemed to constitute a separate offense. Warnings, citations, and revocations may be issued to dwelling owners, operators, lessors, agents, occupants, tenants, and/or guests, depending on the nature of the violation. Dwelling owners are ultimately responsible for compliance with the requirements and restrictions imposed upon a Short-Term Rental by this article and for the conduct of their dwelling operators, lessors, agents, occupants, tenants, and guests, regardless of whether the owners are present at the dwelling.

ORDINANCE NO:

AN ORDINANCE AMENDING LEON VALLEY CODE OF ORDINANCES, CHAPTER 4 BUSINESS REGULATIONS; ADDING ARTICLE 4.13 SHORT TERM RENTAL, SECTIONS 4.13.001 – 4.13.011; PROVIDING FOR REGULATIONS FOR THE REGISTRATION AND USE OF SHORT TERM RENTALS; PROVIDING FOR DEFINITIONS; PROVIDING FOR RESTRICTIONS; PROVIDING FOR BROCHURE AND SAFETY REQUIREMENTS; PROVIDING A PENALTY NOT TO EXCEED FIVE HUNDRED AND NO/100 DOLLARS (\$500.00); AMENDING CHAPTER 11 -TAXATION OF THE CODE OF ORDINANCES BY AMENDING THE DEFINITION OF A HOTEL TO INCLUDE SHORT TERM RENTAL UNITS; AMENDING APPENDIX A FEE SCHEDULE, ADDING ARTICLE A17.011 SHORT-TERM RENTAL REGISTRATION FEE; PROVIDING A PENALTY; SEVERABILITY; SAVINGS; REPEAL; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, The City of Leon Valley is a home rule municipality. Chapter 215 of the Texas Local Government Code (LGC) authorizes a home rule municipality to regulate businesses pursuant to its police power. Chapter 51 of the LGC authorizes the governing body of a municipality to adopt, publish, amend, or repeal an ordinance, rule, or police regulation that is for good government, peace, or order of the municipality or for trade and commerce within the municipality and is necessary or proper for carrying out a power granted by law to the municipality or to an office or department of the municipality.

WHEREAS, permanent residents desire the option to occasionally utilize their properties for Short-Term Rentals;

WHEREAS, the operation of Short-Term Rentals should not be permitted to negatively affect property values and the quiet enjoyment of adjacent property in residential districts;

WHEREAS, the City Council has determined that regulations are needed to protect the public health, safety, morals and general welfare of the citizens of Leon Valley; and

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

Section 1. *Chapter 4 Business Regulations, Article 4.13 Short-Term Rental, Sections 4.13.001 – 4.13.011* are here by added as stated in Exhibit A attached hereto and incorporated herein.

Section 2. *Chapter 11 Taxation, Article 11.04 Hotel Occupancy Tax, Section 11.04.001 Definitions* is hereby amended by amending the definition of Hotel as follows:

Hotel. Any building or buildings, trailer or other facility in which the public may, for a consideration, obtain sleeping accommodations. The term shall include hotels, motels, Short-Term Rental as defined in Section 4.13.002, tourist homes, houses or courts, lodging houses, inns, rooming houses, guest houses, or other buildings where rooms are furnished for a consideration, but "hotel" shall not be defined so as to include hospitals, sanitariums or nursing homes.

Section 3. *Appendix A Fee Schedule*, is amended by adding Section A17.011 Short-Term Rental as follows:

“Sec. A17.011 Short-Term Rental

(a) Annual Registration Fee: \$25.00”

Section 4. Penalty. Any person who violates any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined as provided in Chapter 1. General Provisions, Article 1.01 Code of Ordinances, Section 1.01.009 General penalty for violations of code: continuing violations of the City of Leon Valley Code, and/or applicable state law.

Section 5. 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 6. Savings Clause. The repeal of any ordinance or part of ordinances effectuated by the enactment of this ordinance shall not be construed as abandoning any action now pending under or by virtue of such ordinance or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the City under any section or provisions of any ordinances at the time of passage of this ordinance.

Section 7. Repeal. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict. All provisions, sections and sub-sections not revised or amended herein shall remain in effect.

Section 8. Effective Date. This ordinance shall become effective on and after its passage and approval, and publication requirements as provided by law.

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

APPROVED

CHRIS RILEY
MAYOR

Attest:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form:

Art Rodriguez
City Attorney

MAYOR AND COUNCIL COMMUNICATION

DATE: November 7, 2023
TO: Mayor and City Council
FROM: Mindy Teague, Director of Planning and Zoning

SUBJECT: Discussion and Action to Consider an Appeal to the 2021 International Fire Code, Appendix D Fire Apparatus Access Roads, Section D107 One or Two-Family Residential Developments, D107.1 One or Two-Family Dwelling Residential Developments and D107.2 Remoteness, to Allow Non-Fire Sprinklered Housing Units, at the Poss Landing Subdivision, Located at 7213 Huebner Road - M. Teague, Planning and Zoning Director

SPONSOR(S): None

PURPOSE

The purpose of this item is to consider an appeal by Casey O'Neil, owner of the Poss Landing Subdivision at 7213 Huebner Road, to the 2021 International Fire Code, Appendix D Fire Apparatus Access Roads, Section D107 One or Two-Family Residential Developments, D107.1 One or Two-Family Dwelling Residential Developments and D107.2 Remoteness, to allow non-fire sprinklered housing units.

This is a ten-acre residential housing development located at 7213 Huebner Road, now known as Poss Landing. The developer of the subdivision had previously stated that because he was unable to provide a secondary fire apparatus access road that meets the requirements of Section D107.2 Remoteness, he would fire sprinkler all of the housing units. The property was then platted, and the developer started negotiations with several building contractors for the construction of the homes.

He has now been turned down by three home building companies, and all have stated that the costs of installing and maintaining fire sprinkler systems is too high. Staff made some inquiries of residential fire sprinkler companies and was informed that the cost for installing the systems would be between \$3.50 and \$5.00 per square foot, resulting in an estimated cost of \$896,000 for the 86 units.

The 2021 International Fire Code, Appendix D States:

“D107.1 One or Two-Family Dwelling Residential Developments

Developments of one or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads.

Exceptions:

1. Where there are more than 30 dwelling units accessed from a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with section 903 3.1.1, 903 3.1.2, 903 3.1.3,

access from two directions will not be required.

2. The number of dwelling units accessed from a single fire apparatus road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.

D107.2 Remoteness

Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.”

To gain as much compliance as possible with the Fire Code, the applicant is proposing to replat the property to provide an additional fire apparatus access road along Huebner Road. The distance between the approved ingress/egress road to the newly proposed access road is approximately *** linear feet, so they are noncompliant by about ** feet. There is a vacant five-acre tract of land adjoining this subdivision and the developer has placed a street stub out for a future connection to that parcel, but the timing of the future development is unknown.

Chapter 5 Fire Prevention, Article 5.04 Fire Code, Section 5.04.005 – Appeals states:

“Whenever the fire marshal shall disapprove an application, or refuse to grant a license or permit applied for, or when it is claimed that the provisions of the code do not apply or that the same has been wrongly interpreted by the fire marshal, the applicant may appeal from the decision of the fire marshal to the council within 30 days from the date of the decision of the fire marshal.”

The applicant is asking for approval of an appeal to the code.

FISCAL IMPACT

The approval of the appeal will result in a reduction of approximately \$896,000 in building costs to the developer. The construction of 86 housing units on this property will increase the City’s ad valorem and sales taxes.

RECOMMENDATION

The Fire Chief recommends disapproval of the appeal, as the proposed secondary fire apparatus access road is not to code and the applicant knew the homes would have to be fire sprinkled from the onset of planning for this development. In addition, the appeal is for monetary reasons only and is self-imposed.

S.E.E. IMPACT STATEMENT

Social Equity – Building and Fire Codes protect all of our citizen’s public’s health, safety, and welfare.

Economic Development – The construction of 86 new homes will increase ad valorem and sales taxes.

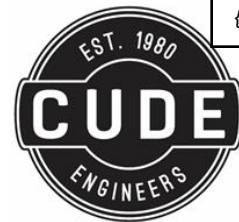
Environmental Stewardship – Properly permitting new development projects ensures that structures are built according to the new environmental codes.

APPROVE: _____ DISAPPROVE: _____

APPROVE WITH THE FOLLOWING AMENDMENTS:

ATTEST:

Sandra Passailaigue, TRMC
City Secretary



September 14, 2023

Michael Naughton
Fire Chief
City of Leon Valley
6400 El Verde Road
Leon Valley, TX. 78238

RE: Poss Landing Secondary Access

Dear Mr. Naughton:

Cude Engineers represents Poss Landing, LLC as engineer for the Poss Landing subdivision plat number 2022-20. Poss Landing consists of 86 single-family residential lots with detached homes as depicted in the subdivision plat and construction plans approved by the City. Prior to commencing construction, we respectfully request the City of Leon Valley confirm that the homes can be built without fire sprinkler systems.

The subdivision is designed with a primary entrance road with a median onto Huebner Road. The median provides an entrance with a split roadway thereby allowing for entrance via the exit lane should the entrance lane be blocked. Furthermore, we provided a roadway stub to the adjoining property in keeping with the International Fire Code Section D107.1 Exception 2 which states:

D107.1 (2) - "The number of dwelling units accessed from a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official."

Neighboring properties on either side of the Poss Landing have engaged the City for certain entitlements in preparation for development. The fire code clearly states that given the future development of the neighboring property, the secondary access requirement for our project may be waived by the fire chief. There is no specificity in the fire code as to whether "future development" is defined as future development of a phase within our project. Furthermore, should our project and each neighboring project comply with the fire code separately, this would cause an excessive number of access roads to be built onto Huebner Road to meet primary and secondary entrance requirements. It would be more efficient for traffic flow if the City required cross-access between the projects with an eye towards all design concerns including traffic safety. As a stop gap measure, we propose adding a fire access only secondary entrance onto Huebner Road to mitigate any short-term concerns with secondary access until the neighboring projects come online. Although our proposed secondary access does not meet the Remoteness test in the Fire Code Section D107.2, the secondary access along with the stub-out to future development and the primary entrance split by a median when considered together achieves the intent of the fire code.

When development is completed for this and surrounding projects, the fire sprinklers will be unnecessary. Bear in mind that fire sprinkler systems, especially in a residential application, can be their own source of problems due to pipe leaks and pipe bursts from freezing temperatures. As you are aware, many homeowners have recently experienced the effects of freezing temperatures on their plumbing. Homeowners would bear all the expense and

risk of a fire sprinkler failure and its impact on their home, belongings and insurance premiums. The City would bear no responsibility except that the City required them to be installed in the first place.

It is not our intention to create a health, safety or welfare concern but to only consider the full scope of development in and around this project as well as other design concerns such as everyday traffic safety and long-term risk born by the homeowners.

We appreciate your consideration in this matter. Please feel free to contact me with any questions you may have.

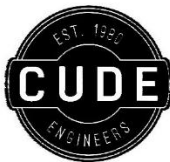
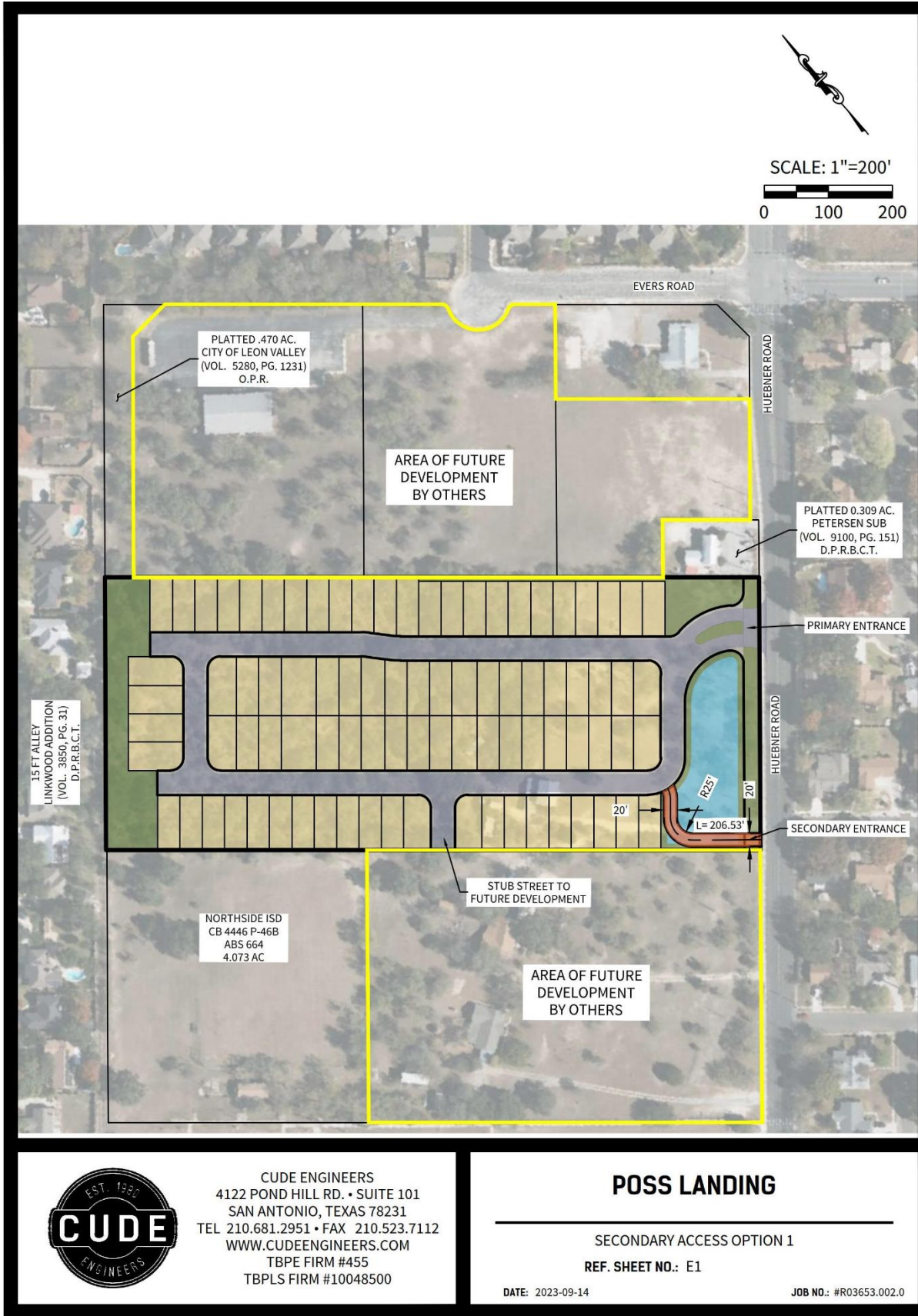
Sincerely,



Joshua M. Cude, PE
President/CEO

Attachments:

Exhibit – Poss Landing Secondary Access Option 1



CUDE ENGINEERS
 4122 POND HILL RD. • SUITE 101
 SAN ANTONIO, TEXAS 78231
 TEL 210.681.2951 • FAX 210.523.7112
 WWW.CUDEENGINEERS.COM
 TBPE FIRM #455
 TBPLS FIRM #10048500

POSS LANDING

SECONDARY ACCESS OPTION 1
 REF. SHEET NO.: E1

DATE: 2023-09-14

JOB NO.: #R03653.002.0



September 18, 2023

Joshua Cude
Cude Engineers
4122 Pond Hill Road, #101
Shavano Park, Texas 78231

RE: Poss Landing Secondary Access

Mr. Cude:

In reviewing your letter dated September 14, 2023, concerning the requirements for residential sprinkler systems. The IFC is clear where it states in Section D107.1 that single access public access road to the development requires automatic sprinkler systems be installed in each dwelling.

My biggest concern is the safety and well-being of the residents of this development. I am concerned with the term "future development". When will that "future development" happen, and will that development provide the needed secondary fire access road? As the plans have been updated, the stub street on the east side of the property has been removed. So, the only viable secondary access will have to come from the west side property and not on either side. From the very start of this project, during a City Council meeting, the developers were told of the sprinkler requirements. The developers acknowledged these requirements in public and during private meetings. Nothing has changed in this project that affects the need for sprinkles unless an approved secondary fire access road is developed. In a private meeting with the developer, I was advised that the sprinkler issue was strictly a profit issue and by installing the sprinkler system, they would not make the required profit margins.

The proposed secondary access road does not currently meet the remoteness minimum spacing as defined in the IFC, D107.2, by a couple hundred feet. This secondary fire access road is half the distance the IFC requires and would be unsafe to use for an extended time.

Your concerns about water damage and cost for repairs are the exact same as any homeowner bears for their water lines in general. Freezing pipes or leaks are no different or more costly than any other water line in a residence. According to the National Fire Protection Association "With proper installation, sprinklers will not freeze. NFPA 13D, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes, includes guidelines on proper insulation to prevent pipes from freezing."

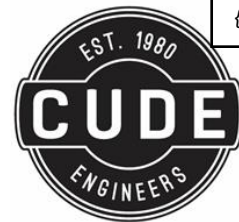
In closing, I am open to the possibility of a temporary secondary access road if there is an actual plan approved for the future development on an adjacent lot that clearly shows a fire access road. Future development does not provide for the required fire protection of the current development. Because of



the reasons stated, I remain steadfast in the requirement set out in the IFC and discussed in City Council for the requirements of automatic sprinkler systems.

Regards,

Michael P. Naughton
Fire Chief / Fire Marshal
City of Leon Valley
6300 El Verde Road
Leon Valley, Texas 78238
210-684-3219 Ext. 281 (Office)
210-521-5612 (Fax)
210-480-2313 (Mobile)
210-335-4632 (Dispatch)
m.naughton@leonvalleytexas.gov



September 19, 2023

Michael Naughton
Fire Chief
City of Leon Valley
6400 El Verde Road
Leon Valley, TX. 78238

RE: Poss Landing Secondary Access

Dear Mr. Naughton:

In response to your letter dated September 18, 2023, we request an appeal to City Council on your interpretation of the IFC Sections D107.1 and D107.2 regarding the requirement for secondary access. The IFC allows for the fire official to determine the acceptability of streets stubs for future development as the source of secondary access to a project. We respectfully request that the City determine that the street stub-outs provided meet the intent of the fire code and thereby no additional secondary access is necessary and no home fire sprinkler systems are necessary. Concerning your letter and the requirement for a residential sprinkler system, we offer the following response to address your comments:

Comment 1 – “The IFC is clear where it states in Section D107.1 that single access public access road to the development requires automatic sprinkler systems be installed in each dwelling...The proposed secondary access road does not currently meet the remoteness minimum spacing as defined in the IFC, D107.2, by a couple hundred feet. This secondary fire access road is half the distance the IFC requires and would be unsafe to use for an extended time. I am concerned with the term “future development”. When will that “future development” happen, and will that development provide the needed secondary fire access road? As the plans have been updated, the stub street on the east side of the property has been removed. So, the only viable secondary access will have to come from the west side property and not on either side...I am open to the possibility of a temporary secondary access road if there is an actual plan approved for the future development on an adjacent lot that clearly shows a fire access road. Future development does not provide for the required fire protection of the current development.”

Response 1a – The IFC Section 107.1, when considered in its entirety, provides for an exception for future development. If future development could not serve as the secondary access for a project with more than 30 units then the exception would not have been written into the code in the first place. The code reads as follows:

Section 107.1 - Development of one or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads.

Exceptions (summarized):

- 1. *If you are over 30 units, a second road is not required if you sprinkle the homes.*

2. *The number of Units may not be increased (assuming no secondary access and no sprinklers are provided) unless fire apparatus access roads will connect with future development, as determined by the fire code official.*

In other words, IFC section 107.1 provides for the option to defer secondary access to future development, but the IFC does not define “future development” as being future development within the subject property nor does it provide a schedule for the future development. Section 107 provides the fire code official with discretion on this exception to secondary access. The City of San Antonio determined that secondary access for single-family residential is only necessary after the 124th lot but street stubs to future development are required to facilitate cross connectivity for secondary access amongst different developments in keeping with the future development exception of the IFC. It is prudent to find a reasonable balance between the risk of a rare fire event and the risk of everyday traffic issues caused by excessive access points to major thoroughfares like Huebner Road.

Response 1b – Regarding the secondary access options, there are several options we have explored with a priority placed on options that we can control and do not require an adjacent property owner. First, over a year ago we proposed access to Linklea Drive via the alley way in the rear of the project. However, the City did not want to accommodate a fire lane through the existing alley to Linklea Drive even though the fire lane we proposed met code. We also attempted to secure secondary access from either adjacent property owner, however neither property owner was willing to grant access until their plans are finalized. While we wait for the neighboring properties to develop, we offered the City temporary secondary access to Huebner Road as a short-term solution. The temporary secondary access is not required by code, nor does it strictly meet the remoteness requirement in IFC 107.2, but it is secondary access and it would mitigate the very remote possibility of the primary entrance being blocked during a fire event in the community. The temporary secondary access is a measure provided only to help assuage the City’s concern over secondary access in the short term. Bear in mind that many developments don’t have secondary access that meet the remoteness requirement in the code, including the elementary school next door.

Comment 2 – “From the very start of this project, during a City Council meeting, the developers were told of the sprinkler requirements. The developers acknowledged these requirements in public and during private meetings. Nothing has changed in this project that affects the need for sprinkles unless an approved secondary fire access road is developed.

