



**CITY OF LEON VALLEY
CITY COUNCIL REGULAR MEETING**
Leon Valley Conference Center
6421 Evers Road, Leon Valley, Texas 78238
Tuesday, June 02, 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 City Council. Should a member of the public bring an item to the City Council, for which the subject was not posted on the agenda of that meeting, the City Council may receive the information but cannot act upon it during the meeting. City Council may direct staff to contact the requestor or ask that the issue be placed on a future agenda for discussion by the City 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]

3. City Manager's Report:
 - a) Approved Minutes from Boards, Commissions and Committees
 - b) Future Agenda Items:
 - o Funding Request by the Tree Advisory Committee for repurposing the wood from LC17 Project
 - o LC17 Update (Bobby Mengden, PE, CFM)
 - o Discussion on hiring of a new city manager (Executive Session)

CONSENT AGENDA

4. Approval of City Council Minutes. **(ACM C. Caldera/S. Passailaigue)**
 - a) May 19, 2015 Regular City Council Meeting
5. Consider approval of a resolution authorizing the filing of a partnership with the Bexar County Community Development Block Grant Program for Fiscal Year 2015. **M&C #2015-06-02-01 (ACM R. Wallace/M. Moritz)**
6. Consider approval of a waiver of related fees for the use of the Leon Valley Conference Center by the Bexar County Flood Control. **M&C #2015-06-02-02 (ACM C. Caldera/S. Passailaigue)**

7. Consider approval of a waiver of related fees for the use of the large pavilion with BBQ pit at Raymond Rimkus Park for Northside Independent School District (NISD) Business Office. **M&C #2015-06-02-03 (ACM C. Caldera/S. Passailaigue)**

REGULAR AGENDA

8. Presentation, discussion and update on the lawsuit Larry Little vs. City of Leon Valley Economic Development Corporation. **(As requested by Mayor Riley)**
9. Consider approval of a budget adjustment and related ordinance to add up to \$200,000 of previously unbudgeted LVEDC Funds from the LVEDC's Money Market account to the Professional Services line item of the current fiscal year budget. **M&C #2015-06-02-04 (C. Mora)**
10. Conduct the Second of Two Public Hearings and Readings to Receive Public Comment, and Consider Action on a Resolution Approving the Expenditure of LVEDC Funds and the LVEDC Co-Sponsorship of the City of Leon Valley 4th of July Celebration/Spectacular. **M&C #2015-06-02-05 (C. Mora)**
11. Discussion and possible action requesting that the Alamo Area Metropolitan Planning Organization amend its Transportation Improvement Program to move the Huebner Creek Greenway Hike and Bike Trail Project and Funding from Fiscal Year 2015 to Fiscal Year 2017. **(As requested by Mayor Riley)**
12. Election of the Mayor Pro-Tem. **M&C #2015-06-02-06 (ACM C. Caldera/S. Passailaigue)**
13. Discussion and possible action on an ordinance amending the City Of Leon Valley's Code Of Ordinances, Chapter 1 "General Provisions", Article 1.10 "Public Gatherings", Division 2, "Parades". **M&C #2015-06-02-07 (City Attorney C. Rodriguez)**

DISCUSSION AGENDA

14. Discussion on the flying of drones in residentially zoned areas of the City. **M&C #2015-06-02-08 (City Attorney C. Rodriguez)**
15. Upcoming Important Events:
 - a) Boards/Commission/Committee Appointments, June 16th
 - b) 4th of July Spectacular at Raymond Rimkus Park
16. Citizens to be Heard
17. Announcements by the Mayor and City Council Members. At this time, reports about items of community interests on which no action will be taken may be given to the public as per Chapter 551.0415 of the Local Government Code, such as: expressions of thanks, congratulations or condolences, 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 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 on the Bulletin Board at City Hall, 6400 El Verde Road, Leon Valley, Texas, on May 29, 2015 at 11:59 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





6400 El Verde Road, Leon Valley, TX 78238

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

Meeting of the Leon Valley Tree Advisory Board (TAB) at 6:00 PM, on Monday, April 20, 2015, at Leon Valley City Hall, at 6400 El Verde Road, Leon Valley, Texas.

I. Poll for Attendance and Determination of a Quorum.

- Staff Liaison: Elizabeth Carol (Present)
- TAB Forester: Mark Kroeze, Alamo Region Urban Forester (Absent)
- Members Present: Thomas Benavides, Melinda Dawson, Mary Key, and Rich Sarfin
- Members Absent: Denise Berger, Irene Baldrige, Lyn Joseph, and Diana Sarfin
- Guests: Roger Christianson and Dorothy Humphrey (Both from the Leon Valley Park Commission)

II. Approval of Minutes - March 18, 2015.

- Minutes approved as written.

III. Discussion of Annual Report to City Council on April 13, 2015.

- Elizabeth provided a hard copy of the annual report and reviewed the report via power point slides.
- One of the items required to maintain the "Tree City USA" designation is for the community forestry program to have an annual budget of at least \$2.00 per capita. This includes money used by the Fire Department to maintain fire lanes in the wooded areas, the Park Commission, the TAB, etc.

IV. Commission discussion on the TAB participation in the NeighborWoods program.

- Elizabeth provided a hard copy of tools for the NeighborWoods program from the founders, Alliance for Community Trees. The tools provide ideas and samples that can be used to promote the program.
- Elizabeth will look into budget and grant options for this program. She will also see if she can locate a GPS map provided to the city showing areas that are need of trees.
- Areas to restart the program include neighborhoods hit by oak wilt as well as the North Side Independent School District (NSISD).
 - Seneca Estates and Monte Robles are the hardest hit areas by oak wilt.
 - Melinda had been working with the NSISD when the program was first started for possible tree planting at Driggers Elementary.
 - The idea was for the students to make a project of the "tree planting" and we would supply the trees with some oversight. However, NSISD rules stated that any tree planted would have to be a large caliber tree ruling out safe participation by the students. Also, at the time, it was cost prohibitive for the TAB.
 - Melinda will try to re-establish a point of contact with the NSISD in order to take a re-look at planting trees at Driggers.
 - Elizabeth will contact CPS Energy to see if the City of Leon Valley is eligible to receive credit from their "tree rebate program". If the NSISD still requires the larger caliber trees, this rebate could then help offset expenses.
- Rich will look into who provided the "grant" for the trees planted at the Mission del Lago Golf Course located in the South Side of San Antonio.
- Mary will put together a fact sheet listing the "benefits of trees" for our document package.
- Tom will work with Denise to put together a "pitch letter" for the program that can be used door-to-door, mailed-out, and/or placed on the TAB webpage.
- Roger Christianson (Leon Valley Park Commission) addressed the TAB.
 - Came to initiate possible future partnership projects with the TAB.
 - Had an interest with the repurposing of the trees from the LC-17 project.
 - Will try to get us a copy of the Master Plan.
 - Staff Liaisons will set up a future meeting for the TAB and Park Commission to exchange ideas.

V. Executive Session in Accordance with the Texas Local Government Code.
- Not required.

VI. Adjourn

- The meeting was adjourned at 7:10 PM.
- The next meeting of the TAB is tentatively set for Thursday, May 21, 2015, at 6:00 PM, at the Leon Valley City Hall. Elizabeth will contact TAB members should this date change.


Chairperson



MINUTES OF THE MEETING OF THE LEON VALLEY ZONING COMMISSION

April 28, 2015

The meeting of the Leon Valley Zoning Commission convened at 6:30 p.m. on Tuesday, April 28, 2015, in City Council Chambers at 6400 El Verde Road, Leon Valley, Texas.

I. Roll Call

Present were Chairman Claude Guerra III, 1st Vice-Chair Olen Yarnell, 2nd Vice-Chair Phyllis McMillan and Members Pedro Esquivel, David Jordan and Alternate Members Larry Proffitt, David Edwards and Tony Westrich. Absent and excused was Hal Burnside, and Nicole Monsibais. Also present was Elizabeth Carol, Planning Manager of Community Development Department, acting as recording secretary.

II. Approval of the Zoning Commission Minutes:

A. November 18, 2014

Commissioner Pedro Esquivel made a motion to approve as written, seconded by 1st Vice-Chair Olen Yarnell. The motion passed unanimously.

B. February 24, 2015

Commissioner Pedro Esquivel made a motion to approve as written, seconded by Commissioner David Jordan. The motion passed unanimously.

C. March 24, 2015

Commissioner David Jordan made a motion to approve as written, seconded by Commissioner Pedro Esquivel. The motion passed unanimously.

III. Discuss and possible consideration of the Master Plan Amendments process

A. Proposed Timeline for Master Plan Amendments

City Staff presented a timeline of the Master Plan Amendment process and there was some discussion related to the timeline and how the Master Plan will be

presented to City Council. Staff advised the Commission that the completed version of the Master Plan will be presented to Zoning Commission at its December 2015 meeting. The Commission requested that monthly updates of the Master Plan be scheduled on future Zoning Commission agendas, so that the progress can be tracked and that the proposed revisions can be reviewed accordingly.

2nd Vice-Chair Phyllis McMillan noted that the timeline seemed reasonable and wanted to ensure that staff had clear direction from the Zoning Commission on how to proceed with the Master Plan update and subsequently made a motion to approve the proposed timeline as presented, the motion was seconded by Commissioner Pedro Esquivel, and the motion passed unanimously.

B. Master Plan Projects identified in the Public Hearing

City Staff provided an overview of the proposed projects identified in the Master Plan Public Hearing process. The Public Works projects were listed by each of the neighborhood areas within the Leon Valley Master Plan. The Commission requested that the list of projects be expanded to include other areas identified at the Public Hearing: Police, Code Compliance, Animal Control and Fire Departmental issues. The commission went on to reach a consensus regarding how to summarize the information and the Commission requested that a matrix be prepared that will streamline the review of the projects. The Commission also directed staff that the list should be forwarded to the applicable departments, so that these priorities can be addressed as needed and the identified improvements could be included in the proposed FY16 budget. In addition, the Commission requested that staff find out when the Commission could present the neighborhood project priority to the City Council so that the council could utilize this information as they develop the budget.

