



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

Leon Valley City Council Chambers
6400 El Verde Road, Leon Valley, TX 78238
Tuesday, December 06, 2022 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. The City Council Shall Meet in Executive Session to Discuss the Following:**
 - 1.** Pursuant to Texas Government Code, Chapter 551, Section 551.071 Consultation with Counsel on Legal Matters: To Receive Legal Advice Regarding the Lease Agreement between Ms. Bania Artiaga and the City of Leon Valley
 2. Section 551.071: Consultation with the Attorney Regarding Pending or Contemplated Litigation, or Settlement Offer; or on a Matter in which the Duty of the Attorney to the Governmental Body Under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas Clearly Conflicts with the Texas Open Meetings Act, Re: City of Leon Valley v. 5622 Equity DE LLC, a Delaware Limited Liability Company D/B/A Vista Del Rey Apartments Located at 5622 Evers Road
- 3. Reconvene into Regular Session**
- 4. Citizens to be Heard**
- 5. Possible Action on Issues Discussed in Executive Session If Necessary**
- 6. Presentations**
 - 1.** Presentation, Discussion, Park Commission Recommendation, and Staff Direction on Budget and Procurement Method for Proposed Skate Park - M. Moritz, Public Works Director

2. Presentation, Discussion and Direction on Cost Estimates New Park Amenities - M. Moritz, Public Works Director
3. Presentation Discussion and Possible Action to continue to require Open Meetings Act Training - Mayor C. Riley
4. Presentation, Discussion, and Possible Action on Townhall Meeting Topics - City Manager, Dr. Caldera
7. **Announcements by the Mayor and Council Members.** At this time, reports about items of community interest, which no action will be taken may be given to the public as per Chapter 551.0415 of the Government Code, such as: expressions of thanks, congratulations or condolence, information regarding holiday schedules, reminders of social, ceremonial, or community events organized or sponsored by the governing body or that was or will be attended by a member of the Leon Valley City Council or a City official.

8. City Manager's Report

1. Upcoming Important Events:

Regular City Council Meeting, Tuesday, December 20, 2022, at 6:30 PM, in Council Chambers.

City Hall & Municipal Offices will be closed Thursday, December 22, 2022 through Tuesday, January 02, 2023 in observance of the Christmas and New Year's Day Holidays.

Annual Town Hall Meeting, Saturday, January 28, 2023, at the Leon Valley Conference Center.

Miscellaneous other events and announcements.

9. Consent Agenda

1. Discussion and Possible Action Approving of the Following City Council Minutes:
 - a. 11-15-2022 Regular City Council Meeting Minutes
 - b. 11-21-2022 Special City Council Meeting Minutes
2. Discussion and Possible Action Accepting of the Following Board/Commission Minutes:
 - a. 07-18-2022 Economic & Community Development Advisory Committee Meeting Minutes
 - b. 10-12-2022 Earthwise Living Committee Meeting Minutes
 - c. 10-25-2022 Planning & Zoning Commission Meeting Minutes
3. Discussion and Possible Action on an Ordinance of The City Council of The City of Leon Valley, Texas, Ordering and Declaring The 2022 Charter Amendments Adopted (1st Reading was Held 11-15-2022) S. Passailaigue, City Secretary

4. Discussion and Possible Action on an Ordinance Amending the City of Leon Valley Code of Ordinances, Chapter 4 Business Regulations, Article 4.03 Alcoholic Beverages, Division 1. Generally, and Division 2. License and Permit Fees (1st Read was Held on 11-01-2022) - S. Passailaigue, City Secretary
5. Discussion and Possible Action to Approve an Ordinance Authorizing a Budget Adjustment in the Amount of \$832,498.50 and Awarding a Bid to J3 Construction, Inc. for the Construction of the Seneca West Drainage Project (1st Read was Held on 11-15-22) - M. Moritz, Public Works Director
6. A Resolution Of The City Of Leon Valley, TX., City Council Appointing a Member to the Leon Valley Earthwise Living Day Committee - S. Passailaigue, City Secretary

10. Regular Agenda

1. Presentation and Discussion on an Ordinance Amending the Leon Valley Code of Ordinances, Chapter 1 General Provisions, Article 1.06 Boards, Commissions, and Committees, Section 1.06.002 Tree Advisory Board, (a), (b), and (c) to Dissolve the Tree Advisory Board and Assign Those Duties to the Park Commission (1st Read was Held 11-15-2022) - M. Moritz, Public Works Director
2. Discussion and Possible Action on a Resolution of the City Council of the City of Leon Valley, TX., Authorizing the Execution of a Memorandum of Understanding Between the City of Leon Valley and the Leon Valley Historical Society - City Manager, C.Caldera
3. Discussion, Presentation, and Consideration of Possible In-Kind Grant Application AARP Foundation for Tax Preparation Services
4. Presentation, Discussion, and Possible Action to Fund a Backflow Prevention Device - We Care Shopping Center LLC, as an Economic Development Project, not to Exceed \$10,000
5. Presentation, Discussion, and Possible Action to Fund an Outside Sign -Cha Chas New Gen Cafe, as an Economic Development Project, not to Exceed \$4,000 - Dr. Caldera, City Manager
6. Presentation, Discussion, and Possible Action on updating the Leon Valley Public Library Policy Article 3, Section 5 Collection Development Policy, Potential Problems and Challenged Materials - R. Reed, Library Director

11. Citizens to be Heard

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

1. City Manager's Presentation of Future Agenda Items

13. Adjournment

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

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

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

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



SAUNDRA PASSAILAIGUE, TRMC

City Secretary

December 01, 2022 at 3:50 PM



LEASE AGREEMENT

THIS LEASE is made as of 01/01/2021 and amended on 08/17/2021, by and between City of Leon Valley ("Lessor"), whose address is 6400 El Verde Road, Leon Valley, Texas 78238, and Cha Cha's New Gen, LLC Café, Margarita Bania Ruiz, Owner ("Lessee"), whose address is 6300 Rue Marielyne, Leon Valley, Texas 78238. The amendment does not change the term of the lease agreement.

WITNESSETH, THAT FOR AND IN CONSIDERATION of the covenants and agreements herein contained to be observed, kept and performed by the aforementioned respective parties hereto, the Lessor does hereby lease, let and demise unto the Lessee and the Lessee does hereby lease and hire for the Lessor the premises located and situated at 6417 Evers Road, Leon Valley, Texas 78238 (the "Premises") in the County of Bexar, County Block Number 4445F, Block 25, Lot 18, McCain Subdivision, containing approximately 0.909 acre parcel of real estate dated and recorded in the office of the Clerk of the County of Bexar, in the State of Texas, in the Deed Book , on Volume 7460, page number 2073 . The description of the premises is as follows:

CB: 4445F BLK: 25 LOT: 18 MCCAIN SUBDIVISION, 6417 Evers Road

USE OF PREMISES

The premises shall be used only as or for the purpose of: A restaurant with indoor and outdoor dining and casual entertainment. The restaurant hours of operation for the first year of the lease term are as follows: The restaurant hours of operation shall be between the hours of 7 am – 9 pm Monday-Saturday and 7 am – 6 pm on Sunday. Parking for the restaurant will be available in the parking lot located on the leased property. Overflow parking will be available in the Leon Valley Library parking lot.

LEASE TERM

The term of this lease shall begin on January 01, 2021, and will end on January 01, 2023, at 11:59 PM (the "Term"). If the Lessee vacated the premises prior to the end of the lease term, the Lessee shall be liable for the balance amount of the lease for the remainder of the lease term. .

In the event that the Lessee desires to vacate the premises, the Lessee shall provide the Lessor with sixty (60) days advance written notice of intent to vacate. Advance notice shall be provided to ensure termination ensues at the end of the month. Prior to vacating the premises, the Lessee shall make sure that the premises are clean and free and clear of any dirt, trash, waste and/or debris, with the exception of normal wear and tear. The Lessor shall have the right to perform a walk through prior to the Lessee vacating to ensure premise complies with the aforementioned requirements.

RENT/LEASE PAYMENT

The Lessee agrees to and shall pay monthly installment payments to the Lessor at 6400 El Verde Road, Leon Valley, Texas 78238, or at such other address that the Lessor shall designate in writing, as rent or lease payment for the leased premises.

Lessee shall pay to the Lessor the monthly amount of \$400.00 per month until restaurants can open at 100%, as authorized by the Leon Valley City Council and in conformance with state law or any Governor's order, and the Conference Center is fully operational for renters. After both conditions have been met, Lessee shall pay Lessor the monthly amount of \$800.00 per month for a period of two (2) years, due and payable on the first of each month.

Any payments received after the aforementioned day shall be deemed late and delinquent. Should the Lessor not receive payment by the 5th day of the month in which the payment is due, the Lessee shall pay a late charge of twenty-five and no/100 dollars (\$25.00) on the first day and ten and no/100 dollars (\$10.00) every day thereafter that the rent or lease payment is late.

In the event a check for rent or lease payment is returned for non-sufficient funds (NSF), the Lessee shall pay a return check fee in the amount of \$40.00, and the Lessor shall reserve the right to only accept further payments made in certified funds (e.g. certified check or money order).

RENEWAL TERM

If the Lessee is not in default under the terms and conditions of this Agreement, the Lessee shall have the options to renew this Agreement for the extended term of one (1) year ("Renewal Term"). If the Lessee chooses to exercise this renewal option, the Lessee shall provide to the Lessor written notice of Lessee's intention to renew at least thirty (30) days prior to the expiration of the initial Lease Term. The Renewal Term shall continue upon the same terms and conditions in this Agreement, except the new base rate for the first year of the Renewal Term shall be \$1,200.00 per month or market rate as determined by a third party, whichever is higher.

HOLDING OVER

Failure of the Lessee to surrender the leased premises at expiration of the lease constitutes a holding over which shall be construed as a "tenancy-at-will" or a month to month lease at the rate of \$1,200.00 per month plus 50% or market rate as determined by a third party, whichever is higher, until such time as the Lessee completes a renewal or provides notice of intent to vacate.

TRIPLE NET LEASE

This Lease is what is generally referred to as a "net net net lease" ("triple net lease"), and it is understood that the Lessor shall receive all rent or lease payments free and clear of any and all impositions, encumbrances, charges, obligations or expenses of any nature whatsoever in connection with the ownership and operation of the Premises. In addition, the Lessee shall pay to

the parties respectively entitled thereto all impositions, insurance premiums, operating charges, maintenance charges, construction costs and any other charges, cost, and expenses which arise or may be contemplated under any provisions of this Lease during the Term hereof. All of the said charges, costs and expenses shall constitute Rent or Lease payment, and upon the failure of the Lessee to pay any such costs, charges or expenses, the Lessor shall have the same rights and remedies as otherwise provided in this Lease for the failure of Lessee to pay rent or make lease payments. The Lessee shall at no time be entitled to any abatement or reduction in Rent or Lease payments that are payable under this Lease except as otherwise expressly provided. Any present or future law to the contrary shall not alter this agreement of the parties.

POSSESSION

The Lessee shall take possession of the premises on January 1, 2021, unless otherwise stipulated. The Lessor shall use due diligence to ensure Lessee is provided possession of the premises at the beginning of the Term of this Lease Agreement. The first month's rent shall be prorated for the period of any delay in providing or turning over possession of the premises to the Lessee; however, the length of the term of this Agreement shall not be extended as a result of any such delay. The Lessee shall bring no claim against the Lessor for any delay in obtaining possession.

In the event that the Lessee fails to take possession of the premises within thirty (30) days after the beginning of this Lease, then the Lessor retains the right to terminate this Agreement.

INSURANCE ON PREMISE

The Lessee shall obtain and pay for, at his/her own cost and expense, fire and extended coverage casualty insurance for the building and other improvements on the leased premises, with such comprehensive or so called "all-risk" endorsements and in such amounts as the Lessor may, from time to time, deem reasonably necessary, and showing the Lessee, the Lessor and the Lessor's Lender or Lien Holder, if any, as the insured parties. Lessee shall also obtain and pay for loss of rent coverage. The Lessee shall at all times keep said insurance in force and effect and shall provide to the Lessor copies of said policies or certificates evidencing said coverage. The policies shall be in form and content reasonably required by the Lessor, shall be issued by an insurance company approved by the Lessor and shall contain a clause that the Lessee will not cancel, materially modify or fail to renew said insurance in effect without first providing to the Lessor thirty (30) days advance written notice. If the Lessee fails to keep said insurance in effect, the Lessee shall be in default hereunder, and the Lessor may, at his/her option, immediately obtain insurance coverage as provided for herein and charge the Lessee for the cost thereof.

LESSEE INDEMNITY & LIABILITY INSURANCE

The Lessee shall at all times indemnify, defend and hold the Lessor harmless from all loss, liability, costs, damage and expenses that may occur or be claimed with respect to any person or persons, property on or about the Premises or to the Premises resulting from any act done or omission by or through the Lessee, the Lessee's agents, employees, staff, invitees or any person on the Premises

by reason of the Lessee's use or occupancy or resulting from the Lessee's non-use or possession of said property and any and all loss, cost, liability or expense resulting therefrom. Lessee shall maintain at all times during the lease term comprehensive general liability insurance with an insurance company that is licensed to do business in the state in which the Premises are located and is satisfactory to Lessor, properly protecting and indemnifying Lessor with single limit coverage of not less than \$1,000,000 for injury or \$1,000,000.00 for death of persons with a \$2,000,000 general aggregate or its equivalent in umbrella or excess liability coverage and \$500,000.00 for property damage. During the lease term, Lessee shall furnish the Lessor with a certificate or certificates of insurance, in a form acceptable to the Lessor, covering such insurance so maintained by the Lessee and naming the Lessor and Lessor's mortgagees, if any, as additional insureds.

OPERATING EXPENSES

It is the intention of the parties, and they hereby agree, that this shall be a triple net Lease, and the Lessor shall have no obligation to provide any services, perform any acts or pay any expenses, charges, obligations or costs of any kind whatsoever with respect to the Premises, and Lessee hereby agrees to pay one hundred percent (100%) of any and all Operating Expenses as hereafter defined for the entire term of the Lease and any thereof in accordance with specific provisions hereinafter set forth. The term Operating Expenses shall include all costs to Lessee of operating and maintaining the Premises and related parking areas, and shall include, without limitation, real estate and personal property taxes, electricity, water, waste disposal, sewage, operating materials and supplies, service agreements and charges, lawn care, minor repairs, cleaning and custodial, security, insurance, and all other direct operating costs of operating and maintaining the Premises and related parking areas, unless expressly excluded from the operating expenses.

Notwithstanding the foregoing operating costs, and Lessee's obligations in relation thereto, shall not include (i) any expense chargeable to a capital account or capital improvement, ground leases; principal or interest payments on any mortgage or deed of trust on the premises; (ii) any amount for which Lessor is reimbursed through insurance, or by third persons, (iii) repair costs occasioned by fire, windstorm or other casualty, (iv) any construction, repair or maintenance expenses or obligations that are the sole responsibility of the Lessor (not to be reimbursed by the Lessee), (v) leasing commissions and other expenses incurred in connection with leasing any other area located on the premises to any other party, (vi) any expense representing an amount paid to an affiliate or subsidiary of the Lessor which is in excess of the amount which would be paid in the absence of such relationship, and (vii) costs of items and services for which the Lessee reimburses or pays any third persons directly.

ASSIGNMENT AND SUBLETTING

The Lessee shall not assign, transfer or encumber this Lease and shall not sublease the Premises or any part thereof or allow any other person to be in possession thereof without prior written consent of the Lessor, in each and every instance. Notwithstanding any permitted assignment or

subletting, Lessee shall at all times remain directly, primarily and fully responsible and liable for the payment of the rent herein specified and for compliance with all of its other obligations under the terms and provisions of this Lease.

CONDITION OF PREMISES

Lessee acknowledges that it has had the opportunity to inspect the Premises and, with the exception of any notations or provisions herein provided otherwise in this Lease, the Lessee accepts the Premises in its present condition. At the end of the lease term, except for any damages caused by fire or other perils, Lessee, at its expense shall (i) surrender the Premises in the same or similar condition as existed at the time the Premises were accepted and possession taken by the Lessee, subject to reasonable wear resulting from uses permitted hereunder, and further subject to Lessee's obligations; (ii) have removed all of the Lessee's property from the Premises; (iii) have repaired any damages to the Premises caused by the removal of the Lessee's Property; and (iv) leave the Premises free of trash, waste, dirt and debris and the Premises in good and reasonable condition.

LESSOR'S RIGHT OF ENTRY

The Lessor or Lessor's agent shall have the right of entry at reasonable hours to inspect or show the Premises to prospective Lender or Lien Holders and purchasers, and to perform or provide anything that the Lessor may be required to perform or provide hereunder, or which the Lessor may deem necessary for the good or benefit of the Premises or any building of which they are a part as long as reasonable notice is given to Lessee. As of and during the last ninety (90) days of this Lease, the Lessor shall have the right to post and/or display a "For Rent" sign on the Premises.

EXCLUSION OF LESSEE

Lessor may not intentionally prevent the Lessee from entering the leased Premises except by judicial process unless the exclusion results from: (i) bona fide repairs, construction, or an emergency; (ii) removing the contents of Premises abandoned by Lessee; or (iii) changing door locks of Lessee in the event the Lessee is delinquent in paying rent. Lessor or Lessor's agent must then place a written notice on Lessee's front door stating the name and address or telephone number of company or the individual from whom the key may be obtained. The new key is required to be provided only during Lessee's regular business hours.

SIGNS AND ADVERTISEMENTS

The Lessee shall not place upon nor permit to be placed upon any part of the Premises, any signs, billboards or advertisements whatsoever, or paint the exterior or interior walls of the building without the advance prior written consent of the Lessor. The Lessor shall have the right to remove any sign(s) which have not been approved in order to maintain the leased premises or to make any repairs or alterations thereto. All permitted signage placement and/or removal shall be at the Lessee's sole cost and expense and must comply with the applicable City of Leon Valley regulations.

FORCE MAJEURE

In the event that the Lessor or Lessee is unable to reasonably perform its obligations under this Agreement as a result of a natural disaster, war, terrorist activities, strike, lockout, labor issues, civil commotion, an act of God, or any other event beyond the control of the Lessor or Lessee, with the exception for non-availability of funds, the party shall not be in breach of this Agreement if the party diligently performs the obligations after the end of the force majeure event. The non-performing party shall give written notice to the other party as soon as reasonably practicable in the event of non-performance due to a force majeure event.

In the event, during the Term or previous Term thereto, the premises shall be destroyed or so damaged by fire or other casualty as to become uninhabitable or unusable, then in such event, at the option of the Lessor, this Lease shall terminate from the date of such damage and/or destruction. The Lessor shall exercise this option to terminate this Lease by delivering written notice to the Lessee within 30 days after the occurrence of such damage and/or destruction. Upon such notice, the Lessee shall immediately surrender said Premises and all interest therein to the Lessor, and the Lessee shall pay rent only to such time that damages and/or destruction occurred. In the event that the Lessors does not elect to terminate this Lease, this Lease shall therefore continue in full force and effect, and the Lessor shall expeditiously make any and all necessary repairs to the Premises as needed, placing the same in as good condition as it was prior to the occurrence of damage or destruction.

PERSONAL PROPERTY

The Lessor shall not be liable for any loss or damage to any merchandise inventory, goods, fixtures, improvements or personal property of the Lessee in or about said Premises.

ALTERATIONS

Any and all alterations, additions and/or improvements, except trade fixtures installed at the expense of the Lessee shall become the property of the Lessor and shall remain upon and shall be surrendered with the leased Premises as a part thereof on the termination of this lease. Such alterations, additions, and improvements may only be made with the prior written consent and approval of the Lessor. If consent is granted by the Lessor for the making of improvements, alterations or additions to the leased Premises, such improvements, alterations or additions shall not commence until such time as the Lessee has furnished to the Lessor a copy of all plans and a certificate of insurance showing coverage in an amount satisfactory to the Lessor protecting the Lessor from liability for injury to any person and damage to any personal property, on or off the leased Premises, in connection with the making of such improvements, alterations or additions. No cooling tower, equipment, or structure of any kind shall be placed on the roof or elsewhere on the leased premises by the Lessee without prior written permission of the Lessor. If such permission is granted, such work or installation shall be done at the Lessee's expense and in such a manner that the roof shall not be damaged thereby. If it becomes necessary to remove such cooling tower, equipment or structure temporarily so that repairs to the roof can be made, Lessee

shall promptly remove and reinstall the cooling tower, equipment or structure at the Lessee's expense and repair at the Lessee's expense any damage which may result from such removal or reinstallation. Upon termination of this lease, Lessee shall remove or cause to be removed from the roof any such cooling tower, equipment or structure if directed to do so by the Lessor. Lessee shall promptly repair, at its expense, any damages resulting from such removal. At the termination of this lease, Lessee shall deliver the leased Premises in good and reasonable condition, natural deterioration only excepted. Any damage caused by the installation of trade fixtures shall be repaired at the Lessee's expense prior to the expiration of the lease term. All alterations, improvements, additions and repairs made by the Lessee shall be made in good and workmanlike manner.

UTILITIES & SERVICES

The Lessee shall furnish and pay for all utilities deemed necessary by the Lessee at the Premises including but not limited to, internet, cable, water, garbage services and electricity.

INTERRUPTION OF UTILITIES

Lessor or Lessor's agent may not interrupt or cause the interruption of utility services paid directly to the utility company by the Lessee unless interruption results from bona fide repairs, construction, or an emergency. If any utility services furnished by the Lessor are interrupted and continue to be interrupted despite the good faith efforts of Lessor to remedy the same, Lessor shall not be liable in any respect for damages to the person or property of Lessee or Lessee's employees, agents, or guests and same shall not be construed as grounds for constructive eviction or abatement of rent. Lessor shall use reasonable diligence to repair and remedy such interruption promptly.

LEGAL REQUIREMENTS

The Lessee shall comply with all laws, orders, ordinances and other public requirements now and hereafter affecting the Premises or the use thereof, and the Lessee shall indemnify, defend and hold harmless the Lessor from any expense or damage resulting from the failure to do so.

FIXTURES

With the exception for Lessee's personal property and trade fixtures, all buildings, repairs, alterations, additions, improvements, installation and non-trade fixtures installed or erected on the Premises, whether by or at the expense of the Lessor or Lessee, shall belong to the Lessor and shall remain on and be surrendered with the Premises at the expiration or termination of this Lease. However, the Lessor shall retain the option to permit the Lessee to remove their alterations or improvements (made by Lessee) prior to the expiration of this Lease and return the Premise to its original condition. Any repairs, alterations, additions, improvements, installations and trade fixtures installed or erected on the Premises by or at the expense Lessor, shall belong to Lessor and shall remain on and be surrendered with the Premises at the expiration or termination of this Lease.

REPAIRS AND MAINTENANCE

The Lessor shall maintain the kitchen equipment, foundation, exterior walls (with the exception of glass; windows; doors; door closure devices; window and door frames; molding; locks and hardware) and exterior painting or other treatment of exterior walls, and the roof of the leased Premises in good repair except that the Lessor shall not be required to make any repairs resulting from the negligence or acts of negligence on the behalf of the Lessee, its staff, employees, sublessees, licensees and concessionaires. The Lessee shall be responsible for maintenance of the common areas and common area equipment and furnishings. Any such repairs and/or maintenance in which the Lessor would be responsible, the Lessee agrees to provide Lessor with written notice of the needed repairs and/or maintenance, and Lessor shall ensure that any repairs and/or maintenance shall be made and completed within a reasonable time frame. Lessee shall notify the Lessor of any emergency repairs to be made. Lessee shall keep the interior of the leased Premises in good, clean and workable condition and shall, at its sole expense, make all needed repairs and replacements, including replacement of cracked or broken glass, windows, doors, door closure devices, door and window frames, molding, locks and hardware, except for repairs and replacements required to be made by the Lessor under this section.

In the event that any repairs required to be made by the Lessee hereunder are not made within 60 days after written notice delivered to the Lessee by the Lessor, the Lessor shall reserve the right and option to make or have said repairs made without liability to the Lessor for any loss or damage which may result by reason of such repairs, and that Lessee shall pay to the Lessor, upon demand as additional rent hereunder, the cost of such repairs plus. At the termination of this Lease, Lessee shall deliver the leased premises in good order and condition, normal wear and tear excepted. Normal wear and tear means the deterioration which results from normal use and not as an act of carelessness, neglect, accident or abuse.

EMINENT DOMAIN

In the event that the Premises are taken under the power of eminent domain or a conveyance in lieu thereof by any authority having the right of condemnation, or if a portion thereof is taken so that the Premises are unsuitable, in the Lessee's reasonable opinion, for Lessee's use, then the term of this lease shall terminate as of the date that title shall vest in the acquiring authority, and the rent and other charges shall be adjusted as of the date of such taking. In such case, the Lessor shall be entitled to the proceeds of the condemnation award made to the Lessor. Nothing herein shall be construed to prevent the Lessee from separately pursuing a claim against the condemning authority for its independent loss or damages to the extent available, provided however, that no award made to or on behalf of the Lessee shall reduce, limit, or restrict the award to the Lessor, and no allocation of the Lessor's award in condemnation shall occur. The Lessee shall have no claim against the Lessor for the value of the unexpired term of this Lease. Should any part of the Premises be taken in the exercise of eminent domain or a conveyance in lieu thereof or in connection therewith, but not such as to render the Premises unsuitable for the operation of Lessee's business, this Lease shall continue on the same terms and conditions except that the description of the Premises or the

real estate taken by right of eminent domain or conveyance in lieu thereof or in connection therewith shall be modified to reflect such taking. In the event this Lease does not terminate by reason of such taking, the condemnation proceeds from the 'Demised Premises' will first be used to restore the Premises to a position of occupancy by the Lessee. The balance of such condemnation proceeds from the Premises, if any, shall belong to the Lessor.

WAIVER OF SUBROGATION

As part of the consideration for this Lease, each of the parties hereby releases the other party from all liability for damage due to any act or neglect of the other party occasioned to the property owned by said parties which is or might be incident to or the result of fire or other casualty against loss for which either of the parties is now carrying or hereafter carry insurance; provided however, that the releases herein contained shall not apply to any loss or damage occasioned by intentional acts of either of the parties, and the parties further covenant that any insurance they obtain on their respective properties shall contain an appropriate provision whereby the insurance company, or companies, consent to the mutual release of liability contained in this paragraph.

DEFAULT & REMEDIES

Lessor shall have the following remedies if Lessee commits a default. These remedies are not exclusive; they are cumulative and in addition to any remedies now or later allowed by law:

RE-ENTRY: Upon the happening of any such event of default, Lessor, at any time thereafter may:

(a) Either with or without notice of demand, may declare the Lease term ended and re-enter the Premises or any part thereof, either with or without process of law, and may expel or remove therefrom Lessee and all parties occupying the same or any of them, using force as may be necessary so to do, and again repossess and enjoy the same without prejudice to any remedies that Lessor may otherwise have by reason of the breach hereof. Or

(b) Re-enter the Premises at its option without declaring the Lease Term ended and relet the whole or any part thereof for the account of Lessee on such terms and conditions and at such rent as Lessor may deem proper, collecting such rent and applying it on the amount due from Lessee hereunder. And on the expense of such reletting (including expense of alteration and special inducements to Lessee) and on any other damage or expense so sustained by Lessor, or on any such item or items, Lessor will recover from Lessee the difference between the proceeds of such reletting and the amount of rentals reserved hereunder (if any) and any such damage or expense from time to time which said sum Lessee agrees to pay upon demand.

LESSEE DEFAULT AND REMOVAL OF ABANDONED PROPERTY

In the event that the Lessee abandons the Premises or otherwise defaults in the performance of any obligations or covenants herein, the Lessor may enforce the performance of the lease in any manner provided by law. This lease may be terminated at the Lessor's discretion if such abandonment or

default continues for a period of 30 days after the Lessor notifies the Lessee of such abandonment or default and of Lessor's intention to declare this lease terminated. Such notice shall be sent by the Lessor to the Lessee at the Lessee's last known address by certified mail. If Lessee has not completely removed or cured the default within the 30 day period, this lease shall terminate. Thereafter, Lessor or its agents shall have the right without further notice or demand to enter the leased Premises and remove all property without being deemed guilty of trespass and without waiving any other remedies for arrears of rent or breach of covenant. Upon abandonment or default by the Lessee, the remaining unpaid portion of any rent shall become due and payable. For the sole purpose of this section, Lessee is presumed to have abandoned the Premises if goods, equipment, or other property, in an amount substantial enough to indicate a probable intent to abandon the Premises, is being or has been removed from the Premises and the removal is not within the normal course of Lessee's business. Lessor shall have the right to store any property of Lessee that remains on the abandoned Premises and, in addition to Lessor's other rights, may dispose of the stored property if the Lessee does not claim the property within 30 days after the date that the property is stored, provided Lessor delivers notice by certified mail to Lessee.

DAMAGES

Should Lessor terminate this Lease by reason of any breach thereof by Lessee, Lessor may thereupon recover from Lessee the worth at the time of such termination of the excess, if any, of the amount of rent and charges equivalent to rent reserved herein (if any) for the balance of said Term over the then reasonable rental value of the Premises for the same period. Lessor shall not by any re-entry or other act be deemed to have terminated this Lease or the liability of Lessee for the total rent hereunder or any installment thereof then due or thereafter accruing or for damages unless Lessor shall notify Lessee in writing that Lessor has so elected to terminate the Lease.

LESSOR'S RIGHT TO CURE LESSEE'S DEFAULT

Lessor, at any time after Lessee commits a default, can cure the default at Lessee's cost. If Lessor at any time, by reason of Lessee's default, pays any sum or does any act that requires the payment of any sum, the sum paid by Lessor shall be due immediately from Lessee to Lessor at the time the sum is paid.

WAIVER

The rights and remedies of the Lessor under this Lease, as well as those provided by law, shall be cumulative, and none shall be exclusive of any other rights or remedies. A waiver by the Lessor of any breach or default of the Lessee shall not be deemed or construed to be a continuing waiver of such breach or default nor as a waiver of or permission, expressed or implied, for any subsequent breach or default. It is agreed that the acceptance by the Lessor of any installment of rent subsequent to the date the same should have been paid shall not alter the covenant and obligation of Lessee to pay subsequent installments of rent promptly upon the due date. Receipt by Lessor of partial payment after Lessee's default shall not be construed to be or constitute a cure of any such default. No receipt of money by Lessor before or after the termination of this Lease shall in any way reinstate, continue or extend the term above demised.

TOXIC OR HAZARDOUS MATERIALS

Lessee shall not store, use or dispose of any toxic or hazardous materials in, on or about the Premises without the prior written consent of Lessor. Lessee, at its sole cost, shall comply with all laws relating to Tenant's storage, use and disposal of hazardous or toxic materials. Lessee shall be solely responsible for and shall defend, indemnify and hold Lessor, its agents and employees, harmless from and against all claims, costs and liabilities, including attorney's fees and costs, arising out of or in connection with the Lessee's storage, use or disposal of any toxic or hazardous material in, on or about the Premises including, but not limited to, removal, clean-up and restoration work and materials necessary to return the Premises, and any other property of whatever nature located on the Premises, to the condition existing prior to the appearance of toxic or hazardous materials on the Premises. Lessee's obligations under this paragraph shall survive the termination of this Lease.

GOVERNING LAWS

This Agreement shall be construed under and in accordance with the laws of the State of Texas.

COMPLIANCE WITH LAWS AND REGULATIONS

Lessee shall, at its own expense, comply with all laws, orders, codes and requirements of all government entities with reference to the use and occupancy of the leased Premises. Lessee and Lessee's agents, employees, and invitees shall fully comply with any rules and regulations governing the use of the buildings or other improvements to the leased premises as required by the Lessor. Lessor may make reasonable changes in such rules and regulations from time to time as deemed advisable for the safety, care and cleanliness of the leased Premises, provided same are in writing and are not in conflict with this lease.

NOTICES

Any notice hereunder shall be sufficient if sent by certified mail, addressed to the Lessee at the Premises, and to the Lessor where rent is payable.

SUCCESSORS

The provisions, covenants and conditions of this Lease shall bind and inure to the benefit of the legal representatives, heirs, successors and assigns of each of the parties hereto, except that no assignment or subletting by Lessee without the written consent of Lessor shall vest any rights in the assignee or subtenant of Lessee.

QUIET POSSESSION

Lessor agrees, so long as Lessee fully complies with all of the terms, covenants and conditions herein contained on the Lessee's part to be kept and performed, Lessee shall and may peaceably and quietly have, hold and enjoy the Premises for the term aforementioned, it being expressly understood and agreed that the aforementioned covenant of quiet enjoyment shall binding upon the Lessor, its heirs, successors or assigns, but only during such party's ownership of the Premises. Lessor and Lessee further covenant and represent that each has full right, title, power and authority to make, execute and deliver this Lease.

BANKRUPTCY

Neither this Lease nor any interest therein nor any estate hereby created shall pass to any trustee or receiver in bankruptcy or to any other receiver or assignee for the benefit of creditors by operation of law or otherwise during the Term or any renewal thereof.

PRIOR AGREEMENTS SUPERSEDED

This agreement constitutes the sole and only agreement of the parties to this lease and supersedes any prior understandings, whether written or oral agreement, between the parties respecting the subject matter of this lease.

AMENDMENT

No amendment, modification, or alteration of the terms hereof shall be binding unless it is in writing, dated subsequent to the date hereof and duly executed by all parties to this agreement.

ADDITIONAL INSTRUMENTS

The parties hereto will execute any and all additional document or instruments that may be necessary or convenient to carry out the intent and purposes of the parties to this agreement.

ENTIRE AGREEMENT

This Lease contains the entire agreement between the parties and no modification of this Lease shall be binding upon the parties unless evidenced by an agreement in writing and signed by the Lessor and Lessee after the date hereof. If there be more than one Lessee named herein, the provisions of this Lease shall be applicable to and binding upon such Lessees, jointly and severally.

IN WITNESS WHEREOF, said parties hereunto subscribe their names.

LESSOR – CITY OF LEON VALLEY, a Texas municipal corporation

By: 

GILBERT PERALES, CITY MANAGER

Lessor Telephone: 2106841391

Lessor Email: g.perales@leonvalleytexas.gov

09/09/2021
(Date)

APPROVED AS TO FORM:



ROXANA I. PÉREZ STEVENS, CITY ATTORNEY

By: 

MARGARITA BANIA RUIZ, OWNER

Lessee Telephone: (210) 778-5522

9/9/2021
(Date)

SPA SKATEPARKS

with



NEWLINE SKATEPARKS

{Section}.61.



TEXAS'S PREMIER MUNICIPAL SKATEPARK DESIGN-BUILD TEAM

ABOUT US



Let Us Introduce Ourselves

SPA Skateparks with New Line Skateparks is a full service design and construction team specializing in integrated concrete skateparks and other progressive wheeled sports environments. With nearly 300 highly recognized projects around the globe, we are proud to serve as one of the world's longest running and most experienced skatepark specific design-build teams.

Our staff is comprised of registered landscape architects, engineering experts, graphic designers and construction professionals who are passionate active skateboarders. This passion inspires us to deliver cutting edge designs and authentic finished environments that create a meaningful connection between youth and the communities in which they live.

We love what we do. When we engage a community in the development process we bring a professional, organized, and fun attitude. The design journey is important and our approach is inclusive. We spare no resource to ensure youth and affected stakeholders truly become part of each project solution.



"The SPA/New Line approach to the public input process was very thorough, inclusive and interactive. City staff felt the public input meetings were ran very professionally and efficiently. Feedback from the stakeholders included positive comments and appreciation for allowing them to be 'a part of the project' as well as an increased feeling of ownership because this was 'their design'. We feel the final design is the best possible fit for the user needs as well as the available space and budget."

Curt Randa, Director
Parks and Recreation
City of Cedar Park, TX



Plaza at the Forks, Winnipeg, MB

"The Plaza at the Forks is proving to be one of the top skateboard facilities known to man. This project had the right decisions made from top to bottom: siting, budget, design and construction."
Chad Balcom, SPS Regional Director

Skaters for Public Skateparks
Public Space Award



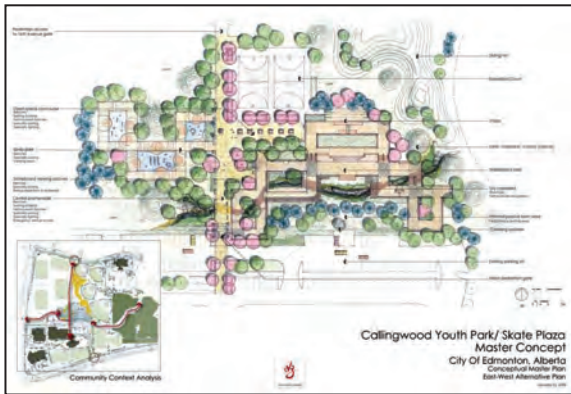
What We Believe...

SPA / New Line is committed to the improvement of natural and built environments for all generations. Our goal is to promote environmental quality as a way to protect what we value in our unique region. We carry this philosophy through in skatepark development. Through listening, watching and testing ideas, we create skatepark solutions that work in harmony with existing environments and ultimately lead to fully integrated places.

Skateparks are changing. The days of the stereotypical 'grey square' have long passed as a new era of concrete facility design responds to much more than purely function. When designed and constructed with strong community input and sensitivity to the surrounding context, skateparks not only become beloved destinations for local youth but celebrated public spaces for all to enjoy!

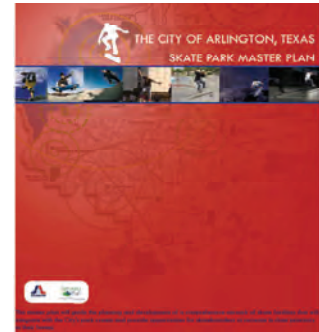
Services... The Art of Shaping Space

Planning- SPA/NLS provides planning expertise to municipal governments and community organizations for parks and recreation master planning as well as individual project developments. Over the last decade our team has participated in a number landmark planning studies for skatepark/wheeled sports networks across North America and Europe. Whether it be site selection, feasibility studies, fundraising programs, or long term facility development strategies, we strive to offer the best mix of qualified personnel and specialized resources for each unique planning challenge.



— Collingwood Youth Park
Concept Master Plan
Edmonton, AB

Site Selection Boards
Arlington, TX —



City-Wide Skatepark
Master Plan
Arlington, TX

Texas Recreation and Parks
Society
Planning Excellence Award



Public Consultation - SPA/NLS provides comprehensive consultation services to facilitate community input in the design of skateparks and other progressive public spaces. As passionate skateboarders and avid park users ourselves, we know how important participation by youth and other members of the community will be to the long term success of each project. No matter what project size, we deliver a custom tailored program of hands-on, interactive design workshops and public presentations facilitated by principal members of our team. Outside of our scheduled meetings, youth and other stakeholders are encouraged to continue to submit written comments, sketches, pictures etc. through our specially developed custom web portal for immediate and ongoing feedback. Overall, we believe engaging the community in a meaningful way is the single most critical aspect of any skatepark design journey and a key factor to our team's continued success.

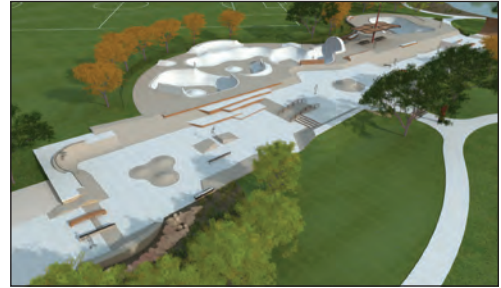
1st design workshop - Austin, TX
Pre-construction community info session - North Delta, BC —



Services... The Art of Shaping Space

Design - SPA/NLS designs award winning municipal concrete skateparks and other wheeled sport environments that continually set the bar for international skatepark development. From day one, we have chosen to think outside the 'concrete square' by leading the industry in introducing a site and community-specific design approach, integrated art/sculptural installations, green/sustainable development initiatives, CPTED principles, innovative materials and aesthetic detailing, progressive lighting schemes, skateable donor recognition signage, and architecturally striking skatepark roof structures. We believe that every project and community has a unique 'story' that can be told through authentic and enduring skatepark architecture. To realize our unique designs, we take great pride in delivering photorealistic 3D facility modeling, animated project 'fly-through' experiences, and State-certified technical drawings to ensure complete project understanding and a thorough construction process for each park.

