



**CITY OF LEON VALLEY
CITY COUNCIL REGULAR MEETING**
Leon Valley Conference Center
6421 Evers Road, Leon Valley, Texas 78238
Tuesday, August 18, 2015

AGENDA

1. **7:00 P.M.** Call to order, Determine a Quorum is Present, Pledge of Allegiance.
2. **Citizens to Be Heard and Time for Objections to the Consent Agenda.** “Citizens to be heard” is for the City Council to receive information on issues that may be of concern to the public. The purpose of this provision of the Open Meetings Act is to ensure that the public is always given appropriate notice of the items that will be discussed by the Council. Should a member of the public bring an item to the Council, for which the subject was not posted on the agenda of that meeting, the Council may receive the information but cannot act upon it during the meeting. Council may direct staff to contact the requestor or ask that the issue be placed on a future agenda for discussion by the Council.

Note: City Council may not debate any non-agenda issue, nor may any action be taken on any non-agenda issue at this time; however City Council may present any factual response to items brought up by citizens. [Attorney General Opinion – JC 0169]

CONSENT AGENDA

3. Approval of City Council Minutes. **(S. Passailaigue)**
 - a) August 04, 2015 Special City Council Meeting
 - b) August 10, 2015 Special City Council Meeting
 - c) August 11, 2015 Special City Council Meeting
4. Consideration and possible action of Resolution No. 15-027R appointing members to boards, commissions, and committees. **M&C 2015-08-18-03 (S. Passailaigue)**
5. Consideration and approval of an ordinance repealing and replacing Chapter 3 “Building Regulations,” Article 3.03, “Flood Damage Prevention”. **M&C 2015-08-18-04 (E. Carol)**

DISCUSSION AGENDA

6. Consideration and possible action on the agreement with the United States Department of Justice, Drug Enforcement Administration to have an Officer assigned to the State and Local Task Force. **M&C 2015-08-18-05 (R. Wallace)**

7. Consideration and possible action on Ordinance No. 15-012, approving an Evers Road Bridge Engineering Study, with Related Budget Adjustment **M&C 2015-08-18-06 (M. Moritz)**
8. Consideration and possible action authorizing the City Manager to sign a Contract with IDS Engineering to Perform the Evers Road Bridge Study. **(M. Moritz)**
9. Consideration and possible action on Ordinance No. 15-013, granting permanent and temporary easements along Huebner Creek, from Bandera Road to the City limits, to SAWS for the Huebner Creek LC-17, Phase III & W-2 Huebner Creek projects. **M&C 2015-08-18-07 (M. Moritz)**
10. Consideration and possible action on a sign variance request by Debbie Stellar, owner of Starlite Signs on behalf of Hobby Lobby at 7058 Bandera Road. **M&C 2015-08-18-08 (E. Carol)**
11. Consideration and action on a sign variance request by Enrique L. Perales, owner of Fruit Mix, at 7007 Bandera Road, Suite 14. **M&C 2015-08-18-09 (E. Carol)**
12. City Manager's Report:
 - a) Nomination Phase of selection process for election of Bexar Appraisal District Board of Directors for 2016-2017
 - b) Budget Award
 - c) Department Reports
 - d) Approved Minutes from Boards, Commissions and Committees
 - e) Future Agenda Items:
 - Consideration of a proposed budget adjustment for the Municipal Bond Program.
 - Consideration of a contract for the purpose of designing and engineering a new well; and related services for the 2015 Water Well Project.
 - Special Joint City Council and Historical Society Meeting to discuss establishing a Public Private Partnership between the two entities – August 29th
 - f) Upcoming Important Events:
 - Texas Municipal Clerks Association Legislative Update – San Marcos, August 20th-21st
 - Texas Municipal League Region 7 Meeting – Balcones Heights, August 28th
 - Texas Municipal League's 103rd Annual Conference – San Antonio, September 22nd-25th
 - City Offices and Municipal Court closure Monday, September 7, 2015 in observance of Labor Day.
13. The City Council shall meet in Executive Session at the Kinman House located at 6417 Evers Road, Leon Valley, Texas, under Texas Tax Code §321.3022(i) to receive confidential information from the Texas Comptroller's Office to the Mayor and City Council. **M&C 2015-08-18-10 (C. Mora)**
14. The City Council shall reconvene into Regular Session at the Leon Valley Conference Center located at 6421 Evers Road, Leon Valley, Texas and take action on issues discussed in Executive Session if necessary. **M&C 2015-08-18-11 (C. Mora)**

15. Consideration and approval of a budget adjustment to the Economic Development Department Fiscal Year 2014-2015
16. Citizens to be Heard.
17. 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.
18. 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).

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 take action 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 Public Library, 6425 Evers Road, Leon Valley, Texas, on August 14, 2015 at 11:15 a.m. and remained posted until after the meeting(s) hereby posted concluded. This notice is posted on the City website at www.leonvalleytexas.gov. This building is wheelchair accessible. Any request for sign interpretive or other services must be made 48 hours in advance of the meeting. To make arrangements, call (210) 684-1391, Extension 216.


SAUNDRA PASSAILAIGUE, TRMC
City Secretary





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

Leon Valley Conference Center
6421 Evers Road, Leon Valley, Texas 78238
Tuesday, August 4, 2015

MINUTES

The City Council of the City of Leon Valley, Texas met on the 4th day of August, 2015 at the Leon Valley Conference Center located at 6421 Evers Road, Leon Valley, Texas for the purpose of the following business:

SPECIAL CITY COUNCIL MEETING

Mayor Riley called the Special City Council Meeting to order at 7:01 p.m. and asked Council Member Monica Alcocer to lead the Pledge of Allegiance.

Mayor Riley asked that the minutes reflect that the following members of City Council were present: Council Members Carmen Sanchez, Benny Martinez; David Jordan; and Monica Alcocer. Council Member David Edwards was excused due to vacation.

Also in attendance were:

Interim City Manager Hank Brummett, ACM/Human Resources Director Crystal Caldera, City Secretary Sandra Passailaigue, City Attorney Patrick Bernal, Fire Chief Luis Valdez, Police Chief Randall Wallace, Assistant Police Chief Ray Lacy, Planning Manager Elizabeth Carol, Economic Development Director Claudia Mora, Finance Director Vickie Wallace and Communications Director Darrick Green.

A workshop will be conducted on the Proposed Fiscal Year 2016 Budgets. During the workshop the Interim City Manager will present a PowerPoint Presentation on the following Proposed Fiscal Year 2016 Budgets: M&C #2015-08-04-01 (H. Brummett)

- | | | |
|-------------------|----------------|-------------------|
| a) Administration | e) Development | g) Special Events |
| b) Police | Services | h) Parks |
| c) Fire | f) Economic | i) Library |
| d) Public Works | Development | |

A motion was made by Council Member Monica Alcocer and seconded by Council Member Carmen Sanchez to postpone Item 1 of this agenda (budget workshop) to August 18, 2015. Upon a vote of four (4) for and zero (0) against, with Council Member Edwards being excused, Mayor Riley announced the motion carried.

Citizens to Be Heard and Time for Objections to the Consent Agenda.

Mayor Riley asked if any of the Council Members wished to pull Items 4, 5, 6, 7, 8 or 9 from the Consent Agenda for discussion.

Council Member Benny Martinez requested that Item 6 be pulled for discussion. Mayor Riley moved to citizens to be heard.

Walter Geraghty, 7315 Ellerby Point, on behalf of the American Legion Post 336, thanked the City Council for the Audie L. Murphy signs. Mr. Geraghty also expressed his pleasure with the July 4th Spectacular.

CONSENT AGENDA

Approval of City Council Minutes. (S. Passailaigue)

- a) July 21, 2015 Regular City Council Meeting**
- b) July 25, 2015 Coffee with the Mayor and Council**
- c) July 29, 2015 Special City Council Meeting**

Consideration and possible action of Resolution No. 15-024R appointing members to boards, commissions, and committees. M&C 2015-08-04-02 (S. Passailaigue)

Consideration and possible action of a request for partnership with the City of Leon Valley and approval of a waiver for related fees for the use of the Leon Valley Community Center by the American Legion Post No. 336 as requested by Mr. Walter Geraghty. M&C #2015-08-04-04 (E. Carol)

Consideration and approval of a waiver for the deposit and rental fees related to the use of the Leon Valley Community Center as requested by Congressman Joaquin Castro for a town hall meeting. M&C #2015-08-04-05 (E. Carol)

Consideration and possible action of Resolution No. 15-025R creating a potted plant beautification program for the City of Leon Valley and authorizing expenditures therefor. M&C #2015-08-04-06 (S. Passailaigue)

A motion was made by Council Member Monica Alcocer and seconded by Council Member Carmen Sanchez, to approve Consent Agenda Items #4 (July 21st, July 25th and July 29th City Council Minutes) as presented, #5 (Resolution No. 15-024R), Item #7 (American Legion Waiver), Item #8 (Congressman Waiver), and Item #9 (Resolution No. 15-025R) Upon a vote of four (4) for and zero (0) against, with Council Member Edwards being excused, Mayor Riley announced the motion carried.

Consideration and possible action of Ordinance No. 15-010 authorizing a budget adjustment to the general, water, and stormwater funds, in order for the City to have adequate funds to cover the cost of the unemployment benefits for Manuel Longoria Jr. and Janie Willman. M&C #2015-08-04-03 (ACM C. Caldera)

ACM/HR Director Crystal Caldera was present to answer questions.

A motion was made by Council Member Benny Martinez and seconded by Council Member Monica Alcocer, to approve Consent Item 6 (Ordinance No. 15-010) as presented. Upon a vote of four (4) for and zero (0) against, with Council Member Edwards being excused, Mayor Riley announced the motion carried.

City Manager's Report:

- a) Stage I Water Restrictions**
- b) Emergency Shelter Exercise**
- c) Department Reports**
- d) Approved Minutes from Boards, Commissions and Committees**

Interim City Manager Hank Brummett informed every one of his declaration of Stage I Water Restrictions effective July 31st. Fire Chief Luis Valdez and Council Member Carmen Sanchez thanked all participants of the Emergency Shelter Exercise saying it was a huge success.

DISCUSSION AGENDA

Discussion and possible action authorizing the Interim City Manager to negotiate a contract with an engineering firm to provide services for the engineering and design of the 2015 well project. M&C #2015-08-04-11 (M. Moritz)

ACM/HR Director Crystal Caldera presented on behalf of Public Works Director Melinda Moritz. Staff requested that the City Council consider authorizing the City Manager to negotiate a contract with an engineering firm for the engineering and design of a water well, the lining of two existing wells, an interconnection with the San Antonio Water System, and all related equipment and materials. In June of 2015, the City Council authorized the City Manager to solicit Requests for Proposals (RFP's) for an engineering firm to provide services for the engineering and design of the well project. RFPs for engineering and design services were solicited, and seven (7) responses were received. A committee was formed to evaluate the responses and selected the highest scoring firms. The firms were interviewed on Thursday and Friday, July 30th and 31st. The Committee scored the finalists and presented their recommendation to the City Manager. After City Council approval, the City Manager will enter into negotiations with the selected firm. If an agreement cannot be reached, the City Manager would then enter into negotiations with the next scored firm, and so on until an agreement can be reached.

A motion was made by Council Member Benny Martinez and seconded by Council Member David Jordan to authorize the City Manager to enter into negotiations with the selected firm (Southwest Engineering or runner up) and bring back a draft contract August 18, 2015 for City Council consideration. Upon a vote of four (4) for and zero (0) against, with Council Member Edwards being excused, Mayor Riley announced the motion carried.

Discussion and possible action on a vote for the placement of a proposal to adopt the City's 2015 tax rate on the agenda of September 15, 2015, Council meeting at a rate of

\$0.561624/\$100 valuation, which is \$0.013883 lower than last year's tax rate of \$0.575507, 6.641451% higher than the effective tax rate of \$0.526647 and is equal to the rollback tax rate. M&C #2015-08-04-07 (V. Wallace)

Finance Director Vickie Wallace presented the item first by saying that at the time this agenda was posted the numbers in the caption were correct, but between the posting of the agenda and this meeting the State Comptroller's Office made changes which changed the numbers.

Finance Director Wallace proceeded to present the item proposing the adoption of a tax rate of \$0.561615 per \$100 of property valuation for the tax year 2015, which is \$0.013892 lower than last year's tax rate of \$0.575507. Finance Director Wallace explained that when a proposed tax rate exceeds the rollback tax rate or the effective tax rate, whichever is lower, Chapter 26 of the Texas Property Tax Code requires the City Council to vote to place a proposal to adopt the tax rate on the agenda of a future meeting as an action item. For the 2015 tax year, the proposed tax rate of \$0.561615 exceeds the effective tax rate of \$0.526647 by 6.641451% and is equal to the rollback tax rate.

A motion was made by Council Member Monica Alcocer and seconded by Council Member David Jordan to place the proposal to adopt the City's 2015 tax rate on the agenda of September 15, 2015.

As required, Mayor Riley took a roll call vote to which the City Council replied: Council Member Alcocer - Aye; Council Member Sanchez - Aye; Council Member Jordan - Aye; Council Member Martinez - Aye; and Council Member Edwards - Absent.

The City Council voted four (4) for and zero (0) against, with Council Member Edwards being excused, Mayor Riley announced the motion carried.

Discussion and possible action to call for two public hearings on the Proposed 2015 tax rate of \$0.561624 per \$100 valuation, which is \$0.013883 lower than last year's tax rate of \$0.575507, 6.641451% higher than the effective tax rate of \$0.526647 and is equal to the rollback tax rate. The first public hearing will be on Tuesday, September 1, 2015, at 7:00 p.m. at the Leon Valley Conference Center, 6421 Evers Road, Leon Valley, Texas 78238 and the second public hearing will be on Tuesday, September 8, 2015, at 7:00 p.m. at the Leon Valley Conference Center, 6421 Evers Road, Leon Valley, Texas 78238. M&C #2015-08-04-08 (V. Wallace)

A motion was made by Council Member Carmen Sanchez and seconded by Council Member Monica Alcocer to call for two public hearings with the first public hearing being held on Tuesday, September 1, 2015 and the second public hearing being held on Tuesday, September 8, 2015. Upon a vote of four (4) for and zero (0) against, with Council Member Edwards being excused, Mayor Riley announced the motion carried.

Discussion and possible action on Leon Valley Economic Development Corporation (LVEDC) FY 2015 Budget Adjustment to add \$160,000 of Previously Unbudgeted LVEDC Funds from the LVEDC's Fund Balance to the Contractual Services Budget of the Current Fiscal Year Budget. M&C #2015-08-04-09 (Stephen Ynostrosa, LVEDC Board President)

Leon Valley Economic Development Corporation (LVEDC) Chairman Stephen Ynostrosa presented the item with a PowerPoint detailing the LVEDC Funds. The LVEDC seeks City Council approval to add \$127,136.00 of previously unbudgeted LVEDC funds from the LVEDC's fund balance to the Contractual Services budget of the FY 2015 budget.

A motion was made by Council Member Carmen Sanchez and seconded by Council Member David Jordan to approve the budget adjustment. Upon a vote of four (4) for and zero (0) against, with Council Member Edwards being excused, Mayor Riley announced the motion carried.

Discussion and possible action on two (2) variance requests by Alpaben Gajena, owner of New Friends Learning Center, to maintain their existing sign and an existing fence that are located at 7500 Eckhert Road, Suite. 140. M&C #2015-08-04-10 (E. Carol)

Planning Manager Elizabeth Carol presented this item for consideration of a variance which would allow New Friends Learning Center (NFLC) to maintain their existing sign which is on an unpermitted six (6) foot privacy fence that is located in the front yard of their storefront and provides an enclosure for the children's play area at 7500 Eckhert Road, Suite 140. The fence and sign are 6'x138' which is an 828 square foot logo. Chapter 3.04 of the Leon Valley Code of Ordinances, regarding signs, does not include painted fences on its list of allowable signs. The largest single tenant sign allowed in the code is 375 feet, which was designed for locations abutting the highway. Section. 3.05 of the Leon Valley Code of Ordinances states that no fence shall hereafter be erected within the city unless the person erecting the fence obtains a permit for construction of the fence. Planning Manager Carol went on to say that on April 20, 1999, the Leon Valley City Council approved a variance allowing the previous applicant, Enrichment Academy, to install a four (4) foot fence in the front yard to accommodate an outdoor play area. NFLC opened August 2014. In October 2014, the City received a complaint from another childcare owner/operator in the area who requested that other facilities in Leon Valley have their existing sign's reviewed. A second request was received in January 2015, and a citation was issued to the NFLC. The applicant was cited in January and submitted a variance request for their sign which was considered at the February 8, 2015 City Council meeting. During the discussion it was noted that the applicant did not have an updated permit for their six (6) foot fence. Their existing fence permit allows for a four (4) foot fence in the front yard. City Council requested staff to resolve the issues of the sign and fence and bring them back for consideration.

April 22, 2015, Code Compliance followed up and issued a warning to the NFLC for the installation of a sign on an unpermitted six (6) foot privacy fence. The applicant was notified that their sign and fence were not in compliance, and they were given until April 30, 2015 to modify their sign, and fence, submit a sign and/or fence permit or request a variance to these requirements. On May 5, 2015 the applicant was formally cited by Code Compliance for the installation of a sign and fence that are not in compliance, and were installed without a permit. On May 21, 2015 the applicant submitted a variance request to the Leon Valley Code of Ordinances (LVCO) fence standards. The applicant has indicated that the six (6) foot tall fence was installed to protect the privacy and safety of their children. May 21, 2015, the applicant

met with the prosecutor who recommended that they proceed with the permitting process and advise the Court of any action. The Leon Valley Economic Development Corporation (LVEDC) Board has considered and approved the NFLC request for a grant to install a sign provided it is in conformance with the code.