IV. New Zoning Commissioner Orientation

City Staff provided the Zoning Commission with a presentation that will be included in the New Commissioners Orientation sessions. After the presentation the Commission discussed the Attendance Policy and should notification be provided to the Chair or to staff. Chairman Claude Guerra III requested that notice be provided to staff who can better track the Commissioners attendance. The discussion continued related to when a Commissioner unexcused or excused absences would result in their resignation, and it was noted that a Commissioner would need to miss three consecutive meetings or three of seven meetings, if the three absences were unexcused.

The Commission then went on to discuss the provisions associated with the State of Texas Open Meetings Act. The Commissioners inquired about the need for mandatory training, refresher training, and maintenance of course completion certification. The Commission also inquired if the Proposed Home Rule Charter Changes that will be on the May 9, 2015 ballot will have any impact on the

Zoning Districts or the Zoning Commission. Staff noted that they will report back to the Zoning Commission in response to these concerns.

V. Executive Session in Accordance with the Texas Government Code.

There was neither item, nor action necessary for this session.

VI. Adjourn

Commissioner Pedro Esquivel made a motion to adjourn, seconded by 1st Vice-Chair Olen Yarnell. The motion passed unanimously and the meeting was adjourned at 8:41 p.m.



CHAIR



STAFF



**MINUTES OF THE MEETING OF THE
LEON VALLEY ZONING COMMISSION**

August 26, 2014

The meeting of the Leon Valley Zoning Commission convened at 6:30 p.m. on Tuesday, August 26, 2014, in City Council Chambers at 6400 El Verde Road, Leon Valley, Texas.

I. Roll Call

Present were Chairman Claude Guerra III, 2nd Vice-Chair Olen Yarnell, and Members Hal Burnside, Phyllis McMillan, Nicole Monsibais and David Jordan. Absent and properly excused was Member Pedro Esquivel. Also present was Kristie Flores, Director of Community Development, acting as recording secretary.

II. Approval of the Minutes – May 29, 2014 and June 4, 2014

Commissioner Hal Burnside made a motion to approve the minutes of May 29, 2014 as written. Commissioner Nicole Monsibais seconded the motion and the motion passed unanimously by voice vote.

Commissioner Phyllis McMillan noted a clarification regarding the language concerning group gatherings at Wing Daddy's and the intention of her statement. Staff noted that the minutes would be amended to reflect her thoughts. Commissioner Phyllis McMillan made a motion to approve the minutes of June 4, 2014 as amended. Commissioner David Jordan seconded the motion and the motion passed unanimously by voice vote.

III. Ceremonial Items

-Presentation to Wendy Phelps 14-years of Service to the Zoning Commission

Chairman Claude Guerra III presented a plaque of recognition to Wendy Phelps regarding her service to the Zoning Commission. Each Commissioner then passed on warm wishes to Miss Phelps and thanked her for her service and contributions to the Zoning Commission. Chairman Guerra III particularly noted her dedication in light of her illness and extended additional thanks and praise to her for her participation and service to the Commission.

Miss Phelps thanked the Commission for her special recognition and noted that she would come around in the future.

IV. Nomination and Election of Zoning Commission Officers

Chairman Guerra III initiated the nomination and election of zoning officer. Commissioner Nicole Monsibais nominated Claude Guerra III for Chairperson and 1st Vice-Chair Olen Yarnell seconded the nomination. The vote was called and passed by voice vote 6-0 to elect Claude Guerra III as Chair.

Chairman Claude Guerra III nominated Olen Yarnell as 1st Vice-Chair and Commissioner Hal Burnside seconded the nomination. The vote was called and passed by voice vote 6-0 to elect Olen Yarnell as 1st Vice-Chair.

Commissioner Hal Burnside nominated Commissioner Phyllis McMillan as 2nd Vice-Chairperson and Commissioner David Jordan seconded the nomination. The vote was called and passed by voice vote 6-0 to elect Phyllis McMillan as 2nd Vice-Chair.

V. 2014 Zoning Workshop

Staff facilitated a workshop which included the following:

- ❑ Part I – Roles and Responsibilities
 - Your Role in the Community
 - Your Relationship to City Council
 - Role of City staff
 - Basic Commission information
 - Legal responsibilities and protocol
 - Basic roles and responsibilities
 - Basic meeting format

- ❑ Part II – Planning Elements and Tools
 - Master plan document and map
 - Zoning code/Overlay Standards
 - Subdivision code

- ❑ Part III – Types of Applications
 - Platting/Replatting
 - Zoning Applications
 - Specific Use Permits
 - Non-Specified Use Permits

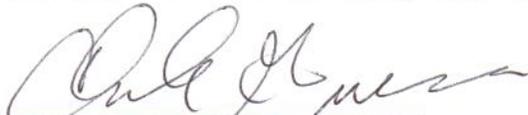
Staff completed the workshop with questions and answers.

VI. Executive Session in Accordance with the Texas Local Government Code

There was neither item, nor action necessary for this session.

VI. ADJOURN

2nd Vice-Chair Phyllis McMillan made a motion to adjourn, seconded by Commissioner Nicole Monsibais. The motion carried by voice vote and the meeting was adjourned at 7:55 p.m.



CHAIR



STAFF



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

Leon Valley City Council Chambers
6400 El Verde Road, Leon Valley, Texas 78238
Tuesday, May 19, 2015

MINUTES

The City Council of the City of Leon Valley, Texas met on the 19th day of May, 2015 at the Leon Valley City Council Chambers located at 6400 El Verde Road, Leon Valley, Texas for the purpose of the following business:

REGULAR CITY COUNCIL MEETING

Mayor Riley called the Regular City Council Meeting to order at 6:01 p.m. Pastor Derrick Thomas of Faith Worship Center led the Pledge of Allegiance.

Mayor Riley asked that the minutes reflect that the following members of City Council were present: Councilmembers Ricardo Ruiz, Abraham Diaz, and Benny Martinez. Councilmembers Carmen Sanchez and Paul Bieber were absent.

Also in attendance were:

City Manager Manuel Longoria, Jr., City Attorney Clarissa Rodriguez, ACM/Police Chief Randall Wallace, ACM/Human Resources Director Crystal Caldera, City Secretary Sandra Passailaigue, Public Works Director Melinda Moritz, Fire Chief Luis Valdez and Project Manager John Krause.

Consideration and action on Resolution No. 15-011R canvassing the returns and declaring the official results of the City of Leon Valley, Texas, May 09, 2015 General and Special Election. M&C #2015-05-19-01 (S. Passailaigue)

City Secretary Passailaigue gave a brief presentation on the canvassing of the returns for the 2015 General Election to elect one (1) Councilmember to Council Place 1, one (1) Councilmember to Council Place No. 3 and one (1) Councilmember to Council Place No. 5, by the qualified voters of the City of Leon Valley, and a Special Election to be held on the question of the Adoption of a Home Rule Charter for the City of Leon Valley.

A motion was made by Councilmember Abraham Diaz seconded by Councilmember Benny Martinez, to accept Resolution No. 15-011R canvassing the returns of the City of Leon Valley, Texas 2015 General and Special Election, and declaring the official results as presented. Upon a vote of three (3) for and none (0) opposed Mayor Riley announced the motion carried. (Councilmembers Carmen Sanchez and Paul Bieber were absent)

Recognition of Council members Paul Biever, Abraham Diaz and Ricardo Ruiz for their years of service to the City of Leon Valley.

Mayor Riley presented Councilmembers Ricardo Ruiz and Abraham Diaz with a clock in appreciation for their time of service to the City of Leon Valley as members of the City Council.

Mr. Ruiz thanked the citizens for allowing him to serve.

Mr. Diaz also thanked God, the citizens, Mayor and Council, his family and staff.

Administration of the Oath of Office and presentation of the Certificate of Election to Council Member-Elect David Edwards Council Place 1; Council Member-Elect Monica Alcocer Council Place 3; and Council Member-Elect David Jordan Council Place 5.

Judge David Rodriguez, Bexar County Court at Law #3 administered the Oath of Office and presented the Certificate of Election to Councilmember-Elect David Edwards Council Place No. 1, and Councilmember-Elect, Monica Alcocer Council Place No. 3, and Councilmember-Elect, David Jordan Council Place No. 5.

Council Member David Edwards, Councilmember Monica Alcocer and Councilmember David Jordan took their places at the dais and began their respective terms of office.

Mayor Riley took a point of privilege to thank all of the citizens who participated in this election and “attributed this win to a broad base of citizen support who communicate the need for change here at City Hall.” Mayor Riley also thanked Judge David Rodriguez.

Councilmembers David Edwards, Monica Alcocer and David Jordan all thanked the voters for the opportunity to serve them.

Mayor Riley called for a recess at 7:23 p.m. and invited Council and guests to a reception in honor of the outgoing and incoming Council.

Mayor Riley reconvened the meeting at 7:49 p.m.

Mayor Riley asked if any of the Councilmembers wished to pull Items from the Consent Agenda for discussion.

There being no comments, Mayor Riley moved on to the next item.

Citizens to be Heard

- Marcus Semmelmann, 5919 Rimkus Drive, thanked the outgoing Council for their time serving the Leon Valley community, and congratulated the new Council Members and asked that they do their homework, arrive prepared, work together and agree to disagree. Mr. Semmelmann also congratulated the Council for having two meetings per month. Mr. Semmelmann also suggested that the Hike & Bike Trail funds be used to purchase property on Samaritan and turn it into a wildlife habitat.
- Olen Yarnell, 7230 Sulky Lane, passed on speaking at this time.