Construction - SPA Skateparks is Texas's most experienced provider of large-scale municipal skatepark construction services - serving as the General Contractor on a significant portion of the designs completed by our team. Whether it be complete turnkey project solutions or specialty services/products, we are recognized as a leader in the development of site-built concrete skatepark construction technology and practices. Our team has also worked hard to lead the industry in cost and schedule control, safety, and concrete quality accreditation - with a guarantee of design-build budget certainty, on-time project performance, and a ACI (American Concrete Institute) certified team members overseeing shotcrete operations. Finally, SPA Skateparks is fully bonded and insured and employs approximately 20 dedicated field staff leading municipal skatepark projects across the State.



NE Community Skatepark - Frisco, TX



Austin House Park Plaza - Austin, TX



Roanoke Skatepark - Roanoke, TX



Vandergriff Skate Plaza - Arlington, TX



McKinney Skatepark - McKinney, TX

Youth Park Design Philosophy....

SPA / NEW LINE has worked extensively in the planning, design and construction of concrete skateparks, BMX parks, mountain bike courses and other progressive 'casual recreation' facilities. Although this emerging area of recreation is not new, the participation levels associated with inline, BMX, mountain biking and skateboarding have climbed to exceptional levels over the last 15 years.

The inclusion of 'Action Sports' in the planning process benefits the whole community by making children, youth and adults that participate in these activities feel valued. Developing a youth park strategy that includes action sports programs and facilities will introduce new experiences and challenges for a broad demographic that is often difficult to engage and/or overlooked in community parks planning.



Developing a successful youth park design requires a consultant to think and act in a way that respects the desires of future park users. This respect must be balanced with an understanding of construction tolerances, safety standards, community needs, security, and budget. SPA / NLS has a diverse and qualified staff who consistently seek new ways to achieve the expectations of the target user group while setting realistic goals, limits and deadlines.

FEATURE PROJECTS



NE Community Skatepark Frisco, TX

Destination Park

The Northeast Community Skatepark in Frisco, TX is a destination level, world-class all-wheeled mecca designed to accommodate users of all ages and skill levels. With over an acre of carefully detailed skateable terrain, this skatepark has A LOT OF EVERYTHING... FOR EVERYONE. The park consists of 3 main areas: the central Plaza, expansive modern Flow Complex, and competition-level Vert Bowl. The terrain experience is complimented by a state-of-the-art lighting system, significant integrated viewing and rest areas, custom sculptural features, stunning landscaping and mature oak trees, and a network of pedestrian linkages to the greater site's amenities (soccer fields, children's playscape, fishing pond etc). A big thank you and congratulations to the City of Frisco and their passionate residents for investing in this landmark community-driven project!

Project Budget: ~ \$1,450,000

Timeline: Fall 2015 - Summer 2017

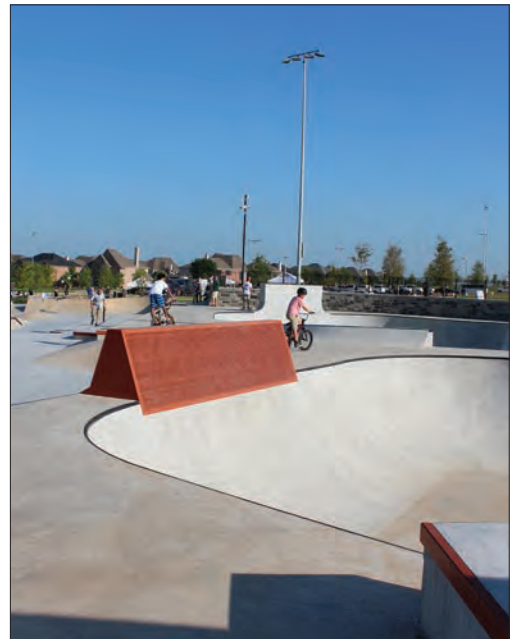
Client: City of Frisco

Team Responsibilities:

- site analysis and public process
- conceptual and final design
- full construction services



NE Community Skatepark - continued...



Cedar Park Skate Plaza Cedar Park, TX Community Park

Located in the newly developed Brushy Creek Sports Park, the Cedar Park Skate Plaza offers a variety of modern plaza and bowl terrain woven seamlessly into the site's natural surroundings. The final design program was developed over a period of 4 months after an extensive outreach initiative with the public and key stakeholders from the local skate community. The result is a highly integrated skate facility that provides a distinct sense of place for local youth (and the young at heart) while also serving as an inviting destination for all park visitors.

Project Budget: \$600,000 Phase 1 (est market value)

Timeline: Spring 2009 - Fall 2009

Client: City of Cedar Park

Team Responsibilities:

- site analysis and public process
- park programming
- conceptual and final design
- full construction



Vandergriff Skatepark Arlington, TX

Destination Park

Arlington, TX's Vandergriff Park Skatepark features three distinct areas of plaza, bowl and modern snake-run youth park terrain designed to be constructed in phases relative to project funding milestones. Skateable features take artistic cues from the iconic City of Arlington logo and the facility's overall layout harmonizes with existing mature trees found throughout the surrounding site. Now complete, the skatepark not only serves as the City's first modern concrete skateboarding facility but one of the largest and most compelling destination parks in the region.

Project Budget: ~ \$1,200,000 (3 Phases)

Timeline: Summer 2012 - Spring 2014

Client: City of Arlington

Team Responsibilities:

- public process
- conceptual and final design
- speciality concrete construction (Phase 1)



Beautiful Mountain Skate Plaza *Beaumont, TX* *Neighborhood Park*

SPA / New Line proudly presents the Beautiful Mountain Skate Plaza - located at the City of Beaumont's downtown intersection of Laurel Ave and Magnolia St. The distinctive circular plaza design features a wide selection of versatile urban terrain elements derived from architectural cues found within the adjacent city Events Center Campus and a series of input meetings with local skateboarders and surrounding community members. Since opening, the Plaza has proven to be hugely popular with not only skateboarders, but a greater community of downtown residents and visitors who share Beaumont's evolving urban landscape!

Project Budget: \$ 600,000 (est market value)

Timeline: Summer 2013

Client: City of Beaumont

Team Responsibilities:

- site analysis
- conceptual and final design
- full construction services



Ruben Pier Skate Plaza - Odessa Odessa, TX Community Park

The long anticipated Ruben Pier Skate Plaza is now a reality for the growing community of Odessa. Located within the City's expansive Sherwood Park, the Plaza was designed to not only provide local skateboarders with a safe and compelling environment to call their own but to also serve as a place to engage the entire community in the celebration of youth and the life of local skateboarder, Ruben Pier. Along with an assortment of unique 'real street' elements and a one of a kind stand alone bowl unit, the plaza features a combination of locally inspired sculptural features, integrated natural 'green' islands, shaded viewing areas, and a marquee skateable entry sign recognizing the Plaza's namesake.

Project Budget: \$ 845,000 (est market value)

Timeline: Spring 2009 - Fall 2009

Client: City of Odessa

Team Responsibilities:

- site analysis and public process
- conceptual and final design
- full construction



McKinney Skatepark McKinney, TX

Destination Park

Through a 6 month collaborative development process with local youth, surrounding community members, and our design-build team, the City of McKinney has created one of the most progressive youth park developments in the Country. Located in the City's prized Gabe-Nesbitt Park, the skatepark offers over 30,000 sqft of 'Unique by Nature' plaza, obstacle, bowl, and ditch-inspired terrain designed for all ages, abilities, and riding styles.

Project Budget: ~ \$1,800,000

Timeline: Spring 2013

Client: City of McKinney

Team Responsibilities:

- site analysis and public process
- conceptual and final design
- full skatepark construction (aside from bulk earthworks)



McKinney Skatepark - Continued...



Granbury Skate Plaza Granbury, TX Neighborhood Park

At approximately 6,000 square feet, and for all ages and skill levels, the Granbury skate park design takes the general shape of a triangle, consisting of three plaza lanes and a fully encapsulated bowl. The center of the triangle is a large landscaped area, breaking up what would otherwise be an expanse of concrete. The plaza elements include several rails and ledges, a 4 stair set, bank to bank, quarter pipe, and a unique Granbury-themed skateable signage feature closest to the parking lot. The profile of the signage symbolizes the mesa locally named Comanche Peak. Just a few miles from Granbury, this peak is the highest in Hood County and was the meeting ground for Comanche Indians. The words "Granbury Skate Park Dedicated to Keith W. Callahan" on the sign facing the parking lot is a show of thanks for Mr. Callahan's many years as the City's Director of City Services.

The skate park bowl has three pockets with depths from 3.5 feet to 5.5 feet. The metal skate park coping blends into concrete at the shallow section, allowing skaters to roll in to begin their runs. The skate park is connected to the existing walking path that encircles Granbury City Park, allowing skaters easy and safe access.

Project Budget: \$ 385,000 (est market value)

Timeline: Summer 2014

Client: City of Granbury

Team Responsibilities:

- site analysis
- conceptual and final design
- full construction



Roanoke Skate Plaza *Roanoke, TX* *Community Park*

Roanoke TX, the 'Unique Dining Capital of Texas', continues to make it's mark in the DFW Metroplex with the creation of a one of a kind skateable art plaza and pool style bowl in phase 2 of the City's popular Cannon Parkway Park. Nearly 20,000 sqft of meticulously detailed terrain offers opportunities for virtually all ages, skill levels, and riding styles, while the park's skateable 'dinnerware' sculptures guarantee a truly unforgettable visitor experience for users and spectators alike.

Project Budget: ~\$750,000

Timeline: Spring 2015

Client: City of Roanoke

Team Responsibilities:

- conceptual and final design
- construction



Kasmiersky Park All Wheel Plaza *Conroe, TX Community Park*

Once again, SPA Skateparks, in collaboration with New Line took input from Conroe skaters and the local community to develop this unique and innovative design for the Kasmiersky Park Wheeled Sports Plaza. The skatepark will feature integral color concrete, integrated lighting and special viewing areas amongst an exciting collection of street elements, bowl units, and custom sculptural obstacles that reference various local landmarks as well as the rich forestry/timber and rail-way history of the Piney Woods area.

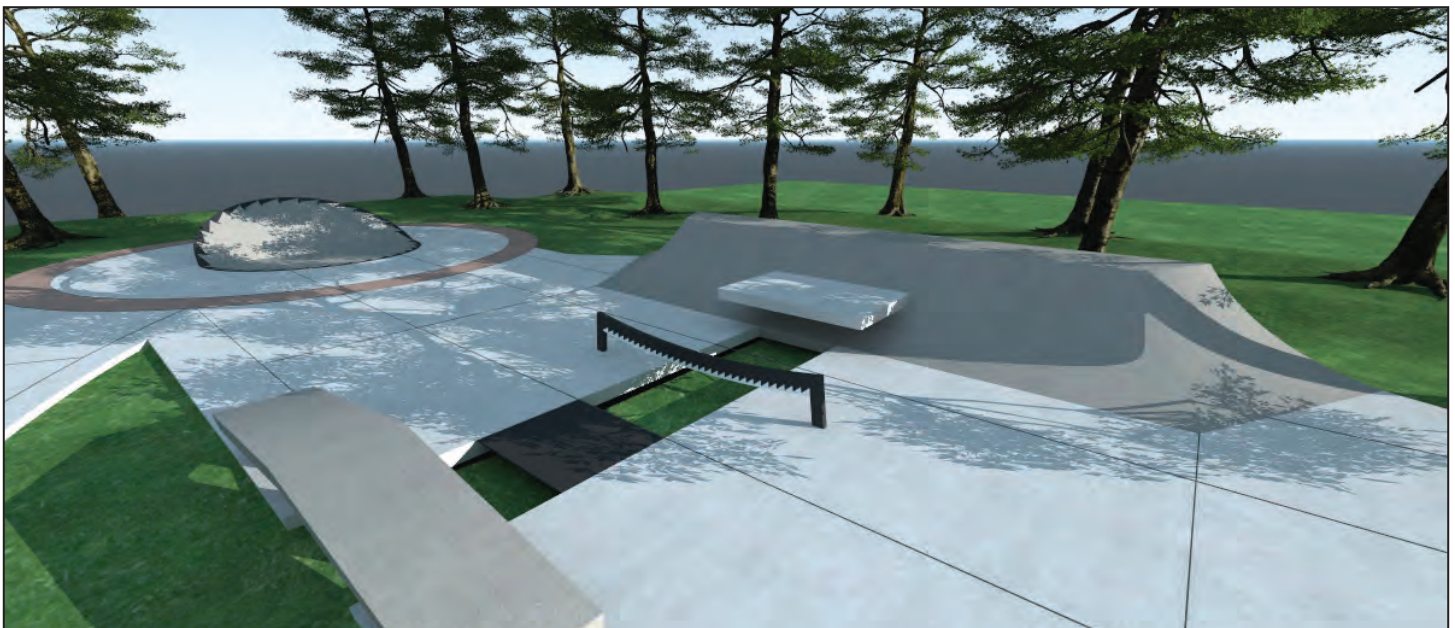
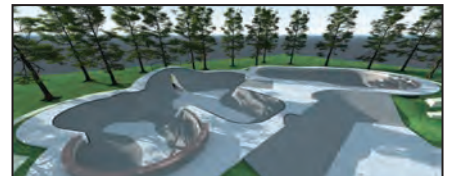
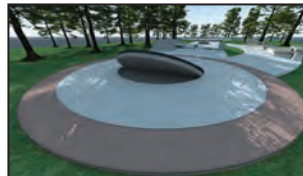
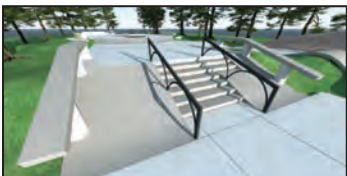
Project Budget: \$ 950,000 (est market value)

Timeline: Summer 2011 - Spring 2012

Client: City of Conroe

Team Responsibilities:

- site analysis
- conceptual and final design
- full construction



Kasmiersky Park All Wheel Plaza - Continued...



Alvin Skatepark Alvin, TX Neighborhood Park

Boasting over 6,000 square feet of modern plaza and transitional terrain, the Alvin Skatepark truly represents a site-tailored facility that enhances an already-popular City park. SPA/New Line responded to the City's vision of creating a safe, sanctioned skateboarding/wheeled sports venue that would integrate with an established passive green space, children's playscape, performance area, and picnic shelter. This includes the implementation of 'skateable' seating/site furnishings, central 'green' area, and architectural detailing that references the colors and signage found in the park's historic rail-way building. Now open, the park serves as one of the area's most popular community recreation attractions.

Project Budget: \$ 350,000 (est market value)

Timeline: Fall 2011 - May 2012

Client: City of Alvin

Team Responsibilities:

- site analysis
- conceptual and final design
- full construction



Boerne Skate Plaza Boerne, TX Community Park

The Boerne Skate Plaza features approximately 14,000 sqft of custom skateable terrain split within 3 distinct zones: Plaza, Fun Track, and Bowl Complex. With a visual pattern reminiscent of the patch work of a quilt, the plaza area offers a multitude of unique street skating features inspired by the rectilinear forms found within the natural urban environment. This is contrasted by the flowing organic lines seen within the clover bowl and fun track that reference the City's famed Ciblow River. The entire development is finished with a selection of viewing areas and internal green islands designed to provide a pleasant and subtle integration with the surrounding site area.

Project Budget: \$515,000 Phase 1 (est market value)

Timeline: Spring 2009 - Fall 2009

Client: City of Boerne

Team Responsibilities:

- site analysis and public process
- conceptual and final design
- full construction



Beeville Skatepark Beeville, TX

Neighborhood Park

With a diverse combination of stairs, banks, ledges and a snake run inspired in a unique 'B' shaped footprint, the Beeville Skatepark is a smaller-scale neighborhood skatepark promises to deliver LARGE. The final design was developed closely with local youth and other interested community members over a 6 week period. Construction of the facility is now complete.

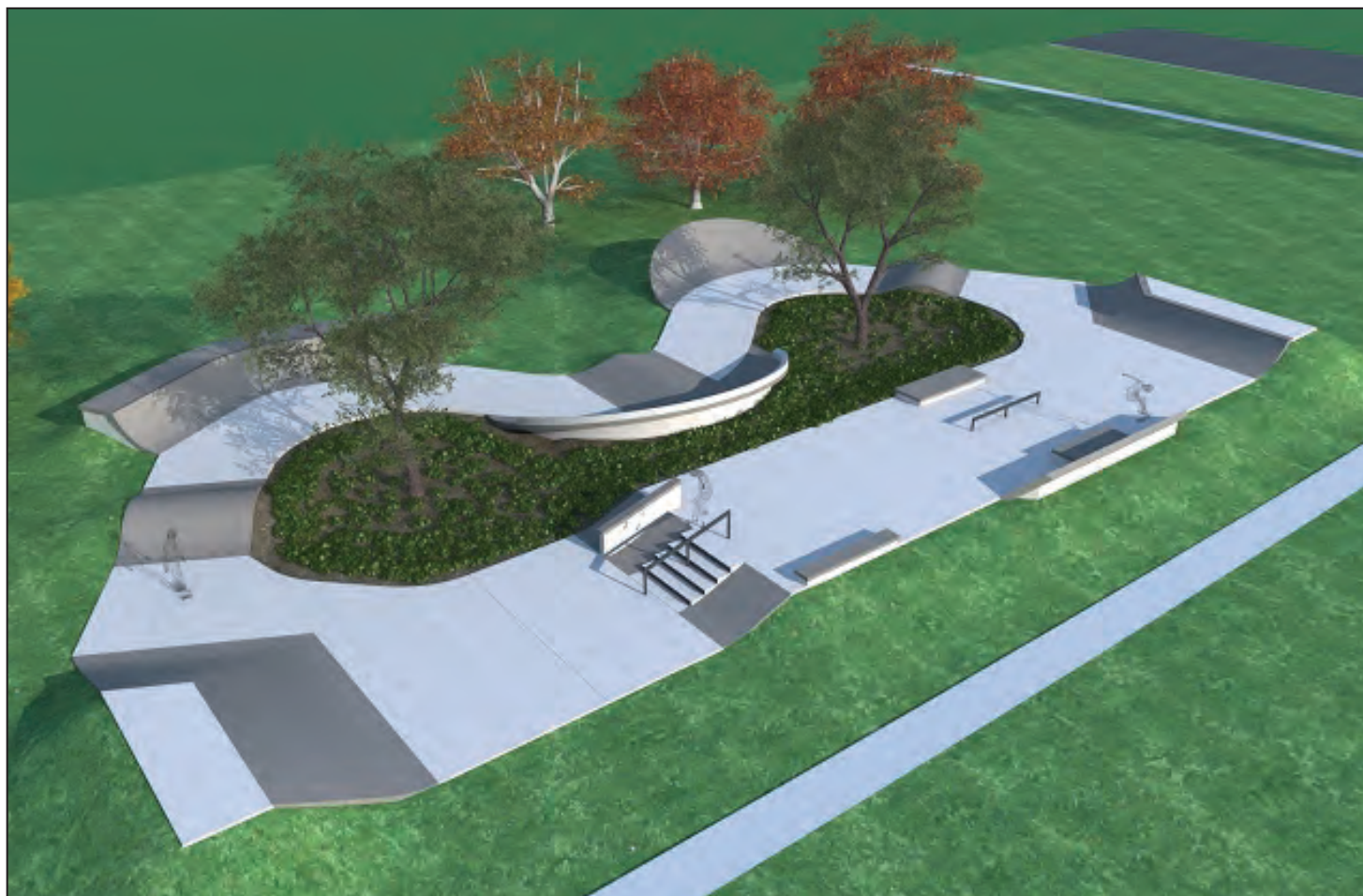
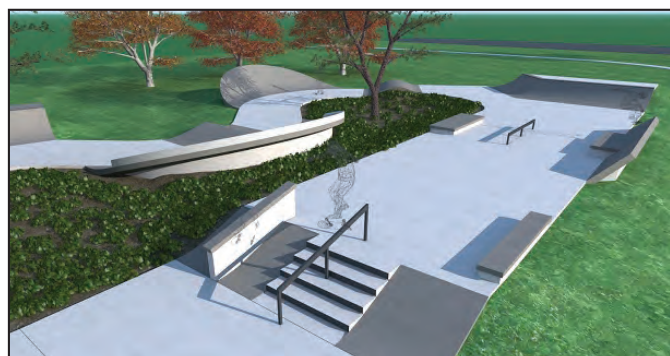
Project Budget: \$ 300,000 (est market value)

Timeline: Fall 2011 - Spring 2012

Client: City of Beeville

Team Responsibilities:

- site analysis
- conceptual and final design
- full construction



Watauga Skatepark Watauga, TX

Community Park - Existing Slab Retrofit Project

Before it's renovation, the Watauga skatepark consisted of a flat slab and metal prefabricated ramps that were surrounded by an unsightly chain link fence. Over the years the City recognized a steady decline in the utilization of the facility. In 2014, the City took input from local skaters who requested a custom poured in place concrete skatepark that they could call their own. Our team is honoured to have been called upon to rejuvenate the skatepark as the City's design-build contractor. Our Design-Build Team, City staff and a focus group of local skaters began the process of collaborating on what the desired skatepark should look like, and over the course of the next several months, the City disposed of the metal ramps and removed the fence. As a value engineering item, the skatepark still includes much of the already-existing flat slab, which is still in great shape. Geofoam (structural foam) was used as a base in the creation of a number of the plaza features within the park. This type of form fill was strategically used in order to reduce excessive weight on the subsurface. The new facility is now truly inviting to skaters and the public alike, and actually enhances the existing surroundings within the park. The project is a great case study for communities looking to re-purpose an underutilized tennis court slab or rehab an existing metal ramp skatepark.

Project Budget: ~\$300,000 (est market value)

Timeline: Spring 2015

Client: City of Watauga

Team Responsibilities:

- conceptual and final design
- construction



Texas City Skatepark *Texas City, TX* *Neighborhood Park*

Located in the heart of Nessler Park, the Texas City Skatepark epitomizes the design-build skate park process. Our services began by assisting the City with site selection. Alongside Parks Department staff, an identified list of potential skatepark sites was analyzed and scored based on a list of factors including, but not limited to, existing on-site amenities and community accessibility. Next, skaters and other community members presented their preferences for skate features and other site-contextual items through a series of interactive design workshops led by our principal staff.

The resulting ~ 8,000 sqft skatepark includes a host of key ‘street’ skating elements such as rails, stairs, quarter pipes and ledges, but also a number of signature features referencing Texas City’s aviation and nautical history. Terra-cotta and beige integral colored concrete finish-off the facility to match the neighboring City High School’s colors. A system of walking trails, a basketball court and baseball field, and a recently renovated state-of-the-art water park all reside in the surrounding area. The greater site also holds a collection of mature oak trees that provide excellent shade in the Summer months and served to inform our “L” shaped facility layout.

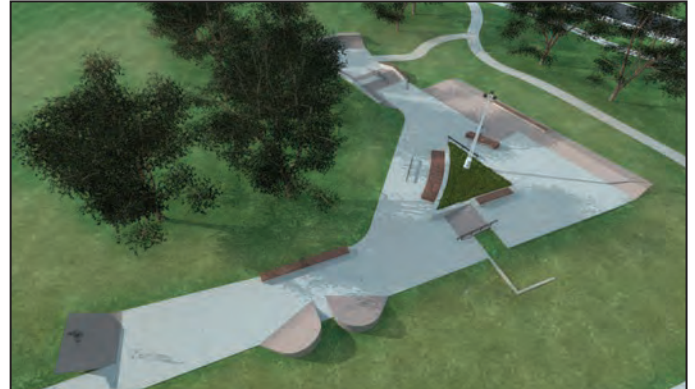
Project Budget: ~\$485,000 (est market value)

Timeline: Summer 2013

Client: City of Texas City

Team Responsibilities:

- site analysis
- conceptual and final design
- full construction



Vogel Creek Skate Spot *Houston, TX* *Skate Spot*

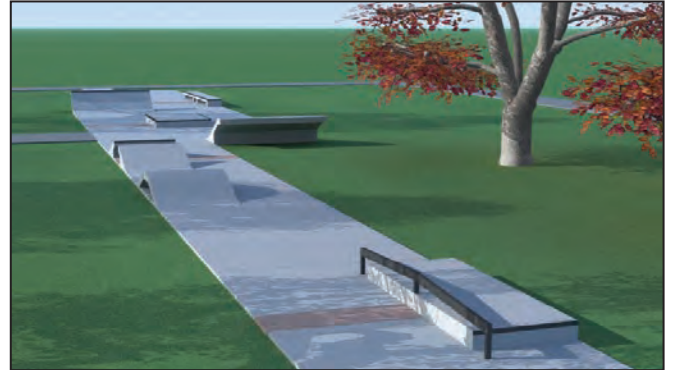
The Vogel Creek Skate Spot (just outside Houston in Jersey Village, TX) truly represents a positive, cooperative effort between a local Water Utility District, their selected Engineering firm and a neighboring subdivision. At roughly 3,000 square feet, the skate spot resembles a skateable pathway connecting an existing jogging trail to the area's water utility district. Suspended artistic features, manual pads, rails, ledges, and the use of integral concrete color create a visually inspiring public space under the shade of mature oak trees. Skaters are active in the middle of the park while allowing other visitors to spectate, play, or jog safely around the facility's perimeter.

Project Budget: ~\$ 175,000 (est market value)

Timeline: Summer 2013

Team Responsibilities:

- site analysis
- conceptual and final design
- specialty concrete construction



Seguin MTR Skatepark Seguin, TX

Community Park

The highly anticipated Michael Thomas Raetzsch (MTR) Skatepark in Seguin, Texas has received rave reviews from local skaters and the greater region. Located only minutes from San Antonio, New Braunfels and San Marcos, the City of Seguin's MTR Skatepark will most certainly become a regular stop for Texas skaters.

The MTR Skatepark consists of a main line connected by three octagonal plaza areas. On both ends, and caddy corner from each other, are two more elevated octagonal areas. The result is a street skater's dream. Designed for all ages and skill levels, skatepark features include multiple stair cases, down and flat rails, London and China Bank type gaps, boulder detailed ledges, and banked and transitional walls just to name a few. The park's namesake is dominantly installed on the outside of a banked skate feature facing the park's entry.

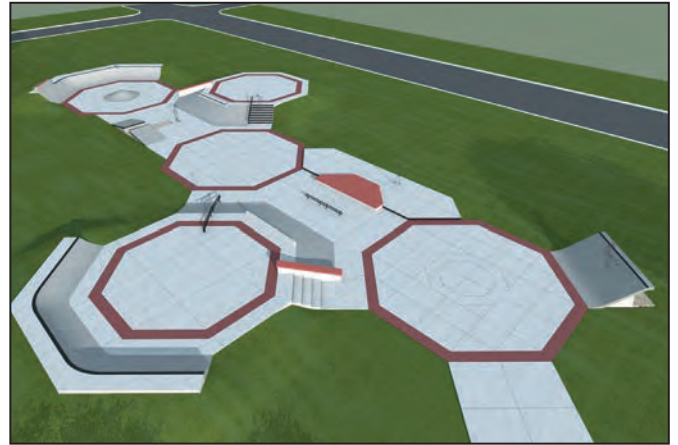
Project Budget: \$ 500,000 (est market value)

Timeline: Summer 2015

Client: City of Seguin

Team Responsibilities:

- site analysis
- conceptual and final design
- construction administration





House Park Plaza Austin, TX Destination Park

After years of lobbying and planning, the City of Austin is now home to the state's premier downtown plaza and bowl complex. Through a series of interactive workshops with Austin's diverse skate and BMX community, a final design program was developed to include a near full spectrum of terrain types, integrated socializing/viewing areas, and an art/sculpture theme centered on the City's iconic live music reputation.

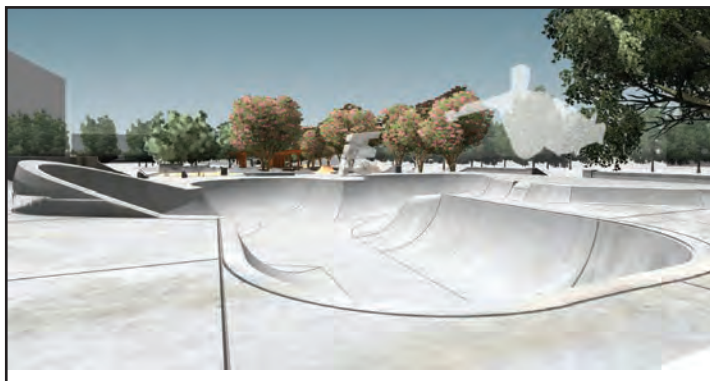
Project Budget: ~ \$1,200,000

Timeline: Jan 2008 - May 2011

Client: City of Austin

New Line Responsibilities:

- public process
- conceptual and final design
- contract administration





NE Metro Skatepark Pflugerville, TX Destination Park

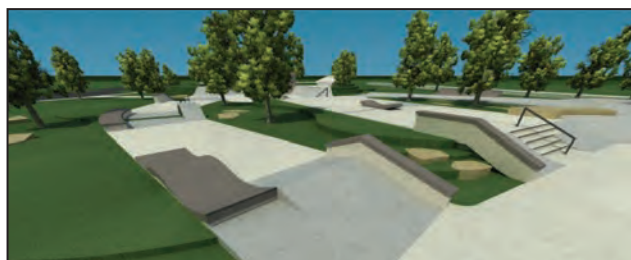
Travis County's new destination skatepark serves as the highlight of the third and final phase of the area's widely popular NE Metro Regional Park. With approximately 30,000 sqft of highly detailed skateable terrain spread across nearly an acre of green space, the park offers a full spectrum skateboarding/bmx experience in an inviting natural setting characteristic of the Blackland Prairie region.

Timeline: Summer 2009 - Summer 2012

Client: Travis County

Team Responsibilities:

- site analysis
- public process
- conceptual design
- final design





NE Metro Skatepark - Continued...



REFERENCES





October 16, 2017

Project Management Team
SPA Skateparks, Inc.
2310 Rogge Lane
Austin, Texas 78723

RE: Northeast Community Park Skate Park

Gentlemen,

On behalf of the City of Frisco Parks & Recreation Department, I would like to thank you all for your tremendous effort and hard work on the Northeast Community Skate Park. The project was a very successful project that was delivered on time and within budget. The construction methodology and meticulous details exceeded our expectations and helped this project truly shine. The residents of Frisco and visitors from the surrounding Metroplex have been raving about this wonderful skate park. This project could not have been as successful without the level of commitment and effort from SPA Skateparks.

The project team's communication and foresight kept the project on track without any major delays. They were able to showcase their ingenuity by proposing alternative construction methods on Frisco's signature piece within the park. Due to their dedication to deliver above and beyond, and excellent craftsmanship, our park now displays a 16 foot tall concrete wave. Their hard work and dedication can be seen anywhere throughout our 47,000 square foot park. We thank SPA Skateparks for the tremendous job they were deliver here in Frisco, and we look forward to future opportunities.

Sincerely,

A handwritten signature in blue ink that reads "Shannon Keleher". The signature is fluid and cursive, with the first name "Shannon" being more prominent than the last name "Keleher".

Shannon Keleher
Director of Parks & Recreation
City of Frisco Texas



May 16, 2013

SPA Skateparks
Attn: Mr. Curtis
1301 Orlando Road
Austin, TX 78733

Dear Mr. Curtis:

With our recently completed project, I wanted to thank you for the professional manner in which your company performed its responsibilities relative to design and construction. The city had significant ambition and expectations related to this project and your team consolidated that direction into a cohesive and tremendous asset for our community.

This was the city's first skatepark; therefore, the level of city staff experience with these types of facilities was limited. The level of expertise and education imparted by the SPA Skatepark staff was crucial in getting the city staff comfortable with and conversant on the intricacies of skatepark utility.

As we progressed into the actual construction, our assessment of SPA Skateparks' competency increased. The level of pride and craftsmanship was evident on a daily basis with our city staff project team marveling at the quality of the steel work. Staff comments including, 'work of art', 'these guys should expand their business to include large commercial sculptures', and 'what great attention to detail' were often overheard.

We are proud of the significant resource that McKinney now has and confident that any other community that chooses SPA Skateparks will be equally impressed.

Regards,

Lemuel P. Randolph
Director
Parks, Recreation and Open Space
City of McKinney, Texas

Parks, Recreation and Open Space

P.O. Box 517 • McKinney, Texas 75070 • Metro 972-562-6080

October 25, 2013

Jamie Curtis, President
SPA Skateparks
2310 Rogge Lane
Austin, TX 78723

Re: Beautiful Mountain Skate Plaza
Beaumont, TX

Dear Jamie,

Since the Grand Opening of our new skate plaza in August, dozens of skaters are onsite daily to experience the great design and quality of Beaumont's one and only skate plaza. You and your team listened to the local skaters and developed a skating plaza that incorporated everything they wanted within our budget.

It was a pleasure working with you and your team. Your commitment to make sure that every aspect of the project met your standards of quality and your attention to detail resulted in a one of a kind skateable streetscape far exceeding our expectations.

We thank you for your professionalism and look forward to working with you again in the future.

Sincerely



Brenda Beadle
Capital Projects Manager



www.alvin-tx.gov

CITY OF ALVIN

309 W. Sealy Street • Alvin, Texas 77511 • (281) 388-4299 • FAX (281) 388-4367

Parks & Recreation Department

June 11, 2012

To whom it may concern,

It is with great pleasure and enthusiasm that I am writing to endorse SPA Skateparks for their industry leading expertise and delicate attention to detail regarding the design/build Alvin Skate Park Project. I am Daniel Kelinske, Director of Parks and Recreation for the City of Alvin and the project manager on behalf of the City of Alvin.

From the inception, SPA's level of professionalism, enthusiasm and overall passion for our project was paramount at all levels. The design team took a true interest, from final site selection to sampling our local flavor of skating and BMX freestyle, then sprinkling in a bit of rich history about our City, all brought to life in the overall design. For my opinion, SPA has created a masterpiece of color, texture and a richness that can only be found in Alvin, Texas. They are truly artisans of conception and concrete, taking our budget and maximizing it in a way that adds significant community pride, quality of place and so much more.

I urge you to consider SPA Skateparks when your community calls on you.

Regards,


Daniel Kelinske
Director Parks and Recreation



June 30, 2010

Project Management Team
SPA Skateparks, Inc.
2310 Rogge Lane
Austin, Texas 78723

Re: Cedar Park Skate Park Project

Gentlemen:

On behalf of the City of Cedar Park - Parks & Recreation Department, I would like to take this opportunity to congratulate you on the completion of a very successful project. SPA Skateparks has certainly exceeded our expectations by delivering the project on time, within budget and with a wow factor that has everyone in the community talking about it! SPA Skateparks is also to be commended for their unyielding commitment to safety and the very impressive safety record with this project.

Throughout the project, the positive attitude, communication and teamwork from the SPA Team allowed us to meet the challenges presented and to ultimately have a new 15,000 square foot Skate Park that the community can take pride in for many years to come. We thank you all for the professionalism and enthusiasm shown during this project and look forward to the next project opportunity with SPA Skateparks.

Sincerely,

Curt Randa, Director
Parks & Recreation Department
Cedar Park, Texas, 78613

**PARKS & RECREATION DEPARTMENT**

December 11, 2009

To Whom It May Concern:

SPA Skateparks constructed the new Ruben Pier Memorial Skate Park at Sherwood Park, in Odessa, Texas. The Skate Park has been a huge success and truly a "gem" in the City of Odessa Parks system. SPA Skateparks provided a superb quality concrete "in-ground" Skate Park that consists of just over 10,000 square feet concrete with 80% of the Skate Park being plaza style and 20% of the Skate Park being a series of bowls. The Skate Park has approximately 70% of the concrete that is integral colored, providing a series of complimentary color schemes that not only makes the Skate Park aesthetically pleasing, but also provides a safety measure as the color changes note transitional areas. The attention to detail, professionalism, quality assurance, pride and enthusiasm that SPA Skateparks provided resulted in a Skate Park second to none. As a final note, the team members of SPA Skateparks performed an incredible demonstration to the 100-plus crowd in attendance at the opening day ceremony.

If you have any questions or need additional information, please contact me.

Sincerely,

Steve Patton
Director of Parks and Recreation
City of Odessa

SP:mmm



*Parks and Recreation
Department*

CITY OF CONROE

March 6, 2012

Yann Curtis
SPA Skateparks
2310 Rogge Ln.
Austin, TX 78723

Re: City of Conroe
Kasmiersky Park
Wheeled Sports Plaza

Dear Yann:

I want to thank you, Jamie and your team for providing a quality product regarding the phenomenal new Wheeled Sports Plaza at Kasmiersky Park. I was very pleased with the cooperation between SPA, Burditt, and the City. The project was completed on time and within the construction budget. I also appreciate the "extras" your firm provided to ensure the City was satisfied with the end product.

I look forward to SPA Skateparks bidding on future projects. Please don't hesitate to use me as a reference for future projects.

Sincerely,

Mike Riggins
Director of Parks and Recreation



City of Austin

Parks and Recreation Department
200 South Lamar Blvd, Austin, TX 78704

{Section}.61.

November 5, 2012

To Whom It May Concern:

In 2007, the City of Austin engaged New Line Skateparks, Inc. to design a world-class skate and BMX plaza and bowl complex within the city's urban core. The project included a complex site area, significant budget, and high expectations from local user-groups, City staff, and political constituents.

From start to finish New Line provided responsive, professional service that balanced budget limits and important urban design guidelines with the desires of the local skateboarding/BMX community as well as other citizens and visitors who share Austin's vibrant downtown area. New Line's ability to effectively engage the community and translate their input into the final design was especially impressive and the resulting completed facility is exceptional in terms of creativity, functionality, and overall quality.

It was a pleasure to work with the New Line Skateparks team and I would highly recommend their services to other communities.

Sincerely,

Gary Gregson
Project Coordinator
Austin Parks and Recreation
919 West 28½ Street
Austin, Texas 78705
Phone: (512) 974-9475
E-mail: gary.gregson@austintexas.gov



TRANSPORTATION AND NATURAL RESOURCES

STEVEN M. MANILLA, P.E., COUNTY EXECUTIVE

411 West 13th Street
Executive Office Building
PO Box 1748
Austin, Texas 78767
Phone: (512) 854-9383
Fax: (512) 854-4697

November 14, 2012


To Whom This May Concern,

In 2009, Travis County engaged New Line Skateparks, Inc. to design a 'Destination-Level' Concrete Skatepark as part of the third phase of the County's expansive multi-use North East Metropolitan Park.

As part of the design process, New Line Skateparks participated in several community consultations, led the youth design workshops, and tactfully incorporated the input and responses into the final design, to the satisfaction of the many interested user groups, local community, and County staff. The result is a one-of-a-kind, world-class Skateboarding/BMX facility that is exceptional in design and function, well integrated into the larger surrounding park area, and serves a wide range of users, abilities and ages. This skatepark is also unique in that it's currently the largest skatepark in Texas.

We found the staff at New Line Skateparks to be very professional, responsive, and dedicated towards the successful design and completion of this important project, and would have no hesitation working with them again in the future.

Sincerely,


Charles Bergh
Director
Travis County Parks



Request for Qualifications

Skatepark

Design-Build Proposal

Design, Engineering, Construction

November 20, 2020

Proposals due December 11, 2020 at 2:00 p.m.

This Request for Qualifications is prepared by the City of Lampasas, Texas, a Municipal Corporation formed under the Laws of the State of Texas, hereinafter referred to as “Owner” for design and construction of a of a Skatepark in the City’s Campbell Park, by a qualified design-build firm or team that includes an architect and/or engineer and construction contractor, hereinafter referred to as “Contractor.”

The Contractor represents that they shall be engaged in, and now does such work and is fully equipped, competent, and capable of performing such work as described herein.

Potential Contractors are encouraged to contact Chris Eicher, 512-734-0228, or Vicki Tower, 512-556-6831, to personally inspect the project site prior to submitting a proposal.

General Information

Project Site The Skatepark site is located in Campbell Park in Lampasas, Texas between Hackberry Street and Live Oak Street near the Hanna Springs Swimming Pool. The site is accessible by vehicle and heavy equipment. The Park is wooded and is the home of the Hanna Springs Sculpture Garden, walkways, Hanna Springs swimming pool, and future Pavilion.

Project Scope The project calls for the design, engineering and construction of a Skatepark

Budget The project budget is \$300,000.00

Selection Criteria Proposals will be evaluated based on the firm’s/team’s experience (20%), technical competence (20%), ability to perform (20%), past performance of firm/team (20%) and members of the firm/team (20%). Firms/Teams will be scored on a 100-point basis.