A motion was made by Council Member Monica Alcocer for denial of the sign variance as requested but move for the approval of a fence variance not to exceed four feet (4') in height; and that the letters as well as verbal statements submitted by the applicant shall be entered into the minutes of this meeting as the factual basis of this Council's findings subject to a four foot (4') maximum height; and special circumstances or conditions exist affecting the land involved such that the strict application of the provisions of the City's fence regulations would deprive the applicant of reasonable use of this land; and the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and the granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area. There being no second for the motion, the motion died.

A motion was made by Council Member Benny Martinez and seconded by Council Member Carmen Sanchez to deny the request for a sign variance but to grant a variance for a six foot (6') fence; and that the letters as well as verbal statements submitted by the applicant shall be entered into the minutes of this meeting as the factual basis of this Council's findings subject to a four foot (4') maximum height; and special circumstances or conditions exist affecting the land involved such that the strict application of the provisions of the City's fence regulations would deprive the applicant of reasonable use of this land; and the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and the granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area. Upon a vote of three (3) for and one (1) against with Council Member Monica Alcocer casting the negative vote; and with Council Member Edwards being excused, Mayor Riley announced the motion carried.

Upcoming Important Events:

- a) **Texas Municipal League's Newly Elected City Officials Orientation – Round Rock, August 13th-14th**
- b) **Legislative Update – San Marcos, August 20th-21st**
- c) **Texas Municipal League's 103rd Annual Conference – San Antonio, September 22nd-25th**

Mayor Riley announced the upcoming events.

Citizens to be Heard.

- Mike K. Davis, 6002 Forest Shadow, spoke about the enforcement of the City Code of Ordinances and against the granting of the fence variance this evening.
- Vickie Jamvold, 7203 Poss Road, spoke about graffiti, the trimming of her hedges, accessibility by volunteers to the Library Annex, and lastly about her neighbor placing audio and video of her front and back yard.

Announcements by the Mayor and Council Members.

Council Member Monica Alcocer thanked everyone for attending the meeting tonight.

Council Member Benny Martinez wished his wife, Pat Martinez, a “Happy Birthday”.

Council Member David Jordan thanked the Fire Chief for all the emergency preparedness training that he and Assistant Chief Billy Lawson were doing.

Mayor Riley announced that City Council would begin interviewing for the position of city manager next week.

Adjournment

Mayor Riley announced the meeting adjourned at 8:55 p.m.

These minutes approved by the Leon Valley City Council on the 18th of August, 2015.

APPROVED

CHRIS RILEY
MAYOR

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
CITY SECRETARY



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

Leon Valley Fire Department Training Room
6300 El Verde Road, Leon Valley, Texas 78238
Monday, August 10, 2015

MINUTES

The City Council of the City of Leon Valley, Texas met on the 10th day of August, 2015 at the Leon Valley City Fire Department Training Room located at 6300 El Verde Road, Leon Valley, Texas for the purpose of the following business:

Call to order.

Mayor Riley called the Special City Council Meeting to order at 6:02 p.m.

Mayor Riley asked that the minutes reflect that the following members of City Council were present: Council Members Monica Alcocer, Carmen Sanchez, Benny Martinez and David Jordan. Council Member David Edwards was continuously present in audio and visual via videoconference.

Also in attendance were: Interim City Manager Hank Brummett and ACM/HR Director Crystal Caldera.

The City Council shall meet in Executive Session under Texas Government Code §551.074 *Personnel Matters* to conduct interviews for the position of city manager.

The City Council went into Executive Session at 6:03 p.m.

Reconvene into Regular Session and take action on issues discussed in Executive Session if necessary.

The City Council reconvened into Open Session at 7:33 p.m.

Adjournment

Mayor Riley announced the meeting adjourned at 7:34 p.m.

These minutes approved by the Leon Valley City Council on the 18th of August, 2015.

APPROVED

**CHRIS RILEY
MAYOR**

ATTEST:

**SAUNDRA PASSAILAIGUE, TRMC
CITY SECRETARY**



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

Leon Valley Fire Department Training Room
6300 El Verde Road, Leon Valley, Texas 78238
Tuesday, August 11, 2015

MINUTES

The City Council of the City of Leon Valley, Texas met on the 11th day of August, 2015 at the Leon Valley City Fire Department Training Room located at 6300 El Verde Road, Leon Valley, Texas for the purpose of the following business:

Call to order.

Mayor Riley called the Special City Council Meeting to order at 6:04 p.m.

Mayor Riley asked that the minutes reflect that the following members of City Council were present: Council Members Monica Alcocer, Carmen Sanchez, Benny Martinez and David Jordan. Council Member David Edwards was continuously present in audio and visual via videoconference.

Also in attendance were: Interim City Manager Hank Brummett and ACM/HR Director Crystal Caldera.

The City Council shall meet in Executive Session under Texas Government Code §551.074 *Personnel Matters* to conduct interviews for the position of city manager.

The City Council went into Executive Session at 6:05 p.m.

Reconvene into Regular Session and take action on issues discussed in Executive Session if necessary.

The City Council reconvened into Open Session at 8:31 p.m.

Adjournment

Mayor Riley announced the meeting adjourned at 8:32 p.m.

These minutes approved by the Leon Valley City Council on the 18th of August, 2015.

APPROVED

**CHRIS RILEY
MAYOR**

ATTEST:

**SAUNDRA PASSAILAIGUE, TRMC
CITY SECRETARY**

MAYOR AND COUNCIL COMMUNICATION

DATE: August 18, 2015 **M&C # 2015-08-18-03**
TO: Mayor and Council
FROM: Sandra Passailaigue, City Secretary
THROUGH: Hank Brummett, Interim City Manager
SUBJECT: Consideration and possible action of Resolution No. 15-027R appointing members to boards, commissions, and committees.

PURPOSE

This item was placed on the City Council agenda at the request of Mayor Chris Riley pursuant to Resolution No. 15-012R.

FISCAL IMPACT

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

A RESOLUTION OF THE CITY OF LEON VALLEY CITY COUNCIL APPOINTING MEMBERS TO THE BOARD OF ADJUSTMENT.

WHEREAS, The City of Leon Valley deemed it necessary to create boards, commissions and committees composed of volunteers from the community to perform specific functions for the City.

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

WHEREAS, the City Council of Leon Valley empowers these boards, commissions and committees to make decisions affecting the citizens and the future of the City.

WHEREAS, the individuals currently filling the boards, commissions and committees have performed admirably and honestly for the benefit of the City of Leon Valley and its citizens.

WHEREAS, the City Council formally appoints and sets the term for the following individuals to their respected board or commission:

**Board of Adjustment – Patricia Manea
Leon Valley Economic Development Corporation – Stephen Ynostrosa and Patricia Manea**

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

That the appointment of the aforementioned individuals to their respected board, commission or committee and term for each individual become effective immediately.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 18th day of August, 2015.

APPROVED

CHRIS RILEY
MAYOR

Attest: _____
SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form: _____
PATRICK BERNAL
City Attorney

MAYOR AND COUNCIL COMMUNICATION

DATE: August 18, 2014 **M&C # 2015-08-18-04**
TO: Mayor and Council
FROM: Elizabeth Carol, Director of Development
THROUGH: Hank Brummett, Interim City Manager
SUBJECT: Repealing and preplacing Chapter 3, "Building Regulations," Article 3.03, "Flood Damage Prevention".

PURPOSE

The City of Leon Valley's current Flood Damage Prevention Article was reviewed and compared to the best practice standards provided by the Federal Emergency Management Agency (FEMA) Community Rating Systems Coordinator's manual. It was discovered after review, that minor technical, mostly grammatical, changes were all that was needed in order to be consistent with this standard.

This update is primarily a house-keeping issue and works to improve the City of Leon Valley's position in preparation for earning a rating through the National Flood Insurance Program survey, which will provide a discounted percentage of flood insurance premiums to Property Owners of Leon Valley.

S.E.E. LEON VALLEY

Social Equity – Adopting this update provides a consistent flood damage prevention set of codes for all Property Owners.

Economic Development – Adopting this update will work to lower insurance premiums for Property Owners.

Environmental Stewardship – Maintains good management of the city's floodplain

FISCAL IMPACT

None

RECOMMENDATION

Repeal and replace Chapter 3, "Building Regulations," Article 3.03, "Flood Damage Prevention".

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

AN ORDINANCE REPEALING AND REPLACING CHAPTER 3, “BUILDING REGULATIONS,” ARTICLE 3.03, “FLOOD DAMAGE PREVENTION,” PROVIDING A PENALTY OF NO LESS THAN TWENTY-FIVE DOLLARS (\$25) AND NO MORE THAN FIVE HUNDRED DOLLARS (\$500)

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

WHEREAS, the City of Leon Valley has determined it is necessary to update the existing Flood Plain Development regulations for the good government of the city, to assist in obtaining certifications with various agencies and to conform to best practices.

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

1. Chapter 3, “Building Regulations,” Article 3.03, “Flood Damage Prevention,” is hereby repealed and replaced to read as follows:

“ARTICLE 3.03 FLOOD DAMAGE PREVENTION”

Sec. 3.03.001 Statutory authorization, findings of fact, purpose and methods

(a) Statutory authorization. The Legislature of the State of Texas has in the Flood Control Insurance Act, Texas Water Code, Section 16.315, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the City of Leon Valley, Texas sets forth the regulations that follow.

(b) Findings of fact.

(1) The flood hazard areas of the City of Leon Valley are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

(c) Statement of purpose. It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1) Protect human life and health;

- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
- (7) Insure that potential buyers are notified that property is in a flood area.

(d) Methods of reducing flood losses. In order to accomplish its purposes, this ordinance uses the following methods:

- (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- (4) Control filling, grading, dredging and other development which may increase flood damage;
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

Sec. 3.03.002 Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

Alluvial fan flooding. Flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

Apex. A point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

Appurtenant structure. A structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure

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Area of future flood conditions flood hazard. The land area that would be inundated by the 1-percent-annual chance (100 year) flood based on future conditions hydrology.

Area of shallow flooding. A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard. The is the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

Base flood. The flood having a 1 percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE). The elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a 1% chance of equaling or exceeding that level in any given year - also called the Base Flood.

Basement. Any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway wall. A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Critical feature. An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Development. Any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Elevated building. A for insurance purposes, a non-basement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Existing construction. For the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

Existing manufactures home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

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Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood elevation study. An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood insurance rate map (FIRM). An official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Flood insurance study(FIS). See *Flood Elevation Study*

Floodplain or flood-prone area. Any land area susceptible to being inundated by water from any source (see definition of flooding).

Floodplain management. The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain management regulations. Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Flood protection system. Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Flood proofing. Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway. see Regulatory Floodway.

Functionally dependent use. A use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest adjacent grade. the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure. Any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (A) By an approved state program as determined by the Secretary of the Interior or;
 - (B) Directly by the Secretary of the Interior in states without approved programs.

Levee. A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee system. A flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

Manufactured home. A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean sea level. For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

New construction. For the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Recreational vehicle. A vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Riverine. Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.
Special flood hazard area. see Area of Special Flood Hazard

Start of construction. (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure. For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This term includes structures which have

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incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Variance. A grant of relief by a community from the terms of a floodplain management regulation. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

Violation. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) [\[of the National Flood Insurance Program Regulation\]](#) is presumed to be in violation until such time as that documentation is provided.

Water surface elevation. The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Sec. 3.03.003 Penalty

(a) No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this **ordinance** and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this **ordinance** or fails to comply with any of its requirements shall upon conviction thereof be fined not ~~less~~ more than \$25.00, nor more than \$500.00 for each violation and in addition shall pay all cost and expenses involved in the case. Nothing herein contained shall prevent the city from taking such other lawful actions as is necessary to prevent or remedy any violation.

(b) Each day such violation continues shall constitute a separate offense and be punishable by a penalty of a fine for each day in an amount as prescribed above.

Sec. 3.03.004 General provisions

(a) Lands to which this article applies. This article shall apply to all areas of special flood hazard within the jurisdiction of the city. (1972 Code, sec. 31.300)

(b) Basis for establishing areas of special flood hazard. The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for The City of Leon Valley," dated September 29, 2010, with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) dated September 29, 2010, and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

(c) Establishment of development permit. A Floodplain Development Permit shall be required to ensure conformance with the provisions of this ordinance.

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(d) Compliance. No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

(e) Abrogation and greater restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(f) Interpretation. In the interpretation and application of this ordinance, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under State statutes.

(g) Warning and disclaimer of liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

Sec. 3.03.005 Administration

(a) Designation of Floodplain Administrator. The Community Development Director, or his/her designee, is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program Regulations) pertaining to floodplain management.

(b) Duties of Floodplain Administrator. Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.
- (2) Review permit application to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding.
- (3) Review, approve or deny all applications for development permits required by adoption of this ordinance.
- (4) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

(5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.

(6) Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the Texas Water Development Board (TWDB) and also the Texas Commission on Environmental Quality (TCEQ), prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(8) When base flood elevation data has not been provided in accordance with Article 3, Section B, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Article 5.

(9) When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(10) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than 1 foot, provided that the community **first** completes all of the provisions required by Section 65.12.

(c) Permit procedures.

(1) Application for a development permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

(A) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

(B) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;

(C) A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Article 5, Section B (2);

(D) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;

(E) Maintain a record of all such information in accordance with Article 4, Section (B)(1);

(2) Approval or denial of a [Floodplain Development Permit](#) by the [Floodplain Administrator](#) shall be based on all of the provisions of this article and the following relevant factors:

(A) The danger to life and property due to flooding or erosion damage.

(B) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

(C) The danger that materials may be swept onto other lands to the injury of others.

(D) The compatibility of the proposed use with existing and anticipated development.

(E) The safety of access to the property in times of flood for ordinary and emergency vehicles.

(F) The costs of providing governmental services during and after flood conditions, including maintenance and repair of streets and bridges and public utilities and facilities such as sewer, gas, electrical and water systems.

(G) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters [and the effects of wave action, if applicable](#), expected at the site.

(H) The necessity to the facility of a waterfront location, where applicable;

(I) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

(d) Variance procedures.

(1) The city council shall hear and render judgment on requests for variances from the requirements of this article.

(2) The city council shall hear and render judgment on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the [Floodplain Administrator](#) in the enforcement or administration of this article.

(3) Any person or persons aggrieved by the decision of the city council may appeal such decision in the courts of competent jurisdiction.

(4) The [Floodplain Administrator](#) shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

- (5) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in the remainder of this article.
- (6) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to, and surrounded by, lots with existing structures constructed below the base flood level, providing the relevant factors in Subsection (c)(2) of this Section have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (7) Upon consideration of the factors noted above and the intent of this article, the city council may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this article as stated in [Section 3.03.001\(c\)](#).
- (8) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (9) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- (10) Prerequisites for granting variances:
 - (A) Variances shall only be issued upon determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (B) Variances shall only be issued upon:
 - (i) Showing a good and sufficient cause;
 - (ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (iii) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - (C) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (11) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

(A) The criteria outlined in Subsections (d)(1) through (9) of this Section are met; and

(B) The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

Sec. 3.03.006 Provisions for flood hazard reduction

a) General standards. In all areas of special flood hazards, the following provisions are required for all new construction and substantial improvements:

(1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(3) All new construction or substantial improvements shall be constructed with materials that resist flood damage;

(4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and

(7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(b) Specific standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in [Section 3.03.004](#)(b), [Section 3.03.005](#)(b)(8), or Subsection (c)(3) of this section, the following provisions are required:

(1) Residential construction. New construction and substantial improvement ~~of for~~ any residential structure shall have the lowest floor (including basement) elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this Subsection, as proposed in [Section 3.03.005](#)(c)(1)(A), is satisfied.

(2) Nonresidential construction. New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or, together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and

with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the [Floodplain Administrator](#).

(3) Enclosures. New construction and substantial improvements with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

(A) A minimum of two openings [on separate walls](#) having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

(B) The bottom of all openings shall be no higher than one foot above grade.

(C) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) Manufactured homes.

(A) Require that all manufactured homes to be placed within zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purpose of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

(B) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites: outside of a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(C) Require that all manufactured homes ~~to~~ be placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of Subsection (b)(4) of this section be elevated so that either:

(i) The lowest floor of the manufactured home is at or above the base flood elevation; or

(ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(5) Recreational vehicles. Require that recreational vehicles placed on sites within zones A1-30, AH, and AE on the community's FIRM either:

(A) Be on the site for fewer than 180 consecutive days;

(B) Be fully licensed and ready for highway use; or

(C) Meet the permit requirements of [Section 3.03.005\(c\)](#) and the elevation and anchoring requirements for "manufactured homes" in Subsection (b)(4) of this section.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

(c) Standards for subdivision plats.

(1) All subdivision plats, including the placement of manufactured home parks and subdivisions, shall be consistent with [Sections 3.03.001\(b\)](#), (c) and (d) of this article.