- Kim Crawford, 7007 Forest Mont, passed on speaking at this time.
- Walter Geraghty, 7315 Ellerby Point, thanked the outgoing Council, congratulated the new Council; and thanked City Manager Manuel Longoria, Jr. for his support of the American Legion Post No. 336 and for his efforts to help make his dream of dedicating a portion of Evers Road to Audie Leon Murphy and the naming of the unnamed driveway at the Leon Valley Public Library as Veteran's Driveway. Mr. Geraghty said that it may be time to consider paying the City Council for each Council meeting.

CONSENT AGENDA

Approval of City Council Minutes. (ACM C. Caldera/S. Passailaigue)

a) May 05, 2015 Special and Regular City Council Meeting

Discussion and action on possible amendments to Resolution No. 14-017R City Council Rules of Conduct. M&C #2015-05-19-02 (Mayor Chris Riley and Council Member Benny Martinez)

A motion was made by Councilmember Monica Alcocer seconded by Councilmember Benny Martinez, to approve the Consent Agenda Items #6 and #7 as presented. Upon a vote of four (4) for and none (0) opposed Mayor Riley announced the motion carried. (Councilmember Carmen Sanchez was absent.)

REGULAR AGENDA

Presentation by Mike DeLaGarza on the City of Leon Valley 4th of July Spectacular.

Mr. Mike DeLaGarza gave a presentation on the 4th of July Spectacular which will be held at Raymond Rimkus Park on July 4th from 8:00 a.m. until approximately 10:00 p.m. Events include: a 5k run, parade, opening festivities, entertainment, food, drink, arts & crafts, and fireworks. New to this year's event are the Tamale Eating Contest and the Leon Valley Bake-Off.

First Public Hearing and First Reading of a resolution for LVEDC contribution of \$15,000; and co-sponsorship of the City of Leon Valley 4th of July Spectacular. M&C #2015-05-19-03 (City Manager Longoria)

ACM/HR Director Crystal Caldera presented this item on behalf of Economic Development Director Claudia Mora this item conducts the first of two public hearings and readings of the resolution approving expenditure of LVEDC funding and to receive comment from Leon Valley citizens regarding LVEDC's co-sponsorship of the 4th of July Celebration/Spectacular. Article IV Functional Corporate Duties and Requirements, Section 4.5, Expenditure of Corporate Money, and Subsection (c) of the Bylaws of the City of Leon Valley Economic Development Corporation (LVEDC) require that expenditures approved by the LVEDC Board of Directors for project funding in excess of \$10,000 have at least two separate readings of the approving City Council resolution and two public hearings.

Ms. Caldera added that at the April 22, 2015 meeting, the LVEDC Board of Directors approved the funding of \$15,000 in LVEDC funds to co-sponsor the City of Leon Valley 4th of July Celebration/Spectacular. If approved by the City Council, the co-sponsorship will allow the LVEDC to promote Leon Valley and attract patrons to area businesses to help increase sales tax revenue for the City. In addition, the co-sponsorship of \$15,000 enhances the city's identity, and enables the City of Leon Valley to build a special event that increases the city's visibility to the San Antonio area and South Texas region.

Mayor Riley opened the public hearing at 8:32 p.m. and there being no comments, closed the public hearing at 8:33 p.m.

No action was taken on this item.

City Manager's Report:

- a) **Beginning June 2nd, all City Council meetings will be at the Conference Center until the City Hall renovations are complete; temporary public notice posting location will be at the Leon Valley Library.**
- b) **Monthly Departmental Reports**
- c) **Approved Minutes from Boards, Commissions and Committees**
- d) **Future Agenda Items:**
 - **Funding Request by the Tree Advisory Committee for repurposing the wood from LC17 Project**
 - **LC17 Update (Bobby Mengden, PE, CFM) – estimate to save trees and do grading**
 - **Water/Sewer Capital Improvement Plan & Rate Study Workshop**
 - **CDBG Grant**

DISCUSSION AGENDA

Discussion and possible action on the Request for Proposals (RFP) for the selection of the City of Leon Valley's Insurance Agent of Record. M&C #2015-05-19-04 (ACM C. Caldera)

ACM/HR Director Crystal Caldera informed the City Council that the City's agreement with Gallagher services ends June 15, 2015. Therefore this would authorize the City Manager to enter into a contract for professional services for an Insurance Agent of Record for the City's employee group health insurance plans. The services of a professional insurance broker serving as the City's Insurance Agent of Record, can provide expertise in identifying the best group plans that meet the City's needs, could bring current knowledge of market trends in rates and plan structures, and may present a larger client pool to the negotiating table.

The Employee Insurance Benefit Committee was comprised of Assistant Finance Director Hurlock, Assistant Fire Chief Lawson, Public Works Director Moritz, Economic Development Director Mora and HR Director Caldera. The Committee looked at the second phase to determine whether or not the Request for Proposals (RFP) met specific scope of services and submission requirements. In the third phase the committee looked at price, experience and

cliental. Finally in Phase four the top two companies had reference checks and a phone interview. Four proposals were submitted by the following companies: Gallagher Benefits Services, Crandall & Associates, Holmes & Murphy and MSW. Below is the scoring matrix for all four companies:

A motion was made by Councilmember Benny Martinez seconded by Councilmember David Jordan, to approve Gallagher Benefits Services as the City’s Agent of Record. Upon a vote of four (4) for and none (0) opposed Mayor Riley announced the motion carried. (Councilmember Carmen Sanchez was absent.)

Upcoming Important Events:

- a) **City Office Closure on Monday, May 25th in observance of Memorial Day**
- b) **Street dedication to Audie L. Murphy Way on Memorial Day, May 25, 2015 at 2 p.m. at the LV Conference Center area**
- c) **Hog Wild, May 29th in San Marcos**
- d) **Boards/Commission/Committee Appointments, June 16th**
- e) **Next Coffee with the Mayor and Council, July 25th**

Mayor Riley asked that everyone please note the upcoming events.

Citizens to be Heard

- Gail Tribble, 6003 N. Forest Bend, Ms. Tribble congratulated all of the new Councilmembers. Ms. Tribble also invited all to the next LVACC luncheon at Native Wings on May 20th. The next mixer will be held at Bandera Bowl on May 28th.
- Lyn Joseph, 6423 Trotter, congratulated all of the new Councilmembers.

Adjournment

Mayor Riley announced the meeting adjourned at 8:52 p.m.

These minutes approved by the Leon Valley City Council on the 2nd of June, 2015.

APPROVED

CHRIS RILEY
MAYOR

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
CITY SECRETARY

MAYOR AND COUNCIL COMMUNICATION

DATE: June 2, 2015 **M&C #2015-06-02-01**
TO: Mayor and City Council
FROM: Melinda Moritz, Public Works Director
THROUGH: Hank Brummett, Interim City Manager
SUBJECT: Resolution Authorizing the Filing of a Partnership with the Bexar County Community Development Block Grant Program for Fiscal Year 2015

Purpose

The attached Resolution will authorize the renewal of a partnership with Bexar County to continue the City of Leon Valley’s participation in Community Development Block Grant (CDBG) programs.

Background

The Bexar County CDBG Program is requesting the City continue its participation by entering into an Agreement (attached). The agreement is required to continue participation in CDBG Programs for fiscal years 2016, 2017, and 2018. The City of Leon Valley has participated in Bexar County’s CDBG Programs since 1986, and has been the recipient of funding in the amount of \$1,808,239 for sewer, drainage, street, sidewalk, park and senior center improvement projects.

Fiscal Impact

There is no fiscal impact associated with the Agreement; however, CDBG projects applied for in the future may require a City match. Applications for CDBG funding are brought to the City Council for approval.

STRATEGIC GOALS STATEMENT

Item 2 - Continue Work on Capital and Planning Projects

CDBG funding will help the City plan a program for eligible capital improvement projects.

S.E.E Statement

Social Equity – Adds to general quality of life for all citizens.

Environmental Stewardship – Potential projects reduce the amount of stormwater runoff on existing streets, and residents can use new sidewalks for pedestrian activity.

Economic Development – Potential projects 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

Attachment: CDBG Program Cooperative Agreement

A RESOLUTION OF THE CITY OF LEON VALLEY AUTHORIZING THE RENEWAL OF A PARTNERSHIP WITH BEXAR COUNTY FOR CONTINUED PARTICIPATION IN THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG), HOME AND EMERGENCY SOLUTIONS GRANT (ESG) PROGRAMS FOR FISCAL YEARS 2016, 2017, AND 2018.

WHEREAS, the Bexar County Community Development Block Grant (CDBG) Program is requesting the City of Leon Valley continue its participation by entering into an Agreement to allow the City to have access to CDBG, HOME and ESG funds during 2016-2018; and

WHEREAS, the City of Leon Valley is a participating City with a long history of successful CDBG Projects dating back to 1986, totaling \$1,808,239 in funding for sewer, drainage, street, sidewalk, park and senior center improvements; and

WHEREAS, the City of Leon Valley is dedicated to community development support projects to provide needed services in areas of the City that would otherwise not be economically feasible; and

WHEREAS, this Agreement is entered into by and between Bexar County, a political subdivision of the State of Texas, and the City of Leon Valley, a municipal corporation under the laws of the State of Texas; and

WHEREAS, the City of Leon Valley is dedicated to the public safety of its citizens and has identified needs eligible for funding within the next three years that reflect infrastructure improvements in qualifying areas of the City

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

1. The Mayor is authorized to sign the Community Development Block Grant Program Cooperative Agreement between Bexar County and The City of Leon Valley.
2. The City of Leon Valley will continue its commitment toward strategic community development for the citizens of Leon Valley and the region.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 2ND day of June, 2015.

APPROVED

CHRIS RILEY
Mayor

Attest: _____
SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form: _____
CLARISSA RODRIGUEZ
City Attorney

| | | |
|------------------------|----------|------------------------------|
| STATE OF TEXAS | § | COMMUNITY DEVELOPMENT |
| | § | BLOCK GRANT PROGRAM |
| COUNTY OF BEXAR | § | COOPERATIVE AGREEMENT |

This agreement (the “Agreement”) is entered into by and between Bexar County (“COUNTY”), a political subdivision of the State of Texas, and **City of Leon Valley** (“CITY”), a municipal corporation under the laws of the State of Texas (also, individually, a “Party” or, collectively, the “Parties”).