Design Criteria Package

Selection Documentation-Criteria for Selection

In order to evaluate Qualifications based on experience, technical competency, capability to perform, and past performance, ***please include the following in the proposal:***

1. Completed and Signed Proposal Form
2. List of similar projects completed, including client name and number, and budget amount, within the past 5 years.
3. Names and brief resumes of Firm/Team members that will perform work, including engineering and design work.
4. Names and brief resumes of Firm/Team members that will supervise work.

Project Description

The Project calls for the design, engineering and construction of a skatepark in compliance with 2012 IBC, to the extent applicable, including design and specification of piers, beams and structural steel. Owner will waive all permit fees; Contractor will pull all permits and call for inspection. Successful Contractor shall comply with Insurance and Bonding requirements as described in the City of Lampasas, Contract Documents, General Conditions, Article 5; and Section 2269.311, Subchapter G, Texas Government Code.

Proposal Form

{Section}.61.

Proposals and attachments should be placed in an envelope clearly marked "Qualifications for the Design and Construction of Skatepark," and must be received by December 11, 2020 at 2:00 p.m. to the Lampasas City Hall, 312 East Third Street, Lampasas, Texas 76550. Proposals received after that time will not be considered.

Company Name _____

Company Address _____

Company Phone Numbers _____

Contact Name _____

Contact License Information/State License Number _____

Engineer Name/Firm/State License Number _____

Please list anticipated Sub-Contractors _____

Please complete and attach the following:

1. Completed and Signed Proposal Form
2. List of similar projects completed, including client name and number, and budget amount, within the past 5 years.
3. Names and brief resumes of Firm/Team members that will perform work, including engineering and design work.
4. Names and brief resumes of Firm/Team members that will supervise work.

I have fully read and understand the contents of this Request for Qualifications and certify that I am authorized to execute this proposal on behalf of _____ (company name). I further certify that I am willing, able and competent to complete the tasks as outlined. I further certify that each architect/engineer that is a member of the firm/team was selected based on demonstrated competence and qualifications, in the manner provided by Section 2254.004, Texas Government Code.

Authorized signature

Printed Name

Feature Plan

Feature Plan Legend

- ①

Entry Plaza with seating
- ②

Slappy Curb
- ③

14" Flat Rail
- ④

Banked Hip
- ⑤

Six-stair, Hubba & Step-up
- ⑥

Handrail
- ⑦

Bank to Curb
- ⑧

Bump to Bump
- ⑨

Manual Pad Ledge Combo
- ⑩

Quarterpipe Hip



Overall Site Plan

Key Assumptions

*Current assumptions of key elements and site amenities for this project are:

- Suitable site soil conditions
- Contractor can stage equipment and materials on site
- Any easements required for the project will be obtained by the owner
- Lighting design/electrical engineering, environmental review/permitting, irrigation design not included in scope of work
- Earthwork in excess of 1ft cut/fill not included in scope of work

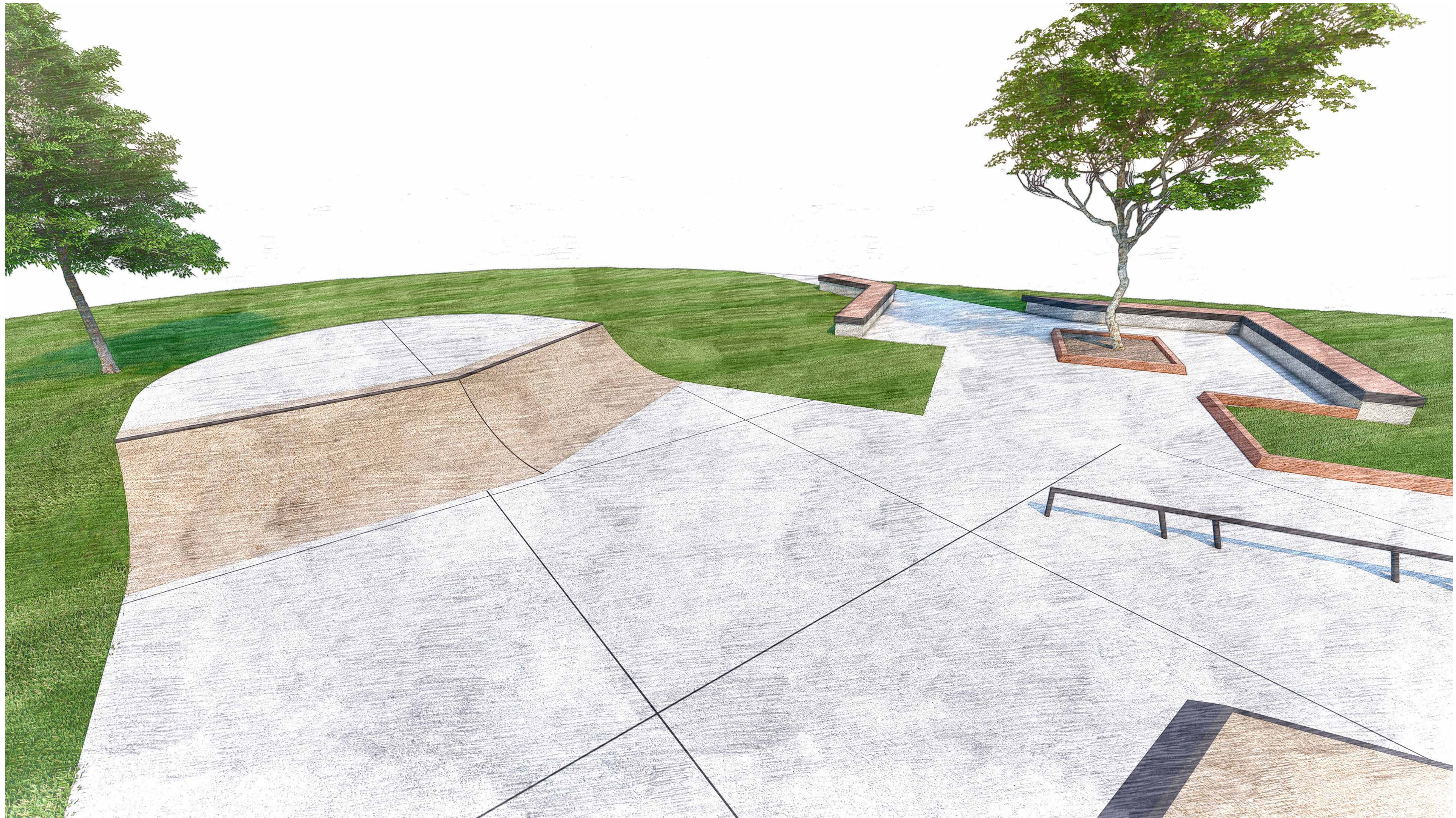


- ① Skatepark Contractors scope of work.
- ② Connection walk and skatepark entry by others.

3D Rendering - Park Overview

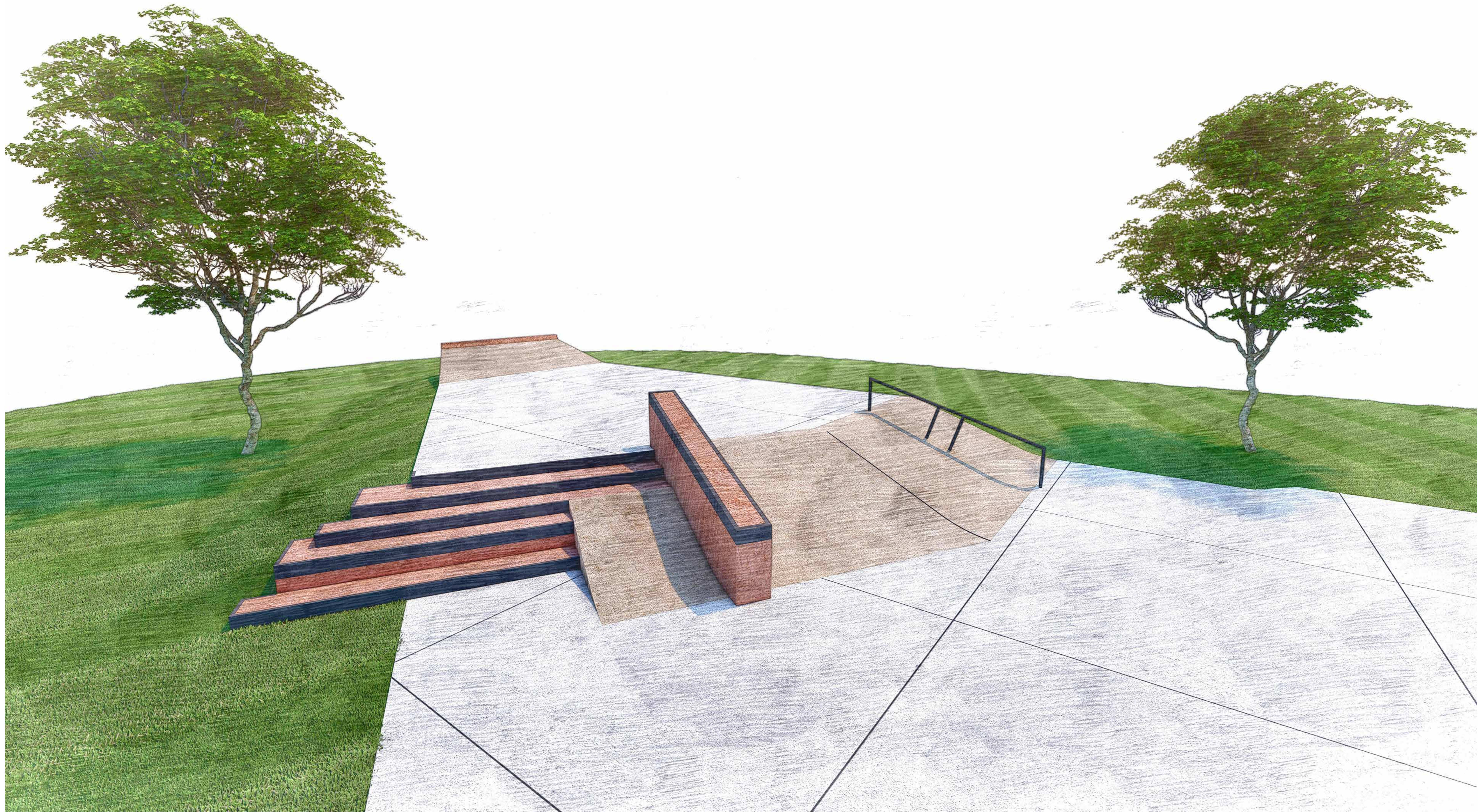


3D Rendering - Entry Plaza and QP Hip

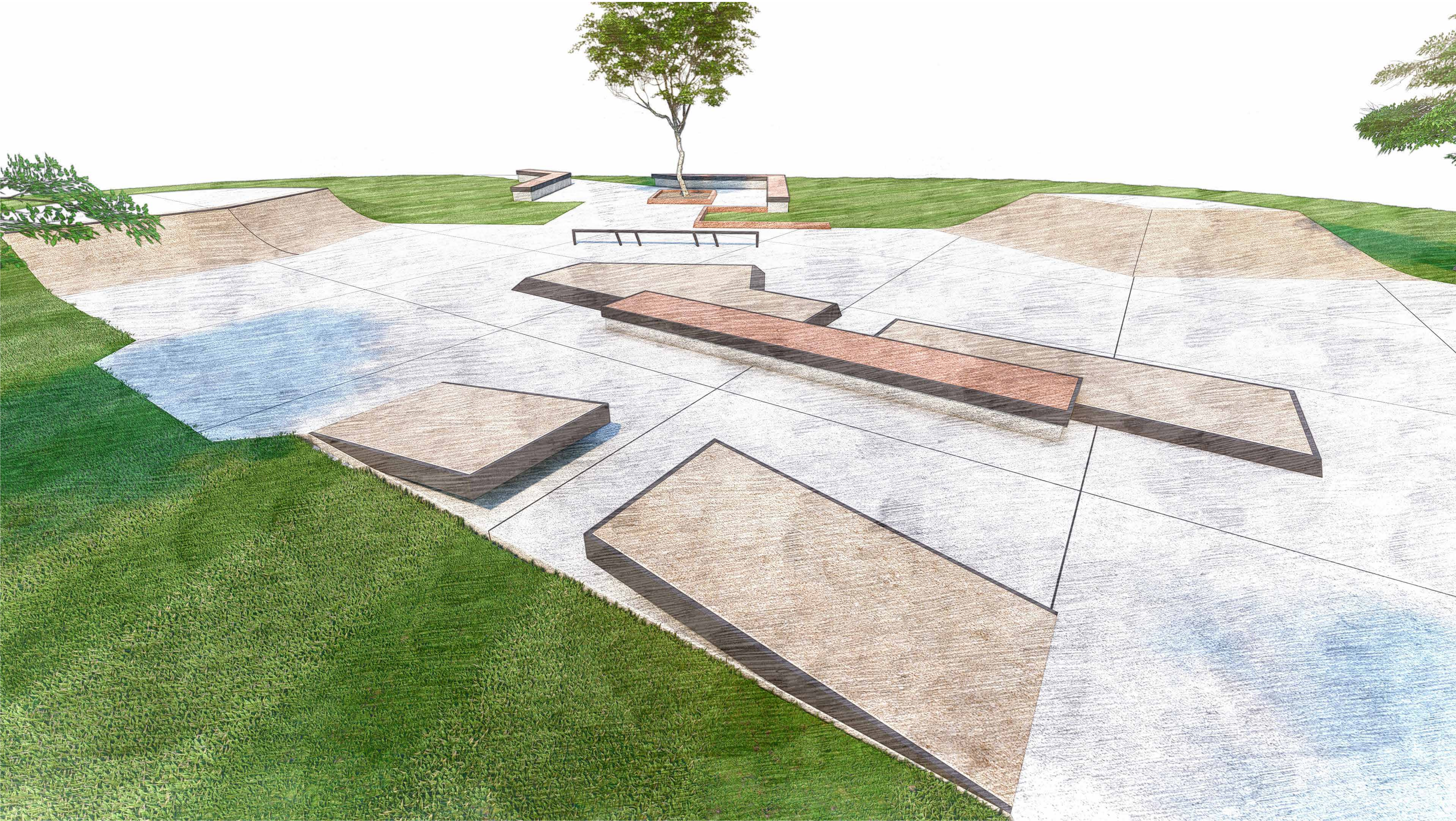


3D Rendering - Stair Set / Hubba / Handrail

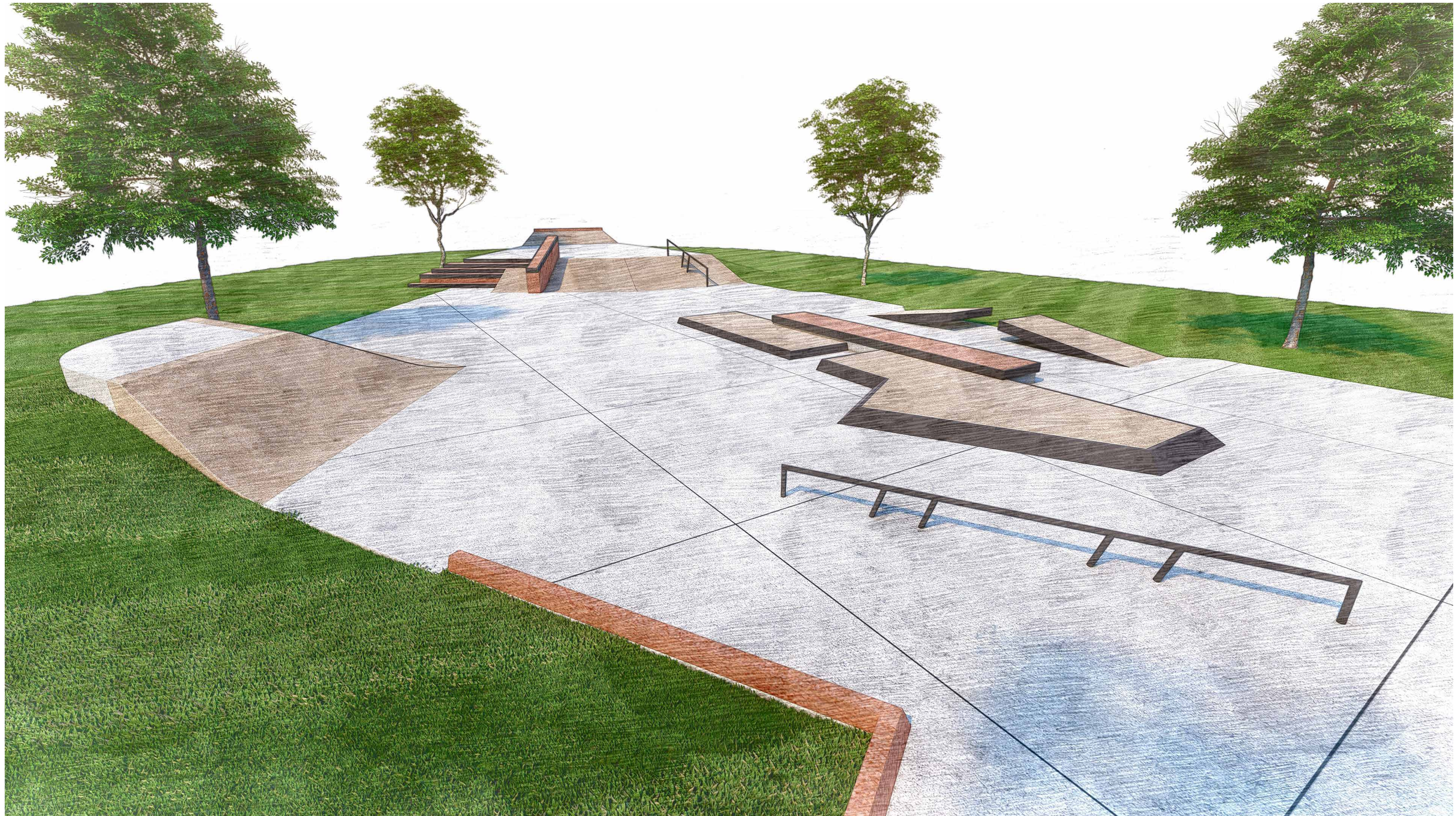
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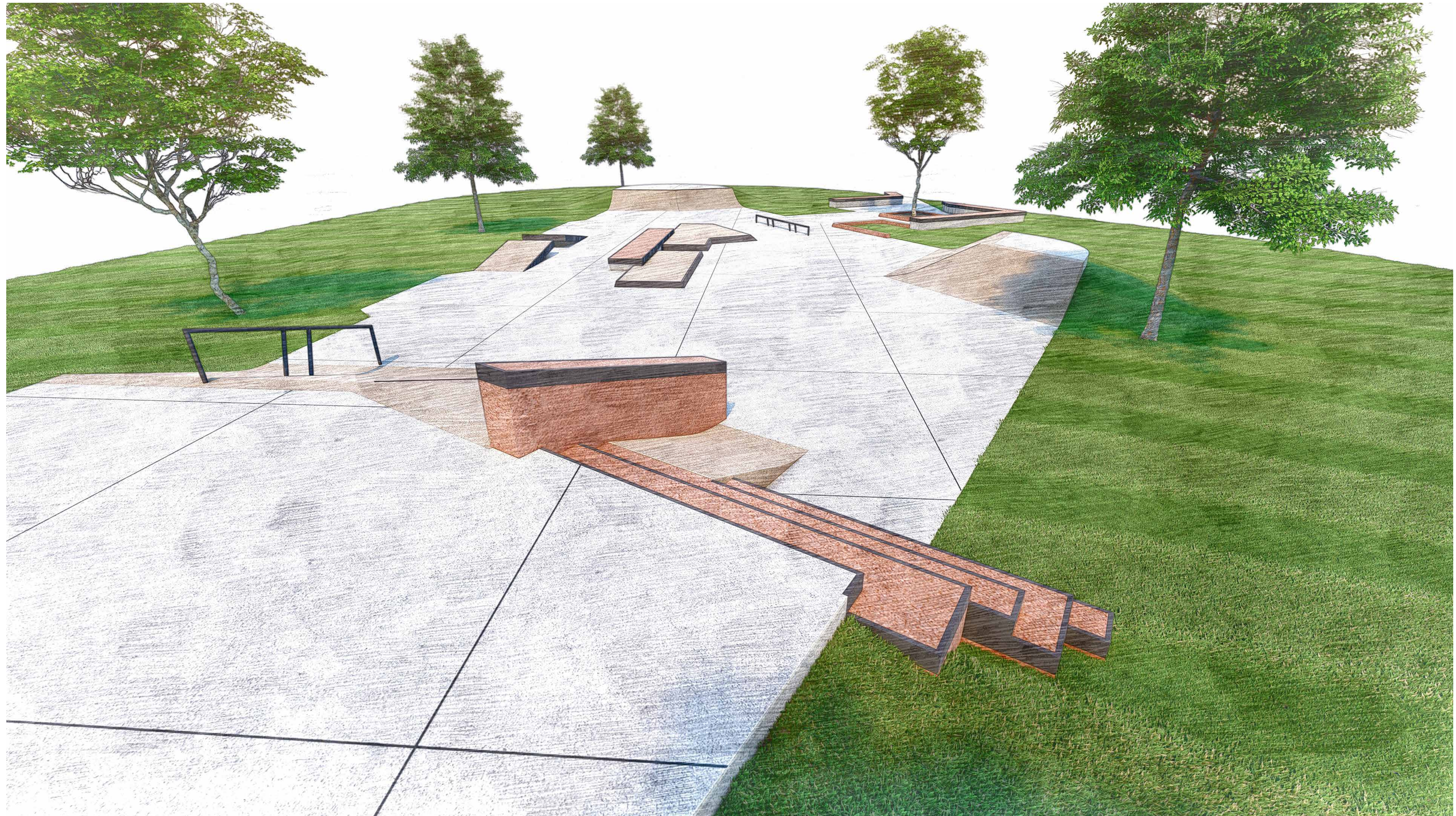
3D Rendering - Bump to Bump and Manual Pad Island



3D Rendering - Manual Pad Combo and Banked Hip



3D Rendering - Six Stair, Hubba and Handrail



3D Rendering - Manual Pad Combo



Skate Park Discussion

Shadow Mist Park

Melinda Moritz, Director of Public Works
City Council Meeting
December 6, 2022

Purpose

- To consider budget and type of procurement for Skate Park and parking lot at Shadow Mist Park

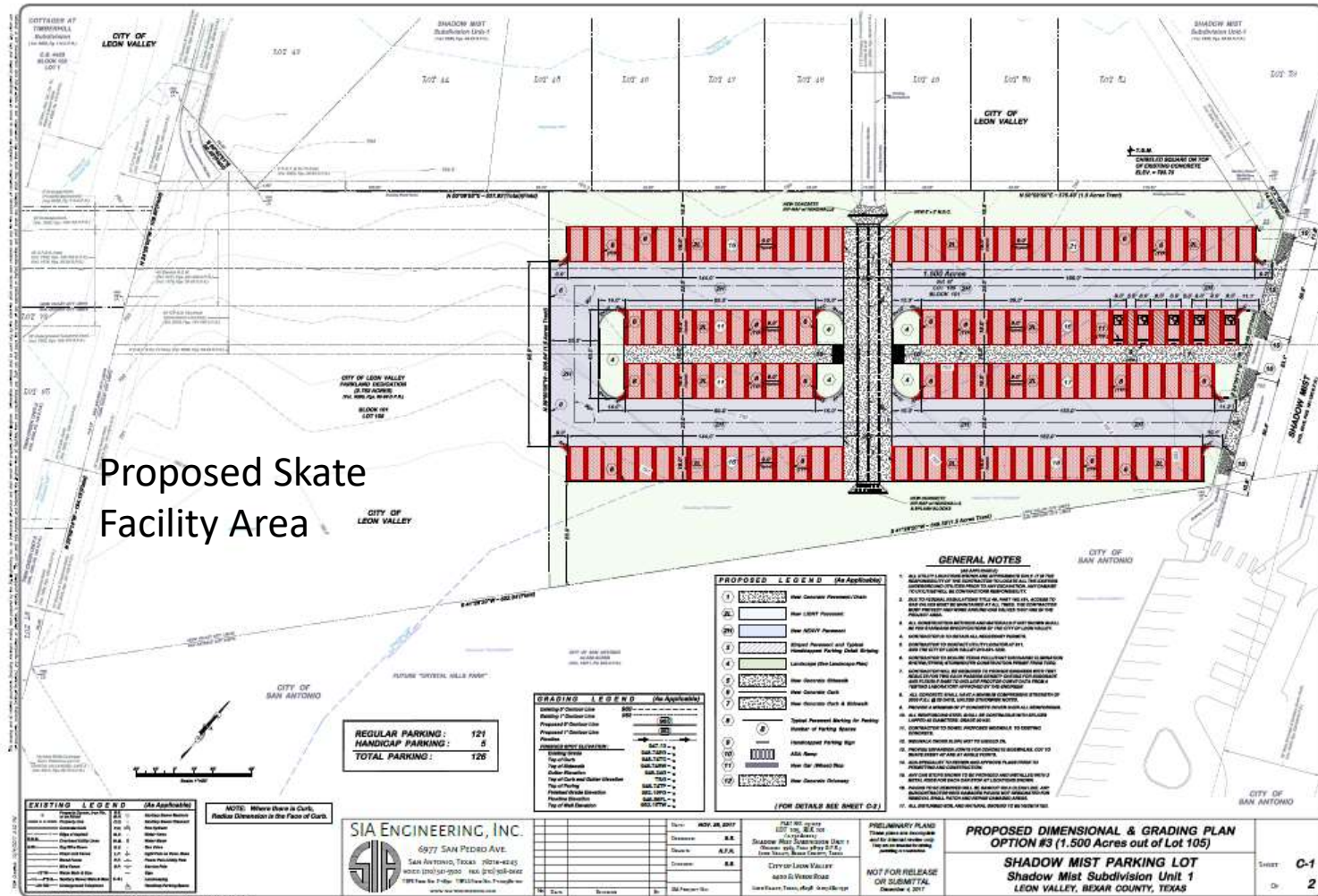
Shadow Mist Park / Crystal Hills Park



Shadow Mist Park

- Park dedicated to City in 2005 – 2.752 acres
- Plan was to construct 1.5 acre permeable paver parking lot and a skate facility on the remaining buildable 0.75 acres

Shadow Mist Park Proposed Improvements



Shadow Mist Park

- Staff looked at 3 Requests for Proposals (RFP's) received by City of Seguin
- Other procurement methods include:
 - Purchasing Cooperative
 - Requests for Qualifications
 - Concealed bids
 - Design, bid, build
- Need to determine budget for skate park, select procurement method, and designate funding source

Shadow Mist Park

- Of the 3 RFP's reviewed, Staff leaned towards Spa Skate Park as the best choice, based on Council desires, procurement method, company references, design ethics
 - Council prefers heavy community involvement in design of park and so do they
 - Will work within whatever budget we set
 - Had better idea for incorporating skate with parking
 - Don't have to spend up front money on design, plans, specifications, advertising, staff time

Recommendation

- At their November 10th meeting, the Park Commission voted to:
- Recommend a budget of between \$300,000 and \$500,000
- Recommend using purchasing cooperative to hire Spa Skate Park for design/build project

Cost Estimates

Pool Replastering, Rock Climbing Wall, Pickle Ball

Melinda Moritz, Director of Public Works

City Council Meeting

December 6, 2022

Items

- Pool replastering/plumbing \$80,000 each
- Rock Climbing Wall \$24,640
- Pickle Ball at existing courts \$50,000
 - Resurfacing, restriping, equipment
- Total \$235,000

Rock Climbing Wall

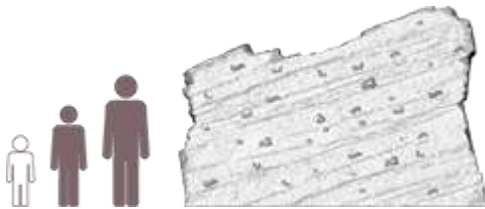
The Mighty Fin

Model PB004

Dimensions 14'-2" x 2'-10" x 9'-2"

Use Zone 26'-2" x 14'-10"

Ages 5-12, Beyond





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

Leon Valley City Council Chambers
6400 El Verde Road, Leon Valley, TX 78238
Tuesday, November 15, 2022 at 6:00 PM

MINUTES

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

Citizens May E-Mail Public Comments To citizenstobeheard@leonvalleytexas.gov. 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
Council Place 2 Josh Stevens
Council Place 3 Jed Hefner
Mayor Pro Tem, Council Place 4 Rey Orozco
Council Place 5 Will Bradshaw

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

Mayor Riley asked Councilor Jed Hefner to lead the Pledge of Allegiance.

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

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

Mayor Riley read aloud the agenda caption for Item 2.1

The City Council went into Executive Session at 6:02 PM

3. Reconvene into Regular Session

The City Council reconvened into Open Session at 6:26 PM

4. Citizens to be Heard

None

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

No action taken.

6. Presentations

1. Presentation of a Proclamation by Mayor Chris Riley, Proclaiming November 15, 2022, America Recycles Day.

Mayor Chris Riley presented a proclamation for America Recycles Day to Rita Burnside, Earthwise Living, Chair.

2. Presentation by the Earthwise Living Committee on activities for 2023 - Mayor Riley

Rita Burnside, Earthwise Living Chair introduced committee members and then gave a brief presentation about recycling.

Committee Member Linda Meffert introduced each member; and then each member spoke.

3. Presentation, Discussion, and Possible Action on Fourth of July Event

Crystal Miranda, Community Relations Director presented an update on the July 4th, 2023 Celebration.

There was a consensus among members of City Council to: a. keep the timeframe the same; and b. get a "well-known" band.

City Manager Caldera said that updates on themes, sponsorship; and fiesta medals for Council to hand out.

4. Presentation, Discussion, and Possible Action on the Leon Valley Jazz Festival Event

Crystal Miranda, Community Relations Director presented an update on the 2023 Jazz Festival. The tentative date is March 25, 2023 beginning at 12:00 PM.

5. Discussion and Direction on No Parking Areas in Residential Zones - M. Moritz, Public Works Director

Melinda Moritz, Public Works Director presented this item. No action was taken.

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

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

Announcements were made by members of City Council.

8. City Manager's Report

Crystal Caldera, City Manager presented the City Manager's Report and reminded everyone that it is available on the City website as well as out on the table for those who want it.

There was a brief discussion regarding Annual Town Hall Meeting topics. Councilor Josh Stevens asked that the City Manager's Annual Report be included as a topic for presentation.

Councilor Benny Martinez requested that Committee Reports be "re-instituted".

1. UPCOMING IMPORTANT EVENTS:

Regular City Council Meeting, Tuesday, December 06, 2022, at 6:30 PM, in Council Chambers.

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

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

Annual Christmas Tree Lighting Ceremony, Monday, December 05, 2022, at 5:30 PM, at the Leon Valley Community and Conference Centers.

Miscellaneous other events and announcements.

9. Consent Agenda

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

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

1. **Discussion and Possible Action Approving of the Following City Council Minutes:**
 - a. 11-01-2022 Regular City Council Meeting Minutes
2. **Discussion and Possible Action Accepting of the Following Board/Commission Minutes:**
 - a. 05-18-2022 Citizens Police Advisory Committee Minutes
 - b. 08-31-2022 Citizens Police Advisory Committee Minutes
3. **Presentation, Discussion and Possible Action on a Resolution Awarding a Bid and Authorizing the City Manager to Enter Into a Contract with Tankez Coatings, Inc. for the Purpose of Rehabilitating the Huebner Elevated Storage Tank - D. Dimaline, Assistant Public Works Director**
4. **Presentation on the City Manager's Training Report as per the Employment Agreement**
5. **Presentation Discussion and Possible action on Hiring Economic and Business Liaison Roque Salinas - C. Caldera, City Manager**

10. Regular Agenda

1. **Presentation and Discussion on an Ordinance Amending the Leon Valley Code of Ordinances, Chapter 1 General Provisions, Article 1.06 Boards, Commissions, and Committees, Section 1.06.002 Tree Advisory Board, (a), (b), and (c) to Dissolve the Tree Advisory Board and Assign Those Duties to the Park Commission (1st Read as Required by City Charter) - M. Moritz, Public Works Director**

Melinda Moritz, Public Works Director presented this item as requested by members of City Council.

Councilor Benny Martinez motioned to defer this item to the December 6th City Council meeting to include the Tree Advisory Board. The motion was seconded by Councilor Jed Hefner.

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

Each committee will be notified of the possibility to be merged/dissolved. The item will be brought back at the next City Council meeting where the committees will have an opportunity to respond.

Councilor Martinez and Councilor Hefner withdrew their motions.

2. **Presentation and Discussion on an Ordinance Authorizing a Budget Adjustment in the Amount of \$832,498.50 and Awarding a Bid to J3 Construction, Inc. for the Construction of the Seneca West Drainage Project (1st read as Required by City Charter) - M. Moritz, Public Works Director**

Melinda Moritz, Public Works Director presented the item for a first read as required by City Charter.

The item will be brought back December 6th for a second read on the Consent Agenda.

3. Discussion and Possible Action on a Resolution Canvassing the November 08, 2022, Special Election

Saundra Passailaigue, City Secretary presented this item. City Secretary Passailaigue informed the City Council that the final report has not been received from Bexar County Elections Department. The final date to canvass the election is November 22, 2022.

City Secretary Passailaigue deferred to Nicole Warren, City Attorney on whether or not this and the next agenda item should be deferred to another date within the canvassing period.

A motion was made by Councilor Rey Orozco to defer agenda items 10.3 and 10.4 to a Special City Council Meeting on Monday, November 21, 2022 at 7:30 AM. The motion was seconded by Councilor Will Bradshaw.

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

4. Presentation and Discussion on an Ordinance of The City Council of The City of Leon Valley, Texas, Ordering and Declaring The 2022 Charter Amendments Adopted (1st Read as Required by City Charter) S. Passailaigue, City Secretary

A motion was made by Councilor Rey Orozco to defer agenda items 10.3 and 10.4 to a Special City Council Meeting on Monday, November 21, 2022 at 7:30 AM. The motion was seconded by Councilor Will Bradshaw.

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

11. Citizens to be Heard

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

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

1. City Manager's Presentation of Future Agenda Items

Mayor Chris Riley asked about zoning notification; and announcement the 2023 Volunteer Dinner.

Councilor Benny Martinez asked about the Staff Christmas Party.

Councilor Jed Hefner asked about the cost to the City related to Via ridership.

13. Adjournment

Mayor Riley announced that the meeting adjourned at 8:29 PM.

These minutes approved by the Leon Valley City Council on the 6th of December, 2022.

APPROVED

**CHRIS RILEY
MAYOR**

ATTEST: _____
**SAUNDRA PASSAILAIGUE, TRMC
CITY SECRETARY**



**CITY OF LEON VALLEY
SPECIAL CITY COUNCIL MEETING**

Leon Valley City Council Chambers
6400 El Verde Road, Leon Valley, TX 78238
Monday, November 21, 2022 at 7:30 AM

MINUTES

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

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

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

PRESENT

Council Place 1 Benny Martinez
Council Place 3 Jed Hefner
Council Place 5 Will Bradshaw

EXCUSED

Council Place 2 Josh Stevens
Mayor Pro Tem, Council Place 4 Rey Orozco

Mayor Chris Riley called the meeting to order at 7:42 AM and announced that a quorum of City Council was present in Council Chambers.

Mayor Riley asked those present to join her in the Pledge of Allegiance.

2. Regular Agenda

1. Discussion and Possible Action on a Resolution Canvassing the November 08, 2022, Special Election

Sandra Passailaigue, City Secretary presented a resolution canvassing the November 08, 2022, Special Election.

A motion was made by Councilor Jed Hefner to approve the Canvass of the November 08, 2022, Leon Valley Special Election as presented. The motion was seconded by Councilor Benny Martinez.

Voting Yea: Council Place 1 Martinez, Council Place 3 Hefner, Council Place 5 Bradshaw

2. Presentation and Discussion on an Ordinance of The City Council of The City of Leon Valley, Texas, Ordering and Declaring The 2022 Charter Amendments Adopted (1st Read as Required by City Charter) S. Passailaigue, City Secretary

Presentation and Discussion on an Ordinance of The City Council of The City of Leon Valley, Texas, Ordering and Declaring The 2022 Charter Amendments Adopted (1st Read as Required by City Charter) S. Passailaigue, City Secretary

This item will be brought back on the December 06, 2022 City Council Agenda for a second reading.

3. Citizens to be Heard

None

4. Adjournment

Mayor Riley announced that the meeting adjourned at 7:46 AM

These minutes approved by the Leon Valley City Council on the 6th of December, 2022.

APPROVED

**CHRIS RILEY
MAYOR**

ATTEST: _____
**SAUNDRA PASSAILAIGUE, TRMC
CITY SECRETARY**



CITY OF LEON VALLEY
ECONOMIC & COMMUNITY DEVELOPMENT ADVISORY COMMITTEE MEETING
 City Hall – Council Chambers
 6400 El Verde Road, Leon Valley, Texas 78238
 Monday, July 18, 2022

MINUTES

1. 6:04 P.M. Call to Order and Announcement of a Quorum, Pledge of Allegiance by Vice Chair Amber Mouser

Attendee Name	Organization	Title	Status
Larry Proffitt	City of Leon Valley	Chair	Absent
Amber Mouser	City of Leon Valley	Vice Chair	Present
Roger Christensen	City of Leon Valley	Committee Member	Present
Olen Yarnell	City of Leon Valley	Committee Member	Present
Yvonne Orozco	City of Leon Valley	Committee Member	Present
Heather Riddle	City of Leon Valley	Committee Member	Absent
Evan Bohl	City of Leon Valley	Committee Member	Absent
Ty Chumbley	City of Leon Valley	Alternate Member 1	Absent
Drew Power	City of Leon Valley	Alternate Member 2	Absent

Also present: Economic Development Director, William Cox

2. Discussion and Possible Action on the Approval of Meeting Minutes:
 a. 06/13/2022, Economic & Community Development Advisory Committee Meeting Minutes.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Roger Christensen, Committee Member
SECONDER:	Yvonne Orozco, Committee Member
AYES:	Amber Mouser, Roger Christensen, Yvonne Orozco, Olen Yarnell
NAYS:	None

3. Presentation, Discussion, and Possible Action to Fund:

a. Small Business Loan Program Venture with LifeFund – W. Cox

Economic and Community Development Director, William Cox presented a joint venture program with LiftFund, which would enable Leon Valley businesses to access no-interest loans of \$10,000 – \$50,000. Businesses would be vetted by LiftFund and scored by a rubric to determine eligibility. Committee member Christensen stated he was not comfortable with the project and requested to abstain from the vote. Member Yarnell voiced concerns about the potential \$250,000 not reaching enough businesses and repeatedly asked questions about funding subsequent tiers after the program

has expended all funds. Cox reminded Yarnell that we are vetting the current project and any additional funds will be a separate program to be heard by the Advisory committee and approved by council, at a later time.

RESULT:	APPROVED
MOVER:	Olen Yarnell, Committee Member
SECONDER:	Yvonne Orozco, Committee Member
AYES:	Amber Mouser, Yvonne Orozco, Olen Yarnell
NAYS:	None
ABSTAIN:	Roger Christensen

4. Announcements by Committee Members –

Member Roger Christensen stated he remains confused about previous presentations that attempted to explain ECD budget and funds. Cox stated he would send the audio file from the last in-debt presentation from Mr. Rule and set-up a meeting between him, the City Manager, and the Finance Department. Christensen also requested an update to the National Small Business Week Bingo game.


5. Citizens to be Heard - None

6. Adjournment – Vice Chair Amber Mouser announced that the meeting adjourned at 6:55 P.M.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Yvonne Orozco, Committee Member
SECONDER:	Roger Christensen, Committee Member
AYES:	Amber Mouser, Roger Christensen, Yvonne Orozco, Olen Yarnell
NAYS:	None

These minutes were approved by the Leon Valley Economic & Community Development Advisory Committee on the 14 th of November, 2022.

APPROVED



City Manager Caldera

EARTHWISE LIVING COMMITTEE MEETING MINUTES
CITY OF LEON VALLEY, TEXAS
October 12, 2022

{Section}.92.

The Earthwise Living Committee of the City of Leon Valley, Texas met on the 12th day of October 2022 at 5:30 pm in the large Conference Room at City Hall, located at 6400 El Verde Road, Leon Valley, Texas, for the purpose of the following business, to-wit:

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

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

The meeting was called to order at 5:33 p.m. Present were Committee members Ryan, Castillo, Valdez, and Co-Chairs Meffert and Burnside. Also present was staff liaison Miranda and council liaison Mayor Riley.