Response 2 – The developer understands the fire code and the City’s position on sprinklers dating back to zoning approval. Even though the developer did not and still does not agree with the fire code interpretation the City has put forth, the developer has worked diligently to accommodate the City’s request to provide either secondary access or fire sprinklers. What has changed since the zoning approval is the cost of development and home construction has increased substantially and therefore all projected costs are under scrutiny. The cost to provide fire sprinklers has doubled to \$10,000 per home since the project began. This cost along with the extra building requirements agreed to during zoning have added substantial costs to the project. The developer is not asking for relief on any requirements previously agreed too but it is reasonable to request the City to look at the necessity of fire sprinkler systems when the IFC allows for exceptions. Again, despite the exception in the IFC, and our disagreement with the City’s interpretation, we still attempted to secure secondary access through both neighbors and the City’s property.

Comment 3 – “Your concerns about water damage and cost for repairs are the exact same as any homeowner bears for their water lines in general. Freezing pipes or leaks are no different or more costly than any other water line in a residence. According to the National Fire Protection Association “With proper

installation, sprinklers will not freeze. NFPA 13D, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes, includes guidelines on proper insulation to prevent pipes from freezing.”

Response 3 – Fire sprinklers do present additional risks for leaks. Fire sprinklers are overhead and designed to cover the whole house and all its contents whereas domestic plumbing comes up from the slab and through walls. Of course sprinklers should be installed to not leak or freeze just like sinks, water heaters and roofs but they all have a habit of leaking anyway. We are simply asking that the City consider that with fire sprinklers comes new issues like maintenance and inspection costs that homeowners have to bear. We do not design drainage within the project to a 100-year rain event because it has been determined that a 100-year rain event is statistically rare enough that it would be cost-prohibitive and unnecessary to design drainage structures to that standard. Likewise in the event of a fire, secondary access would be needed only in the rarest of cases, yet we are asked not only to include secondary access, but that access is only acceptable if it’s a significant distance from the primary entrance. Why? In the situation that there is fire while both entry and exit lanes at our primary entrance are blocked and Huebner is also blocked.

Comment 4 – “My biggest concern is the safety and well-being of the residents of this development.”

Response 4 – This is our concern as well, first and foremost without question. However, we are also concerned with the alternatives that would make this project viable without degrading health, safety, welfare, economics and all the other considerations that make a project work or not. We are concerned with more than just fire safety problems, such as traffic safety problems and drainage problems that often lead to traffic accidents. We are also concerned with trying to do what is best in the short and long term when considering all design elements of the project and neighboring development. What is most important is that we use the spirit and intent of the IFC to achieve the same desired outcome and apply it appropriately in real-world applications.

The code allows for discretion when considering the ultimate build-out of “future development”. It is your prerogative to take the most conservative position possible which is 1. Fire services cannot access the community if a fire should happen if the entrance is blocked because the future development of adjacent properties will never occur and that secondary access that does not meet the letter of the remoteness condition in the IFC code provides no value.

Neighboring properties on either side of the Poss Landing have engaged the City for certain entitlements in preparation for development. All things considered, cross-access between projects and multiple access points spread out over a larger area is better than each site meeting secondary access on its own. As a stop gap measure, we propose adding a fire access only secondary entrance onto Huebner Road to mitigate any short-term concerns with secondary access until the neighboring projects come online. Although our proposed secondary access does not meet the Remoteness test in the Fire Code Section D107.2, the secondary access along with the stub-out to future development and the primary entrance split by a median when considered together achieves the intent of the fire code.

It is not our intention to create a health, safety or welfare concern but to only consider the full scope of development in and around this project as well as other design concerns such as everyday traffic safety and long-term risk born by the homeowners.

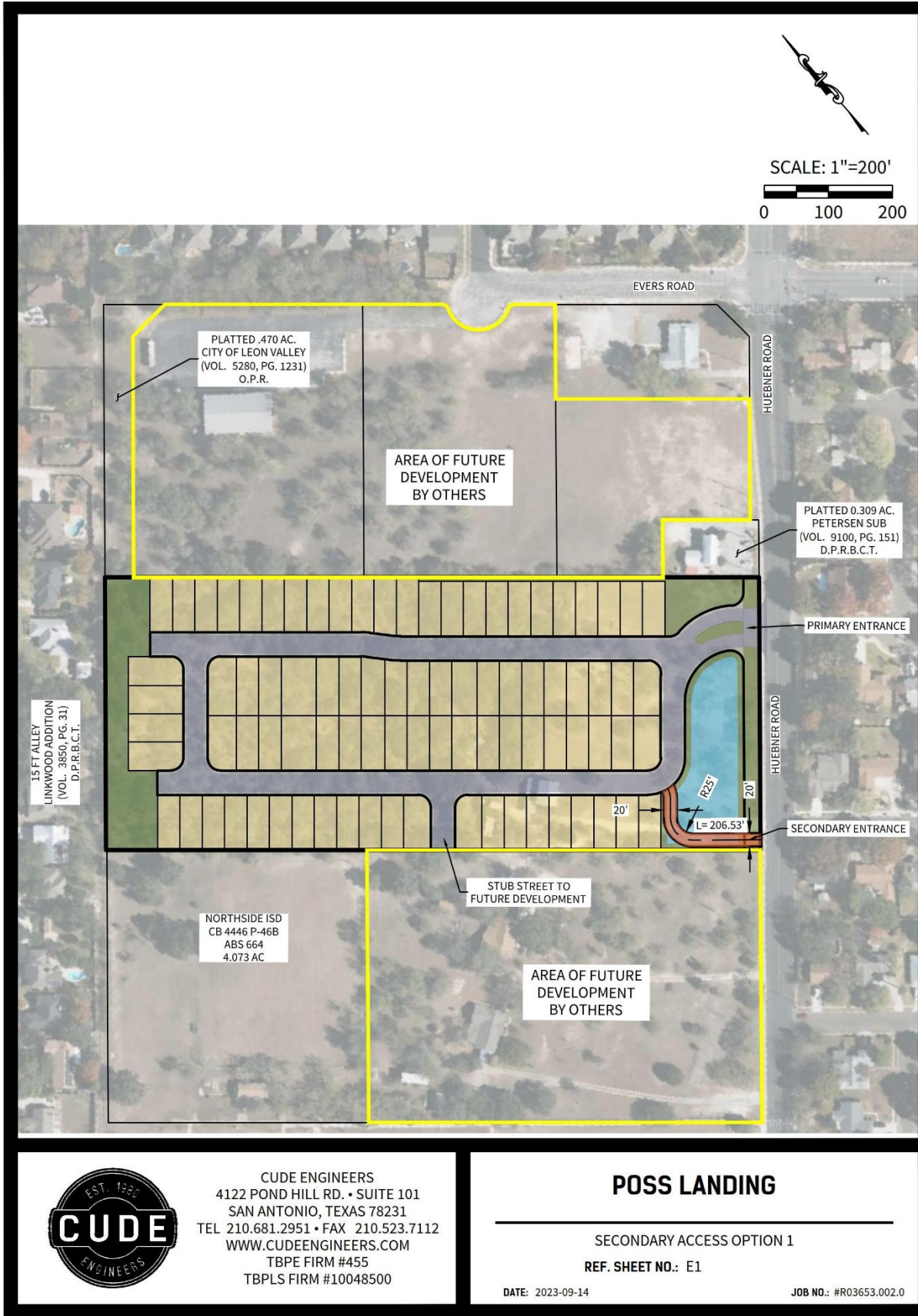
We appreciate your consideration in this matter. Please feel free to contact me with any questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joshua M. Cude', with a long horizontal flourish extending to the right.

Joshua M. Cude, PE
President/CEO

Attachments: Exhibit – Poss Landing Secondary Access Option 1



SCALE: 1"=200'

0 100 200

15 FT ALLEY
LINKWOOD ADDITION
(VOL. 3850, PG. 31)
D.P.R.B.C.T.

PLATTED .470 AC.
CITY OF LEON VALLEY
(VOL. 5280, PG. 1231)
O.P.R.

AREA OF FUTURE
DEVELOPMENT
BY OTHERS

PLATTED 0.309 AC.
PETERSEN SUB
(VOL. 9100, PG. 151)
D.P.R.B.C.T.

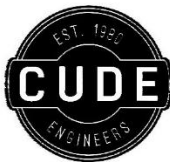
PRIMARY ENTRANCE

SECONDARY ENTRANCE

NORTHSIDE ISD
CB 4446 P-46B
ABS 664
4.073 AC

STUB STREET TO
FUTURE DEVELOPMENT

AREA OF FUTURE
DEVELOPMENT
BY OTHERS



CUDE ENGINEERS
4122 POND HILL RD. • SUITE 101
SAN ANTONIO, TEXAS 78231
TEL 210.681.2951 • FAX 210.523.7112
WWW.CUDEENGINEERS.COM
TBPE FIRM #455
TBPLS FIRM #10048500

POSS LANDING

SECONDARY ACCESS OPTION 1

REF. SHEET NO.: E1

DATE: 2023-09-14

JOB NO.: #R03653.002.0

Fire Code Appeal
Fire Apparatus Access Road
Determination
7213 Huebner Road
Poss Landing Subdivision

Regular City Council Meeting

Mindy Teague, Director

November 7, 2023

Appeal

- By Casey O'Neil and Century Communities, Poss Landing Subdivision, 7213 Huebner Road
- Appealing the Fire Chief's denial of an appeal to the 2021 International Fire Code, Appendix D Fire Apparatus Access Roads, D107 One or Two-Family Dwelling Residential Developments, D107.1 One or Two-Family Dwelling Residential Developments & D107.2 Remoteness
- To allow a non-compliant secondary fire apparatus access road
- To allow the proposed 86-unit single family dwelling subdivision to be constructed without fire sprinkler systems in each home

Request

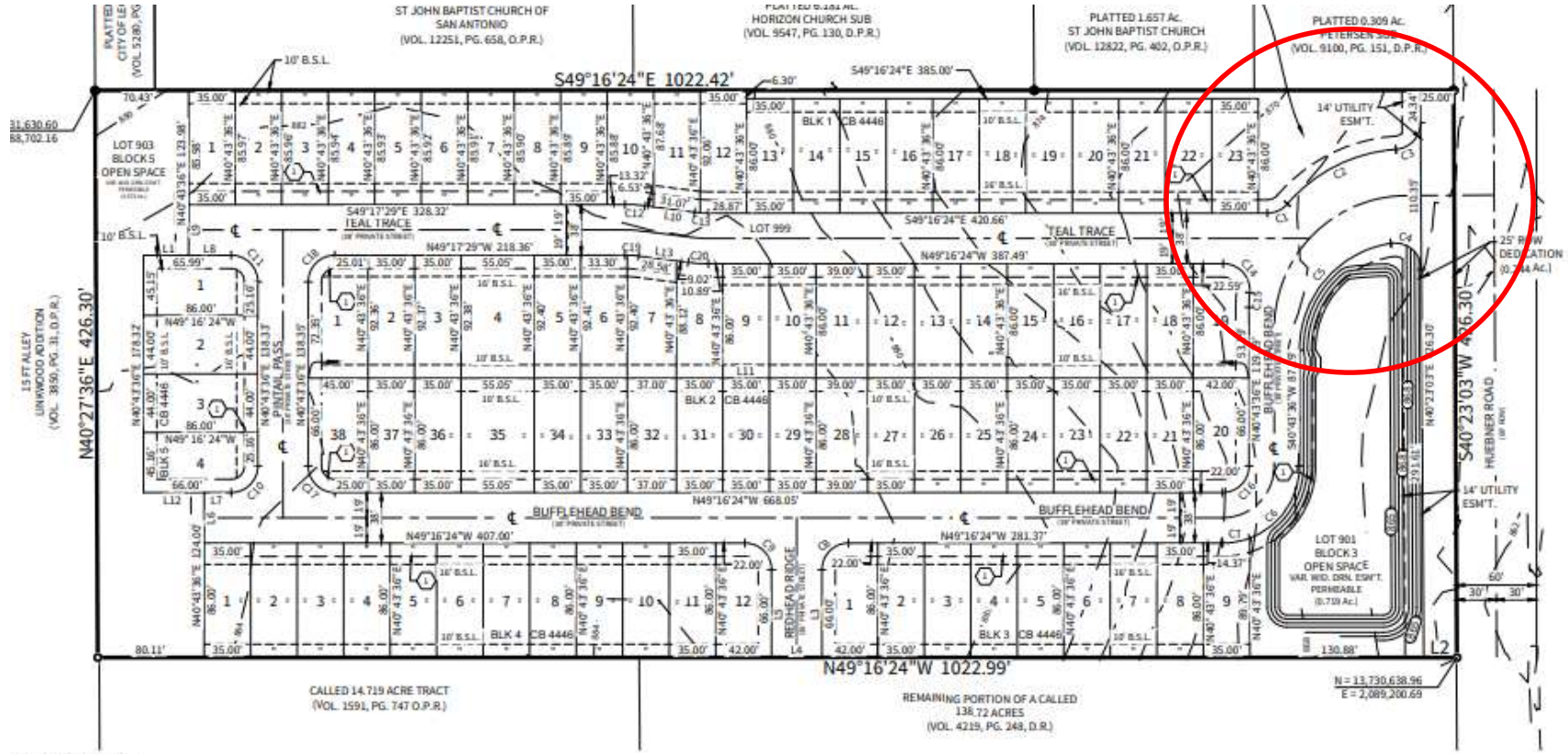
- This is a ten-acre residential housing development located at 7213 Huebner Road, now known as Poss Landing
- Developer previously stated that due to inability to provide a secondary fire apparatus access road that meets the requirements of the Code, he would fire sprinkle all of the housing units
- The property was then platted, and the developer started negotiations with several building contractors for the construction of the homes

Background

- Developer has now been turned down by 3 home building companies - all stating the cost of installing & maintaining residential fire sprinkler systems is too high
- Staff made some inquiries of residential fire sprinkler companies & was informed that the cost for installing the systems is between \$3.50 & \$5.00 per sq. ft. , resulting in an estimated cost of \$896,000 for the 86 units

Approved Plat

Current Access Road



AREA MAINTENANCE NOTE:

ENHANCE OF ALL PRIVATE STREETS (LOT 999, BLOCK 1), OPEN SPACE, (INCLUDING LOT 902, LOT 901, BLOCK 3, AND LOT 903, BLOCK 5), DRAINAGE EASEMENTS AND EASEMENTS OF ANY NATURE WITHIN THIS SUBDIVISION SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNERS, DEPRITY OWNERS' ASSOCIATION, OR ITS SUCCESSORS OR ASSIGNS AND NOT THE LIABILITY OF THE CITY OF LEON VALLEY

IN VERIFICATION NOTE:

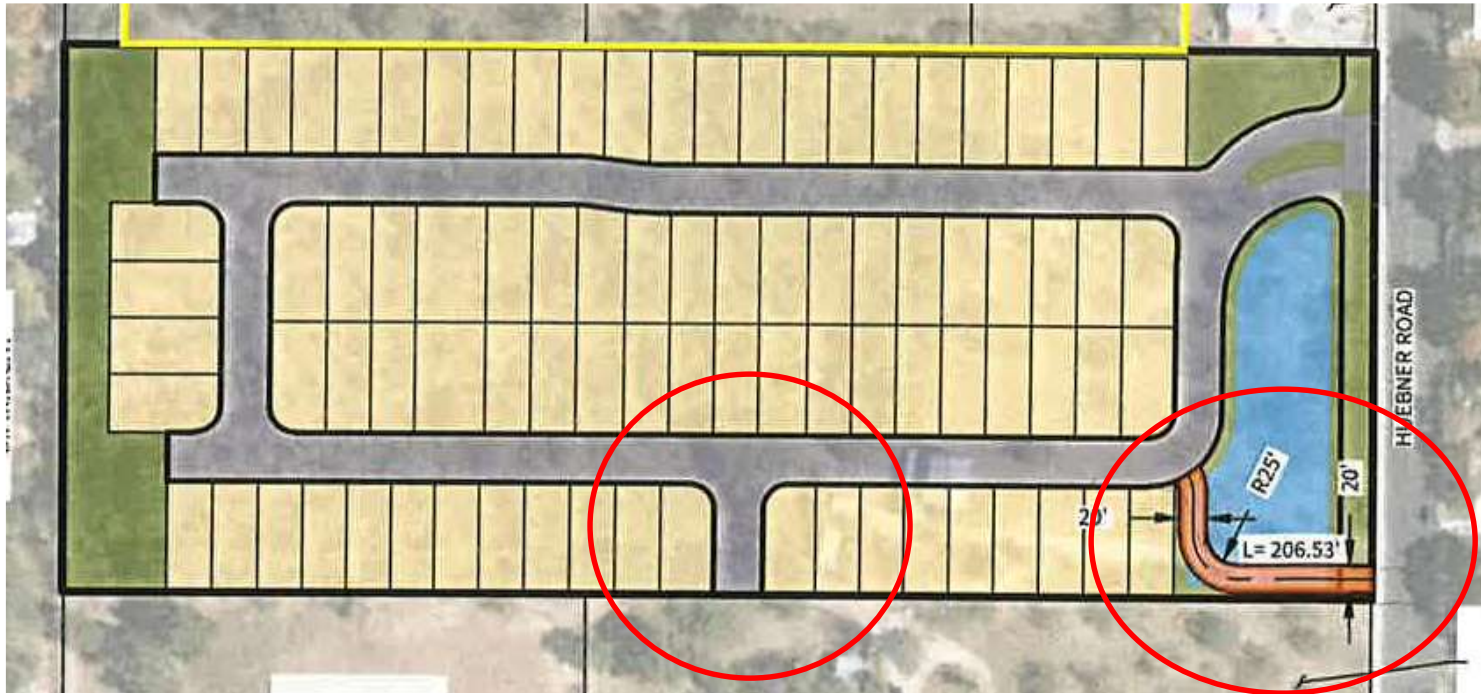
IN OF THE FEMA 1% ANNUAL CHANCE (100-YEAR) FLOODPLAIN EXISTS WITHIN THIS PLAT AS

CURVE TABLE					
CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD
C1	30.00'	48.7334°	17.18'	87.2929°06'	16.00'

LINE TABLE		
LINE	BEARING	LENGTH
L1	N49°16'24"W	54.00'



Proposed Second Egress



Future access

Huebner access

2021 International Fire Code

- D107.1 One or Two-Family Dwelling Residential Developments
 - Developments of one or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with two separate and approved fire apparatus access roads.
- Exceptions:
 - 1. Where there are more than 30 dwelling units accessed from a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with section 903 3.1.1, 903 3.1.2, 903 3.1.3, access from two directions will not be required.

2021 International Fire Code

{Section}.42.

- 2. The number of dwelling units accessed from a single fire apparatus road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.
- D107.2 Remoteness
 - Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one-half the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.”
 - The overall diagonal distance is 1107 linear feet and half of that is 553 linear feet, so the ingress/egress roads would have to be at least 553 linear feet apart

Purpose

- To gain as much compliance as possible, the applicant is proposing to replat the property to provide an additional fire apparatus only access road along Huebner Rd
- The distance between the approved ingress/egress road to the newly proposed access road is approximately 290+/- linear feet, so they would be noncompliant by about 263 +/- linear feet
- There is a vacant 5-acre tract of land adjoining this subdivision and the developer has placed a street stub out for a future connection to that parcel, but the timing of the future development is unknown

Purpose

- LVCC Chapter 5 Fire Prevention, Article 5.04 Fire Code, Section 5.04.005 Appeals states:
 - Whenever the fire marshal shall disapprove an application, or refuse to grant a license or permit applied for, or when it is claimed that the provisions of the code do not apply or that the same has been wrongly interpreted by the fire marshal, the applicant may appeal from the decision of the fire marshal to the council within 30 days from the date of the decision of the fire marshal
- The applicant is asking the City Council for approval of an appeal to the code

Staff Analysis

- The Fire Chief is opposed to the appeal, as the proposed secondary fire apparatus access road is not to code & the applicant knew the homes would have to be fire sprinkled from the onset of planning for this development
- The Building Inspector notes that the 2021 International Residential Building Code will require additional fire-proofing to each home without fire sprinklers, due to the distance between the homes
- The appeal is for monetary reasons and is self-imposed

Options

- #1 Adhere to the Fire Code - require the developer to fire sprinkle each unit, as mandated
- #2 Approve the appeal request and allow two entrances off of Huebner Road, with potential for future connection to Huebner Road via the undeveloped 5-acre parcel
 - If approved, applicant will be required to replat the property to construct the additional entrance onto Huebner Road
 - The developer will most likely have to reduce the number of dwelling units to 85, reconfigure the detention pond, and construct additional roadway paving, curbs, etc.

S.E.E. Statement

- Social Equity - The proposed development will increase the housing stock in Leon Valley and will offer residents alternatives to single family home ownership
- Economic Development - The development will bring in more ad valorem and sales taxes
- Environmental Stewardship – New construction includes modern building standards, which include environmentally friendly options



**CITY OF LEON VALLEY
CITY COUNCIL REGULAR MEETING**
Leon Valley City Council Chambers
6400 El Verde Road, Leon Valley, TX 78238
Tuesday, October 17, 2023 at 6:00 PM

MINUTES

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

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

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

PRESENT

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

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

Mayor Riley announced that the Pledge of Allegiance would be done later once Boy Scout Troop 515 arrived.

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

Mayor Riley read aloud the agenda caption for Item 2.1.