RECITALS

1. The specific purpose of the Housing and Community Development Act of 1974, as amended, is the development of viable communities.
2. CITY has elected to have its population included as a portion of COUNTY’s population in COUNTY’s “Urban County” applications to the U.S. Department of Housing and Urban Development (“HUD”) for the Community Development Block Grant (“CDBG”) Entitlement Program, the HOME Investment Partnership Program and Emergency Solutions Grant Program (“ESG”) (collectively, the “Grant Applications”), and COUNTY is willing to include CITY’s population in the Grant Applications.
3. COUNTY wants to be designated as an “Urban County” by HUD in order to receive a formula share of program funds, provided that COUNTY has a population of 100,000 (excluding the population of its metropolitan cities) and has combined population of at least 200,000 included in its unincorporated areas and its included units of general local governments for essential Community Development and Housing-Assistance activities.

ARTICLE I
POPULATIONS COMBINED

1.01 CITY authorizes COUNTY to include CITY’s population in the Grant Applications in order to qualify for a formula share of the entitlement funds through HUD’s CDBG Entitlement Program and the HOME Investment Partnership (“HOME”) Program, and COUNTY agrees to include the same in the Grant Applications.

1.02 CITY shall not apply for grants under the Small Cities or State CDBG Programs from appropriations for fiscal years in which this Agreement is in effect. Further, CITY shall not participate in a HOME consortium except through COUNTY, regardless of whether COUNTY receives a HOME formula allocation during the fiscal years in which this Agreement is in effect. CITY may receive a formula allocation under the ESG Program only through the COUNTY.

ARTICLE II
TERM

2.01 **Term.** This Agreement is effective for the three-year qualification period of Fiscal Years 2016, 2017 and 2018. This Agreement remains in effect until the CDBG, HOME Program and ESG Program funds and income received with respect to the three-year qualification period and any successive qualification periods are expended and the funded activities are completed, and the Parties may not terminate or withdraw from this Agreement while it remains in effect.

2.02 **Automatic Renewal; Termination.** This Agreement will automatically renew for each new three-year Urban County qualification period, unless CITY or COUNTY provides written notice of its intention to end its participation in this Agreement to the other Party before the end of a three-year qualification period. COUNTY agrees to notify CITY of its right to elect not to participate in a new qualification period by the date specified in the HUD's Urban County Qualification Notice for each new qualification period. Failure by either Party to adopt an amendment to this Agreement incorporating all changes necessary to meet the requirements for cooperation agreements set forth in the Urban County Qualification Notice applicable for a new qualification period, and to submit the amendment to HUD, shall void the automatic renewal of this Agreement.

ARTICLE III
OTHER HUD REQUIREMENTS

3.01 **Cooperation.** The Parties will cooperate to undertake, or assist in undertaking, community renewal and lower-income-housing-assistance activities.

3.02 **Compliance with Specific Statutes.**

A. **Urban-County-Certification.** The Parties will take all actions necessary to assure compliance with the Urban County's certification required by Section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, including Title VI of the Civil Rights Act of 1964, the Fair Housing Act, Section 109 of Title I of the Housing and Community Development Act of 1974, and other applicable laws to affirmatively further fair housing.

B. **Environmental and Civil-Rights.** The Parties will take all required actions to comply with the provisions of the National Environment Policy Act of 1969, Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Section 104 (b) and Section 109 of Title I of the Housing and Community Development Act of 1974, as amended, and other applicable laws.

3.03 **Furtherance of Fair Housing.** COUNTY prohibits the CITY from using CDBG or HOME Program funding for activities in or in support of the CITY that does not affirmatively further fair housing within its own jurisdiction or that impedes COUNTY's actions to comply with its Fair Housing Plan and fair housing certification.

3.04 **Excessive-Force Policies.** COUNTY and the CITY have adopted and are enforcing:

- 1) a policy prohibiting the use of excessive force by law enforcement agencies with its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
- 2) a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location that is the subject of such non-violent civil rights demonstrations within the jurisdiction.

3.05 **No Veto of Plan.** Neither Party to this Agreement may veto or in any other way obstruct the implementation of the approved Consolidated Plan (the "Plan") during the period for which COUNTY is seeking to qualify as an Urban County, nor may either Party be required to undertake any activities not specifically in the Plan. In addition, nothing contained in this Agreement will deprive any municipality or other unit of local government of any powers of zoning, development control or other lawful authority which it presently possesses.

3.06 **CITY is Subrecipient.** Pursuant to 24 CFR 570.501 (b), the CITY is subject to the same requirements applicable to subrecipients, including the requirements for a written agreement set forth in 24 CFR 570.503.

3.07 **Urban County Program Responsibilities.** COUNTY will adhere to HUD requirements regarding public hearings and will have final responsibility for selection of projects, the filing of annual grant request and the preparation of annual performance reports.

3.08 **Certification Required.** This Agreement is not effective unless and until it is executed by both Parties and certified by counsel for COUNTY.

3.09 CITY may not sell, trade or otherwise transfer all or any portion of CDBG funds to a metropolitan city, urban unit of general local government, or Indian tribe, or insular area that directly or indirectly receives CDBG funds in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under Title 1 of the Housing and Community Development Act of 1974, as amended.

ARTICLE IV
AMENDMENTS

4.01 No amendment, modification or alteration of the terms of this Agreement will be binding unless it is in writing, dated subsequent to the date of this Agreement, and duly executed by the Parties.

This Agreement is executed in duplicate originals this ___ day of _____, 2015.

COUNTY OF BEXAR

CITY OF LEON VALLEY

By: _____
Nelson W. Wolff
County Judge

By: _____
Chris Riley
Mayor

ATTEST:

ATTEST:

By: _____
Gerard Rickhoff
County Clerk

By: _____
City Secretary

APPROVED AS TO LEGAL FORM:

APPROVED AS TO FORM:

Nicholas "Nico" LaHood
Criminal District Attorney
Bexar County, Texas

By: _____
City Attorney

By: _____
Jill Torbert
Assistant Criminal District Attorney
Civil Section

APPROVED:
By: _____
Aurora M. Sanchez
Executive Director
Bexar County
Community Resources

APPROVED AS TO FINANCIAL CONTENT:

By: _____
Susan T. Yeatts
County Auditor

By: _____
David Smith
County Manager

Resolution Authorizing the Renewal of a Partnership with Bexar County For Continued Participation in HUD Community Development Block Grant (CDBG) Programs

City Council Meeting

June 2, 2015

Purpose

- In the past, the City of Leon Valley has received \$1.8M in funding for sewer, drainage, street, sidewalk, park and senior center improvements.

Background

- This Resolution will authorize the renewal of a partnership with Bexar County to continue the City's participation in CDBG Programs
- The Bexar County CDBG Program is requesting the City continue participation by entering into an Agreement

Recommendation

- The Resolution is required to continue participation in CDBG Programs for Fiscal Years 2016, 2017, and 2018
- Recommend approval and passage of the Resolution

Strategic Goals Statement

- Item 2 – Continue Work on Capital and Planning Projects
 - CDBG funding will help the City plan and program for eligible capital improvement projects.

S.E.E. Statement

- **Social Equity** – Adds to general quality of life for all citizens.
- **Environmental Stewardship** – Potential projects reduce the amount of stormwater runoff on the existing streets, and residents can use new sidewalks for pedestrian activity.
- **Economic Development** – Potential projects enhance the amenities offered by the City to its residents, which may encourage relocation.

Resolution Authorizing the Renewal
of a Partnership with Bexar County
For Continued Participation in HUD
Community Development Block
Grant (CDBG) Programs

City Council Meeting

June 2, 2015

MAYOR AND COUNCIL COMMUNICATION

DATE: June 02, 2015 **M&C # 2015-06-02-02**

TO: Mayor and Council

FROM: Sandra Passailaigue, City Secretary

THROUGH: Hank Brummett, Interim City Manager

SUBJECT: Consider approval of a waiver of related fees for the use of the Leon Valley Conference Center by the Bexar County Flood Control.

PURPOSE

The City of Leon Valley received a request from Bexar County Flood Control for a community outreach program to be held on either July 8th or July 15th

FISCAL IMPACT

Bexar County is requesting the following fee waiver:

\$400 – Deposit Fee

\$352 – Rental Fee

\$145 – Clean-up Fee

\$88 – Security Fee

\$985.00

S.E.E. IMPACT

Social – To promote a superior quality of life by providing events and amenities with commercial significance.

Economic – To provide a diverse and versatile business environment that supports a healthy economy by attracting viable businesses and patrons.

Environmental – To promote responsible environmental stewardship by providing and encouraging the use of recycling containers.

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Saundra Passailaigue

From: Kelli Epp <kelli@thedebergroupp.com>
Sent: Thursday, May 14, 2015 1:01 PM
To: Saundra Passailaigue
Cc: Bobby Mengden (bobby.mengden@aecom.com)
Subject: Bexar County Flood Control - community meeting July 8 or July 15

Hi, Saundra.

I work on behalf of Bexar County's flood control division to assist with community outreach. The flood control program manager, Bobby Mengden, met with Mayor Riley regarding the status of the County's flood control project in Leon Valley and they agreed the time was appropriate to schedule a community meeting to update all the citizens on the status of the project.

I spoke with Sylvia Gomez about reserving the Leon Valley Conference Center on either July 8 or July 15. I think that facility, as opposed to the Community Center, will be adequate for the size of crowd we would anticipate. She explained that the total cost to rent the facility for 4 hours would be \$585 plus a \$400 refundable deposit (full breakdown below). She suggested I check with you to see if the City would be willing to waive some portion of that since it is a public meeting.