- 2. Review and Consider Approval of the September 21, 2022 Regular Earthwise Living Committee Meeting Minutes.**

A motion to accept the minutes was made by member Ryan and seconded by member Castillo. The motion was passed without objection.

- 3. Discussion and Possible Action on a Theme for Earthwise Living Day 2023.**

A general discussion was had on suggestions for a theme from every present member. Member Valdez recommended; "Be Seen, Be Green", member Castillo recommended; "Reduce, Reuse, Recycle", "There's no Planet B", member Ryan recommended, "Go Green", and Chair Burnside recommended, "Combating Climate Change One Household at a Time".

A motion was made by member Ryan on "Combating Climate Change One Household at a Time". Member Castillo seconded the motion and the motion passed without objection.

- 4. Discussion and Possible Action on Vendor Interests, Fees, and Distribution for EWL event.**

A general discussion was had regarding keeping the same fees for sponsorships and vendor booths. The committee tabled the item to further review the templates and allow input and edits to bring back at the next meeting.

- 5. Discussion and Possible Action on Listing Tasks, Activities, and Performances for EWL event.**

A general discussion was had regarding keeping the same list from EWL Day 2022 and adding new businesses. Chair Burnside distributed material amongst the members with information pertaining to previous similar involvement and events that businesses participated in. Topics were distributed to each member as roles of responsibility for EWL Day 2023. A general discussion was had regarding the cork collection, clothes collection, and recycle bins at the event. The committee requested to continue conversations at the next meeting.

- 6. Discussion of Feedback from Survey.**

A general discussion was had regarding everyone's responses to the survey. Insight from the survey will be utilized to gather an understanding on how to work together to succeed as a committee.

**EARTHWISE LIVING COMMITTEE MEETING MINUTES
CITY OF LEON VALLEY, TEXAS
October 12, 2022**

{Section}.92.

7. Discussion and Possible Action on EWL Mission Statement.

A general discussion was had on suggestions for changes to the original mission statement. The committee requested staff liaison to work on the statement and bring back to the next meeting.

8. Discussion of Recycling – Material by Tiger Sanitation.

A general discussion was had on the flyer that was provided by Tiger Sanitation. The Committee would like to keep an open invitation to Tiger Sanitation to attend a meeting for a more detailed presentation.

9. Announcements, Updates, and Other Business.

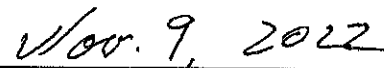
A general discussion was had on National Recycles Day. The committee will be participating with the Library on November 15 to provide an informational display. Members discussed attending the City Council meeting on November 15 as well for the Proclamation. A general discussion was had regarding having a waste free community pic-nic on Earth Day.

10. Adjourn.

Member Ryan moved to adjourn the meeting and the motion was seconded by member Key. The meeting was adjourned without objection at 7:03 p.m.



Chair



Date



CITY OF LEON VALLEY **NOTICE OF MEETING**

Planning & Zoning Commission Meeting

6:30 PM – October 25, 2022

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

MINUTES

1. CALL TO ORDER AND ROLL CALL

1st Vice Chair Commissioner Edward Alonzo called the Planning and Zoning Commission to order at 6:30 PM

Also, in attendance were Planning and Zoning Director Mindy Teague, Permit Technicians Elizabeth Aguilar and Melissa Nott.

PRESENT

1st Vice Chair, Commissioner 1 Edward Alonzo
2nd Vice Chair, Commissioner 6 Erick Matta
Commissioner 2 Marilou Mathews
Commissioner 3 Philip Campos
Commissioner 4 Pat Martinez
Commissioner 7 Richard Blackmore
2nd Alternate Andrea Roofe
3rd Alternate David Perry

ABSENT

Chair, Commissioner 5 Catherine Rowse - Excused
1st Alternate Kimberly Bohl - Excused
Council Liaison, Council Place 1 Benny Martinez

2. APPROVAL OF ZONING COMMISSION MINUTES

1. Planning & Zoning Commission - Regular Meeting - Sept 27, 2022, 6:30 PM

Commissioner Alternate Andrea Roofe indicated that there was a misspelling of her name on Page 2.

Commissioner Richard Blackmore made a motion to approve the minutes as corrected. The motion was seconded by Commissioner Philip Campos and the motion carried unanimously.

3. NEW BUSINESS

1. Presentation, Public Hearing, and Discussion to Consider Approval of a Replat of 3.865 Acre Tract of Land Being CB 5784 Located at 6409 Grissom Road. M.Teague, Planning and Zoning Director

Ms. Mindy Teague presented Replat Case 2022-30, a request to replat a 3.865-acre tract of land. A discussion with KFW Engineer Manuel Barrera regarding why they are requesting the replat, what is proposed for the land and ownership.

Commissioner Erick Matta made a motion to approve the case as presented. The motion was seconded by Commissioner Alternate Andrea Roofe and the motion was carried unanimously.

Voting Yea: 1st Vice Chair Alonzo, Commissioner Mathews, Commissioner Campos, Commissioner Martinez, Commissioner Blackmore

Voting Nay: None

4. ANNOUNCEMENTS BY COMMISSIONERS AND CITY STAFF

Ms. Mindy Teague reminded Commissioners that the November meeting will be held on Wednesday, November 16th.

5. ADJOURNMENT

1st Vice Chair Commissioner Edward Alonzo announced the meeting be adjourned at 6:38 PM.

These minutes approved by the Leon Valley Planning & Zoning Commission on the 16th of November 2022.

APPROVED



CATHERINE ROWSE
CHAIR

ATTEST:



ELIZABETH AGUILAR
PERMIT TECHNICIAN



MAYOR AND COUNCIL COMMUNICATION

DATE: December 06, 2022

TO: Mayor and Council

FROM: Sandra Passailaigue, City Secretary

THROUGH: Crystal Caldera, City Manager

SUBJECT: Discussion and Possible Action on an Ordinance of The City Council of The City of Leon Valley, Texas, Ordering and Declaring The 2022 Charter Amendments Adopted (2nd Read)

SPONSOR(S): N/A

PURPOSE

The purpose of this item is to present an ordinance adopting the 2022 Charter Amendments in accordance with Title 2, Subtitle A, Chapter 9 of the Texas Local Government Code ("TLGC") which governs the Adoption or Amendment of a Home Rule Charter, which is authorized by Art. XI, Sec. 5 of the Texas Constitution.

BACKGROUND

The proposed propositions were presented at the following public meetings:

- March 26, 2022, Annual Town Hall Meeting
- June 04, 2022, Special City Council Workshop
- June 18, 2022, City Council/Manager Retreat
- July 12, 2022, Special City Council Meeting
- July 19, 2022, Regular City Council Meeting
- August 02, 2022, Regular City Council Meeting
- August 16, 2022, Regular City Council Meeting
- October 22, 2022, Coffee with the Mayor & City Council

NEXT STEPS

- ~~1. Present a first read ordinance to Adopt the 2022 Charter Amendments — 11-15-2022~~
2. Present a second read ordinance for adoption of the 2022 Charter Amendments – 12-06-2022
3. City Secretary will certify to the Texas Secretary of State, an authenticated copy of the 2022 Charter Amendments.
4. The Secretary of State shall file the certification.

SEE LEON VALLEY

Social – The Charter benefits the City of Leon Valley by providing better policy and service delivery to the citizens.

Economic – The Charter promotes economic development by enabling City Council freedom to enact laws that will better accommodate and provide a more inviting area for new businesses.

Environmental – The Charter will enable City Council to enact laws that protect our City’s natural resources, and freedom to enact comprehensive conservation legislation.

FISCAL IMPACT

N/A

STRATEGIC GOALS

N/A

RECOMMENDATION

Staff recommends approval.

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

CHARTER

ARTICLE I. FORM OF GOVERNMENT AND POWERS***Section 1.01 Establishment**

- A. The City of Leon Valley shall have a Council/City Manager form of government.
- B. All powers of the City of Leon Valley, hereinafter referred to as the “City,” shall be vested in the Council, hereinafter referred to as the “City Council,” which shall enact local legislation, adopt budgets, determine policies and appoint the City Manager. The City Manager shall answer to the City Council for the execution of the laws and the administration of the government of the City.

Section 1.02 General Powers

- A. The City shall have the power of local self-government to the fullest extent permitted by law.

ARTICLE II. BOUNDARIES**Section 2.01 Boundaries**

The boundaries of the City shall be the same as existed prior to the adoption and ratification of this Charter and as are more fully set out and described by the official map of the City.

Section 2.02 Contraction of Boundaries - Disannexation

Any area of the City may be disannexed pursuant to any procedure allowed under state law and whenever, in the opinion of the City Council, there exists within the corporate limits of the City a territory not suitable or necessary for City purposes. The City Council may discontinue said territory as part of the City after conducting a public hearing and upon the adoption of an ordinance by a two-thirds (2/3) vote of the City Council.

ARTICLE III. THE CITY COUNCIL AND MAYOR**Section 3.01 General Powers and Duties**

- A. All powers of the City shall be vested in the City Council, except as otherwise provided by law or this Charter. The City Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law.
- B. The Mayor and City Council collectively, as a body, oversee the operations of the City through the City Manager.

Section 3.02 Number, Selection, and Term

The membership of City Council (members of City Council) shall be composed of the Mayor and five (5) Councilmembers. The Mayor and Councilmembers shall be elected from the City at-large, by place, and for a two-year term.

Section 3.03 Qualifications

To be eligible to be a candidate for, or elected or appointed to the City Council, the Mayor and each Councilmember shall meet the following minimum requirements:

- A. Be a qualified voter in the City and State at the time of taking office.
- B. Have resided continuously in the corporate limits of the City for twelve (12) months immediately preceding the date of the deadline for filing for office for the current election cycle.
- C. Satisfy any other eligibility requirements prescribed by law for the office for which they are a candidate.
- D. Maintain residency in the corporate limits of the City throughout their tenure.

Section 3.04 Judge of Qualifications

The City Council shall be the sole judge of the election and whether the qualifications set herein and by law have been met by its members and of the grounds for forfeiture of their offices.

Section 3.05 Compensation

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- A. The City Council shall not receive any compensation.
- B. The City Council may be reimbursed for expenses incurred in performance of official duties. The policy regulating payment of expenses incurred in performance of official duties shall be determined by the City Council.

Section 3.06 Mayor

- A. The Mayor shall be the presiding officer of the City Council and shall be recognized as the head of the City government for all ceremonial purposes, for emergency management purposes, and by the governor for purposes of military law.
- B. The Mayor may debate and discuss any matters before the City Council, but ~~shall remain neutral and unbiased in dealing with citizens and City Council members, and~~ shall only vote in the event of a tie.

Section 3.07 Mayor Pro-Tem

- A. The Mayor Pro-Tem shall be a Councilmember elected by the City Council at the first regular City Council meeting following each regular City election.
- B. The Mayor Pro-Tem shall act as Mayor during the absence or disability of the Mayor and when acting as Mayor, retain their right to vote as a Councilmember.

Section 3.08 Vacancies; Forfeiture of Office; Filling of Vacancies

- A. Vacancies. The Office of a Councilmember or Office of the Mayor shall become vacant upon death, resignation, removal from office by recall, or forfeiture of his/her office.
- B. Forfeiture of Office. A Councilmember or the Mayor shall forfeit his/her office if he/she:
 - 1. Fails to maintain at any time during the term of office any qualification for the office prescribed by this Charter or by law;
 - 2. Is convicted of a misdemeanor involving moral turpitude, a violation of any state laws regulating conflicts of interest of municipal officers, a felony, or is assessed a deferred adjudication or probation for a felony or any state laws regulating conflicts of interest of municipal officers. A member of City Council shall give written notice to the entire City Council within 10 working days of said conviction, deferred adjudication, or probation. Failure to provide the required notice shall result in an automatic forfeiture of office and City Council shall fill said vacancy pursuant to this Charter;
 - 3. Fails to regularly attend City Council meetings without an approved absence obtained by the Mayor either before or after the absence. There shall be a presumption of failure to regularly attend when three (3) regular meetings are missed during a term year without obtaining an approved absence from the City Council;
 - 4. ~~If a member of City Council is alleged to have violated any provision of this section and does not immediately resign, the City Council may conduct an investigation and hearing pursuant to Section 3.12 of this Charter to determine if the office holder has violated this section and forfeited their office. The hearing shall be held within sixty (60) days of the City Council, as a body, learning of the alleged violation.~~
 - 5. Fails to continually reside within the City limits of the City of Leon Valley during their term of office.
- C. Filling of Vacancies. All vacancies with unexpired terms of more than twelve (12) months shall be filled by special election pursuant to state law. All vacancies with unexpired terms of twelve (12) months or less may be filled, at the discretion of City Council, by appointment of the City Council upon a majority vote, may be left vacant for the remainder of the unexpired term or filled by a special election pursuant to state law.

~~Section 3.09 Prohibitions~~

- A. ~~No member of City Council shall accept or admit liability or pay any claim for damages asserted against the City. The City Council shall not accept or admit liability without first obtaining a written opinion from the City Attorney regarding the City's liability therein and only then upon a majority vote of the City Council.~~
- B. ~~No member of City Council shall be employed in or appointed to the positions of City Manager, City Attorney, or Department Head until three (3) years after the expiration of the term for which he/she was elected to the City Council and for any other compensated City position until one (1) year after the expiration of the term for which he/she was elected to the City Council. This subsection shall not apply to a volunteer who receives a stipend that is the same as the stipend received by other similarly situated volunteers.~~

~~C.—Except for the purpose of inquiries and investigations, unless otherwise provided in this Charter Council as a whole and its individual members shall deal with City officers and employees who are in the direction and supervision of the City Manager solely through the City Manager, and neither the City Council nor its individual members shall give orders to any such officer or employee, either publicly or privately.~~

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~~D.—Neither the City Council nor any of its members shall dictate to the City Manager the appointment of any person to office or employment. No member of City Council shall interfere with the City Manager in the performance of the duties of that office or prevent the City Manager from exercising the City Manager's own judgment in the appointment of officers and employees whose employment, appointment, and supervision are reserved by this Charter for the City Manager. Except for the purpose of inquiry and investigations, the City Council and its members shall deal with the City Staff solely through the City Manager, and neither the City Council, as a body or any individual member, nor any individual not having administrative or executive functions under this Charter shall give orders to any of the subordinates of the City Manager, either publicly or privately.~~

~~E.—No member of City Council shall release any attorney-client privileged communication. The City Council as the governing body of the City solely holds and is entitled to the attorney-client privilege and it may only be waived by an affirmative vote of two-thirds (2/3) of the entire City Council.~~

Section 3.10 Agendas; Procedures

A. Agendas. A member of City Council may place an item on an agenda with the concurrence of one additional member of City Council. The member of City Council requesting an item be placed on an agenda and the concurring member shall submit in writing, which may be by electronic mail, the request to place the item on an agenda and the concurrence to the City Secretary. The item shall be placed on the next agenda of the City Council meeting occurring on or after the eighth (8th) calendar day after receipt by the City Secretary of the later of either the request or the concurrence.

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.

The Mayor, the City Attorney or the City Manager may place any item on any City Council agenda.

B. Procedures. City Council shall, except as otherwise provided for in this Charter, create rules of procedure for all City Council workshops, regular and special meetings and public hearings by ordinance.

Section 3.11 Ordinances

A. Passage. Except as may otherwise be prescribed in this Charter or other law, all ordinances shall be read in open meeting of the City Council on two (2) separate days provided that all readings of any ordinance may be by descriptive caption only. Any ordinance necessary to protect the public's peace, health, safety and general welfare, may be passed as an emergency and become effective at once upon one (1) reading of the City Council, upon the approval of a majority vote of the City Council members that it is an emergency at said reading and the finding of an emergency shall be stated within the ordinance.

B. Enacting Clauses; Signature and Authentication. The enacting clause of all ordinances shall be "BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS" and every ordinance shall be signed by the Mayor or the Mayor Pro-Tem and authenticated by seal and signature of the City Secretary.

C. Publication. The caption or title and penalties of every ordinance imposing any penalty, fine, or forfeiture shall, as soon as practical after passage thereof, be published one (1) time in the official newspaper(s) of the City of Leon Valley. An ordinance required to be published under this section shall take effect the day after publication unless otherwise provided in the ordinance.

Section 3.12—Council Investigations; Hearings; Process

~~A.—General. In addition to any other specific authority of investigation and hearing provided for in this Charter, the City Council shall have the power to inquire into the official conduct of any department, agency, appointed boards, office, officers, employees or appointed board members of the City. For the purpose of investigations and hearings, the City Council shall have the power to administer oaths, subpoena witnesses and compel the production of books, papers, and other evidence material to the inquiry. The City Council shall provide, by ordinance, penalties for contempt in failing or refusing to obey any such subpoena or to produce any such books, papers or other evidence. The City Council shall have the power to punish any such contempt in the manner provided by such ordinance.~~

~~B.—Hearings Process for Forfeitures of Office and Prohibitions.~~

~~1.— All hearings held under this subsection shall be conducted in open session, except that the Council may conduct a closed session to get advice from its attorney pursuant to the Texas Open Meetings Act;~~

{Section}.93.

~~2.— The office holder subject to any investigation and/or hearing under this section shall be entitled to written notice of the allegations of forfeiture and/or the alleged violation of this Charter as applicable;~~

~~3.— A special meeting shall be called to hold the hearing;~~

~~4.— A member of City Council who initiated or is the subject of the investigation or hearing shall not sit at the dais and shall not participate in deliberation or vote;~~

~~5.— The City Council shall adopt by ordinance rules of procedures to be followed, which shall not be amended within either 90 days before or after a complaint being filed. Should a complaint be filed within 90 days before or after the rules of procedure have been adopted or amended then the previous rules shall be in effect the subject complaint;~~

~~6.— The City Council shall state the nature of the hearing and the allegations to be considered, shall be provided the results of any investigation and a presentation of the evidence against the office holder including, but not limited to, testimony from individuals;~~

~~7.— The individual who is subject to the hearing shall be provided an opportunity to respond to the allegations and present any relevant evidence including, but not limited to, testimony from individuals;~~

~~8.— The City Council may ask questions of any individual;~~

~~9.— Rules for public comment shall be set by City Council;~~

~~10.— In the case of a violation of Section 3.08 of this Charter, City Council shall vote on the forfeiture and on the affirmative vote of two-thirds (2/3) of City Council declare the office of said office holder to be forfeited and vacant;~~

~~11.— In the case of a violation of Section 3.09 of this Charter, City Council may on the affirmative vote of a majority of the City Council take any action it determines to be appropriate including, but not limited to, directing further investigation, requesting further information, vote to enforce a penalty pursuant to Section 7.13 of this Charter, vote to bring an action in municipal court, take a vote of censure; or, upon the affirmative vote of two-thirds (2/3) of City Council, declare the office of said office holder to be forfeited and vacant.~~

~~12.— Any complaint filed alleging an allegation of violations of Sections 3.08 or 3.09 of this Charter shall be filed in writing with the City Manager or the Mayor. The individual with which a complaint is filed, either the City Manager or the Mayor, shall provide each member of City Council a copy of the complaint(s) within 24 hours of their receipt of the complaint(s).~~

Section 3.12 Council Investigations;

The City Council shall have the power to inquire into the conduct of any department, agency, board, or employee of the city, and for that purpose shall have the power to administer oaths, subpoena witnesses, compel the production of books, papers, testimony, and other evidence material to the inquiry. The City Council shall provide by ordinance, penalties for contempt in failing or refusing to obey any such subpoena or to produce any such books, papers or other evidence, and shall have the power to punish any such contempt in the manner provided by such ordinance.

Section 3.13 Quorum

Three Councilmembers shall constitute a quorum except where State law provides otherwise.

ARTICLE IV. ELECTIONS

Section 4.01 Elections

A. The regular City election shall be held annually on the uniform election date in May, or at such other times as may be specified by State Law, at which time officers will be elected to fill those offices which become vacant that year.

Section 4.02 Filing for Office

{Section}.93.

A. Any person having the qualifications set forth under [Section 3.03](#) of this Charter shall have the right to file an application to have their name placed on the official ballot as a candidate for any elective office.

1. Any such application shall be in writing, signed by such candidate, and filed with the City Secretary in accordance with the Texas Election Code and this Charter;
2. An application filed in accordance herewith shall entitle such applicant to a place on the official ballot.

B. A candidate for City Council shall specify the place number or position the candidate is seeking.

Section 4.03 Official Ballot

The names of all candidates for office, except candidates who may have withdrawn, died or become ineligible, shall be placed on official ballots without party designations and shall specify the council place for which each is seeking election.

Section 4.04 Election Results

Except as otherwise provided by law, a candidate must receive more votes than any other candidate to win. A tie shall be resolved as provided by the Texas Elections Code.

Section 4.05 Taking of Office

Each newly elected person to the City Council shall be inducted into office as the first item of business at the first regular City Council meeting following the canvass of the votes.

ARTICLE V. ADMINISTRATIVE ORGANIZATION

Section 5.01 City Manager

A. Appointment and Qualifications. The City Council shall appoint a City Manager who shall be the chief administrative and executive officer of the City and shall be responsible to the City Council for the administration of all the affairs of the City. The City Manager shall be chosen by the City Council solely on the basis of the City Manager's executive and administrative training, experience and ability.

B. Term and Compensation. The City Manager shall be appointed for a ~~definite~~ indefinite term upon the affirmative vote of two-thirds (2/3) of the City Council and may be removed at the discretion of the City Council by an affirmative vote of ~~a majority two-thirds (2/3)~~ of the City Council. The action of the City Council in suspending or removing the City Manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such suspension or removal in the City Council. In the event of termination, the City Manager shall not receive more than one (1) times the annual base salary and accrued personal leave. The City Manager shall receive compensation as may be fixed by an affirmative vote of two-thirds (2/3) of the City Council.

C. Powers and Duties. The City Manager shall have the following powers and duties:

1. The City Manager shall appoint and, when the City Manager deems it necessary for the good of the City, may suspend or remove any City employee except as otherwise provided by law, this Charter, or personnel rules adopted pursuant to this Charter. The City Manager may authorize any employee who is subject to the City Manager's direction and supervision to exercise these powers with respect to subordinates in that employee's department, office or agency;
2. The City Manager shall direct and supervise the administration of all departments, offices, and agencies of the City, except as otherwise provided by this Charter or by law;
3. The City Manager shall attend all City Council meetings, except when excused by the Mayor or Mayor Pro-Tem, and shall have the right to take part in discussion but may not vote;
4. The City Manager shall see that all laws, provisions of this Charter and acts of the City Council, subject to enforcement by the City Manager or by those subject to the City Manager's direction and supervision, are faithfully executed;
5. The City Manager shall make such reports as the City Council may require concerning the operations of the City departments, offices and agencies subject to the City Manager's direction and supervision;
6. The City Manager shall keep the City Council fully advised as to the financial condition and future needs of the City and make such recommendations to the City Council concerning the affairs of the C

the City Manager deems desirable;

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7. The City Manager shall have the authority to execute on behalf of the City, standard form documents, including but not limited to deeds, releases of liens, rental agreements, easements, right-of-way agreements, joint use agreements, and other similar documents, under the following conditions:

- a. The execution of the document is necessary to carry out a public works project; utilize, maintain or improve a City facility, street, right-of-way, easement, park or other City property, or to implement other City policies; provided that such project, program or policy has been approved by the City Council;
- b. That all blanks are filled in on any document correctly and that such document is consistent with the objectives approved by the City Council; and
- c. That the form of such document shall be approved by the City Attorney.

8. The City Manager shall perform such other duties as are specified in this Charter or may be required by the City Council.

9. The City Manager shall appoint department heads, including but not limited to, the city secretary, police chief, fire chief, planning and zoning director, library director, human resources director, public works director, economic development director, finance director and assistant city manager(s) upon consent of the majority of the City Council.

D. Review. The City Council shall perform a review of the City Manager's performance at least annually, but no more than twice in any fiscal year.

E. Acting City Manager. By letter filed with the City Secretary, the City Manager shall designate, subject to approval of the City Council, a qualified employee to exercise the powers and perform the duties of City Manager during the City Manager's temporary absence or disability. The City Council may revoke such designation at any time and appoint another individual to serve until the City Manager shall return or his/her disability shall cease.

Section 5.02 Other Departments, Offices, and Agencies

A. General Provisions.

1. Creation of Departments. The City Council may continue or establish City departments, offices or agencies in addition to those created by this Charter and may prescribe the functions of all departments, offices and agencies, ~~except that no function assigned by this Charter to a particular department, office or agency may be discontinued or, unless this Charter specifically so provides, assigned to another department.~~

2. Direction by City Manager. All departments, offices and agencies under the direction and supervision of the City Manager shall be administered by an employee appointed by and subject to the direction and supervision of the City Manager.

B. City Attorney. The City Attorney shall be appointed by ~~the City Manager with the approval of~~ the City Council. He or she shall report to the City Council ~~Manager~~ and may be removed from office by the ~~City Manager with approval of the~~ City Council.

C. Municipal Court; Judge(s). The City Council shall establish a municipal court. The Mayor shall appoint a licensed attorney of the State of Texas as presiding judge(s) and any such other licensed attorneys of the State of Texas as associate judge(s) as are deemed necessary and the appointment shall be subject to confirmation by the City Council. The judge(s) of the municipal court shall serve a term of two years to run concurrently with the term of Office of the Mayor. The presiding judge and any associate judge may be removed by an affirmative vote of two-thirds (2/3) of the City Council.

D. City Secretary. The City Manager shall appoint a City Secretary whose duties and obligations shall be determined and supervised by the City Manager.

Section 5.03 Personnel Rules

The City Manager shall be responsible for the preparation of personnel rules. Such rules shall be submitted by the City Manager to the City Council. The City Council may accept and adopt such rules as proposed or may adopt them with amendments.

Section 6.01 General Authority

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- A. **Initiative.** The registered voters of the City shall have power to propose ordinances to the Council. Such power shall not extend to the granting of franchises, budget or any capital program, or relating to appropriation of money, issuing of bonds, setting of utility rates and levy of taxes or salaries of City officers or employees, or any other ordinance not subject to initiative as provided by state statute or common law.
- B. **Referendum.** The registered voters of the City shall have power to require reconsideration by the Council of any adopted ordinance. Such power shall not extend to the granting of franchises, budget or any capital program, or relating to appropriation of money, issuing of bonds, setting of utility rates and levy of taxes or salaries of City officers or employees, or any other ordinance not subject to referendum as provided by state statute or common law.
- C. **Recall.** The registered voters of the City shall have the power to petition for recall of the Mayor or any Councilmember.

Section 6.02 Commencement of Initiative, Referendum and Recall Petitions; Petitioners' Committee; Affidavit

- A. Any five (5) registered voters of the City may commence initiative, referendum, or recall proceedings by filing with the City Secretary an affidavit stating they will constitute the petitioners' committee and be responsible for the petition and filing it in proper form, stating their names and addresses and specifying the designated address to which all notices to the committee are to be sent and setting out in full the proposed initiative ordinance or citing the ordinances sought to be reconsidered, or the name of the individual to be recalled.
- B. All papers of a petition shall be uniform in size and style, shall be assembled as one instrument for filing, and shall comply with all requirements for the specific petition. Each signature shall comply with Chapter 277 of the Texas Election Code as it may be amended from time-to-time.
- C. Petitions shall be returned to the Office of the City Secretary for filing within ninety (90) calendar days after filing of the affidavit of petitioners committee and no signature on said petition shall have been affixed prior to the filing of the affidavit of petitioners committee.
- D. Petitions shall only be circulated by a registered voter of the City and the signatures on petitions shall be verified by oath in the following form to be affixed on the bottom of each page of the petitions:

STATE OF TEXAS

COUNTY OF BEXAR

I, _____, being first duly sworn, on oath depose and say that I am one of the signers of the above petition, and that the statements made therein are true, and that each signature appearing thereto was made in my presence on the day and date it purports to have been made, and I solemnly swear that the same is the genuine signature of the person it purports to be.

Signature _____

Sworn and subscribed before me this day of 20.

NOTARY PUBLIC, STATE OF TEXAS

My commission expires: _____

Section 6.03 Initiative, Referendum and Recall Petition Process; Certificate of City Secretary; Supplementation; Presentation to Council; Council Review

- A. Within forty-five (45) calendar days after a petition for initiative or referendum and forty-five (45) calendar days after a petition for recall (the "Original Petition") is filed, the City Secretary, or the City Secretaries designee, shall complete a certificate as to its sufficiency or insufficiency as mandated herein, specifying, if it is insufficient, the particulars wherein it is defective and shall within said period send a copy of the certificate to the petitioners' committee by first class regular mail and certified mail return receipt requested or by hand delivery with signed proof of delivery to the designated address.
- B. A petition certified insufficient for lack of the required number of valid signatures may be supplemented once if the petitioners' committee files a notice of intention to supplement with the City Secretary within three (3) working days after receiving the copy of the Certificate of the City Secretary. The supplementary petition shall be filed within the time specified in Subsection 6.03.C. Such supplementary petition shall comply with the

requirements of Subsections 6.02.B and D, and within ten (10) working days after the supplementary filed, the secretary shall complete a certificate as to the sufficiency of the petition as supplemented and a copy of such certificate to the petitioners' committee by first class regular mail and certified mail return receipt requested or by hand delivery with signed proof of delivery to the designated address as in the case of an Original Petition.

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C. Upon the submission of the Original Petition to the City Secretary, the time line for submission as provided for in Section 6.02 shall be tolled. The petitioners committee shall submit the supplementary petition to the City Secretary within the remaining tolled deadline, said remaining time to be calculated from receipt of the certificate of insufficiency by the petitioner's committee or committee member as applicable. No signature on said supplementary petition shall have been affixed prior to the receipt by the petitioners committee of the certificate of insufficiency.

D. The City Secretary shall, at the next regular Council meeting held in compliance with the Texas Open Meetings Act after completion of certification of the petition or supplementary petition, present such certificate to the Council.

Section 6.04 Requirements Specific to Petitions for Recall

Before the question of a recall shall be submitted to the registered voters of the City, a petition containing the signatures of at least five hundred (500) registered voters, demanding such question to be so submitted shall first be filed with the Office of the City Secretary pursuant to this Article. The petition shall be addressed to the City Council of the City and shall state distinctly and specifically the alleged action(s) and the factual circumstance(s) surrounding such action(s) taken by the individual that warrant the reason for the recall as to give the individual sought to be removed notice of the matter(s) and thing(s) on which the individual's recall is predicated. If there be more than one (1) reason, said petition shall distinctly and specifically state each reason upon which such petition for removal is predicated and shall distinctly and specifically state the alleged action(s) and the factual circumstance(s) surrounding such action(s) taken by the individual that warrant the recall as to give the individual sought to be removed notice of the matter(s) and thing(s) on which the recall is predicated.

Section 6.05 Public Hearing to be Held on Recall Petition

The individual whose removal is sought may, within ten (10) working days after such recall petition has been presented to the City Council, request that a special meeting be held to permit him/her to present a response to the reasons for recall specified in the recall petition. In this event, the City Council shall order such special meeting to be held, at the discretion of the individual whose removal is sought and in compliance with the Texas Open Meetings Act, but in no even no less than fifteen (15) days before early voting.

At any special meeting held under this Section the individual whose removal is sought shall have a thirty (30) minute period to state their response to the recall petition. There shall be no public participation in the special meeting and no other items of business shall be a part of the special meeting.

Section 6.06 Calling of Recall Election

If the individual whose removal is sought does not resign, then the City Council shall for the next available uniform election date, order an election for holding such recall election. If, after the recall election date is established, the officer vacates his/her position, the election shall be cancelled in accordance with state law.

Section 6.07 Ballots in Recall Election

Ballots used at recall elections shall conform to the following requirements:

A. With respect to each individual whose removal is sought, the question shall be submitted:

"Shall _____ be removed from the office of _____ by recall?"

B. Immediately below each such question, there shall be printed the following words, one above the other, in the order indicated:

"Yes"

"No"

Section 6.08 Result of Recall Election

If a majority of the votes cast at a recall election shall be "No," that is against the recall of the individual named on the ballot, the individual shall continue in office for the remainder of his/her unexpired term, subject to recall as provided herein. If a majority of the votes cast at such election be "Yes," that is for the recall of the individual named on the ballot, the individual shall, regardless of any technical defects in the recall petition, be deemed

removed from office upon passing of the resolution canvassing the election, and the vacancy shall be City Council as provided for in State law.

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Section 6.09 Recall Restrictions

No petition shall be filed for the recall of an individual within ninety (90) days of the date of the individual's election to City Council or within ninety (90) days before the end of the individual's term on City Council.

Section 6.10 Initiative; Requirements Specific to Petition for Initiative; Procedure

A. A petition for initiative must contain signatures totaling at least three hundred (300) registered voters and shall otherwise comply with the requirements for petitions in this Article. Each copy of the petition shall have attached to it a copy of the full text of the proposed legislation in the form of an ordinance including a descriptive caption. Each page of the petition shall have, at the top of the page, the full substantive text of the proposed ordinance.

B. Upon presentation to the City Council, it shall become the duty of the City Council, within forty-five (45) calendar days after the date the petition is finally determined sufficient, to pass and adopt such ordinance without alteration as to meaning or effect, or to call for an election, to be held on the soonest date allowed under the Texas Election Code, at which the registered voters of the City shall vote on the question of adopting or rejecting the proposed ordinance.

C. If a majority of the registered electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon the canvassing of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

D. No ordinance on the same subject as an initiated ordinance which has been defeated at any election may be initiated by the voters within two (2) years from the date of such election.

Section 6.11 Referendum; Requirements Specific to Petition for Referendum; Procedure; Effect Prior to Election

A. A petition for referendum must contain signatures totaling at least three hundred (300) registered voters and shall otherwise comply with the requirements for petitions in this Article.

B. Within forty-five (45) days after final sufficiency of the petition, City Council shall either repeal the referred ordinance or order an election to submit the referred ordinance to the registered voters of the City. Said election shall be held on the first available uniform election date authorized by law.

C. If a majority of the registered electors voting on a referred ordinance vote against the ordinance, it shall be considered repealed upon certification of the election results.

D. A petition for referendum on the same subject matter may only be submitted once every three (3) years.

Section 6.12 Initiative and Referendum; Form of Ballots

The ballots used when voting upon initiative or referendum shall set forth their nature sufficiently to identify them and shall also set forth, upon separate lines, the words:

"For the Ordinance"

or

"Against the Ordinance"

Section 6.13 Ordinances Passed by Popular Vote, Repeal or Amendment

Any ordinance adopted by initiative shall not be subject to repeal or substantial modification by action of the Council for a period of three (3) years from the date of the election, except by referendum election called by the Council or by petition as herein provided. Any ordinance repealed by referendum shall not be reinstituted in whole or substantial part by action of the Council for a period of three (3) years from the date of the election, except by referendum election called by the Council or by petition as herein provided.

ARTICLE VII. GENERAL PROVISIONS

Section 7.01 Conflicts of Interest Prohibition

For purposes of this Section, the term "City Official" means any individual subject to the requirements of Texas Local Government Code, Chapter 171.

It is hereby prohibited for City Council members or a City Official to violate the rules and regulations conflicts of interests as set out in the Texas Local Government Code, Chapter 171, as may be amended {Section}.93.

Section 7.02 General Prohibitions

- A. No person shall be appointed to or removed from or in any way favored or discriminated against with respect to any City position or appointive City administrative office because of gender, sexual orientation, race, national origin, sex, political or religious opinions or affiliations, or an otherwise legally protected class.
- B. No person who seeks appointment or promotion with respect to any City position or appointive City administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his or her test, appointment, proposed appointment, promotion or proposed promotion.
- C. No employee of the city shall continue in such position after becoming a candidate for City Council.

Section 7.03 Regulation of Alcohol

The City Council may enact any and all other regulations regarding the sale, consumption, distribution, etc. of alcoholic beverages, as permitted by law, including but not limited to the regulation of the sale of liquor in residential sections or areas of the City.

Section 7.04 Disaster Clause

In case of disaster when a legal quorum of the City Council cannot otherwise be assembled due to multiple deaths or injuries, the surviving persons of the City Council, or highest surviving City official, if no elected official remains, shall, within twenty-four (24) hours of such disaster, request the highest surviving officers of the Bexar County Commissioners Court to appoint a number of residents of Leon Valley equal to the number necessary to make a quorum to act during the emergency as the City Council. The newly appointed City Council shall call a City election within fifteen (15) days of their appointment, or as provided in the Texas Election Code, for election of the vacant offices, if for good reasons it is known a quorum of the present City Council will never again meet. If it is determined that a quorum of the present City Council will meet again, the appointed Councilmembers shall serve in their position until such time as the present Councilmembers may begin serving.

Section 7.05 Charter Review Committee

- A. The City Council ~~may~~ **shall** appoint a Charter Review Committee ~~at any time in the second (2nd) year after this Charter is adopted and every fourth (4th) year thereafter.~~ The Charter Review Committee shall consist of thirteen (13) citizens of the City. The citizens appointed shall consist of two (2) appointments by each councilmember and three (3) appointments by the Mayor.
- B. The Committee shall:
1. Inquire into the operation of the City government under the Charter and determine whether any provision requires revision. To this end public hearings may be held. The Committee may request the attendance of any officer or employee of the City and the production of any City records that may be needed; and
 2. Propose any recommendations it deems desirable to insure compliance with the Charter; and
 3. Report its findings and present its recommendations to the City Council in the form of a report; and
 4. File a copy of its report with the Office of the City Secretary where it shall be a public record.
- C. The term of office of the Charter Review Committee shall be for not more than nine (9) months.
- D. Upon finalization of the Charter Review Committee's report, the City Council shall receive the report. Notice shall be published in the official newspaper of the City that a copy of the report is available in the Office of the City Secretary.
- E. The City Council shall consider any recommendations made and may order any recommendations be submitted to the voters of the City in the manner provided by state law.
- F. Nothing in this section prohibits the City Council from forming a Charter Review Committee at any time or from submitting any amendments to the Charter to election on its own initiative at any time in compliance with state law.

Section 7.06 Amendment

Amendments to this Charter may be framed, proposed, and adopted in any manner provided for herein and b

Section 7.07 Power to Settle Claims

The City Council shall have the power to compromise and settle any and all claims and lawsuits of every kind and character, in favor of or against the City, including suits by the City to recover delinquent taxes after consulting with the City Attorney.

Section 7.08 Service of Process Against the City

All legal process against the City shall be served upon the City Manager.

Section 7.09 Judicial Notice

This Charter shall be deemed a public act, may be read in evidence without pleading or proof, and judicial notice shall be taken thereof in all courts and places provided that the City Secretary certifies the most current City Charter with any amendments.

Section 7.10 Property Not Exempt from Special Assessments

No property of any kind, by whomsoever owned or held or by whatsoever institution, agency, political subdivision or organization, owned or held, whether in trust or by nonprofit organization, or corporation, or by foundation, or otherwise, (except property of the City), shall be exempt in any way from any special taxes, charges, levies and assessments except where required by state law.

Section 7.11 Bond Requirement

In addition to any provisions contained herein, the City Council may require any City official, department director, or City employee, before entering upon his/her duties, to execute a good and sufficient bond with a surety company doing business in the State of Texas and approved by the City Council. The premium of such bond shall be paid by the City.

Section 7.12 Construction of Charter

The Charter shall not be construed as a mere grant of enumerated powers, but shall be construed as a general grant of power and as a limitation of power on the government of the City of Leon Valley in the same manner as the Constitution of Texas is construed as a limitation on the powers of the Legislature. Except where expressly prohibited by this Charter, each and every power under Article XI, Section 5 of the Constitution of Texas, which it would be competent for the people of the City of Leon Valley to expressly grant to the City, shall be construed to be granted to the City by this Charter.

~~**Section 7.13 Penalty Clause**~~

~~A. **Criminal Penalty.** Any person who by himself [themselves] or with others violates any provision of this charter shall, in addition to any other penalty, be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars (\$500.00). The City Council shall enact an ordinance enforcing this section.~~

~~B. **Civil Penalty.** Upon the affirmative vote of two-thirds (2/3) of the City Council any person who by himself [themselves] or with others violates any provision of this charter shall be, in addition to any other penalty provided for herein, subject to a civil fine of not more than five hundred dollars (\$500.00).~~

Section 7.14 Definitions

The following constructions apply unless the context in which the word or phrase appears necessarily requires a different construction or unless a different construction is expressly provided for in the section in which the word or phrase appears:

“Days” when not modified by the word “working” shall mean calendar days “May” creates discretionary authority or grants permission or a power. “Must” creates or recognizes a condition precedent

“Shall” provides direction or imposes a duty.