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

1. City Council shall meet in Executive Session pursuant to Texas Government Code Section 551.087 Deliberation Regarding Economic Development Negotiations; Closed Meeting. RE: Review and Discussion of Request for Proposal (RFP) Received for the Kinman House - R. Salinas, Director of Economic Development

3. Reconvene into Regular Session

The City Council reconvened into Open Session at 6:32 PM

Mayor Chris Riley invited Yashwanth Movva and Revanth Movva from Boy Scout Troop 515 from the Stone Oak area to lead the Pledge of Allegiance.

4. Citizens to be Heard

Those who spoke at this time were: Herman Segovia (Leon Valley); Rose Ann Rodriguez (Leon Valley); Joe Sanchez (Leon Valley); Beth Mursch (Leon Valley); Joan Marquart (Leon Valley); Rashid Khalife (Leon Valley); Fred Wright (Leon Valley); Connie (Leon Valley); and Arthur Renteria (Leon Valley)

Mayor Riley introduced Art Rodriguez, City Attorney

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

No action was taken at this time. Mayor Riley did announce that the City Council would reconvene at the end of the meeting to resume discussion.

6. Presentations

1. Presentation of an Award of Appreciation for Years of Service to Yvonne Acuna, Assistant Finance Director

Mayor Chris Riley presented Yvonne Acuna with a proclamation and plaque in appreciation for her years of service and wished her well in her retirement.

2. Presentation of a Proclamation by the City Council of the City of Leon Valley, Texas that the Week of November 6-10, 2023 Is Hereby Recognized as Municipal Court Week in Recognition of the Fair and Impartial Justice Offered to Our Citizens by the Municipal Court of Leon Valley

Mayor Chris Riley presented a proclamation recognizing the week of November 6-10, 2023 as Municipal Court Week. The proclamation was presented to Tiffany Gutierrez, Court Administrator and Municipal Court staff, Sonia Corona, Karen Coe, and Jaime Leila.

3. Presentation, Discussion and Possible Action on Amendments to the Short-Term Rental Ordinance (Councilor Philip Campos and Councilor Josh Stevens)

Dr. Crystal Caldera, City Manager began the presentation and discussion on a draft Short Term Rental Ordinance along with the red-line comments submitted by Councilor Josh Stevens and Councilor Will Bradshaw.

There was a lengthy discussion on this item.

Councilor Will Bradshaw motioned to table this item. Councilor Josh Stevens seconded the motion.

Those who spoke on this item were: Lane Fisher (Leon Valley property owner); Roger Saucedo (Leon Valley); and Maria Saucedo (Leon Valley)

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

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

Mayor Riley announced the motion failed.

Dr. Crystal Caldera, City Manager suggested regulating distance, registration, and a safety brochure.

Councilor Josh Stevens motioned to instruct staff to construct and revise an ordinance containing three sections: registration, safety brochure, and distance requirements between short-term rentals. Councilor Philip Campos seconded the motion.

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

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

Mayor Riley announced the motion passed.

7. Consent Agenda

Mayor Riley announced that Consent Agenda Items 9.6, 9.7, and 9.10 would be moved to the November 7, 2023 Consent Agenda due to a wording issue.

Councilor Rey Orozco motioned to approve Consent Agenda Items with the exception of the ones previously mentioned. Councilor Philip Campos seconded the motion.

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

1. **Discussion and Possible Action Approving of the Following City Council Minutes:**
 - a. **September 19, 2023 Regular City Council Meeting Minutes**
2. **Discussion and Possible Action Accepting of the Following Board/Commission Minutes:**
 - a. **08-09-2023 Earthwise Living Committee Meeting Minutes**
 - b. **08-10-2023 Park Commission Meeting Minutes**
 - c. **08-22-2023 Planning & Zoning Commission Meeting Minutes**
 - d. **04-19-2023 Citizens Police Advisory Committee Meeting Minutes**
 - e. **05-11-2023 Library Board of Trustees Meeting Minutes**

f. 08-10-2023 Library Advisory Board Meeting Minutes**g. 04-24-2023 Economic and Community Development Advisory Committee Meeting Minutes**

3. **Discussion and Possible Action of an Ordinance Amending the Leon Valley Code of Ordinances, Appendix A Fee Schedule to Amend Fees Associated with Building, Health, and Trade Permit and Inspection Fees and to Remove Sections No Longer in Use (1st Read was Held on 09-18-2023) - M. Moritz, Public Works Director**
 4. **Discussion and Possible Action on an Ordinance Repealing the City's Juvenile Curfew Ordinance in the City's Code of Ordinances Chapter 8, Specifically Division 2. Chapter 8.02.031 - 8.02.035 (1st Read was Held on 09-19-2023) - M. Tacquard, Asst. Police Chief**
 5. **Presentation, Discussion, and Possible Action on a Resolution of the City of Leon Valley City Council Designating the Echo and the San Antonio Express News as the City of Leon Valley's Official Newspapers for Posting of Public and Legal Notices - S. Passailaigue, City Secretary**
 6. **Discussion and Possible Action on a Resolution of the City of Leon Valley, Tx., City Council Appointing David Perry as Commissioner to the Leon Valley Planning & Zoning Commission - S. Passailaigue, City Secretary**
 7. **Presentation and Discussion on Amending Ordinance Chapter 3 Building Regulations; Article 3.02 - Technical and Construction Codes and Standards; Sec. 3.02.054 - Property Maintenance Code and Sec. 3.02.055 - Appeals and Variances to Technical and Construction Codes. (1st Read was Held on 09-18-2023) – Dr. Caldera, City Manager**
 8. **Presentation, Discussion and Possible Action on the Annual Review; and Adoption of a Resolution Approving the Investment Policy for the City of Leon Valley with No Changes. - C. Goering, Finance Director**
 9. **Presentation, Discussion and Possible Action on a Resolution Accepting an Agreement with ARDURRA Group for City Professional Engineering Services - Dr. Caldera, City Manager**
 10. **Presentation and Discussion on Authorizing an Ordinance Amending the City Of Leon Valley Code Of Ordinances, Chapter 1, Article 1.04 City Council, Sec. 1.04.001 Rules Of Meeting Decorum and Conduct, Adding Executive Session Meeting Time of 6:00 p.m. and Prohibiting Outside Presentations (First Read as Required by City Charter) - Dr. Caldera, City Manager**
8. **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.

9. City Manager's Report

1. Upcoming Important Events:

Regular City Council Meeting, Tuesday, November 07, 2023, at 6:30 PM, in City Council Chambers.

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

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

City Offices and Municipal Court will be closed Thursday, November 23 - Friday, November 24, 2023, in observance of the Thanksgiving Holiday.

Breakfast with Santa, Saturday, December 02, 2023, from 8:00 AM to 10:30 AM, at the Leon Valley Public Library.

Lighting of the Christmas Tree and Celebration, Monday, December 04, 2023, at 6:00 PM, in the grassy area outside of the Leon Valley Conference Center.

Miscellaneous other events and announcements.

10. Regular Agenda

1. Discussion and Possible Action of a Resolution Granting a Fence Variance for 6406 Royalty Pt, CB 4429A BLK 1 Lot 25, Seneca Estates - M. Teague, Planning and Zoning Director

Mindy Teague, Planning & Zoning Director presented a fence variance request for 6406 Royalty Pt., CB 4429A BLK 1, Lot 25, Seneca Estates. Director Teague informed members of the City Council that staff is not in support of this variance.

The applicant was available for questions.

There was a consensus among members of the City Council to have the applicant get approval from his neighbors and bring it back at the November 7th City Council meeting.

2. Discussion and Action to Consider an Appeal to the 2021 International Fire Code, Appendix D Fire Apparatus Access Roads, Section D107 One or Two-Family Residential Developments, D107.1 One or Two-Family Dwelling Residential Developments, to Allow Non-Fire Sprinklered Housing Units, at the Poss Landing Subdivision, Located at 7213 Huebner Road - M. Teague, Planning and Zoning Director

This item was withdrawn by the applicant.

3. Presentation, Discussion, and Possible Action on the Leon Valley Public Library Policy Article 7: Meeting Room Policy - R. Reed, Library Director

Regina Reed, Library Director presented a draft amendment to Article 7: Meeting Room Policy.

Councilor Benny Martinez motioned to accept as requested. Councilor Philip Campos seconded the motion.

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

Mayor Riley moved Agenda Item 11.1 up so Ms. Reed could go home.

4. Presentation and Discussion on becoming a Family Place Library - R. Reed, Library Director

Regina Reed, Library Director gave a presentation on becoming a Family Place Library.

5. Presentation and Discussion of the Monthly Financial Report Ending September 30, 2023 - C. Goering, Finance Director

Carol Goering, Finance Director presented the Monthly Financial Report ending September 30, 2023.

6. Presentation, Discussion, and Possible Action to Create a New Economic Development Program for Building and/or Façade Improvements - R. Salinas, Director of Economic Development

Rogue Salinas, Economic Development Director presented a proposed Economic Development Program for building and/or façade improvements.

Councilor Philip Campos motioned to approve the program as presented. Councilor Rey Orozco seconded the motion.

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

7. Discussion and Possible Action Adding Topics to the January 27, 2024, Annual Town Hall Meeting - Mayor Chris Riley

There was a consensus to carry this item over to the next City Council meeting.

11. Citizens to be Heard

None

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

None

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

City Council reconvened into Executive Session at 10:00 PM to continue the discussion as stated in Agenda Item 2.1.

14. Reconvene into Regular Session

The City Council reconvened into Open Session at 10:25 PM

15. Possible Action on Issues Discussed in Executive Session If Necessary

Councilor Philip Campos motioned to accept the two RFPs, we have evaluated them, and we have come to a consensus that we are selecting Poppy's Café. Councilor Rey Orozco seconded the motion.

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

16. Adjournment

Mayor Riley announced that the meeting adjourned at 10:30 PM

These minutes were approved by the Leon Valley City Council on the 7th of November, 2023.

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, 6421 Evers Road, Leon Valley, Texas 78240
Saturday, October 28, 2023 at 9:00 AM

MINUTES

1. Call to Order; Determine a Quorum is Present

PRESENT

Mayor Chris Riley
Council Place 1 Benny Martinez
Council Place 4 Rey Orozco
Council Place 5 Will Bradshaw

EXCUSED

Council Place 2 Josh Stevens
Council Place 3 Philip Campos

Mayor Chris Riley called the meeting to order at 9:03 AM and welcomed everyone, and introduced members of City Council and City Staff that were present. Mayor Riley also reminded everyone that Early Voting for the November 07, 2023 was presently being held here in the building and encouraged everyone to "Get out and vote."

2. 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.

Dr. Crystal Caldera, City Manager gave a brief update on the Gristmill Project.

3. Citizens to be Heard

Those who spoke were Olen Yarnell, Rita Burnside, Mr. Renteria, Vera Sawyer, Johnathan Godsey, and others that were not named.

4. Presentations

None

5. Adjournment

Mayor Riley announced that the meeting adjourned at 10:30 AM.

These minutes were approved by the Leon Valley City Council on the 7th of November, 2023.

APPROVED

CHRIS RILEY
MAYOR

ATTEST: _____
SAUNDRA PASSAILAIGUE, TRMC
CITY SECRETARY

DRAFT



**CITY OF LEON VALLEY
LEON VALLEY PUBLIC LIBRARY ADVISORY BOARD**
Leon Valley Public Library
6425 Evers Road, Leon Valley, TX 78238
Thursday, September 14, 2023 at 5:30 PM

MINUTES

1. CALL TO ORDER by Clare Brown, Advisory Board Chair at 5:30
 - Clare Brown, chair, present
 - Barbara Owens, member, unexcused
 - Linda Crews, member, present
 - Maryanna Christensen, member, present
 - Margaret Tovar, member, excused
 - Pat Birkhead, member, unexcused
 - Hillary Huber, member, present
 - Regina Reed, liaison and secretary, present
 - Theresa Brader, alt. liaison, present
2. CITIZENS TO BE HEARD – N/A
3. DISCUSSION AND POSSIBLE ACTION ON THE FOLLOWING MINUTES
 - 05-11-2023 Library Advisory Board Meeting – Motion to approve with Correction by Linda Crews, Second by Clare Brown, Approved
 - 08-10-2023 Library Advisory Board Meeting – Motion to approve by Maryanna Christensen, Second by Linda Crews Approved
4. DISCUSSION ON THE LIBRARY'S STRATEGIC PLAN led by Regina Reed, Library Director and Hillary Huber, Advisory Board Member
5. LIBRARY DIRECTOR'S REPORT presented by Regina Reed, Library Director.
 - August Statistics
 - Upcoming Events


- Grants
6. FRIENDS OF THE LIBRARY REPORT
 - Breakfast with Santa Update led by Maryanna Christensen, President of the Friends of the Leon Valley Public Library.
 7. TRUSTEE ANNOUNCEMENTS – No Announcements
 8. ADJOURNMENT – 7:48 by Clare Brown

APPROVED BY:



CLARE BROWN, CHAIR

WITNESS:



REGINA REED, LIASION, SECRETARY

**PARK COMMISSION OF THE CITY OF LEON VALLEY, TEXAS
September 14, 2023 MEETING MINUTES**

The Park Commission of the City of Leon Valley, Texas met on the 14th day of September, 2023, at 6:30 p.m., at the Leon Valley Conference Center, 6421 Evers Road, Leon Valley, Texas, for the purpose of the following business, to-wit:

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

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

Chair Roger Christensen called the Park Commission meeting to order at 6:35 p.m., with the following Park Commissioners in attendance: Roger Christensen, Danielle Bolton, Elaine Valdez, Diane Frazier, Julie Carreon Martinez, Thomas Benavides, Nancy Marrufo, Joyce Trent, and Ann Sawyer. Also present was City Staff member David Dimaline.

2. Review and Approval of the August 10, 2023 Regular Park Commission Meeting Minutes.

Commissioner Sawyer made a motion to approve the minutes from the August 10, 2023 Regular Park Commission meeting. Commissioner Valdez seconded the motion and the motion carried unanimously.

3. Citizens to be Heard.

There were no Citizens to be Heard.

4. Old Business

There was none.

5. New Business

A. Discussion and Recommendation to Consider Nomination of Joyce Trent to Regular Commissioner Position (Commissioners)

Chair Christensen explained the item was necessary to move Commissioner Trent from an alternate position to regular position on the Park Commission. Chair Christensen nominated Commissioner Trent to the regular commissioner position. Commissioner Frazier made a motion to approve the nomination. and Commissioner Sawyer seconded the motion. The motion carried unanimously.

B. Discussion and Action – Arbor Day event Activities

Chair Christensen introduced the item and stated that the annual Arbor Day event was scheduled for Saturday, October 28, 2023. Commissioner Benavides then presented the 2023 Leon Valley Annual Arbor Day overview to the Park

PARK COMMISSION OF THE CITY OF LEON VALLEY, TEXAS
September 14, 2023 MEETING MINUTES

Commission. He explained that the event was scheduled for Saturday, October 28, 2023, from 9:00 a.m. to 12:00 p.m., and would be held on the patio of the Leon Valley Community Center and asked that the City Council and staff be notified of the event. He further explained that a proclamation needed to be written and signed by the Mayor, and then advertised in the Lion's Roar, Leon Valley web site, and posted at the Leon Valley Library. Staff member Dimaline stated that CPS Energy would again be partnering with the city and would cover half of the cost for three hundred trees. He said that Mr. Bentley with CPS Energy would be bringing 4-6 volunteers with him to staff the event, and asked if the Park Commission could have 2-3 volunteers. He noted that everyone was invited to the event and each resident could sign up to receive up to two free trees. Mr. Benavides provided handouts of his presentation.

C. Commissioner's and Staff Comments

Commissioner Trent thanked all the Park Commission and staff for their hard work and reminded everyone to have fun.

Commissioner Sawyer said that as an educator she was excited and looked forward to the Arbor Day Poster Contest.

Commissioner Valdez mentioned the recent Earthwise Living Day Committee meeting, and that their focus would be on the EWLD event only. She stated the event was scheduled for the first Saturday in March. She also mentioned that the Bexar Branches Alliance recently gave a wonderful presentation, and as part of the presentation, the City of Leon Valley scored a ninety-three out of 100 for their continuing tree planting efforts and further noted that the City of San Antonio received a score of 79 out of 100. Commissioner Valdez requested a pool report for next month's Park Commission meeting, asking that the report include revenue, expenses, membership, and a summary of any issues that came up during the pool season.

Commissioner Frazier stated that she was happy that Commissioner Benavides was taking on the tree initiative and for the report he provided the commissioners.

Commissioner Carreon-Martinez asked about the schedule of the street maintenance program, specifically Seneca. Mr. Dimaline explained the contractor was scheduled to begin work during the following week and that notifications would be sent to residents and businesses located on the impacted streets. He stated

**PARK COMMISSION OF THE CITY OF LEON VALLEY, TEXAS
September 14, 2023 MEETING MINUTES**

that the city would use their web site to post the schedule. He asked that the Commissioners and citizens call him at Public Works if anyone had questions or concerns during the project.

Commissioner Marrufo stated that she was also looking forward to the Arbor Day Poster Contest.

Chair Christensen stated that the fence along El Verde Rd. as part of the Hike and Bike trail looked great and noted that the Hike and Bike trail had water fountains for both people and dogs, as well as a bicycle repair and inflation station. He also stated the Ridge Park had no access as Grass Hill Drive was closed on Samaritan. Mr. Dimaline said he would investigate this and get with the contractor that is doing the Seneca Drainage project. Chair Christensen then asked the Park Commission, due to the holiday schedule, if they wanted to cancel the December meeting.

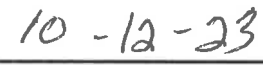
6. Adjourn.

Commissioner Bolton made a motion to adjourn the meeting. Commissioner Marrufo seconded the motion and the motion carried unanimously. The meeting was adjourned at 7:25 p.m.

These minutes were approved at the October 12, 2023 Park Commission meeting.



Roger Christensen - Chair



Date

MAYOR AND COUNCIL COMMUNICATION

DATE: November 07, 2023
TO: Mayor and Council
FROM: Sandra Passailaigue, City Secretary
THROUGH: Crystal Caldera, City Manager
SUBJECT: Discussion and Possible Action on a Resolution Appointing a David Perry as a Commissioner on the Planning & Zoning Commission
SPONSOR(S): (N/A)

PURPOSE

The purpose of this item is to present to City Council the written acceptance letter from Planning & Zoning Commission, David Perry, 1st Alternate, accepting the move from 1st Alternate to Commissioner 1.

The position of Commissioner 1 was vacated on the evening of September 26, 2023 when Edward Alonzo submitted his resignation from the Commission.

Per City Code, Chair Casey Rowse asked 1st Alternate Perry if he would like to step up and if so, to put his acceptance in writing which he did, and has been attached to this agenda item.

SEE LEON VALLEY

Social – 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.

Economic – Not applicable

Environmental – Not applicable

FISCAL IMPACT

None

STRATEGIC GOALS

Not applicable

RECOMMENDATION

City Council Discretion

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC, City Secretary

Received by
CITY SECRETARY
Date: 09-27-2023
Time: 10am

9/26/2023

To the Leon Valley Planning & Zoning
Commission

I have been asked if I would like to
move from being the 1st Alternate to
the position vacated by Edward Alonzo,
and I accept the opportunity.

Thank you,

Dawn Perry

RESOLUTION NO. 23-039R

A RESOLUTION OF THE CITY OF LEON VALLEY, TX., CITY COUNCIL APPOINTING AN ALTERNATE TO THE LEON VALLEY PLANNING & ZONING COMMISSION.

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

The following individual is hereby appointed to the **Planning & Zoning Commission as 3rd Alternate** with a term expiring June 30, 2025:

Ruth Fernandez – 3rd Alternate

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

That the appointment of the aforementioned individual to the Leon Valley Planning & Zoning Commission and that the term become effective immediately.

PASSED, ADOPTED, AND APPROVED by the City Council of the City of Leon Valley on this the 7th day of November, 2023.

APPROVED

CHRIS RILEY
MAYOR

Attest: _____
SAUNDRA PASSAILAGUE, TRMC
City Secretary

Approved as to Form: _____

City Attorney

MAYOR AND COUNCIL COMMUNICATION

DATE: November 07, 2023

TO: Mayor and Council

FROM: Dr. Crystal Caldera, City Manager

SUBJECT: Presentation, Discussion and Direction to Amend Ordinance Chapter 3 Building Regulations; Article 3.02 - Technical and Construction Codes and Standards; Sec. 3.02.054 - Property Maintenance Code and Sec. 3.02.055 - Appeals and Variances to Technical and Construction Codes.

PURPOSE

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

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

FISCAL IMPACT

N/A

SEE LEON VALLEY

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

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

Environmental Stewardship – N/A

RECOMMENDATION

City Council Discretion.

ATTEST :

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

ORDINANCE NO. 2023-41

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PASSED, ADOPTED, AND APPROVED by the City Council of the City of Leon Valley, Texas on the 7th day of November, 2023.

APPROVED

CHRIS RILEY
MAYOR

Attest:

SAUNDRA PASSAILAIGUE
City Secretary

Approved as to Form:

ART RODRIGUEZ
City Attorney

ARTICLE 3.02 TECHNICAL AND CONSTRUCTION CODES AND STANDARDS

DIVISION 1. GENERALLY

Secs. 3.02.001—3.02.050 Reserved

DIVISION 2. TECHNICAL AND CONSTRUCTION CODES ADOPTED¹

Sec. 3.02.051 Building code adopted.