\$352 – rental fee
\$145 – clean up fee
\$88 – security
\$585 - TOTAL
(plus \$400 – refundable deposit)

Could you please advise on how you'd like us to proceed? Thanks very much!
Kelli



Kelli Larsen Epp | Public Affairs Director
o. 210.223.2772 c. 210.710.8048 f. 210.257.5141
110 Broadway St. Ste. 625 | San Antonio, Texas 78205

[Find us on Facebook](#) | [Follow us on Twitter](#) | TheDeBerryGroup.com

MAYOR AND COUNCIL COMMUNICATION

DATE: June 02, 2015 **M&C # 2015-06-02-03**

TO: Mayor and Council

FROM: Sandra Passailaigue, City Secretary

THROUGH: Hank Brummett, Interim City Manager

SUBJECT: Consider approval of a waiver of related fees for the use of the large pavilion at Raymond Rimkus Park for the NISD Business Office for June 12th.

PURPOSE

The City of Leon Valley received a request from Northside Independent School District (NISD) to waive all fees associated with the rental of the large pavilion with the BBQ pit at Raymond Rimkus Park. This would allow NISD Business Office to hold their event from sunrise to sunset on June 12, 2015.

FISCAL IMPACT

The NISD is requesting the following fee waiver:

- \$65 – Deposit Fee
- \$40 - Application Fee
- \$75 – Pavilion Rental Fee
- \$100 – Large Group Fee
- \$280.00

S.E.E. IMPACT

- Social** – To promote a superior quality of life by providing events and amenities with commercial significance.
- Economic** – To provide a diverse and versatile business environment that supports a healthy economy by attracting viable businesses and patrons.
- Environmental** – To promote responsible environmental stewardship by providing and encouraging the use of recycling containers.

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

ORGANIZATION: NLSD Business Office
 CONTACT NAME: Donna McQuaig
 CONTACT ADDRESS: 5900 Evers Rd. ZIP CODE: 78238
 PHONE NUMBER: (210) 397-8521 Number of persons expected: 150
 DATE(s) RESERVED: June Day(s) of the week: Friday Time: Sunrise-Sunset

| | | | |
|---|---|--|--|
| <input type="checkbox"/> Large Pavilion | <input checked="" type="checkbox"/> Large Pavilion with BBQ | <input type="checkbox"/> Small Pavilion | <input type="checkbox"/> Softball Field |
| <input type="checkbox"/> Large Soccer | <input type="checkbox"/> Small Soccer | <input type="checkbox"/> Practice Soccer | <input type="checkbox"/> Volley Ball Pit |
| <input type="checkbox"/> Large group | | | |

BBQ Pit Instructions

You must call 681-1232 to make arrangements to pickup the BBQ Pit key; Monday – Wednesday, the week of your scheduled date. The actual pick up will be Monday - Thursday between 8 a.m. and 2 p.m. at the Large Pavilion. If you fail to pickup the key during working hours, your deposit will be forfeited.

If this service is needed after hours, you must take this reservation form to the Police Department and request the City Dispatcher to call the stand-by personnel to issue the BBQ pit key.

Grounds for forfeiture of the entire deposit:

The BBQ pit key must be returned to City Hall. If after hours, you may put the key in the drop box at the front entrance drive through. Failure to return the BBQ pit key within two (2) working days of use and/or failure to leave the pavilion area and BBQ pit clean promptly after use will be grounds for forfeit of entire deposit refund.

Deposits:

For a deposit refund on the large pavilion you must call 681-1232 ext. 200 within two (2) days of use. There are no refunds or rescheduling for rental of the fields. There are no refunds on the small pavilion.

Cancellations:

Cancellations must be made 30 days prior to the reservation date to receive refundable fees paid. Cancellations made within 30 days of reservation date, will result in Forfeit of the "All Fees paid".

Payment:

| | |
|---|--|
| Deposit Fee (Trans # 147) \$ <u>65.00</u> | Application Fee (Non Refundable) (Trans #120) \$ <u>40.00</u> |
| | Pavilion Rental Fee (Trans #120) \$ <u>75.00</u> |
| | Field Rental Fee (Total Charge) (Trans #120) \$ _____ |
| | Large Group Fee (Non Refundable) (Trans #120) \$ <u>100.00</u> |
| Total Amount Due Now \$ <u>280.00</u> | Sub Total (Trans #120) \$ <u>215.00</u> |

By signing below,
 Lessee agrees to and shall indemnify and hold harmless the City, its officers, agents, and employees, from and against any and all claims, losses, damages, causes of action, suits and liability of every kind, including all expenses of litigation, court costs, and attorneys' fees, for injury to or death of any person, or for damage to any property, arising out of or in connection with this lease agreement or lessee's use of the City's facilities. Such indemnity shall apply where the claims, losses, damages, causes of action, suits or liability arise in part from the negligence of the City. **Any violation may result in termination of this rental agreement and forfeit of deposits.** Lessee will also abide by all rules and regulations, including the Park Rules, adopted by the City Council or its designated Park Commission, of the City of Leon Valley including the prohibition of driving in the park.

1. Clean up the area of the Park used.
2. Deposit trash in containers and clean out the ashes from the BBQ Pit as rented.
3. Return Key to City Hall within 24 hours after event.
4. Electrical outlets in Large Pavilion total 20 amps. Other electrical needs must be provided by the lessee; as a generator.
5. The Park closes at Sunset. No portable lights or overnight stays are allowed.

Signed: _____ Date: _____

MAYOR AND COUNCIL COMMUNICATION

DATE: June 2, 2015 **M&C # 2015-06-02-04**

TO: Mayor and City Council

FROM: Claudia Mora, Economic Development Director

THROUGH: Henry Brummett, Interim City Manager

SUBJECT: LVEDC FY 2015 Budget Adjustment to Add up to \$200,000 of Previously Unbudgeted LVEDC Funds from the LVEDC's Money Market Account to the Professional Services Line Item of the Current Fiscal Year Budget

PURPOSE

The purpose of this M&C is to approve a budget adjustment to the LVEDC Fiscal Year 2015 budget. The Leon Valley Economic Development Corporation seeks City Council approval to add up to \$200,000 of previously unbudgeted LVEDC funds from the LVEDC's Money Market account to the Professional Services line item of the FY 2015 budget.

BACKGROUND

The LVEDC is currently involved in a lawsuit verdict appeal and has existing consultant obligations for the remainder of the fiscal year. In the meantime, the LVEDC wants to have funds budgeted to pay the increasing legal fees, court costs, and any costs associated with the lawsuit appeal, in addition to consultant services to continue with the promotion of economic development for Leon Valley.

Earlier in the fiscal year, the LVEDC reallocated \$118,680 from the EDC Project Fund line item to the Professional Services line item. This increased the Professional Services line item to \$168,680 and reduced the EDC Project Fund line item to \$184,628. Adding \$200,000 would increase the total LVEDC FY 2015 budget to \$640,000.

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

FISCAL IMPACT

There is no fiscal impact to the General Fund. The Professional Services line item will be increased to \$368,680. The LVEDC's money market account will be reduced by \$200,000.00. Approximately \$418,000 will remain in the money market account.

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

RESOLUTION No. 15.014R

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY APPROVING THE CITY OF LEON VALLEY ECONOMIC DEVELOPMENT CORPORATION (LVEDC) BUDGET ADJUSTMENT FOR FY2015 TO ADD UP TO \$200,000 OF PREVIOUSLY UNBUDGETED LVEDC FUNDS FROM THE LVEDC'S MONEY MARKET ACCOUNT TO THE PROFESSIONAL SERVICES LINE ITEM TO SUPPORT LVEDC OPERATIONS.

WHEREAS, the citizens of the City of Leon Valley, Texas have approved the implementation of a sales tax to fund economic development in the City; and

WHEREAS, the City of Leon Valley City Council approved the Articles of Incorporation that formed the City of Leon Valley Economic Development Corporation to receive economic development funds and to prepare a plan and budget for the effective and efficient expenditure thereof in furtherance of the purposes of the Corporation; and

WHEREAS, the City Council approves the annual Budget of the City of Leon Valley Economic Development Corporation; and

WHEREAS, the City of Leon Valley City Council approved the Fiscal Year 2015 Budget on September 22, 2014; and

WHEREAS, the City of Leon Valley Economic Development Corporation seeks to add up to \$200,000 of previously unbudgeted LVEDC funds from the LVEDC'S Money Market account to the Professional Services line item to the current fiscal year budget.

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

The City of Leon Valley Economic Development Corporation Budget Adjustment for Fiscal Year 2015, attached as Exhibit "A", is hereby approved and adopted.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 2nd day of May, 2015.