“Working days” shall mean weekdays which are not an official City holiday.

Section 7.15 Charter Translation

This Charter shall be translated into Spanish and may be translated into any other language at the discretion of the City Council. As to any conflict in interpretation and substance between the English version and any other language the English version shall control.

Section 7.16 Severability

If any term or other provision of this Charter is determined by a court of competent jurisdiction to be illegal or incapable of being enforced by any rule of law or public policy, all other terms or provisions of this Charter shall nevertheless remain in full force and effect.

{Section}.93.

**AFFIDAVIT OF CERTIFICATION OF AMENDMENT AND AUTHENTICITY OF THE
CITY OF LEON VALLEY'S HOME RULE CHARTER AMENDMENTS**

THE STATE OF TEXAS §
 §
COUNTY OF BEXAR §

BEFORE ME, the undersigned authority, on this day personally appeared Chris Riley being by me duly sworn, deposed as follows:

My name is Chris Riley. I am over the age of twenty-one (21) years, am of sound mind and am fully capable of making this affidavit. The testimony recited below is within my personal knowledge and is true and correct.

I am the Mayor of City of Leon Valley. Attached hereto as Exhibit" A" is a true and correct copy of the City of Leon Valley's Home Rule City Charter as amended by the citizens of Leon Valley on November 08, 2022. In addition, attached hereto as Exhibit "B" is a true and correct copy of the minutes canvassing the election held on November 15, 2022 amending the City's Home Rule Charter.

**Chris Riley, Mayor
City of Leon Valley, TX**

SUBSCRIBED AND SWORN TO BEFORE ME, the undersigned authority on this 6th day of December 2022, to certify which witness my hand and official seal.

**Saundra Passailaigue, TRMC
City Secretary
City of Leon Valley, TX
Notary Public, State of Texas**

(S E A L)

ORDINANCE No. 2022-__

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS,
ORDERING AND DECLARING THE 2022 CHARTER AMENDMENTS ADOPTED.**

WHEREAS, on November 08, 2022 the City of Leon Valley held an election on the adoption of amendments to the City's Home Rule Charter; and

WHEREAS, on November 15, 2022, the City Council canvassed the votes of said election; and

WHEREAS, Texas Local Government Code Section 9.05 (b) provides that an amendment to a charter does not take effect until the governing body of the municipality enters an order in the records of the municipality declaring that the amendment is adopted; and

WHEREAS, pursuant to notice of a public meeting held in compliance with the Texas Open Meetings Act, the City Council of the City of Leon Valley, Texas, convened into a regular meeting of the City Council on this the 15th day of November, 2022 for the purpose of entering an order into the records of the City and declaring that the amendments to the City Charter are adopted.

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

SECTION 1. Findings. The foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes as findings of fact.

SECTION 2. Proceedings. That an election was duly called and held on November 08, 2022 and final votes were canvassed on November 15th, 2022 on the question of the adoption of amendments to the City of Leon Valley Home Rule Charter.

SECTION 3. Immediate Adoption of Amendments. It is hereby ordered that the following amendments are hereby declared to be adopted based on the canvassing of the November 08, 2022 election results:

The amendments stated in Propositions A through M.

SECTION 4. The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the Council.

SECTION 5. All ordinances and codes, or parts thereof, which are in conflict or inconsistent with any provision of this Ordinance are hereby repealed to the extent of

such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters resolved herein.

SECTION 6. That all rights and privileges of the City are expressly saved as to any and all violations of the provision of any ordinances repealed by this ordinance which have accrued at the time of the effective date of this Ordinances; and, as to such accrued violation and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.

SECTION 7. If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City hereby declares that this Ordinance would have been enacted without such invalid provision

SECTION 8. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

SECTION 9. This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of the Texas Local Government Code.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 6th day of December 2022.

APPROVED

CHRIS RILEY
MAYOR

Attest:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form:

NICOLE WARREN
City Attorney

CHARTER

ARTICLE I. FORM OF GOVERNMENT AND POWERS***Section 1.01 Establishment**

- A. The City of Leon Valley shall have a Council/City Manager form of government.
- B. All powers of the City of Leon Valley, hereinafter referred to as the “City,” shall be vested in the Council, hereinafter referred to as the “City Council,” which shall enact local legislation, adopt budgets, determine policies and appoint the City Manager. The City Manager shall answer to the City Council for the execution of the laws and the administration of the government of the City.

Section 1.02 General Powers

- A. The City shall have the power of local self-government to the fullest extent permitted by law.

ARTICLE II. BOUNDARIES**Section 2.01 Boundaries**

The boundaries of the City shall be the same as existed prior to the adoption and ratification of this Charter and as are more fully set out and described by the official map of the City.

Section 2.02 Contraction of Boundaries - Disannexation

Any area of the City may be disannexed pursuant to any procedure allowed under state law and whenever, in the opinion of the City Council, there exists within the corporate limits of the City a territory not suitable or necessary for City purposes. The City Council may discontinue said territory as part of the City after conducting a public hearing and upon the adoption of an ordinance by a two-thirds (2/3) vote of the City Council.

ARTICLE III. THE CITY COUNCIL AND MAYOR**Section 3.01 General Powers and Duties**

- A. All powers of the City shall be vested in the City Council, except as otherwise provided by law or this Charter. The City Council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the City by law.
- B. The Mayor and City Council collectively, as a body, oversee the operations of the City through the City Manager.

Section 3.02 Number, Selection, and Term

The membership of City Council (members of City Council) shall be composed of the Mayor and five (5) Councilmembers. The Mayor and Councilmembers shall be elected from the City at-large, by place, and for a two-year term.

Section 3.03 Qualifications

To be eligible to be a candidate for, or elected or appointed to the City Council, the Mayor and each Councilmember shall meet the following minimum requirements:

- A. Be a qualified voter in the City and State at the time of taking office.
- B. Have resided continuously in the corporate limits of the City for twelve (12) months immediately preceding the date of the deadline for filing for office for the current election cycle.
- C. Satisfy any other eligibility requirements prescribed by law for the office for which they are a candidate.
- D. Maintain residency in the corporate limits of the City throughout their tenure.

Section 3.04 Judge of Qualifications

The City Council shall be the sole judge of the election and whether the qualifications set herein and by law

been met by its members and of the grounds for forfeiture of their offices.

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Section 3.05 Compensation

- A. The City Council shall not receive any compensation.
- B. The City Council may be reimbursed for expenses incurred in performance of official duties. The policy regulating payment of expenses incurred in performance of official duties shall be determined by the City Council.

Section 3.06 Mayor

- A. The Mayor shall be the presiding officer of the City Council and shall be recognized as the head of the City government for all ceremonial purposes, for emergency management purposes, and by the governor for purposes of military law.
- B. The Mayor may debate and discuss any matters before the City Council, but shall only vote in the event of a tie.

Section 3.07 Mayor Pro-Tem

- A. The Mayor Pro-Tem shall be a Councilmember elected by the City Council at the first regular City Council meeting following each regular City election.
- B. The Mayor Pro-Tem shall act as Mayor during the absence or disability of the Mayor and when acting as Mayor, retain their right to vote as a Councilmember.

Section 3.08 Vacancies; Forfeiture of Office; Filling of Vacancies

- A. Vacancies. The Office of a Councilmember or Office of the Mayor shall become vacant upon death, resignation, removal from office by recall, or forfeiture of his/her office.
- B. Forfeiture of Office. A Councilmember or the Mayor shall forfeit his/her office if he/she:
 - 1. Fails to maintain at any time during the term of office any qualification for the office prescribed by this Charter or by law;
 - 2. Is convicted of a misdemeanor involving moral turpitude, a violation of any state laws regulating conflicts of interest of municipal officers, a felony, or is assessed a deferred adjudication or probation for a felony or any state laws regulating conflicts of interest of municipal officers. A member of City Council shall give written notice to the entire City Council within 10 working days of said conviction, deferred adjudication, or probation. Failure to provide the required notice shall result in an automatic forfeiture of office and City Council shall fill said vacancy pursuant to this Charter;
 - 3. Fails to regularly attend City Council meetings without an approved absence obtained by the Mayor either before or after the absence. There shall be a presumption of failure to regularly attend when three (3) regular meetings are missed during a term year without obtaining an approved absence from the City Council;
 - 4. Fails to continually reside within the City limits of the City of Leon Valley during their term of office.
- C. Filling of Vacancies. All vacancies with unexpired terms of more than twelve (12) months shall be filled by special election pursuant to state law. All vacancies with unexpired terms of twelve (12) months or less may be filled, at the discretion of City Council, by appointment of the City Council upon a majority vote, may be left vacant for the remainder of the unexpired term or filled by a special election pursuant to state law.

Section 3.09 Agendas; Procedures

- A. Agendas. A member of City Council may place an item on an agenda with the concurrence of one additional member of City Council. The member of City Council requesting an item be placed on an agenda and the concurring member shall submit in writing, which may be by electronic mail, the request to place the item on an agenda and the concurrence to the City Secretary. The item shall be placed on the next agenda of the City Council meeting occurring on or after the eighth (8th) calendar day after receipt by the City Secretary of the later of either the request or the concurrence.

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.

The Mayor, the City Attorney or the City Manager may place any item on any City Council agenda.

- B. Procedures. City Council shall, except as otherwise provided for in this Charter, create rules of procedure

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all City Council workshops, regular and special meetings and public hearings by ordinance.

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Section 3.10 Ordinances

A. Passage. Except as may otherwise be prescribed in this Charter or other law, all ordinances shall be read in open meeting of the City Council on two (2) separate days provided that all readings of any ordinance may be by descriptive caption only. Any ordinance necessary to protect the public's peace, health, safety and general welfare, may be passed as an emergency and become effective at once upon one (1) reading of the City Council, upon the approval of a majority vote of the City Council members that it is an emergency at said reading and the finding of an emergency shall be stated within the ordinance.

B. Enacting Clauses; Signature and Authentication. The enacting clause of all ordinances shall be "BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEON VALLEY, TEXAS" and every ordinance shall be signed by the Mayor or the Mayor Pro-Tem and authenticated by seal and signature of the City Secretary.

C. Publication. The caption or title and penalties of every ordinance imposing any penalty, fine, or forfeiture shall, as soon as practical after passage thereof, be published one (1) time in the official newspaper(s) of the City of Leon Valley. An ordinance required to be published under this section shall take effect the day after publication unless otherwise provided in the ordinance.

Section 3.11 Council Investigations

The City Council shall have the power to inquire into the conduct of any department, agency, board, or employee of the city, and for that purpose shall have the power to administer oaths, subpoena witnesses, compel the production of books, papers, testimony, and other evidence material to the inquiry. The City Council shall provide by ordinance, penalties for contempt in failing or refusing to obey any such subpoena or to produce any such books, papers or other evidence, and shall have the power to punish any such contempt in the manner provided by such ordinance.

Section 3.12 Quorum

Three Councilmembers shall constitute a quorum except where State law provides otherwise.

ARTICLE IV. ELECTIONS

Section 4.01 Elections

A. The regular City election shall be held annually on the uniform election date in May, or at such other times as may be specified by State Law, at which time officers will be elected to fill those offices which become vacant that year.

Section 4.02 Filing for Office

A. Any person having the qualifications set forth under [Section 3.03](#) of this Charter shall have the right to file an application to have their name placed on the official ballot as a candidate for any elective office.

1. Any such application shall be in writing, signed by such candidate, and filed with the City Secretary in accordance with the Texas Election Code and this Charter;

2. An application filed in accordance herewith shall entitle such applicant to a place on the official ballot.

B. A candidate for City Council shall specify the place number or position the candidate is seeking.

Section 4.03 Official Ballot

The names of all candidates for office, except candidates who may have withdrawn, died or become ineligible, shall be placed on official ballots without party designations and shall specify the council place for which each is seeking election.

Section 4.04 Election Results

Except as otherwise provided by law, a candidate must receive more votes than any other candidate to win. A tie shall be resolved as provided by the Texas Elections Code.

Section 4.05 Taking of Office

Each newly elected person to the City Council shall be inducted into office as the first item of business at the first regular City Council meeting following the canvass of the votes.

Section 5.01 City Manager

- A. Appointment and Qualifications. The City Council shall appoint a City Manager who shall be the chief administrative and executive officer of the City and shall be responsible to the City Council for the administration of all the affairs of the City. The City Manager shall be chosen by the City Council solely on the basis of the City Manager's executive and administrative training, experience and ability.
- B. Term and Compensation. The City Manager shall be appointed for an indefinite term upon the affirmative vote of two-thirds (2/3) of the City Council and may be removed at the discretion of the City Council by an affirmative vote of a majority of the City Council. The action of the City Council in suspending or removing the City Manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such suspension or removal in the City Council. In the event of termination, the City Manager shall not receive more than one (1) times the annual base salary and accrued personal leave. The City Manager shall receive compensation as may be fixed by an affirmative vote of two-thirds (2/3) of the City Council.
- C. Powers and Duties. The City Manager shall have the following powers and duties:
1. The City Manager shall appoint and, when the City Manager deems it necessary for the good of the City, may suspend or remove any City employee except as otherwise provided by law, this Charter, or personnel rules adopted pursuant to this Charter. The City Manager may authorize any employee who is subject to the City Manager's direction and supervision to exercise these powers with respect to subordinates in that employee's department, office or agency;
 2. The City Manager shall direct and supervise the administration of all departments, offices, and agencies of the City, except as otherwise provided by this Charter or by law;
 3. The City Manager shall attend all City Council meetings, except when excused by the Mayor or Mayor Pro-Tem, and shall have the right to take part in discussion but may not vote;
 4. The City Manager shall see that all laws, provisions of this Charter and acts of the City Council, subject to enforcement by the City Manager or by those subject to the City Manager's direction and supervision, are faithfully executed;
 5. The City Manager shall make such reports as the City Council may require concerning the operations of the City departments, offices and agencies subject to the City Manager's direction and supervision;
 6. The City Manager shall keep the City Council fully advised as to the financial condition and future needs of the City and make such recommendations to the City Council concerning the affairs of the City as the City Manager deems desirable;
 7. The City Manager shall have the authority to execute on behalf of the City, standard form documents, including but not limited to deeds, releases of liens, rental agreements, easements, right- of-way agreements, joint use agreements, and other similar documents, under the following conditions:
 - a. The execution of the document is necessary to carry out a public works project; utilize, maintain or improve a City facility, street, right-of-way, easement, park or other City property, or to implement other City policies; provided that such project, program or policy has been approved by the City Council;
 - b. That all blanks are filled in on any document correctly and that such document is consistent with the objectives approved by the City Council; and
 - c. That the form of such document shall be approved by the City Attorney.
 8. The City Manager shall perform such other duties as are specified in this Charter or may be required by the City Council.
 9. The City Manager shall appoint department heads, including but not limited to, the city secretary, police chief, fire chief, planning and zoning director, library director, human resources director, public works director, economic development director, finance director and assistant city manager(s) upon consent of the majority of the City Council.
- D. Review. The City Council shall perform a review of the City Manager's performance at least annually, but no more than twice in any fiscal year.
- E. Acting City Manager. By letter filed with the City Secretary, the City Manager shall designate, subject

approval of the City Council, a qualified employee to exercise the powers and perform the duties of C during the City Manager's temporary absence or disability. The City Council may revoke such design {Section}.93.
time and appoint another individual to serve until the City Manager shall return or his/her disability shall cease.

Section 5.02 Other Departments, Offices, and Agencies

A. General Provisions.

1. Creation of Departments. The City Council may continue or establish City departments, offices or agencies in addition to those created by this Charter and may prescribe the functions of all departments, offices and agencies.
2. Direction by City Manager. All departments, offices and agencies under the direction and supervision of the City Manager shall be administered by an employee appointed by and subject to the direction and supervision of the City Manager.

B. City Attorney. The City Attorney shall be appointed by the City Council. He or she shall report to the City Council and may be removed from office by the City Council.

C. Municipal Court; Judge(s). The City Council shall establish a municipal court. The Mayor shall appoint a licensed attorney of the State of Texas as presiding judge(s) and any such other licensed attorneys of the State of Texas as associate judge(s) as are deemed necessary and the appointment shall be subject to confirmation by the City Council. The judge(s) of the municipal court shall serve a term of two years to run concurrently with the term of Office of the Mayor. The presiding judge and any associate judge may be removed by an affirmative vote of two-thirds (2/3) of the City Council.

D. City Secretary. The City Manager shall appoint a City Secretary whose duties and obligations shall be determined and supervised by the City Manager.

Section 5.03 Personnel Rules

The City Manager shall be responsible for the preparation of personnel rules. Such rules shall be submitted by the City Manager to the City Council. The City Council may accept and adopt such rules as proposed or may adopt them with amendments.

ARTICLE VI. INITIATIVE, REFERENDUM AND RECALL

Section 6.01 General Authority

A. Initiative. The registered voters of the City shall have power to propose ordinances to the Council. Such power shall not extend to the granting of franchises, budget or any capital program, or relating to appropriation of money, issuing of bonds, setting of utility rates and levy of taxes or salaries of City officers or employees, or any other ordinance not subject to initiative as provided by state statute or common law.

B. Referendum. The registered voters of the City shall have power to require reconsideration by the Council of any adopted ordinance. Such power shall not extend to the granting of franchises, budget or any capital program, or relating to appropriation of money, issuing of bonds, setting of utility rates and levy of taxes or salaries of City officers or employees, or any other ordinance not subject to referendum as provided by state statute or common law.

C. Recall. The registered voters of the City shall have the power to petition for recall of the Mayor or any Councilmember.

Section 6.02 Commencement of Initiative, Referendum and Recall Petitions; Petitioners' Committee; Affidavit

A. Any five (5) registered voters of the City may commence initiative, referendum, or recall proceedings by filing with the City Secretary an affidavit stating they will constitute the petitioners' committee and be responsible for the petition and filing it in proper form, stating their names and addresses and specifying the designated address to which all notices to the committee are to be sent and setting out in full the proposed initiative ordinance or citing the ordinances sought to be reconsidered, or the name of the individual to be recalled.

B. All papers of a petition shall be uniform in size and style, shall be assembled as one instrument for filing, and shall comply with all requirements for the specific petition. Each signature shall comply with Chapter 277 of the Texas Election Code as it may be amended from time-to-time.

C. Petitions shall be returned to the Office of the City Secretary for filing within ninety (90) calendar days

filing of the affidavit of petitioners committee and no signature on said petition shall have been affixed to the filing of the affidavit of petitioners committee.

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D. Petitions shall only be circulated by a registered voter of the City and the signatures on petitions shall be verified by oath in the following form to be affixed on the bottom of each page of the petitions:

STATE OF TEXAS

COUNTY OF BEXAR

I, _____, being first duly sworn, on oath depose and say that I am one of the signers of the above petition, and that the statements made therein are true, and that each signature appearing thereto was made in my presence on the day and date it purports to have been made, and I solemnly swear that the same is the genuine signature of the person it purports to be.

Signature _____

Sworn and subscribed before me this day of 20.

NOTARY PUBLIC, STATE OF TEXAS

My commission expires: _____

Section 6.03 Initiative, Referendum and Recall Petition Process; Certificate of City Secretary; Supplementation; Presentation to Council; Council Review

A. Within forty-five (45) calendar days after a petition for initiative or referendum and forty-five (45) calendar days after a petition for recall (the "Original Petition") is filed, the City Secretary, or the City Secretaries designee, shall complete a certificate as to its sufficiency or insufficiency as mandated herein, specifying, if it is insufficient, the particulars wherein it is defective and shall within said period send a copy of the certificate to the petitioners' committee by first class regular mail and certified mail return receipt requested or by hand delivery with signed proof of delivery to the designated address.

B. A petition certified insufficient for lack of the required number of valid signatures may be supplemented once if the petitioners' committee files a notice of intention to supplement with the City Secretary within three (3) working days after receiving the copy of the Certificate of the City Secretary. The supplementary petition shall be filed within the time specified in Subsection 6.03.C. Such supplementary petition shall comply with the requirements of [Subsections 6.02.B and D](#), and within ten (10) working days after the supplementary petition is filed, the secretary shall complete a certificate as to the sufficiency of the petition as supplemented and send a copy of such certificate to the petitioners' committee by first class regular mail and certified mail return receipt requested or by hand delivery with signed proof of delivery to the designated address as in the case of an Original Petition.

C. Upon the submission of the Original Petition to the City Secretary, the time line for submission as provided for in [Section 6.02](#) shall be tolled. The petitioners committee shall submit the supplementary petition to the City Secretary within the remaining tolled deadline, said remaining time to be calculated from receipt of the certificate of insufficiency by the petitioner's committee or committee member as applicable. No signature on said supplementary petition shall have been affixed prior to the receipt by the petitioners committee of the certificate of insufficiency.

D. The City Secretary shall, at the next regular Council meeting held in compliance with the Texas Open Meetings Act after completion of certification of the petition or supplementary petition, present such certificate to the Council.

Section 6.04 Requirements Specific to Petitions for Recall

Before the question of a recall shall be submitted to the registered voters of the City, a petition containing the signatures of at least five hundred (500) registered voters, demanding such question to be so submitted shall first be filed with the Office of the City Secretary pursuant to this Article. The petition shall be addressed to the City Council of the City and shall state distinctly and specifically the alleged action(s) and the factual circumstance(s) surrounding such action(s) taken by the individual that warrant the reason for the recall as to give the individual sought to be removed notice of the matter(s) and thing(s) on which the individual's recall is predicated. If there be more than one (1) reason, said petition shall distinctly and specifically state each reason upon which such petition for removal is predicated and shall distinctly and specifically state the alleged action(s) and the factual circumstance(s) surrounding such action(s) taken by the individual that warrant the recall as to give the indi

sought to be removed notice of the matter(s) and thing(s) on which the recall is predicated.

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Section 6.05 Public Hearing to be Held on Recall Petition

The individual whose removal is sought may, within ten (10) working days after such recall petition has been presented to the City Council, request that a special meeting be held to permit him/her to present a response to the reasons for recall specified in the recall petition. In this event, the City Council shall order such special meeting to be held, at the discretion of the individual whose removal is sought and in compliance with the Texas Open Meetings Act, but in no even no less than fifteen (15) days before early voting.

At any special meeting held under this Section the individual whose removal is sought shall have a thirty (30) minute period to state their response to the recall petition. There shall be no public participation in the special meeting and no other items of business shall be a part of the special meeting.

Section 6.06 Calling of Recall Election

If the individual whose removal is sought does not resign, then the City Council shall for the next available uniform election date, order an election for holding such recall election. If, after the recall election date is established, the officer vacates his/her position, the election shall be cancelled in accordance with state law.

Section 6.07 Ballots in Recall Election

Ballots used at recall elections shall conform to the following requirements:

A. With respect to each individual whose removal is sought, the question shall be submitted:

“Shall _____ be removed from the office of _____ by recall?”

B. Immediately below each such question, there shall be printed the following words, one above the other, in the order indicated:

“Yes”

“No”

Section 6.08 Result of Recall Election

If a majority of the votes cast at a recall election shall be “No,” that is against the recall of the individual named on the ballot, the individual shall continue in office for the remainder of his/her unexpired term, subject to recall as provided herein. If a majority of the votes cast at such election be “Yes,” that is for the recall of the individual named on the ballot, the individual shall, regardless of any technical defects in the recall petition, be deemed removed from office upon passing of the resolution canvassing the election, and the vacancy shall be filled by the City Council as provided for in State law.

Section 6.09 Recall Restrictions

No petition shall be filed for the recall of an individual within ninety (90) days of the date of the individual’s election to City Council or within ninety (90) days before the end of the individual’s term on City Council.

Section 6.10 Initiative; Requirements Specific to Petition for Initiative; Procedure

A. A petition for initiative must contain signatures totaling at least three hundred (300) registered voters and shall otherwise comply with the requirements for petitions in this Article. Each copy of the petition shall have attached to it a copy of the full text of the proposed legislation in the form of an ordinance including a descriptive caption. Each page of the petition shall have, at the top of the page, the full substantive text of the proposed ordinance.

B. Upon presentation to the City Council, it shall become the duty of the City Council, within forty-five (45) calendar days after the date the petition is finally determined sufficient, to pass and adopt such ordinance without alteration as to meaning or effect, or to call for an election, to be held on the soonest date allowed under the Texas Election Code, at which the registered voters of the City shall vote on the question of adopting or rejecting the proposed ordinance.

C. If a majority of the registered electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon the canvassing of the election results and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Council. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict.

D. No ordinance on the same subject as an initiated ordinance which has been defeated at any election may be initiated by the voters within two (2) years from the date of such election.

Section 6.11 Referendum; Requirements Specific to Petition for Referendum; Procedure; Election

{Section}.93.

- A. A petition for referendum must contain signatures totaling at least three hundred (300) registered voters and shall otherwise comply with the requirements for petitions in this Article.
- B. Within forty-five (45) days after final sufficiency of the petition, City Council shall either repeal the referred ordinance or order an election to submit the referred ordinance to the registered voters of the City. Said election shall be held on the first available uniform election date authorized by law.
- C. If a majority of the registered electors voting on a referred ordinance vote against the ordinance, it shall be considered repealed upon certification of the election results.
- D. A petition for referendum on the same subject matter may only be submitted once every three (3) years.

Section 6.12 Initiative and Referendum; Form of Ballots

The ballots used when voting upon initiative or referendum shall set forth their nature sufficiently to identify them and shall also set forth, upon separate lines, the words:

“For the Ordinance”

or

“Against the Ordinance”

Section 6.13 Ordinances Passed by Popular Vote, Repeal or Amendment

Any ordinance adopted by initiative shall not be subject to repeal or substantial modification by action of the Council for a period of three (3) years from the date of the election, except by referendum election called by the Council or by petition as herein provided. Any ordinance repealed by referendum shall not be reinstituted in whole or substantial part by action of the Council for a period of three (3) years from the date of the election, except by referendum election called by the Council or by petition as herein provided.

ARTICLE VII. GENERAL PROVISIONS

Section 7.01 Conflicts of Interest Prohibition

For purposes of this Section, the term “City Official” means any individual subject to the requirements of Texas Local Government Code, Chapter 171.

It is hereby prohibited for City Council members or a City Official to violate the rules and regulations regarding conflicts of interests as set out in the Texas Local Government Code, Chapter 171, as may be amended hereafter.

Section 7.02 General Prohibitions

- A. No person shall be appointed to or removed from or in any way favored or discriminated against with respect to any City position or appointive City administrative office because of gender, sexual orientation, race, national origin, sex, political or religious opinions or affiliations, or an otherwise legally protected class.
- B. No person who seeks appointment or promotion with respect to any City position or appointive City administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his or her test, appointment, proposed appointment, promotion or proposed promotion.
- C. No employee of the city shall continue in such position after becoming a candidate for City Council.

Section 7.03 Regulation of Alcohol

The City Council may enact any and all other regulations regarding the sale, consumption, distribution, etc. of alcoholic beverages, as permitted by law, including but not limited to the regulation of the sale of liquor in residential sections or areas of the City.

Section 7.04 Disaster Clause

In case of disaster when a legal quorum of the City Council cannot otherwise be assembled due to multiple deaths or injuries, the surviving persons of the City Council, or highest surviving City official, if no elected official remains, shall, within twenty-four (24) hours of such disaster, request the highest surviving officers of the Bexar County Commissioners Court to appoint a number of residents of Leon Valley equal to the number necessary to make a quorum to act during the emergency as the City Council. The newly appointed City Council shall ca

City election within fifteen (15) days of their appointment, or as provided in the Texas Election Code of the vacant offices, if for good reasons it is known a quorum of the present City Council will never {Section}.93. If it is determined that a quorum of the present City Council will meet again, the appointed Councilmembers shall serve in their position until such time as the present Councilmembers may begin serving.

Section 7.05 Charter Review Committee

- A. The City Council may appoint a Charter Review Committee at any time. The Charter Review Committee shall consist of thirteen (13) citizens of the City. The citizens appointed shall consist of two (2) appointments by each councilmember and three (3) appointments by the Mayor.
- B. The Committee shall:
1. Inquire into the operation of the City government under the Charter and determine whether any provision requires revision. To this end public hearings may be held. The Committee may request the attendance of any officer or employee of the City and the production of any City records that may be needed; and
 2. Propose any recommendations it deems desirable to insure compliance with the Charter; and
 3. Report its findings and present its recommendations to the City Council in the form of a report; and
 4. File a copy of its report with the Office of the City Secretary where it shall be a public record.
- C. The term of office of the Charter Review Committee shall be for not more than nine (9) months.
- D. Upon finalization of the Charter Review Committee's report, the City Council shall receive the report. Notice shall be published in the official newspaper of the City that a copy of the report is available in the Office of the City Secretary.
- E. The City Council shall consider any recommendations made and may order any recommendations be submitted to the voters of the City in the manner provided by state law.
- F. Nothing in this section prohibits the City Council from forming a Charter Review Committee at any time or from submitting any amendments to the Charter to election on its own initiative at any time in compliance with state law.

Section 7.06 Amendment

Amendments to this Charter may be framed, proposed, and adopted in any manner provided for herein and by the laws of the State of Texas.

Section 7.07 Power to Settle Claims

The City Council shall have the power to compromise and settle any and all claims and lawsuits of every kind and character, in favor of or against the City, including suits by the City to recover delinquent taxes after consulting with the City Attorney.

Section 7.08 Service of Process Against the City

All legal process against the City shall be served upon the City Manager.

Section 7.09 Judicial Notice

This Charter shall be deemed a public act, may be read in evidence without pleading or proof, and judicial notice shall be taken thereof in all courts and places provided that the City Secretary certifies the most current City Charter with any amendments.

Section 7.10 Property Not Exempt from Special Assessments

No property of any kind, by whomsoever owned or held or by whatsoever institution, agency, political subdivision or organization, owned or held, whether in trust or by nonprofit organization, or corporation, or by foundation, or otherwise, (except property of the City), shall be exempt in any way from any special taxes, charges, levies and assessments except where required by state law.

Section 7.11 Bond Requirement

In addition to any provisions contained herein, the City Council may require any City official, department director, or City employee, before entering upon his/her duties, to execute a good and sufficient bond with a surety company doing business in the State of Texas and approved by the City Council. The premium of such bond shall be paid by the City.

Section 7.12 Construction of Charter

{Section}.93.

The Charter shall not be construed as a mere grant of enumerated powers, but shall be construed as a ~~general grant~~ of power and as a limitation of power on the government of the City of Leon Valley in the same manner as the Constitution of Texas is construed as a limitation on the powers of the Legislature. Except where expressly prohibited by this Charter, each and every power under Article XI, Section 5 of the Constitution of Texas, which it would be competent for the people of the City of Leon Valley to expressly grant to the City, shall be construed to be granted to the City by this Charter.

Section 7.13 Definitions

The following constructions apply unless the context in which the word or phrase appears necessarily requires a different construction or unless a different construction is expressly provided for in the section in which the word or phrase appears:

“Days” when not modified by the word “working” shall mean calendar days “May” creates discretionary authority or grants permission or a power. “Must” creates or recognizes a condition precedent

“Shall” provides direction or imposes a duty.

“Working days” shall mean weekdays which are not an official City holiday.

Section 7.14 Charter Translation

This Charter shall be translated into Spanish and may be translated into any other language at the discretion of the City Council. As to any conflict in interpretation and substance between the English version and any other language the English version shall control.

Section 7.15 Severability

If any term or other provision of this Charter is determined by a court of competent jurisdiction to be invalid, illegal or incapable of being enforced by any rule of law or public policy, all other terms or provisions of this Charter shall nevertheless remain in full force and effect.

Presentation and Discussion on an Ordinance of The City Council of The City of Leon Valley, Texas, Ordering and Declaring The 2022 Charter Amendments Adopted (1ST Reading)

City Council Meeting

November 15, 2022

Sandra Passailaigue, City Secretary



{Section}.93.

Background

- **The proposed propositions were presented at the following public meetings:**
 - March 26, 2022, Annual Town Hall Meeting
 - June 04, 2022, Special City Council Workshop
 - June 18, 2022, City Council/Manager Retreat
 - July 12, 2022, Special City Council Meeting
 - July 19, 2022, Regular City Council Meeting
 - August 02, 2022, Regular City Council Meeting
 - August 16, 2022, Regular City Council Meeting
 - October 22, 2022, Coffee with the Mayor & City Council

Next Steps

{Section}.93.

Present a first read ordinance to
Adopt the 2022 Charter
Amendments – 11-15-2022

Present a second read ordinance
for adoption of the 2022 Charter
Amendments – 12-06-2022

City Secretary will certify to the
Texas Secretary of State, an
authenticated copy of the 2022
Charter Amendments.

The Secretary of State shall file
the certification.

S.E.E. Statement

{Section}.93.

Social Equity – The Charter benefits the City of Leon Valley by providing better policy and service delivery to the citizens.

Environmental Stewardship – The Charter promotes economic development by enabling City Council freedom to enact laws that will better accommodate and provide a more inviting area for new businesses.

Economic Development – The Charter will enable City Council to enact laws that protect our City's natural resources, and freedom to enact comprehensive conservation legislation.



Any
Questions ?

MAYOR AND COUNCIL COMMUNICATION

DATE: November 01, 2022

TO: Mayor and Council

FROM: Sandra Passailaigue, City Secretary

THROUGH: Crystal Caldera, City Manager

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

SPONSOR(S): N/A

PURPOSE

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

SEE LEON VALLEY

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

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

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

FISCAL IMPACT

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

STRATEGIC GOALS

#1 C, D, and E

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

#2 B

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

RECOMMENDATION

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

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

ARTICLE 4.03 ALCOHOLIC BEVERAGES^{*}

{Section}.94.

Division 1. Generally

Sec. 4.03.001 Penalty

Each violation of this article shall be punishable by a fine in accordance with [section 1.01.009](#) of this code. Each day shall constitute a separate offense.

Secs. 4.03.002–4.03.030 Reserved

Division 2. License and Permit Fees^{*}

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

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

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

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

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

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

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

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

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

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

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

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

Division 2. License and Permit Fees

Sec. 4.03.031 Definitions.

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

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

Sec. 4.03.032 Code Adopted.

{Section}.94.

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

Sec. 4.03.033 Sales Near Churches, Public Schools, or Private Schools.

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

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

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

Sec. 4.03.034 Hours for Sale and Consumption.

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

Sec. 4.03.035 Late hours permit.

- (a) ***Adoption of Extended Hours by City.*** All establishments in the City limits and in compliance with the conditions of the City late hours permit will have their application for extended hours approved by the city secretary. The late hours permit holder may thereafter legally offer alcohol for sale between midnight and 2:00 a.m. on any day, as prescribed by Texas Alcoholic Beverage Code §§ 105.03 and 105.05.

- (b) **Application for Late Hours Permits.** Establishments seeking extended sale of alcohol file an application for a permit with the Texas Alcoholic Beverage Commission and with {Section}.94. the city secretary. Applications for late hour permits must be approved by the city secretary before an establishment can observe extended hours in the City. An establishment seeking a permit from the City must pay a fee of one-half of the fee charged by the state for a mixed beverage late hours permit, except when said fee is waived according to the provisions of the Texas Alcoholic Beverage Code.
- (1) An application for a permit must include but may not be limited to the following provisions: name, title, address, and telephone number of the authorized representative of the applicant.
- (2) The application must include a sworn affidavit demonstrating that:
- a. At least 51 percent of the establishment's gross daily receipts will be non-alcohol; and
 - b. The establishment will continue offering for sale food or its other non-alcohol commodities or services for the duration of the extended alcohol service hours.
- (3) The city secretary shall make a determination on an application for a permit on or before the 30th day after the date the application was filed.
- (c) **Appeals Process.** An applicant or permittee whose application is denied, or permit is revoked by the city secretary under the provisions of this article may appeal the city secretary's decision to City Council.
- (d) **City Late Hours Permit.** The city secretary may not grant a permit unless the applicant has complied with the requirements of the application. Continued operation of late hours is conditioned on compliance with the statements in the affidavit for the entirety of the permit period.
- (1) The permit must show that the establishment may:
- a. Legally offer alcohol for sale between midnight and 2:00 a.m. any day, as prescribed by Texas Alcoholic Beverage Code, §§ 105.03 and 105.05.
 - b. Conditioned on:
 1. At least 51 percent of the establishment's gross daily receipts being non-alcohol; and
 2. The establishment continuing to offer the sale food or its other non-alcohol commodities or services for the duration of the extended alcohol service hours; and
 - c. The time frame for which the permit is valid.
- (2) **Compliance procedure.** The permit holder shall fully cooperate with city officials, the Texas Alcoholic Beverage Commission, and local law enforcement in their efforts deemed reasonably necessary to ensure compliance with the conditions of the permit. Compliance may be assessed by, but is not limited to, the following mechanisms: random audits, checking receipts upon yearly application, and reporting by citizens.
- (3) **Expiration.** The permit will expire one year from the date on which it is granted. The establishment must apply for the permit each year to maintain extended hours. The establishment's compliance with the conditions of the permit will be formally re-evaluated with each yearly application.
- (4) **Permit Revocation.** If a permit holder fails to comply with this article or applicable state law, a permit issued under this article may be revoked for a period of six months.

Sec. 4.03.036 City Fees Levy.

{Section}.94.

- (a) **Levy Against Permit.** The City does hereby levy a City Alcoholic Beverage Fee equal to one-half (1/2) of the state fee, as provided by section 11.38, of the Texas Alcoholic Beverage Code and other relevant provisions of said Code, against each permit issued. Notwithstanding the forgoing, the following shall be exempted from the levy:
- (1) Agent's, industrial, carrier's, private carrier's, private club registration, local cartage, storage, and temporary wine and beer retailer's permits.
 - (2) Wine and beer retailer's permit issued for a dining, buffet, or club car; and
 - (3) A mixed beverage permit during the three-year period following the issuance of the permit.
- (b) **Levy Against Licenses.** The City does hereby levy a City Alcoholic Beverage Fee equal to one-half (½) of the state fee, as provided by section 61.36, of the Texas Alcoholic Beverage Code and other relevant provisions of said Code, against every permittee who is domiciled within the corporate limits of the City and who holds a permit from the state alcoholic beverage commission for the purchase, transportation, importation, sale or manufacture of alcoholic beverages or other permits in regard thereto; except a temporary or agent's beer license, issued for premises located within the county.
- (1) A licensee who sells an alcoholic beverage without first having paid a fee levied under this section commits a class "C" misdemeanor punishable by a fine of not less than \$10.00 nor more than \$200.00.
- (c) ~~The city manager may cancel a license if it finds the licensee has not paid a fee levied under this section.~~

Sec. 4.03.037 Beverage Fee Due Date; Fees for Portion of Year; Separate Fee for Each Outlet.

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

Sec. 4.03.037 Refund of Fees.

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

Sec. 4.03.038 Display of City Alcoholic Beverage Fee Receipt.

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

Sec. 4.03.039 Cancellation or Denial of License or Permit.

- (a) The ~~city manager~~ commission or administrator may cancel or deny a license for the retail s

alcoholic beverages, including a license held by the holder of a food and beverage ce
finds that the license holder or applicant has not paid delinquent ad valorem taxes {Section}.94.
licensed premises or due from a business operated on that premises to any taxing authority in the
county of the premises. For purposes of this subsection, a license holder or applicant is presumed
delinquent if the payment of taxes due from the license holder or applicant:

- (1) Is placed on a delinquent tax roll prepared under Section 33.03, Tax Code.
 - (2) Has received a notice of delinquency under Section 33.04, Tax Code; and
 - (3) Has not made a payment required under Section 42.08, Tax Code.
- (b) The city may cancel or deny an application or permit issued by the city if the the permit holder or applicant has not paid delinquent ad valorem taxes due on the permitted premises or due from a business operated on the premises to any taxing authority in the county of the premises. Failure to renew on time with he city, may also result in permit cancellation.
- (c) In this section, "applicant" has the meaning assigned by section 11.45 of the Code.

AN ORDINANCE OF THE CITY OF LEON VALLEY, TEXAS, CITY COUNCIL AMENDING THE CITY OF LEON VALLEY CODE OF ORDINANCES, CHAPTER 4 BUSINESS REGULATIONS, ARTICLE 4.03 ALCOHOLIC BEVERAGES, DIVISION 2 LICENSE AND PERMIT FEES; REPEALING ALL ORDINANCES IN CONFLICT THERWITH; PROVIDING FOR SEVERABILITY; SAVING CLAUSE; EFFECTIVE DATE; NOTICE OF OPEN MEETING AND PROVIDING FOR A PENALTY

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

WHEREAS, The City of Leon Valley City Council wishes to update Article 4.03 Alcoholic Beverages governing the sale of alcoholic beverages within the city: and

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

WHEREAS, The City of Leon Valley City Council believes that it is in the best interest of the citizens Leon Valley to adopt the Texas Alcoholic Beverage Code for the regulation and sale of alcoholic beverages within the city; and

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

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

SECTION II. Chapter 4 Business Regulations, Article 4.03 Alcoholic Beverages, Division 2 License and Permit Fees shall be amended as follows:

Division 2. License and Permit Fees

Sec. 4.03.031 Definitions.