(2) All proposals for the development of subdivision plats, including the placement of manufactured home parks and subdivisions, shall meet Development Permit requirements set out in [Section 3.03.004\(c\)](#), [Section 3.03.005\(c\)](#), and this section.

(3) Base flood elevation data shall be generated for subdivision plats and other proposed development, including the placement of manufactured home parks and subdivisions, which include more than 50 lots and/or more than five acres, whichever is less, if not otherwise provided pursuant to [Section 3.03.004\(b\)](#) or [Section 3.03.005\(b\)\(8\)](#) of this article.

(4) All subdivision plats, including the placement of manufactured home parks and subdivisions, shall have adequate drainage provided to reduce exposure to flood hazards.

(5) All subdivision plats, including the placement of manufactured home parks and subdivisions, shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(d) Standards for areas of shallow flooding (AO/AH zones). Located within the area of special flood hazard established in [Section 3.03.004\(b\)](#) are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is

unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- (1) All new construction and substantial improvements of **residential** structures shall have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).
 - (2) All new construction and substantial improvements of **nonresidential** structures shall:
 - (A) Have the lowest floor (including basement) elevated to or above the base flood elevation or the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified); or
 - (B) Together with attendant utility and sanitary facilities, be designed so that below the base specified flood depth in AO zone, or below the Base Flood Elevation in an AH Zone, level the structure is watertight, with walls substantially impermeable to the passage of water, and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
 - (3) A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this section, as proposed in Section 3.03.005(c)(1)(A), are satisfied.
 - (4) Require, within zone AH or AO, adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
- (e) Floodways. Located within areas of special flood hazard established in Section 3.03.004(b) of this article are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles and erosion potential, the following provisions shall apply:
- (1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development, within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 - (2) If Subsection (e)(1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.
 - (3) Under the provisions of 44 CFR chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community **first** applies for a conditional FIRM and floodway revision through FEMA.

2. (f)

All provisions of the Code of Ordinances of the City of Leon Valley codified or uncodified, in conflict with the provisions of this Ordinance are hereby repealed, and all other provisions of the Code of Ordinances of the City of Leon Valley codified or uncodified, not in conflict with the provisions of this Ordinance shall remain in full force and effect.

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. .

~~In any section, clause, sentence or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holdings shall in no way affect the validity of the remaining portions of this Ordinance.~~

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.

5. Each violation of this Chapter shall be punishable by penalty of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500). Each day of this violation occurs shall be a separate offense.

6. This ordinance shall become effective on and after its passage, approval and publication, as prescribed by law.

PASSED and **APPROVED** this the _____ day of August, 2015.

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

City Attorney

City of Leon Valley City Council

Flood Damage Prevention Ordinance

M&C#2015-8-18-04

August 18, 2015

Subject

- The current Flood Damage Prevention article was reviewed and compared to the best practice by the Federal Emergency Management Agency (FEMA)
- Community Rating Systems Coordinators Manual.

Purpose

- Address mostly grammatical changes that were needed to be consistent with this standard.
- National Flood Insurance Program survey
- Discounted percentage of flood insurance premiums to Property Owners of Leon Valley.

S.E.E Impact

- Social Equity – Adopting this update provides a consistent flood damage prevention set of codes for all Property Owners.
- Economic Development – Adopting this update will work to lower insurance premiums for Property Owners.
- Environmental Stewardship – Maintains good management of the city’s floodplain

Fiscal Impact

- None.

Recommendation

Repeal and replace Chapter 3, “Building Regulations,” Article 3.03, “Flood Damage Prevention”.

City of Leon Valley City Council

Flood Damage Prevention Ordinance

M&C#2015-8-18-04

August 18, 2015

MAYOR AND COUNCIL COMMUNICATION

M&C # 2015-08-18-05

DATE: August 18, 2015
TO: Mayor and Council
FROM: Randall Wallace, Chief of Police
THROUGH: Henry Brummett, Interim City Manager
SUBJECT: Continuation of the agreement with the United States Department of Justice, Drug Enforcement Administration to have an Officer assigned to the State and Local Task Force

PURPOSE

In May of 2002, the City of Leon Valley entered into a cooperative agreement between the San Antonio District Office of the Drug Enforcement Administration (DEA) and the City of Leon Valley. This agreement places a Leon Valley Police Officer into the State and Local Task Force of the local DEA office. In the event the City decides to withdraw its participation in the Task Force during the one-year period the agreement is in effect, the agreement contains a “30 day opt out” provision.

The Police Officer assigned to the State and Local Task Force is involved in the investigation of both national and international distributors of illegal narcotics. By having this person in the Task Force, Leon Valley is attacking the higher echelons of narcotics distribution organizations, instead of the street level dealers in Leon Valley. By doing this, we are attacking the source of the problem, not a small portion of it.

SEE LEON VALLEY

Social – To assist in helping our community fight illegal narcotics. With the addition of Task Force Officers, this increases the response our agency can provide to complaints.

Economic – To provide asset forfeiture funds to the Police Department. With the utilization of asset forfeiture funds the Police Department is able to provide for the purchase of necessary equipment without impacting the general fund.

Environmental – N/A

FISCAL IMPACT

The agreement stipulates that DEA will provide the necessary funds and equipment to support the activities of our Officer. The City is responsible for the Officer’s salary, but is reimbursed for any overtime earned.

STRATEGIC GOALS

The approval of this agreement will directly impact Strategic Goal Number 7, "Pursue Revenue Enhancements to Enhance City Operations". By utilizing forfeiture funds to purchase equipment for the Police Department the financial burden is not placed within the General Fund.

RECOMMENDATION

Continue the agreement with the Drug Enforcement Administration keeping our Officer in the State and Local Task Force.

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary



**City of Leon Valley
and
Drug Enforcement Administration
Agreement**

August 18, 2015



Background

- Agreement to continue Leon Valley's participation in the State and Local Task Force – San Antonio District Office of Drug Enforcement Administration (DEA)
 - We currently have one Officer assigned



Purpose of Task Force

- Disrupt illicit drug traffic in South Texas
- Gather and report intelligence data
- Conduct undercover operations
- Engage in investigations which will result in effective prosecutions



DEA Provides

- All operating supplies necessary to complete mission
- Reimbursement of overtime



Leon Valley Provides

- Salary and benefits



Benefit to Leon Valley

- Aggressive pursuit of national and international distributors of illegal narcotics
- Ability to have a Federal Agency “adopt” Leon Valley cases for prosecution and other mitigating factors
 - Clean-up costs for areas determined to be hazardous material sites (labs)



Benefit to Leon Valley (continued)

- Access to additional resources to assist Leon Valley
 - Ability to have Task Force respond to any Leon Valley issues
- Transfer of federally forfeited property to Leon Valley

MAYOR AND COUNCIL COMMUNICATION

DATE: August 18, 2015 **M&C #2015-08-18-06**
TO: Mayor and City Council
FROM: Melinda Moritz, Director of Public Works
THROUGH: Henry Brummett, City Manager
SUBJECT: Consider Authorizing the City Manager to sign a Contract with IDS Engineering for the purpose of an Evers Road Bridge Engineering Study.

PURPOSE

To consider authorizing the City Manager to sign a contract with IDS Engineering for the purpose of performing an engineering study of the Evers Road bridge crossing at Huebner Creek. The study will be a planning and design effort to establish a crossing that will allow for greater frequency storm event to pass under Evers Road on the creek. This design would be presented to the City Council for approval, and then submitted to the MPO in November for their FY 2017-2020 Surface Transportation Program – Metropolitan Mobility (STP-MM) Call for Projects.

BACKGROUND

The MPO has released their notification for their FY 2017-2020 STP-MM Call for Projects. One of the projects that had been suggested was the redesign of the Evers Road bridge over Huebner Creek. In order to submit the project for consideration, the City must supply a detailed cost estimate for construction, along with the application. Once the design has been completed, the results would be submitted to the City Council for their consideration. If approved, the application could then be submitted to the MPO. If approved by the MPO, the City would be responsible for paying 20% of the construction costs. These costs will not be known until an Opinion of Probable Costs is developed by the engineer.

FISCAL IMPACT

Cost for the preliminary design is \$73,870. This can be taken from the Stormwater Fund balance, which is \$803,937.

RECOMMENDATION

Authorize the City Manager to enter into a contract with IDS Engineering to perform an engineering study of the Evers Road bridge Huebner Creek crossing.

S.E.E. IMPACT STATEMENT

Social Equity – The redesigned bridge will allow for safer travel on Evers Road for all citizens.

Economic Development – Removing flood barriers provides additional incentive for citizens and businesses to relocate or stay in Leon Valley.

Environmental Stewardship – A study of Huebner Creek needs to be performed in order to determine the best Stormwater Management practices for the creek.

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAGUE, TRMC
City Secretary

AN ORDINANCE APPROVING AMENDMENTS TO THE ENTERPRISE FUNDS OF THE CITY OF LEON VALLEY, TEXAS MUNICIPAL BUDGET FOR FISCAL YEAR OF 2014-2015.

Whereas on September 22, 2014 the City Council of the City of Leon Valley adopted the 2014-2015 fiscal year budget: and

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

Whereas the Leon Valley City Council hereby finds and determines that the amendments adopted under this ordinance are for a municipal purpose.

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

SECTION I

That the City Council of the City of Leon Valley hereby amends the fiscal year 2014-2015 budget as provided for in the attached Exhibit "A", said Exhibit to be incorporated herein as if fully set forth herein.

**SECTION II
SEVERABILITY**

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

**SECTION III
REPEALER CLAUSE**

Any provisions of any prior ordinance of the City which are in conflict with any provision of the Ordinance, are hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

**SECTION IV
EFFECTIVE DATE**

This Ordinance shall become effective and shall be in full force and effect on and after its passage and publication as required by state law.

**SECTION V
PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 18th day of August, 2015.

APPROVED

CHRIS RILEY
MAYOR

Attest:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form:

PATRICK BERNAL
City Attorney

Consider Approval of Budget Adjustment for an Evers Road Huebner Creek Bridge Study

City Council Meeting

August 18, 2015

Purpose

- To consider approval of a budget adjustment for an engineering study of the Evers Road bridge; and
- Study will be used to plan & design a crossing that allows for greater frequency storm event to pass under Evers Road
- Study is needed in order to apply for grant from Alamo Area Metropolitan Planning Organization (MPO) for construction of new crossing

Background

- The MPO has released its FY 2017-2020 Call for Projects for the Surface Transportation Program – Metropolitan Mobility (STP-MM)
- Redesign of Evers Road/Huebner Creek crossing meets criteria for projects
- When study is completed, it will be presented to City Council for approval, then submitted to MPO

Background

- If approved by MPO, City is responsible for 20% of construction costs
 - Federal funds would pay 80%
- Cost for project is unknown until engineer completes Opinion of Probable Costs

Fiscal Impact

- The cost of the study is \$73,870
- Funds can be taken from the Stormwater Reserve Fund, with a fund balance of \$803,937

Recommendation

- Approve a budget adjustment in the amount of \$73,870, from the Stormwater Fund Balance

Strategic Goals Statement

- Item 2 – Continue Work on Capital and Planning Projects
 - Drainage improvements help address stormwater runoff.

S.E.E. Statement

- Social Equity – The redesigned bridge will allow for safer travel on Evers Road for all citizens.
- Economic Development – Removing flood barriers provides additional incentive for citizens and businesses to relocate or stay in Leon Valley.
- Environmental Stewardship – A study of Huebner Creek needs to be performed in order to determine the best Stormwater Management practices for the creek.

Consider Approval of Budget
Adjustment for an Evers Road
Huebner Creek Bridge Study

City Council Meeting

August 18, 2015

Consider Authorizing City Manager to
Enter Into Contract with IDS Engineering
for an Evers Road Bridge Study

City Council Meeting

August 18, 2015

Purpose

- To Authorize the City Manager to enter into a contract with IDS Engineering for an Evers Road bridge engineering study
- Study will be used to plan & design a crossing that allows for greater frequency storm event to pass under Evers Road
- Study is needed in order to apply for grant from Alamo Area Metropolitan Planning Organization (MPO) for construction of new crossing

Background

- The MPO has released its FY 2017-2020 Call for Projects for the Surface Transportation Program – Metropolitan Mobility (STP-MM)
- Redesign of Evers Road/Huebner Creek crossing meets criteria for projects
- When study is completed, it will be presented to City Council for approval, then submitted to MPO

Background

- If approved by the MPO, City is responsible for 20% of construction costs
 - Federal funds will pay 80%
- Construction costs are unknown until engineer develops Opinion of Probable Costs

Fiscal Impact

- The cost of the study is \$73,870
- Funds can be taken from the Stormwater Reserve Fund which has a balance of \$803,937

Recommendation

- Authorize the City Manager to enter into a contract with IDS Engineering for an engineering study of the Evers Road Huebner Creek bridge crossing

Strategic Goals Statement

- Item 2 – Continue Work on Capital and Planning Projects
 - Drainage improvements help address stormwater runoff.

S.E.E. Statement

- Social Equity – The redesigned bridge will allow for safer travel on Evers Road for all citizens.
- Economic Development – Removing flood barriers provides additional incentive for citizens and businesses to relocate or stay in Leon Valley.
- Environmental Stewardship – A study of Huebner Creek needs to be performed in order to determine the best Stormwater Management practices for the creek.

Consider Authorizing the City Manager to
Enter into a Contract with IDS Engineering
for an Evers Road Bridge Study

City Council Meeting

August 18, 2015

MAYOR AND COUNCIL COMMUNICATION

DATE: July 21, 2015 **M&C # 2015-08-18-07**

TO: Mayor and City Council

FROM: Melinda Moritz, Public Works Director

THROUGH: H.B. Brummett, Interim City Manager

SUBJECT: Consideration and possible action on Ordinance No. 15-013, granting permanent and temporary easements along Huebner Creek, from Bandera Road to the City limits, to SAWS for the Huebner Creek LC-17, Phase III & W-2 Huebner Creek projects.

Purpose

To consider a request from SAWS to grant several permanent and temporary recycled water main and sewer main easements along Huebner Creek; and to consider a request to purchase a parcel of property, located in the 6500 block of Bandera Road, being Lot 101, CB 5955, and grant permanent easements to SAWS through that property, along with accepting ownership of Lot 100, CB 5955, in the 6500 block of Bandera Road, recognizing the existing SAWS easement.

Background

As a part of their W-2 Huebner Creek sewer and recycled water main replacement project, SAWS is requesting we grant several permanent and temporary easements for replacement and relocation of sewer & recycled water mains (see exhibit 1). These easements are to be located in Huebner Creek, from the NW Little League, down Poss Rd, and then in the creek bed to the city limits. SAWS is willing to pay the City for the easements in the amount of \$82,274.

The proposed easements along Huebner Creek would not hinder future development or flood remediation, as they are to be bored underground and run under the small pavilion on Poss Road, and under the bleachers in Raymond Rimkus Park, then cross under Evers Road to run in the creek bed to the city limits. SAWS would draft an agreement reflecting the fact that there are existing encroachments and that the City would have the right to rebuild these improvements if they were to be destroyed. The document would also state that any future flood remediation of Huebner Creek would be allowed, with coordination between the City, SAWS, San Antonio River Authority, and Bexar County Flood Control.

As a part of the Bexar County Flood Control (BCFC) LC-17 Phase III project, SAWS needs an easement in Lot 101 in 6500 block of Bandera Rd., owned by Jester Investments, Inc, located adjacent to an existing SAWS property (see exhibits 2 and 3). The lot fronts Bandera Road on

the southwest side of the Bandera Road bridge and is 1.002 acres in size. The property owner has refused to grant an easement to SAWS and has stated that SAWS would have to purchase the entire property.

List price:	\$216,053
Assessed value:	\$49,800

SAWS has no use for the property other than the easement, and their staff had mentioned that we might want an easement through that property for the purpose of the Hike & Bike Trail. If SAWS purchases the whole property and then wants to sell it, they will have to request permission from City of San Antonio (“COSA”), and if COSA has no use for the property, then SAWS would be required to offer it for sale to the general public in a sealed bid process, which can take upwards of 6 months or longer. The BCFC LC-17 Phase III project is scheduled to start in the fall of this year.

SAWS is offering to let the City purchase the property, using funds that would have been paid for the Huebner Creek easements, increasing the payment for savings in time and potential litigation costs, then both parties would pay the difference. In addition to this property, SAWS would also deed their existing Lot 100 property to the City (0.293 acres), which would bring the total acreage to 1.295 acres.

The City’s plan was to obtain easements for the proposed Hike & Bike Trail through both of these lots, in order to bring the trail out from under the Bandera Road bridge at an acceptable ADA slope; however the property owner of Lot 101 refused to grant an easement. The engineer for the Hike & Bike Trail project had put this segment of trail on hold, until BCFC finalized their plans, to determine the second best alternative for trail placement. At the time, the County had not determined where a proposed drop structure would be placed.

With the receipt of the BCFC’s 95% plans, it has been determined that the City could consider placing the trail between the proposed drop structure and the parcel edge, then re-grade a portion of the County’s channel. There is an 11’ gap between the parcel and the drop structure (see exhibits 4 and 5). The proposed trail is 10’ wide and would fit, but the engineer feels this option is a huge risk, as there’s very little room to accommodate any trail alignment/grading as needed around the drop structure. Additionally, the lines (drop structure, excavation limits) shown in the exhibit are not the actual construction as-built plans and as such, they don’t have total confidence that those limits would stay the same after construction. The engineer is of the opinion that purchasing the property is the safer option. This would allow the trail to stay out of the graded channel area, and also allows maneuverability/flexibility for the trail alignment, while adhering to TxDOT criteria. Both properties are located within the floodplain, will remain in the floodplain even after the BCFC LC-17 Phase III project, and are not suitable for development.