A P P R O V E D

CHRIS RILEY
Mayor

Attest: _____
SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form: _____
CLARISSA RODRIGUEZ
City Attorney

LEON VALLEY ECONOMIC DEVELOPMENT CORPORATION (LVEDC)
Fiscal Year 2015 Budget Adjustment

Exhibit A

| DEPARTMENTAL EXPENDITURES | 2015 ADOPTED | 2015 ADJUSTED BY LVEDC | 2015 PROPOSED ADJUSTMENT |
|---|-------------------------|---------------------------------------|---|
| <u>SUPPLIES</u> | | | |
| 5100-520.01 Office Supplies | 300 | 300 | 300 |
| 5100-520.02 Operating Supplies | 0 | 0 | 0 |
| 5100-520.04 Miscellaneous Supplies | 200 | 200 | 200 |
| <u>TOTAL SUPPLIES</u> | | | |
| <u>CONTRACTUAL SERVICES</u> | | | |
| 5100-530.01 Professional Services | 50,000 | 168,680 | 368,680 |
| 5100-530.02 Contractual Services | 45,417 | 45,417 | 45,417 |
| 5100-530.03 Telephone | | | |
| 5100-530.04 Utilities - Gas, Water, Electricity | | | |
| 5100-530.05 Printing | 500 | 500 | 500 |
| 5100-530.06 Advertising | 24,000 | 24,000 | 24,000 |
| 5100-530.08 Equipment Rental | - | - | - |
| 5100-530.09 Travel | 15,000 | 15,000 | 15,000 |
| 5100-530.10 Membership | 1,275 | 1,275 | 1,275 |
| 5100-530.15 EDC Project Funding | 303,308 | 184,628 | 184,628 |
| <u>TOTAL CONTRACTUAL SERVICES</u> | 440,000 | 440,000 | 640,000 |
| <u>TOTAL BUDGET</u> | 440,000 | 440,000 | 640,000 |



Proposed FY 2015 Budget Adjustment

June 2, 2015

Budget Adjustment

- Professional Services Approved = \$50,000
- After 6 months, spending at 150%
- Expenditures include Attorney and Consultant fees
- Budget Adjustment
 - Approved March 25, 2015
 - Amount of \$118,680 from EDC Project Fund

Budget Adjustment I

- Balance for Professional Services =
\$168,680
- Balance for EDC Project Funding =
\$184,628
- Adjustment made with funds budgeted
for FY 2015

EDC Project Funding

- Balance = \$184,628
 - \$100,000 to LOQ Bandera Road Holdings
 - \$57,000 to Leon Valley Area Chamber of Commerce
 - Balance of \$27,628 for other project funding
 - Winter applications = \$16,258.53
 - Possible Summer application = \$10,000
 - Possibility of applications in excess of \$10,000

Budget Adjustment II

- Request for approval to add unbudgeted funds from the LVEDC's money market account to the FY 2015 budget
- Request for addition of \$200,000 to Professional Services line item for total of \$368,680
- LVEDC approved budget adjustment on April 29, 2015

Legal Fees

- Currently, LVEDC expending an average of \$8,154/month on legal fees
- Lawsuit fees average = \$15,768/month
- FY 2015 to date = \$126,140 (billed for lawsuit only)
- Project to spend = \$140,000 - \$180,000 through the end of FY 2015 on lawsuit



Proposed FY 2015 Budget Adjustment

June 2, 2015

MAYOR AND COUNCIL COMMUNICATION

M&C #2015-06-02-05

DATE: June 2, 2015
TO: Mayor and City Council
FROM : Claudia Mora, Economic Development Director
THROUGH: Henry Brummett, Interim City Manager
SUBJECT: Conduct the Second of Two Public Hearings and Readings to Receive Public Comment, and Consider Action on a Resolution Approving the Expenditure of LVEDC Funds and the LVEDC Co-Sponsorship of the City of Leon Valley 4th of July Celebration/Spectacular

PURPOSE

This agenda item is intended to conduct the second of two public hearings and readings of the resolution approving expenditure of LVEDC funding and to receive comment from Leon Valley citizens regarding LVEDC's co-sponsorship of the 4th of July Celebration/Spectacular.

Article IV Functional Corporate Duties and Requirements, Section 4.5 Expenditure of Corporate Money, Subsection (c) of the Bylaws of the City of Leon Valley Economic Development Corporation (LVEDC) requires that expenditures approved by the LVEDC Board of Directors for project funding in excess of \$10,000 have at least two separate readings of the approving City Council resolution and two public hearings.

At the April 22, 2015 meeting, the LVEDC Board of Directors approved the funding of \$15,000 in LVEDC funds to co-sponsor the City of Leon Valley 4th of July Celebration/Spectacular. The City Council held the first public hearing and reading on May 19, 2015.

If approved by the City Council, the co-sponsorship will allow the LVEDC to promote Leon Valley and attract patrons to area businesses to help increase sales tax revenue for the City. In addition, the co-sponsorship of \$15,000 enhances the city's identity, and enables the City of Leon Valley to build a special event that increases the city's visibility to the San Antonio area and South Texas region.

This item supports the approved Strategic Goals; specifically, Goal 1 - Economic Development, Objective B: Promote Business-Friendly Practices.

FISCAL IMPACT

The LVEDC will pay the City of Leon Valley \$15,000 to co-sponsor the 4th of July Celebration/Spectacular.

RECOMMENDATION

Staff recommends approval.

S.E.E. IMPACT

Social – To continue developing a diverse and versatile business environment that will encourage a superior quality of life for residents.

Economic – To provide a diverse and versatile business environment that supports a healthy economy by attracting viable businesses and patrons; and to assist an economic development partner better serve the business community.

Environmental – N/A

APPROVED: _____

DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS: _____

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY APPROVING THE CONTRIBUTION (EXPENDITURE) OF \$15,000 IN LEON VALLEY ECONOMIC DEVELOPMENT CORPORATION (LVEDC) FUNDS AND THE LVEDC CO-SPONSORSHIP OF THE CITY OF LEON VALLEY 4TH OF JULY CELEBRATION/SPECTACULAR.

WHEREAS, the City Council is required by Texas State law to approve LVEDC projects in excess of \$10,000; and

WHEREAS, the City Council has established a Type B (formerly 4B) Economic Development Corporation Board, to review project applications and administer the Type B sales tax receipts specifically earmarked for eligible economic development projects as described in the Official ballot language; and

WHEREAS, the LVEDC Board approved the funding April 22, 2015 to co-sponsor the City of Leon Valley 4th of July Celebration/Spectacular to help attract patrons to the city, increase business activity, and generate new sales tax revenue;

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

1. The City Council approves the expenditure of LVEDC funds of \$15,000 for the LVEDC's co-sponsorship of the City of Leon Valley 4th of July Celebration/Spectacular.
2. The expenditure of funds may be made in one or more disbursements and in the form of a direct payment.
3. The LVEDC's co-sponsorship shows support to enhance and promote events in Leon Valley that will attract Leon Valley residents, businesses, and people from the region, and increase the exposure of Leon Valley and its businesses.
4. The LVEDC's co-sponsorship of the 4th of July Celebration/Spectacular shows the LVEDC's cooperation with the City of Leon Valley to improve the image of the city.
5. This Resolution shall be effective upon approval and signature of the Mayor.

FIRST READING by the Leon Valley City Council on the 19th day of May 2015.

PASSED, ADOPTED AND APPROVED ON THE SECOND READING by the City Council of the City of Leon Valley this the 2nd day of June 2015.

A P P R O V E D

CHRIS RILEY
MAYOR

Attest:
SAUNDRA PASSAILAIGUE, TRMC
City Secretary

City of Leon Valley

2nd Public Hearing

Expenditure of \$15,000 in LVEDC Funds and LVEDC Co-Sponsorship of 4th of July Celebration

Tuesday, June 2, 2015

2nd Public Hearing

- 1st Public Hearing – May 19, 2015
 - Also, first reading of the resolution approving expenditure of \$15,000 in LVEDC funds
- 2nd Public Hearing – June 2, 2015
 - Second reading of resolution
 - Final approval of resolution

LVEDC Expenditure of \$15,000 and Co-sponsorship of Event

- Type B (4B) sales tax receipts may be used for business retention, expansion and attraction along with beautification and improvement of the quality of life for Leon Valley citizens.
- Enhancement of the City of Leon Valley 4th of July Celebration improves the image of the city.
- Promotion of the event is an acceptable expenditure of funds.

LVEDC Expenditure of \$15,000 and Co-sponsorship of Events

- LVEDC's expenditure of funds and co-sponsorship of the 4th of July Celebration shows the LVEDC's support to:
 - Enhance and promote events in Leon Valley that will attract Leon Valley residents, businesses, and people from the region; and
 - Increase the exposure of Leon Valley and its businesses.

LVEDC Expenditure of \$15,000 and Co-sponsorship of Events

- LVEDC Board of Directors approved funding and co-sponsorship on April 22, 2015.
- One (1) public hearing was held by the LVEDC on April 22, 2015 as part of their funding process for contributions and projects.
- City Council held 1st Public Hearing and Reading on May 19, 2015.

LVEDC Expenditure of \$15,000 and Co-sponsorship of Events

- Funding is available in the LVEDC FY2015 Budget under the EDC Project Funding and Advertising line items.
- LVEDC Board of Directors seeks approval of expenditure of \$15,000 to co-sponsor the City of Leon Valley 4th of July Celebration.

City of Leon Valley

2nd Public Hearing

**Expenditure of \$15,000 in LVEDC Funds
and LVEDC Co-Sponsorship of
4th of July Celebration**

Tuesday, June 2, 2015

ITEM 11

Saundra Passailaigue

From: Mayor Riley
Sent: Wednesday, May 27, 2015 3:07 PM
To: Hank Brummett
Cc: Crystal Caldera; Randall Wallace; Saundra Passailaigue
Subject: Drone issue & other agenda items
Attachments: LV Resolution for H&B (6.2.15).docx

I just got a call from Vicki Jamvold on Poss Road who brought to my attention the inappropriate use of her neighbor's use of a drone (to violate her privacy). Not sure how she found out that this issue was pushed off to the June 16th meeting, but she is upset since she took off of work on June 2nd. With that said, I am checking to see if there is anyway we could place this on the June 2nd agenda, discussion only. I know this is late notice and if this cannot be presented as a discussion item only we will reschedule to a date which she can attend. Thank you for your help in this matter. I also have attached the resolution from AAMPO regarding moving out the H&B issue from FY 2015 to 2017.

This agenda item should read as follows:

Discussion and Possible Action requesting that the Alamo Area Metropolitan Planning Organization amend its Transportation Improvement Program to move the Huebner Creek Greenway Hike and Bike Trail Project and Funding from Fiscal Year 2015 to Fiscal Year 2017.

Lastly, Mr. Martinez, Executive Director from the AAMPO, informed me today that TXDOT has approved the H&B project through its environmental clearance. Have we received this letter? Please advise. Council will need to discuss and take possible action on the pending bid. If we get it in time I would like to it this agenda; if not, we can place it on the June 16th meeting. I have some suggested wording.