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

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Sec. 4.03.032 Code Adopted.

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

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- (b) ***Application for Late Hours Permits.*** Establishments seeking extended sale of alcohol hours must file an application for a permit with the Texas Alcoholic Beverage Commission and with the office of the city secretary. Applications for late hour permits must be approved by the city secretary before an establishment can observe extended hours in the City. An establishment seeking a permit from the City must pay a fee of one-half of the fee charged by the state for a mixed beverage late hours permit, except when said fee is waived according to the provisions of the Texas Alcoholic Beverage Code.
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 - b. The establishment will continue offering for sale food or its other non-alcohol commodities or services for the duration of the extended alcohol service hours.
 - (3) The city secretary shall make a determination on an application for a permit on or before the 30th day after the date the application was filed.
- (c) ***Appeals Process.*** An applicant or permittee whose application is denied, or permit is revoked by the city secretary under the provisions of this article may appeal the city secretary's decision to City Council.
- (d) ***City Late Hours Permit.*** The city secretary may not grant a permit unless the applicant has complied with the requirements of the application. Continued operation of late hours is conditioned on compliance with the statements in the affidavit for the entirety of the permit period.
 - (1) The permit must show that the establishment may:
 - a. Legally offer alcohol for sale between midnight and 2:00 a.m. any day, as

prescribed by Texas Alcoholic Beverage Code, §§ 105.03 and 105.05.

b. Conditioned on:

1. At least 51 percent of the establishment's gross daily receipts being non-alcohol; and
2. The establishment continuing to offer the sale food or its other non-alcohol commodities or services for the duration of the extended alcohol service hours; and

c. The time frame for which the permit is valid.

- (2) Compliance procedure. The permit holder shall fully cooperate with city officials, the Texas Alcoholic Beverage Commission, and local law enforcement in their efforts deemed reasonably necessary to ensure compliance with the conditions of the permit. Compliance may be assessed by, but is not limited to, the following mechanisms: random audits, checking receipts upon yearly application, and reporting by citizens.
- (3) Expiration. The permit will expire one year from the date on which it is granted. The establishment must apply for the permit each year to maintain extended hours. The establishment's compliance with the conditions of the permit will be formally re-evaluated with each yearly application.
- (4) Permit Revocation. If a permit holder fails to comply with this article or applicable state law, a permit issued under this article may be revoked for a period of six months.

Sec. 4.03.036 City Fees Levy.

(a) **Levy Against Permit.** The City does hereby levy a City Alcoholic Beverage Fee equal to one-half (1/2) of the state fee, as provided by section 11.38, of the Texas Alcoholic Beverage Code and other relevant provisions of said Code, against each permit issued. Notwithstanding the forgoing, the following shall be exempted from the levy:

- (1) Agent's, industrial, carrier's, private carrier's, private club registration, local cartage, storage, and temporary wine and beer retailer's permits.
- (2) Wine and beer retailer's permit issued for a dining, buffet, or club car; and
- (3) A mixed beverage permit during the three-year period following the issuance of the permit.

(b) **Levy Against Licenses.** The City does hereby levy a City Alcoholic Beverage Fee

equal to one-half (½) of the state fee, as provided by section 61.36, of the Texas Alcoholic Beverage Code and other relevant provisions of said Code, against every permittee who is domiciled within the corporate limits of the City and who holds a permit from the state alcoholic beverage commission for the purchase, transportation, importation, sale or manufacture of alcoholic beverages or other permits in regard thereto; except a temporary or agent's beer license, issued for premises located within the county.

- (1) A licensee who sells an alcoholic beverage without first having paid a fee levied under this section commits a class "C" misdemeanor punishable by a fine of not less than \$10.00 nor more than \$200.00.

Sec. 4.03.037 Beverage Fee Due Date; Fees for Portion of Year; Separate Fee for Each Outlet.

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

Sec. 4.03.037 Refund of Fees.

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

Sec. 4.03.038 Display of City Alcoholic Beverage Fee Receipt.

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

Sec. 4.03.039 Cancellation or Denial of License or Permit.

- (a) The commission or administrator may cancel or deny a license for the retail sale of alcoholic beverages, including a license held by the holder of a food and beverage

certificate, if it finds that the license holder or applicant has not paid delinquent ad valorem taxes due on that licensed premises or due from a business operated on that premises to any taxing authority in the county of the premises. For purposes of this subsection, a license holder or applicant is presumed delinquent if the payment of taxes due from the license holder or applicant:

- (1) Is placed on a delinquent tax roll prepared under Section 33.03, Tax Code.
 - (2) Has received a notice of delinquency under Section 33.04, Tax Code; and
 - (3) Has not made a payment required under Section 42.08, Tax Code.
- (b) The city may cancel or deny an application or permit issued by the city if the the permit holder or applicant has not paid delinquent ad valorem taxes due on the permitted premises or due from a business operated on the premises to any taxing authority in the county of the premises. Failure to renew on time with he city, may also result in permit cancellation.
- (c) In this section, "applicant" has the meaning assigned by section 11.45 of the Code.

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

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

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

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

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

SECTION VIII. PENALTY. Any person who violates any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined as provided in Chapter 1. General Provisions, Article 1.01 Code of Ordinances, Section 101.009 General penalty for violations of code: continuing violations of the City of Leon Valley Code, and/or applicable state law.

TABC **2021** Changes

Checklist

{Section}.94.

Visit: tabc.texas.gov/2021

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

1. Prepare now

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

2. Learn about your license or permit

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

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

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



TEXAS ALCOHOLIC
BEVERAGE COMMISSION
Texas Helping Businesses & Protecting Communities



Visit: tabc.texas.gov/2021



Licenses and Permits

Maximum Local Fees

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

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



CITY OF LEON VALLEY
GUIDE TO APPLYING FOR AN
ALCOHOLIC BEVERAGE PERMIT

SUBJECT: Alcoholic Beverage Permits**DATE: November 15, 2022**

In an effort to be business friendly here in Leon Valley, we have created this notice of submittal process to the Leon Valley Planning and Zoning Department.

This notice is provided to explain and clarify the procedures for obtaining the Certificate of the Office of the City Secretary on the Texas Alcoholic Beverage Commission's Prequalification as well as the procedures to request a variance from the Hours for Sale and Consumption.

The Planning and Zoning Department will perform a completeness review of all applications. The staff will not schedule a review by the Office of the City Secretary or for consideration by City Council unless all requirements are met and all necessary items have been received.

A new or renewing applicant for a license to sale, distribute, store alcoholic beverages must first obtain necessary forms from the Texas Alcoholic Beverage Commission (TABC) through the Alcohol Industry Management System (AIMS) found here [Index \(elicense365.com\)](http://elicense365.com).

When the applicant has reviewed and prepared the TABC forms, it is then time to apply for a permit through the City of Leon Valley. First time applicants and those needing to apply for their annual renewal are able to submit the application through the City of Leon Valley's website [Government Permitting Software - Land Management and More \(mygovernmentonline.org\)](http://mygovernmentonline.org)

a. Sales Near Churches, Public Schools, or Private Schools - §4.03.033

The City of Leon Valley prohibits any person to sell or engage in the business of selling alcoholic beverages within the City where the place of business is within three-hundred feet (300') of any church, public school, or private school.

As authorized by Texas Alcoholic Beverage Code Section 109.33(e), City Council may consider applications for variances to this prohibition against the sale of alcoholic beverages within three-hundred feet (300') of any church, public school, or private school **only** if City Council first conducts a public hearing on the matter and before the thirtieth (30th) day before the date of the public hearing notice is given by publication in the City's official newspaper and on the City's website, and after the conclusion of the public hearing at least three-fourths (3/4) of the total membership of City Council find all of the following:

(1) The proposed sale of alcoholic beverages would constitute no more than thirty percent (30%) of the establishment's annual gross revenues.

(2) Prior to the date of the public hearing an authorized representative of the affected church, public school, or private school has provided the city manager with

written confirmation that the affected church, public school, or private school has no objection to the granting of the variance.

(3) The granting of the variance will not have a negative effect on the health, safety, or welfare of the public.

(4) On or before March 15th of each year following the granting of a variance, and every March 15th thereafter, the owner of the establishment for which the variance was granted shall submit to the city secretary all necessary documentation to verify that during the preceding calendar year no more than thirty percent (30%) of the establishment's annual gross revenues were generated by the sale of alcoholic beverages; and

(5) Violations of the conditions on the variance are punishable by criminal fine and any and all remedies available at law and or equity including but not limited to revocation of the variance.

Applications for Distance Variances are located at [Government Permitting Software - Land Management and More \(mygovernmentonline.org\)](http://mygovernmentonline.org)

Annual Reporting In cases where the City Council has approved a variance for alcohol sales within three-hundred feet (300') of a school, the applicant shall provide an annual report to the Planning and Zoning Department with supporting documentation to verify that no more than thirty percent (30%) of the establishment's annual gross revenues are generated by the sale of alcoholic beverages in accordance with §4.03.033 (1). The report shall be filed with the property records.

b. Application for Late Hours Permits

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

All establishments in the City limits and in compliance with the conditions of the City late hours permit will have their application for extended hours approved by the city secretary. The late hours permit holder may thereafter legally offer alcohol for sale between midnight and 2:00 a.m. on any day as prescribed by Texas Alcoholic Beverage Code §§ 105.03 and 105.05.

Establishments seeking extended sale of alcohol hours must file an application for a permit with the Texas Alcoholic Beverage Commission and with the Office of the City Secretary.

Applications for late hour permits must be approved by the city secretary before an establishment can observe extended hours in the City.

An establishment seeking a permit from the City must pay a fee of one-half of the fee charged by the state for a mixed beverage late hours permit, except when said fee is waived according to the provisions of the Texas Alcoholic Beverage Code.

- (1) An application for a permit must include but may not be limited to the following provisions: name, title, address, and telephone number of the authorized representative of the applicant.
- (2) The application must include a sworn affidavit demonstrating that:
 - a. At least fifty-one percent (51%) of the establishment's gross daily receipts will be non-alcoholic; and
 - b. The establishment will continue offering for sale food or its other non-alcoholic commodities or services for the duration of the extended alcohol service hours.
- (3) The city secretary shall decide on an application for a permit on or before the thirtieth day (30th) after the date the application was filed.

Appeals Process. An applicant or permittee whose application is denied, or permit is revoked by the city secretary, may appeal the city secretary's decision to the City Council.

City Late Hours Permit. The city secretary may not grant a permit unless the applicant has complied with the requirements of the application.

The Late Hours Permit is located at [Government Permitting Software - Land Management and More \(mygovernmentonline.org\)](http://mygovernmentonline.org) Continued operation of late hours is conditioned on compliance with the statements in the affidavit for the entirety of the permit period.

- (1) The permit must show that the establishment may:
 - a. Legally offer alcohol for sale between midnight and 2:00 a.m. any day, as prescribed by Texas Alcoholic Beverage Code, §§105.03 and 105.05.
 - b. Conditioned on:
 - i. At least fifty-one percent (51%) of the establishment's gross daily receipts being non-alcohol; and
 - ii. The establishment continuing to offer the sale of food or its other non-alcohol commodities or services for the duration of the extended alcohol service hours; and
 - c. The time frame for which the permit is valid.
- (2) Compliance procedure. The permit holder shall fully cooperate with city officials, the Texas Alcoholic Beverage Commission, and local law enforcement in their efforts deemed reasonably necessary to ensure compliance with the conditions permit.
- (3) Expiration. The permit will expire one year from the date on which it is granted. The establishment must apply for the permit each year to maintain extended hours.
- (4) Permit Revocation. If a permit holder does not comply with City Code or applicable state law, a permit issued may be revoked for a period of six (6) months.

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

This information has been prepared as a courtesy to aid customers who wish to establish alcohol sales. Authorization to conduct alcohol sales does not include live entertainment as defined in UDC Section 35-A101. Notwithstanding the guidance provided in this document, the regulations of the State of Texas and the City of Leon Valley shall apply in all cases. If you have any questions about this document, please call 210-684-1391 extension 216.

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

Saundra Passailaigue
City Secretary
City Council Meeting
November 01, 2022



Summary

{Section}.94.

•Question

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

•Options

- Approve
- Approve with revisions
- Deny

•Declaration

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

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

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

Purpose

#1

To comply with State and Federal law.

#2

To update the 1972 Code the City currently has.

#3

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

Background

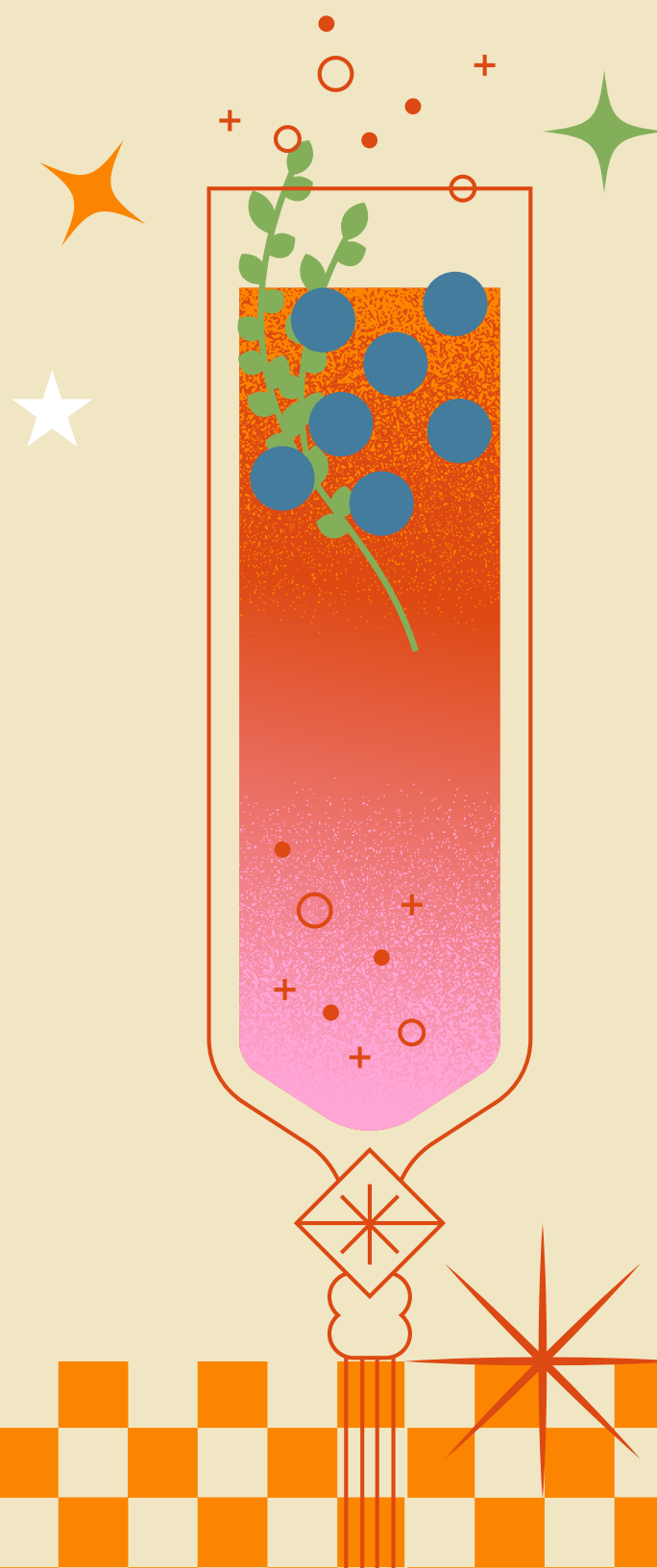
- The current City Code, Article 4.03 was adopted in 1972.
- There has only been one amendment to Article 4.03 and that was in 2008.
- There has been no enforcement of this Code which for many years.



FISCAL IMPACT

Sales Tax Submitted in the Last 2 Years:

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



S.E.E. STATEMENT



•Social Equity –

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

•Economic Development – N/A

Environmental Stewardship – N/A



MAYOR AND COUNCIL COMMUNICATION

DATE: December 6, 2022

TO: Mayor and Council

FROM: Melinda Moritz, Public Works Director

THROUGH: Crystal Caldera, City Manager

SUBJECT: Presentation and Discussion to Consider Approval of an Ordinance Awarding a Bid, Authorizing the City Manager to Enter into a Contract With J3 Construction, and Authorizing a Budget Adjustment in the Amount of \$832,498.50 from the Stormwater Reserve to Construct the Seneca West Drainage Project (1st Read as Required by City Charter)

SPONSOR(S): None

PURPOSE

This item is to consider approval of an Ordinance awarding a bid, authorizing the City Manager to enter into a contract with J3 Construction, and authorizing a budget adjustment in the amount of \$832,498.50 from the Stormwater Reserve for the purpose of constructing drainage improvements to Drain 1 in the Seneca West neighborhood.

BACKGROUND

- 2016 – City performed study of this creek (Drain 1) & receives OPC \$1,346,000 estimate for construction project to relieve flooding & reclaim land
- 2017 – City received deeds for most of these properties (24 acres +/-)
- 2019 – County awarded City reimbursement grant for project \$1,346,000
- 2019 – City Council approved a budget adjustment \$1,659,482 for engineering and construction
- Aug. 2021 - Engineering and design completed & project submitted to San Antonio River Authority (SARA/FEMA) for approval
- Sept. 2022 – Received Conditional Letter of Map Revision (CLOMR) from SARA
- Sept. 2022- Bid package developed & advertised for 30 days

Advertisements were placed in the Express News on two consecutive Sundays, and the bid document and plans were placed on the City's web site and public plan rooms. The bid opening was held on October 11, 2022, with a total of seven companies submitting bids.

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

Controlling erosion and reducing the flooding from this creek will improve life safety of the citizens, restore the land that floods, and improve the water quality of Huebner Creek.

FISCAL IMPACT

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

Funds for the budget adjustment will be taken from the Stormwater Reserve, which had a balance of \$1,446,878 as of 9/30/22.

SEE LEON VALLEY

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

Economic Development – Improving the creek in the Seneca West area will reclaim land that could not previously be developed, which may increase ad valorem taxes in the future.

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

STRATEGIC GOALS

This initiative is specifically listed in the 2018 Strategic Goal (4) - Infrastructure/Capital Plan: Objective D - Continue to mitigate flooding through capital improvement planning and mandatory stormwater reduction in new and redeveloped commercial properties.

RECOMMENDATION

Approve as presented.

ATTEST :

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

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

AN ORDINANCE OF THE CITY OF LEON VALLEY, TX, CITY COUNCIL AMENDING THE STORMWATER FUND BUDGET OF THE CITY OF LEON VALLEY, TEXAS MUNICIPAL BUDGET FOR THE FISCAL YEAR 2022-2023 IN A TOTAL AMOUNT OF \$832,498.50, TO PROVIDE FUNDING FOR THE LEON VALLEY STORMWATER FUND FOR THE CONSTRUCTION OF THE SENECA WEST DRAINAGE PROJECT; PROVIDING FOR REPEALER, SEVERABILITY AND SAVING CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the city desires to construct a flood and erosion control project in the Seneca West neighborhood along Drain 1, from Grass Hill St. to Aids Drive into Huebner Creek; and

WHEREAS, the fees previously budgeted for this construction were not sufficient to fund the entire project; and

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

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

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

WHEREAS, it is necessary to adjust the Stormwater Fund Budget by a total amount of \$832,498.50 for FY 2022-2023; and

WHEREAS, Texas Local Government Code Section 102-0120 provides that a municipality is not prohibited from making changes to a budget for municipal purposes; and

WHEREAS, the Leon Valley City Council now desires to amend this Fund Budget for FY 2022-2023 in a total amount \$832,498.50, to fund a flood and erosion control project on Drain 1 in the Seneca West neighborhood;

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

SECTION 1. The FY 2022-2023 Stormwater Fund Budget of the City of Leon Valley is hereby amended to increase the budget by the amount of \$832,498.50 to provide funding for the construction of the Seneca West Drainage Project. Funding for this project will be taken from the Stormwater Reserve Fund.

SECTION 2. The financial allocations in this Ordinance are subject to approval by the Finance Director. The Finance Director may, subject to concurrence by the City Manager

or the City Manager's designee, correct allocations as necessary to carry out the purpose of this Ordinance.

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

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

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

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 6th day of December 2022.

APPROVED

CHRIS RILEY

MAYOR

Attest :

SAUNDRA PASSAILAIGUE, TRMC

City Secretary

Approved as to Form:

NICOLE WARREN
City Attorney

Consider Approval of an Ordinance Awarding a Bid & Approving Budget Adjustment Seneca West Drainage Project

Melinda Moritz
Director of Public Works
City Council Meeting
December 6, 2022

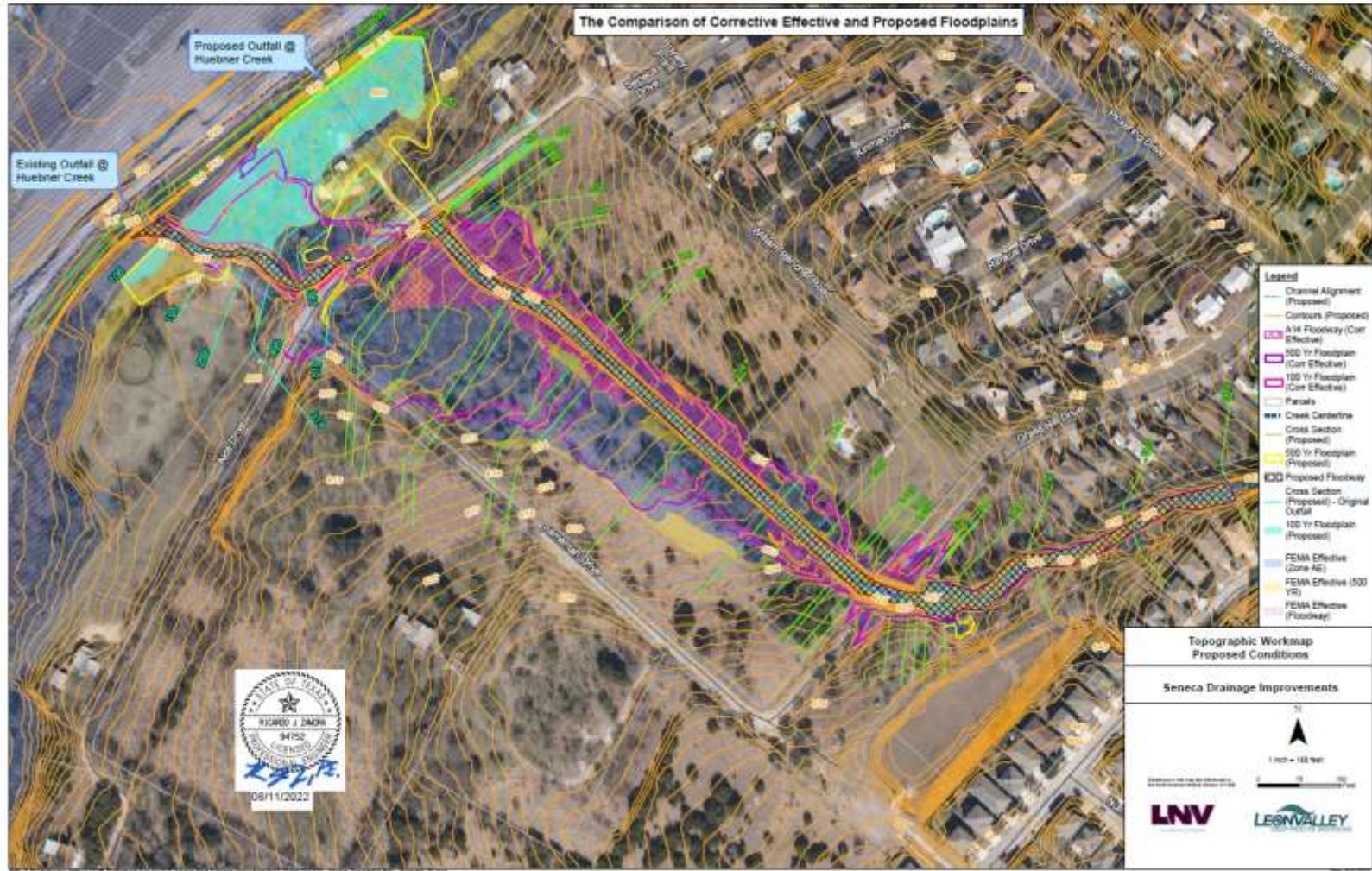
Summary

- Question
 - Should the City Council approve an Ordinance awarding a bid in the amount of \$1,815,415.50, and authorize the City Manager to enter into a contract with J3 Construction, Inc., to construct drainage improvements in the Seneca West neighborhood; and
 - Authorize a budget adjustment in the amount of \$832,498.00
- Options
 - Award bid & approve budget adjustment
 - Reject all bids & deny budget adjustment
 - Other
- Declaration
 - Recommend awarding bid & approving Ordinance

Purpose

- To consider approving an Ordinance awarding a bid in the amount of \$1,815,415.60, and authorizing the City Manager to enter into a contract with J3 Construction, Inc., for drainage improvements in the Seneca West neighborhood
- To approve a budget adjustment in the amount of \$832,498.00

Seneca West Drainage Project



Background

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

Background

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

Background

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

Bids

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

Fiscal Impact

Item	Cost
Previously Budgeted	
Engineering	\$ 313,482.00
Construction	\$ 1,346,000.00
Total	\$ 1,659,482.00
Bid	
Construction	\$ 1,815,415.50
Contingency (20%)	\$ 363,083.00
Remaining engineering	\$ 122,550.00
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Summary	
Total Cost	\$ 2,491,980.50
County portion	\$ 1,346,000.00
Net cost to city	\$ 1,145,980.50
Net cost City w/o contingency	\$ 782,897.50

Recommendation

- City Engineer reviewed each of the bid submittals, the Contractor's bid documents, and completed reference checks
- Recommend awarding the bid to J3 Construction, Inc.
- Recommend approving the budget adjustment in the amount of \$832,498.50 from the Stormwater Reserve Fund

S.E.E. Statement

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

RESOLUTION No. 22-014R

A RESOLUTION OF THE CITY OF LEON VALLEY, TX., CITY COUNCIL APPOINTING A MEMBER TO THE LEON VALLEY EARTHWISE LIVING DAY COMMITTEE.

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

The following individual(s) is/are hereby appointed to the **Earthwise Living Day Committee**:

Georgia Zannaras, PhD

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(s) to the Leon Valley Earthwise Living Day Committee and that the term become effective immediately.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 6th day of December 2022.

APPROVED

CHRIS RILEY
MAYOR

Attest:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form:

NICOLE WARREN
City Attorney

MAYOR AND COUNCIL COMMUNICATION

DATE: December 6, 2022

TO: Mayor and Council

FROM: Melinda Moritz, Public Works Director

THROUGH: Crystal Caldera, City Manager

SUBJECT: Presentation and Discussion to Consider Approval of an Ordinance amending the Leon Valley Code of Ordinances, Chapter 1 General Provisions, Article 1.06 Boards, Commissions, and Committees, Section 1.06.002 Tree Advisory Board, (a), (b), and (c) to dissolve the Tree Advisory Board and assign those duties to the Park Commission (1st Read as Required by City Charter)

SPONSOR(S): City Council

PURPOSE

This item is to consider dissolving the Tree Advisory Board (TAB) and assigning their duties to the Park Commission.

The TAB is tasked with hearing and making recommendations to the City Council on variance requests from citizens and the business and development community. The TAB also supports the City's "El Verde by 2025" 10,000 tree planting challenge. There have been several occasions in which there was no quorum to hold a meeting, which resulted in a resident or a business/developer having to put plans on hold, as the variance requests are not moved forward to the City Council for a final decision until such time as a recommendation has been made.

The city has had a challenging time in the recent past of obtaining enough volunteers to seat members to the various committees. In some cases, the Committees have had duplicative efforts, such as the Hike & Bike Trail and Pool Advisory Committees. The tasks assigned to those two committees should have rightfully been assigned to the Park Commission (those two committees have since been sunsetted).

The Park Commission holds regular meetings and makes recommendations to City Council for the planting of trees and other amenities in city parks and is fully capable of hearing and making recommendations for tree variance requests and fulfilling the City's goal of planting 10,000 trees by 2025

SEE LEON VALLEY

Social Equity – Reducing the number of boards, commissions, and committees reduces the possibility of not having enough volunteers and assures all citizens that city

business continues smoothly and efficiently.

Economic Development – The efficient management of city business assures the development community that their requests for variances will be heard and decided timely, which may result in more economic development.

Environmental Stewardship – Having a committee that supports the El Verde by 2025 tree planting challenge will assure the city's goal is met on time and continues to improve the environment.

FISCAL IMPACT

The dissolution will reduce the amount of staff time, and electrical and water usage at city meeting facilities.

STRATEGIC GOALS

N/A.

RECOMMENDATION

At City Council discretion.

ATTEST :

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF LEON VALLEY, TEXAS, CITY COUNCIL, AMENDING THE LEON VALLEY CODE OF ORDINANCES CHAPTER 1 GENERAL PROVISIONS, ARTICLE 1.06 BOARDS, COMMISSIONS AND COMMITTEES, SECTION 1.06.002 TREE ADVISORY BOARD, (A), (B), and (C), TO DISSOLVE THE TREE ADVISORY BOARD (TAB) AND ASSIGN THOSE DUTIES TO THE PARK COMMISSION; PROVIDING AN EFFECTIVE DATE OF THE REVISION WITH PUBLICATION, AS REQUIRED BY LAW, PROVIDING A SAVINGS CLAUSE; AND PROVIDING A CONFLICTS PROVISION.

WHEREAS, the city has had an increasing number of occurrences in which the Tree Advisory Board has not had a quorum with which to hold a meeting and has had challenges in procuring volunteers for the various boards, commissions, and committees; and

WHEREAS, the TAB is tasked with hearing requests for variances from members of the community and their recommendations are vital to the City Council in making decisions regarding tree removal and mitigation; and

WHEREAS, the TAB supports the city's "El Verde by 2025" 10,000 tree planting challenge and is also tasked with assuring that program is ongoing; and

WHEREAS, the Park Commission holds regular meetings and makes recommendations to City Council for the planting of trees and other amenities in city parks and is fully capable of hearing and making recommendations for tree variance requests and fulfilling the City's goal of planting 10,000 trees by 2025;

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

SECTION 1. The TAB is hereby dissolved effective immediately.

SECTION 2. Chapter 1 General Provisions, Article 1.06 Boards, Commissions, and Committees, Section 1.06.002 Tree Advisory Board, (a) Membership is hereby revised as follows:

"The Park Commission is hereby appointed to serve in the additional capacity as the Tree Advisory Board."

SECTION 3. Chapter 1 General Provisions, Article 1.06 Boards, Commissions, and Committees, Section 1.06.002 Tree Advisory Board, Sections (b) and (c) are deleted in their entirety.

SECTION 4. This ordinance shall become effective on and after its passage, approval

and the meeting of all publication requirements as provided by law.

SECTION 5. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict. All provisions, sections and sub-sections set forth in Chapter 1 General Provisions, Article 1.06 Boards, Commissions, and Committees, Section 1.06.002 Tree Advisory Board not revised or amended herein shall remain in effect.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 15th day of November 2022.

APPROVED

CHRIS RILEY
MAYOR

Attest:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form:

NICOLE WARREN
City Attorney

Amending Leon Valley Code of Ordinance Dissolving the Tree Advisory Board

City Council Meeting
Public Works Director Melinda Moritz
December 6, 2022



Purpose

- To consider amending the Leon Valley Code of Ordinances, Chapter 1 General Provisions, Article 1.06 Boards, Commissions, and Committees, Section 1.06.002 Tree Advisory Board, (a), (b), and (c) to dissolve the Tree Advisory Board and assign those duties to the Park Commission
- Options
 - Approve
 - Deny
- Recommendation
 - At City Council discretion

Background

- This item is to consider dissolving the Tree Advisory Board (TAB) and assigning their duties to the Park Commission

Background

- TAB tasked with making recommendations to City Council on variance requests from citizens and the business & development community
- TAB also supports the City's "El Verde by 2025" 10,000 tree planting challenge
- There have occasions in which they didn't have a quorum, resulting in delays to residents & developers
 - Variance requests are not moved forward to the City Council for a final decision until recommendations have been made

Background

- The city has had challenges in obtaining enough volunteers to seat members to the various committees
- In some cases, Committees have had duplicative efforts (Hike & Bike Trail & Pool Advisory)
- The tasks assigned to those two committees should have rightfully been assigned to the Park Commission (those two committees have since been sunsetted)

Background

- Park Commission holds regular meetings & makes recommendations to City Council for the planting of trees and other amenities in city parks
- They are fully capable of hearing & making recommendations for tree variance requests and fulfilling the City's goal of planting 10,000 trees by 2025

Fiscal Impact

- The dissolution will reduce the amount of staff time, and electrical and water usage at city meeting facilities

Recommendation

- At City Council discretion

S.E.E. Statement

- *Social Equity* – Reducing the number of boards, commissions, and committees reduces the possibility of not having enough volunteers and assures all citizens that city business continues smoothly and efficiently
- *Economic Development* – The efficient management of city business assures the development community that their requests for variances will be heard and decided timely, which may result in more economic development
- *Environmental Stewardship* – Having a committee that supports the El Verde by 2025 tree planting challenge will assure the city's goal is met on time and continues to improve the environment

Memorandum of Understanding

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

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

The Leon Valley Historical Society:

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

- a. Identify significant sources for funding support and potential grants by December 31, 2030, recognizing that funding sources have specific deadlines during the year and research for grants and funding is a continuous process;
- b. Apply for funding for the Heritage Center and the Triangle Park during the 2030 calendar year and provide proof to the City of Leon Valley that applications were submitted;
- c. Work in conjunction with the City of Leon Valley and the Northwest Area Chamber of Commerce in an effort to spur economic development in the area of the Heritage Center and Triangle Park;
- d. Work with the Northside Independent School District to develop curriculum and tour packages for local students by December of 2030;
- e. Staff the potential Heritage Center on a part-time basis (volunteer or paid) depending on funding sources and potential traffic after the opening of the Heritage Center;
- f. Provide regular open meetings and/or conduct surveys for public input on the future of the project and report to the City Council the results of the public input and the number of citizens who provided public input on an annual basis.
- g. An annual report and update on progress will be provided to the Leon Valley City Council each December addressing items (a-f) above.
- h. Semi-Annual grounds cleanup to include the triangle property.

The City of Leon Valley:

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

- a. Assist the project through the use of the 36 acre natural area that is adjacent to the Huebner-Onion Homestead;
- b. Provide a designated parking area or adjacent area for museum goers at the Raymond Rimkus Park in conjunction with the Bandera Road Reconstruction Project ;
- c. Maintain the grounds and facility of the 36 acre natural area and the Huebner Onion Homestead;
- d. Work in conjunction with the Texas Department of Transportation (TXDOT) in an effort to facilitate a curb cut for entrance to the Huebner Onion Homestead during the Bandera Road Reconstruction Project;
- e. Present a budget request to the Leon Valley Economic and Community Development Advisory Committee for consideration of matching funds (in kind or cash), if necessary, for the project on future grant applications;
- f. Continue to assist with the annual 4th of July 5k run by providing appropriate Police, fire, and barricade protection;
- g. Allow for one free event a year at the Leon Valley Community Center to included rental, security & cleanup; and
- h. To assist with hanging of Christmas Lights on the homestead.

Attached to this Memorandum of Understanding (as Exhibit A) is a copy of the Master Plan completed in July of 2013 which outlines the methodology, the preservation philosophy, the history and the cost estimate of above stated venture. This Master Plan should be used as a road map for parties as the potential partnership forms. This MOU also allows for a mutually agreed upon grant application that would both support the Historical and the City of Leon Valley's Master plan.

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

This Memorandum of Understanding will be in effect through December 31, 2030, and may be extended as approved by the Council.

Leon Valley Historical Society
Kathy Hill, President

City of Leon Valley
Mayor

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

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

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

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

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

Section 1. The execution of the Memorandum of Understanding between the City of Leon Valley and the Leon Valley Historical Society is hereby authorized. Said Memorandum of Understanding is attached hereto, in substantially final form, as Exhibit A.

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

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



IN-KIND ASSISTANCE GRANT

Grant Policy:

The City of Leon Valley has created the “In-Kind Assistance Grant Program” to meet the growing demand of in-kind assistance requests by local community organizations. Under this grant program, in-kind assistance includes financial resources, such as the use of the facilities, it may include providing City personnel, equipment or other services to serve a public purpose.

*Article 3, Section 52 of the Texas Constitution prohibits cities from making gifts of public funds to any individual, association, or corporation. However, as long as the expenditure is for a legitimate public purpose; in that the city or government will receive return consideration in order to determine whether a grant accomplished a public purpose; we must ensure that the expenditure is not for the benefit of private parties, that the city or government has control of the use of the funds, to protect the public's investment and to make sure we receive a returned benefit.

Applicants eligible to apply are non-profit organizations, charitable organizations, government entities, religious organizations, schools, or other tax-exempt organizations. Proof of organization status is required.

Please Note:

City Council voted on September 4th, 2018, “ ***to require a deposit, no longer waive cleanup cost, no longer waive security, and add a setup fee which would be same as the cleanup fee and do not waive the fee at the discretion of each application coming to Council***”.

Grant applications are due:

- September 1st for events scheduled **October 1 – December 31**
- December 1st for events scheduled **January 1 – March 31**
- March 1st for events scheduled **April 1 – June 30**
- June 1st for events scheduled **July 1 – September 30**

Application Guidelines:

Applicants must submit a completed application along with supporting documentation. Incomplete applications will not be considered. All applications will be reviewed and scored by the In-Kind Assistance Grant Committee who will make recommendations to the Leon Valley City Council. The Leon Valley City Council will make all final decisions. Scoring is based on the following areas to determine a *public purpose**:

- (1) Qualifying organization/entity;
- (2) Outstanding debt with the City of Leon Valley, if any;
- (3) Generation of additional sales and tax revenues in Leon Valley;
- (4) Opportunity for community and visitor participation; and
- (5) Availability of requested City resources.

Applicants are eligible to apply only once from October 1 – September 30 of each year. Applicants applying for in-kind assistance for an annual event that was supported by a previous in-kind City assistance grant must submit a financial report indicating whether the previous event was profitable. All applicants that are awarded in-kind assistance from the City must return a completed **“Post Event Form”** within seven calendar days after the event. Delinquent post event reports will disqualify organizations from future in-kind services for one calendar year from date of event.

The In-Kind Assistance Grant Committee will update a list of City services eligible for in-kind assistance on a quarterly basis available at www.leonvalleytexas.gov. This list will also include the fees associated with each in-kind service to help the applicant fill out the budget for the proposed event.

Marketing Guidelines:

Event sponsor signage or any promotional materials (brochures, website, advertisements, etc.) are required to include an approved City of Leon Valley logo with the www.leonvalleytexas.gov website below the logo. Contact the City Communications Office, (210) 684-1391 ext.228 for approval and logo.

In-Kind Assistance Grant Committee:

The In-Kind Assistance Grant Committee will meet within one week after the application deadline to evaluate, score and make a determination for approval or denial of assistance requests. All applicants will be notified in writing of the Committee’s recommendations to the Leon Valley City Council. The Leon Valley City Council makes all final decisions.

Application Instructions:

Please complete the attached application form and provide the following documentation:

- (1) Proof of status (i.e. 501c3, non-profit, charitable, government, etc.);
- (2) Description of proposed event;
- (3) Budget for proposed event (must use format provided);
- (4) List of all in-kind assistance being requested; and
- (5) Marketing plan for proposed event, including identification and appropriateness of target audience.