Fiscal Impact

Owner list price of Lot 101 (Jester Investments, Inc.):	\$216,053
Bexar Appraisal assessed value of Lot 101:	\$49,800
Increase LV payment from \$82,274 to:	\$113,614
City out of pocket:	\$ 46,166
SAWS pays:	\$ 46,067

Options:

1) Grant Easements only – payment to City:	\$82,274
2) Grant easements and purchase property:	\$46,166*

*Can be purchased from Stormwater Fund Balance

Options

1. To grant permanent and temporary easements along Huebner Creek, from Bandera Road to the city limits, to SAWS for the Huebner Creek LC-17, Phase III & W-2 Huebner Creek projects.
2. If the City intends to eventually construct a Hike and Bike Trail through this portion of Huebner Creek, then agree to the purchase terms of Lot 101, accept ownership of Lot 100, in the 6500 block of Bandera Road, in exchange for granting easements on both of those lots, and fund this purchase with proceeds from the Stormwater Fund Balance, with attached budget adjustment ordinance.
3. Wait until SAWS acquires the property and then request easements form them.

S.E.E Statement

Social Equity – Constructing a new sewer main assures continuation of efficient sewer service to all residents, and trails add to the general quality of life for all citizens.

Environmental Stewardship – A new sewer main reduces the risk of main breakage, which would release thousands of gallons of sewage into Huebner Creek. The recycled water main will have connections available to the City, thus reducing dependency on Edwards Aquifer water for landscape watering. A Hike & Bike Trail will introduce citizens to nature, promoting environmental stewardship.

Economic Development – Both of these projects will enhance the amenities offered by the City to its residents, which may encourage relocation.

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Att: Exhibits 1, 2, 3, 4 – site maps, example drop structure

Exhibit 1 – Proposed Permanent and Temporary Easements

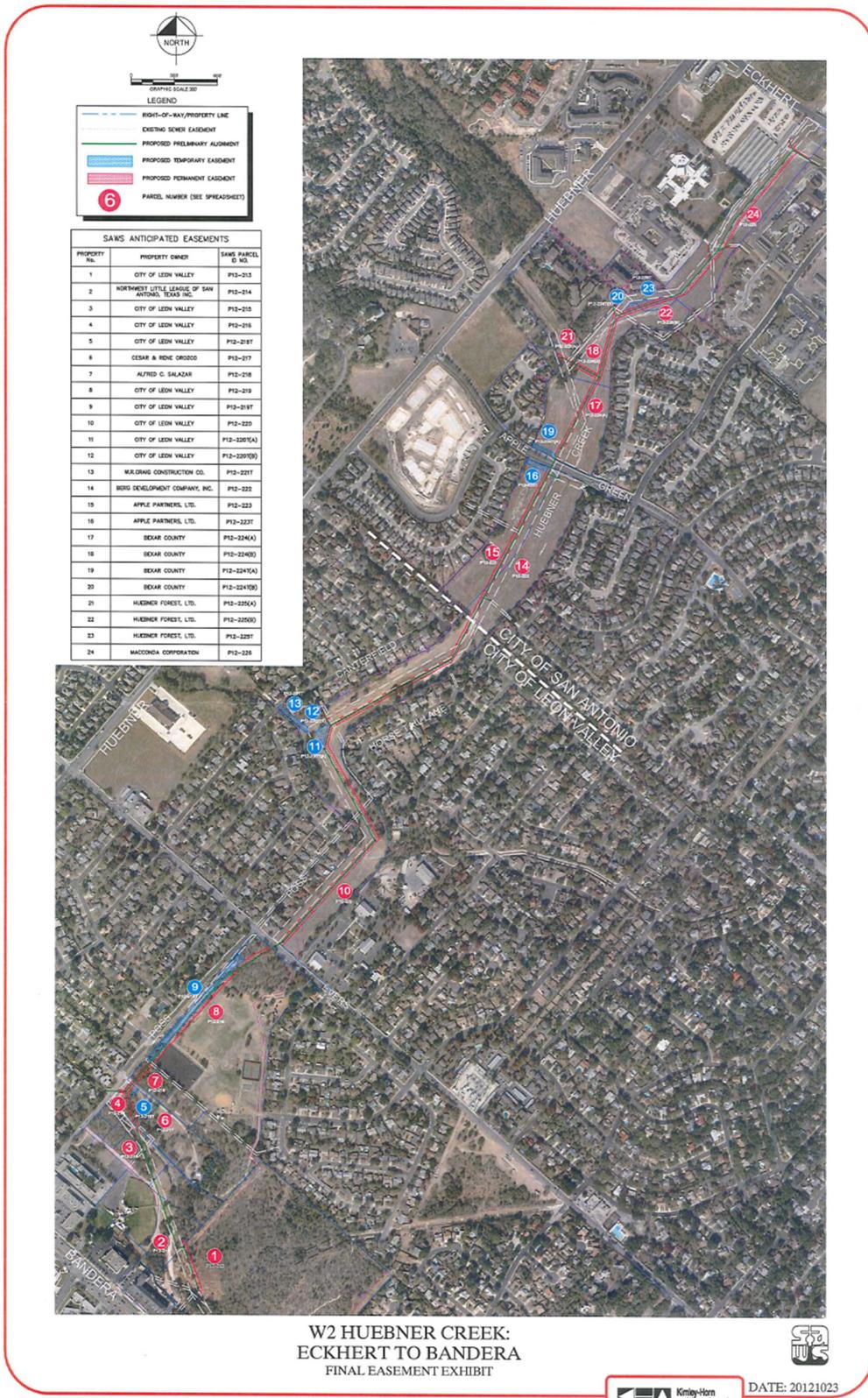


Exhibit 2- Lot 101 Jester Property



Exhibit 3 – Bexar County Flood Control LC-17 Phase III



- BEXAR COUNTY PROPERTY – TO BE TRANSFERRED TO CITY OF LEON VALLEY
 TOTAL ACRES = 31.56±

- JESTER INVESTMENTS
 TOTAL ACRES = 1.00±

Exhibit 4 – Proposed Trail and Limits of Excavation BCFC LC-17 Phase III

Exhibit 5 – Example Proposed Drop Structure



AN ORDINANCE APPROVING AMENDMENTS TO THE ENTERPRISE FUNDS OF THE CITY OF LEON VALLEY, TEXAS MUNICIPAL BUDGET FOR FISCAL YEAR OF 2014-2015.

Whereas on September 22, 2014 the City Council of the City of Leon Valley adopted the 2014-2015 fiscal year budget: and

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

Whereas the Leon Valley City Council hereby finds and determines that the amendments adopted under this ordinance are for a municipal purpose.

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

SECTION I

That the City Council of the City of Leon Valley hereby amends the fiscal year 2014-2015 budget as provided for in the attached Exhibit "A", said Exhibit to be incorporated herein as if fully set forth herein.

**SECTION II
SEVERABILITY**

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

**SECTION III
REPEALER CLAUSE**

Any provisions of any prior ordinance of the City which are in conflict with any provision of the Ordinance, are hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

**SECTION IV
EFFECTIVE DATE**

This Ordinance shall become effective and shall be in full force and effect on and after its passage and publication as required by state law.

**SECTION V
PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 18th day of August, 2015.

APPROVED

CHRIS RILEY
MAYOR

Attest:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form:

PATRICK BERNAL
City Attorney

San Antonio Water System (SAWS) Easement and Property Requests

City Council Meeting
August 18, 2015

Purpose

- To consider a request from SAWS to grant several permanent and temporary easements along Huebner Creek; and
- To consider a request to purchase a parcel of property, located in the 6500 block of Bandera Road, being Lot 101, CB 5955, and grant a permanent easement to SAWS through same property, and accept ownership of Lot 100, CB 5955, in the 6500 block of Bandera Road

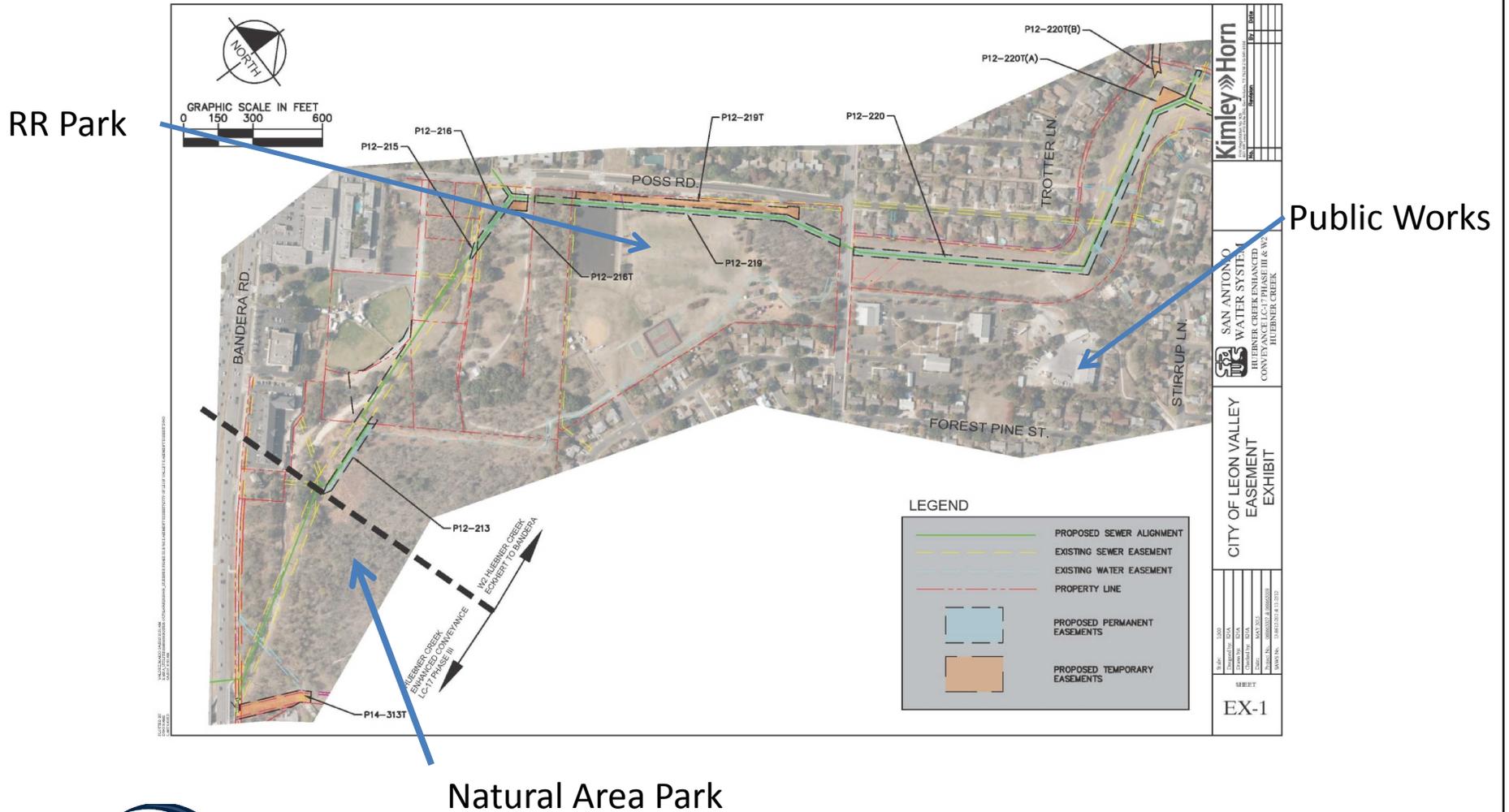
Background

- As a part of the SAWS W-2 Huebner Creek sewer and recycled water main replacement project, SAWS is requesting we grant several permanent and temporary easements for replacement and relocation of sewer & recycled water mains
- Easements to be located in Huebner Creek, from NW Little League, down Poss Rd, and then in the creek bed to the city limits
- They are willing to pay the City for the easements
 - \$82,274

Background (con't)

- The proposed easements along Huebner Creek won't hinder future development or flood remediation:
 - Easements are to be bored & run under small pavilion on Poss Road, and under bleachers at Raymond Rimkus Park, then cross under Evers Road to run in creek bed to city limits
 - SAWS to draft agreement reflecting existing encroachments & right of City to rebuild improvements if destroyed
 - Document to also state future flood remediation of Huebner Creek to be allowed with coordination between City, SAWS, San Antonio River Authority, and Bexar County Flood Control

Proposed Easement Locations



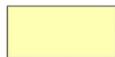
Additional Request

- In order to complete their portion of the LC-17 project, SAWS needs an easement in Lot 101 in 6500 block of Bandera Rd (owned by Jester Investments, Inc.), next to existing SAWS property
- Property is 1.002 acres
- Property owner refuses to give easement and wants SAWS to purchase entire property
 - List price: \$216,053
 - Assessment value: \$49,800

Property Location

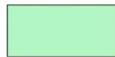


Bandera Rd



BEXAR COUNTY PROPERTY - TO BE TRANSFERRED TO CITY OF LEON VALLEY
TOTAL ACRES = 31.56±

Bexar County Flood Control LC-17 Property



JESTER INVESTMENTS
TOTAL ACRES = 1.00±

Jester Investments Property

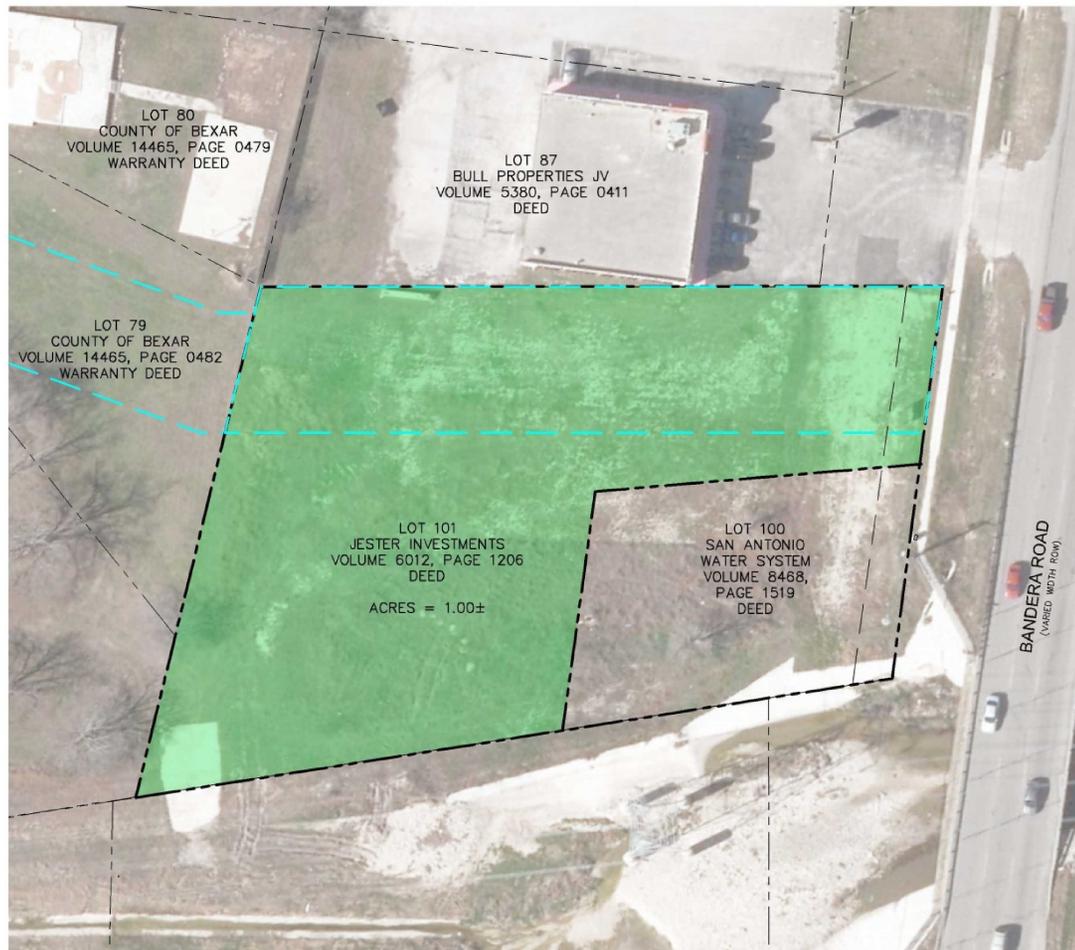
Property Purchase Request

- If SAWS purchases the whole property and then wants to sell it, they will have to request permission from City of San Antonio (“COSA”), and if COSA has no use, then SAWS will offer it for sale to general public in a sealed bid process, which can take upwards of 6 months or longer – LC-17 is to start in fall of 2015
- SAWS is asking LV to purchase the property, using the portion of funds that would have been paid to LV for easements, increasing payment for savings in time & potential litigation costs, then both parties would pay the difference
 - Increase LV payment from \$82,274 to \$113,614
 - City out of pocket \$ 46,166
 - SAWS pays \$ 46,067
 - Assessed value of Lot 101: \$49,800

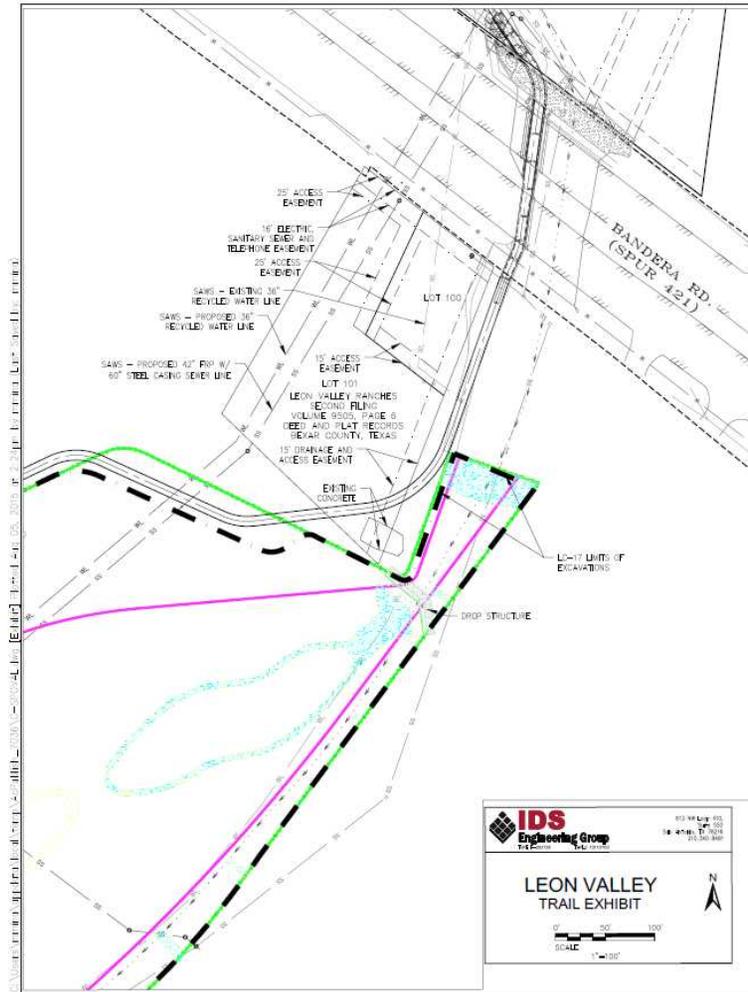
Property Purchase Request

- In addition to this sale, SAWS would also deed their existing and adjacent Lot 100 parcel to the City
 - Brings total acreage to 1.295
- LV's plan was to obtain easements for proposed Hike & Bike Trail through both lots
- LV request for easement on Lot 101 was denied by property owner
 - Waiting on BCFC LC-17 completed plans to design alternate route
 - Both properties located in floodplain and not suitable for development

Property Location

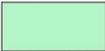


Proposed Trail Location



Property Location



-  BEXAR COUNTY PROPERTY – TO BE TRANSFERRED TO CITY OF LEON VALLEY
TOTAL ACRES = 31.56±
-  JESTER INVESTMENTS
TOTAL ACRES = 1.00±
-  REVISED 100-YR FLOODPLAIN

Options for Trail

- Purchase the property
 - This option allows the trail to stay out of the county channel graded area and allows maneuverability/flexibility for the trail alignment while using federal/txdot criteria
- Put the trail in between the drop structure and the parcel edge then re-grade a portion of the county channel
 - There will be an 11' gap between parcel and drop structure
 - Trail is 10' but engineers feel this option is a risk, as there's very little room to accommodate trail alignment/grading as needed around the drop structure
 - Additionally, the lines (drop structure, excavation limits) shown are not from the construction/as built plan and may move during construction

Drop Structure



Fiscal Impact

- Grant Easements only – no cost to City and would collect \$82,274
 - Can ask for easement from SAWS later or take chance on space between property and drop structure
- Grant easements and agree to property purchase - \$46,166
 - Can be purchased from Stormwater Fund

Options

- Grant permanent and temporary easements along Huebner Creek, from Bandera Road to the city limits for the SAWS W-2 Huebner Creek project and accept the \$82,274
- Agree to purchase terms of Lot 101 and accept ownership of Lot 100, in the 6500 block of Bandera Road, in exchange for granting easements
- Wait until SAWS acquires Lot 101 and ask for easements at that time

S.E.E. Statement

- **Social Equity** – New sewer main assures continuation of efficient sewer service to all residents, and trails add to the general quality of life for all citizens.
- **Environmental Stewardship** – New sewer main reduces risk of main breakage, which would release thousands of gallons of sewage into Huebner Creek. A Hike & Bike Trail will introduce citizens to nature, promoting environmental stewardship.
- **Economic Development** – Potential projects enhance the amenities offered by the City to its residents, which may encourage relocation.

San Antonio Water System (SAWS) Easement and Property Requests

City Council Meeting
August 18, 2015

MAYOR AND COUNCIL COMMUNICATION

DATE: August 18, 2015 **M&C # 2015-08-18-08**
TO: Mayor and Council
FROM: Elizabeth Carol, Community Development Director
THROUGH: Hank Brummett, Interim City Manager
SUBJECT: Consideration and action on a sign variance request by Debbie Stellar, owner of Starlite Sign on behalf of Hobby Lobby, at 7058 Bandera Road.

PURPOSE

To consider a sign variance which would allow the owner of Hobby Lobby to update their sign as part of a remodeling project to enhance the storefront facing Bandera Road. The store was originally built in 1996.

Chapter 3.04.011(b) of the Leon Valley Code of Ordinances states that wall signs for each occupant may not exceed 25% of the total square footage of the exterior wall, not to exceed 200 square feet per occupant.

The applicant was denied their permit. As part of their variance request, the applicant noted that their proposed sign will be 437 square feet out of 9223.5 square feet of storefront. This represents 4.7% of the overall wall area, which is less than the 25% requirement, but greater than the allowable amount of 200 square feet. The applicant went on to note that they are located more than 300' from the public right of way, which reduces the readability of their sign from Bandera Road. In addition, the proposed request will reduce their existing sign area by 30%.

S.E.E. LEON VALLEY

Social – It is equitable for the City to assist the applicant in resolving this matter.

Economic – N/A

Environmental –The sign size will not have an adverse impact on the environment.

FISCAL IMPACT

The applicant paid \$100 for consideration of their variance requests. If the request is approved the applicant will pay \$75.00 for their sign permit.

RECOMMENDATION

Staff recommends that the applicant be granted a variance due to the proposed reduction in sign area. Variances are at the discretion of the City Council, and Staff has noted several alternatives:

1. Grant a variance ; or
2. Approve an alternative size for the sign; or
3. Deny the sign variance.

To grant a variance to the sign ordinance, the City Council must find that strict enforcement of these requirements of this article, due to special conditions wherein a literal enforcement of this article would result in unnecessary hardship, and so that the spirit of this article is observed and substantial justice is done.

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

**Leon Valley Code of Ordinances
Chapter 3 Sign**

Sec. 3.04.008 Variances and appeals

(a) Persons wishing to erect signs not in conformance with this article or any person aggrieved by any decision of the city in the administration of this article may appeal such decision to the city council. The city council shall only hear and decide the following:

(1) An appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this article; or

(2) A request for variance(s) from the strict enforcement of the requirements of this article due to special conditions wherein a literal enforcement of this article would result in unnecessary hardship, and so that the spirit of this article is observed and substantial justice is done.

(b) The application must be accompanied by a drawing or other artistic representation to accurate scale showing the exact sign proposed, its size and message (textural or pictorial), color, shape, whether lighted or unlighted, location on said property or business, materials of which it is to be made, how it is to be made and how it is to be fastened. Granting of the variance requires approval from the designated city official(s), who shall determine whether the proposed sign is acceptable under the conditions established in this article and applicable building codes. Upon approval from the designated city official(s), the variance request will be heard by the city council.

(c) The city manager or designee is authorized to approve a variance to three specific types of regulations in this article: sign area, sign height, and distance between signs. This authorization shall be restricted to variance of one (1) of type of regulation not to exceed 10% of the specified dimension for one (1) existing nonconforming sign per platted property. This staff variance provision does not apply to any of the properties required to file a master sign plan.

Sec. 3.04.011 On-premises signs

(a) General provisions.

(1) Single-tenant businesses shall be allowed up to a total of four (4) signs per storefront from the types of signs listed in this section, provided that all applicable requirements have been met.

(2) Tenants of properties with four (4) or more tenants shall follow the multi-tenant guidelines in this section.

(3) The following signs shall be allowed under the provisions of this article with an approved sign permit.

(b) Building-mounted signs.

(1) Wall signs.

(A) Design. Wall signs shall not obscure windows, grillwork or pilasters of the building.

(B) Location. Wall signs shall be mounted flush and fixed securely to a building wall, projecting no more than 18 inches from the face of the wall, and not extending sideways from the building face or above the roofline of a building.

(C) Total sign area.

(i) The maximum total wall sign area for each building occupant may not exceed 25% of the total square footage of the exterior wall, not to exceed 200 square feet per occupancy.

(ii) Signs cannot be longer than 80% of the sign band length where the sign is to be located.



August 4, 2015

City of San Antonio
Development Department
6400 El Verde Road
Leon Valley, TX 78238

Re: Hobby Lobby Signage Variance
7058 Bandera Road

To Whom It May Concern:

Attached are drawings of the proposed signage for Hobby Lobby at the above address. The package includes an illuminated Main ID sign with non-illuminated departmental taglines.

We are requesting a variance of city's ordinance that allows for a maximum of 200 S/F of signage per tenant. The components of the proposed signage are a 60" set of internally illuminated channel letters reading: HOBBY LOBBY and 24" non-illuminated channel letters reading: CRAFTS HOME ACCENTS FLORAL SEASONAL ART SUPPLIES FRAMES. We feel that this is a reasonable request based on the size of Hobby Lobby's storefront and the distance from the store to the passing traffic on Bandera over 300' away. The storefront is 302'5" wide x 30'6' tall for a total of 9,223.5 square feet. The total square footage of the proposed building signage is 437 square feet representing approximately 4.7% of the overall area. A tenant space with 100' of storefront would also be entitled to 200 S/F – the same S/F restriction as Hobby Lobby with a storefront over three times that length. Allowing a larger sign would make the signs in the center more proportional to the wall on which t attached.

Hobby Lobby's proposed signage will replace the current 72" internally illuminated channel letters reading: HOBBY LOBBY, 30.5" internally illuminated channel letters reading: CREATIVE CENTER and eight departmental taglines. This will reduce the signage footprint by approximately 30%. It complements the size and décor of the building, making it aesthetically pleasing and enhancing the character of the neighborhood.

Hobby Lobby is very conscious of their brand image and has given it careful consideration over the years. Hobby Lobby practices "good neighbor" policies and their sales generate valuable tax dollars for the community. They currently have over 600 stores in 33 states. Each of their stores has large HOBBY LOBBY channel letters accompanied by smaller non-illuminated channel letters indicating departments within the store. These secondary department signs are a vital part of the company's image - communicating to the public that Hobby Lobby is not just an Arts and Crafts store but much, much more. The success of a new Hobby Lobby is dependent upon that communication.

Thank you for your help and co-operation.

Sincerely,

Hobby Lobby Corporate

Debbie Stellar
Starlite Sign LP
Director of Sales and Marketing



City of Leon Valley City Council

Hobby Lobby Sign Variance Request
M&C#2015-8-18-08

August 18, 2015

Leon Valley Code of Ordinances

- 3.04.011 Signs Permit Leon Valley Code of Ordinances Prohibits
 - Signs exceeding 25% of storefront
 - Sign areas larger than 200 square feet
- Applicant applied for a permit and was denied.
 - Applicant must demonstrate a hardship
 - Written Request must be submitted

Project History

- Store opened August 1996
- Sign permit denied, due to size
- August 5th applicant applied for a sign variance

Applicant's Request:

- Applicant/Owner: Debbie Stellar on behalf of Hobby Lobby
- Location: 7058 Bandera Road
- Allow a sign 437 square foot sign
 - 4.7% of the storefront
 - 30% reduction of signage footprint
- Hardship: Distance from Bandera Road

Existing Conditions



Fiscal Impact

- Sign Variance
 - \$100 variance consideration
 - \$75/ sign permit if variance is approved

Recommendation

- Staff recommends that the sign variance be approved based on the decrease in sign footprint.
- Other options:
 - Grant a variance for different sign size
 - Deny variance request

City of Leon Valley City Council

Hobby Lobby Sign Variance Request
M&C#2015-8-18-08

August 18, 2015

MAYOR AND COUNCIL COMMUNICATION

DATE: August 18, 2015 **M&C # 2015-08-18-09**
TO: Mayor and Council
FROM: Elizabeth Carol, Community Development Director
THROUGH: Hank Brummett, Interim City Manager
SUBJECT: Consideration and action on a sign variance(s) request by Enrique L. Perales, owner of Fruit Mix, at 7007 Bandera Road, Suite 14.

PURPOSE

To consider a sign variance(s) which would allow the owner of Fruit Mix to utilize an “arrow-dancer” and wind-waver flag signs to advertise their new business.

Chapter 3.04.014 of the Leon Valley Code of Ordinances identifies signs that are prohibited in Leon Valley, and “wind-waver flags” has been identified as a type of sign that is not allowed. In addition, Chapter 14, Appendix C(G)(2)(j) the Sustainability Overlay District also prohibits all animated, moving or similar signs.

The applicant recently submitted a request for a sign permit, and was denied. They recently opened their business in Leon Valley, at the Cedar Creek Plaza. The applicant has indicated that they lack visibility because their establishment is located behind Churches Fried Chicken, and he anticipates that the sign will increase his business by 18 to 20%. They have already made an investment of \$120,000 in our community. They are requesting a six to twelve month temporary variance to allow the “arrow-dancer” and wind-waiver flags. Evidence documenting an increase in business activity should be required with any future variance request.

S.E.E. LEON VALLEY

Social – It is equitable for the City to assist the applicant in resolving this matter.

Economic – N/A

Environmental –The signs will not have an adverse impact on the environment.

FISCAL IMPACT

The applicant paid \$100 for consideration of their variance requests. If the request is approved the applicant will pay \$75.00 for their sign permit.

RECOMMENDATION

Staff recommends that the applicant be granted a six month temporary sign variance to

allow the prohibited sign, due to the lack of visibility and require documentation demonstrating an increase in business activity for future request. Variances are at the discretion of the City Council, and Staff has noted several alternatives:

1. Grant a temporary variance, not to exceed 12 month; or
2. Grant a temporary variance, for a different length of time; or
3. Deny the sign variance.

To grant variances to the sign ordinance, the City Council must find that strict enforcement of these requirements of this article, due to special conditions wherein a literal enforcement of this article would result in unnecessary hardship, and so that the spirit of this article is observed and substantial justice is done.

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

**Leon Valley Code of Ordinances
Chapter 3 Sign**

Sec. 3.04.008 Variances and appeals

(a) Persons wishing to erect signs not in conformance with this article or any person aggrieved by any decision of the city in the administration of this article may appeal such decision to the city council. The city council shall only hear and decide the following:

- (1) An appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this article; or
- (2) A request for variance(s) from the strict enforcement of the requirements of this article due to special conditions wherein a literal enforcement of this article would result in unnecessary hardship, and so that the spirit of this article is observed and substantial justice is done.

(b) The application must be accompanied by a drawing or other artistic representation to accurate scale showing the exact sign proposed, its size and message (textural or pictorial), color, shape, whether lighted or unlighted, location on said property or business, materials of which it is to be made, how it is to be made and how it is to be fastened. Granting of the variance requires approval from the designated city official(s), who shall determine whether the proposed sign is acceptable under the conditions established in this article and applicable building codes. Upon approval from the designated city official(s), the variance request will be heard by the city council.

(c) The city manager or designee is authorized to approve a variance to three specific types of regulations in this article: sign area, sign height, and distance between signs. This authorization shall be restricted to variance of one (1) of type of regulation not to exceed 10% of the specified dimension for one (1) existing nonconforming sign per platted property. This staff variance provision does not apply to any of the properties required to file a master sign plan.

Sec. 3.04.014 Prohibited signs

The following signs shall be prohibited in the city:

- (1) Any sign constructed or located in such a manner that it is or becomes an immediate hazard or danger to persons or property because of being in an unsafe condition, or which obstructs any window, door, or fire escape of any building.
- (2) Illegal signs or any other sign constructed after the enactment of this article which is not in compliance with the terms of this article.
- (3) Illuminated, highly reflective signs or spotlights which hamper the vision of motorists or bicyclists.
- (4) Any sign, banner or display placed on any public right-of-way, utility pole, traffic-control device, curb, sidewalk, post, pole, hydrant, bridge, tree, or other surface located on, over, or across any public street or right-of-way (other than a government sign or allowed sign as per [section 3.04.010](#)).
- (5) Any banner placed on stakes on a property, unless otherwise permitted.

(6) Portable signs. Any sign not permanently attached to the ground or other permanent structure, including those signs which may be transported to the site on wheels, on skids or on a truck; signs constructed as or converted to a T-frame sign; or umbrellas used for advertising purposes. Such sign, whether or not bolted or cemented to the ground, shall nonetheless be deemed to be a portable sign.

(7) Signs which contain or are an imitation of an official traffic sign or signal, or which are of a size, location, movement, content, coloring, or manner of illumination which may be confused with or construed as a traffic-control device, or which may hide from view any traffic or street sign or signal.

(8) Snipe/parasite signs.

(9) Temporary signage, except as permitted in [section 3.04.013](#).

(10) Vehicle signs. Signs placed on or affixed to vehicles and/or trailers that are parked on a public right-of-way, public property, or private property so as to be visible from a public right-of-way where the apparent purpose is to advertise a product, or direct people to a business or activity located on the same or nearby property, shall be prohibited. However, this is not intended in any way to prohibit signs placed on or affixed to vehicles and trailers where the sign is incidental to the primary use of the vehicle or trailer and where the vehicle is being operated in the normal course of business, is in operable condition, and carries a current and valid license plate and state inspection tag.

(11) Any sign placed on a property without the permission of the property owner.

(12) Light emitting diode (LED) and static electronic digital display signs, except as allowed on-premises for freestanding, multitenant, window and door signs (only one per storefront) and government signs as regulated and defined in this article.

(13) Wind-waver flags.

(14) Portable or vehicle driven digital or LED signs.

APPENDIX C: SUSTAINABILITY, GATEWAY, AND COMMERCIAL/INDUSTRIAL OVERLAY DISTRICT STANDARDS

(I)(G)(j) Prohibited Signs.

i. Roof Signs[.]

ii. Pole Signs not located adjacent to Loop 410 and the Flyover.

iii. Animated, moving, flashing, blinking, reflecting, revolving, or any similar signs, except time/temperature devices and barber shops.

iv. Electronic reader board signs, except time/temperature devices.



7007 BANDERA RD. STE 14

August,06,2015

LEON VALLEY, TX 78238

210-451-1410

E-MAIL: FRUITMIX-1@HOTMAIL.COM

TO WHOM IT MAY CONCERN.

We are a new business family operated in this great community but in order to grow up our business we are asking for permission to install some publicity flags an arrow dancer in front of the business and the flags on the walk side of Bandera Rd street and Huebner of course inside of the Clear Creek Plaza. We would love to have if it's possible between 6 to 12 months to attract more customers to our business, the sales will increase in between 18 to 20%. Other of the main big reasons we need to install it is because we are located behind the Church's Chicken so we don't have any visibility we are located on the back of the plaza, even our sign its not to visible to the high volume of traffic on the street. We made an investment of \$120,000.00 us dlls in this business and in order to make some revenues we need to make the people know we are here. I will attach the information and pictures of the publicity we are trying to install. I wasn't aware the Leon Valley City it's not allowing to install this kind of publicity and I place the order three weeks ago, this is the main reason we are asking for your help and understanding.

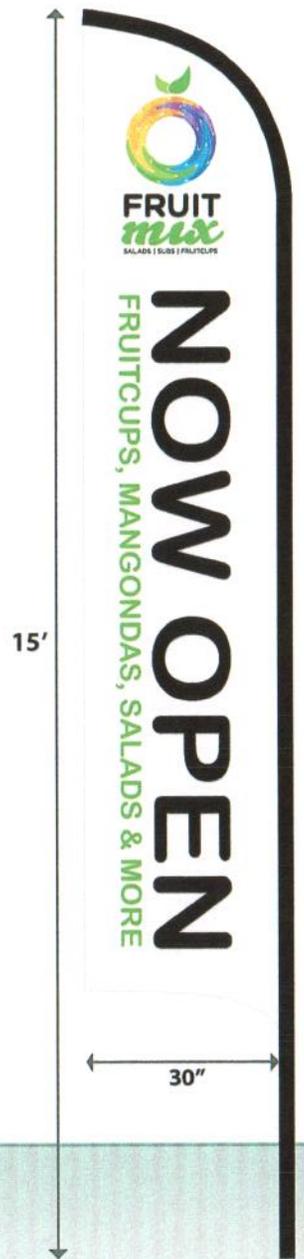
Thank You.

Enrique L. Perales

Fruitmix Owner

Cel: 210-908-8735

Please reply to the Art Department quickly when received via e-mail or by telephone to ensure no delays



15' Feather Flag

■ Single-sided □ Double-sided

PO# FRU071405

Customer Name:
FRUITMIX

Date: 7-17-15

DISCLOSURE

Unless a Pantone Color (PMS) number is provided, we can only attempt to match the color requested. CMYK colors are not a reliable color code as they produce different results on different screens, printers and fabrics. General color requests can result in a different appearance on screen vs printed piece. Even when a PMS color code is provided, unless a fabric sample is mailed and personally approved (fee added), we can only match as close as possible.

By approving your proof, you accept the above terms. Email / Phone reply constitutes an approval and signature.

* Flags will be printed on the left side of the pole unless specified otherwise

Please reply to the Art Department quickly when received via e-mail or by telephone to ensure no delays

Front

Back

15'



15' Arrow Dancer

PO# FRU071405

Customer Name:
FRUITMIX

Date: 7-17-15

DISCLOSURE

Unless a Pantone Color (PMS) number is provided, we can only attempt to match the color requested. CMYK colors are not a reliable color code as they produce different results on different screens, printers and fabrics. General color requests can result in a different appearance on screen vs printed piece. Even when a PMS color code is provided, unless a fabric sample is mailed and personally approved (fee added), we can only match as close as possible.

By approving your proof, you accept the above terms. Email / Phone reply constitutes an approval and signature.

City of Leon Valley City Council

Fruit Mix Sign Variance Requests

M&C#2015-8-18-09

August 18, 2015

Leon Valley Code of Ordinances

- 3.04.014 Signs Permit and Appendix “C” of the Leon Valley Code of Ordinances Prohibits
 - Wind-waver flags
 - Animated, moving or similar signs
- Applicant applied for a permit and was denied.
 - Applicant must demonstrate a hardship
 - Written Request must be submitted

Project History

- New business located on Bandera, north of Huebner
- Applicant applied for a sign variance
- Applicant has indicated that:
 - Invested \$120,000 in Leon Valley
 - Signs projected to increase business by 18 – 20%

Applicant's Request:

- Applicant/Owner: Enrique Perales
- Location: 7007 Bandera Road, Suite 14
- Temporarily allow “Arrow Dance” and Flag sign
- Hardship: Lack visibility from Bandera Road

Existing Conditions



Proposed Signs



Fiscal Impact

- Sign Variance
 - \$100 variance consideration
 - \$75/ sign permit if variance is approved

Recommendation

- Staff recommends a six month temporary variance to allow the signs, due to their lack of visibility, and documentation that business has increased.
- Other options:
 - Grant a temporary 12 month variance to allow permits
 - Grant a temporary variance for a different time period
 - Deny the variance(s)
- Sign variances are at the discretion of City Council.

City of Leon Valley City Council

Fruit Mix Sign Variance Requests

M&C#2015-8-18-09

August 18, 2015

Code Compliance
July 2015

Jul-15

<u>Violations/ Complaints</u>	<u>Number</u>	<u>In Compliance</u>
Environmental/Graffiti	27	23
Right of way Obstructions	12	6
Animal Calls/TNR	42	39
High Grass/Weeds	28	21
Trash & Debris	45	35
Permit Inquiry	10	10
Bandit Signs	35	35
Junked Vehicles	0	0
Vacant Lots	3	0
Alleys	63	25
Zoning Violations	1	1
Address Violation	8	0
Total Violation Report	274	195

Notifications

Door Hangar	93
1st Notice Mailed	12
2nd Notice Mailed	3
Citations Issued	0
Contacts by Phone	6
Contacts in Person	160
Resolved / In Compliance	195
Unresolved Cases	79

FY 14-15

<u>Violations/ Complaints</u>	<u>Number</u>	<u>In Compliance</u>
Environmental/Graffiti	215	185
Right of way Obstructions	79	43
Animal Calls/TNR	382	369
High Grass/Weeds	225	159
Trash & Debris	147	104
Permit Inquiry	53	43
Bandit Signs	224	224
Junked Vehicles	29	14
Vacant Lots	17	0
Alleys	104	45
Zoning Violations	11	9
Address Violation	8	0
Reinspection	-	59
Total Violation Report	1494	1254

Notifications

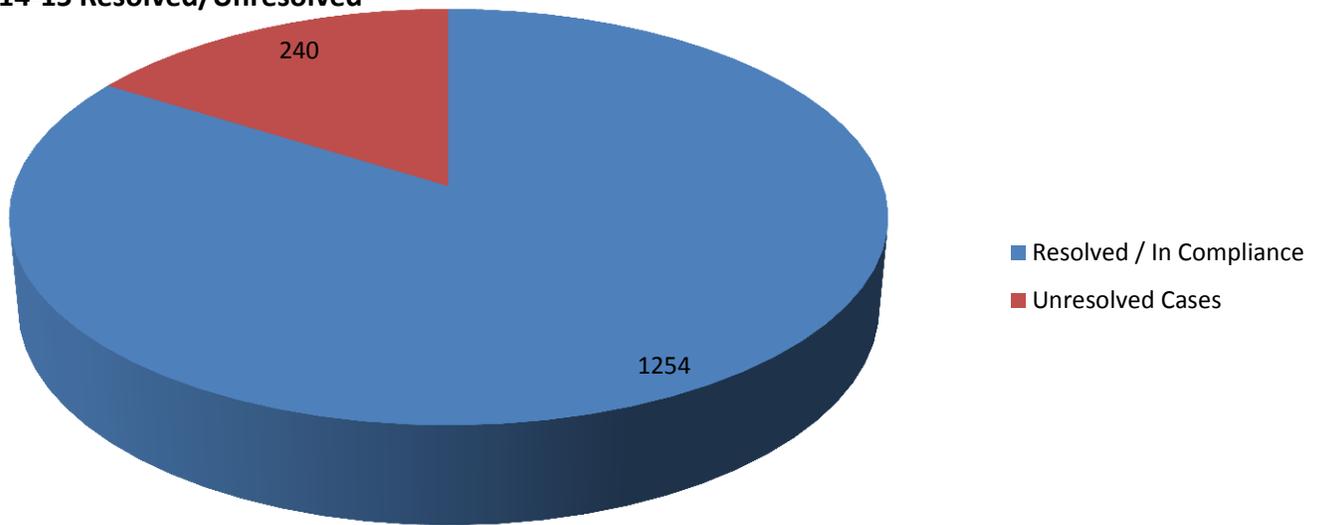
<u>Notifications</u>	<u>Number</u>
Door Hangar	349
1st Notice Mailed	31
2nd Notice Mailed	0
Citations Issued	1
Contact by Phone	79
Contacts in Person	760
Resolved / In Compliance	1254
Unresolved Cases	240

FERAL CATS NEUTERED/SPAYED THROUGH TNR PROGRAM

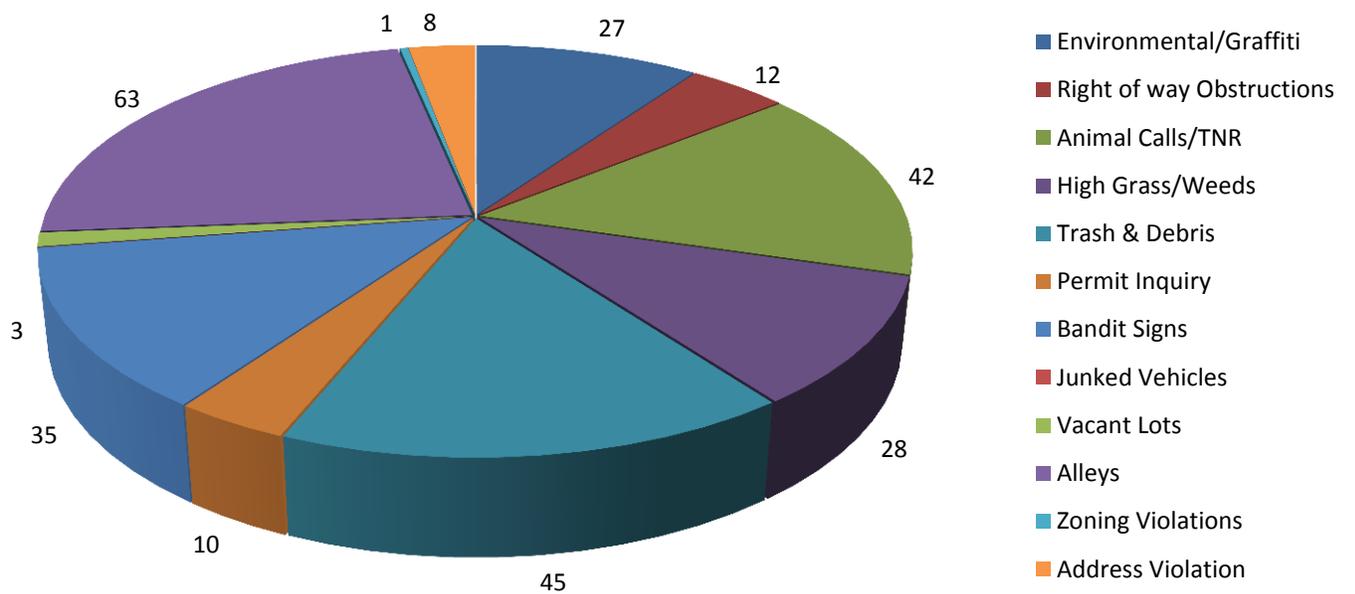
OCT. 2014	4
NOV. 2014	3
DEC. 2014	7
JAN. 2015	8
FEB. 2015	2
MAR. 2015	8
May 2015	2
TOTAL:	32

Code Compliance
July 2015

FY 14-15 Resolved/Unresolved



July 2015



JULY 2015 EXPENDITURES OF \$10,000 & OVER

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
POLICE/ADMINISTRATION	GENERAL FUND	BROUSSARD GROUP	FURNITURE - POLICE	\$ 18,300.00
FIRE/OPERATIONS	GENERAL FUND	ARTCOM COMMUNICATIONS	ACCESS CONTROL-POLICE	\$ 10,000.00
PUBLIC WORKS	GENERAL FUND	SAN ANTONIO POOL MGMT, INC	POOL MGMT / CONTRACT	\$ 10,248.75
SPECIAL EVENTS	GENERAL FUND	WILLIAM H DRAIN	BACKSTAGE PRODUCTIONS/JULY 4TH	\$ 25,605.00
STORM WATER	WATER & SEWER	HECTOR BARRERA CONSTRUCTION LLC	DETENTION POND	\$ 24,500.00
STORM WATER	WATER & SEWER	GILBERT'S UTILITY & CONCRETE WORK	EDINBOROUGH DRAINAGE PROJECT	\$ 19,500.00
STREET MAINTENANCE TAX	STREET TAX	SIA ENGINEERING GROUP	ENGINEER FEES	\$ 11,160.00
CAPITAL PROJECTS	CAPITAL PROJECTS	BARTLETT COCKE GENERAL CONTRACTORS LLC	RENOVATION OF MUNICIPAL BLDG	\$ 171,533.90
SEIZURES DOJ	POLICE FORFEITURE	BROUSSARD GROUP	FURNITURE-POLICE	\$ 24,359.33
			GRAND TOTAL	<u><u>\$ 315,206.98</u></u>

JUNE 2015 EXPENDITURES OF \$10,000 & OVER

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
MUNICIPAL COURT	GENERAL FUND	LINEBARGER GOGGAN BLAIR & SAMPSON, INC	MUN. COURT COLLECTION FEES	\$ 10,844.01
		HUMANA	HEALTH INSURANCE	\$ 20,683.18
FIRE-OPERATIONS	GENERAL FUND	HUMANA	HEALTH INSURANCE	\$ 24,734.69
PUBLIC WORKS	GENERAL FUND	SAN ANTONIO POOL MGMT, INC	POOL MGMT / CONTRACT	\$ 10,248.75
WATER SYSTEM	WATER & SEWER	GONZALEZ-DE LA GARZA & ASSOCIATES	WELL REPORT	\$ 28,650.00
SEWER SYSTEM	WATER & SEWER	SAWS	BILLABLE SEWER	\$ 78,368.54
	CIED FUND	IDS ENGINEERING GROUP, INC	HIKE & BIKE TRAIL	\$ 16,290.75
CAPITAL PROJECTS	CAPITAL PROJECTS	BARTLETT COCKE GENERAL CONTRACTORS LLC	RENOVATION OF MUNICIPAL BLDG	\$ 177,950.20
	POLICE FORFEITURE	ARTCOM COMMUNICATIONS	POLICE DEPT. ACCESS CONTROL	\$ 24,054.00
GRAND TOTAL				<u>\$ 391,824.12</u>

MAY 2015 EXPENDITURES OF \$10,000 & OVER

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
	GENERAL FUND	LEON VALLEY 125 PLAN	HEALTH FSA REIMBURSEMENT	\$ 16,856.21
		HUMANA	HEALTH INSURANCE	\$ 10,772.54
MUNICIPAL COURT	GENERAL FUND	LINEBARGER GOGGAN BLAIR & SAMPSON, INC	MUN. COURT COLLECTION FEES	\$ 21,944.95
CITY MANAGER & COUNCIL	GENERAL FUND	MANUEL LONGORIA JR		\$ 40,000.00
FIRE-OPERATIONS	GENERAL FUND	HUMANA	HEALTH INSURANCE	\$ 12,104.21
PUBLIC WORKS	GENERAL FUND	SAN ANTONIO POOL MGMT, INC	LIFEGUARDING SERVICES	\$ 10,248.75
BUSINESS OFFICE	WATER & SEWER FUND	MANUEL LONGORIA JR		\$ 40,000.00
SEWER SYSTEM	WATER & SEWER FUND	SAWS	MARCH 2015 BILLABLE SEWER	\$ 105,343.25
STREET MAINTENANCE TAX	STREET MAINTENANCE	CLARK CONSTRUCTION, LTD	EVERS ROAD # 1	\$ 408,752.67
			EVERS ROAD PROJECT	\$ 310,070.75
CAPTAL PROJECTS	CAPITAL PROJECTS	BARTLETT COCKE GENERAL CONTRACTORS LLC	RENOVATION OF MUNICIPAL #1	\$ 380,663.25
		TERO TECHNOLOGIES	PREMISE NETWORK CABLING	\$ 13,333.31
			GRAND TOTAL	<u>\$ 1,370,089.89</u>

APRIL 2015 EXPENDITURES OF \$10,000 & OVER

DEPARTMENT	FUND	VENDOR NAME	DESCRIPTION	AMOUNT
MUNICIPAL COURT	GENERAL FUND	LINEBARGER GOGGAN BLAIR & SAMPSON	MUN. COURT COLLECTION FEES	\$ 16,995.98
	GENERAL FUND	HUMANA	HEALTH INSURANCE	\$ 10,772.54
FINANCE	GENERAL FUND	TYLER TECHNOLOGIES, INC.	SOFTWARE MAINTENANCE/SUPPORT	\$ 10,917.74
FIRE-ADMINISTRATION	GENERAL FUND	BROUSSARD BASICS	FURNITURE	\$ 10,262.50
FIRE-OPERATIONS	GENERAL FUND	HUMANA	HEALTH INSURANCE	\$ 12,104.21
PUBLIC WORKS	GENERAL FUND	SIA ENGINEERING, INC.	ENGINEER FEES (EVERS RD.)	\$ 13,600.00
BUSINESS OFFICE	WATER & SEWER FUND	TYLER TECHNOLOGIES, INC.	SOFTWARE MAINTENANCE/SUPPORT	\$ 10,917.74
SEWER SYSTEM	WATER & SEWER FUND	SAWS	FEBRUARY BILLABLE SEWER	\$ 111,180.04
		SAN ANTONIO WATER SYSTEM	SEWER TREATMENT & TRANSPORT	\$ 111,428.36
CIED FUND	CIED FUND	IDS ENGINEERING GROUP, INC.	HIKE & BIKE TRAIL	\$ 18,030.00
CAPITAL PROJECTS	CAPITAL PROJECTS	BARTLETT COCKE GENERAL CONTRACTORS LLC	CONSTRUCTION MUNICIPAL BLDG.	\$ 227,571.55
			GRAND TOTAL	\$ 553,780.66



**CITY OF LEON VALLEY
FINANCIAL STATEMENT
JULY 2015**



General Fund

	FY 2014-2015 BUDGET		FY 2014-2015 Y-T-D ACTUAL		FY 2013-2014 Y-T-D	
<u>REVENUE</u>						
Ad Valorem	\$ 3,316,280	83.0%	\$ 3,428,200	103.4%	\$ 3,247,465	100.3%
Sales Taxes	2,124,190	83.0%	1,801,151	84.8%	1,512,093	81.5%
Franchise Taxes	840,098	83.0%	617,534	73.5%	580,669	82.1%
Licenses,Permits,Fees,Fines	997,375	83.0%	723,751	72.6%	822,372	81.3%
Miscellaneous	160,637	83.0%	148,071	92.2%	174,485	126.1%
TOTAL REVENUE	\$ 7,438,580	83.0%	\$ 6,718,707	90.3%	\$ 6,337,084	91.2%
<u>EXPENDITURES</u>						
Business Office	\$ 165,153	83.0%	\$ 111,651	67.6%	\$ 102,059	66.2%
Finance	220,127	83.0%	178,392	81.0%	171,920	77.6%
Council & Manager	545,248	83.0%	445,459	81.7%	347,895	82.3%
Police	2,344,069	83.0%	1,782,939	76.0%	1,788,295	78.0%
Fire	2,237,002	83.0%	1,883,689	84.0%	1,854,287	80.0%
Public Works	1,185,350	83.0%	984,358	83.0%	985,208	81.2%
Community Development	212,660	83.0%	174,432	82.0%	158,854	77.4%
Economic Development	145,775	83.0%	104,768	71.9%	133,565	82.9%
Special Events	97,568	83.0%	87,142	89.3%	67,450	89.3%
Parks & Recreation	183,736	83.0%	99,222	54.0%	179,485	84.2%
Library	359,193	83.0%	252,911	70.4%	236,932	82.5%
Other Sources/Uses	207,479					
TOTAL EXPENDITURES	\$ 7,903,360	83.0%	\$ 6,104,962	79.3%	\$ 6,025,950	79.7%



Water and Sewer Fund

	FY 2014-2015 BUDGET		FY 2014-2015 Y-T-D ACTUAL		FY 2013-2014 Y-T-D	
<u>REVENUE</u>						
Water Sales	\$ 1,594,000	83.0%	\$ 1,127,804	70.8%	\$ 1,105,914	73.7%
Sewer Sales	1,880,369	83.0%	1,466,610	78.0%	1,350,739	82.0%
Connection & Platting	2,500	83.0%	525	21.0%	600	24.0%
Customer Fees	43,300	83.0%	31,665	73.1%	36,940	85.3%
Tapping Fees	16,000	83.0%	18,818	117.6%	12,034	75.2%
Miscellaneous	46,000	83.0%	826	1.8%	145,131	297.4%
TOTAL REVENUE	\$ 3,582,169	83.0%	\$ 2,646,249	73.9%	\$ 2,651,357	81.4%
<u>EXPENDITURES</u>						
Business Office	768,340	83.0%	573,302	74.6%	489,023	73.8%
Water System	1,645,181	83.0%	1,020,396	62.0%	1,065,451	80.6%
Sewer System	1,449,990	83.0%	1,081,788	74.6%	1,097,170	86.7%
Storm Water	472,171	83.0%	286,041	60.6%	216,426	56.7%
Other Sources/Uses	70,000					
TOTAL EXPENDITURES	\$ 4,405,682	83.0%	\$ 2,961,527	68.3%	\$ 2,868,070	79.0%



Community Center Fund

	FY 2014-2015 BUDGET		FY 2014-2015 Y-T-D ACTUAL		FY 2013-2014 Y-T-D	
<u>REVENUE</u>						
Hotel/Motel Taxes	85,000	83.0%	62,632	73.7%	65,896	79.3%
RENTAL FEES:						
Community Center	45,000	83.0%	35,043	77.9%	38,250	78.5%
Conference Center	30,470	83.0%	23,995	78.8%	22,175	63.7%
Miscellaneous:						
CDBG Grant	-		-		-	
CPS Energy Rebate	-		-		-	
TOTAL REVENUE	\$ 160,470	83.0%	\$ 121,670	75.8%	\$ 126,321	75.8%
<u>EXPENDITURES</u>						
Community Center Operations	\$ 163,163	83.0%	\$ 122,517	75.1%	\$ 159,716	84.4%
Other Sources/Uses	\$ 20,000		\$ -			
TOTAL EXPENDITURES	\$ 183,163	83.0%	\$ 122,517	75.1%	\$ 159,716	84.7%



Street Maintenance Sales Tax

	Actual FY 2013	Actual FY 2014	Budget FY 2015	Actual FY 2015
Revenues	475,884	554,015	523,472	442,570
Transfers In	-			
TOTAL REVENUES	475,884	554,015	523,472	442,570
Expenditures	10,720	403,791	1,393,806	898,499
TOTAL EXPENDITURES	10,720	403,791	1,393,806	898,499
FUND BALANCE	866,862	1,017,087	146,753	561,158

CITY OF LEON VALLEY
 FINANCIAL STATEMENT - UNAUDITED
 AS OF: JULY 31ST, 2015

100-General Fund
 FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
REVENUE SUMMARY							

AD VALOREM TAXES	3,316,280.00	147,997.32	0.00	3,428,199.70	0.00	111,919.70	103.37
SALES TAXES	2,124,190.00	12,276.61	0.00	1,801,151.02	0.00	323,038.98	84.79
FRANCHISE FEES	840,098.00	1,093.35	0.00	617,534.12	0.00	222,563.88	73.51
LICENSE, PERMITS, FEES, FINE	997,375.00	60,507.31	0.00	723,750.90	0.00	273,624.10	72.57
MISCELLANEOUS	160,637.00	10,456.12	0.00	148,071.10	0.00	12,565.90	92.18
TOTAL REVENUE	7,438,580.00	232,330.71	0.00	6,718,706.84	0.00	719,873.16	90.32
	=====	=====	=====	=====	=====	=====	=====
EXPENDITURE SUMMARY							

Business Office							

PERSONNEL SERVICES	79,471.00	6,971.08	0.00	64,974.55	0.00	14,496.45	81.76
SUPPLIES	9,130.00	130.88	0.00	7,000.09	0.00	2,129.91	76.67
CONTRACTUAL SERVICES	76,552.00	4,440.96	0.00	39,675.75	0.00	36,876.25	51.83
TOTAL Business Office	165,153.00	11,542.92	0.00	111,650.39	0.00	53,502.61	67.60
Finance							

PERSONNEL SERVICES	142,822.00	14,271.07	0.00	119,398.74	0.00	23,423.26	83.60
SUPPLIES	5,600.00	277.96	0.00	3,596.21	241.00	1,762.79	68.52
CONTRACTUAL SERVICES	71,705.00	655.84	0.00	55,156.02	0.00	16,548.98	76.92
TOTAL Finance	220,127.00	15,204.87	0.00	178,150.97	241.00	41,735.03	81.04
City Manager & Council							

PERSONNEL SERVICES	271,660.00	24,954.49	0.00	218,438.15	0.00	53,221.85	80.41
SUPPLIES	42,440.00	1,048.67	0.00	28,048.94	200.49	14,190.57	66.56
CONTRACTUAL SERVICES	231,148.00	17,248.07	0.00	198,771.01	0.00	32,376.99	85.99
TOTAL City Manager & Council	545,248.00	43,251.23	0.00	445,258.10	200.49	99,789.41	81.70
Police Administration							

PERSONNEL SERVICES	331,812.00	28,314.81	0.00	222,157.13	0.00	109,654.87	66.95
SUPPLIES	7,250.00	463.12	0.00	4,631.12	145.96	2,472.92	65.89
CONTRACTUAL SERVICES	69,228.00	2,560.55	0.00	49,192.82	1,093.66	18,941.52	72.64
CAPITAL OUTLAY	18,300.00	18,300.00	0.00	18,300.00	0.00	0.00	100.00
TOTAL Police Administration	426,590.00	49,638.48	0.00	294,281.07	1,239.62	131,069.31	69.28

100-General Fund
 FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
Police Crime Prevention							

TOTAL Police Crime Prevention	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Police Patrol							

PERSONNEL SERVICES	1,193,154.00	112,327.79	0.00	967,422.95	1,123.00	224,608.05	81.18
SUPPLIES	84,000.00	18,411.09	0.00	57,861.44	5,419.14	20,719.42	75.33
CONTRACTUAL SERVICES	29,400.00	106.50	0.00	12,578.49	437.70	16,383.81	44.27
CAPITAL OUTLAY	0.00	10,000.00	0.00	10,000.00	0.00	(10,000.00)	0.00
TOTAL Police Patrol	1,306,554.00	140,845.38	0.00	1,047,862.88	6,979.84	251,711.28	80.73
Police Communications							

PERSONNEL SERVICES	288,019.00	30,513.48	0.00	220,699.69	0.00	67,319.31	76.63
SUPPLIES	2,200.00	0.00	0.00	759.76	0.00	1,440.24	34.53
CONTRACTUAL SERVICES	3,300.00	112.00	0.00	2,196.30	0.00	1,103.70	66.55
TOTAL Police Communications	293,519.00	30,625.48	0.00	223,655.75	0.00	69,863.25	76.20
Police Investigations							

PERSONNEL SERVICES	231,246.00	16,271.77	0.00	138,079.37	102.00	93,064.63	59.76
SUPPLIES	2,700.00	975.42	0.00	1,969.93	0.00	730.07	72.96
CONTRACTUAL SERVICES	5,350.00	11.00	0.00	454.00	0.00	4,896.00	8.49
TOTAL Police Investigations	239,296.00	17,258.19	0.00	140,503.30	102.00	98,690.70	58.76
Police Narcotics TF							

PERSONNEL SERVICES	77,974.00	8,051.00	0.00	68,249.46	0.00	9,724.54	87.53
CONTRACTUAL SERVICES	136.00	5.50	0.00	65.00	0.00	71.00	47.79
TOTAL Police Narcotics TF	78,110.00	8,056.50	0.00	68,314.46	0.00	9,795.54	87.46
Police Reserves							

TOTAL Police Reserves	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Fire Administration							

PERSONNEL SERVICES	224,354.00	21,553.86	0.00	184,614.72	0.00	39,739.28	82.29
SUPPLIES	4,914.00	241.64	0.00	4,301.01	776.77	(163.78)	103.33
CONTRACTUAL SERVICES	36,223.00	857.61	0.00	23,340.19	0.00	12,882.81	64.43
CAPITAL OUTLAY	51,300.00	0.00	0.00	51,068.21	0.00	231.79	99.55
TOTAL Fire Administration	316,791.00	22,653.11	0.00	263,324.13	776.77	52,690.10	83.37

100-General Fund
 FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
Fire Reserves							

TOTAL Fire Reserves	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Fire Operations							

PERSONNEL SERVICES	1,694,975.00	163,013.46	0.00	1,409,221.43	606.29	285,147.28	83.18
SUPPLIES	31,237.00	2,955.37	0.00	24,345.03	0.00	6,891.97	77.94
CONTRACTUAL SERVICES	76,413.00	8,572.93	0.00	80,827.50	0.00	4,414.50	105.78
CAPITAL OUTLAY	9,400.00	0.00	0.00	0.00	5,283.74	4,116.26	56.21
TOTAL Fire Operations	1,812,025.00	174,541.76	0.00	1,514,393.96	5,890.03	291,741.01	83.90
Fire Prevention							

TOTAL Fire Prevention	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Fire EMS							

SUPPLIES	39,610.00	3,285.47	0.00	38,360.66	986.63	262.71	99.34
CONTRACTUAL SERVICES	68,576.00	11,713.70	0.00	59,957.25	0.00	8,618.75	87.43
TOTAL Fire EMS	108,186.00	14,999.17	0.00	98,317.91	986.63	8,881.46	91.79
Public Works M&O							

PERSONNEL SERVICES	742,935.00	70,736.28	0.00	623,774.45	0.00	119,160.55	83.96
SUPPLIES	145,500.00	9,803.52	0.00	128,383.32	581.04	16,535.64	88.64
CONTRACTUAL SERVICES	276,915.00	22,598.65	0.00	205,517.29	18,814.70	52,583.01	81.01
CAPITAL OUTLAY	20,000.00	0.00	0.00	7,286.70	0.00	12,713.30	36.43
TOTAL Public Works M&O	1,185,350.00	103,138.45	0.00	964,961.76	19,395.74	200,992.50	83.04
Public Works Construction							

TOTAL Public Works Construction	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Community Development							

PERSONNEL SERVICES	110,882.00	10,514.05	0.00	78,348.80	0.00	32,533.20	70.66
SUPPLIES	5,400.00	136.73	0.00	4,878.18	0.00	521.82	90.34
CONTRACTUAL SERVICES	96,378.00	7,876.16	0.00	91,204.85	0.00	5,173.15	94.63
TOTAL Community Development	212,660.00	18,526.94	0.00	174,431.83	0.00	38,228.17	82.02

CITY OF LEON VALLEY
 FINANCIAL STATEMENT - UNAUDITED
 AS OF: JULY 31ST, 2015

100-General Fund
 FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
Economic Development							

PERSONNEL SERVICES	127,082.00	12,731.22	0.00	92,961.59	0.00	34,120.41	73.15
SUPPLIES	4,700.00	364.01	0.00	3,468.17	4.43	1,227.40	73.89
CONTRACTUAL SERVICES	13,993.00	249.05	0.00	8,288.60	45.00	5,659.40	59.56
TOTAL Economic Development	145,775.00	13,344.28	0.00	104,718.36	49.43	41,007.21	71.87
Special Events							

PERSONNEL SERVICES	12,118.00	10,896.66	0.00	10,896.66	0.00	1,221.34	89.92
SUPPLIES	50,450.00	34,379.56	0.00	53,745.61	0.00	3,295.61	106.53
CONTRACTUAL SERVICES	35,000.00	2,500.00	0.00	22,500.00	0.00	12,500.00	64.29
TOTAL Special Events	97,568.00	47,776.22	0.00	87,142.27	0.00	10,425.73	89.31
Parks & Recreation							

PERSONNEL SERVICES	88,146.00	5,774.78	0.00	55,666.37	0.00	32,479.63	63.15
SUPPLIES	15,000.00	109.07	0.00	28,854.43	0.00	13,854.43	192.36
CONTRACTUAL SERVICES	60,590.00	1,534.17	0.00	10,145.48	0.00	50,444.52	16.74
CAPITAL OUTLAY	20,000.00	0.00	0.00	4,555.74	0.00	15,444.26	22.78
TOTAL Parks & Recreation	183,736.00	7,418.02	0.00	99,222.02	0.00	84,513.98	54.00
Library							

PERSONNEL SERVICES	268,630.00	28,244.53	0.00	204,738.02	0.00	63,891.98	76.22
SUPPLIES	24,314.00	3,142.66	0.00	8,433.88	28.95	15,851.17	34.81
CONTRACTUAL SERVICES	46,249.00	2,488.73	0.00	27,687.86	0.00	18,561.14	59.87
CAPITAL OUTLAY	20,000.00	2,256.21	0.00	12,022.31	0.00	7,977.69	60.11
TOTAL Library	359,193.00	36,132.13	0.00	252,882.07	28.95	106,281.98	70.41
Communications							

TOTAL Communications	0.00	0.00	0.00	0.00	0.00	0.00	0.00

*** TOTAL EXPENDITURES ***	7,695,881.00	754,953.13	0.00	6,069,071.23	35,890.50	1,590,919.27	79.33
	=====	=====	=====	=====	=====	=====	=====
** REVENUE OVER (UNDER) EXPENDITURES *	(257,301.00)	(522,622.42)	0.00	649,635.61	(35,890.50)	(871,046.11)	338.53
	=====	=====	=====	=====	=====	=====	=====

OTHER FINANCING SOURCES (USES)
 =====

CITY OF LEON VALLEY
FINANCIAL STATEMENT - UNAUDITED
AS OF: JULY 31ST, 2015

100-General Fund
FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
OTHER SOURCES/USES	(207,479.00)	0.00	0.00	0.00	0.00	(207,479.00)	0.00
TOTAL OTHER SOURCES/USES	(207,479.00)	0.00	0.00	0.00	0.00	(207,479.00)	0.00
NET GAIN OR (LOSS)	(464,780.00	(522,622.42)	0.00	649,635.61	(35,890.50	(1,078,525.11)	
	=====	=====	=====	=====	=====	=====	

*** END OF REPORT ***

CITY OF LEON VALLEY
 FINANCIAL STATEMENT - UNAUDITED
 AS OF: JULY 31ST, 2015

200-Water & Sewer
 FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
REVENUE SUMMARY							

MISCELLANEOUS	46,000.00	8.00	0.00	826.10	0.00	45,173.90	1.80
WATER SALES	1,594,000.00	120,545.75	0.00	1,127,803.96	0.00	466,196.04	70.75
SEWER SALES	1,880,369.00	153,473.35	0.00	1,466,610.34	0.00	413,758.66	78.00
CONNECTION & PLATTING	2,500.00	0.00	0.00	525.00	0.00	1,975.00	21.00
CUSTOMER FEES	43,300.00	4,264.98	0.00	31,664.95	0.00	11,635.05	73.13
TAPPING FEES	16,000.00	1,942.80	0.00	18,818.42	0.00	2,818.42	117.62
TOTAL REVENUE	3,582,169.00	280,234.88	0.00	2,646,248.77	0.00	935,920.23	73.87
	=====	=====	=====	=====	=====	=====	=====
EXPENDITURE SUMMARY							

Business Office							

PERSONNEL SERVICES	611,238.00	59,073.45	0.00	487,078.15	0.00	124,159.85	79.69
SUPPLIES	33,750.00	0.00	0.00	2,448.90	0.00	31,301.10	7.26
CONTRACTUAL SERVICES	123,352.00	272.81	0.00	83,775.35	0.00	39,576.65	67.92
TOTAL Business Office	768,340.00	59,346.26	0.00	573,302.40	0.00	195,037.60	74.62
Water System							

PERSONNEL SERVICES	346,752.00	33,226.53	0.00	301,043.42	0.00	45,708.58	86.82
SUPPLIES	77,500.00	6,089.36	0.00	63,583.36	0.00	13,916.64	82.04
CONTRACTUAL SERVICES	525,130.00	16,228.28	0.00	430,003.89	0.00	95,126.11	81.89
CAPITAL OUTLAY	695,799.00	0.00	0.00	225,765.01	0.00	470,033.99	32.45
TOTAL Water System	1,645,181.00	55,544.17	0.00	1,020,395.68	0.00	624,785.32	62.02
Sewer System							

PERSONNEL SERVICES	133,811.00	12,301.59	0.00	109,296.29	0.00	24,514.71	81.68
SUPPLIES	4,700.00	0.00	0.00	0.00	0.00	4,700.00	0.00
CONTRACTUAL SERVICES	1,311,479.00	6.16	0.00	972,492.14	0.00	338,986.86	74.15
TOTAL Sewer System	1,449,990.00	12,307.75	0.00	1,081,788.43	0.00	368,201.57	74.61

CITY OF LEON VALLEY
 FINANCIAL STATEMENT - UNAUDITED
 AS OF: JULY 31ST, 2015

200-Water & Sewer
 FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
Construction							

TOTAL Construction	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Storm Water							

PERSONNEL SERVICES	146,591.00	14,590.59	0.00	116,465.29	0.00	30,125.71	79.45
SUPPLIES	21,000.00	2,242.70	0.00	12,517.23	0.00	8,482.77	59.61
CONTRACTUAL SERVICES	179,580.00	24,016.84	0.00	132,198.20	0.00	47,381.80	73.62
CAPITAL OUTLAY	125,000.00	24,500.00	0.00	24,860.00	0.00	100,140.00	19.89
TOTAL Storm Water	472,171.00	65,350.13	0.00	286,040.72	0.00	186,130.28	60.58

*** TOTAL EXPENDITURES ***	4,335,682.00	192,548.31	0.00	2,961,527.23	0.00	1,374,154.77	68.31
=====							
** REVENUE OVER (UNDER) EXPENDITURES *	(753,513.00)	87,686.57	0.00	(315,278.46)	0.00	(438,234.54)	58.16
=====							
OTHER FINANCING SOURCES (USES)							
=====							
OTHER SOURCES/USES	(70,000.00)	0.00	0.00	0.00	0.00	(70,000.00)	0.00
TOTAL OTHER SOURCES/USES	(70,000.00)	0.00	0.00	0.00	0.00	(70,000.00)	0.00

NET GAIN OR (LOSS)	(823,513.00)	87,686.57	0.00	(315,278.46)	0.00	(508,234.54)	
=====							
*** END OF REPORT ***							

CITY OF LEON VALLEY
 FINANCIAL STATEMENT - UNAUDITED
 AS OF: JULY 31ST, 2015

710-Community Center
 FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
REVENUE SUMMARY							

TAXES	85,000.00	11,644.89	0.00	62,632.38	0.00	22,367.62	73.69
FEES	<u>75,470.00</u>	<u>6,294.00</u>	<u>0.00</u>	<u>59,038.00</u>	<u>0.00</u>	<u>16,432.00</u>	<u>78.23</u>
TOTAL REVENUE	<u>160,470.00</u>	<u>17,938.89</u>	<u>0.00</u>	<u>121,670.38</u>	<u>0.00</u>	<u>38,799.62</u>	<u>75.82</u>
=====							
EXPENDITURE SUMMARY							

Community Center Operations							

PERSONNEL SERVICES	92,133.00	9,921.75	0.00	75,759.34	0.00	16,373.66	82.23
SUPPLIES	7,400.00	314.51	0.00	3,424.47	390.00	3,585.53	51.55
CONTRACTUAL SERVICES	<u>63,630.00</u>	<u>4,505.88</u>	<u>0.00</u>	<u>42,942.85</u>	<u>0.00</u>	<u>20,687.15</u>	<u>67.49</u>
TOTAL Community Center Operations	<u>163,163.00</u>	<u>14,742.14</u>	<u>0.00</u>	<u>122,126.66</u>	<u>390.00</u>	<u>40,646.34</u>	<u>75.09</u>
Visitor Services							

CONTRACTUAL SERVICES	<u>0.00</u>	<u>(475.00)</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
TOTAL Visitor Services	<u>0.00</u>	<u>(475.00)</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>

*** TOTAL EXPENDITURES ***	<u>163,163.00</u>	<u>14,267.14</u>	<u>0.00</u>	<u>122,126.66</u>	<u>390.00</u>	<u>40,646.34</u>	<u>75.09</u>
=====							
** REVENUE OVER (UNDER) EXPENDITURES *	(2,693.00)	3,671.75	0.00	(456.28)	(390.00)	(1,846.72)	68.57
=====							
OTHER FINANCING SOURCES (USES)							
=====							
OTHER SOURCES/USES	(20,000.00)	0.00	0.00	0.00	0.00	(20,000.00)	0.00
TOTAL OTHER SOURCES/USES	(20,000.00)	0.00	0.00	0.00	0.00	(20,000.00)	0.00

NET GAIN OR (LOSS)	(22,693.00)	3,671.75	0.00	(456.28)	(390.00)	(21,846.72)	
=====							

*** END OF REPORT ***

CITY OF LEON VALLEY
 FINANCIAL STATEMENT - UNAUDITED
 AS OF: JULY 31ST, 2015

720-Street Maintenance Tax
 FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
REVENUE SUMMARY							

Revenues	<u>523,472.00</u>	<u>0.00</u>	<u>0.00</u>	<u>442,570.24</u>	<u>0.00</u>	<u>80,901.76</u>	<u>84.55</u>
TOTAL REVENUE	<u>523,472.00</u>	<u>0.00</u>	<u>0.00</u>	<u>442,570.24</u>	<u>0.00</u>	<u>80,901.76</u>	<u>84.55</u>
	=====	=====	=====	=====	=====	=====	=====
EXPENDITURE SUMMARY							

Street Maintenance Tax							

CONTRACTUAL SERVICES	<u>1,393,806.00</u>	<u>14,011.85</u>	<u>0.00</u>	<u>898,498.94</u>	<u>0.00</u>	<u>495,307.06</u>	<u>64.46</u>
TOTAL Street Maintenance Tax	<u>1,393,806.00</u>	<u>14,011.85</u>	<u>0.00</u>	<u>898,498.94</u>	<u>0.00</u>	<u>495,307.06</u>	<u>64.46</u>
	=====	=====	=====	=====	=====	=====	=====
*** TOTAL EXPENDITURES ***	<u>1,393,806.00</u>	<u>14,011.85</u>	<u>0.00</u>	<u>898,498.94</u>	<u>0.00</u>	<u>495,307.06</u>	<u>64.46</u>
	=====	=====	=====	=====	=====	=====	=====
** REVENUE OVER (UNDER) EXPENDITURES *	(870,334.00)	(14,011.85)	0.00	(455,928.70)	0.00	(414,405.30)	47.61
	=====	=====	=====	=====	=====	=====	=====
OTHER FINANCING SOURCES (USES)							

TOTAL OTHER SOURCES/USES	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>	<u>0.00</u>
	=====	=====	=====	=====	=====	=====	=====
NET GAIN OR (LOSS)	(870,334.00)	(14,011.85)	0.00	(455,928.70)	0.00	(414,405.30)	
	=====	=====	=====	=====	=====	=====	

*** END OF REPORT ***

Minutes

Library Board of Trustees Meeting of

Tuesday, June 9, 2015 at 5:30pm at the Library

The Meeting was called to order by Chairperson, Katie Gwaltney at 5:43pm. Those present were Barbara Owens, Carol Poss, Jill Crane, Peggy Proffitt, Katie Gwaltney, Dr. Horace Staph, and Sandy Underwood. A quorum is present

A motion was made by Carol Poss and seconded, that the minutes for the May 12, 2015 meeting Board of Trustees Meeting be accepted as corrected, listing attendees. Unanimous approval.

Board Training update: Open Meetings Act and Public Information Act. Jill Crane has to complete one of the courses and everyone will be done with their training, certificates on file in the library.

Policy Review: The Donation Policy revision was reviewed. Jill Crane moved and Barbara Owens seconded to accept the Donation Policy as presented.

Carol mentioned that the donations to the archives perhaps needs a revision on their donation forms as well. Sandy and Carol will work on this project.

City update: Mr. Longoria is no longer with the city. Mr. Hank Brummett is interim City Manager until a replacement is hired.

Honoring Peggy Bissett: It was suggested the programs room be named after Peggy. Donations were made to the Friends Group in Peggy's name, using these for a plaque may be possible. It was also brought up that we should consider naming the children's wing after Joyce Trent. These will both be revisited after the first of the year.

Library Director's Report:

- Summer Reading kick off had about 130 in attendance. We've hired two student interns to help during the program.
- Statistics for May were reviewed.
- Community Safety/Neighborhood Watch informational meetings will be conducted by the Police Department every second Tuesday at 7 pm in the library.

Carol Poss reported on Friends of the Library activities. The First Saturday Book Sale raised \$139 in June. The Archives Overview that was scheduled to be presented will be postponed until August when our new board members should be joining us.

Announcements: Saturday June 13 will be a book signing from 2:30 – 4 pm, a joint event by the Library and the Historical Society.

There being no further business or announcements, Carol Possed moved to adjourn the meeting, Dr. Horace Staph seconded the motion, motion approved and the meeting adjourned at 6:50 pm.


Accepted


Date

MAYOR AND COUNCIL COMMUNICATION

DATE: August 18, 2015 M&C # 2015-08-18-10
TO: Mayor and City Council
FROM: Claudia Mora, Director of Economic Development
THROUGH: Henry Brummett, Interim City Manager
SUBJECT: EXECUTIVE SESSION: Confidential Information from the Texas Comptroller's Office

PURPOSE

The purpose of this M&C to conduct an Executive Session to provide confidential information from the Texas Comptroller's Office to the Mayor and City Council. In accordance with this confidential information from the state Comptroller, a transfer of certain funds from current year revenues to the Economic Development Department budget will allow the City to fulfill its obligations under an existing 380 economic development agreement. The Executive Session will be conducted pursuant to Texas Tax Code Section 321.3022 (i).

BACKGROUND

The City of Leon Valley grants economic development incentives to projects. The incentives include refunds based on confidential reports of payments from the Texas Comptroller's Office. Information from the confidential reports will be presented to the City Council.

FISCAL IMPACT

The confidential information from the Texas Comptroller's Office has an impact on the City's current year revenues.

S.E.E. IMPACT

Social - None.
Economic - To provide a diverse and versatile business environment that supports a healthy economy by engaging in open dialogue on issues and matters which affect the conduct of economic development in Leon Valley.
Environmental - Not applicable.

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

MAYOR AND COUNCIL COMMUNICATION

DATE: August 18, 2015 **M&C # 2015-08-18-11**

TO: Mayor and City Council

FROM: Claudia Mora, Director of Economic Development

THROUGH: Henry Brummett, Interim City Manager

SUBJECT: Approval of an Ordinance Amending the Economic Development Department Fiscal Year 2014-2015 Budget

PURPOSE

The purpose of this M&C is to approve an ordinance amending to the Economic Development Department Fiscal Year 2014-2015 budget. The Economic Development Department seeks City Council approval to add \$43,200.00.

BACKGROUND

The City of Leon Valley grants economic development incentives to projects. The incentives include refunds based on confidential reports of payments from the State Comptroller’s Office.

This item supports the approved 2014 Strategic Plan Update goal for economic development.

FISCAL IMPACT

Funding for the \$43,200.00 budget adjustment will come from current year revenue collections.

S.E.E. IMPACT

Social – None.

Economic – To provide a diverse and versatile business environment that supports a healthy economy by engaging in open dialogue on issues and matters which affect the conduct of economic development in Leon Valley.

Environmental – Not applicable.

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS: _____

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

AN ORDINANCE APPROVING AMENDMENT TO THE ECONOMIC DEVELOPMENT DEPARTMENT BUDGET FOR FISCAL YEAR OF 2014-2015

Whereas on September 22, 2014 the City Council of the City of Leon Valley adopted the 2014-2015 fiscal year budget: and

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

Whereas the Leon Valley City Council hereby finds and determines, that the amendment adopted under this ordinance are for a municipal purpose.

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

SECTION I

That the City Council of the City of Leon Valley hereby amends the Economic Development Department fiscal year 2014-2015 budget as provided for in the attached Exhibit "A", said Exhibit to incorporated herein as if fully set forth herein.

**SECTION II
SEVERABILITY**

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

**SECTION III.
REPEALER CLAUSE**

Any provisions of any prior ordinance of the City which are in conflict with any provision of the Ordinance, are hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

**SECTION IV.
EFFECTIVE DATE**

This Ordinance shall become effective and shall be in full force and effect on and after its passage and publication as required by state law.

**SECTION V.
PROPER NOTICE AND MEETING**

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551, of the Texas Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 18th day of August, 2015.

APPROVED

CHRIS RILEY
MAYOR

Attest:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form:

PATRICK BERNAL
City Attorney



Exhibit "A"
Ordinance No. 15-014

**CITY OF LEON VALLEY, TEXAS
BUDGET ADJUSTMENT
FISCAL YEAR 2014-2015**

Request Submitted By: Claudia Mora Date: 08/18/2015
 Department Head

Approved By: _____ Date: _____
 Finance Director

Approved By: _____ Date: _____
 City Manager

TYPE OF TRANSFER: DEPARTMENT:

Inter-Departmental Transfer
 Intra-Departmental Transfer
 Supplemental Appropriation

FROM:

FUND	ACCOUNT NO.	DESCRIPTION	AMOUNT
100			\$43,200.00

TO:

FUND	ACCOUNT NO.	DESCRIPTION	AMOUNT
100			\$43,200.00