*If there is a draft agenda for June 2nd, I would greatly appreciate receiving a copy to begin reviewing.
Sincerely,*

Chris Riley

Mayor, City of Leon Valley
6400 El Verde Rd.
Leon Valley, TX. 78238
(210) 618-2092 - (cell)
(210) 684-1391, Ext. 218

Resolution No. 15-016R

WHEREAS, The City of Leon Valley formally submitted the Huebner Creek Greenway Hike and Bike Trail project through the Alamo Area Metropolitan Planning Organization's (MPO) Call for Surface Transportation Program – Metropolitan Mobility (STP-MM) Projects in December, 2011 and the project was approved for STP-MM funding by the MPO's Transportation Policy Board in April, 2012; and

WHEREAS, The official submittal included project limits from The City of San Antonio's Crystal Hills Park to the City of Leon Valley's Raymond Rimkus Park (Evers Road) at a total construction cost of \$933,000 (80% federal and 20% City of Leon Valley local match); and

WHEREAS, The project application described the project as "Construction of hike and bike trail along the Huebner Creek corridor to provide access for transportation, recreation and linkage to San Antonio's Leon Creek Greenway Trail System"; and

WHEREAS, Bexar County was scheduled to complete a drainage project in 2014 along Huebner Creek (LC 17) that would convey greenway and parkland to the City of Leon Valley that is integral to this project. The LC 17 project has been delayed and is not expected to be completed until 2017; and

WHEREAS, Due to the LC 17 project delay, the City of Leon Valley City Council instructed staff to essentially cut the project in half and only construct the portion of the project from Raymond Rimkus Park to Bandera Road. The portion from Bandera Road to Crystal Hills Park would be delayed indefinitely since all of the funding would be used for the first half of the project (which now includes costly items that were not part of the original conceptual plans); and

WHEREAS, The citizens of Leon Valley deserve the entire project as originally planned and developed and the City of Leon Valley needs to honor the commitment made in the original project application and submittal to the Alamo Area MPO.

NOW THEREFORE BE IT RESOLVED that this resolution directs the staff of the City of Leon Valley to work with the Alamo Area MPO and the Texas Department of Transportation to amend the region's Transportation Improvement Program to move the Huebner Creek Greenway Hike and Bike Trail project and funding from Fiscal Year 2015 to Fiscal Year 2017 to align with the completion of the LC 17 Bexar County Flood Control Project.

NOW THEREFORE BE IT FURTHER RESOLVED that City of Leon Valley staff work with the City Council and the public to design an alternate route that fulfills the original intent of the project and connects Raymond Rimkus Park with Crystal Hills Park. Route, timeline for development, and cost analysis should be discussed at the town hall meeting currently scheduled for January, 2016.

PASSED AND APPROVED this 2nd day of June 2015.

Chris Riley, Mayor
City of Leon Valley

MAYOR AND COUNCIL COMMUNICATION

DATE: June 02, 2015 **M&C # 2015-06-02-06**

TO: Mayor and Council

FROM: Sandra Passailaigue, City Secretary

THROUGH: Hank Brummett, Interim City Manager

SUBJECT: Election of Mayor Pro-Tem

PURPOSE

The City Council votes from amongst its membership each year after the canvass and seating of the new City Council following the May election. This item will allow the City Council to consider the election of a Mayor Pro-Tem by minute order.

The Mayor Pro-Tem is a member of the City Council who performs the Mayor’s duties during the Mayor’s incapacity or absence. The Mayor Pro-Tem is selected by majority vote of the City Council among its own membership. The term is for one year. The Mayor Pro-Tem retains the right to vote on all matters before the City Council while performing the duties of the Mayor.

The selected Mayor Pro-Tem will serve for a one year term effective June 3, 2015.

FISCAL IMPACT

There is no cost associated with the approval of this item.

S.E.E. IMPACT

Social – Not applicable.
 Economic – Not applicable.
 Environmental – Not applicable.

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
 City Secretary

MAYOR AND COUNCIL COMMUNICATION

DATE: June 2, 2014 **M&C # 2015-06-02-07**
TO: Mayor and Council
FROM: Randall Wallace, Chief of Police
THROUGH: Hank Brummett, City Manager
SUBJECT: Amending Article 1.10 Public Gatherings, Division 2 Parades, Section

PURPOSE

Upon the request of a Citizen, the City Council of Leon Valley asked staff to review the Code of Ordinance as it pertains to Public Gatherings.

The Code of Ordinances defined a parade as any parade, demonstration, march, ceremony, show, exhibition, pageant or procession of any kind or any similar display, in or upon any street, park, or other place in the City.

The Code required the hiring of police officers due to the inherent risks involved regarding traffic and other safety issues at a number to be determined by the Chief of Police. This number is dependent upon the specific route, number of participants, whether such parade is pedestrian or vehicular and other safety concerns.

A concern brought forth from a resident was the possibility that an undue amount of Officers would be required, at a cost to the applicant, if the parade was one the Police Chief was not in favor of. On December 8, 2014, the City Council modified the Ordinance, allowing for an appeal process if the applicant felt the number of Officers requested was an undue amount.

The City Attorney's office reviewed the entire Ordinance, and this is what is being presented to the City Council.

A parade is now defined as a group of persons moving along, by whatever means, in an orderly, formal manner on any street, alley, or public thoroughfare. A parade is also defined as a group of persons moving along, by whatever means, in an orderly, formal manner anywhere else in the city from a point of origin to a point of termination in such a way as to impede the normal flow or regulation of pedestrian or vehicular traffic.

This change removes the City's enforcement from private property, unless there is an impediment to the normal flow or regulation of pedestrian or vehicular traffic.

The appeals changes incorporated on December 8, 2014 have been incorporated into the new Ordinance as well.

The proposed Ordinance removed the exceptions to the requirement for a permit, these being a funeral procession, students going to and from school or a school activity, or if the applicant was a government agency.

The proposed Ordinance removes the issuance of the permit from the City Secretary and places it with the Chief of Police, and shortens the time limit required for an applicant to file the permit application. The current Ordinance allows for a application to be turned in from forty

seven (47) – sixty (60) prior to the event, and the proposed Ordinance changes this to thirty (30) – one hundred and fifty (150) days.

The proposed Ordinance continues to allow for City staff to work with the applicant on alternate parade routes if the original application is denied.

The new Ordinance provides regulations that are narrowly tailored to serve a significant government interest yet leaves open ample alternative channels of communication of information.

SEE LEON VALLEY

Social – Will provide our residents and visitors alike a mechanism to allow for public gatherings while keeping the impact on the rest of the community at a minimum.

Economic – N/A

Environmental – N/A

FISCAL IMPACT

N/A

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS: _____

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

AN ORDINANCE AMENDING THE CITY OF LEON VALLEY'S CODE OF ORDINANCES, CHAPTER 1 "GENERAL PROVISIONS", ARTICLE 1.10 "PUBLIC GATHERINGS", DIVISION 2, "PARADES"

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;

WHEREAS, the City Council of the City of Leon Valley, Texas (the "City Council") recognizes that all activities related to the First Amendment should be regulated without reference to content, should be narrowly tailored to serve a significant governmental interest, and leave open ample alternative channels of communication of information; and

WHEREAS, the City Council has reviewed the Public Gatherings Ordinance and instructed staff to review the said ordinance for purposes of ensuring First Amendment compatibility; and

WHEREAS, the City Council hereby finds and determines that the regulations adopted herein are narrowly tailored to serve a significant governmental interest and leave open ample alternative channels of communication of information.

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

SECTION I. That the statements above are found to be true and correct and are hereby incorporated herein.

SECTION II. Chapter 1 "General Provisions", Article 1.10, Division 2, "Parades" is hereby amended as follows:

Sec. 1.10.031 Definitions

Chief of police. The chief of police of the city of Leon Valley.

Parade. Any group of persons moving along, by whatever means, in an orderly, formal manner on any street, alley, or public thoroughfare from a point of origin to a point of termination or a group of persons moving along, by whatever means, in an orderly, formal manner anywhere else in the city from a point of origin to a point of termination in such a way as to impede the normal flow or regulation of pedestrian or vehicular traffic. ~~parade, demonstration, march, ceremony, show, exhibition, pageant or procession of any kind, or any similar display, in or upon any street, park or other place in the city.~~

Parade permit. A permit as required by this division.

~~Person. Any person, firm, partnership, association, corporation, company or organization of any kind.~~

Sec. 1.10.032 Police security personnel

Due to the inherent risks involved regarding traffic and other safety issues, both as to participants and others, all permit holders shall be required to hire city police officers, at a number to be determined by the chief of police, dependent upon:

- (1) The route and the identification of roadways that cross through or feed into the street of the proposed route;
- (2) The number of anticipated participants and vehicles in the event;
- (3) Identification of other roadways, or public transportation and emergency vehicle routes that may be affected by the event;
- (4) Length of the route and the identification of the number of intersections along the route that will require barricades or traffic control personnel;
- (5) Whether intersections must be individually barricaded or whether officers can be assigned to move along with the event;
- (6) The date and time of the event;
- (7) Volume of vehicular and pedestrian traffic typical on and along the route for the time of day, day of the week and time of year for the proposed route.

~~the specific route, number of participants, whether such parade be pedestrian and/or vehicular, and other safety concerns determined appropriate by the chief of police.~~

If an applicant believes the number of officers required is an undue amount, the applicant can appeal this to the City Council. The applicant, within 10 days of receiving the number of officers required under Section 1.10.032, shall submit a written appeal to the City Secretary. The City Council shall act upon this appeal within 30 days after its receipt.

Sec. 1.10.033 Public conduct

- (a) No person shall unreasonably hamper, obstruct or impede, or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.
- (b) No driver of any vehicle whatsoever shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.