In-Kind Grant Application

6400 El Verde Road, Leon Valley, Texas 78238
PH: 210-684-1391 Ext: 228 Fax: 210-684-4476
☐ Community Center ☒ Conference Center

Please check all that apply:

<input checked="" type="checkbox"/>	Non-Profit	<input type="checkbox"/>	Religious	<input type="checkbox"/>	Govt. Entity	<input type="checkbox"/>	School	<input checked="" type="checkbox"/>	Charitable	<input type="checkbox"/>	Other (please specify):
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Organization Information

Name:

AARP FOUNDATION / Tax-Aide
Tax Counseling for the Elderly

Address:

601 E. Street NW, Washington, DC
20049

Contact Number:

888-687-2277

Email Address:

aarpfoundation.org

Event Coordinator:

IDA KUJAWSKI

Cell Phone

210-381-9618

Event Information

Date(s) of Event: **January 3-6,10-13,17-20, 2023**_____ Start Time: 9 am End Time: 4 pm

Assembly Date: _____ / _____ Start Time: _____ End Time: _____

Breakdown/Clean-up Date/Time: _____

Estimated Attendees: 15-20, plus training team of 5-10

Purpose of Event: **Volunteer Training** for AARP Tax-Aide
program. _____

Primary Audience: Adults, all unpaid volunteers for this program. The students in training are seeking IRS certification to prepare free tax assistance to local citizens, including those in Leon Valley.

If event is a fundraiser, what will fundraising funds be used for?

_____ N/A _____

___ List all other sources of funding for this event such as admission fee, donations, grants, etc.:

AARP has no budget; our request is your support for the facility. IRS and AARP provide the equipment and supplies needed to do this service for citizens. Unpaid volunteers provide the manpower and expertise to achieve the goals.

Will your event allow the sale or consumption of alcohol? If yes, have you already obtained the proper state permits? Please attach copy of permits.

_____ No _____

What benefits will the City of Leon Valley receive from this event?

Free tax assistance to local citizens Good will towards LeonValley for supporting this service.

When the taxpayers thank us, we respond and ask them to say that also to the City of Leon Valley.

Describe the in-kind services that you are requesting such as security, facility usage, electrical, booth set-up, stage set-up, clean-up, transportation, barricades, etc.:

Facility usage, use of tables and chairs, with wi-fi/internet access. Table set-up & take-down would be most appreciated.

Has this organization or project previously received in-kind City services? If yes, please provide the details, including the monetary value of the resources.

YES, the conference Center was used in the same way January, 2022. AARP has no budget; our request is your support for the facility. IRS and AARP provide the equipment and supplies needed to do this service for citizens. Unpaid volunteers provide the manpower and expertise to achieve the goal.

If this is a second or third request for assistance, please tell us what's new, improved, expanded, or innovative about this year's proposed project compared to previous applications.

We hope for and expect better participation, more volunteers to train, since the covid fears of 2022 are somewhat allayed for 2023. With more volunteers we can help more citizens with free tax assistance.

Please describe your specific plans to market and promote the proposed project.

The volunteer citizens who train have volunteered through aarp.org.

We have been talking to them in preparation for the training classes. AARP Foundation conducts nation wide advertising for volunteers in the Tax-Aide and other volunteer programs.

Advertising is not specific to a City or State.

Please attach all other supporting documents and mail or hand-deliver to:

***City of Leon Valley, Community Relations Director: 6400 El Verde Rd. Leon Valley, Texas 78238**

Print Name: Ida B. Kujawski

Signature: _____

Date: 10 / 07 / 2022

Ida B. Kujawski

FOR OFFICIAL USE ONLY

☐

5

DATE: _____

Comments/Notes: _____



Post Event Form

Within one week of the completion of the event supported by the In-Kind Assistance Grant, the applicant will provide a detailed report including the following documentation and information:

1. Documents illustrating the event planning process: Include any sample promotional information such as fliers, press releases, invitations, presenter and volunteer lists, event schedules and maps, evaluation forms, photo releases, and any other useful documents generated in the process.
2. Documentation of participants, activities, and participant evaluations: Include any photo- released digital images, video or print photographs, quotes or written statements from participants, copies of any photographs or articles resulting from media coverage of the event.
3. Post-event self-evaluation and summary of accomplishments: Include number of participants, number of volunteers, number and names of partnering organizations, self-evaluation of effectiveness in meeting stated goals, and other appropriate additional information.
4. Final Project/Event Budget: Include all actual event expenditures and all funding sources, including the in-kind received from the City of Leon Valley.

Please submit the above information and all other supporting documents by mail or hand deliver to:

City of Leon Valley
Community Relations Director
6400 El Verde Rd. Leon Valley, Texas 78238



IN-KIND ASSISTANCE GRANT

Grant Policy:

The City of Leon Valley has created the “In-Kind Assistance Grant Program” to meet the growing demand of in-kind assistance requests by local community organizations. Under this grant program, in-kind assistance includes financial resources, such as the use of the facilities, it may include providing City personnel, equipment or other services to serve a public purpose.

*Article 3, Section 52 of the Texas Constitution prohibits cities from making gifts of public funds to any individual, association, or corporation. However, as long as the expenditure is for a legitimate public purpose; in that the city or government will receive return consideration in order to determine whether a grant accomplished a public purpose; we must ensure that the expenditure is not for the benefit of private parties, that the city or government has control of the use of the funds, to protect the public's investment and to make sure we receive a returned benefit.

Applicants eligible to apply are non-profit organizations, charitable organizations, government entities, religious organizations, schools, or other tax-exempt organizations. Proof of organization status is required.

Please Note:

City Council voted on September 4th, 2018, ***“to require a deposit, no longer waive cleanup cost, no longer waive security, and add a setup fee which would be same as the cleanup fee and do not waive the fee at the discretion of each application coming to Council”.***

Grant applications are due:

- ✦ September 1st for events scheduled October 1 – December 31
- ✦ December 1st for events scheduled January 1 – March 31
- ✦ March 1st for events scheduled April 1 – June 30
- ✦ June 1st for events scheduled July 1 – September 30

Application Guidelines:

Applicants must submit a completed application along with supporting documentation. Incomplete applications will not be considered. All applications will be reviewed and scored by the In-Kind Assistance Grant Committee who will make recommendations to the Leon Valley City Council. The Leon Valley City Council will make all final decisions. Scoring is based on the following areas to determine a *public purpose**:

- (1) Qualifying organization/entity;
- (2) Outstanding debt with the City of Leon Valley, if any;
- (3) Generation of additional sales and tax revenues in Leon Valley; (4) Opportunity for community and visitor participation; and (5) Availability of requested City resources.

Applicants are eligible to apply only once from October 1 – September 30 of each year. Applicants applying for in-kind assistance for an annual event that was supported by a previous in-kind City assistance grant must submit a financial report indicating whether the previous event was profitable. All applicants that are awarded in-kind assistance from the City must return a completed **“Post Event Form”** within seven calendar days after the event. Delinquent post event reports will disqualify organizations from future inkind services for one calendar year from date of event.

The In-Kind Assistance Grant Committee will update a list of City services eligible for in-kind assistance on a quarterly basis available at www.leonvalleytexas.gov. This list will also include the fees associated with each in-kind service to help the applicant fill out the budget for the proposed event.

Marketing Guidelines:

Event sponsor signage or any promotional materials (brochures, website, advertisements, etc.) are required to include an approved City of Leon Valley logo with the www.leonvalleytexas.gov website below the logo. Contact the City Communications Office, (210) 684-1391 ext.231 for approval and logo.

In-Kind Assistance Grant Committee:

The In-Kind Assistance Grant Committee will meet within one week after the application deadline to evaluate, score and make a determination for approval or denial of assistance requests. All applicants will be notified in writing of the Committee’s recommendations to the Leon Valley City Council. The Leon Valley City Council makes all final decisions.

Application Instructions:

Please complete the attached application form and provide the following documentation:

- (1) Proof of status (i.e. 501c3, non-profit, charitable, government, etc.);
- (2) Description of proposed event;
- (3) Budget for proposed event (must use format provided);
- (4) List of all in-kind assistance being requested; and
- (5) Marketing plan for proposed event, including identification and appropriateness of target audience.



Application #

{Section}. 103.

In-Kind Grant Application

6400 El Verde Road, Leon Valley, Texas 78238

PH: 210-684-1391 Ext: 231

Fax: 210-684-4476

xx ☒ **Community Center**☐ **Conference Center**

Please check all that apply:

<input checked="" type="checkbox"/>	Non-Profit	<input type="checkbox"/>	Religious	<input type="checkbox"/>	Govt. Entity	<input type="checkbox"/>	School	<input checked="" type="checkbox"/>	Charitable	<input type="checkbox"/>	Other (please specify):
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Organization InformationName: AARP Foundation /Tax-Aide Tax Counseling for the ElderlyAddress: 601 E Street NW, Washington, DC 20049Contact Number: (888) 687-2277Email Address: aarpfoundation.orgEvent Coordinator: Ida Kujawski Cell Phone: (210) 381-9618**Event Information**Date(s) of Event: _/_ - Beginning Feb. 7, 2023, Every Tuesday & Thursday Through April 13, 2023.**Feb. 7 & 9, 14-16, 21-23, March 2, 7-9, 14-16, 21-23, 28-30, April 4-6, 11-13.**Assembly Date: _____ / _____ Start Time: **9am - 3 pm**Estimated Attendees: 12-20 citizens, each day, plus the 8-10 volunteersPurpose of Event: Provide citizens of Leon Valley free tax assistance. Our services are not limited by age or income, or residence of taxpayers.Primary Audience: US citizens living in or near Leon ValleyVolunteers - Unpaid, IRS certified tax counselors who can file tax returns.

If event is a fundraiser, what will fundraising funds be used for?

List all other sources of funding for this event such as admission fee, donations, grants, etc.:

____ IRS grant, AARP grant, corporate grants to AARP Foundation AARP Tax-Aide has no budget; our request is your support for the facility. IRS and AARP Foundation provide the equipment and supplies needed to do this service for citizens. Unpaid volunteers provide the manpower and expertise to achieve the goal. We accept no tips or payments, adhere to a strict code of conduct.

Will your event allow the sale or consumption of alcohol? If yes, have you already obtained the proper state permits? Please attach copy of permits.

____ No

What benefits will the City of Leon Valley receive from this event?

Free tax assistance to local citizens Good will towards LeonValley for supporting this service.

When the taxpayers thank us, we respond and ask them to say that also to the City of Leon Valley.

Describe the in-kind services that you are requesting such as security, facility usage, electrical, booth set-up, stage set-up, clean-up, transportation, barricades, etc.: _____

____ Facility use, lights, power, WiFi, tables and chairs set up for service to taxpayers. . Table set-up & take-down would be most appreciated.

Has this organization or project previously received in-kind City services? If yes, please provide the details, including the monetary value of the _____ YES Previous LV Grants in-kind to AARP foundation were for Tax Preparation for citizens .

If this is a second or third request for assistance, please tell us what's new, improved, expanded, or innovative about this year's proposed project compared to previous applications.

The 2020 renovation of this building was excellent. We hope to add a counselor to be able to serve more citizens.

Please advise us regarding the Thursday, that in the past was used for Earth Day event, and/or other scheduling conflicts, so that we can adjust TAXPAYER reservations accordingly.

Please describe your specific plans to market and promote the proposed project.

AARP Foundation conducts nationwide advertising for FREE Tax Preparation.

Advertising is not specific to a City or State.

We provide flier and other handouts, posted various public places, distributed by LeonValley Library and others. We encourage notices by social media and email. Reservations for taxpayers' appointments are made by taxpayers at AARPfoundation.org/taxaide.

Please attach all other supporting documents and mail or hand-deliver to:

***City of Leon Valley, Special Events Coordinator: 6400 El Verde Rd. Leon Valley, Texas 78238**

Ida B.Kujawski

Print Name: _____

Training Coordinator _____

Signature: _____



Date: 10 / 07 /2022

FOR OFFICIAL USE ONLY

APPROVED

☐

DISAPPROVED

☐

SIGNATURE: _____

DATE: _____

Comments/Notes: _____

**Post Event Form**

Within one week of the completion of the event supported by the In-Kind Assistance Grant, the applicant will provide a detailed report including the following documentation and information:

1. Documents illustrating the event planning process: Include any sample promotional information such as fliers, press releases, invitations, presenter and volunteer lists, event schedules and maps, evaluation forms, photo releases, and any other useful documents generated in the process.
2. Documentation of participants, activities, and participant evaluations: Include any photo- released digital images, video or print photographs, quotes or written statements from participants, copies of any photographs or articles resulting from media coverage of the event.

3. Post-event self-evaluation and summary of accomplishments: Include number of participants, number of volunteers, number and names of partnering organizations, self-evaluation of effectiveness in meeting stated goals, and other appropriate additional information.
4. Final Project/Event Budget: Include all actual event expenditures and all funding sources, including the in-kind received from the City of Leon Valley.

Please submit the above information and all other supporting documents by mail or hand

deliver to:

City of Leon Valley

Special Events Coordinator

6400 El Verde Rd. Leon Valley, Texas 78238



Department of the Treasury
Internal Revenue Service

P.O. Box 2508
Cincinnati OH 45201

{Section}.103.

In reply refer to: 0248
Aug. 06, 2008 LTR 4168C E0
52-0794300 000000 00 000
00018190
BODC: TE

AARP FOUNDATION
% TAX DEPARTMENT
601 E ST NW
WASHINGTON DC 20049



032701

Employer Identification Number: 52-0794300
Person to Contact: Carol A. Kraft
Toll Free Telephone Number: 1-877-829-5500

Dear Taxpayer:

This is in response to your request of July 28, 2008, regarding your tax-exempt status.

Our records indicate that a determination letter was issued in May 1963, that recognized you as exempt from Federal income tax, and discloses that you are currently exempt under section 501(c)(3) of the Internal Revenue Code.

Our records also indicate you are not a private foundation within the meaning of section 509(a) of the Code because you are described in section(s) 509(a)(1) and 170(b)(1)(A)(vi).

Donors may deduct contributions to you as provided in section 170 of the Code. Bequests, legacies, devises, transfers, or gifts to you or for your use are deductible for Federal estate and gift tax purposes if they meet the applicable provisions of sections 2055, 2106, and 2522 of the Code.

If you have any questions, please call us at the telephone number shown in the heading of this letter.

Sincerely yours,

Michele M. Sullivan

Michele M. Sullivan, Oper. Mgr.
Accounts Management Operations I

City of Leon Valley
6300 El Verde Rd.
Leon Valley, TX 78238

25 April 2022

Crystal Cordera,
City of Leon Valley Board,

Thank you and your staff for hosting the AARP Tax-Aide program again this year.

We so appreciate your **IN-KIND ASSISTANCE GRANT**

For use of your Senior Community Center

We had a very good tax season. Here are some of the statistics:

314 returns completed

104 Married Filing Joint

194 Single

15 Head of Household

1 Qualifying Widow(er)

Adding 104 for the spouse of MFJ the total number citizens helped is **418**

264 tax payers were age 60 or over.

Many were residents of Leon Valley and expressed their appreciation for having our program again at your nice building. 240 of the taxpayers live in Leon Valley and the adjacent zip codes.

Average Refund was \$1479

Total refunds \$400,881 - money returned to the community

Total balance due \$149,271 - money collected for the IRS

Thank you for your cooperation and assistance. We hope to continue there with you next year.



Ida B. Kujawski
Local Coordinator

Discussion, Consideration & Action on In-Kind Grant Request from Leon Valley Historical Society

Crystal Miranda
Community Relations Director
City Council Meeting
10/18/2022

Summary

- Question
 - **City Council is being asked to consider a waiver of building rental fees and security fees for the Community Center on Friday, November 4, 2022, for their annual fundraising event.**
- Options
 - Approve waiver of building fees.
 - Denial
 - Other – Approve waiver of building and security fees.
- Declaration
 - The In-Kind Grant Committee reviewed the updated request and forwards to Council an average score of __ out of 24.
 - The points required for approval is a minimum of 18.

Purpose

- The Leon Valley Historical Society is requesting use of the Community Center on Friday, November 4th, from 2 p.m. until 10:30 p.m.
- The event will begin at 6:30 p.m. and will end at 10:30 p.m..
- The set-up will begin at 2:00 p.m. on the same day of the event.
- The Leon Valley Historical Society is also requesting assistance to set up the layout for their event.

Purpose / Background

- On September 4, 2018 the City Council voted to, “require a deposit, no longer waive cleanup cost, no longer waive security, and add a setup fee which would be the same as the cleanup fee and do not waive the fee at the discretion of each application coming to Council.”

Fiscal Impact

- If approved, the grant would waive the following fees:

Rental Fee	\$700
Clean-Up Fee	\$200
Security	\$261.25
<hr/>	
Total Fees Waived	\$1161.25

Recommendation

- City Council discretion



S.E.E. Statement

Social Equity – Supports collaborative participation between the Leon Valley Historical Society and the City of Leon Valley.

Economic Development- Although there is not a direct effect on economic development; indirectly this event supports visitors to the City of Leon Valley to attend the event and shop in Leon Valley.

Environmental Stewardship – Recyclable bins will be used.

MAYOR AND COUNCIL COMMUNICATION

DATE: December 6, 2022

TO: Mayor and Council

FROM: Melinda Moritz, Public Works Director

THROUGH: Crystal Caldera, City Manager

SUBJECT: Presentation, Discussion, and Possible Action to Fund a Backflow Prevention Device - We Care Shopping Center LLC, as an Economic Development Project, not to Exceed \$10,000

PURPOSE

The purpose of this item is for the Leon Valley City Council to consider funding a portion of a Backflow Prevention Device - We Care Shopping Center LLC, as an Economic Development Project, not to Exceed \$10,000.

BACKGROUND

Mr. Jonah Obasi is completing a \$1.9 million dollar project to include efficiency units and 12 townhomes. City Council approved the zone change to a Planned Development District on November 2, 2021, City Council Meeting. The PD was to construct 10 multi-family structures at the rear of the property, 6 of the structures would be two-story apartment units and the other 4 structures would be one-story efficiency units. Each of the 10 structures would consist of two units, bringing the total number of units to 20. These units enhance the shopping center WeCare Shopping Center put in the front of the property.

Mr. Obasi states he was unaware that the backflow prevention was at his cost. The City's received a cost estimate of \$15,928 without installation costs. Mr. Obasi's cost quote with installation is \$29,000.

FISCAL IMPACT

Funding would come from the Economic and Community Development Sales Tax. The total cost to fund the project shall not exceed \$10,000. Council budgeted \$65,000 for the project's line item. This would be the first project of the year.

SEE LEON VALLEY

Social Equity: Economic and Community Development projects encourage collaborative participation between its residents, businesses, and stakeholders.

Economic Development: The city will attract, expand, and retain viable businesses to promote development. We Care Shopping Center LLC aims to support economic and community development by exhibiting a distinctive and welcoming identity in the community.

Environmental Stewardship: The Backflow prevention devices prevent contaminated water or chemicals from flowing back into the public drinking water supply system.

STRATEGIC GOALS

Economic Development is a strategic goal outlined in Leon Valley's Strategic Plan - To attract, retain, and expand quality businesses that will generate sales tax revenue within the City of Leon Valley.

RECOMMENDATION

The Economic Community Development Advisory Committee recommended approval.

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Crystal Caldera

From: Melinda Moritz
Sent: Wednesday, November 9, 2022 11:02 AM
To: Crystal Caldera
Subject: FW: Backflow - Obasi

Here you go!

From: Marco Casanova <mjccontracting1@gmail.com>
Sent: Friday, November 4, 2022 3:46 PM
To: Melinda Moritz <m.moritz@leonvalleytexas.gov>; David Dimaline <d.dimaline@leonvalleytexas.gov>
Subject: Backflow

Good afternoon sir core and main has one
Backflow preventer , materials cost 13,728.16
Insulation wrap cost from Star Mechanical Insulation is 2, 200 for 8 inch Backflow

Materials amd protective wrap total 15,928.16 not including install cost

--

Marco Casanova
President
MJC Contracting,LLC
Cell :(210)527-3904
San Antonio Tx, 78250
Mjccontracting1@gmail.com

----- Forwarded message -----

From: **Marco Casanova** <mjccontracting1@gmail.com>Date: Sun, Nov 6, 2022 at 4:39 PM

Subject: Re: Happy Sunday

To: Wecare Health <wecare10306@gmail.com>

Hello Jonah, I'm free now if you want to meet, but we are off this weekend. we don't typically work weekends. But the Backflow prevention unfortunately is needed for the main completion. And is on hold till Wednesday. Here is The cost of the materials and labor

Backflow materials	18,338
Installation weather wrap	2,200.
(Labor)Install of Backflow	4,500

25,038
+ 4500

Total cost of labor for Backflow with inspections and testing is 4500 for labor ,

New \$ 29,038

--
Marco Casanova

President

MJC Contracting, LLC

Cell : (210)527-3904San Antonio Tx, 78250mjccontracting1@gmail.com--
Marco Casanova

President

MJC Contracting, LLC

Cell : (210)527-3904San Antonio Tx, 78250mjccontracting1@gmail.com

**APPLICATION FOR ECONOMIC AND COMMUNITY DEVELOPMENT FUNDS
CITY OF LEON VALLEY ECONOMIC DEVELOPMENT DEPARTMENT**

STATE OF TEXAS §

KNOW ALL BY THESE PRESENTS:

COUNTY OF BEXAR §

PART 1 – APPLICATION INFORMATION

Date of Application:	11/7/22
Company Name:	INOCARE Shopping Center, LLC
Address:	4228 Bandera Rd Leon Valley Tx 78238
Representative Submitting Application:	Jorah Obasi
Local Address:	4228 Bandera Rd Leon Valley Tx 78238
Phone Number:	[REDACTED]
State of Incorporation:	07/27/2017
Years in City:	5 years
Total Employees in City:	8

PART 2 – PROJECT INFORMATION

Location Address:	7228 Bandera Rd, Leon Valley Tx 78238
Legal Description:	

Project Description			
New Construction	<input checked="" type="checkbox"/>	Expansion	<input checked="" type="checkbox"/>
Community	<input type="checkbox"/>	Modernization	<input type="checkbox"/>

Type of Facility			
Retail Sales	<input type="checkbox"/>	Manufacturing	<input type="checkbox"/>
Distribution	<input type="checkbox"/>	Service	<input type="checkbox"/>
Restaurant	<input type="checkbox"/>	Office	<input type="checkbox"/>
Other	<input checked="" type="checkbox"/>	Not Applicable	<input type="checkbox"/>

PART 3 – ECONOMIC INFORMATION

Project Cost Estimate:	\$1.9 million
Amount Requested:	\$15,000.00
Start Date:	03/22/2022
Permanent Job Creation:	8

PART 4 – NARRATIVE

Introduction of Business / Business Model:
Building of 9 Efficiency Units and 12 Townhomes

Chief Officers or Owners:	Title:	Phone number:
Jonah Obasi	Owner	
Jean Obasi	Owner	

Reasons for Seeking Economic and Community Development Funds:
Helping with COVID Risen costs and unforeseen circumstances

State How the Project will Benefit the City of Leon Valley:
New taxes, increase in taxes and permanent employments

Describe the Project:

New Construction:
Building of 9 Efficiency Units and 12 Townhomes

Describe the types and numbers of jobs to be generated and provide information on current level of employment including: (a) current payroll; and (b) breakdown by zip code. Attach a copy of the businesses most recent filing with the Texas Workforce Commission or other supporting documentation that can be used to determine actual employment level at the time of application:

Still Building to generate new taxes for Leon Valley and also permanent new employees

List any other governmental assistance/incentives being requested or already approved for the project from sources other than the City of Leon Valley:

None

List any competition or similar businesses in the area:

None like ours

UNDOCUMENTED WORKER CERTIFICATION

Chapter 2264, Subchapter A, Texas Government Code requires that any public agency or economic development corporation shall require a business that submits an application to receive a public subsidy to include a statement certifying that the business does not and will not knowingly employ an undocumented worker. The Company certifies that its operation within Leon Valley, Texas does not and will not knowingly employ an undocumented worker, as defined in Chapter 2264, Subchapter A, Texas Government Code, as amended (the "Act").

Pursuant to the Act, if the Company is convicted of a violation under 8 U.S.C. Section 1324a(f), after receiving any public subsidy, the Company shall promptly give the City written notice of such violation and the Company shall repay the amount of the payment with interest, at a rate of 6.75% per annum not later than the 120th day after the date the Company notifies the City of this violation.

AUTHORIZATION AND CERTIFICATION

I am the authorized representative for the Company for the purpose of filing this application. I understand that this application is a government record as defined in Chapter 37 of the Texas Penal Code. The Information contained in this application is true and correct to the best of my knowledge and belief. I hereby certify and affirm that the Company I represent is in good standing under the laws of the state in which the company, partnership, or sole proprietorship was organized and or operates and that no delinquent taxes are owed to the State of Texas or any political subdivision or entity thereof.

Authorized Official

Authorized Signature: _____

Name: Joseph Roberts

Title: Owner

Telephone: _____

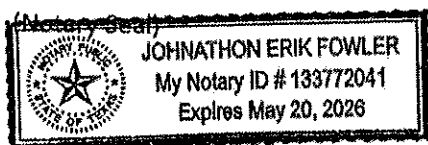
E-mail: [REDACTED]

Sworn to and subscribed before me this the 7 day of November, 2022, by
(day) (month) (year)

[Signature]
Signature of Notary

Notary Public, State of: Texas

My commission expires: May 20, 26



7228 Bandera Rd.
Wecare Shopping Center
Business
Retention/Expansion

Crystal Caldera, PhD
City Manager

BLUF Summary

Question:

City Council is being asked to consider the business retention/expansion of 7228 Bandera WeCare Shopping Center LLC. The project monies would come from Economic & Community Development project funds not to exceed \$10,000 to assist in completing the backflow prevention portion of this project.

Options:

1. Approval
2. Denial
3. Approve alternate amount

Background

- Mr. Jonah Obasi is completing a \$1.9 million dollar project to include efficiency units and 12 townhomes.
- City Council approved the zone change to a Planned Development District on November 2, 2021, City Council Meeting.
 - The PD was to construct 10 multi-family structures at the rear of the property, 6 of the structures would be two-story apartment units and the other 4 structures would be one-story efficiency units.
 - Each of the 10 structures would consist of two units, bringing the total number of units to 20.
 - These units enhance the shopping center WeCare Shopping Center put in the front of the property.
- Mr. Obasi states he was unaware that the backflow prevention was at his cost. The City's received a cost estimate of \$15,928 without installation costs. Mr. Obasi's cost quote with installation is \$29,000.

Request

Business owner, Jonah Obasi, is seeking Economic and Community Development Funds to assist with the construction overrun costs of an unknown cost of Backflow prevention device.

Staff is proposing \$10,000 to finish out the final construction cost of the backflow prevention.

The owner has stated that the funds are greatly needed due to escalating cost of supplies and unforeseen circumstances.

Request/Fiscal Impact

Total cost for business retention project not to exceed: \$10,000

Council budgeted \$65,000 for project funding.

Recommendation

- The Economic Community Development Advisory Committee is recommending approval.

Ending Remarks

- ❖ Business owner provided a complete ECD application – Attached
- ❖ This project will assist in finishing out the 12 townhomes.

MAYOR AND COUNCIL COMMUNICATION

DATE: December 6, 2022

TO: Mayor and Council

FROM: Melinda Moritz, Public Works Director

THROUGH: Crystal Caldera, City Manager

SUBJECT: Presentation, Discussion, and Possible Action to Fund an Outside Sign – Cha Chas New Gen LLC, as an Economic Development Project, not to Exceed \$4,000

PURPOSE

The purpose of this item is for the Leon Valley City Council to consider funding an Outside sign -Cha Chas New Gen, as an Economic Development Project, not to Exceed \$4,000.

BACKGROUND

Ms. Margarita Bania Ruiz, has a lease agreement with the City of Leon Valley to lease 6417 Evers road. She is requesting a monument-type sign facing Evers road to attract more customers to the café.

FISCAL IMPACT

Funding would come from the Economic and Community Development Sales Tax. The total cost to fund the project shall not exceed \$4,000. Council budgeted \$65,000 for the project's line item.

SEE LEON VALLEY

Social Equity: Economic and Community Development projects encourage collaborative participation between its residents, businesses, and stakeholders.

Economic Development: The city will attract, expand, and retain viable businesses to promote development. Cha Chas Cafe aims to support economic and community development by exhibiting a distinctive and welcoming identity in the community.

Environmental Stewardship: N/A

STRATEGIC GOALS

Economic Development is a strategic goal outlined in Leon Valley's Strategic Plan - To attract, retain, and expand quality businesses that will generate sales tax revenue within the City of Leon Valley.

RECOMMENDATION

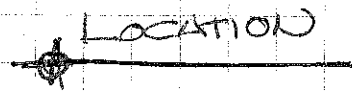
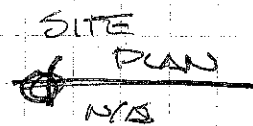
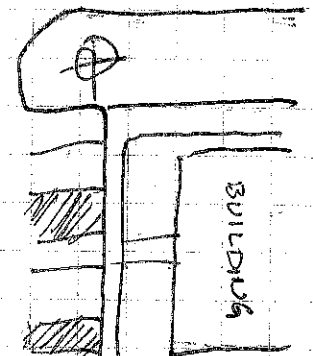
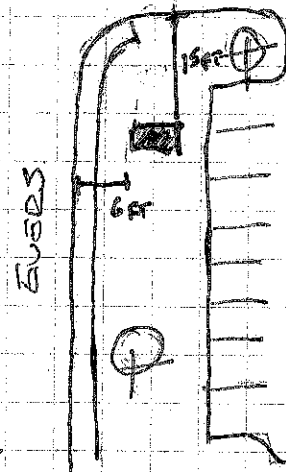
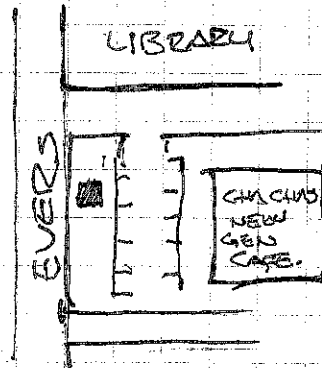
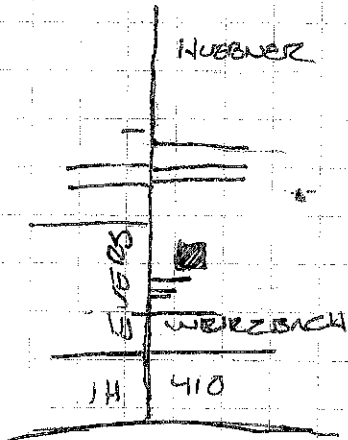
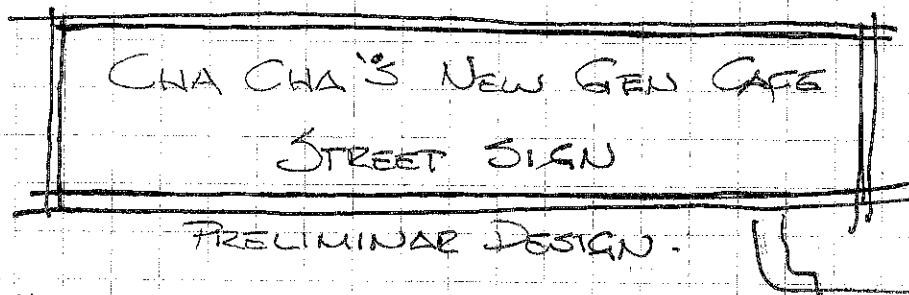
The Economic Community Development Advisory Committee recommended approval provided the City Council extends its lease.

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

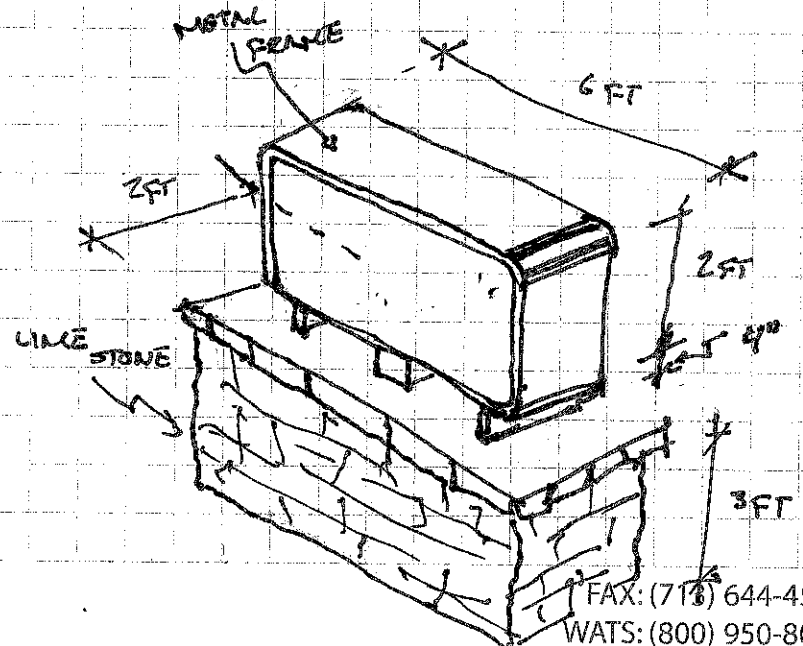
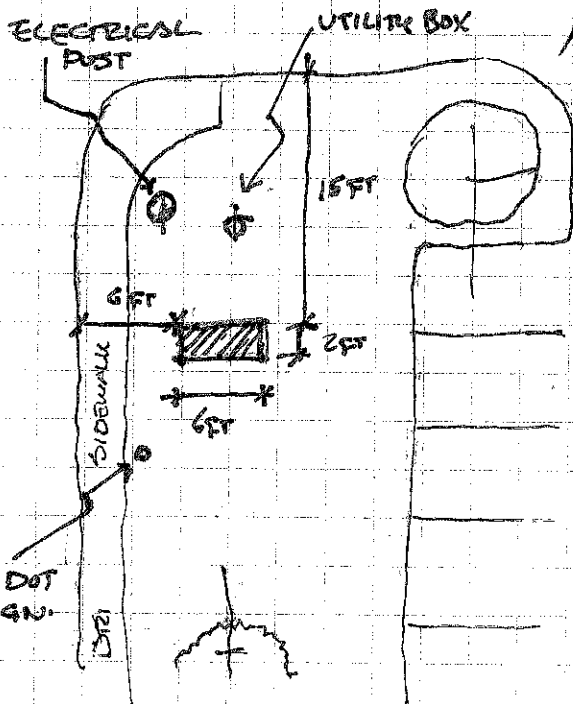
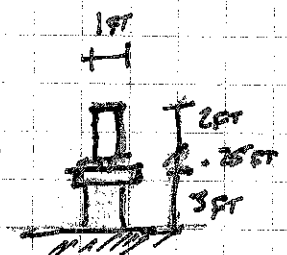
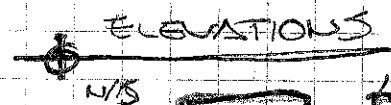


www.dixieply.com



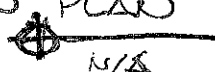
6417 EVERS RD.

LEON VALLEY, TX 78238



HOUSTON, TEXAS

PHONE: (713) 644-2001



E-MAIL: houston@dixieply.com

FAX: (713) 644-4515

WATS: (800) 950-8023

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**APPLICATION FOR ECONOMIC AND COMMUNITY DEVELOPMENT FUNDS
CITY OF LEON VALLEY ECONOMIC DEVELOPMENT DEPARTMENT**

STATE OF TEXAS §

KNOW ALL BY THESE PRESENTS:

COUNTY OF BEXAR §

PART 1 – APPLICATION INFORMATION

Date of Application:	September 25, 2022
Company Name:	Cha Cha's New Gen Cafe LPBG LLC
Address:	6417 Evers Rd Leon Valley Tx 78238
Representative Submitting Application:	Margarita Pania Ruiz
Local Address:	6417 Evers Rd Leon Valley Texas 78238
Phone Number:	210- 929 929-9782 or 210-776-5522 or 210-451-0030
State of Incorporation:	Texas LLC
Years in City:	20 years
Total Employees in City:	3 employees

PART 2 – PROJECT INFORMATION

Location Address:	6417 Evers Rd Leon Valley Tx 78238
Legal Description:	Member

Project Description			
New Construction	<input type="checkbox"/>	Expansion	<input type="checkbox"/>
Community	<input type="checkbox"/>	Modernization	<input checked="" type="checkbox"/>

Type of Facility			
Retail Sales	<input type="checkbox"/>	Manufacturing	<input type="checkbox"/>
Distribution	<input type="checkbox"/>	Service	<input type="checkbox"/>
Restaurant	<input checked="" type="checkbox"/>	Office	<input type="checkbox"/>
Other	<input type="checkbox"/>	Not Applicable	<input type="checkbox"/>

PART 3 – ECONOMIC INFORMATION

Project Cost Estimate:	\$ 4,000
Amount Requested:	\$ 4,000
Start Date:	9/25/2022
Permanent Job Creation:	yes and advertising dollars. Billard & Signage employer expansion

PART 4 - NARRATIVE

Introduction of Business / Business Model:

The Chap New Sea Cafe offers a different concept to Culinary Dining with many different accommodations to all customers. Vegetarian, Vegan, Vegetarian, Low & Mexican Dine, Utter and Thai. Plus have a beverage on the patio and enjoy the lovely view of Leon Valley community about with their pet and family's.

Chief Officers or Owners:	Title:	Phone number:
Margarita Garcia Ruiz	Owner	210-929-9782

Reasons for Seeking Economic and Community Development Funds:

For Advertising Funds as well as signage that would be seen of every building and hidden from road and people have problem finding the place in addition advertising to need to bring in more customers creating more jobs and new customers to the beautiful Leon Valley Area. This would include 70-80 percent, for advertising for around neighborhood.

State How the Project will Benefit the City of Leon Valley:

Visitors to San Antonio can visit Leon Valley not just down town downtown but visit places like Leon Valley Shops & Fine Dining & then walk around after Dinner or Lunch the scenery is lovely here.

Describe the Project:

- Requesting Permission: Pay fees for Front entrance Medium size billboard.
- Paying for services on managing Social Media
- Creating a Position for Labring Manager and Service agency to execute and other events.
- Participate in City Events to help community & let people know we are here to assist.

Describe the types and numbers of jobs to be generated and provide information on current level of employment including: (a) current payroll; and (b) breakdown by zip code. Attach a copy of the businesses most recent filing with the Texas Workforce Commission or other supporting documentation that can be used to determine actual employment level at the time of application:

We would like to solicit the Medical Center and be prepared to color White Coat Ceremonies, PTSA Medical Center as well as a Service. This addition to the business would give customer service training to College student which will learn skills that will benefit them for years to come, as well as learning those skills after initial paying jobs for the training they will receive at the City New Center.

List any other governmental assistance/incentives being requested or already approved for the project from sources other than the City of Leon Valley:

Leon Valley helps with the Keelmann House project which we are forever grateful yet. These have financial strain do to 4 different Board's & more & more & more hold and fall behind since then having an impact on my finances and credit score which has made difficult to proceed in advertising.

List any competition or similar businesses in the area:

We feel comfortable and feel unique that we are the only one of our kind in the City of Leon Valley and expect to be the 1st to receive a Whitehouse Star to the City of Leon Valley.

UNDOCUMENTED WORKER CERTIFICATION

Chapter 2264, Subchapter A, Texas Government Code requires that any public agency or economic development corporation shall require a business that submits an application to receive a public subsidy to include a statement certifying that the business does not and will not knowingly employ an undocumented worker. The Company certifies that its operation within Leon Valley, Texas does not and will not knowingly employ an undocumented worker, as defined in Chapter 2264, Subchapter A, Texas Government Code, as amended (the "Act").

Pursuant to the Act, if the Company is convicted of a violation under 8 U.S.C. Section 1324a(f), after receiving any public subsidy, the Company shall promptly give the City written notice of such violation and the Company shall repay the amount of the payment with interest, at a rate of 6.75% per annum not later than the 120th day after the date the Company notifies the City of this violation.

AUTHORIZATION AND CERTIFICATION

I am the authorized representative for the Company for the purpose of filing this application. I understand that this application is a government record as defined in Chapter 37 of the Texas Penal Code. The information contained in this application is true and correct to the best of my knowledge and belief. I hereby certify and affirm that the Company I represent is in good standing under the laws of the state in which the company, partnership, or sole proprietorship was organized and or operates and that no delinquent taxes are owed to the State of Texas or any political subdivision or entity thereof.

Authorized Official

Authorized Signature: Margarita Bacia Ruiz

Name: Margarita Bacia Ruiz

Title: Member

Telephone: 210-929-9782

E-mail: bania.ruiz07@gmail.com

Sworn to and subscribed before me this the 28 day of September, 2022, by
(day) (month) (year)

Signature of Notary Karen Straw Coe

Notary Public, State of: TX

My commission expires: 3-11-23

(Notary Seal)



6417 Evers Rd
Cha Cha's New Gen Cafe
Business Retention

Crystal Caldera, PhD
City Manager

BLUF Summary

Question:

City Council is being asked to consider the business Retention of 6417 Evers Cha Cha's New Gen Cafe. The project monies would come from Economic & Community Development project funds for an outside sign facing Evers Raod.

Options:

1. Approval
2. Denial
3. Approve alternate amount

Request

Business owner, Margarita Bania Ruiz is seeking Economic and Community Development Funds to assist with signage.

If City Council decides to extend her lease the Staff is proposing \$4,000 to assist with signage off of Evers road. Providing that the sign face is interchangeable.

The owner has stated that the funds are greatly needed due to assist in brining in more customers

Request/Fiscal Impact

Total cost for business retention project not to exceed: \$4,000

Recommendations

- The Economic Community Development Advisory Committee is recommending approval provided that the City Council extend their lease.

Ending Remarks

- ❖ Business owner provided a complete ECD application – Attached

MAYOR AND COUNCIL COMMUNICATION

DATE: December 06, 2022

TO: Mayor and Council

FROM: Regina Reed, Library Director

THROUGH: Crystal Caldera, City Manager

SUBJECT: Presentation, Discussion, and Possible Action on updating the Leon Valley Public Library Policy Article 3, Section 5 Collection Development Policy, Potential Problems and Challenged Materials

SPONSOR(S): N/A

PURPOSE

Update the Leon Valley Public Library Policy Article 3, Section 5 Collection Development Policy: Potential Problems and Challenged Materials to

1. Reallocate final decisions on challenged materials from the Library Director to the City Council.
2. Allow only citizens of Leon Valley to submit a Request for Reconsideration

SEE LEON VALLEY

Social – Keeps the decision on challenged materials within the community; provides a larger platform for citizens to comment on challenges

Economic – N/A

Environmental – N/A

FISCAL IMPACT

N/A

STRATEGIC GOALS

Strategic Goal #6 – Citizen Involvement

RECOMMENDATION

Approve the updated policy.

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

ARTICLE 3: COLLECTION DEVELOPMENT POLICY

3.01 OBJECTIVES

To meet the library's mission of providing quality resources and information to the Greater Leon Valley area this collection development policy is created with the following objectives:

- a) Meet community interests and needs;
- b) Acquaint the public with the principles of selection and weeding;
- c) The Library Bill of Rights ([Attachment 6](#));
- d) The Freedom to Read Statement ([Attachment 7](#)); and
- e) The Freedom to View Statement ([Attachment 8](#))

3.02 RESPONSIBILITY FOR SELECTION

The final responsibility for material selection rests with the Library Director who operates within the framework of the policies.

3.03 CRITERIA FOR SELECTION

Staff should keep the following in mind when recommending titles for selection. However, an item need not meet all considerations to be acceptable.

- a) Consider the identified, expressed or anticipated needs and interests of the community.
- b) Consider the quality of content, such as timeliness, accuracy, literary merit, illustrations, indexes, and bibliographies.
- c) Include different viewpoints, values, philosophies, cultures, and religions whenever possible. Selections will not be based on any assumed approval or disapproval by the community.
- d) Select a broad range of materials in all subject areas.
- e) Attempt to balance the collection with in-demand, current interest titles.

- f) Assess the significance in relation to library resources already available.
- g) Utilize standard selection sources recognized by librarians to identify materials to be purchased.
- h) Utilize specialized knowledge of Library staff.
- i) Consider the reputation and/or significance of author, publisher and/or producer.
- j) Select a variety of reading and comprehension levels based on community needs.
- k) Provide a wide variety of formats to meet the differing needs of the community.
- l) Maximize the effectiveness of the available materials budget.
- m) Consider other community resources, interlibrary loan, etc. to maximize the Library's resources. Out-of-print, used items, or items that require Library staff to go beyond the scope of its normal purchasing procedures are usually not purchased.
- n) Strive to develop a collection that complements the curriculum of area educational institutions but does not duplicate curriculum materials in use by educational institutions or home-schooled students.
- o) Consider member requests within the overarching principles of selection.
- p) Book reviews from professional accepted sources such as Kirkus Reviews, Library Journal, School Library Journal, and Booklist.

3.04 WEEDING

An up-to-date, attractive, and useful collection is maintained through a Continuous Review, Evaluation, and Weeding (CREW) process. The CREW method ([Attachment 9](#)) evaluation for weeding materials includes poor content, poor appearance, and unused materials.

Replacement of materials with a poor appearance is dependent upon current demand, usefulness, more recent acquisitions, and availability of newer editions. This process of weeding is the responsibility of the Library Director.

See Weeding Rotation ([Attachment 10](#)) for an estimated weeding schedule.

Withdrawn materials will be handled in a similar manner and under the same authority as donated materials.

3.05 POTENTIAL PROBLEMS AND CHALLENGED MATERIALS

Although materials are carefully selected, there can arise differences of opinion regarding suitable materials. The Leon Valley Public Library recognizes that some materials are controversial and that any given item may offend some members.

Responsibility for the reading of children rests with their parents or legal guardians. Selection of library materials will not be restricted by the possibility that materials may come into the possession of children.

Library materials will not be marked or identified to show approval or disapproval of their contents, and no library material will be sequestered except to protect it from damage or theft.

Patrons requesting material be withdrawn from or restricted within the collection may complete and turn-in a Request for Reconsideration of Library Resources ([Attachment 11](#)) form. Only citizens of Leon Valley may submit a Request for Reconsideration of Library Resources.

The challenge will be placed on the agenda of the next regular meeting of the Leon Valley Public Library Board of Trustees (LVPLBOT).

After review of the challenge, the LVPLBOT will schedule a public hearing for library patrons to speak either for or against a book challenge. In making their decision, the LVPLBOT and the Library Director will consider public testimony, professional reviews, selection criteria listed in the Collection Development Policy, the American Library Association's Library Bill of Rights ([Attachment 6](#)), Freedom to Read Statement ([Attachment 7](#)), the Freedom to View Statement ([Attachment 8](#)), as well as , Article 1, Section 8, Texas Constitution ([Attachment 23](#)), and Amendment 1, U.S. Constitution ([Attachment 12](#)).

The Library Director, with the advisement of the Leon Valley Public Library Board of Trustees, will ~~determine~~ present the challenge and recommendation to City Council for the ~~a~~ final decision ~~for on~~ the challenged material(s).

ARTICLE 4: MATERIALS DONATION AND GIFTS POLICY

The Leon Valley Public Library appreciates your consideration in finding a home for your items. The library accepts books and other items with the understanding that they are added to the collection only if appropriate and needed. The Library Director will dispose of unneeded items as they see fit. The same criteria of selection which are applied to purchased materials are applied to gifts.

When accepting used books, publication dates and condition are important. The library will only accept books if the following criteria are met:

- a) Published within the last five years
- b) In good to excellent condition
 - a. Intact covers
 - b. No ripped pages
 - c. No names or identifying markers of previous owners
 - d. No apparent odor
 - e. No apparent soil
- c) Not weeded from another library

DVDs in good condition or better will be accepted if they are in their original packaging.

We do not accept:

- VHS
- Encyclopedias
- Textbooks

ATTACHMENT 6: ALA - THE LIBRARY BILL OF RIGHTS

The American Library Association affirms that all libraries are forums for information and ideas, and that the following basic policies should guide their services.

- I. Books and other library resources should be provided for the interest, information, and enlightenment of all people of the community the library serves. Materials should not be excluded because of the origin, background, or views of those contributing to their creation.
- II. Libraries should provide materials and information presenting all points of view on current and historical issues. Materials should not be proscribed or removed because of partisan or doctrinal disapproval.
- III. Libraries should challenge censorship in the fulfillment of their responsibility to provide information and enlightenment.
- IV. Libraries should cooperate with all persons and groups concerned with resisting abridgment of free expression and free access to ideas.
- V. A person's right to use a library should not be denied or abridged because of origin, age, background, or views.
- VI. Libraries which make exhibit spaces and meeting rooms available to the public they serve should make such facilities available on an equitable basis, regardless of the beliefs or affiliations of individuals or groups requesting their use.
- VII. All people, regardless of origin, age, background, or views, possess a right to privacy and confidentiality in their library use. Libraries should advocate for, educate about, and protect people's privacy, safeguarding all library use data, including personally identifiable information.

Adopted June 19, 1939, by the ALA Council; amended October 14, 1944; June 18, 1948; February 2, 1961; June 27, 1967; January 23, 1980; January 29, 2019.

Inclusion of “age” reaffirmed January 23, 1996.

Although the Articles of the Library Bill of Rights are unambiguous statements of basic principles that should govern the service of all libraries, questions do arise concerning application of these principles to specific library practices. See the documents designated by the Intellectual Freedom Committee as Interpretations of the Library Bill of Rights.

"Library Bill of Rights", American Library Association, June 30, 2006.
<http://www.ala.org/advocacy/intfreedom/librarybill>

Document ID: 669fd6a3-8939-3e54-7577-996a0a3f8952

ATTACHMENT 7: ALA - THE FREEDOM TO READ STATEMENT

The freedom to read is essential to our democracy. It is continuously under attack. Private groups and public authorities in various parts of the country are working to remove or limit access to reading materials, to censor content in schools, to label "controversial" views, to distribute lists of "objectionable" books or authors, and to purge libraries. These actions apparently rise from a view that our national tradition of free expression is no longer valid; that censorship and suppression are needed to counter threats to safety or national security, as well as to avoid the subversion of politics and the corruption of morals. We, as individuals devoted to reading and as librarians and publishers responsible for disseminating ideas, wish to assert the public interest in the preservation of the freedom to read.

Most attempts at suppression rest on a denial of the fundamental premise of democracy: that the ordinary individual, by exercising critical judgment, will select the good and reject the bad. We trust Americans to recognize propaganda and misinformation, and to make their own decisions about what they read and believe. We do not believe they are prepared to sacrifice their heritage of a free press in order to be "protected" against what others think may be bad for them. We believe they still favor free enterprise in ideas and expression.

These efforts at suppression are related to a larger pattern of pressures being brought against education, the press, art and images, films, broadcast media, and the Internet. The problem is not only one of actual censorship. The shadow of fear cast by these pressures leads, we suspect, to an even larger voluntary curtailment of expression by those who seek to avoid controversy or unwelcome scrutiny by government officials.

Such pressure toward conformity is perhaps natural to a time of accelerated change. And yet suppression is never more dangerous than in such a time of social tension. Freedom has given the United States the elasticity to endure strain. Freedom keeps open the path of novel and creative solutions, and enables change to come by choice. Every silencing of a heresy, every

enforcement of an orthodoxy, diminishes the toughness and resilience of our society and leaves it the less able to deal with controversy and difference.

Now as always in our history, reading is among our greatest freedoms. The freedom to read and write is almost the only means for making generally available ideas or manners of expression that can initially command only a small audience. The written word is the natural medium for the new idea and the untried voice from which come the original contributions to social growth. It is essential to the extended discussion that serious thought requires, and to the accumulation of knowledge and ideas into organized collections.

We believe that free communication is essential to the preservation of a free society and a creative culture. We believe that these pressures toward conformity present the danger of limiting the range and variety of inquiry and expression on which our democracy and our culture depend. We believe that every American community must jealously guard the freedom to publish and to circulate, in order to preserve its own freedom to read. We believe that publishers and librarians have a profound responsibility to give validity to that freedom to read by making it possible for the readers to choose freely from a variety of offerings.

The freedom to read is guaranteed by the Constitution. Those with faith in free people will stand firm on these constitutional guarantees of essential rights and will exercise the responsibilities that accompany these rights.

We therefore affirm these propositions:

It is in the public interest for publishers and librarians to make available the widest diversity of views and expressions, including those that are unorthodox, unpopular, or considered dangerous by the majority.

Creative thought is by definition new, and what is new is different. The bearer of every new thought is a rebel until that idea is refined and tested. Totalitarian systems attempt to maintain

themselves in power by the ruthless suppression of any concept that challenges the established orthodoxy. The power of a democratic system to adapt to change is vastly strengthened by the freedom of its citizens to choose widely from among conflicting opinions offered freely to them. To stifle every nonconformist idea at birth would mark the end of the democratic process. Furthermore, only through the constant activity of weighing and selecting can the democratic mind attain the strength demanded by times like these. We need to know not only what we believe but why we believe it.

Publishers, librarians, and booksellers do not need to endorse every idea or presentation they make available. It would conflict with the public interest for them to establish their own political, moral, or aesthetic views as a standard for determining what should be published or circulated.

Publishers and librarians serve the educational process by helping to make available knowledge and ideas required for the growth of the mind and the increase of learning. They do not foster education by imposing as mentors the patterns of their own thought. The people should have the freedom to read and consider a broader range of ideas than those that may be held by any single librarian or publisher or government or church. It is wrong that what one can read should be confined to what another thinks proper.

It is contrary to the public interest for publishers or librarians to bar access to writings on the basis of the personal history or political affiliations of the author.

No art or literature can flourish if it is to be measured by the political views or private lives of its creators. No society of free people can flourish that draws up lists of writers to whom it will not listen, whatever they may have to say.

There is no place in our society for efforts to coerce the taste of others, to confine adults to the reading matter deemed suitable for adolescents, or to inhibit the efforts of writers to achieve artistic expression.

To some, much of modern expression is shocking. But is not much of life itself shocking? We cut off literature at the source if we prevent writers from dealing with the stuff of life. Parents and teachers have a responsibility to prepare the young to meet the diversity of experiences in life to which they will be exposed, as they have a responsibility to help them learn to think critically for themselves. These are affirmative responsibilities, not to be discharged simply by preventing them from reading works for which they are not yet prepared. In these matters values differ, and values cannot be legislated; nor can machinery be devised that will suit the demands of one group without limiting the freedom of others.

It is not in the public interest to force a reader to accept the prejudgment of a label characterizing any expression or its author as subversive or dangerous.

The ideal of labeling presupposes the existence of individuals or groups with wisdom to determine by authority what is good or bad for others. It presupposes that individuals must be directed in making up their minds about the ideas they examine. But Americans do not need others to do their thinking for them.

It is the responsibility of publishers and librarians, as guardians of the people's freedom to read, to contest encroachments upon that freedom by individuals or groups seeking to impose their own standards or tastes upon the community at large; and by the government whenever it seeks to reduce or deny public access to public information.

It is inevitable in the give and take of the democratic process that the political, the moral, or the aesthetic concepts of an individual or group will occasionally collide with those of another individual or group. In a free society individuals are free to determine for themselves what they wish to read, and each group is free to determine what it will recommend to its freely associated members. But no group has the right to take the law into its own hands, and to impose its own concept of politics or morality upon other members of a democratic society. Freedom is no freedom if it is accorded only to the accepted and the inoffensive. Further, democratic societies

are more safe, free, and creative when the free flow of public information is not restricted by governmental prerogative or self-censorship.

It is the responsibility of publishers and librarians to give full meaning to the freedom to read by providing books that enrich the quality and diversity of thought and expression. By the exercise of this affirmative responsibility, they can demonstrate that the answer to a "bad" book is a good one, the answer to a "bad" idea is a good one.

The freedom to read is of little consequence when the reader cannot obtain matter fit for that reader's purpose. What is needed is not only the absence of restraint, but the positive provision of opportunity for the people to read the best that has been thought and said. Books are the major channel by which the intellectual inheritance is handed down, and the principal means of its testing and growth. The defense of the freedom to read requires of all publishers and librarians the utmost of their faculties, and deserves of all Americans the fullest of their support.

We state these propositions neither lightly nor as easy generalizations. We here stake out a lofty claim for the value of the written word. We do so because we believe that it is possessed of enormous variety and usefulness, worthy of cherishing and keeping free. We realize that the application of these propositions may mean the dissemination of ideas and manners of expression that are repugnant to many persons. We do not state these propositions in the comfortable belief that what people read is unimportant. We believe rather that what people read is deeply important; that ideas can be dangerous; but that the suppression of ideas is fatal to a democratic society. Freedom itself is a dangerous way of life, but it is ours.

This statement was originally issued in May of 1953 by the Westchester Conference of the American Library Association and the American Book Publishers Council, which in 1970 consolidated with the American Educational Publishers Institute to become the Association of American Publishers.

Adopted June 25, 1953, by the ALA Council and the AAP Freedom to Read Committee;
amended January 28, 1972; January 16, 1991; July 12, 2000; June 30, 2004.

A Joint Statement by:

- American Library Association
- Association of American Publishers

Subsequently endorsed by:

- American Booksellers for Free Expression
- The Association of American University Presses
- The Children's Book Council
- Freedom to Read Foundation
- National Association of College Stores
- National Coalition Against Censorship
- National Council of Teachers of English
- The Thomas Jefferson Center for the Protection of Free Expression

"The Freedom to Read Statement", American Library Association, July 26, 2006.

<http://www.ala.org/advocacy/intfreedom/freedomreadstatement>

Document ID: aaac95d4-2988-0024-6573-10a5ce6b21b2

ATTACHMENT 8: ALA - THE FREEDOM TO VIEW STATEMENT

The **FREEDOM TO VIEW**, along with the freedom to speak, to hear, and to read, is protected by the First Amendment to the Constitution of the United States. In a free society, there is no place for censorship of any medium of expression. Therefore these principles are affirmed:

1. To provide the broadest access to film, video, and other audiovisual materials because they are a means for the communication of ideas. Liberty of circulation is essential to insure the constitutional guarantee of freedom of expression.
2. To protect the confidentiality of all individuals and institutions using film, video, and other audiovisual materials.
3. To provide film, video, and other audiovisual materials which represent a diversity of views and expression. Selection of a work does not constitute or imply agreement with or approval of the content.
4. To provide a diversity of viewpoints without the constraint of labeling or prejudging film, video, or other audiovisual materials on the basis of the moral, religious, or political beliefs of the producer or filmmaker or on the basis of controversial content.
5. To contest vigorously, by all lawful means, every encroachment upon the public's freedom to view.

This statement was originally drafted by the Freedom to View Committee of the American Film and Video Association (formerly the Educational Film Library Association) and was adopted by the AFVA Board of Directors in February 1979. This statement was updated and approved by the AFVA Board of Directors in 1989.

Endorsed January 10, 1990, by the ALA Council

"Freedom to View Statement", American Library Association, May 29, 2007.

<http://www.ala.org/advocacy/intfreedom/freedomviewstatement>

Document ID: 95444382-9c6c-e904-0962-be3aa96cdb5a

ATTACHMENT 9: CREW - A WEEDING MANUAL FOR MODERN LIBRARIES

“CREW: A Weeding Manual for Modern Libraries attempts to describe clearly, practically, and in a step-by-step fashion a now tried-and-true method of carrying out the five processes of ‘reverse selection:’ inventory, collection evaluation, collection maintenance, weeding, and discarding. Keep in mind that no single process will serve the needs of all libraries. CREW: A Weeding Manual for Modern Libraries offers guidelines, and attempts to explain the reasons behind the guidelines, but every library should consider the needs of their particular community and adjust the guidelines accordingly.” - CREW: A Weeding Manual for Modern Libraries. Texas State Library and Archives Commission

CREW: A Weeding Manual for Modern Libraries can be found in .pdf here:

<https://www.tsl.texas.gov/sites/default/files/public/tslac/ld/ld/pubs/crew/crewmetho12.pdf>

The CREW Manual and resources are available online through the Texas State Library and Archives Commission here: <https://www.tsl.texas.gov/ld/pubs/crew/index.html>

ATTACHMENT 11: REQUEST FOR RECONSIDERATION OF LIBRARY MATERIALS

Date _____

First Name _____ Last Name _____

Address _____

City _____ State _____ Zip _____

Phone _____ Library Card Number _____

Do you represent: Self _____ Organization _____

Type of Resource

☐ Book☐ DVD☐ Audio Book☐ Electronic Information☐ Magazine☐ Content of Library Program☐ Newspaper☐ Other

Title of Resource _____

Library Material # _____ Call # _____

What brought this resource to your attention? _____

Did you read/view/hear the entire work? _____ Yes _____ No

If not, what parts did you read/view/hear? _____

Have you read any published reviews of this item? _____ Yes _____ No

If yes, please give name and date of publication(s): _____

What concerns you about the resource? Please be as specific as possible and point to specific examples within the resource including page numbers and time estimates. _____

Are there resources you suggest which provide additional information and/or viewpoints on this topic? _____

All Requests for Reconsideration of Library Resources will go before the Leon Valley Public Library's Board of Trustees. The next Board of Trustees meeting will be _____.

Received by the Library Director on _____.

Library Director Signature of Receipt _____.

ATTACHMENT 12: AMENDMENT 1 OF THE US CONSTITUTION

Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Amendment 1 of the US Constitution can be found online here:

[https://www.senate.gov/civics/constitution_item/constitution.htm#amdt_1_\(1791\)](https://www.senate.gov/civics/constitution_item/constitution.htm#amdt_1_(1791))

ATTACHMENT 23: ARTICLE 1, SECTION 8 OF THE TEXAS CONSTITUTION

Sec. 8. FREEDOM OF SPEECH AND PRESS; LIBEL. Every person shall be at liberty to speak, write or publish his opinions on any subject, being responsible for the abuse of that privilege; and no law shall ever be passed curtailing the liberty of speech or of the press. In prosecutions for the publication of papers, investigating the conduct of officers, or men in public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence. And in all indictments for libels, the jury shall have the right to determine the law and the facts, under the direction of the court, as in other cases.

Article 1, Section 8 of the Texas Constitution can be found online at:

<https://statutes.capitol.texas.gov/Docs/CN/htm/CN.1/CN.1.8.htm>

Library Policy Update

Article 3, Section 5

Collection Development, Potential Problems & Challenged Materials

Regina Reed
Library Director
City Council Meeting
December 06, 2022

Summary

- Question
 - **City Council is being asked to consider update Article 3, Section 5 of the Leon Valley Public Library.**
- Recommendation
 - Approve update

Purpose

Update the Leon Valley Public Library Policy Article 3, Section 5 Collection Development Policy: Potential Problems and Challenged Materials

1. Reallocate final decisions on challenged materials from the Library Director to the City Council.
2. Allow only citizens of Leon Valley to submit a Request for Reconsideration

Purpose / Background

- There is a significant increase in challenged books.
- Book challenges and book bans have become a political issue
- There have been targeted attacks on materials from groups around the state

<https://www.ala.org/news/press-releases/2022/09/ala-releases-preliminary-data-2022-book-bans>

Fiscal Impact

- N/A

(Commission, Committee)

Recommendation *If Applicable*

- At the November 10, 2022 meeting the Library Board of Trustees voted to recommend the changes to Council for approval.

S.E.E. Statement

Social Equity – Keeps the decision on challenged materials within the community; provides a larger platform for citizens to comment on challenges

Economic Development- N/A

Environmental Stewardship – N/A

Library Policy Update

Article 3, Section 5

Collection Development, Potential Problems & Challenged Materials

Regina Reed
Library Director
City Council Meeting
December 06, 2022

OUTSTANDING CITY COUNCIL ITEMS

- **Licensing Fee code amendment**
- **Presentation on continued TOMA training for the advisory committee**
 - 12/6/2022
- **Four-way stop at Forest Meadow and Evers**
 - To be evaluated upon the development of the Evers property
- **Presentation and discussion on the hiring process for Directors**
 - 12/15/2022
- **Review of the Water rates are Scheduled for the beginning of the new year.**
- **Substandard Building Regulations**
 - Beginning of the new year
- **Sustainability Overlay**
 - Currently being reviewed by City Attorney
- **Stray Animal Ordinance**
 - Currently being reviewed by City Attorney
- **Amazon HUB Project**
 - Waiting on site visit and approval
 - Waiting for the delivery
- **LVHS request for ARP funds**
 - Reviewing MOU on 11/1/2022, 12/6/2022
- **Combining Park, Tree and Earthwise living committee- WB**
 - City Council Meeting
 - 11/15/2022
 - 12/6/2022
- **Blood Drive and PTO Policy**
- **Huebner Creek Restoration -RO,BM**
- **Public Private Partnership with local petshops for pet adoption options**
- **The neighborhoods need to be established**
- **Neighborhood/citizen survey**
- **Discussion and possible action on amending BOA variance criterion by Texas Legislative changes**
- **Update on the Huebner Creek trenching**
- **Review of the personnel manual**
- **Legal review of the Sign Code**
 - Councilor Orozco and Bradshaw will work on this item
- **Looking at an amendment to Section 15.02 Appendix C (I), D Structural Nonconformity to add a matching percentage from Economic Community Development funds**
- **Volunteer Appreciation Dinner**
 - Possibly after the Townhall mtg
 - Postpone until September

- **Flooding**
 - Was addressed at the following Council Meetings
 - 08/03/2021 – Flood Damage Prevention Ord. # 21-034
 - 11/2/2021 – To discuss Flood Mitigation Strategies
 - 12/07/2021 – Short Term options to address flooding
 - Budget Adjustment – For Funding floodway Monitoring and Software Upgrades
 - Upcoming Council presentation 1/18/2022
 - Budget Adjustment – for Creek Cleanup
 - Staff is proposing \$150,000 in ARP funds Upcoming Council meeting TBD
 - Segment one of Huebner creek will be presented to the council on 4/19/2022
 - Council decided to look at the 50 ‘ wide, protected little league, the study will be brought back to the council before we agree to do it.
 - Budget adjustment for creek cleanup
 - 6/7/2022
 - Budget adjustment for flood gates and notification system
 - 6/7/2022 postponed
- Huebner Creek Channel improvement presentation 9/20/2022
 - Council direction to bring back budget adjustment on \$633,000
 - First Read 10/3/2022
 - Second Read 10/18/2022
- **Ordinance Amending the City of Leon Valley Code of Ordinances, Chapter 4 Business Regulations, Article 4.03 Alcoholic Beverages, Division 1. Generally, and Division 2. License and Permit Fees**
 - First read on 11/1/2022
 - Second Read on 11/15/2022 postponed until 12/6/2022

ITEMS ARE STILL IN THE PIPELINE, BUT HAVE BEEN ADDRESSED

- **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
- **Appointment of a home rule charter review committee**
 - Mayor was tasked with making recommended changes at the last retreat on 09/07/2021.
 - Mayor presented them at the Town Hall Meeting on 03/26/2022
 - Mayor presented them on 06/04/2022

- The last day to call for a November election is August 22, 2022.
- Deadline for the attorney to get the correct ballot language together is July 13, 2022.
- Per Council Direction on 6/18/2022, the amendments were sent to City Attorney.
- Council will vote on the amendments on July 12, 2022, and July 19, 2022.
- Election will be ordered on August 2, 2022, and August 16, 2022
- Election Scheduled for November
- Provided a review of the Amendments at the Coffee on 10/22/222
- **Presentation and discussion on the status of implementation of TPCA best practices for law enforcement policies, including the mandatory provision of mental health PTO in accordance with Texas legislative changes - JS, RO**
 - Discussed at the following Council meeting
 - 6/1/2021
 - Update in the CM report 10/26/2021:
 - We released the initial 6 policies (6.1 - Use of Force, 6.3 - Non-lethal, Less than lethal weapons, 6.4 - Officer Involved Shooting, 7.15 - Vehicle Pursuits, 7.40 Investigations, 8.6 Active Shooter) in July and August. With the distribution, we included a record of receipt and pertinent training.
 - Since the initial release, we have now distributed 4 more policies (3.2 - Field Training Program, 3.2.1 - Field Training Program Operations Manual, 4.6 - Off-duty Employment, 5.4 - Body Worn Camera) and again, with the distribution, we have included a record of receipt and pertinent training.
 - Currently in the process of the last review before we release 8 other policies.
 - Mental Health quarantine Policies Section 614.015 of the Tx Gov't Code have been updated and can be found here:
https://cms3.revize.com/revize/leonvalleynew/departments/human_resources/procedural_directives.php#revize_document_center_rz4176
 - Distributed a Property and Evidence packaging manual that is used along with 12.1 Property and Evidence Management. 10.1 Prisoner Processing and 11.1 Municipal Court are in the final draft and edit stage and will be distributed both in the near future.
- **Red-light cameras First Available Contract end term is May 2037**
 - City Council adopted a Resolution declaring the intent to phase out redlight cameras 4/6/2021 – Resolution # 21-009R
 - The RLC Contract would be difficult to terminate without financial obligation from the City
 - City Council supports HB 1209 and physically delivers letters in support to Cortez, Biederman, Canales, Menendez

- Funds – Eligible projects – CR
 - Will be discussed at the Town Hall Meeting on January 22, 2022
- Discussed at the retreat council has decided not to spend funds until we know what the legislature is doing
- **Tiger brush and bulk issues- Contract ends January 1, 2025**
 - Discussed at the following City Council Meetings
 - 02/22/2021
 - Council addressed complaints and Tiger sanitation responded
 - 09/7/2021
 - Considered a resolution on how to handle bulk pick-up. Resolution # 21-031-R, the direction was given to CM to come back with a plan.
 - Considered and Ordinance Amending the Ord 14.02 Solid Waste First reading.
 - 11/2/2021
 - Considered and Ordinance Amending the Ord 14.02 Solid Waste Second Reading Passes Ord. # 21-053.
 - 1/11/2022
 - Council considered two options to handle the overflow of Brush. The Council decided to have PW pick up the overage after Tiger sanitation picked up their 8 CY.
 - There were 11 homes with oversized brush the City had the item picked on 3/4/22-3/8/22
 - 05/17/2022 Council meeting discussing rate increase.
 - Council allowed the 2.5% increase for July and another in January but did not approve the 7.5 % increase
 - Council was willing to renegotiate terms
 - On 8/23/2022 council decided to leave terms as is
- **Opioid Litigation**
 - Item Was Addressed in Executives session on:
 - 6/15/2021
 - 09/7/2021
 - 9/21/2021
 - Council Addressed this item at the following Council meeting
 - 11/16/2021
 - Council Passed a resolution # 21-04 agreeing to participate in a settlement agreement with opioid manufacturer Johnson & Johnson. The other is three major pharmaceutical distributors: AmerisourceBergen, Cardinal Health, and McKesson and is estimated to receive \$28,389
 - The City still has an Agreement with Phipps, Ortiz and Talafuse for any remaining ongoing litigation

- **Comprehensive Master Plan**
 - Was addressed at the following Council meetings:
 - 2/2/2021
 - 3/23/2021
 - 06/1/2021
 - This item was discussed during the budget process and ultimately, the Council decided not to expend the funds on this project at this time.
 - Will be discussed under the Townhall meeting update to the council on 4/19/2022
 - Council would like us to use our future land use map
- **Sewer Service Charge Adjustments**
 - Council meeting 2/15/22
 - Impact Fees Removed
 - Sewer Charges will be brought back at a later time.
- **Over 65 Tax Exemption**
 - Council Mtg. 3/1/22
 - Councilor Orozco will get with the Finance Director to see if this item will come back on a later date
- **John Marshall Traffic Plan – CR, JH**
 - Discussed at the following Council meeting
 - 12/14/2022 Next steps
 - NISD engineers are still working on the plan, collecting traffic counts, and coordinating with CoSA Traffic Department
 - Once complete, additional meetings will be held with the City to determine the feasibility and appropriateness
 - Once plans are final, the proposal will be presented to City Council for approval
 - John Marshal Update on 3/15 based on 2/14 meeting
 - The City received feedback on possible neighborhood suggestions on 5/09/2022. Joint meeting to be determined.
 - Heard by City Council to possible street closures on 8/23/20 Engineers will develop a report and PD and Fire will review
 - Taking to Council on 10/3/2022
- **Apartments Finley And Sierra Royale, Forest Oaks, Vista Del Rey- BM**
 - Update ion one of the Apartment Complexes at the CC mtg 3/15
 - Presentation was given on Vista Del Rey
 - Next apartment review is on 5/3/2022
 - Staff received legal advice in executive session
 - Executive session 8/2/2022
 - Council decided to file a Chapter 54 lawsuit against Vista del Rey, filed on 8/5/2022
 - TRO was granted on 8/8/2022
 - Administrative warrant executed on 8/17/2022

- Temporary Injunction was granted on 8/22/2022
 - They have 6 months to comply.
 - 8/31/2022 Vista got new attorneys
 - 9/9/2022 Vista filed a motion to dissolve the temporary injunction
 - C of Os issued Shed, Maintenance Shop, Laundry 1-3, Vista, Gym
 - 9/19/2022 hearing set and canceled
 - Executive Session 9/20/2022
- **Presentation, discussion, and possible action on fluoride survey results – JS**
 - CC Mtg. 3/1/2022 Postponed
 - Moved to 4/5/22
 - Presentation on given to the council and the community on the benefits, no direction was proved to staff
- **American Rescue Plan funds**
 - 8/17/2021 City Council meeting. Council agreed to budget in FY 2022 for the following
 - 911 Mass text - \$5,900
 - PPE and Decontamination Supplies -\$10,000
 - Disposal Supplies and Medication - \$45,000
 - 2 power stretchers – \$60,000
 - 12 LEAD Cardiac monitor - \$70,000
 - Library Hot Spots – \$5,220
 - Huebner Well Generator -\$230,000
 - 11/16/2021 Budget Adjustment ord. # 21-060
 - AV equipment – Council Chambers -\$41,000
 - PD AC Repair - \$10,000
 - Website upgrades - \$40,000
 - Premium Pay for Essential Workers -\$150,000
 - Citizen Utility Asst. -\$50,000
 - Library AC repair -\$25,000
 - For FY 23 Budget
 - Fire Truck-\$400,000
 - Shadow Mist Skate Park -\$70,000
 - This item was heard at the Town Hall Meeting on 3/26/2022
 - Citizen input will be presented at the 4/19/22 CC Mtg
 - At the 4/19/2022 council Meeting council decided to use \$400,000 to purchase a fire truck
 - Finance Director gave a presentation on 10/18/2022 council meeting
- **AV equipment for the Conference Center -Budget Adjustment from ARP Funds**
 - Council meeting 2/1/22 first read

- Item amended to get the direction of the scope of work
- Will bring the item back after the BID process
- Discuss alternatives 5/3/2022
- **Adding an End time to the City Council Meeting Agendas**
 - The Council reviewed the rules of Decorum at the retreat on 06/18/2022 this was not discussed.
 - Council will review Decourm at the 7/12/2022 council meeting.

COMPLETED

- **Water Deposit Refund Policy**
 - Item Completed at the Council meeting 2/1/22
- **Criteria for projects – economic and community development advisory committee (ECDAC)**
 - Council Meeting 2/1/22 first read
 - Council Meeting 2/15/22 second read
 - COMPLETED 2/15/2022
- **Huebner Onion Homestead Encroachment - ROW**
 - Item Completed at the 1/18/22 City Council Meeting
 - Northwest Chamber Presentation on OFB
 - 3/15/2022
- **Library Policies**
 - City Council meeting 3/15
 - Council approved the Policies as presented and adopted by the board.
- **New City Attorney**
 - First read, CC Mtg 3/15/22
 - Second read, CC mtg 4/5/22
 - Start date 4/11/2022
- **Credit card processing fee**
 - CC Mtg. 2/15/22 presentation and direction was given by the Council
 - Charge 2% on all charges
 - First, read on 3/15/22
 - Second Read 4/5/22
 - This has been implemented water customers have until 7/1/2022 to change to another method if they do not want to be charged a Fee.
- **Fire Department Grants and budget Adjustments**
 - City Council meeting 4/5/22
- **Racial Profiling Presentation**
 - City Council Meeting 4/5/2022
 - Completed
- **The Platting Process**
 - CC Mtg. 3/1/2022 -Postponed

- Mayor moved to the 3/15 Agenda
 - Presented to the Council on 3/15/2022, no direction given to staff
- **Townhall meeting update and Direction from the Council on how to proceed with citizen input**
 - CC mtg. 4/19/2022
 - Council provided direction to enhance the crosswalk at Evers by the library and traffic control for JMHS
 - HRC committee will be the council and Saturday workshop with budget
- **Funding options on a Fire Truck**
 - Cc mtg 4/19/2022
 - Council approved 50% from ARP funds and leasing the remainder on a 5 year lease.
- **Storm Water Utility Rate Revision**
 - CC Mtg. 4/19/22
 - This item will be brought back on 4/5 CC mtg.
 - The direction was to have the rates match SA, a possible scale for inflation of 3% and what the total impact would be.
 - Second Read 5/3/2022
 - Council approved with a 3% increase every year for 5 years.
- **Impound Lot Presentation**
 - CC mtg for 4/5/2022
 - Moved by Mayor to the next meeting
 - CC mtg 4/19/2022
 - Moved by Mayor to the next meeting
 - Will be presented at the 5/3/2022 CC mtg.
 - Council had not requested changes other than investigating the cost to relocate.
- **Presentation on Graffiti**
 - CC Mtg. 4/19/22
 - In investigating the current Ord. the City realized that our ord was not in line with the state statute
 - CC Mtg. 4/5 new Ord. will be presented
 - Moved by Mayor to the next meeting
 - Will be presented at the 4/19/ 2022 CC mtg.
 - Moved by Mayor to the next meeting
 - Will be presented at the 5/3/2022 CC mtg.
 - No changes were requested on presented changes
 - Second Read was presented on 5/17/2022 council meeting this item passed
- **Zazamora Creek cleanup & possible acquisition**

- The council decided on no acquisition but to authorize a budget adjustment of the American Rescue Plan Fund in the amount of \$25,104.00 to the Stormwater Utility Fund Budget for the Purpose of the Zarzamora Creek Drainage Easement Clean-Up and debris haul off.
 - Creek cleanup started on 07/25/2022
- **Charity Care Policy -Need to receive ASSPP funding**
 - First, read City Council meeting 5/17/2022
 - Second Read CC mtg. 6/7/2022 Council approved
- **Capital Facilities Committee Survey**
 - Closes April 15, 2022
 - Committee member Wiliam Johnson is gathering the survey information
 - The survey results were presented to the council on 06/07/2022
- **SAWS Agreement**
 - Council Meeting 8/16/2022
 - Second read 09/6/2022
 - Item passed
- **Time Capsule Event**
 - Presentation on 8/16/2022 – postponed
 - Presentation on 9/6/2022
 - This will be held on October 1, 2022
- **Subdivision Code Revisions**
 - Presented at P&Z meeting on 7/26/2022
 - Tabled until 8/22/2022
 - First read to council on 9/6/2022
 - Second Read to council on 9/20/2022
 - Passed unanimously
- **Curfew Ordinance**
 - City Attorney Review
 - Sent the Ord. for Hefner and Orozco to review
 - Placed on the 10/2/2022 city council meeting for second read
 - Passed unanimously with two amendments
 - Taking out day time hours and exceeding the time from 11 p.m. to 12:00 a.m.
- **One-time Water leak adjustment for retroactive repairs**
 - 9/20/2022
 - 10/3/2022 – Passed unanimously
- **One-time rainwater conservation adjustment for retroactive projects**
 - 9/20/2022
 - 10/3/2022 – Passed unanimously
- **Jazz Festival Direction**
 - Postpones by Mayor 8/6/2022
 - Postponed by Mayor 8/23/2022
 - Postponed by Mayor 9/6/2022

- Scheduled for 9/20/2022
 - Council direction to have a March event
- **Capital Facilities final report presentation 10/3/2022**
- **Monument Maintenance -completed 10/18/2022**
 - Council provided direction to take out the ones that were following and look into alternative markers.
- **Removing SUP from Mobile Food Truck Ordinance**
 - Needs to go to Zoning Commission 9/27/2022
 - Will come to council on 10/3/2022
 - Second read 10/18/2022
 - Approved by city council
- **Repealing and Replacing the Leon Valley Code of Ordinances, Chapter 3 Building Regulations, Article 3.02 Technical and Construction Codes and Standards, Divisions 2., 3., 4., 5., 6. with a New Division 2 Technical and Construction Codes Adopted, Amending Article 3.06 Swimming Pools, and Amending Appendix A of the Code of Ordinances, Article A8.000 Building and Construction Related Fees, Section A8.001 Contractor registration fee, to Adopt the 2020 National Electrical Code, and the 2021 International Residential, Building, Mechanical, Plumbing, Swimming Pool and Spa, Fuel Gas, Energy and Conservation, and Existing Building Codes, with Amendments, and Removing Contractor Registration Fees**
 - First read 10/3/2022
 - Second Read 10/18/2022
 - Changed the minimum size of a shed to require a permit from 125 sq ft to 300 sq ft.
 - Council Passed.
- **ADA transition plan**
 - Presented at the 7/19/2022 city council meeting
 - Post on the website for public comment for three months on the website
 - Approved at 11/1/2022 Council meeting