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

- a. *Section 101.1 Title* is revised to read "These regulations shall be known as the Building Code of the City of Leon Valley, hereinafter referred to as "this code"."
- b. *Section 103.1 Creation of Enforcement Agency* is revised to read "The City's Building Inspector is the official in charge of enforcing this code and he shall be known as the Building Official. The Planning and Zoning Director, along with the Building Official, shall be the persons responsible for the implementation, administration, and enforcement of the provisions of this code."
- c. *Section 105, Permits, 105.2 Work exempt from permit, Building 1.* is hereby revised to read "One-story detached accessory structures used as tool and storage sheds, playhouses, pergolas, and similar uses, provided that the floor area is not greater than three hundred (300) square feet and the height does not exceed twenty (20) feet."
- d. *Section 105, Permits, 105.2 Work exempt from permit, Building 2.* Is deleted in its entirety.

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

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

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

- k. *Appendix D Fire Districts, Section D101* is revised to read "All land situated either wholly or partially within the city limits of the City of Leon Valley is considered to be located in one fire district."
- l. *Appendix G, Section G101.5* is revised to read "The Planning and Zoning Director is designated as the floodplain administrator, is authorized, and directed to enforce the provisions of this appendix. The floodplain administrator is authorized to delegate performance of certain duties to other employees of the jurisdiction. Such duties shall not alter any duties and powers of the Building Official."
- m. *Appendix G, Section G103.1 General* is revised to read "Flood hazard areas are established as per the Federal Emergency Management Agency under the National Flood Insurance Program."
- n. *Appendix G, Section 104.7 Alterations in Coastal Areas* is deleted in its entirety.
- o. *Appendix H Signs, Section H101.2 Signs Exempt* from permits is deleted in its entirety.
- p. *Appendix M Tsunami-Generated Flood Hazards* is deleted in its entirety.

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

Sec. 3.02.052 Residential code adopted.

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

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

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

Sec. 3.02.053 Existing building code adopted.

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

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

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

Sec. 3.02.054 Property maintenance code

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

- a. *Section 101.1 Title.* These regulations shall be known as the International Property Maintenance Code of the City of Leon Valley, hereinafter referred to as "this code."
- b. *Section 101.2 Scope.* The provisions of this code shall apply to all existing multi-family residential and nonresidential structures, to include apartments, hotels, motels, suites, inns, rooming or boarding houses, and vacant single family structures, and all existing apartment, multi-family, hotels, motels, suites, inns, rooming or boarding houses, and vacant single family premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of owners, an owner's authorized agent, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.
- c. *Section 103.1 Creation of agency.* The Leon Valley Planning and Zoning Department is hereby created and the official in charge thereof shall be known as the code official. The function of the agency shall be the implementation, administration, and enforcement of the provisions of this code.
- d. *Section 104.1 Fees.* The fees for activities and services performed by the department in fulfilling its responsibilities under this code shall be as established in Appendix A of the Leon Valley Code of Ordinances.
- e. *Section 104.2 Refunds.* The City Manager is authorized to establish a refund policy.
- f. *Section 107 Means of Appeal* is deleted.
- g. *Section 108 Board of Appeals* is deleted.
- h. *Section 109.2 Notice of Violation.* The code official, or his designee, shall serve a notice of violation or order in accordance with Section 111.4.

- i. *Section 110.01 Authority.* Where the code official, or his designee, finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the code official, or his designee, is authorized to issue a stop work order.
- j. *Section 110.3 Emergencies.* Where an emergency exists, the code official, or his designee, shall not be required to give a written notice prior to stopping the work.
- k. *Section 112.6 Hearing* is deleted.
- l. *Section 302.4 Weeds.* Premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve (12) inches. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants, and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.
- m. *Section 304.14 Insect screens.* Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged, or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.
- n. *Section 602.3 Heat supply.* Every owner and operator of any building who rents, leases, or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from November to April to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.
- o. *Section 602.4 Occupiable workspaces.* Indoor occupiable workspaces shall be supplied with heat during the period from November to April to maintain a minimum temperature of 65°F (18°C) during the period the spaces are occupied.
- p. *Appendix B, Board of Appeals* is deleted.
- q. *Section 301, adding section 310 Offenses and Nuisances.* Any multi-family residential and nonresidential complex, to include apartments, hotels, motels, suites, inns, rooming, or boarding houses where the Police Department has responded to 60 or more emergency calls in a span of three months will be required to have a licensed Police Officer on duty seven days of the week, during the hours of 8 PM and 6 AM for a period of one year. The Police Officer must be actively patrolling on foot, bicycle or in a vehicle during this time. If, in the last three months of that one-year period the complex is still illustrating 60 or more emergency calls, the complex must continue to keep a Licensed Police Officer on duty for an additional year. This will continue until the last three months of that one-year period has less than 60 emergency calls.

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

Sec. 3.02.055 Appeals and variances to technical and construction codes

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

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

Sec. 3.02.056 Electrical code

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

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

Sec. 3.02.057 Energy conservation code adopted.

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

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

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

Sec. 3.02.058 Fire code adopted.

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

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

Sec. 3.02.059 Fuel gas code adopted.

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

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

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

Sec. 3.02.060 Mechanical code adopted.

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

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

dollars. Each day that a violation continues after due notice has been served shall be deemed a separate offense."

- f. *Appendix B Recommended Fee Schedule* is deleted in its entirety.
- g. *Appendix C Board of Appeals* is deleted in its entirety.

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

Sec. 3.02.061 Plumbing code adopted.

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

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

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

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

Sec. 3.02.062 Contractor's license

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

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

Sec. 3.02.063 Conflicts between adopted codes and other regulations

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

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

Sec. 3.02.064 Penalty

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

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

Sec. 3.02.065 Federal or state construction projects

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

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

Secs. 3.02.066—3.02.070 Reserved



Amending Ordinance Chapter 3 Building Regulations

Crystal Caldera, PhD
City Manager
City Council Meeting
November 07, 2023

Summary

- **Question**
 - Whether or not the council wants to amend Ordinance Chapter 3 Building Regulations; Article 3.02 - Technical and Construction Codes and Standards; Sec. 3.02.054 - Property Maintenance Code and Sec. 3.02.055 - Appeals and Variances to Technical and Construction Codes.
- **Options**
 - Approve the request
 - Approve a variation of the request
 - Deny
- **Declaration**
 - The City Council's Discretion

Purpose

- To add to Sec. 3.02.054 - Property Maintenance Code
 - *Section 301, adding section 310 Offenses and Nuisances. Any multi-family residential and nonresidential complex, to include apartments, hotels, motels, suites, inns, rooming or boarding houses where the Police Department has responded to 60 or more emergency calls in a span of three months will be required to have a licensed Police Officer on duty seven days of the week, during the hours of 8 PM and 6 AM for a period of one year. The Police Officer must be actively patrolling on foot, bicycle or in a vehicle during this time. If, in the last three months of that one-year period the complex is still illustrating 60 or more emergency calls, the complex must continue to keep a Licensed Police Officer on duty for an additional year. This will continue until the last three months of that one-year period has less than 60 emergency calls.*
- To add to Sec. 3.02.055 - Appeals and Variances to Technical and Construction Codes
 - Any appeal denied by the City Manager may be heard and overturned by the governing body.

Background

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

Background

- The property Maintenance code addresses
 - Light, Ventilation and Occupancy Limitations
 - le. Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with not less than a 60-watt standard incandescent light bulb for each 200 square feet (19 m²) of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet (9144 mm). In other than residential occupancies, interior and exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied with not less than 1 footcandle (11 lux) at floors, landings and treads.
 - Plumbing Facilities and Fixture Requirements
 - le. Plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks and defects and be capable of performing the function for which such plumbing fixtures are designed. Plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

Background

{Section}.74.

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

Fiscal Impact

- N/A

Number of police response to calls in the last 6 months

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

Recommendation

- City Council's Discretion

MAYOR AND COUNCIL COMMUNICATION

DATE: November 07, 2023
TO: Mayor and Council
FROM: Dr. Crystal Caldera, City Manager
SUBJECT: Discussion and Possible Action on and Ordinance Amending the City Of Leon Valley Code Of Ordinances, Chapter 1, Article 1.04 City Council, Sec. 1.04.001 Rules Of Meeting Decorum and Conduct, Adding Executive Session Meeting Time of 6:00 p.m. and Prohibiting Outside Presentations

PURPOSE

At the August 10, 2023, council retreat, the council requested an ordinance amending the City of Leon Valley Code of Ordinances, Chapter 1, Article 1.04 City Council, Sec. 1.04.001 Rules of Meeting Decorum and Conduct, adding executive session meeting time of 6:00 p.m. and prohibiting outside presentations.

FISCAL IMPACT

N/A

SEE LEON VALLEY

Social Equity – N/A

Economic Development – N/A

Environmental Stewardship – N/A

RECOMMENDATION

City Council Discretion.

ATTEST :

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

ORDINANCE NO. 2023-42

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS AMENDING THE CITY OF LEON VALLEY CODE OF ORDINANCES, CHAPTER 1 GENERAL PROVISIONS, ARTICLE 1.04 CITY COUNCIL, SECTION 1.04.001 RULES OF MEETING DECORUM AND CONDUCT, ADDING EXECUTIVE SESSION MEETING TIME OF 6:00 PM, ADDING CITIZENS TO BE HEARD CONTACT INFORMATION, ADDING A PROCEDURE FOR OUTSIDE PRESENTATIONS AND PROVIDING FOR REPEALER, SEVERABILITY; SAVINGS; OPEN MEETINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

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

WHEREAS, in accordance with such powers the City Council adopted Code of Ordinances Section 1.04.001 to address meeting days and times and Ordinance No. 2022-34, to provide for rules of conduct and decorum in public meetings; and

WHEREAS, City Council determines it is convenient to codify the Rules of Conduct and Decorum in the Code of Ordinances in Section 1.04.001; and

WHEREAS, City Council determines in order to run a more effective meeting it is necessary to make substantive changes to the Rules of Conduct and Decorum.

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

Section 1. Amendment. Code of Ordinances Chapter 1 General Provisions, Article 1.04 City Council, Section 1.04.001 Rules of Meeting and Decorum Conduct is hereby revised in Exhibit "A" attached hereto and incorporated by reference herein for all purposes.

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

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

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

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

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

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

SECTION 7. Effective Date. This ordinance shall become effective on and after its passage, approval and the meeting of all publication requirements as provided by law.

PASSED, ADOPTED, AND APPROVED by the City Council of the City of Leon Valley, Texas on this the 7th day of November, 2023.

APPROVED

CHRIS RILEY
MAYOR

Attest:

SAUNDRA PASSAILAIGUE
City Secretary

Approved as to Form:

ART RODRIGUEZ
City Attorney

EXHIBIT A

Section 1.04.001 Rules of Meeting Decorum and Conduct

(a) **Definitions.** In this section the terms set out in italics (*italics*) shall have the meanings prescribed below:

Agenda. The published agenda of each public meeting.

Citizen. Any person, other than a member of staff, who wishes to speak at a public meeting.

Member. An elected or appointed member of City Council.

Presiding Officer. The mayor or the member presiding over the public meeting in the absence of the mayor.

Public Meeting. Any meeting of a quorum of the members where the business of the City is discussed.

Staff. An employee of, or consultant contracted by the City.

(b) **Meeting Times.** A regular City Council meeting shall be held on both the first and third Tuesday of each month beginning at 6:30 PM. Closed Executive Sessions may begin no earlier than 6:00 PM. In the event that the meeting date falls on a holiday, the meeting will be rescheduled. Regular City Council meetings may be cancelled or rescheduled, and the meeting time adjusted upon a majority vote by City Council. Special meetings may be called as provided by law.

(c) **Meetings to be Open to the Public.** Meetings of the City Council shall always be open to the general public except as may be specially provided by state law, and no vote or action of any kind shall ever be taken by the City Council except at a regular meeting or at a lawfully called special meeting.

(d) **Conducting Meetings.**

(1) **Participation by Citizens.** Citizens may provide comments, testimony, and evidence the times designated as follows:

- A. During "Citizens to be Heard".
- B. Prior to City Council's decision or vote on any posted agenda item.
- C. At any posted public meeting.

(2) **Appearance.**

- A. Citizens may appear in person.
- B. Citizens may appear by written appearance for items on the agenda.
- C. Written comments must be:

I. Email to:

citizenstobeheard@leonvalleytexas.gov

The Mayor and/or a City Council member may forward correspondence to the above e-mail on a citizen's behalf.

- II. Mail to:
Leon Valley Public Comments
6400 El Verde Road
Leon Valley, Texas 78238
- III. Received prior to the start of the meeting to ensure comments are read during the meeting. At the request of any City Council member and/or Mayor, a citizen comment can be read.
- IV. During the Citizens to be Heard section of the agenda, no written comments will be read aloud during the meeting.

V. Fax to: (210) 684-4476

- (3) Recognition by the Presiding Officer. A citizen shall be recognized by the presiding officer before speaking. Citizens may speak only one (1) time at each of the following for up to three (3) minutes at any posted: (a) citizens to be heard; (b) agenda item(s); or (c) public hearing. The presiding officer may extend the time to speak, on the officer's own initiative or at the request of a member; provided in contested matters all views are treated fairly and equally. All City Council members, staff, citizens, and visitors to the Chamber shall be recognized first by the chair to speak by raising hand.
- (4) Ceremonial and Informational Presentations. All ceremonial items and information presentations shall be placed at the beginning of scheduled meetings.
- (5) Outside Presentations. No outside presentations will be allowed without permission from a staff person, or the Mayor, or vote by the governing body.

(e) **Disruptive Behavior.** Members, staff, and citizens to include any citizen communications, shall not shout, display unruly behavior, distract with side conversations, use profanity, threat of violence, or disrupt the orderly conduct of the meeting. When any person is addressing City Council, staff or citizens, no personal attacks on staff, citizens or City Council shall be allowed. To be determined by the Mayor.

(f) **Enforcement.** These rules shall be administered and enforced by the presiding officer of such City Council, subject to appeal by its members as provided herein.

- (1) The presiding officer shall warn any person displaying behavior that he or she shall be required to leave the meeting room.

- (2) If the person is asked to leave the meeting room and the person does not leave the meeting room, the presiding officer may order any peace officer at the meeting to remove the person from the meeting room.
- (3) The presiding officer may enforce these rules by any means or authority provided to the presiding officer by law.

(g) Enforcement as a Member.

- (1) Any member of City Council may request the presiding officer address a violation of these Rules of Decorum, in the manner prescribed in subsection (f), immediately above, by lodging a point of personal privilege.
- (2) Should the member believe the presiding officer failed to adequately address the allegation of violation, the member may appeal the matter to the members of City Council; and
- (3) Should the majority of the members of City Council present vote to sustain the appeal, the presiding officer shall address the violation, which was the subject of the appeal, in the manner prescribed in subsection (f), immediately above.

(h) Robert's Rules of Order will take precedence for conduct not covered by these City Council meeting rules.

(i) Suspension of the Rules. Subject to appeal by a member, as provided by Robert's Rules of Order, these rules may be suspended, for good cause, by the presiding officer during a meeting as long as the presentation of information remains related to public business only.



Rules Of Meeting Decorum And Conduct

Crystal Caldera, PhD
City Manager
City Council Meeting
November 07, 2023

Summary

- **Summary**

- Amending the City Of Leon Valley Code Of Ordinances, Chapter 1, Article 1.04 City Council, Sec. 1.04.001 Rules Of Meeting Decorum and Conduct
 - Adding Executive Session Meeting Time of 6:00 p.m.
 - Prohibiting Outside Presentations

- **Options**

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

- **Declaration**

- The City Council's Discretion

Background

- At the August 10th Council retreat the council suggested the following changes
 - Adding Executive Session Meeting Time of 6:00 p.m.
 - Prohibiting Outside Presentations

Fiscal Impact

- N/A

Recommendation

- City Council's Discretion

MAYOR AND COUNCIL COMMUNICATION

DATE: October 17, 2023
TO: Mayor and Council
FROM: Mindy Teague, Planning and Zoning Director
THROUGH: Crystal Caldera, City Manager
SUBJECT: Discussion and Action to Consider Approval of a Resolution Granting a Variance for 6406 Royalty Pt, CB 4429A BLK 1 Lot 25, Seneca Estates
SPONSOR(S): N/A

PURPOSE

This M & C is to consider approval of a Resolution Granting a Fence Variance

Mr. Mark Ferris, the property owner, is requesting a variance to Chapter 3 building regulations, Article 3.05 fences, Section 3.05.005 Dimensions and Appearance to allow a property owner to construct a 6-foot-tall fence in the front yard. He is requesting the side fence be removed and construct a new fence that would encroach into the front yard.

Residential fences in the R-1, R-2, R-4, R-6, and R-7 districts:

(A) Shall not exceed six (6) feet in the height in the side or rear yards or forty-four inches (44") in height in the required front yard. The finished side shall face toward the public viewpoint or public right-of-way.

Council has the authority to consider variances where strict enforcement due to special conditions or where literal enforcement would result in unnecessary hardship.

FISCAL IMPACT

The applicant paid the fees for fence variance consideration and if approved, there will be an additional fee for the fence permit prior to construction.

STRATEGIC GOALS

N/A

SEE LEON VALLEY

- **Social Equity** – It is fair and equitable to offer residents processes and alternatives for variances where conditions exist which may require special consideration.

- **Economic Development** – Indirectly nice, well-maintained fences and housing stock add to the attractiveness of a community to a potential resident which supports economic development.
- **Environmental Stewardship** – The variance request is not applicable to environmental stewardship.

RECOMMENDATION

Staff recommends denial of the request.
No hardship exists and it is self-imposed.
The owner has a fenced backyard.

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Mark Ferris
6406 Royalty Pt
Leon Valley, TX 78238
Ph: 210-878-8387
Email: markmferris@gmail.com

Leon Valley City Council
6400 El Verde Rd
Leon Valley, TX 78238

Subject: Fence Height Variance Request for 6406 Royalty Pt.

Summary:

This document is a Variance Request to the 44" fence height listed in Section 3.05.005 of the Code of Ordinances. After a review of the information provided below, I hope the City Council will conclude that this variance request will be beneficial to the public health and safety. I also hope that the reviewers will conclude that this variance makes no change to the welfare of my neighbors and will not be injurious to other properties in the area. If the City Council finds the above statements to be true, I hope that I will be granted permission to construct the fence.

Background:

6406 Royalty Point is located in a Cul-De-Sac. The current split of fenced to non-fenced area is 38% fenced to 62% non-fenced. The total property area is 0.22 acres (9583 sq. ft.). I am currently paying taxes on a land value of \$78,050 (\$355,000 per acre). By increasing the side yard, I will also increase the usefulness of the property that I am having to maintain and pay taxes on.

Current ordinances allow me to request a permit to construct a 44" tall fence. My dogs will be able to look over a 44" tall fence when they stand on their hind legs. Given enough time of observing loose cats, I suspect that my dogs will figure out how to get over a 44" tall fence. I know with certainty that my dogs can't get over a 72" tall fence.

Current Construction:

A 6' fence line currently exists from the front of my building line all the way to the 20' setback on Seneca. The fences in-front of my property line are owned by 5900 Seneca and 5902 Seneca. Figures 1 and 2 below are taken from my driveway that display the existing fence line. Figure 3 below shows a survey of the property.



Figure 1: Fence line in proximity to 6406 Royalty Pt



Figure 2: Fence Line up to Seneca

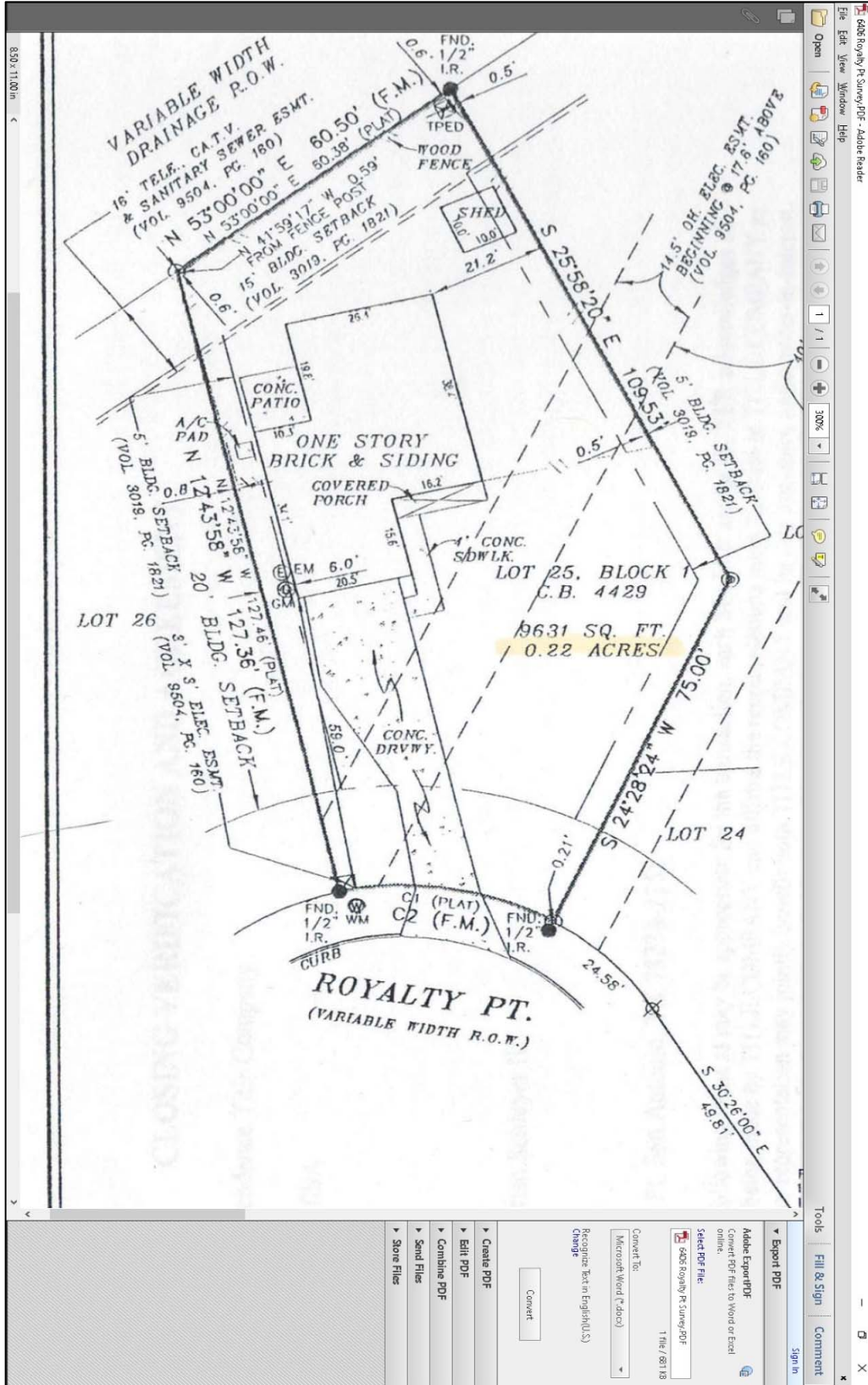


Figure 3: 6406 Royalty Pt Survey

Requested Variance:

In light of the existing fence line and the background information I am requesting that the City Council allow me to expand my side yard by constructing 6' tall fence. A fence of this height will:

1. Visibly match the existing fence line
2. Insure that my dogs remained contained in the fenced area
3. Make sure that the neighborhood kids don't attempt to stick their hands over the fence to pet the dogs. While I have no problem with my dogs getting attention from my neighbors, I would prefer to be present when this occurs.

If the City Council grants this variance request, it is my belief that a fence of this height will:

1. Benefit the Public Health at Safety by providing non-scalable barrier between my dogs, the neighbors and the neighbors' pets (namely loose cats).
2. Will have no impact on the convenience of my neighbors and the general public.
3. Will not alter the welfare of my neighbors and the general public because a 6' fence line is already visible by any resident or visitor to Royalty Pt.
4. Allow me to make better use of my existing homestead.

Figure 4 below displays the type of fence construction (from the back side. Figure 5 below displays the change that I would like to make to expand the fenced area. Looking at Figure 5, the red line is the fence that I would like to remove. The blue lines are the locations that I would like to construct a new fence.

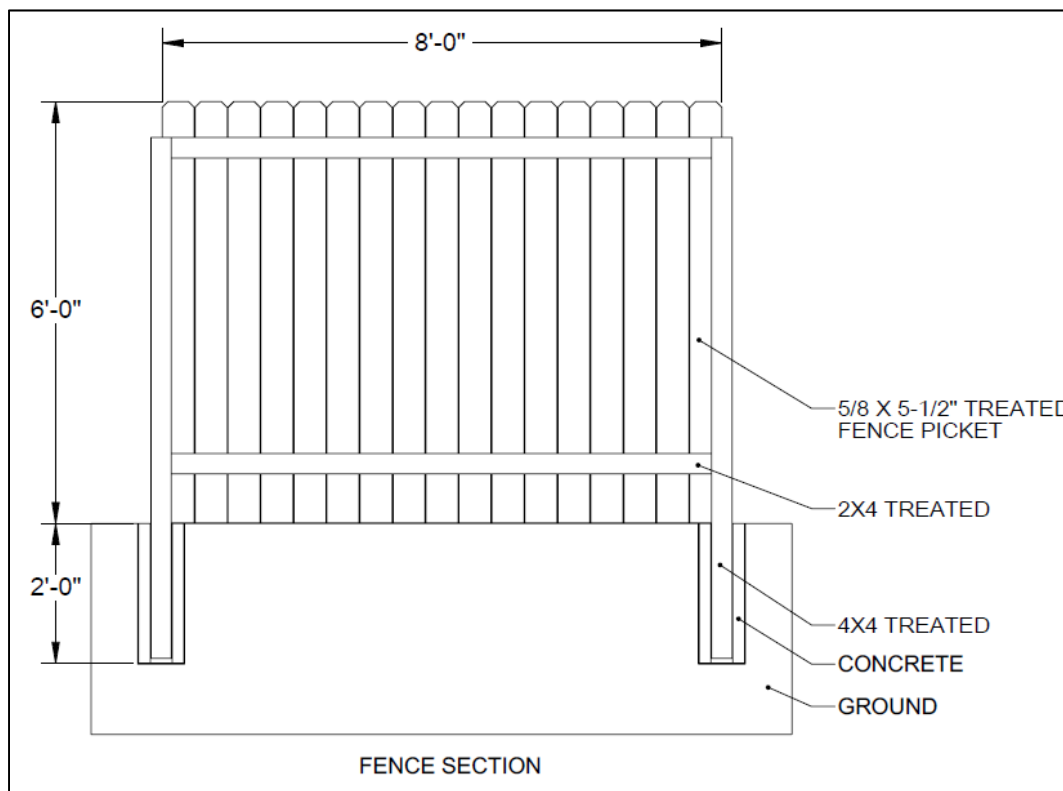


Figure 4: Fence Construction

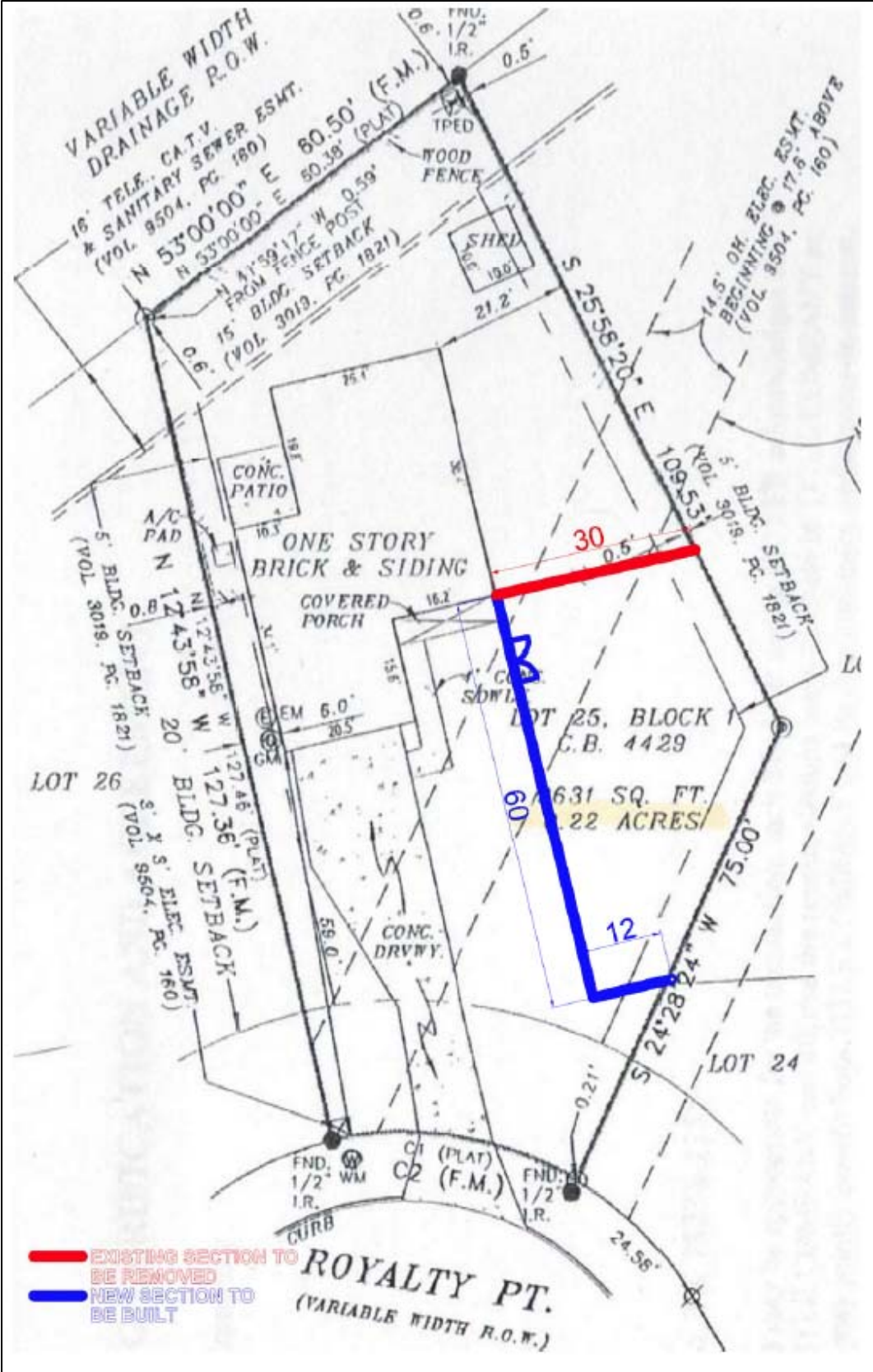


Figure 5: Fence Permit Plan View

RESOLUTION No.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS, GRANTING A VARIANCE TO THE LEON VALLEY CODE OF ORDINANCES, CHAPTER 3 BUILDING REGULATIONS, ARTICLE 3.05 FENCES, SECTION 3.05.005 DIMENSIONS AND APPEARANCES, SUBSECTION (a)(1)(A) TO ALLOW A SIX FOOT HIGH FENCE IN THE REQUIRED FRONT YARD, LOCATED AT 6406 ROYALTY PT STREET; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS, in accordance with such powers, the City Council adopted Chapter 3 Building Regulations, Article 3.05 Fences, to regulate the construction, maintenance, repair, and replacement of fences within the City's cooperative limits; and

WHEREAS, Section 3.05.004 provides that City Council may authorize variances to the requirements of Article 3.05, when its opinion undue hardship will result from requiring strict compliance; and

WHEREAS, in granting a variance, the council shall prescribe only conditions that it deems necessary to or desirable in the public interest; and

WHEREAS, the owner of the improved real property located at 6406 Royalty Pt Street legally described as CB 4429A Blk 1 Lot 25 (Seneca Estates), Leon Valley, Bexar County, Texas (hereinafter the "Property") submitted a variance request to construct a six foot fence in the front yard; and

WHEREAS, the City Council has found that the request meets the criteria established by Section 3.05.004 of the City Code for granting variances; and

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

Section 1. Request. The owner of the property requests a variance from the height regulations found in the Leon Valley Code of Ordinance Chapter 3 Building Regulations, Article 3.05 Fences, Section 3.05.005 Dimensions and Appearances, Subsection (a) (1) (A) and shall be allowed to construct a six foot tall fence in the front yard

Section 2. Findings. City Council grants the variance according to the request and makes the following findings as prescribed by Section 3.05.004 of the City Code:

- (1) There are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of this land;

Finding - **Affirmative**

- (2) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
Finding - **Affirmative**
- (3) The granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area.

Finding - **Affirmative**

Section 3. Conditions. This variance shall be conditioned upon the following:

- 1. An 6-foot-tall fence shall only be permitted in the front yard as requested by the applicant on the proposed site plan.

Section 4. Expiration. This variance shall expire and be of no further lawful effect if the fence authorized by this variance is not lawfully constructed on the Property on, or before, May 17, 2024.

Section 5. Recitals. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Resolution for all purposes and are adopted as a part of the judgment and findings of the Council.

Section 6. Conflicts. All Resolutions and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Resolution are hereby repealed to the extent of such conflict, and the provisions of this Resolution shall be and remain controlling as to the matters resolved herein.

Section 7. Savings. That all rights and privileges of the City are expressly saved as to any and all violations of the provision of any Resolutions repealed by this Resolution which have accrued at the time of the effective date of this Resolutions; and, as to such accrued violation and all pending litigation, both civil and criminal, whether pending in court or not, under such Resolutions, same shall not be affected by this Resolution but may be prosecuted until final disposition by the courts.

Section 8. Severability. This Resolution is not severable.

Section 9. TOMA compliance. It is officially found, determined, and declared that the meeting at which this Resolution is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Resolution, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 10. Effective date. This Resolution shall be effective upon the date of final adoption hereof and any publication required by law.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley
this the 7th day of November 2023.

APPROVED

CHRIS RILEY

Attest:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form: City Attorney

The Planning and Zoning Director has request that I collect my neighbors comments by October 25. In the lines below, could you please list your thoughts on the impact of a 72" tall fence. Below are some examples of comments that would help the Leon Valley City Council make an informed decision on my variance request:

1. A 72" tall fence will have no impact on the quality of my life
2. A 72" tall fence will be detrimental to the quality of my life and will change the landscape of Royalty Pt.
3. Given the size of Mark's dogs, a 44" tall fence might not provide an adequate barrier and a 72" tall fence would be adequate.

The three bullets above are only examples of the kind of statements that the City Council would be interested in hearing. After meeting with the City Council, it is my impression that they are interested in your honest thoughts. If you can list your thoughts below, sign, and date this document, this will be the best way to inform the Council members.

I have included an addressed and stamped envelope that you can mail to the Planning and Zoning Director. Alternatively, you can also just give this document back to me and I will deliver it to the Planning and Zoning Director. Please choose either method that makes you feel most comfortable with listing your honest thoughts and feelings below.

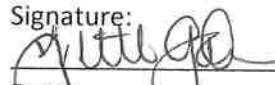
Thank you,
Mark Ferris
210-878-8387
markmferris@gmail.com

Dear Leon Valley City Council,

Mark Ferris has informed me about his variance request. Below are my thoughts:

In my opinion having a 44" tall fence wouldn't
look right next to a 72". I am in favor of the 72"
fence for both appearance and the safety & space
mark's dogs would gain from this extension.

Thank you,
Yvette Garcia
6411 Royalty Pt
Leon Valley, TX 78238

Signature: 
Date: 10-27-2023

Mark Ferris
6406 Royalty Pt
Leon Valley, TX 78238

Yvette Garcia
6411 Royalty Pt
Leon Valley, TX 78238

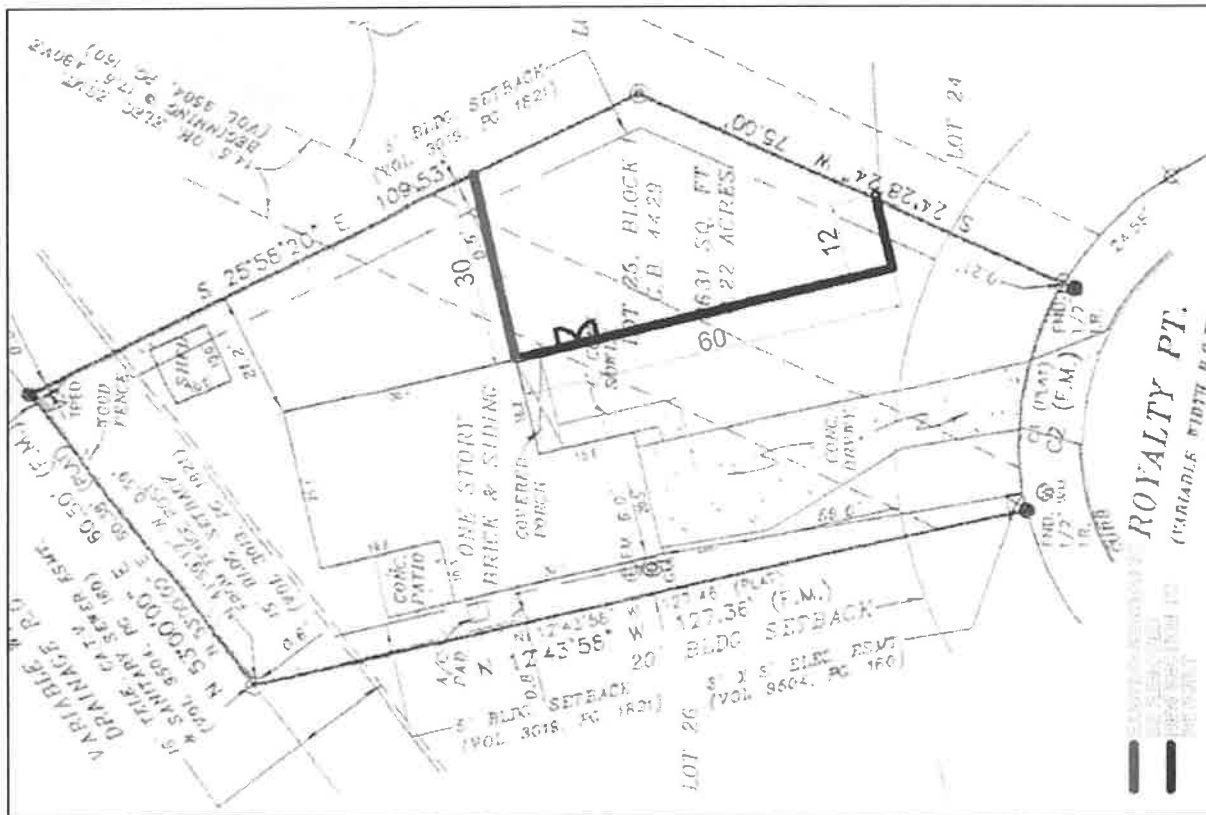
Hello Yvette,

I would like to expand my side yard to allow more space for my dogs to play. The Leon Valley Planning and Zoning department will allow me to build a fence that is 44" tall. I would like to build a fence that is 72" tall (same as all the other fences). I requested a Variance from the Leon Valley City Council that would allow me to build the 72" tall fence.

In my meeting with City Council, the Council members wisely required that I get input from my neighbors on Royalty Pt. They were principally concerned that the 72" tall fence is:

1. Desirable to the Public Interest
2. Beneficial to Public Health, Safety, and Welfare
3. Not injurious to the other property in the area

Below is a survey of my property. The blue line is where I would like to construct the fence. The Red line is the section of Fence that I would like to take down. I have also put up an orange string line in my front yard that shows where I would like to construct the fence.



The Planning and Zoning Director has request that I collect my neighbors comments by October 25. In the lines below, could you please list your thoughts on the impact of a 72" tall fence. Below are some examples of comments that would help the Leon Valley City Council make an informed decision on my variance request:

- 1. A 72" tall fence will have no impact on the quality of my life
- 2. A 72" tall fence will be detrimental to the quality of my life and will change the landscape of Royalty Pt.
- 3. Given the size of Mark's dogs, a 44" tall fence might not provide an adequate barrier and a 72" tall fence would be adequate.

The three bullets above are only examples of the kind of statements that the City Council would be interested in hearing. After meeting with the City Council, it is my impression that they are interested in your honest thoughts. If you can list your thoughts below, sign, and date this document, this will be the best way to inform the Council members.

I have included an addressed and stamped envelope that you can mail to the Planning and Zoning Director. Alternatively, you can also just give this document back to me and I will deliver it to the Planning and Zoning Director. Please choose either method that makes you feel most comfortable with listing your honest thoughts and feelings below.

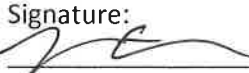
Thank you,
Mark Ferris
210-878-8387
markmferris@gmail.com

Dear Leon Valley City Council,

Mark Ferris has informed me about his variance request. Below are my thoughts:

I think the new fence would be a nice improvement
to the area. Mark's dogs could benefit from the taller (72")
fence.

Thank you,
Rachel Faith
6403 Royalty Pt
Leon Valley, TX 78238

Signature:  Rachel Faith
 Date: 10-24-23

Mark Ferris
6406 Royalty Pt
Leon Valley, TX 78238

Rachel Faith
6403 Royalty Pt
Leon Valley, TX 78238

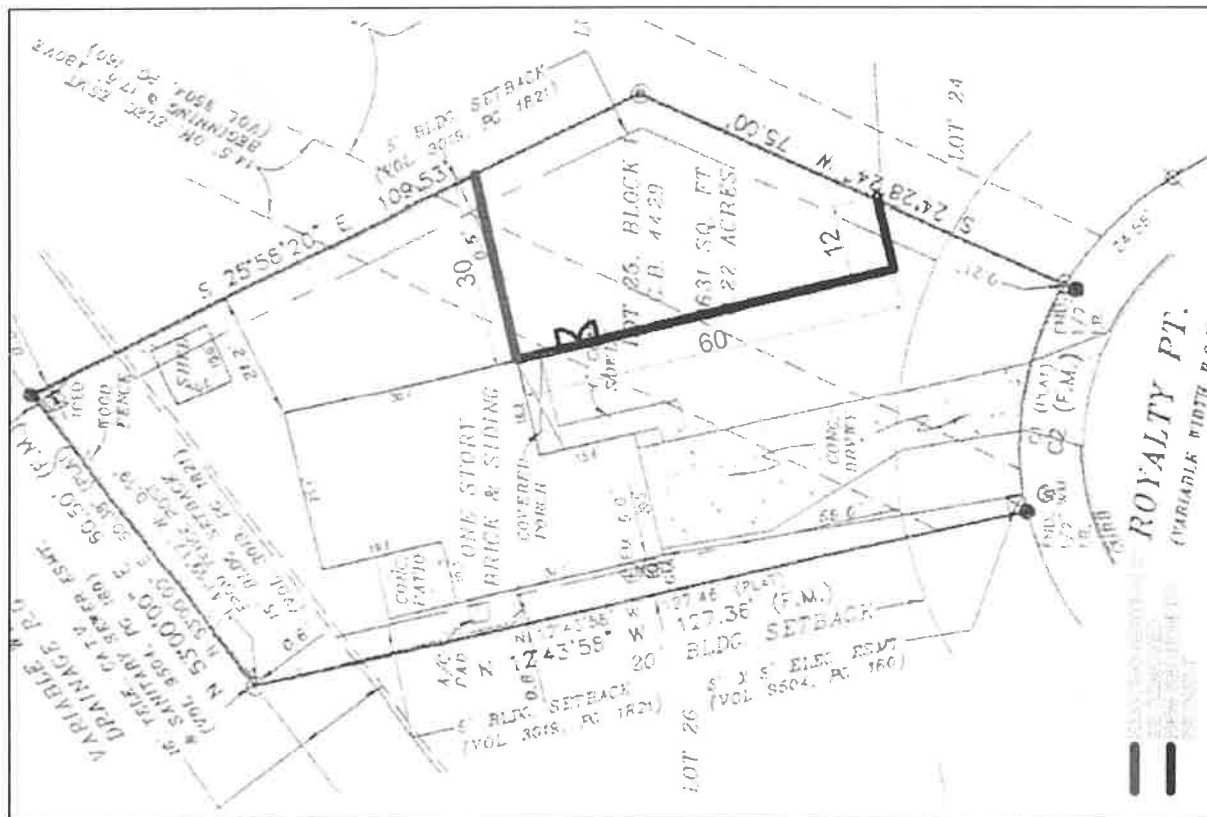
Hello Rachel,

I would like to expand my side yard to allow more space for my dogs to play. The Leon Valley Planning and Zoning department will allow me to build a fence that is 44" tall. I would like to build a fence that is 72" tall (same as all the other fences). I requested a Variance from the Leon Valley City Council that would allow me to build the 72" tall fence.

In my meeting with City Council, the Council members wisely required that I get input from my neighbors on Royalty Pt. They were principally concerned that the 72" tall fence is:

1. Desirable to the Public Interest
2. Beneficial to Public Health, Safety, and Welfare
3. Not injurious to the other property in the area

Below is a survey of my property. The thick black line is where I would like to construct the fence. The thick grey line is the section of Fence that I would like to take down. I have also put up an orange string line in my front yard that shows where I would like to construct the fence.



Mark Ferris
6406 Royalty Pt
Leon Valley, TX 78238

Richard Reyes
6407 Royalty Pt
Leon Valley, TX 78238

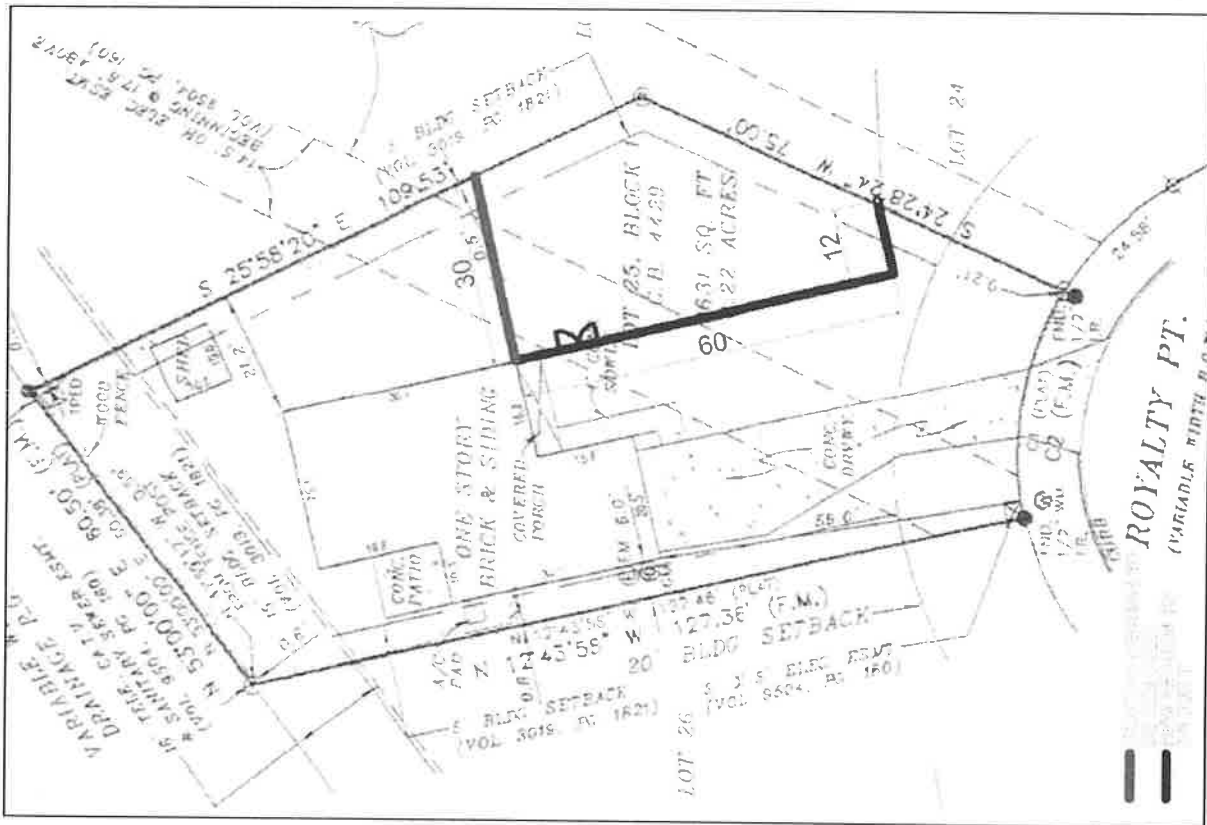
Hello Richard,

I would like to expand my side yard to allow more space for my dogs to play. The Leon Valley Planning and Zoning department will allow me to build a fence that is 44" tall. I would like to build a fence that is 72" tall (same as all the other fences). I requested a Variance from the Leon Valley City Council that would allow me to build the 72" tall fence.

In my meeting with City Council, the Council members wisely required that I get input from my neighbors on Royalty Pt. They were principally concerned that the 72" tall fence is:

1. Desirable to the Public Interest
2. Beneficial to Public Health, Safety, and Welfare
3. Not injurious to the other property in the area

Below is a survey of my property. The thick black line is where I would like to construct the fence. The thick grey line is the section of Fence that I would like to take down. I have also put up an orange string line in my front yard that shows where I would like to construct the fence.



The Planning and Zoning Director has request that I collect my neighbors comments by October 25. In the lines below, could you please list your thoughts on the impact of a 72" tall fence. Below are some examples of comments that would help the Leon Valley City Council make an informed decision on my variance request:

1. A 72" tall fence will have no impact on the quality of my life
2. A 72" tall fence will be detrimental to the quality of my life and will change the landscape of Royalty Pt.
3. Given the size of Mark's dogs, a 44" tall fence might not provide an adequate barrier and a 72" tall fence would be adequate.

The three bullets above are only examples of the kind of statements that the City Council would be interested in hearing. After meeting with the City Council, it is my impression that they are interested in your honest thoughts. If you can list your thoughts below, sign, and date this document, this will be the best way to inform the Council members.

I have included an addressed and stamped envelope that you can mail to the Planning and Zoning Director. Alternatively, you can also just give this document back to me and I will deliver it to the Planning and Zoning Director. Please choose either method that makes you feel most comfortable with listing your honest thoughts and feelings below.

Thank you,
Mark Ferris
210-878-8387
markmferris@gmail.com

Dear Leon Valley City Council,

Mark Ferris has informed me about his variance request. Below are my thoughts:

I have no problem with the fence. Mark has been a very helpful & responsive neighbor.

Thank you,
Richard Reyes
6407 Royalty Pt
Leon Valley, TX 78238

Signature: *Richard Reyes*
Date: *10/23/23*



Consider Request for Approval of a Resolution Granting a Fence Variance

Mindy Teague

Director of Planning & Zoning

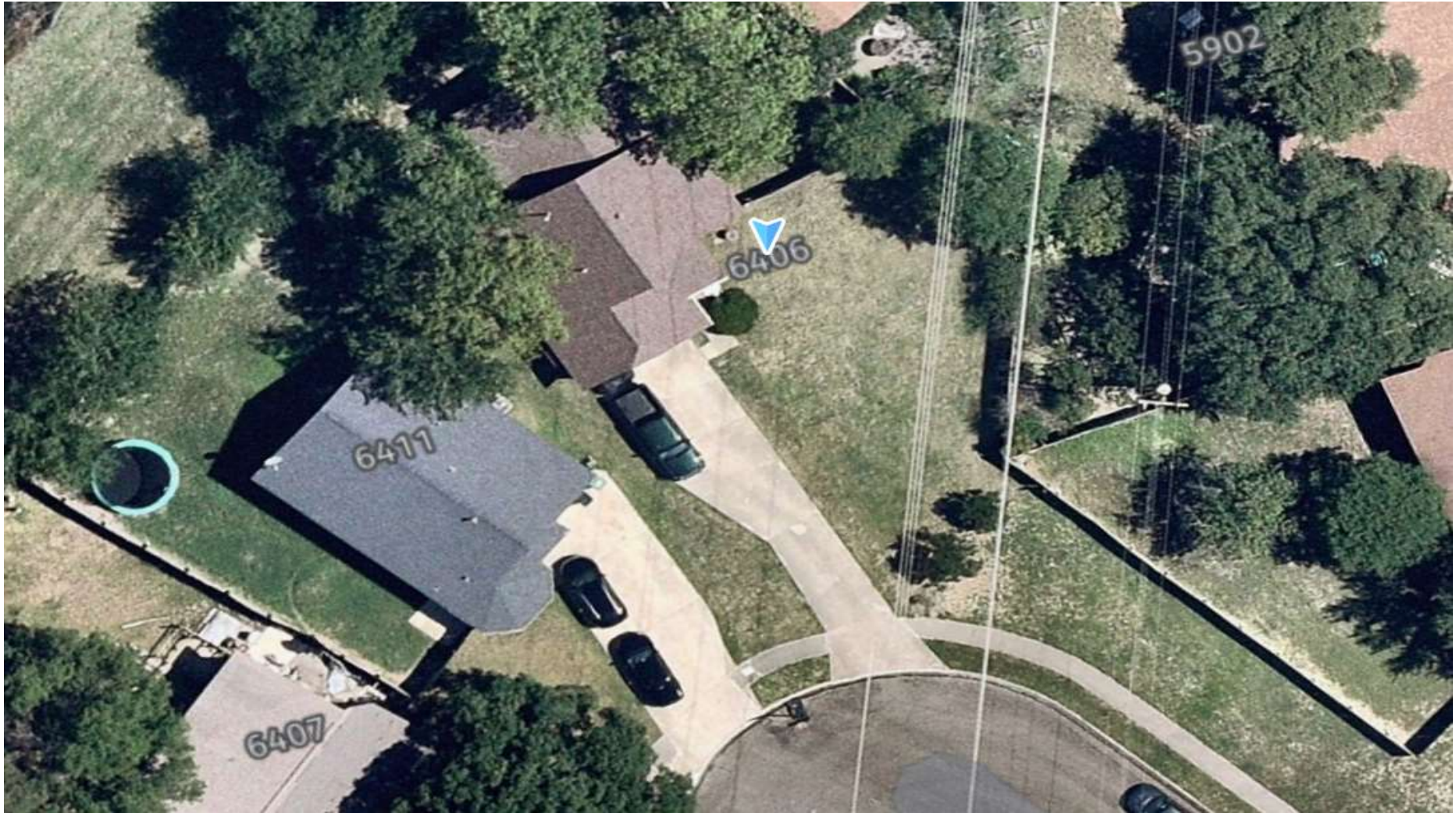
City Council Meeting

November 7, 2023

Request

- Owner – Mark Ferris, 6406 Royalty Point
- A Variance to LVCC Chapter 3 Building Regulations, Article 3.05 Fences, Section 3.05.005 Dimensions and Appearance, Subsection (a) (1) (A) to allow a property owner to construct a 6-foot tall fence in the front yard

Subject Property



Proposed Fence Location

{Section}.76.

- Removed
- New Fence

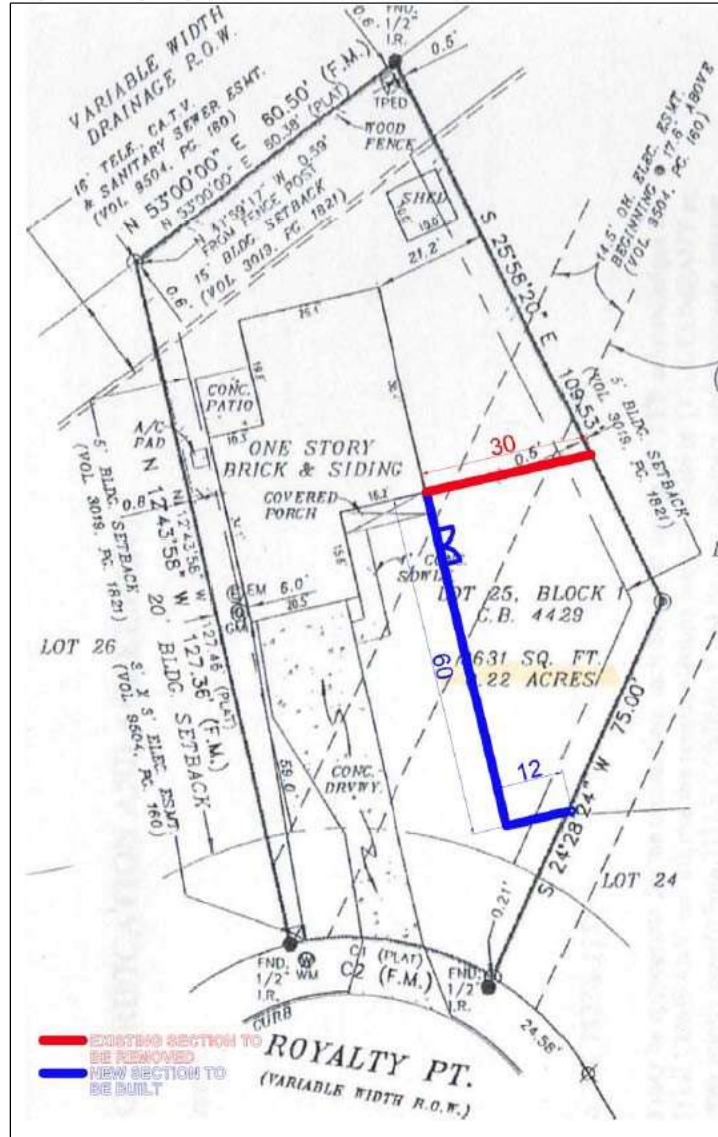


Figure 5: Fence Permit Plan View

Summary:

- Mr. Ferris's currently has a 6-foot tall fence that is located from the side of the home to the 20' setback on Seneca
- He is requesting to remove the side fence and construct a new fence that would encroach into the front yard
- The proposed fence would be 6 ft high

Summary:

- LVCC Chapter 3 Buildings, Article 3.05 Fences, Section 3.05.005 Dimensions and Appearances (a) states:
 - (1) *Residential fences in the R-1, R-2, R-4, R-6, and R-7 districts:*
 - (A) *Shall not exceed six (6) feet in the height in the side or rear yards or forty-four inches (44") in height in the required front yard. The finished side shall face toward the public viewpoint or public right-of-way.*

Purpose

- Council has the authority to consider variances where strict enforcement due to special conditions or where literal enforcement would result in unnecessary hardship.

Recommendation:

- Staff recommends denial of the request:
 - No hardship exists
 - Self-imposed – owner has a fenced backyard

Fiscal Impact

- The applicant paid the fees for fence variance consideration
- If approved, there will be an additional fee for the fence permit prior to construction

S.E.E Statement

- **Social Equity** – It is fair and equitable to offer residents processes and alternatives for variances where conditions exist which may require special consideration
- **Economic Development** – Indirectly nice, well-maintained fences and housing stock add to the attractiveness of a community to a potential resident which supports economic development
- **Environmental Stewardship** – The variance request is not applicable to environmental stewardship

MAYOR AND COUNCIL COMMUNICATION

DATE: November 7, 2023
TO: Mayor and Council
FROM: Roque Salinas, Economic Development Director
THROUGH: Dr. Crystal Caldera, City Manager

SUBJECT: Presentation, Public Hearing, and Discussion to Consider an Ordinance Revising Chapter 15 Zoning, Division 3 Administration, Section 15.02.103 - Certificate of Occupancy, to Require a Complete and Accurate Application and Owner Affidavit for a Certificate of Occupancy (C of O) – R. Salinas, Economic Development Director (1st Read as Required by City Charter)

PURPOSE

The purpose of this item is to consider approving an Ordinance to amend Chapter 15 Zoning, Division 3 Administration, Section 15.02.103 Certificate of Occupancy, to require a complete and accurate Application and Owner Affidavit for a Certificate of Occupancy (C of O).

The current Zoning Code does not have a requirement for businesses wishing to obtain a C of O to show proof of a current Sales and Use Tax Permit and that the permit designates the City of Leon Valley as the recipient of the sales and use taxes. Nor does it require a liquor license (when needed) ect.

To ensure proper collection of sales tax, and other needed documentation, it is recommended the Zoning Code be amended to require proof of the required permits prior to approval of the C of O.

The new code language would add section B to the code, which state ([changes in blue text](#)):

- A. A certificate of occupancy shall be obtained for any of the following:
- (1) Occupancy and use of a building hereafter erected or structurally altered.
 - (2) Change in use of an existing building to a use of a different classification.
 - (3) Occupancy and use of vacant land.
 - (4) Change in the use of land to a use of a different classification.
 - (5) Any major or significant modification, alteration, or change in a nonconforming use.
 - (6) Business ownership name change; and

(7) . A short-term rental (STR) is not required to obtain a certificate of occupancy

B. Application for Certificate of Occupancy Shall be obtained through the Planning and Zoning Department after submittal of:

- 1.A complete and accurate application.
- 2.Owner affidavit
- 3.Failure to maintain accurate and/or updated information as submitted in the application, can be cause for revocation of Certificate of Occupancy.

SEE LEON VALLEY

Social – Assuring that all business owners who are required to submit sales tax do so to the City of Leon Valley will ensure equity among all businesses.

Economic – The increase in sales tax collections will assist in providing needed services to citizens and businesses alike.

Environmental – The City uses a portion of the funds it receives to promote and sponsor tree giveaways, the Earthwise Living Day event, and the Community Garden, which all assist in the management of our ecosystem.

FISCAL IMPACT

The requirement to provide proof of a current Sales and Use Tax Permit designating the City of Leon Valley as the recipient will assure the proper allocation of sales tax, which will increase sales tax collections

STRATEGIC GOALS

Economic Development – Revitalize declining commercial areas by creating, reviewing, and enforcing codes that impact Economic Development

RECOMMENDATION

After careful review, Staff has no objection to this request.

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

AN ORDINANCE OF THE CITY OF LEON VALLEY, TX, CITY COUNCIL AMENDING THE LEON VALLEY CODE OF ORDINANCES, CHAPTER 15 ZONING, DIVISION 3, SECTION 15.02.103, CERTIFICATE OF OCCUPANCY, TO REQUIRE A COMPLETE AND ACCURATE APPLICATION AND OWNER AFFIDAVIT UPON APPLICATION FOR A CERTIFICATE OF OCCUPANCY (C of O); PROVIDING FOR REPEALER, SEVERABILITY AND SAVINGS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

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

WHEREAS Chapter 15 currently contains a range of requirements needed to obtain a Certificate of Occupancy; and

WHEREAS this amendment will require an occupant to provide a complete and accurate application and owner's affidavit prior to approval of a certificate of occupancy; and

WHEREAS the Zoning Commission of the City of Leon Valley held a public hearing to determine the appropriateness of amending the Zoning Code to add this requirement; and

WHEREAS the City Council of the City of Leon Valley also held a public hearing, with proper notice and publication, and agrees with the Planning and Zoning Commission's recommendation and now desires to amend Chapter 15 Zoning Code, Section 15.02.103;

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

SECTION 1. That Chapter 15 Zoning Code, Division 3, Section 15.02.103 is hereby amended to read as follows:

- A. A certificate of occupancy shall be obtained for any of the following:
- (1) Occupancy and use of a building hereafter erected or structurally altered.
 - (2) Change in use of an existing building to a use of a different classification.
 - (3) Occupancy and use of vacant land.
 - (4) Change in the use of land to a use of a different classification.
 - (5) Any major or significant modification, alteration, or change in a nonconforming use.
 - (6) Business ownership name change; and

(7) . A short-term rental (STR) is not required to obtain a certificate of occupancy.

- B. Application for Certificate of Occupancy shall be obtained through the Planning and Zoning Department after submittal:
 - 1. A complete and accurate application
 - 2. Owner Affidavit
 - 3. Failure to maintain accurate and/or updated information as submitted in the application, can be cause for revocation of Certificate of Occupancy

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

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

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

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 21st day of November 2023.

APPROVED

CHRIS RILEY
MAYOR

Attest :

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form:

City Attorney

Certification of Occupancy Requirements

Roque Salinas, MPA
Director of Economic Development
City Council Meeting
11/7/2023

Summary

- This measure aims to promote fair and responsible tax compliance, support economic growth, and ensure equitable revenue collection for the betterment of our community's services.
- Options
 - Approve
 - Deny
 - Other
 - At council's discretion

Program Objectives

Require that all business who want to apply for a certificate of occupancy to have a completed and accurate information and documents submitted to the City of Leon Valley. Failure to have current, active, and/or accurate information is cause for revocation of certification of occupancy.

Current

- Sec. 15.02.103 - Certificate of occupancy
- A certificate of occupancy shall be obtained for any of the following:
 - (1)Occupancy and use of a building hereafter erected or structurally altered;
 - (2)Change in use of an existing building to a use of a different classification;
 - (3)Occupancy and use of vacant land;
 - (4)Change in the use of land to a use of a different classification;
 - (5)Any major or significant modification, alteration, or change in a nonconforming use;
 - (6)Business ownership name change; and
 - (7)A short-term rental (STR) is not required to obtain a certificate of occupancy.

New language

- Sec. 15.02.103 - Certificate of occupancy
 - (B) Application for Certificate of Occupancy Shall be obtained through the Planning and Zoning Department after submittal of:
 1. A complete and accurate application.
 2. Owner affidavit
 3. Failure to maintain accurate and/or updated information as submitted in the application, can be cause for revocation of Certificate of Occupancy.

Sale Tax requirement Example

01-300
Form 008
(Rev. 9-16-20)

TEXAS SALES AND USE TAX PERMIT

This permit is not transferable, and this side must be prominently displayed in your place of business.

Retailers: A seller may NOT accept a copy of this permit in lieu of a properly completed exemption or resale certificate. A certificate is necessary to document why tax is not collected on a sale.

You must obtain a new permit if there is a change of ownership, location, or business location name.

TAXPAYER NAME, BUSINESS LOCATION NAME, and PHYSICAL LOCATION

CABINET BAZAAR LLC

CABINET BAZAAR LLC
5634 RANDOLPH BLVD
SAN ANTONIO
BEXAR COUNTY

TX 78233-6161

Type of permit
SALES AND USE TAX

Taxpayer number
3-20786-5016-8

Location number
00001

First business date of location
11/01/2021

NAICS: 238220 Plumbing, Heating, and Air-Conditioning Contractors
WE SHOW THIS BUSINESS IN THE FOLLOWING LOCAL SALES TAX AUTHORITIES:

CITY: SAN ANTONIO EFF: 11/01/2021
TRANSIT: SAN ANTONIO ATD EFF: 11/01/2021
TRANSIT: SAN ANTONIO MTA EFF: 11/01/2021

Glenn Hegar
Glenn Hegar
Comptroller of Public Accounts

You may need to collect sales and/or use tax for other local taxing authorities depending on your type of business. For additional information, see "Collecting Local Sales and Use Tax" section on the back of this document. If you have any questions regarding sales tax, visit our website at www.comptroller.texas.gov or call us at 1-800-252-5555.



Certificate of Occupancy

THIS FORM WAS PRINTED ON 9/11/2023

This Certificate is issued pursuant to the requirements of the 2021 International Building Code certifying that at the time of issuance, this structure was in compliance with the various ordinances of the City of Leon Valley regulating building construction or use. Additionally, this Certificate of Occupancy is issued as prescribed by the 2021 International Building Code, Section 111.

PROJECT / PERMIT #:	2023-697	LOT:	N327.96ft of 11
PROPOSED USE:	Cabinet Shop	BLOCK:	1
OCCUPANCY CLASS:	Group B	CB:	4428H
SUBDIVISION:		ZONE:	B-3
OCCUPANT:	Cabinet Bazaar	OCCUPANT LOAD:	15
LOCATION:	5601 Bandera Rd, Suite 100	AUTO SPRINKLER SYSTEM:	Yes
OWNERS OF PREMISES:	N/A		



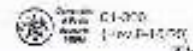
CONDITIONS OF OCCUPANCY:

Mindy Teague
Mindy Teague
PLANNING & ZONING DIRECTOR

9/11/2023
DATE



Sale Tax requirement Example



TEXAS SALES AND USE TAX PERMIT

This permit is not transferable, and this side must be prominently displayed in your place of business.

Related: A seller may NOT accept a copy of this permit in lieu of a properly completed exemption or resale certificate. A certificate is necessary to document why tax is not collected on a sale.

You must obtain a new permit if there is a change of ownership, location, or business location name.

TAXPAYER NAME, BUSINESS LOCATION NAME, and PHYSICAL LOCATION:

RIVER CITY GUN WORKS LLC
 RIVER CITY GUN WORKS LLC
 11411 RENDEZVOUS DR STE 202
 SAN ANTONIO TX 78216-3316
 BEXAR COUNTY
 NAICS CODE: 811490 DESCRIPTION ON NEXT LINE:
 Other Personal and Household Goods Repair and Maintenance

WE SHOW THIS BUSINESS IN THE FOLLOWING LOCAL SALES TAX AUTHORITIES:
 CITY: SAN ANTONIO EFF: 06/01/2018
 TRANSIT: SAN ANTONIO ATD EFF: 06/01/2018
 TRANSIT: SAN ANTONIO MTA EFF: 06/01/2018

Type of permit: SALES AND USE TAX
 Taxpayer ID: 3-20660-8357-D
 Location number: 00001
 Last business date of location: 06/01/2018

Glenn Hegar
 Glenn Hegar
 Comptroller of Public Accounts

Certificate of Occupancy

THIS FORM WAS PRINTED ON 10/4/2023

This Certificate is issued pursuant to the requirements of the 2021 International Building Code certifying that at the time of issuance, this structure was in compliance with the various ordinances of the City of Leon Valley regulating building construction or use. Additionally, this Certificate of Occupancy is issued as prescribed by the 2021 International Building Code, Section 111.

PROJECT / PERMIT #:	2023-783	LOT:	1, 2 NW IR 4.73 FT of 3
PROPOSED USE:	Retail	BLOCK:	1
OCCUPANCY CLASS:	B	CB:	9901
SUBDIVISION:		ZONE:	B-2
OCCUPANT:	River City Gun Works LLC	OCCUPANT LOAD:	8
LOCATION:	6228 Bandera Rd.	AUTO SPRINKLER SYSTEM:	Yes
OWNERS OF PREMISES:	GS Ventures Group - Shahram Younessian 300 Old Country Mineola, NY 11501		



CONDITIONS OF OCCUPANCY:

Mindy Teague
Mindy Teague
PLANNING & ZONING DIRECTOR

10/4/2023
DATE

POST IN A CONSPICUOUS PLACE



6400 El Verde Road
Leon Valley, Texas 78238
0 (210) 884-1391
www.leonvalleytexas.gov



Sale Tax requirement Example



Certificate of Occupancy

THIS FORM WAS PRINTED ON 3/03/2016

This Certificate issued pursuant to the requirements of the Standard Building Code certifying that at the time of issuance, this structure was in compliance with the various ordinances of the Jurisdiction regulating building construction or use.

PROJECT #: 140705 **LOT:** 16
PROPOSED USE: RETAIL **BLOCK:** 5
OCCUPANCY CLASS: GROUP B - BUSINESS **CB:** 17375
SUBDIVISION: BANDERA EXCHANGE #3 **ZONE:** B-3 COMMERCIAL DISTRICT
OCCUPANT: JB WOLF SHEDS
LOCATION: 6018 EXCHANGE PARKWAY
OWNER OF PREMISES: JB WOLF SHEDS LLC

Taxpayer

Taxpayer ID: 14120682965
 Taxpayer Name: J.B. WOOLF SHEDS, L.L.C.
 Mailing Address: PO BOX 171241
 SAN ANTONIO, TX 78217
 Permit Status: **INACTIVE**

Locations

Sort: LOCATION NAME (A-Z)

Location Name	Status	Address	City, State, Zip	Location Number	Permit Begin Date	Permit End Date
J.B. WOOLF SHEDS	INACTIVE	5304 BANDERA RD	LEON VALLEY, TX 78238	00001	01/15/2003	03/31/2016
J.B. WOOLF SHEDS	INACTIVE	6018 EXCHANGE PKWY	LEON VALLEY, TX 78238	00002	04/01/2016	


 (APPROVED BY)

3/3/16
 DATE



Alcoholic requirement Example

TIM'S ORIENTAL & SEAFOOD MKT

TAQUERIA JALISCO #8

EVERS STOP

PETER PIPER PIZZA

Trices Cafe and Lounge

BANDERA STOP

CABANA BEVERAGES INC.

{Section}.81.

CIRCLE K #2740932

GOBRANDS TEXAS LLC

QUICKTRIP #4016

Taqueria Oro Azul

WALGREENS #03505

Wing Daddy's Sauce House

the rodeo bar and grill

POPS A LIQUOR #3

CIRCLE K #2741048

HACIENDA VALLARTA MEXICAN BUFFET & GRILL

FAMILY DOLLAR STORE #32200

BOTTLECAP BEVERAGES

SARI-SARI FILIPINO RESTAURANT MARKET & BAKERY

HENRY'S PUFFY TACOS

HEB MARKETPLACE

LONGTAB BREWING COMPANY

GREEN LIGHT DISTRIBUTION LLC

BANDERA BOWL

CHACHO'S

Amiga Cafe

FRIO TO GO DAIQUIRIS

Fiscal impact

- The fiscal impact will increase sales tax and other fee revenues that the city collects.

S.E.E. Statement

Social Equity:

- N/A

Economic Development:

- The City will provide a diverse and versatile business environment that supports a healthy economy. The City will exhibit a distinctive and welcoming identity at its boundaries and throughout the community. The City will attract, expand and retain viable businesses to promote development and redevelopment and including a town-centered design.

Environmental Stewardship:

- N/A



Strategic Goals

Economic Development is a strategic goal outlined in Leon Valley's Strategic Plan.

- Revitalize declining commercial areas by creating, reviewing, and enforcing codes that impact Economic Development

Recommendation

- Staff recommends the approval of the change.
- At council discretion



**CITY OF LEON VALLEY
ANNUAL TOWN HALL MEETING**
Conference Center
Evers Road, Leon Valley, TX 78238
Saturday, January 27, 2024, at 9:00 AM

AGENDA

-
1. **9:00 AM** Call to Order and Determine a Quorum is Present.
 2. **Presentations**
 - A. Welcome to 12th Annual Town Hall Meeting! - Mayor Chris Riley
 - B. Introduction of City Council & Staff and Procedures for the meeting – Mayor Chris Riley.
 - C. City Manager Update on 2023 Town Hall Meeting and Annual Report – Dr. Crystal Caldera, City Manager **(9:10 a.m.)**
 - D. Presentation on Bandera Rd. - Chad Gardiner
 - E. Presentation on the Solid Waste Survey – Melinda Moritz, Public Works Director
 - F. Emergency Preparedness: How to get prepared this Winter – (Chief Naughton)
 - G. Discussion on Possible Home Rule Charter Amendments– Mayor Riley
 - H. Presentation on the City’s Mission, Vision Statement and Strategic Plan – Dr. Crystal Caldera, City Manager
 - I. Citizens to be Heard **(11:30 a.m.)**
 3. **Adjournment - 12:15 PM**

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 <https://www.leonvalleytexas.gov/meetings> . 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.

MAYOR AND COUNCIL COMMUNICATION

DATE: November 7, 2023
TO: Mayor and Council
FROM: Roque Salinas, Director of Economic Development
THROUGH: Dr. Crystal Caldera, City Manager
SUBJECT: Discussion and Possible Action Authorizing the City Council to Amend the Leon Valley Code of Ordinance, Chapter 11- Taxation, by Adding 11.05 – Short Term Rentals- Occupancy Tax -Article 11.05 – Short Term-Rentals-Occupancy Tax (1st Read as Required by the City Charter) - R. Salinas, Director Of Economic Development.

PURPOSE

This ordinance will require the collection of the Hotel Motel Tax for Short Term Rentals operating within the City of Leon Valley. Under section 351.001 of the Texas State Law local municipalities are allowed to impose an occupancy tax, this ordinance will require short-term rentals to pay that same tax that hotels within Leon Valley are required to pay.

FISCAL IMPACT

The fiscal impact will increase revenue collected by the City with the tax.

SEE LEON VALLEY

Social Equity – N/A

Economic Development – N/A

Environmental Stewardship – N/A

STRATEGIC GOALS

Create, review, and enforce codes that impact Economic Development

RECOMMENDATION

APPROVED : _____ DISAPPROVED : _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST :

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

AN ORDINANCE OF THE CITY OF LEON VALLEY, TX, CITY COUNCIL AUTHORIZING THE AMENDING OF THE LEON VALLEY CODE OF ORDINANCE, CHAPTER 11- TAXATION, BY ADDING 11.05 – SHORT TERM RENTALS- OCCUPANCY TAX - ARTICLE 11.05 – SHORT TERM-RENTALS- OCCUPANCY TAX; REPEALING ALL ORDINANCE IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; SAVING CLAUSE; EFFECTIVE DATE; NOTICE OF OPEN MEETING AND PROVIDING FOR A PENALTY.

WHEREAS, The City of Leon Valley City Council wishes to amend Chapter 11- Taxation and add Section 11.05 – Short Term Rentals-Occupancy Tax.

WHEREAS, The City of Leon Valley deems it necessary to adopt this ordinance for the collection of and reporting of hotel occupancy tax for short-term rental within the City of Leon Valley.

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

SECTION 1. All the above premises are hereby found to be the 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 2. Chapter 11- Taxation, by adding 11.05 – Short-Term Rentals- Occupancy Tax - Article 11.05 – Short-Term Rentals- Occupancy Tax; shall read as follows:

ARTICLE 11.05 – SHORT TERM RENTALS-OCCUPANY TAX

Sec. 11.05.001 - Definitions

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Consideration. The cost of the room or home in such short-term rental, not to include the cost of any food served or personal services rendered to the occupant of such room not related to the cleaning and readying of such room for occupancy.

Short-Term Rental. A dwelling that is (a) used or designed to be used as a place where a person may reside, including a single-family dwelling, garage apartment, guest house or a unit in a multi-unit building, including an apartment, condominium, cooperative or timeshare; and (b) rented wholly or partly for a fee and for a period of less than thirty (30) consecutive days.

Short-Term Rental Listing Service. A person, company or other legal entity that participates in the Short-Term rental business by facilitating and/or collecting a fee for booking services through which a person may offer Short-Term Rentals to potential guests. Short-Term Rental Listing Services usually, though not necessarily, provide booking services through an online platform that allows a person to advertise the

premises through a website or mobile application provided by the Short-Term Rental Listing Service and the Short-Term Rental Listing Service conducts a transaction by which potential guests arrange their use and their payment, whether the potential guest pays rent directly to the person or to the Short-Term Rental Listing Service.

Occupancy. The use or possession, or the right to use or possess, any room or rooms, sleeping space, bed or other facility in a short-term rental under any concession, permit, right of access, license, contract or agreement.

Occupant. Anyone who, for a consideration, uses, possesses or has a right to use or possess any room or rooms, sleeping space, bed or other facility in a short-term rental under any concession, permit, right of access, license, contract or agreement.

Permanent resident. Any occupant who has or shall have the right to occupancy of any room or rooms or sleeping space or other facility in a short-term rental, apartment or condominium for at least 30 consecutive days during a calendar year.

Person. Any individual, company, corporation, or association owning, operating, managing, or controlling any short-term rental.

Quarterly period. The regular calendar quarters of the year, the first quarter being composed of the months of January, February and March; the second quarter being the months of April, May and June; the third quarter being the months of July, August and September; and the fourth quarter being the months of October, November and December.

Tax collector. Any city official, or any official of any agency contracted to collect taxes for the city, designated by the city council.

Sec. 11.05.002 - Levy; exemptions

- a) There is hereby levied a tax upon the cost of occupancy of any room or space furnished by any short-term rental where such cost of occupancy is at a rate of \$2.00 or more per day, such tax to be equal to seven percent of the consideration paid by the occupant of such room to such hotel.
- b) No tax shall be imposed hereunder upon a permanent resident.
- c) The United States government and its employees, including military personnel, traveling on official business are exempt from local hotel occupancy taxes.
- d) No tax shall be imposed hereunder upon a rental agreement rented wholly or partly for a period of more than thirty (30) consecutive days.

Sec. 11.05.003 - Collection

Every short-term rental listing service, person owning, operating, managing or controlling any short-term rental shall collect the tax imposed in this article for the city.

Sec. 11.05.004 - Required records.

Every short-term rental listing service, person owning, operating, managing or controlling any short-term rental is required to record of the following information:

- a) The names and addresses of all occupants of the establishment;

- b) The period of time for which each room is rented;
- c) The consideration paid for such rental.

Sec. 11.05.005 - Filing of reports; payment of tax collected.

On the last day of the month following each quarterly period, every short-term rental listing service is required hereby to collect the tax imposed by this article shall file a report with the tax collector showing the consideration paid for all room occupancies in the preceding quarter, the amount of tax collected on the city's behalf on such occupancies, and any other information as the tax collector may reasonably require. Such short-term rental listing service shall pay over the tax due on such occupancies at the time of filing such report. There shall also be furnished to the tax collector of the city, at the time of the payment of such tax, a copy of the tax report filed with the state comptroller in connection with the state hotel occupancy tax.

Sec. 11.05.006 - Rules and regulations; access to records

The tax collector shall have the power to make such rules and regulations as are necessary to effectively collect the tax levied herein, and shall, upon reasonable notice, have access to books and records necessary to enable him to determine the correctness of any report filed as required by this article and the amount of taxes due under the provisions of this article.

Sec. 11.05.007 - Penalty for violation

If any short-term rental listing service or person is required by the provisions of this article to collect the tax imposed herein, and pay to the tax collector the tax imposed herein, shall fail to collect such tax, shall fail to file such report, or shall fail to pay such tax, or if such person shall file a false report, such person shall be deemed guilty of a misdemeanor, and be subject to a fine.

Each violation of this article shall be punished by a fine in accordance with [section 1.01.009](#) of this Code, unless some other fine is specifically prescribed for a particular violation. Each day any violation occurs or continues shall be considered a separate offense.

Sec. 11.05.008 - Penalty for failure to file reports or pay tax; interest on delinquent tax.

If any short-term rental listing service or person shall fail to file a report as required herein or shall fail to pay the tax collector the tax imposed herein when such report or payment is due, he shall pay five percent of the amount due as a penalty, and after 30 days he shall pay an additional five percent of such tax; provided, however, that the penalty shall never be less than one dollar (\$1.00). Delinquent taxes shall draw interest at the rate of six percent per annum beginning 60 days from the date due.

Sec. 11.05.009 - Use of proceeds

- a) The proceeds of the tax herein levied shall be allocated to the following purposes:

1. The acquisition of sites for and the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of convention center facilities, including, but not limited to, civic center convention buildings, auditoriums, coliseums, civic theaters, museums, and parking areas or facilities for the parking or storage of motor vehicles or other conveyances located at or in the immediate vicinity of the convention center facilities;
2. The furnishing of facilities, personnel, and materials for the registration of convention delegates or registrants;
3. Advertising for general promotional and tourist advertising of the city and its vicinity and conducting a solicitation and operating program to attract conventions and visitors, either by the city or through contracts with persons or organizations selected by the city;
4. The encouragement, promotion, improvement, and application of the arts, including music (instrumental and vocal), dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, television, radio, tape and sound recording, and the arts related to presentation, performance, execution, and exhibition of these major art forms;
5. Historical preservation and restoration projects or activities at or in the immediate vicinity of convention center facilities or historical preservation and restoration projects or activities located elsewhere in the city that would be frequented by tourists and visitors to the city.
6. One-half of one percent of a hotel tax equal to less than three percent, or one percent of a hotel tax greater than three percent, shall be reserved for the purpose of advertising and conducting solicitation programs to acquaint potential users with public meeting and convention facilities, and for promotion of tourism and advertising of the city and its vicinity either by the city or through contract with persons or organizations selected by the city.

(c) Any revenues collected from the tax in excess of four percent of the consideration paid by the occupant shall be used for the purposes specified in subsections (a)(1), (2), (3) and (4) of this section, except that no more than one percent of such revenues shall be used for the purposes specified in subsection (a)(4) of this section.

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

SECTION 4. That it is hereby declared to be the intention of the City Council of the City of Leon Valley that phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance should be declared unconstitutional by the valid judgment or decree of

any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinances, since the same would have been enacted by the City Council without incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph, and section.

SECTION 5. The ordinance shall be effective upon passage and publication as required by law.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 21st day of November, 2023.

APPROVED

CHRIS RILEY
MAYOR

Attest:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form:

NICOLE WARREN
City Attorney

City of Leon Valley New Article 11.05 Short Term Rentals- Occupancy Tax

Roque Salinas, MPA

Director of Economic Development

Council Meeting

11/7/2023

Summary

- This ordinance will require the collection of the Hotel Motel Tax for Short Term Rentals operating within the City of Leon Valley. The short-term rentals are collecting the standard 6% state occupancy tax; however, they are not collecting the city occupancy tax that local hotels are required to collect.
- Under section 351.001 of the Texas State Law local municipalities are allowed to impose an occupancy tax, this ordinance will require short-term rentals to pay that same tax that hotels within Leon Valley are required to pay.

Options:

1. Approve
2. Denial

Program Objectives:

- This measure aims to promote fair and responsible tax compliance, support economic growth, and ensure equitable revenue collection for the betterment of our community's services.

Fiscal impact

- The fiscal impact will increase revenue collected by the City with the tax.

S.E.E. Statement

Social Equity:

- N/A

Economic Development:

- N/A

Environmental Stewardship:

- N/A

Strategic Goals

Economic Development is a strategic goal outlined in Leon Valley's Strategic Plan.

- Create, review, and enforce codes that impact Economic Development.

Recommendation

- Staff recommends the adoption of this ordinance.
- At council's discretion

City of Leon Valley New Article 11.05 Short Term Rentals- Occupancy Tax

Roque Salinas, MPA

Director of Economic Development

City Council Meeting

11/7/2023

OUTSTANDING CITY COUNCIL ITEMS

- **6417 Evers Road**
 - 11/2/20 – Lease approved
 - 8/3/21 – Amending lease to remove a lessee
 - 8/17/21- Executive session
 - 4/2/22 – first read SUP to allow Alcohol
 - 4/19/22 – second read SUP allow Alcohol
 - 12/6/22- Executive Session and EDC Funds
 - 12/20/22 -Executive Session
 - 3/21/23 – Executive Session
 - 5/2/2023- review of the agreement
 - Will go out for RFP once RFP is complete council will select. If MS Bania is not selected then she will have 30 days to vacate.
 - 06/20/2023 – RFP Review by Council
 - Moved by Mayor to overfilled Agenda
 - 7/18/2023 RFP Review by Council
 - RFP is posted and awaiting responses.
 - 10/17/2023- on for executive session for discussion
 - Council reconvened and selected Poppy’s café
 - The lease agreement is being reviewed by the Attorney
- **Review of the Water rates**
 - 6/20/2023 Postpone council requested this be a retreat item for 7/22/23
 - Council will be looking at a 1% increase at a future meeting
- **Legal review of the Sign Code**
 - Councilor Orozco and Bradshaw will work on this item
- **Short Term Rental**
 - 3/7/2023
 - Short Term rentals have appeared on the following agendas:
 - 1/12/2021- Tabled
 - 1/19/2021-Discussed
 - 4/6/2021-Discussed
 - 4/20/2021- Discussed
 - 8/3/2021-Tabled
 - 8/17/2021-Discussed
 - 8/16/2022-Tabled
 - 9/6/2022- Discussed
 - 1/17/2023- Discussed
 - 3/7/2023 – Item added by Councilor Stevens and Orozco
 - Council decided to have the city attorney draft an ordinance based on the information provided by Councilor Stevens
 - Attorney has developed an ordinance and will be discussed at the 7/22 retreat.

- Will place on the 9/5/2023 agenda for discussion
- Council will review the draft Ord. given by the City Attorney and provide feedback to the City Manager by September 29, 2023
- On 10/17/2023 the City Manager will present everyone's findings
 - The council directed the City Manager to simplify the Ordinance and bring it back to the next meeting
- 11/7/2023 Second Read
- **Seneca West R6 Zone change**
 - 3/7/2023
 - Council requested some prices to replat as larger lots, not in favor of R6
 - Staff will be getting prices to plat larger lots and bring them back to the council
 - Staff has received the plans and probable cost and will review them with the council at the retreat
 - 08/10/2023 Discuss at the retreat. The council would just like to plat and sale as is.
 - 11/7/2023 executive session on three options
- **Regulations regarding front yard fences**
 - Date to be determined
- **Code regulations dealing with blighted multi-family complexes**
 - This is on the 9/19/2023 for a first read
 - Second read 10/17/2023
 - After 60 emergency calls in a three-month period apartment complexes will be required to have a licensed peace office.
 - Postponed due to agenda posting language
 - Second Read 11/7/2023
- **Tiger brush and bulk issues- Contract ends January 1, 2025 (Item Remaining from Retreat)**
 - Discussed at the following City Council Meetings
 - 02/22/2021
 - Council addressed complaints and Tiger Sanitation responded
 - 09/7/2021
 - Considered a resolution on how to handle bulk pick-up. Resolution # 21-031-R, the direction was given to CM to come back with a plan.
 - Considered and Ordinance Amending the Ord 14.02 Solid Waste First reading.
 - 11/2/2021
 - Considered and Ordinance Amending the Ord 14.02 Solid Waste Second Reading Passes Ord. # 21-053.
 - 1/11/2022

- Council considered two options to handle the overflow of Brush. The Council decided to have PW pick up the overage after Tiger sanitation picked up their 8 CY.
- There were 11 homes with oversized brush the City had the item picked on 3/4/22-3/8/22
- 05/17/2022 Council meeting discussing rate increase.
 - Council allowed the 2.5% increase for July and another in January but did not approve the 7.5 % increase
 - Council was willing to renegotiate terms
 - On 8/23/2022, Council decided to leave terms as is
- On 9/19/2023 the staff took a draft survey to the council. Staff will amend and bring back to the council at a later time.
- Speed hump policy changes- **(Item Remaining from Retreat)**
- Discussion of updating the Strategic Plan –
 - Will be placed on the Town hall meeting for discussion
- Presentation on legislative changes that may impact our city - **(Item Remaining from Retreat)**
- **Silo design per request of the adjacent property owner**
 - 5/2/2023 – Moved by CM due to the number of items on the agenda
 - 5/16/2023 – Scheduled
 - Council Requested outreach to local universities
- **Sustainability Overlay**
 - 6/6/2023 Staff is not ready and has postponed until September
 - 7/25/2023 – zoning commission started to review
- **Stray Animal Ordinance**
 - Currently being reviewed by City Attorney – we can not require private industry to take in and adopt our stray animals
 - Looking at a possible interlocal agreement.
 - Staff has met with the county for a long-term solution
- **Neighborhood/citizen survey**
- **Review of the personnel manual**
- **Establish Neighborhood boundaries**
 - **Council has opted not to Update Master Plan**
 - **P & Z Director investigating a university conducting the plan**
- **Looking at an amendment to Section 15.02 Appendix C (I), D Structural Nonconformity to add a matching percentage from Economic Community Development funds**
 - **After the sustainability review**
- **Four-way stop at Forest Meadow and Evers**
 - **To be evaluated upon the development of the Evers property**

ITEMS ARE STILL IN THE PIPELINE BUT HAVE BEEN ADDRESSED

- **John Marshall Traffic Plan – CR, JH**
 - Discussed at the following Council meeting
 - 12/14/2022 Next steps
 - NISD engineers are still working on the plan, collecting traffic counts, and coordinating with CoSA Traffic Department
 - Once complete, additional meetings will be held with the City to determine the feasibility and appropriateness
 - Once plans are final, the proposal will be presented to City Council for approval
 - John Marshal Update on 3/15 based on 2/14 meeting
 - The City received feedback on possible neighborhood suggestions on 5/09/2022. Joint meeting to be determined.
 - Heard by City Council to possible street closures on 8/23/20 Engineers will develop a report and PD and Fire will review
 - Taking to Council on 10/3/2022
 - 2/7/2023 council will review speed pads and school zone
 - Council decided to move forward with the speed pads and wait on the school zone. The Delinators will also be left alone
 - Speed pads have been installed and school zone on Huebner is being addressed.
 - Interlocal agreement with San Antonio is complete. A budget adjustment for \$74,000 was approved by council for the mast traffic arms.
 - We met with the contractor, The Levy Company, and they informed us that the mast arms will take 16-24 weeks for delivery, so work won't start until December or January.
- **Flooding**
 - Was addressed at the following Council Meetings
 - 08/03/2021 – Flood Damage Prevention Ord. # 21-034
 - 11/2/2021 – To discuss Flood Mitigation Strategies
 - 12/07/2021 – Short Term options to address flooding
 - Budget Adjustment – For Funding floodway Monitoring and Software Upgrades
 - Upcoming Council presentation 1/18/2022
 - Budget Adjustment – for Creek Cleanup
 - Staff is proposing \$150,000 in ARP funds. Upcoming Council meeting TBD
 - Segment one of Huebner creek will be presented to the council on 4/19/2022
 - Council decided to look at the 50 ' wide, protected little league, the study will be brought back to the council before we agree to do it.
 - Budget adjustment for creek cleanup
 - 6/7/2022
 - Budget adjustment for flood gates and notification system

- 6/7/2022 postponed
- Huebner Creek Channel improvement presentation 9/20/2022
 - Council direction to bring back budget adjustment on \$633,000
 - First Read 10/3/2022
 - Second Read 10/18/2022
- **Presentation and discussion on the status of implementation of TPCA best practices for law enforcement policies, including the mandatory provision of mental health PTO in accordance with Texas legislative changes - JS, RO**
 - Discussed at the following Council meeting
 - 6/1/2021
 - Update in the CM report 10/26/2021:
 - We released the initial 6 policies (6.1 - Use of Force, 6.3 - Non-lethal, Less than lethal weapons, 6.4 - Officer Involved Shooting, 7.15 - Vehicle Pursuits, 7.40 Investigations, 8.6 Active Shooter) in July and August. With the distribution, we included a record of receipt and pertinent training.
 - Since the initial release, we have now distributed 4 more policies (3.2 - Field Training Program, 3.2.1 - Field Training Program Operations Manual, 4.6 - Off-duty Employment, 5.4 - Body Worn Camera) and again, with the distribution, we have included a record of receipt and pertinent training.
 - Currently in the process of the last review before we release 8 other policies.
 - Mental Health quarantine Policies Section 614.015 of the Tx Gov't Code have been updated and can be found here:
https://cms3.revize.com/revize/leonvalleynew/departments/human_resources/procedural_directives.php#revize_document_center_rz4176
 - Distributed a Property and Evidence packaging manual that is used along with 12.1 Property and Evidence Management. 10.1 Prisoner Processing and 11.1 Municipal Court are in the final draft and edit stage and will be distributed both in the near future.
 - Citizens or Media Recording of Police Incidents 2/1/2022
 - Evidence and Property 2/1/2022
 - Body Worn Cameras 9/3/2022
 - Differential Police Response (CFS Report Program) 9/6/2022
 - Rules of Conduct 9/15/2022
 - Mission, Values, Written Directives 12/27/2022
 - Law Enforcement Role and Authority 12/27/2022
 - Field Interviews, Stop and Frisk 12/27/2022
 - Arrests With and Without Warrants 12/27/2022
 - Eyewitness Identifications 12/27/2022
- **Red-light cameras First Available Contract end term is May 2037**

- City Council adopted a Resolution declaring the intent to phase out redlight cameras 4/6/2021 – Resolution # 21-009R
- The RLC Contract would be difficult to terminate without financial obligation from the City
- City Council supports HB 1209 and physically delivers letters in support to Cortez, Biederman, Canales, Menendez
- Funds – Eligible projects – CR
 - Will be discussed at the Town Hall Meeting on January 22, 2022
- Discussed at the retreat council has decided not to spend funds until we know what the legislature is doing
- Resolution supporting SB 446-2/21/2023
- The item was not approved during the legislation process the council will try again in 2025
- **Opioid Litigation**
 - Item Was Addressed in Executives session on:
 - 6/15/2021
 - 09/7/2021
 - 9/21/2021
 - Council Addressed this item at the following Council meeting
 - 11/16/2021
 - Council Passed a resolution # 21-04, agreeing to participate in a settlement agreement with opioid manufacturer Johnson & Johnson. The other is three major pharmaceutical distributors: AmerisourceBergen, Cardinal Health, and McKesson and is estimated to receive \$28,389
 - The City still has an Agreement with Phipps, Ortiz and Talafuse for any remaining ongoing litigation
 - Received our first payment of \$7,000 on 4/20/2023
- **Comprehensive Master Plan**
 - Was addressed at the following Council meetings:
 - 2/2/2021
 - 3/23/2021
 - 06/1/2021
 - This item was discussed during the budget process and ultimately, the Council decided not to expend the funds on this project at this time.
 - Will be discussed under the Townhall meeting update to the council on 4/19/2022
 - Council would like us to use our future land use map
- **Sewer Service Charge Adjustments**
 - Council meeting 2/15/22
 - Impact Fees Removed
 - Sewer Charges will be brought back at a later time.
- **Apartments Finley And Sierra Royale, Forest Oaks, Vista Del Rey- BM**

- Update on one of the Apartment Complexes at the CC mtg 3/15
 - Presentation was given on Vista Del Rey
 - Next apartment review is on 5/3/2022
 - Staff received legal advice in the executive session
 - Executive session 8/2/2022
 - Council decided to file a Chapter 54 lawsuit against Vista del Rey, filed on 8/5/2022
 - TRO was granted on 8/8/2022
 - Administrative warrant executed on 8/17/2022
 - Temporary Injunction was granted on 8/22/2022
 - They have 6 months to comply.
 - 8/31/2022 Vista got new attorneys
 - 9/9/2022 Vista filed a motion to dissolve the temporary injunction
 - C of Os issued Shed, Maintenance Shop, Laundry 1-3, Vista, Gym
 - 9/19/2022 hearing set and canceled
 - Executive Session 9/20/2022
 - Vista Del Rey is 50% compliant council agreed to settled on 4/18/2023
 - Vista has completed all inspections and received their C of Os
- **Presentation, discussion, and possible action on fluoride survey results – JS**
 - CC Mtg. 3/1/2022 Postponed
 - Moved to 4/5/22
 - Presentation on given to the council and the community on the benefits, no direction was provided to staff
- **AV equipment for the Conference Center -Budget Adjustment from ARP Funds**
 - Council meeting 2/1/22 first read
 - Item amended to get the direction of the scope of work
 - Will bring the item back after the BID process
 - Discuss alternatives 5/3/2022
 - This item could not be purchased out of ARP funds

COMPLETED

- **Presentation and discussion on the hiring process for Directors**
 - 1/17/2022 presented and passed unanimously
- **Substandard Building Regulations**
 - 1/17/2023 First read
 - 2/7/2023 second read passed unanimously
- **City Manager Evaluation**

- 2/7/2023
- **A scope of duties for the Earthwise living committee**
 - 1/17/2023 -The committee had additional comments moved to the next meeting
 - 2/7/2023 – The next Earthwise meeting is on 2/1. It was to close to the agenda preparation process being postponed until 2/21/2023
 - 2/23/2023- Placed on the Agenda – Passed on consent unanimously
- **Blood Drive and PTO Policy**
 - 3/7/2023 – Passed unanimously
- **Lyft Program**
 - 2/21/2023 – City Council wished to proceed with the partnership
 - 3/7/2023 – Will be on the agenda with an ordinance for a first read.
 - 3/21/2023 - Will be on the agenda with an ordinance for a second read.
 - Approved unanimously
- **Discussion and possible action on amending BOA variance criterion by Texas Legislative changes**
 - 2/28/2023 – Went to the planning and zoning commission, which recommended approval
 - 3/7/2023 – Will be on for the first read
 - 3/21/2023 – Will be on for the second read
 - Passed unanimously
- **A policy on open meetings act in regards to how it applies to advisory committees**
 - 1/17/2023 – Moved by Mayor
 - 2/7/2023 – Moved by Mayor
 - 2/21/2023 – Moved by Mayor
 - 3/7/2023- The meeting agenda too full moved by City Manager
 - 3/21/2023- The meeting agenda too full moved by City Manager
 - 4/4/2023 – Placed on the agenda
 - 4/18/2023 – Will be placed on consent – Passed Unanimously
- **Presentation on VIA ridership and MTA .005 of sales tax**
 - 2/7/2023 – Mayor would like VIA present moved to 2/21/2023
 - 2/21/2023 – Placed on the agenda – The council requested more information to return to the council by April
 - 4/18/2023 – Item placed on the Agenda -No Action taken
- **Public Private Partnership with local petshops for pet adoption options**
 - 2/21/2023 City Council wished to proceed with the Partnership
 - 3/21/2023 will return with an official MOU – postponed due to being held up with Petland legal
 - 4/18/2023 – Placed on the Agenda as a resolution Passed Unanimously
- **Health Insurance Broker**
 - Gallagher benefits services the contract was awarded for three years Passed by council on 4/18/2023

- **Over 65 and Tax Exemption**
 - Council Mtg. 3/1/22
 - Councilor Orozco will get with the Finance Director to see if this item will come back on a later date
 - 2/21/2023 The Council looked at a 5% exemption for everyone. This will come back before July
 - 05/2/2023 Brought back by Councilor Stevens and Hefner as a first read
 - 5/16/2023 on for the second read
 - Item Passed
- **RFP for Staff utilization study**
 - Reviewed by council 6/20/23 passed unanimously for October start date
- **Towing Contract**
 - 04/04/2023 – Council Would like additional information
 - 5/2/2023 – will be back with additional information
 - Council selected Banis towing contract will come back for final approval.
 - 6/20/2023 -Scheduled
 - 7/18/2023 Second read approved unanimously
- **New Guidelines for Economic & Community Development Advisory Committee**
 - 5/2/2023 – Moved by CM due to the number of items on the agenda
 - 5/16/2023 – Scheduled-Moved by CM due to the number of items on the agenda
 - 6/6/2023 – Scheduled postpone until 6/20/2023
 - 06/20/2023 – postponed until 7/18/2023
 - 7/18/2023 – Council Review
 - 8/1/2023 – Second read- approved unamiously
- **Health Inspector contract**
 - Reviewed by council 6/20/23 staff will bring back on 7/18/2023
 - 7/18/2023- contract on the agenda for review
 - 08/1/2023 – first read
 - 08/15/2023 – second read
- **Building Official contract**
 - Reviewed by council 6/20/23 staff will bring back on 7/18/2023
 - 7/18/23 contract on the agenda for review
 - 08/01/2023 – first read
 - 08/15/2023 – second read
- **American Rescue Plan funds**
 - 8/17/2021 City Council meeting. Council agreed to budget in FY 2022 for the following
 - 911 Mass text - \$5,900
 - PPE and Decontamination Supplies -\$10,000

- Disposal Supplies and Medication - \$45,000
 - 2 power stretchers – \$60,000
 - 12 LEAD Cardiac monitor - \$70,000
 - Library Hot Spots – \$5,220
 - Huebner Well Generator -\$230,000
 - 11/16/2021 Budget Adjustment ord. # 21-060
 - AV equipment – Council Chambers -\$41,000
 - PD AC Repair - \$10,000
 - Website upgrades - \$40,000
 - Premium Pay for Essential Workers -\$150,000
 - Citizen Utility Asst. -\$50,000
 - Library AC repair -\$25,000
 - For FY 23 Budget
 - Fire Truck-\$400,000
 - Shadow Mist Skate Park -\$70,000
 - This item was heard at the Town Hall Meeting on 3/26/2022
 - Citizen input will be presented at the 4/19/22 CC Mtg
 - At the 4/19/2022 council Meeting council decided to use \$400,000 to purchase a fire truck
 - Finance Director gave a presentation on 10/18/2022 council meeting
 - City Manager updated eligible items and gave a presentation 4/18/2023. Council directed to buy a new Fire truck, ambulance and well generator.
 - 8/15/2023 -Remaining funds will be allocated to water.
- LVHS request for ARP funds
 - Reviewing MOU on 11/1/2022, 12/6/2022
 - No funds remaining
 - **Demolition Policy**
 - 5/2/2023 – Moved by CM due to the number of items on the agenda
 - 5/16/2023 – Scheduled Moved by CM due to the number of items on the agenda
 - 6/6/2023 – scheduled received input will return on July 18, 2023
 - Overfilled Agenda Moved by City Manager
 - 7/18/2023
 - Overfilled Agenda Moved by City Manager
 - 08/01/2023
 - Overfilled agenda moved by manager
 - 08/15/2023
 - On the agenda for discussion. Council unanimously approved the policy
 - **Capital Plans/FY24 Budget**
 - 5/16/2023 -Scheduled presented to council
 - Request to change out LV ranches park to dog park
 - 06/6/2023 – postponed by Mayor

- 6/20/2023 – Scheduled
 - Council asked for this item to be looked at on 7/22/2023
 - Council asked this item be reviewed again on 8/1/2023
 - Council reviewed and made some deletions on 8/10/2023
 - Council Agreed on the deletions and tax rate will be on the 9/5/2023 agenda for approval.
 - Item approved
- **5616 Bandera road, also known as Comfort Cafe**
 - 3/21/2023 Public Hearing to remedy
 - Council decided to demo the property. Scheduled for May 1, 2023 demo
 - 4/24/2023 Owner paid the liens. Demo is scheduled for June 30th.
 - Owner is waiting on CPS energy to pull the gas.
 - Gas pulled and demo permit paid waiting on building review
 - All permits have been approved and paid awaiting new timeline.
 - Demo expected by 8/22/23 Demo completed
- **Fourth of July Presentation**
 - City Council 3/15
 - Council provided direction
 - The next update will be on 6/7/2022
 - Recap August 2, 2022, and August 16, 2022
 - Recap and Direction October 4, 2022
 - Review 11/15/2022
 - Time will remain the same and have a headliner that is well known
 - 6/20/23 a review of the upcoming event
 - 8/15/23 we have wrap up – moved to 9/5/2023- completed with no feedback
- **Renaming the Community Center After Ms. Baldrige**
 - Item discussed at the 9/5/2023 council meeting
 - Item placed on 9/19 for approval