Sec. 1.10.034 Parking on parade route

The chief of police shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a highway or part thereof

constituting a part of the route of a parade. The chief of police shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. No person shall be liable for parking on a street unposted in violation of this section. (1972 Code, sec. 26.1113)

Part II. Permit

Sec. 1.10.071 Required; exceptions

No person shall engage in, participate in, aid, form or start any parade unless a parade permit shall have been obtained from the ~~city secretary, with the approval of the chief of police., except only that this division shall not apply to:~~

- ~~(1) Funeral processions;~~
- ~~(2) Students going to and from school or classes, or participating in educational activities, providing such conduct is under the immediate direction and supervision of the proper school authorities;~~
- ~~(3) A governmental agency acting within the scope of its functions.~~

Sec. 1.10.072 Application; fee

(a) Filing. A person seeking issuance of a parade permit shall file an application with the ~~city secretary~~ chief of police on forms approved by the chief of police as follows: not less than forty-seven (47) days nor more than sixty (60) days before the date on which it is proposed to conduct the parade.

- (1) An application for a parade permit shall be filed with the chief of police not less than thirty (30) calendar days nor more than one hundred fifty (150) calendar days before the proposed procession date;
- (2) Where the organization of a parade, however, begins within thirty (30) calendar days of the proposed parade date, an application for a parade permit shall be filed with the chief of police within three (3) calendar days of the date on which organization of the procession begins, but not less than two (2) calendar days before the proposed procession date.
- (3) The chief of police, may consider a parade permit application filed less than thirty (30) calendar days, but not less than two (2) calendar days, before the proposed procession date where organization of the parade began more than thirty (30) calendar days before the proposed parade date so long as there is adequate time for the Leon Valley Police Department to process the application and plan for the parade.

(b) Contents. The application for a parade permit shall set forth the following information:

- (1) The name, address and telephone number of the person seeking to conduct such parade;

- (2) If the parade is proposed to be conducted for or on behalf of or by an organization, the name, address, and telephone number of the headquarters of the organization and of the authorized and responsible heads of such organization;
 - (3) The name, address and telephone number of the person who will be the parade chairman and who will be responsible for its conduct;
 - (4) The date when the parade is to be conducted;
 - (5) The route to be traveled, the starting point, and the termination point;
 - (6) The approximate number of persons who, and the animals and vehicles which, will constitute such parade, the type of animals, and a description of the vehicles;
 - (7) The hours when such parade will start and terminate;
 - (8) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;
 - (9) The location by streets of any assembly areas for such parade;
 - (10) The time at which units of the parade will begin to assemble at any such assembly area or areas;
 - (11) The interval of space to be maintained between units of such parade;
and
 - (12) If the parade is designed to be held by, and on behalf of, or for, any person other than the applicant, the applicant for such permit shall file with the chief of police a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his behalf.; and
 - (13) Any additional information which the chief of police shall find reasonably necessary to a fair determination as to whether a permit should be issued based on the standards set forth in Sec. 1.10.073.
- ~~(c) Late applications. The city secretary, where good cause is shown therefor, and with the approval of the chief of police, shall have the authority to consider any application hereunder which is filed less than thirty (30) days before the date such parade is proposed to be conducted.~~
- (~~c~~) Fee. There shall be paid at the time of filing the application for a parade permit a fee as provided in appendix A of this code.

Sec. 1.10.073 Standards for issuance

The ~~city secretary~~ chief of police shall issue a permit as provided for hereunder

when, from a consideration of the application and other information as may otherwise be obtained, the chief of police finds that:

(1) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route, and the parade route shall not be conducted along/across any of the following routes due to the safety issues created by congestion and heavy traffic flow: Highway 16 (Bandera Road); FM 471 (Grissom Road); Wurzbach Road; and Huebner Road, east of Highway 16;

(2) The conduct of the parade will not require the diversion of so great a number of police officers of the city to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the city, such number to be determined by the chief of police;

(3) The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the city other than that to be occupied by the proposed line of march and areas contiguous thereto;

(4) The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;

(5) The conduct of such parade will not interfere with the movement of firefighting equipment en route to a fire;

~~(6) The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or to create a disturbance;~~

~~(7) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays in route; and~~

~~(8) The applicant has fulfilled the requirements of this article; and~~

~~(9) The parade is not to be held for the sole purpose of advertising any product, goods or event, and is not designed to be held purely for private profit. The event does not conflict with a previously scheduled event that is scheduled to:~~

~~a. Occur at the same time and place; or~~

~~b. Occur at the same time, though at a different location or along a route that crosses over or conflicts with previously scheduled events.~~

Sec. 1.10.074 Action on application; Notice of denial

~~The city secretary and the chief of police shall act upon the application for a parade permit within ten (10) days after the filing thereof. If the city disapproves~~

~~the application, it shall mail to the applicant, within ten (10) days after the date upon which the application was filed, a notice of such action, stating the reasons for the denial of the permit. The chief of police shall act upon the application for a procession permit within five (5) calendar days after it has been filed with the chief of police. If an application for a parade permit has been filed under subsections 1.10.072 (a)(2) or (3) for an event which will take place within five (5) days of the submission of the application, the chief of police shall act upon the application as soon as is practicably possible. If the chief does not approve the application, he shall mail, by certified mail/return receipt requested, to the applicant, within ten (10) calendar days after the date upon which the application was filed, a notice of his action, stating the reason for his denial of a permit.~~

Sec. 1.10.075 Appeal of denial

Any person aggrieved shall have the right to appeal the denial of a parade permit to the city council. The appeal shall be taken within ten (10) days after notice. The city council shall act upon the appeal within ~~seventeen (17)~~ ten (10) days after its receipt.

Sec. 1.10.076 Alternate permit

The city secretary and the chief of police, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within ten (10) days after notice of the action of the city, file a written notice of acceptance with the city secretary. An alternate parade permit shall conform to the requirements of and shall have the effect of a parade permit under this division.

Sec. 1.10.077 Notification of city officials

Immediately upon the issuance of a parade permit, the chief of police ~~city secretary~~ shall send a copy thereof to:

- (1) The city manager ~~chief of police~~;
- (2) The mayor;
- (3) The city secretary ~~attorney~~; and
- (4) The fire chief.

Sec. 1.10.078 Contents

Each parade permit shall state the following information:

- (1) Starting time;
- (2) Minimum speed;
- (3) Maximum speed;
- (4) Maximum interval of space to be maintained between the units of the parade;

- (5) The portions of the streets to be traversed that may be occupied by the parade;
- (6) The maximum length of the parade in miles or fractions thereof;
- (7) Types and numbers of animals approved;
- (8) Mode of transportation, i.e., vehicles, pedestrians, etc.; and
- (9) Such other information as the city secretary and chief of police shall find necessary to the enforcement of this division.

Sec. 1.10.079 Duties of permittee

A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances. The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade.

Sec. 1.10.080 Revocation

The chief of police shall have the authority to revoke a procession permit issued pursuant to this article when the conditions supporting the findings made by the chief of police pursuant to section 1.10.073 change in such a way, prior to the date on which the procession is to be held, that a procession permit would not otherwise be issued.

~~The city secretary and chief of police shall have the authority to revoke a parade permit issued hereunder upon application of the standards for issuance as herein set forth.~~

Sec. 1.10.081 Criminal Penalties

(a) It shall be unlawful to fail to obtain a permit required under this chapter for any parade. Any violation shall be deemed a misdemeanor and shall, upon conviction, be punished by a fine not exceeding five hundred dollars (\$500.00).

(b) The intentional, knowing or reckless commission of any act made unlawful by section 1.10.033 shall be deemed a misdemeanor and shall upon conviction be punished by a fine not exceeding five hundred dollars (\$500.00).

SECTION III. 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.

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

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

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

PASSED, ADOPTED AND APPROVED by the City Council of the City of Leon Valley this the 2nd day of June, 2015.

APPROVED

CHRIS RILEY
MAYOR

Attest:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form:

CLARISSA RODRIGUEZ
City Attorney

MAYOR AND COUNCIL COMMUNICATION

DATE: June 02, 2015 **M&C # 2015-06-02-08**
TO: Mayor and Council
FROM: Sandra Passailaigue, City Secretary
THROUGH: Hank Brummett, Interim City Manager
SUBJECT: Amending Chapter 8, "Offenses and Nuisances" – Prohibiting the flying of drones in residentially zoned areas of the City.

PURPOSE

This item is placed on the agenda for Council consideration in response to a complaint from a citizen at the April 13th Council meeting about drones flying over citizen backyards and taking photos.

Drones, which are unmanned aircraft that can fly under the control of a remote pilot or via a geographic positions system (GPS), guided autopilot mechanism, have become increasingly available to private citizens for personal and recreational uses due to their declining costs. Drones can fly at altitudes below the navigable airspace (generally at 400 feet) which is under the jurisdiction, regulation and control of the Federal Aviation Administration (FAA).

Some drones are equipped with high definition cameras, night vision cameras and infrared-see-through scopes. Drones can be used to fly above private residences and to hover outside somebody's window or in their backyards without the knowledge of the resident who has a reasonable expectation of privacy in his or her home and in his or her backyard.

There is no existing state or federal regulations regarding who may purchase a drone which presents a safety risk to residents in that drones may be purchased and operated by sex offenders , and other persons with certain criminal backgrounds, such as but not limited to domestic violence, theft, burglary, breaking and entering, trespass, assault and battery.

In light of the foregoing concerns, the proposed ordinance would prohibit the flying of drones in any airspace below 400 feet within or over any residentially zoned area in the City, unless otherwise exempt under the ordinance. For instance, the proposed ordinance would exempt the use of drones in residential areas by any law enforcement agency of the City, State or Federal government for lawful purposes and in a lawful manner. In addition, drones will be permitted to make visual recordings of a single

residence, with the owner's written consent, provided the owner and/or operator of the subject drone obtains a validly issued drone permit from the City. This is intended to accommodate the practice of some realtors who use drones to advertise properties for sale or lease.

FISCAL IMPACT

None

RECOMMENDATION

None

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary