

NOTICE OF PUBLIC MEETING

AGENDA

LEON VALLEY CITY COUNCIL MEETING

TUESDAY, SEPTEMBER 4, 2012, 7:00 P.M.

LEON VALLEY CITY HALL, CITY COUNCIL CHAMBERS
6400 EL VERDE ROAD, LEON VALLEY, TEXAS 78238

REGULAR MEETING OF THE CITY OF LEON VALLEY CITY COUNCIL, 7:00 P.M.

1. **Call the City of Leon Valley Regular City Council Meeting to Order, Determine a Quorum is Present, and Pledge of Allegiance. (Mayor Riley)**
2. **Good Neighbor Award Presentation to the Bandera Bowling Center.** *This agenda item will allow the Mayor and City Council to present a Good Neighbor Award to the Bandera Bowling Center in appreciation for its contributions of free bowling games and free use of bowling shoes for each child who participated in the 2012 Leon Valley Public Library Summer Reading Program. (Mayor Riley)*
3. **Proclamation Honoring Assistant Public Works Director Fred Stolz upon His Retirement from the City of Leon Valley for 19 Years of Service, in Absentia.** *This agenda item will allow the City Council to formally recognize and honor Assistant Public Works Director Fred Stolz upon his retirement from the City of Leon Valley with 19 years of service, in absentia. (Mayor Riley)*
4. **Citizens to be Heard and Time for Objections to the Consent Agenda.**
"Citizens to be Heard" is for the City Council to receive information on issues that may be of concern to the public. The purpose of this provision of the Open Meetings Act is to ensure that the public is always given appropriate notice of the items that will be discussed by the Council. Should a member of the public bring an item to the Council for which the subject was not posted on the agenda of that meeting, the Council may receive the information, but cannot act upon it at that meeting. They may direct staff to contact the requestor or request that the issue be placed on a future agenda for discussion by the Council.

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

Update on the Proposed Fiscal Year 2013 Budgets and Public Hearing Agenda on the Proposed 2012 Tax Rate

5. **Receive Update on the Proposed Fiscal Year 2013 Budgets as a Result of the Workshop Held on August 21, 2012 Reflecting Changes to the General Fund, the Water and Sewer Fund, and the Community Center Fund, M&C # 09-01-12.** *This agenda item will allow the City Council to receive an updated presentation reflecting changes to the overall Proposed Fiscal Year 2013 Budgets reflecting changes to the General Fund, the Water and Sewer Fund, and the Community Center Fund, as directed by the City Council at the Budget Workshop Meeting of August 21, 2012. (Longoria)*
6. **Conduct a Public Hearing on the Proposed 2012 Tax Rate of \$.574282/\$100 Valuation, Which is \$.038772 Higher Than Last Year's Tax Rate of \$.535510, M&C #**

09-02-12. *The City of Leon Valley's tax rate for 2011 was \$.535510. This year, the City of Leon Valley's proposed property tax rate is \$.574282, which is \$.038772 higher than last year's tax rate. The Property Tax Code, Chapter 26 requires a governing body to conduct two public hearings if the proposed tax rate exceeds the lower of the rollback tax rate or the effective tax rate, whichever is lower. The 2012 proposed tax rate of \$.574282 exceeds the effective tax rate of \$.537834 by 6.776812%. This is the first of the two required public hearings. (Longoria)*

- A. Open Public Hearing.**
- B. Close Public Hearing.**

Consent Agenda

All of the following items on the Consent Agenda are considered to be self-explanatory by the Council or have been previously discussed in Open Session and will be enacted with one motion. There will be no separate discussion of these items unless a Council Member so requests.

- 7. Consider Approval of the Meeting Minutes of the August 21, 2012 Leon Valley Special and Regular City Council Meetings.** *This agenda item will allow the City Council to consider approval of the minutes of the Leon Valley Special and Regular City Council Meetings of August 21, 2012. (Willman)*
- 8. Consider Authorizing the City Manager to Execute a Revised Interlocal Cooperation Contract with the Texas Department of Public Safety (TDPS) for the Failure To Appear Program Offered by the Driver License Division Under the Transportation Code Chapter 706, M&C # 09-03-12.** *This agenda item will allow the City Council to consider authorizing the City Manager to execute a revised Interlocal Cooperation Contract with the Texas Department of Public Safety for the provision of information necessary to deny the renewal of a driver license of a person who fails to appear for a complaint or citation or fails to pay or satisfy a judgment ordering payment of a fine and cost in the manner ordered by the court in a matter involving any offense that a court has jurisdiction of under Chapter 4, Code of Criminal Procedure. Under the 82nd Legislative Session, Section 706.005, was amended to require courts to immediately notify TDPS when no cause exists to continue to deny renewal. The revised contract, if authorized, will allow the City Manager to execute the revised contract reflecting the City of Leon Valley's current practice and the new legislative requirement. (Wallace)*
- 9. Consider Action on a Resolution and Submission of Documentation to the Texas Municipal League (TML) for Consideration by the TML Resolutions Committee for Consideration at the 2012 Annual TML Conference Regarding Legislation to Repeal Hotel-Motel Occupancy Tax Exemption as Allowed under Texas Tax Code Chapter 156.101—Permanent Resident, M&C# 09-04-12.** *This agenda item will allow the City Council to consider action approving a Resolution to be considered for support at the 2012 Texas Municipal League Conference to repeal the exemption to the hotel-motel occupancy tax as authorized under Texas Tax Code Chapter 156.101 and thereby requiring the payment of hotel-motel occupancy taxes throughout the entire period of occupancy regardless of the length of the stay in excess of 30 days. (Mayor Riley)*

Regular Agenda

- 10. Discuss and Consider Action on the Leon Valley Historical Society's (LVHS) Request, M&C # 09-05-12.** *This agenda item will allow the City Council to discuss and consider action on a request by the Leon Valley Historical Society to award a \$2,400*

Matching Grant for the payment of a portion of architectural costs and staff fees associated with fulfilling best practices requirements for the dismantling of the collapsed farm shed on Bandera Road frontage. (Darby Riley, President, Leon Valley Historical Society)

11. **Consider a Request by Brian Lumbatis, of Complete Signs LLC., on Behalf of Raising Cane, Property Owner, for a Variance to Chapter 14, "Zoning," Section 14.02.305, "Regulations For All Districts, Subsection (M), "Overlay Districts," Appendix C, Section G.2 (b.), "Monument Signs," to Allow a 30-Foot Tall Pole Sign with a Sign Face Measuring 128 Square Feet at 7020 Bandera Road, M&C # 09-06-12. This agenda item will allow the City Council to consider a request for a variance to Chapter 14, Zoning, related to permitting a 30-foot tall pole sign with a sign face measuring 128 square feet at 7020 Bandera Road. (Flores)**
12. **Conduct Public Hearing to Consider an Amendment – with Attached Ordinance - to Chapter 14, "Zoning," Appendix 2, "Overlay Boundaries," Map and Appendix 2A, "Sustainability Overlay" Map and 2C "Commercial/Industrial Overlay," Map to Move 6300 & 6320 Bandera Road, Being Lot 5 and NW IRR 285 feet of Lot 6, Block 1, Lincoln Mercury Subdivision, CB 4429H and Lot 2 and NE 25.10 feet of SE 387.74 feet of Lot 6, Block 1, CB 4429H, B-3 (Commercial) Zoned Properties from the Sustainability Overlay to the Commercial/Industrial Overlay and Providing a Penalty of Up to Two Thousand Dollars (\$2,000), M&C # 09-07-12. This agenda item will allow the City Council to consider amending the Sustainability Overlay Requirements to the Commercial/Industrial Overlay on property located at 6300 and 6320 Bandera Road, Being Lot 5 and NW IRR 285 feet of Lot 6, Block 1, Lincoln Mercury Subdivision, 4429H and Lot 2 and NE 25.10 feet of SE 387.74 feet of Lot 6, Block 1, CB 4429H, B-3 (Commercial) zoned properties from the Sustainability Overlay to the Commercial / Industrial Overlay. (Flores) The Zoning Commission recommended the change with attached memorandum by Jim Carrillo of Half Associates, by a vote of 6 to 1 at its August 28, 2012 Meeting.**
 - A. **Open Public Hearing.**
 - B. **Close Public Hearing.**
 - C. **Action by City Council.**

Discussion Agenda

13. **City Manager's Report. (Longoria)**
 - A. **Informational updates, as may be required.**
 - B. **Approved Minutes of City-Affiliated Boards, Committees, and Commissions. This agenda item will allow the City Council to review the work of City-affiliated boards, committees, and commissions through the publication of approved meeting minutes on an ongoing basis.**
 - (1) **Earthwise Living Committee Meeting Minutes of May 1, 2012**
 - (2) **Leon Valley Economic Development Corporation Meeting Minutes of July 25, 2012**
 - C. **Future Agenda Items**

Proposed Fiscal Year 2012 Tax Rate and Proposed Fiscal Year 2013 Budget

2nd Public Hearing on the Proposed 2012 Tax Rate, September 11, 7 p.m.

Adopt the City's 2012 Tax Rate and Adopt the City's Fiscal Year 2013

Budget, September 18, 7 p.m.

Adopt the City of Leon Valley Economic Development Corporation's

Proposed Fiscal Year 2013 Budget, September 18, 7 p.m.

- (1) **Municipal Facility Design Services Contract.**

- (2) Texas Department of Transportation Presentation on Super Street Model.
- (3) City Council Awards City Attorney Contract.
- (4) Executive Session to Interview Candidates for Leon Valley Economic Development Corporation Board of Directors Places 2, 4, and 6, Pursuant to the Local Government Code, Section 551.074. Personnel Matters, September 18, 2012, 5:30 p.m.
- (5) Appointment of Members in Places 2, 4, and 6, to the Board of Directors to the Leon Valley Economic Development Corporation, September 18, 2012, for Position Appointments Expiring September 30, 2012.
- (6) Next Quarterly Special Joint Meeting with the Leon Valley Economic Development Corporation Board of Directors, was set for Tuesday, September 18. Another meeting date and time are being coordinated in October.
- (7) First Regular City Council Meeting has been moved to Monday, October 1, 2012, to allow for the participation and observance of National Night Out.
- (8) National Night Out City Council Meeting, Tuesday, October 2, 2012, 6:45 p.m. to Approximately 10 p.m. Neighborhoods interested in participating in the Leon Valley National Night Out should contact Police Lt. Victor Reyes at 210-684-3215 or by emailing v.reyes@leonvalleytexas.gov.

14. Citizens to be Heard.

15. Announcements by the Mayor and Council Members.

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

- A. Leon Valley Economic Development Corporation Board of Directors is Accepting Applications for Service in Places 2, 4, and 6 Through Wednesday, September 12.
- B. Fall Clean-Up Week, September 3 through September 9. Collection begins on Monday, September 10 at 7 a.m.
- C. Grandparents Day Concert, Sunday, September 9, 2012, 2:30 p.m. – 4 p.m., Leon Valley Community Center, 6427 Evers Road.
- D. 9-1-1 Commemoration (Patriot Day) Event with the American Legion Post No. 336, 5 p.m. – 8 p.m. Leon Valley Community Center, 6427 Evers Road. Event co-sponsored by the City of Leon Valley.
- E. Pet Vaccination Clinic, Saturday, September 8, 2012 from 10 a.m. to 12 Noon at the Leon Valley Conference Center.

Executive Session

- 16.** 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).

17. Adjourn.

I hereby certify that the above NOTICE OF PUBLIC MEETING AND AGENDA OF THE LEON VALLEY CITY COUNCIL were posted on the Bulletin Board at City Hall, 6400 El Verde Road, Leon Valley, Texas, on Thursday, August 30, 2012, by 6:00 p.m., and remained posted until after the meeting hereby posted concluded. This notice was likewise 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 ahead of the meeting. To make arrangements call (210) 684-1391, Ext. 216.


Janie Willman, City Secretary





GOOD NEIGHBOR AWARD

*Presented
to*

BANDERA BOWLING CENTER

On behalf of the Leon Valley City Council, this award is presented to you in recognition of your generous contributions to the Leon Valley Public Library's 2012 Summer Reading Program. We truly appreciate your extra efforts by providing bowling opportunities to each and every child who participated in this year's Summer Reading Program.

Signed by my hand this 4th day of September 2012.



Mayor Chris Riley

FREE Summer Fun Bowling

At

Bandera Bowling Center

Good for 1 FREE GAME Every day!

(not valid Friday & Saturday after 6pm)

(FOR KIDS 18 YRS AND UNDER ONLY)

Shoes only \$1.00 (for card holder only)

Name: _____

**June: 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18
19 20 21 22 23 24 25 26 27 28 29 30 31**

**July: 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18
19 20 21 22 23 24 25 26 27 28 29 30 31**

**August: 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17
18 19 20 21 22 23 24 25 26 27 28 29 30**

6700 Huebner Ph: 210-523-1716

Under New Ownership



A PROCLAMATION

WHEREAS, the City of Leon Valley congratulates and herein recognizes Fred Stolz as an exceptional employee, and Assistant Public Works Director, of the City of Leon Valley, Texas, for 19 years; and

WHEREAS, this noteworthy achievement has been accomplished providing public works services which requires a deep understanding of the expectations of an informed citizenry and reflects the effective operation of the City of Leon Valley's infrastructure; and

WHEREAS, Fred Stolz has in his committed and devoted service ensured the health, safety, and welfare of the citizens of Leon Valley, its businesses, and community stakeholders; and

WHEREAS, the welfare of our community depends on qualified and dedicated professionals like Fred Stolz

NOW THEREFORE, I, CHRIS RILEY, MAYOR, of the City of Leon Valley, on behalf of the City Council, do hereby recognize the achievements and commitment of Fred Stolz for his 19 years of devoted service to our great community by declaring September 12, 2012 as Fred Stolz Day in the City of Leon Valley.

Signed by my hand on this 4th day of September, 2012.

Chris Riley

Chris Riley, Mayor



Agenda Item 5

MAYOR AND COUNCIL COMMUNICATION

DATE: September 4, 2012
M&C # 09-01-12

TO: MAYOR AND CITY COUNCIL

**SUBJECT: UPDATES ON THE PROPOSED FISCAL YEAR 2013 BUDGETS AS A
RESULT OF THE WORKSHOP HELD ON AUGUST 21, 2012**

PURPOSE

A workshop was conducted on the Proposed Fiscal Year 2013 Budgets on August 21, 2012. This is an Update as a result of that Workshop on the following Proposed Fiscal Year 2013 Budgets:

- General Fund
- Water and Sewer (Enterprise) Fund
- Community Center Fund

S.E.E. IMPACT STATEMENT

Social Equity - The budget serves as the foundation of the City's financial planning and control. It addresses the goals of the City, establishes priorities, determines the level of funding commitment, and serves as a day-to-day operations guide. The City establishes a budget for twelve separate funds. Activities of the General Fund, Water and Sewer (Enterprise) Fund, Debt Service Fund, Community Center Fund, Building Security Fund, Child Safety Fund, Street Maintenance Tax Fund, Municipal Court Technology Fund, Police Forfeiture Fund, Grant Fund, CIED Fund and Capital Project Fund are included in the annual budget.

Economic Development - Utilizing taxpayer monies to maximize public safety, City administration and City programs/services allows the City to actively pursue Economic Development opportunities.

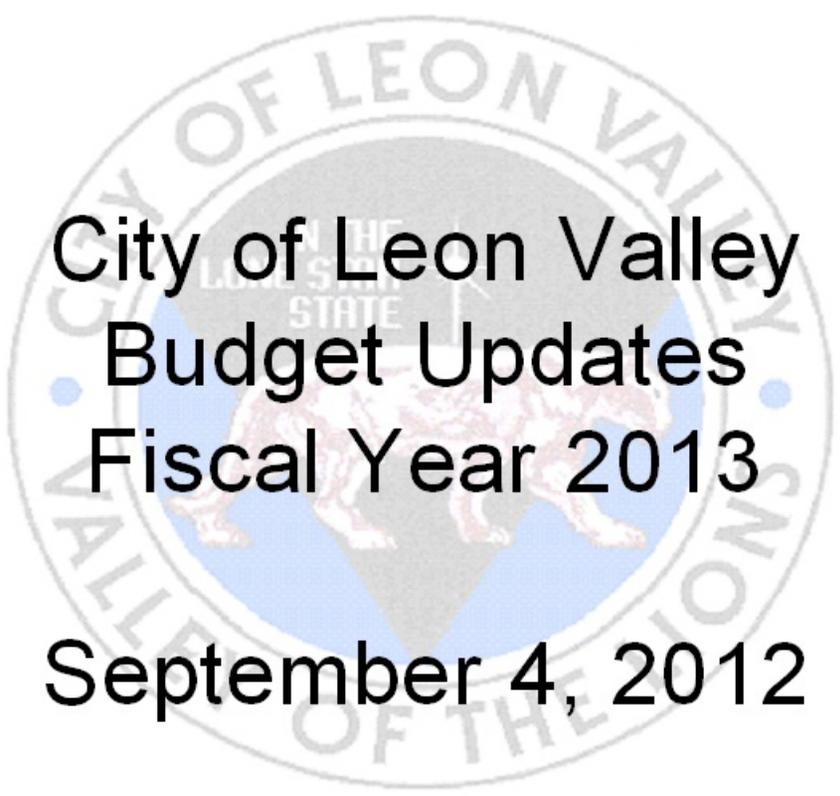
Environmental Stewardship - The City's El Verde by 2020 initiative continues to be supported through careful allocation of budgetary dollars that promotes sustainability.

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS: _____

ATTEST:

Janie Willman, City Secretary



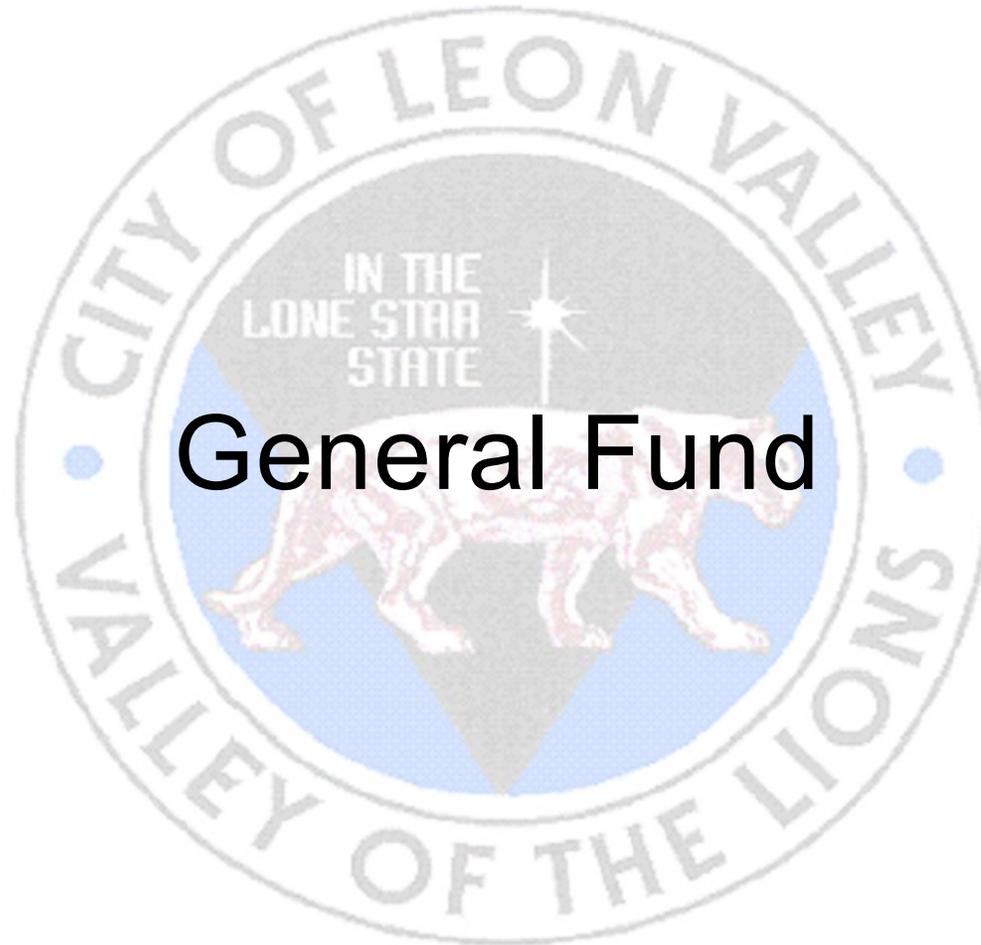
**City of Leon Valley
Budget Updates
Fiscal Year 2013**

September 4, 2012



Recent Budgetary Changes

- Adjusted health insurance to reflect savings for all funds
- Changed COLA from a 1% to a 2% for all funds
- Added additional funds for Police and Fire overtime
 - \$9,000 per department
- Increased boot allowance in Public Works
 - \$2,000

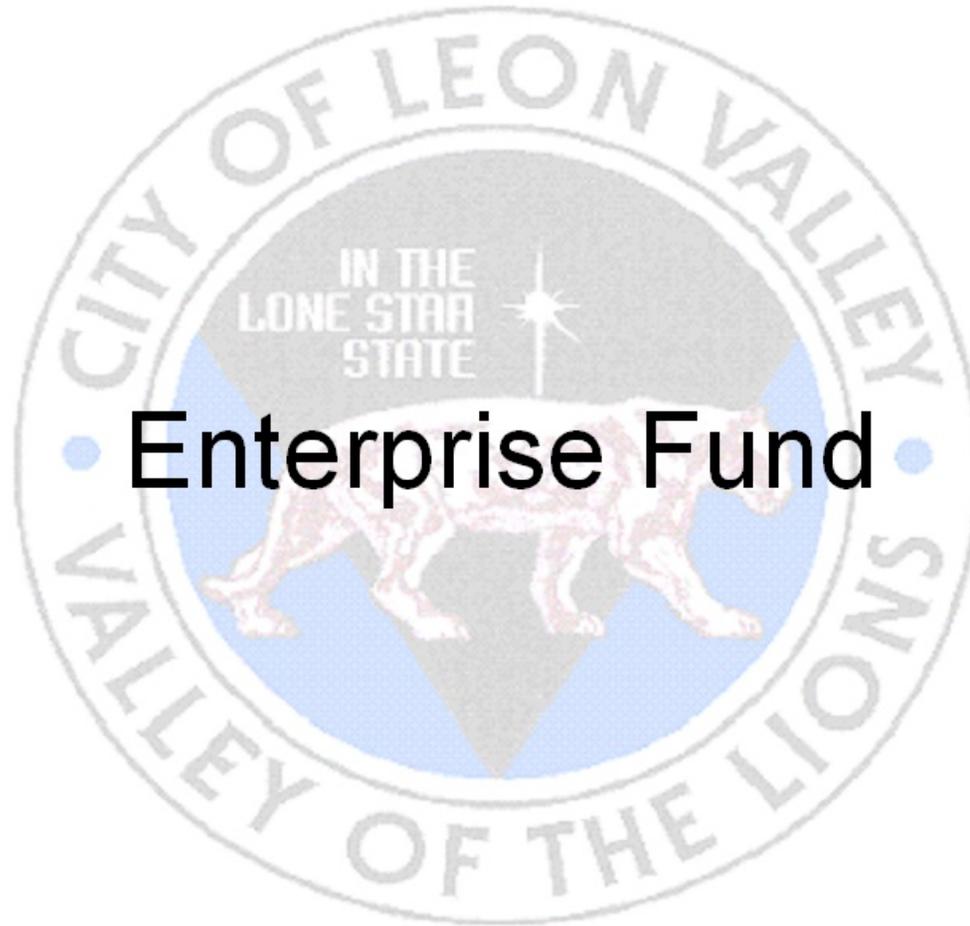


General Fund



Budget Summary

SOURCE	FY 10-11 ACTUAL	FY 11-12 BUDGET	FY 12-13 BUDGET
REVENUES	\$ 6,936,825	\$ 6,905,408	\$ 6,752,765
TOTAL OPERATING REVENUES	6,936,825	6,905,408	6,752,765
OTHER FINANCING SOURCES			
Capital Reserve	-	384,282	341,008
Other Reserve Uses		8,500	45,000
Transfers In	-	-	27,216
TOTAL OTHER FINANCING SOURCES	-	392,782	413,224
TOTAL RESOURCES AVAILABLE	6,936,825	7,298,190	7,165,989
EXPENDITURES			
Operations	6,774,194	6,872,407	6,814,064
Capital Outlay	33,798	384,282	341,008
Operating Transfers Out	18,000	18,000	10,000
Debt Service:			
Principal	-	-	-
Bond Issuance Costs	-	-	-
TOTAL EXPENDITURES	6,825,992	7,274,689	7,165,072
REVENUES OVER (UNDER) EXPENDITURES	110,833	23,501	917
Ending Fund Balance	\$ 2,339,045	\$ 1,969,764	\$ 1,789,075



Enterprise Fund



Budget Summary

SOURCE	FY 10-11 ACTUAL	FY 11-12 BUDGET	FY 12-13 BUDGET
REVENUES			
Operating Revenues	\$ 3,115,598	\$ 3,084,141	\$ 3,264,442
Non-Operating Revenues	141,534	16,000	48,800
TOTAL REVENUES	3,257,132	3,100,141	3,313,242
OTHER FINANCING SOURCES			
Capital Reserve	-	80,500	26,500
Water Rights Reserve	-	137,500	-
TOTAL OTHER FINANCING SOURCES	-	218,000	26,500
TOTAL RESOURCES AVAILABLE	3,257,132	3,318,141	3,339,742
OPERATING EXPENDITURES			
Operations	2,622,559	3,168,828	3,282,489
Capital Outlay	-	218,000	26,500
Depreciation	174,253	-	-
TOTAL EXPENDITURES	2,796,812	3,386,828	3,308,989
NET INCREASE (DECREASE) IN WORKING CAPITAL	460,320	(149,187)	4,253
Ending Fund Balance	\$ 1,787,671	\$ 1,638,484	\$ 1,867,233



Community Center Fund



Budget Summary

SOURCE	FY 10-11 ACTUAL	FY 11-12 BUDGET	FY 12-13 BUDGET
REVENUES			
Hotel Taxes	\$ 74,287	\$ 66,701	\$ 75,746
Rental Fees	68,681	74,000	74,053
TOTAL REVENUES	142,968	140,701	149,799
OTHER FINANCING SOURCES			
Transfers in	-	-	-
CDBG Reimbursement	128,098	-	-
TOTAL OTHER FINANCING SOURCES	128,098	-	-
TOTAL RESOURCES AVAILABLE	271,066	140,701	149,799
Expenditures			
Operations	128,230	129,881	134,714
Capital Outlay	118,098	5,000	-
Non-Operating	-	-	-
TOTAL EXPENDITURES	246,328	134,881	134,714
Ending Fund Balance	\$ 44,307	\$ 50,127	\$ 66,511



Next Steps

- September 11, 2012
 - ▶ 2nd Public Hearing on Proposed Tax Rate
- September 18, 2012
 - ▶ Public Hearing & Adoption of the Budget & Formal Adoption of the Tax Rate



City of Leon Valley
Budget Updates
Fiscal Year 2013
September 4, 2012

MAYOR AND COUNCIL COMMUNICATION

DATE: September 4, 2012
M&C # 09-02-12

TO: MAYOR AND CITY COUNCIL

SUBJECT: CONDUCT A PUBLIC HEARING ON THE PROPOSED 2012 TAX RATE OF \$.574282/\$100 VALUATION, WHICH IS \$.038772 HIGHER THAN LAST YEAR'S TAX RATE OF \$.535510.

PURPOSE

Last Year, the CITY OF LEON VALLEY property tax rate was \$.535510. This year, the CITY OF LEON VALLEY is proposing a property tax rate of \$.574282, which is \$.038772 higher than last year's tax rate.

The Property Tax Code, Chapter 26 requires a governing body to conduct two public hearings if the proposed tax rate exceeds the lower of the rollback tax rate or the effective tax rate, whichever is lower. The 2012 proposed tax rate of \$.574282 exceeds the effective tax rate of \$.537834 by 6.776812%.

This is the first public hearing to consider that increase. The second public hearing will be held on September 11, 2012 at Council Chambers, City Hall, 6400 El Verde Road, Leon Valley, Texas.

The vote on the proposed tax rate will be on September 18, 2012, 7:00 p.m., at Council Chambers, City Hall, 6400 El Verde Road, Leon Valley, Texas.

FISCAL IMPACT

Funds to publish the *Notice of Public Hearing* are included in the City's fiscal year 2012 budget.

S.E.E. IMPACT STATEMENT

Social Equity – A responsible municipal budget strives to allocate taxpayer dollars in an efficient and effective manner that represents all citizens equally. Public Hearings ensure the citizens of Leon Valley transparency in Government.

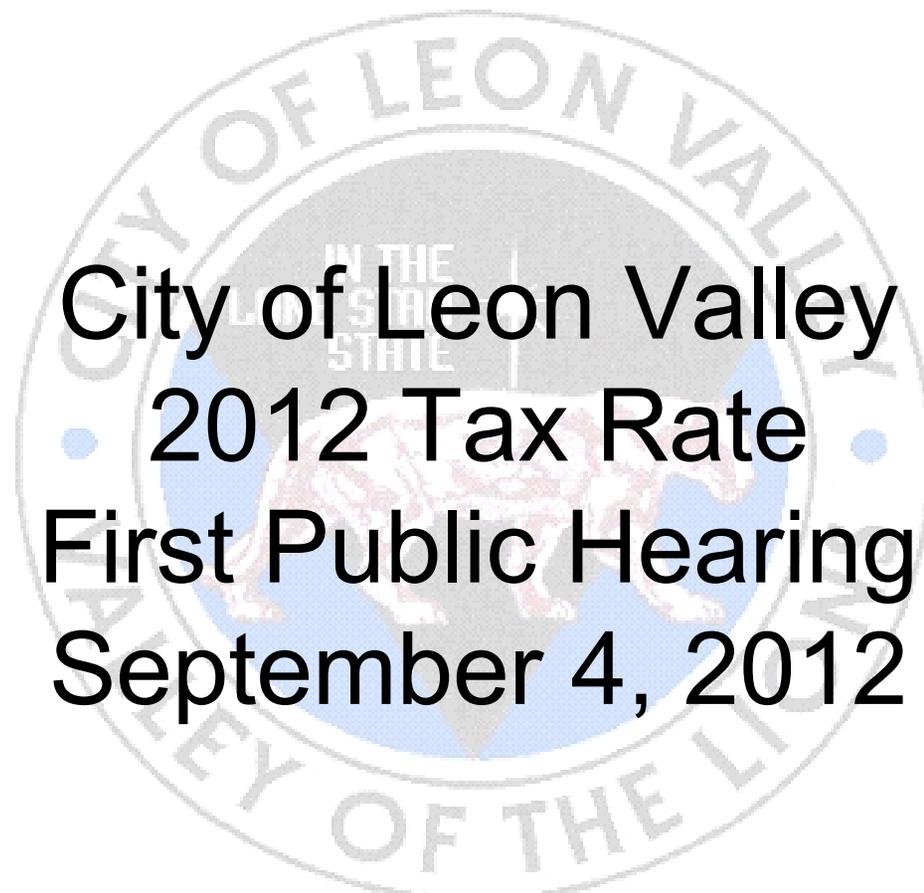
Economic Development – Utilizing taxpayer monies to maximize public safety, city administration and city programs/services allows the City to actively pursue Economic Development opportunities.

Environmental Stewardship – The City's El Verde by 2020 initiative continues to be supported through careful allocation of budgetary dollars that promotes sustainability. Ad Valorem Taxes are the most stable source of revenue for the General Fund.

APPROVE: _____ **DISAPPROVE:** _____
APPROVE WITH THE FOLLOWING COMMENTS: _____

ATTEST:

Janie Willman, City Secretary



City of Leon Valley
• 2012 Tax Rate •
First Public Hearing
September 4, 2012



Background

- Last Year, the CITY OF LEON VALLEY property tax rate was
 - \$.535510
- This year, the CITY OF LEON VALLEY is proposing a property tax rate of
 - \$.574282, which is \$.038772 higher than last year's tax rate



Background

Continued

- The Property Tax Code, Chapter 26 requires a governing body to conduct two public hearings if the proposed tax rate exceeds the lower of the rollback tax rate or the effective tax rate, whichever is lower
- The 2012 proposed tax rate of \$.574282 exceeds the effective tax rate of \$.537834 by 6.776812%
 - Exceeds the adopted 2011 tax rate of \$.535510 by \$.038772



Impact to Residents

- Average residential increase
 - Dollar increase
 - \$45.92 annual
 - \$ 3.83 monthly
- Tax Rate increase
 - \$.038772



- This is the first public hearing to consider that increase
- The second public hearing will be held on September 11, 2012 at Council Chambers, City Hall, 6400 El Verde Road, Leon Valley, Texas
- The vote on the proposed tax rate will be on September 18, 2012, 7:00 p.m., at Council Chambers, City Hall, 6400 El Verde Road, Leon Valley, Texas



City of Leon Valley

September 4, 2012

Agenda Item 7

**CITY COUNCIL MEETINGS OF THE CITY OF LEON VALLEY, TEXAS
AUGUST 21, 2012**

The City Council of the City of Leon Valley, Texas, met on the 21st of August, 2012 at 5:30 p.m. at the Leon Valley City Council Chambers, at 6400 El Verde Road, Leon Valley, Texas, for the purpose of the following business, to-wit:

**BUDGET WORKSHOP MEETING OF THE
CITY OF LEON VALLEY CITY COUNCIL, 5:30 P.M.**

- 1. Call the City of Leon Valley Special City Council Meeting to Order, and Determine a Quorum is Present.** Mayor Riley called the Special City Council Meeting to order at 5:35 p.m. with all members of the City Council present: Hill, Reyna, Baldrige, Dean, and Biever.

The following staff members were in attendance: City Manager Longoria, City Secretary Willman, Community Development Director Flores, Economic Development Director Mora, Finance Director Wallace, Fire Chief Lee, Human Resources Director Caldera, Library Director Trent, Police Chief Wallace, and Public Works Director Vick.

- 2. Workshop on the Proposed Fiscal Year 2013 Budgets, M&C # 08-10-12.** The City Council conducted the first workshop on the Proposed Fiscal Year 2013 Budgets, consisting of discussing and determining matters pertinent to the Fiscal Year 2013 Budgets: General Fund, Water and Sewer (Enterprise) Fund, Community Center Fund, Street Maintenance Tax Fund, Grant Fund, CIED Fund, Building Security Fund, Child Safety Fund, Municipal Court Technology Fund, Debt Service Fund, Capital Project Fund, and the Police Forfeiture Fund.

City Manager Longoria briefed the City Council on the Proposed Fiscal Year 2013 Budgets. He updated the City Council on changes to the Proposed Fiscal Year 2013 Budget since it was formally presented on August 7, 2012. Significant changes noted: health insurance coverage for the City's employees at 10 percent increase resulting in \$63,528 in annual savings across all funds which would allow for a 2 percent cost of living adjustment, should the City Council so designate. The City Manager noted that the savings on the health insurance could be left unappropriated and rolled into the fund balance. The Proposed Fiscal Year 2013 Budget features an ad valorem taxable value of \$.574282 which is \$.038772 more than the adopted Fiscal Year 2012 rate of \$.535510, which will fund the new debt issue authorized by the City's voters in the May 2012 referendum for the new municipal facility.

Councilman Biever asked about a possibility of a hybrid of compensatory and overtime for the Fire Department. He noted that with the reduction of 1 position, compensatory time would seem to increase. He asked if the City Manager had considered making that change or would consider paying 1 ½ time or double time for working on certain holidays; a process to be determined by the City Manager. City Manager Longoria informed the City Council that the reduction in staffing was recommended by Fire Chief Irwin. He noted that during the year he has been city manager that the Fire Department has been carrying between two and three vacancies and continued the same service load. Staff will be working with the Fire Department to ensure that compensatory time and overtime are being managed as effectively as possible. A question was raised regarding if there is a cap on the amount of compensatory time that can be earned.

Agenda Item 7

**CITY COUNCIL MEETINGS OF THE CITY OF LEON VALLEY, TEXAS
AUGUST 21, 2012**

Staff answered 480 hours. A question was raised about the need for having two ladder trucks. Fire Chief Lee replied that having two ladder trucks allows for continuity of full services without disruption due to at times extended maintenance down time. He reported that the two ladder trucks have pumpers on them as well as providing aerial support.

Mr. Longoria continued detailing the Proposed Budget highlights. The City Manager pointed out that savings demonstrated through the various departments are due to retirement of employees at the higher salaries based on longevity in positions reflecting new hires coming in at lower salaries. Mr. Longoria reported the Proposed Budget includes sales tax conservatively budgeted. Revenues reflect a decrease which is due to a reduction in building permits. Decreased fines and fees are attributed to community oriented policing. New contractor registration and modest towing contract fees are factored into the Proposed Budget. Expenditures include reallocation of salaries to the Water and Sewer Fund to more accurately reflect personnel costs. Funding is budgeted to cover the City's portion of the Bandera Road Traffic Light Signalization Project. The Cost of Living increase is effective with the first pay period in October. The Proposed Budget recommends continuing merit pay and longevity pay. Briefly discussed is step up pay, required by the Local Government Code, Chapter 141.033, for cities with populations over 10,000 persons. Funding is provided for the Texas Municipal Retirement System (TMRS) reflecting a .40% increase. The staff explained that Texas cities and the TMRS factor and pay for retirement reflecting mutual contributions versus the system now formerly used by some California cities in the recent news based on bankruptcy. It was noted that the Budget Summary features a very healthy \$1.8 million not including the committed reserve fund of \$800,000 plus. The Water and Sewer Funds reflect increases attributed to mandated increases by the Edwards Aquifer Authority. A 3 percent increase in the Water and Sewer rates will be the monthly increase for the average residential customer by \$1.48. The Proposed Budget is balanced and includes \$1.5 million in CIED Program Proceeds and the \$7 million in Bonds as authorized in the May 2012 Bond Election. The City Manager concluded with the dates of the two required public hearings and the date of the public hearing and adoption of the Budget and formal adoption of the tax rate.

3. **Consider Vote for the Placement of a Proposal to Adopt the City's 2012 Tax Rate on the Agenda of September 18, 2012, Council Meeting at a Rate of \$.574282/\$100 Valuation, Which is \$.038772 Higher Than Last Year's Tax Rate of \$.535510 and 6.776812% Higher Than the Effective Tax Rate of \$.537834, M&C # 08-11-12.** The City is proposing to adopt a tax rate of \$.574282 per \$100 of property valuation for tax year 2012, which is \$.038772 higher than last year's tax rate of \$.535510. When a proposed tax rate exceeds the rollback rate or the effective rate, whichever is lower, Chapter 26 of the Texas Property Tax Code requires the City to vote to place a proposal to adopt the rate on the agenda of a future meeting as an action item. For the 2012 tax year, the proposed tax rate of \$.574282 exceeds the effective tax rate of \$.537834 by 6.776812%.

The City Council took action by a record vote as follows. Motion by Councilman Reyna and second by Councilwoman Hill to place the proposal to adopt the City's 2012 Tax Rate on the agenda of September 18, 2012. Voting Aye: Councilwoman Hill, Councilman Reyna,

Agenda Item 7

**CITY COUNCIL MEETINGS OF THE CITY OF LEON VALLEY, TEXAS
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Councilwoman Baldrige, Councilman Dean, and Councilman Bieber. Mayor Riley announced the motion carried on unanimous vote of the City Council.

- 4. Consider Action on a Call for Two Public Hearings on the Proposed 2012 Tax Rate of \$.574282 per \$100 Valuation, which is \$.038772 Higher Than Last Year's Tax Rate of \$.535510 and 6.776812% Higher Than the Effective Tax Rate of \$.537834. The First Public Hearing will be on September 4, 2012 and the Second Public Hearing Will be on September 11, 2012, at 7:00 P.M. in the City Council Chambers, M&C # 08-12-12.** The City Council placed a proposal on the September 18, 2012 City Council Agenda as an action item in keeping with Chapter 26 of the Texas Tax Code which requires such an action based the tax rate being higher than the effective rate or the rollback rate; two public hearings are required.

Motion by Councilman Reyna and second by Councilwoman Hill calling two public hearings on the proposed 2012 tax rate of \$.574282 per \$100 valuation, which is \$.038772 higher than last year's tax rate of \$.535510 and 6.776812% higher than the effective tax rate of \$.537834 on September 4 and September 11. Voting Aye: Hill, Reyna, Baldrige, Dean, and Bieber. Mayor Riley announced the motion carried on the unanimous vote of the City Council.

- 5. Future Agenda Items Related to the Fiscal Year 2013 Budget Process**
Fiscal Year 2013 Budget Workshops in September, 2012:
First Public Hearing, September 4th
Second Public Hearing, September 11th
Meeting to Vote on Proposed Tax Rate, September 18th - Fiscal Year 2013 Budget Public Hearing, Adoption, and FY2013 Tax Rate set on September 18, 2012.
 - 6. Adjourn.** Motion to adjourn by Councilman Reyna and second by Councilwoman Baldrige at 7:20 p.m. Voting Aye: Hill, Reyna, Baldrige, Dean, and Bieber. Mayor Riley announced the motion carried on the unanimous vote of the City Council.
-

REGULAR MEETING OF THE CITY OF LEON VALLEY CITY COUNCIL, 7:00 P.M.

- 1. Call the City of Leon Valley Regular City Council Meeting to Order, Determine a Quorum is Present, and Pledge of Allegiance.**

Mayor Riley called the Special City Council Meeting to order at 7:20 p.m. with all members of the City Council present: Hill, Reyna, Baldrige, Dean, and Bieber.

The following staff members were in attendance: City Manager Longoria, City Secretary Willman, City Attorney McKamie, Community Development Director Flores, Economic Development Director Mora, Finance Director Wallace, Fire Chief Lee, Human Resources Director Caldera, Library Director Trent, Police Chief Wallace, and Public Works Director Vick.

City Councilman Bieber led the assembly in the Pledge of Allegiance.

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2. **Citizens to be Heard and Time for Objections to the Consent Agenda.** There were no citizens to address the City Council. No items were removed for separate consideration on the Consent Agenda.

Consent Agenda

Motion by Councilman Dean and second by Councilman Reyna to approve Consent Agenda Items 3, 4, 5, 6, and 7, as presented. Voting Aye: Hill, Reyna, Baldrige, Dean, and Bieber. Mayor Riley announced the motion carried on the unanimous vote of the City Council.

3. **Consider Approval of the Meeting Minutes of the July 17, 2012 Leon Valley Special and Regular City Council Meetings.** This agenda item allowed the City Council to ratify its action of August 7, 2012 approving the July 17, 2012 Meeting Minutes which were erroneously listed on the August 7 agenda as July 7, 2012.
4. **Consider Approval of the Meeting Minutes of the August 7, 2012 Leon Valley Special and Regular City Council Meetings.** This agenda item allowed the City Council to approve the minutes of the Leon Valley Special and Regular City Council Meetings of August 7, 2012.
5. **Consider Action on an Ordinance Appointing a Member to the Leon Valley Zoning Commission, M&C # 08-13-12.** This agenda item allowed the City Council to adopt an Ordinance appointing a Member to the Leon Valley Zoning Commission; Carlos D. Fernandez.

Adopted Ordinance No. 12-020 - Appointing a Member to the Leon Valley Zoning Commission – Carlos D. Fernandez.

6. **Consider Action on M&C # 08-14-12, Authorizing Continuation of Agreement with the United States Department of Justice, Drug Enforcement Administration.** This agenda item allowed the City Council to authorize the continuation of an agreement with the United States Department of Justice, Drug Enforcement Administration (DEA). This cooperative agreement with the San Antonio District Office of the DEA places a Leon Valley police officer in the State and Local Task Force of the DEA, which is involved in the investigation of national and international illegal narcotics distribution organizations.
7. **Consider Approval of Budget Adjustments and Related Ordinance for the Capital Project Fund to Accurately Record the Issuance Cost and Proceeds for the General Obligation Bonds, Series 2012, M&C # 08-15-12.** This agenda item allowed the City Council to approve an Ordinance recording the bond issuance cost and proceeds following budget adjustments needed for the Capital Project Fund from the General Obligation Bonds, Series 2012.

Adopted Ordinance No. 12-021 - Approving Amendments to the Original Budget of the City of Leon Valley, Texas, for the Fiscal Year of 2012.

Public Hearing and Sign Variance Case Agenda

8. **Conduct Public Hearing to Consider Replat Case # 2012-122, with Attached Ordinance, a Request by Sinclair Land Surveying, Inc., Agent for the Elisabeth Calderon-Urdiales, Applicant and Property Owner, to Replat Approximately 1.208**

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Acres of Land, Being Lots 6 and 7, Block 4, to New Lot 27, Block 4, CB 4429, Rollingwood Estates Subdivision Unit #1, at 5320 Blackberry Drive, for Construction of a Single-Family Dwelling, M&C # 08-16-12. This agenda item allowed the City Council to replat two lots, by ordinance, to allow the applicant and property owner to build a home on a location which would otherwise include building on a property line.

Community Development Director Flores briefed the City Council on this agenda item.

Mayor Riley opened the Public Hearing at 7:25 p.m. There being no speakers to come forward to address the City Council during the Public Hearing, Mayor Riley closed the Public Hearing at 7:25 p.m. and one-half second.

Motion by Councilman Reyna and second by Councilwoman Hill to adopt the Ordinance to replat approximately 1.208 acres of land, being Lots 6 and 7, Block 4, to New Lot 27, Block 4, CB 4429, Rollingwood Estates Subdivision Unit #1, at 5320 Blackberry Drive, for construction of a single-family dwelling. Voting Aye: Hill, Reyna, Baldrige, Dean, and Bieber. Mayor Riley announced the motion carried on unanimous vote of the City Council.

Adopted Ordinance No. 12-022 – Approving a Subdivision Replat Being Approximately 1.208 Acres of Land, Being Lots 6 and 7, Block 4, to Lot 27, Block 4, CB 4429, Rollingwood Estates Unit #1 in the City of Leon Valley.

9. **Consider a Request by Herman Murray, General Manager of Ancira Winton-Chevrolet, for a Variance to Chapter 14, “Zoning,” Section 14.02.305, Regulations for All Districts” Subsection (m), “Overlay Districts,” Appendix C, Section G.2(j.), “Prohibited Signs, to Allow for a Light Emitting Diode (LED) Sign, Measuring 149-Square Feet at 6111 Bandera Road, M&C # 08-17-12.** This agenda item allowed the City Council to grant a variance to the Sign standards as prescribed in the Sustainability Overlay District.

Community Development Director Flores briefed the City Council on this agenda item. Following the staff briefing, Mr. Herman Murray addressed the City Council. He indicated that if the request is approved, Ancira Winton-Chevrolet would like to offer the City the use of the sign for City-related events. Questions were raised regarding if the sign [face] would be two-sided, about the ability to change colors for different kinds of messages, and if the sign would be visible from the flyover. Staff responded that the answer to all of the questions raised was “yes.”

Motion by Councilman Dean and second by Councilman Reyna to grant the variance to allow for a light emitting diode (LED) sign, measuring 149-square feet at 6111 Bandera Road. Voting Aye: Reyna, Hill, Baldrige, Dean, and Bieber. Mayor Riley announced the motion carried on unanimous vote of the City Council.

Regular Agenda

10. **Consider Action on M&C # 08-18-12, a Request to Award the Fiscal Year 2013 Group Health Insurance Bid for Employee Medical, Dental, and Life Insurances**

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and to Authorize the City Manager to Execute the Insurance Contract. This agenda item allowed the City Council to award the 2013 Fiscal Year Group Health Insurances Contract for Employee Medical, Dental, and Life Insurance and authorized the City Manager to Execute the Insurance Contracts.

Following a briefing by staff and the City's insurance broker, Matt Stedman of Gallagher Benefit Services, the City Council took action.

Motion by Councilman Biever and second by Councilwoman Hill to award the Fiscal Year 2013 Group Health Insurances Bid for employee medical to Blue Cross, Blue Shield of Texas, to Aetna for Dental, and to Met Life for life insurance coverage, as recommended by the staff and the broker, Gallagher Benefit Services. Voting Aye: Hill, Baldrige, Dean, and Biever. Abstaining: Reyna. Mayor Riley announced the motion carried by a vote of 4 in favor to 1 abstaining.

Discussion Agenda

11. City Manager's Report. (Longoria)

- A. Informational updates, as may be required. Public Works Director Vick made a presentation on the 2012 Critical Water Pumping Reductions and the need to continue water conservation measures. The City Council received specifics on the calculation process used to determine each stage, the number of days in each stage, the maximum reduction of water use and the actual reduction of water use. It was reported that the likelihood of the City of Leon Valley exceeding its reduced authorized pumping amount is very unlikely. September 15 was set as the date to reassess the need to move to Stage 3 Water Conservation measures.

It was reported that the Edwards Aquifer Authority declared Stage 3 as of August 15, 2012 while the San Antonio Water System (SAWS) remains in Stage 2. The City of Leon Valley follows SAWS' actions in terms of moving from one stage to another and the City of Leon Valley remains in Stage 2.

- B. Monthly Departmental Reports. There were no questions raised regarding the Monthly Departmental Reports.
- C. Financial Statement of City of Leon Valley for July 2012. Finance Director Wallace briefed the City Council on the Financial Statement for the period of July 2012.
- D. Approved Minutes of City-Affiliated Boards, Committees, and Commissions.
- (1) June 18, 2012 Leon Valley Public Library Board of Trustees Meeting Minutes
- E. Future Agenda Items.
- (1) Municipal Facility Design Services Contract.
- (2) Texas Department of Transportation Presentation on Super Street Model.
- (3) City Council Awards City Attorney Contract.
- (4) Next Quarterly Special Joint Meeting with the Leon Valley Economic Development Corporation Board of Directors, September 18, 2012, 5:30 P.M.

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- (5) Appointment of Members in Places 2, 4, and 6, to the Board of Directors to the Leon Valley Economic Development Corporation, September 18, 2012, for Position Appointments Expiring September 30, 2012.

12. Citizens to be Heard. Olen Yarnell, 7230 Sulky Lane, addressed the City Council. Mr. Yarnell asked if there would be any effect to remaining in Stage 2 Water Restrictions as a policy matter. Mr. Yarnell asked if there is any way to get a AA+ Bond Rating and if there is any advantage to obtaining a AA+ Bond Rating. Staff responded that it is preferable to follow the regional requirements for moving from one stage to another in terms of water conservation. It was also noted that bond ratings are assigned at the time of a transaction and cost money for the process.

13. Announcements by the Mayor and Council Members.

Mayor Riley announced that City Councilman Biever had a birthday the day before and that was the reason for the birthday cake sitting in front of him on the dais. Community Development Director Flores led the assembly in the Birthday song.

Councilman Reyna indicated that he meets with the large group of the Legislative Policy Committee on the upcoming Friday. He informed the City Council that he sent forms and documents to the City Manager for use in developing legislative recommendations regarding the hotel occupancy tax exemption with sufficient time to be considered by the Texas Municipal League Legislative Committee.

Mr. McKamie announced that five attorneys from the firm of McKamie-Krueger would be participating as panelists at a Texas Municipal League Conference session on retaliation. He invited the City Council to stop by the session.

Mayor Riley reported she, Councilwoman Hill, and Councilman Reyna met with San Antonio City Councilman Cris Medina and City of San Antonio staff regarding a Memorandum of Understanding for Crystal Hills Park. Indications are funding is available for use in the City Manager's budget in the City of San Antonio. She announced that a letter is being prepared to gauge Raising Cane's interest in contributing to funding the dog park portion of Crystal Hills Park.

Mayor Riley invited the City Council to attend a CPS Energy Meeting set for September 11 at 3:30 p.m. on renewable energy. Mayor Riley asked for updates on when the Property Maintenance Code Ordinance would be returning for consideration by the City Council. She reported that she has received a number of phone calls from citizens in the community about homes that have several persons residing in them. She asked if the City Council thought anything needed to be done about those situations. City Manager Longoria reported that Community Development continues doing research on the property maintenance code and that an agenda item may be ready as soon as the second City Council Meeting in September. Mayor Riley asked for an update on the RFQ process for City Attorney Services. The City Manager indicated that he still has to get a list of the major elements from each City Council Member regarding their

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preferences. He indicated that staff hopes to report on the progress at the next City Council meeting.

Regarding the budgeting process, Mayor Riley asked if it is possible to request funding from the Leon Valley Economic Development Corporation (LVEDC) to offset part of the new Public Works position dedicated to the Bandera Road Revitalization Project. She cited the ballot language under which the 4b sales tax was authorized in Leon Valley. The City Manager reported the LVEDC had considered it during two of their meetings. LVEDC Board Members considered payment or contributions to payment for an employee to be more of an operations and maintenance matter. The LVEDC Board of Directors instead decided to contribute in the \$30,000 range towards the City's new monument signage. The LVEDC Board thought the operations and management part of funding was recurring, and was outside the ballot language meaning. The City Manager suggested the position and use can be reassessed after one calendar year during the next budget cycle. Mr. Longoria pointed out that Universal City does it through its Economic Development Corporation. It was suggested that this may be a topic for the next quarterly joint meeting between the City Council and the LVEDC. Mayor Riley announced that the LVEDC is accepting Board of Director Applications for positions 2, 4, and 6.

The City Council consensus was another budget workshop was not needed. The City Manager will bring the changes reflected from tonight's Budget Workshop to the next City Council Meeting as an update item.

Executive Session

- 14.** 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).

There was no Executive Session held under this agenda item.

- 15. Adjourn.** Mayor Riley adjourned the meeting without objection at 8:20 p.m.

Mayor Chris Riley

ATTEST:

Janie Willman, City Secretary

MAYOR AND COUNCIL COMMUNICATION

DATE: September 4, 2012
M&C # 09-03-12

TO: MAYOR AND CITY COUNCIL

SUBJECT: AUTHORIZE THE CITY MANAGER TO EXECUTE A REVISED INTERLOCAL COOPERATION CONTRACT WITH THE TEXAS DEPARTMENT OF PUBLIC SAFETY (TDPS) FOR THE FAILURE TO APPEAR PROGRAM OFFERED BY THE DRIVER LICENSE DIVISION UNDER THE TEXAS TRANSPORTATION CODE CHAPTER 706.

PURPOSE

The City currently has an Interlocal Cooperation Contract with TDPS to implement the provisions of the Texas Transportation Code Chapter 706 (Failure to Appear Program) which allows a local political subdivision to contract with the TDPS to provide them the information necessary to deny the renewal of a driver license of a person who fails to appear for a complaint or citation or fails to pay or satisfy a judgment ordering payment of a fine and cost in the manner ordered by the court in a matter involving any offense that a court has jurisdiction of under Chapter 4, Code of Criminal Procedure.

During the 82nd Legislative Session, Section 706.005 was amended to require courts to immediately notify TDPS when no cause exists to continue to deny renewal of a person's driver license. Under the existing contract, courts had 5 business days to report compliance. The City already immediately notifies TDPS, so the change will have no impact on the court.

FISCAL IMPACT

None. Fees for the Failure to Appear Program are pass through fees.

RECOMMENDATION

Authorize the City Manager to execute the revised Interlocal Cooperation Contract with TDPS.

_____ Approved _____ Disapproved

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

Janie Willman, City Secretary

Interlocal Cooperation Contract

STATE OF TEXAS

§

COUNTY OF

Bexar

§

§

I. Parties

This Interlocal Cooperation Contract ("Contract") is made and entered into between the Texas Department of Public Safety ("TDPS"), a political subdivision of the State of Texas, and the City of Leon Valley, a local political subdivision of the State of Texas.

II. Overview

The purpose of this Contract is to implement the provisions of Texas Transportation Code Chapter 706. A local political subdivision may contract with the TDPS to provide information necessary to deny renewal of the driver license of a person who fails to appear for a complaint or citation or fails to pay or satisfy a judgment ordering payment of a fine and cost in the manner ordered by the court in a matter involving any offense that a court has jurisdiction of under Chapter 4, Code of Criminal Procedure.

The TDPS has authority to contract with a private vendor ("Vendor") pursuant to Texas Transportation Code §706.008. The Vendor will provide the necessary goods and services to establish an automated system ("FTA System") whereby information regarding violators subject to the provisions of Texas Transportation Code Chapter 706 may be accurately stored and accessed by the TDPS. Utilizing the FTA System as a source of information, the TDPS may deny renewal of a driver license to a person who is the subject of an FTA System entry.

Each local political subdivision contracting with the TDPS will pay monies to the Vendor based on a fee established by this Contract. The TDPS will make no direct or indirect payments to the Vendor. The Vendor will ensure that accurate information is available to the TDPS, political subdivisions and persons seeking to clear their licenses at all reasonable times.

III. Definitions

"Complaint" means notice of an offense as defined in Article 27.14(d) or Article 45.019, Code of Criminal Procedure.

“Department” or “TDPS” means the Texas Department of Public Safety.

“Failure to Appear Program” or “FTA Program” refers to the implementation efforts of all parties, including those system components provided by the TDPS, local political subdivisions and the Vendor, including the FTA System.

“Failure to Appear System” or “FTA System” refers to the goods and services, including all hardware, software, consulting services, telephone and related support services, supplied by the Vendor.

“FTA Software” refers to computer software developed or maintained now or in the future by the Vendor to support the FTA System.

“Originating Court” refers to the court in which an applicable violation has been filed for which a person has failed to appear or failed to pay or satisfy a judgment and which has submitted an appropriate FTA Report.

“State” refers to the State of Texas.

“Local political subdivision” refers to a city or county of the State of Texas.

Unless otherwise defined, terms used herein shall have the meaning assigned by Texas Transportation Code Chapter 706 or other relevant statute. Terms not defined in this Contract or by other relevant statutes shall be given their ordinary meanings.

IV. Governing Law

This Contract is entered into pursuant to Texas Government Code Chapter 791 and is subject to the laws and jurisdiction of the State of Texas and shall be construed and interpreted accordingly.

V. Venue

The parties agree that this Contract is deemed performable in Travis County, Texas, and that venue for any suit arising from the interpretation or enforcement of this Contract shall lie in Travis County, Texas.

VI. Application and Scope of Contract

This Contract applies to each FTA Report submitted to and accepted by the TDPS or the Vendor by the local political subdivision pursuant to the authority of Texas Transportation Code Chapter 706.

VII. Required Warning on Citation for Traffic Law Violations

A peace officer authorized to issue citations within the jurisdiction of the local political subdivision shall issue a written warning to each person to whom the officer issues a citation for a traffic law violation. This warning shall be provided in addition to any other warnings required by law. The warning must state in substance that if the person fails to appear in court for the prosecution of the offense or if the person fails to pay or satisfy a judgment ordering the payment of a fine and cost in the manner ordered by the court, the person may be denied renewal of the person's driver license. The written warning may be printed on the citation or on a separate instrument.

VIII. FTA Report

If the person fails to appear or fails to pay or satisfy a judgment as required by law, the local political subdivision may submit an FTA Report containing the following information:

- (1) the jurisdiction in which the alleged offense occurred;
- (2) the name of the local political subdivision submitting the report;
- (3) the name, date of birth and Texas driver license number of the person who failed to appear or failed to pay or satisfy a judgment;
- (4) the date of the alleged violation;
- (5) a brief description of the alleged violation;
- (6) a statement that the person failed to appear or failed to pay or satisfy a judgment as required by law;
- (7) the date that the person failed to appear or failed to pay or satisfy a judgment; and
- (8) any other information required by the TDPS.

There is no requirement that a criminal warrant be issued in response to the person's failure to appear. The local political subdivision must make reasonable efforts to ensure that all FTA Reports are accurate, complete and non-duplicative.

IX. Clearance Reports

The originating court that files the FTA Report has a continuing obligation to review the report and promptly submit appropriate additional information or reports to the Vendor or the TDPS. The clearance report shall identify the person, state whether or not a fee was required, advise the TDPS to lift the denial of renewal and state the grounds for the action. All clearance reports must be submitted immediately from the time and date that the originating court receives appropriate payment or other information that satisfies the citizen's obligation to that court.

To the extent that a local political subdivision utilizes the FTA Program by submitting an FTA Report, there is a corresponding obligation to collect the statutorily required \$30.00 administrative fee. If the person is acquitted of the underlying offense for which the original FTA Report was filed, the originating court shall not require payment of the administrative fee. The local political subdivision shall submit a clearance report immediately advising the TDPS to lift the denial of renewal and identifying the grounds for the action.

The local political subdivision must immediately file a clearance report upon payment of the administrative fee and:

- (1) the perfection of an appeal of the case for which the warrant of arrest was issued or judgment arose;
- (2) the dismissal of the charge for which the warrant of arrest was issued or judgment arose;
- (3) the posting of a bond or the giving of other security to reinstate the charge for which the warrant was issued;
- (4) the payment or discharge of the fine and cost owed on an outstanding judgment of the court; or
- (5) other suitable arrangement to pay the fine and cost within the court's discretion.

The TDPS will not continue to deny renewal of the person's driver license after receiving notice from the local political subdivision that the FTA Report was submitted in error or has been destroyed in accordance with the local political subdivision's record retention policy.

X. Compliance with Law

The local political subdivision understands and agrees that it will comply with all local, state and federal laws in the performance of this Contract, including administrative rules adopted by the TDPS.

XI. Accounting Procedures

An officer collecting fees pursuant to Texas Transportation Code §706.006 shall keep separate records of the funds and shall deposit the funds in the appropriate municipal or county treasury. The custodian of the municipal or county treasury may deposit such fees in an interest-bearing account and retain the interest earned thereon for the local political subdivision. The custodian shall keep accurate and complete records of funds received and disbursed in accordance with this Contract and the governing statutes.

The custodian shall remit \$20.00 of each fee collected pursuant to Texas Transportation Code §706.006 to the Comptroller on or before the last day of each

calendar quarter and retain \$10.00 of each fee for payment to the Vendor and credit to the general fund of the municipal or county treasury.

XII. Payments to Vendor

The TDPS has contracted with OmniBase Services of Texas ("Vendor"), a corporation organized and incorporated under the laws of the State of Texas, with its principal place of business in Austin, Texas, to assist with the implementation of the FTA Program.

Correspondence to the Vendor may be addressed as follows:

OmniBase Services of Texas
7320 North Mo Pac Expressway, Suite 310
Austin, Texas 78731
(512) 346-6511 ext. 100; (512) 346-9312 (fax)

The local political subdivision must pay the Vendor a fee of \$6.00 per person for each violation which has been reported to the Vendor and for which the local political subdivision has subsequently collected the statutorily required \$30.00 administrative fee. In the event that the person has been acquitted of the underlying charge, no payment will be made to the Vendor or required of the local political subdivision.

The parties agree that payment shall be made by the local political subdivision to the Vendor no later than the last day of the month following the close of the calendar quarter in which the payment was received by the local political subdivision.

XIII. Litigation and Indemnity

In the event that the local political subdivision is aware of litigation in which this Contract or Texas Transportation Code Chapter 706 is subject to constitutional, statutory, or common-law challenge, or is struck down by judicial decision, the local political subdivision shall make a good faith effort to notify the TDPS immediately.

Each party may participate in the defense of a claim or suit affecting the FTA Program, but no costs or expenses shall be incurred for any party by the other party without written consent.

To the extent authorized by law, the local political subdivision City agrees to indemnify and hold harmless the TDPS against any claims, suits, actions,

damages and costs of every nature or description arising out of or resulting from the performance of this Contract, and the local political subdivision City further agrees to satisfy any final judgment awarded against the local political subdivision City or the TDPS arising from the performance of this Contract, provided said claim, suit, action, damage, judgment or related cost is not attributed by the judgment of a court of competent jurisdiction to the sole negligence of the TDPS.

It is the agreement of the parties that any litigation involving the parties to this Contract may not be compromised or settled without the express consent of the TDPS, unless such litigation does not name the TDPS as a party.

This section is subject to the statutory rights and duties of the Attorney General for the State of Texas.

XIV. Contract Modification

No modifications, amendments or supplements to, or waivers of, any provision of this Contract shall be valid unless made in writing and executed in the same manner as this Contract.

XV. Severability

If any provision of this Contract is held to be illegal, invalid or unenforceable under present or future laws effective during the term hereof, such provision shall be fully severable. This Contract shall be construed and enforced as if such illegal, invalid or unenforceable provision had never comprised a part hereof, and the remaining provisions shall remain in full force and effect and shall not be affected by the illegal, invalid or unenforceable provision or by its severance therefrom.

XVI. Multiple Counterparts

This Contract may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes and all of which constitutes, collectively, one Contract. But, in making proof of this Contract, it shall not be necessary to produce or account for more than one such counterpart.

XVII. Effective Date of Contract

This Contract shall be in effect from and after the date that the final signature is set forth below. This Contract shall automatically renew on a yearly basis. However, either party may terminate this Contract upon thirty days written notice to the other party. Notice may be given at the following addresses:

Local political subdivision

City of Leon Valley

Texas Department of Public Safety

Attn: Enforcement and Compliance Service

5805 North Lamar Boulevard

Austin, Texas 78773-0001

(512) 424-5311 [fax]

Notice is effective upon receipt or three days after deposit in the U. S. mail, whichever occurs first. After termination, the local political subdivision has a continuing obligation to report dispositions and collect fees for all violators in the FTA System at the time of termination.

**TEXAS DEPARTMENT OF
PUBLIC SAFETY**

LOCAL POLITICAL SUBDIVISION*

Sheri Gipson
Deputy Administrator

Authorized Signature

Date

City Manager

Title

Date

*An additional page may be attached if more than one signature is required to execute this Contract on behalf of the local political subdivision. Each signature block must contain the person's title and date.

MAYOR AND COUNCIL COMMUNICATION

DATE: September 4, 2012
M&C: # 09-04-12

TO: MAYOR AND CITY COUNCIL

SUBJECT: CONSIDER ACTION ON A RESOLUTION AND SUBMISSION OF DOCUMENTATION TO THE TEXAS MUNICIPAL LEAGUE (TML) FOR CONSIDERATION BY THE TML RESOLUTIONS COMMITTEE FOR CONSIDERATION AT THE 2012 ANNUAL TML CONFERENCE REGARDING LEGISLATION TO REPEAL HOTEL-MOTEL OCCUPANCY TAX EXEMPTION AS ALLOWED UNDER TEXAS TAX CODE CHAPTER 156.101—PERMANENT RESIDENT

PURPOSE

This agenda item will allow the City Council to consider approving a resolution for consideration by the Texas Municipal League (TML) at the 2012 TML Conference. Under the TML Constitution, there are prescribed processes for legislative actions to be considered by the TML Resolutions Committee. The proposed resolution contains language which would repeal the Hotel-Motel Occupancy Tax Exemption as allowed under Texas Tax Code Chapter 156.101—Permanent Resident.

Under the current legislation, persons occupying hotel rooms at the rate of \$15 or more each day, for at least 30 consecutive days, without interruption of payment for the period, are exempted from paying hotel occupancy taxes after the initial 30 day period. The repeal of the Tax Exemption would require the payment of hotel occupancy taxes throughout the entire period of occupancy regardless of the length of the stay in excess of 30 days.

If passed by the Texas Legislature, persons who reside in hotel lodging on a permanent basis would share in an equitable manner the payment and collection of taxation for the full and continued occupancy in keeping with residence permanency and in equal measure to holders of real property that are required to pay ad-valorem taxes. The repeal of the exemption would result in collection and payment of hotel occupancy taxes in full to Texas municipalities.

FISCAL IMPACT

Not applicable

RECOMMENDATION

That the City Council adopt a Resolution repealing Section 156.101, Exception—Permanent Resident as authorized under the Tax Code Chapter 156, Hotel Occupancy Tax, Subchapter C. Exceptions to Tax.

S.E.E IMPACT STATEMENT

Social Equity – The City will encourage collaborative participation by all of its residents. The City's residents will fully participate in the payment of taxes imposed by the Tax Code for the use of lodging.

Environmental Stewardship – Not applicable

Economic Development – Not applicable

APPROVED: _____

DISAPPROVED: _____

Agenda Item 9

APPROVED WITH THE FOLLOWING COMMENTS: _____

ATTEST:

Janie Willman, City Secretary

2.

A RESOLUTION RELATING TO CHAPTER 145. HOTEL OCCUPANCY TAX,
SUBCHAPTER C. EXCEPTIONS TO TAX, SEC. 156.101

WHEREAS, the State Legislature authorized the exception to payment of the Hotel Occupancy Tax for permanent residents for use or possession of a room in a hotel for at least 30 consecutive days; and

WHEREAS, Subchapter C. Exceptions to Tax, Section 156.101, directly and dramatically affects the amount of hotel-motel taxes which may be imposed and collected by the comptroller to municipal governments; and

WHEREAS, the repeal of the Section 156.101, would reflect a more equitable distribution of tax collection for permanent residency as required of the State's property holders throughout the life of the use or possession of taxable property;

NOW, THEREFORE, BE IT RESOLVED by the delegates assembled at this 2012 Annual Conference of the Texas Municipal League that the League seeks introduction and passage of legislation that would repeal Section 156.101 of the Hotel Occupancy Tax.

PASSED AND APPROVED by the membership of the Texas Municipal League this ___th day of October, 2012, at Grapevine, Texas.

APPROVED:

Robert Cluck
President

ATTEST:

Bennett Sandlin
Executive Director

TAX CODE

TITLE 2. STATE TAXATION

SUBTITLE E. SALES, EXCISE, AND USE TAXES

CHAPTER 156. HOTEL OCCUPANCY TAX

SUBCHAPTER A. DEFINITIONS

Sec. 156.001. DEFINITION. In this chapter, "hotel" means a building in which members of the public obtain sleeping accommodations for consideration. The term includes a hotel, motel, tourist home, tourist house, tourist court, lodging house, inn, rooming house, or bed and breakfast. The term does not include:

(1) a hospital, sanitarium, or nursing home;

(2) a dormitory or other housing facility owned or leased and operated by an institution of higher education or a private or independent institution of higher education as those terms are defined by Section 61.003, Education Code, used by the institution for the purpose of providing sleeping accommodations for persons engaged in an educational program or activity at the institution; or

(3) an oilfield portable unit, as defined by Section 152.001.

Acts 1981, 67th Leg., p. 1686, ch. 389, Sec. 1, eff. Jan. 1, 1982.

Amended by Acts 1993, 73rd Leg., ch. 486, Sec. 5.01, eff. Oct. 1, 1994; Acts 1995, 74th Leg., ch. 454, Sec. 1, eff. Sept. 1, 1995;

Acts 1995, 74th Leg., ch. 1000, Sec. 56, eff. Oct. 1, 1995.

Amended by:

Acts 2011, 82nd Leg., R.S., Ch. [566](#), Sec. 3, eff. September 1, 2011.

SUBCHAPTER B. TAX

Sec. 156.051. TAX IMPOSED. (a) A tax is imposed on a person who, under a lease, concession, permit, right of access, license, contract, or agreement, pays for the use or possession or for the right to the use or possession of a room or space in a hotel costing

\$15 or more each day.

(b) The price of a room in a hotel does not include the cost of food served by the hotel and the cost of personal services performed by the hotel for the person except for those services related to cleaning and readying the room for use or possession.

Acts 1981, 67th Leg., p. 1686, ch. 389, Sec. 1, eff. Jan. 1, 1982.
Amended by Acts 2003, 78th Leg., ch. 209, Sec. 28, eff. Oct. 1, 2003.

Sec. 156.052. RATE OF TAX. The rate of the tax imposed by this chapter is six percent of the price paid for a room in a hotel.

Acts 1981, 67th Leg., p. 1686, ch. 389, Sec. 1, eff. Jan. 1, 1982.
Amended by Acts 1984, 68th Leg., 2nd C.S., ch. 31, art. 5, Sec. 1, eff. Oct. 2, 1984; Acts 1987, 70th Leg., 2nd C.S., ch. 5, art. 5, Sec. 1.

Sec. 156.053. COLLECTION OF TAX. A person owning, operating, managing, or controlling a hotel shall collect for the state the tax that is imposed by this chapter and that is calculated on the amount paid for a room in the hotel.

Acts 1981, 67th Leg., p. 1686, ch. 389, Sec. 1, eff. Jan. 1, 1982.

SUBCHAPTER C. EXCEPTIONS TO TAX

Sec. 156.101. EXCEPTION - PERMANENT RESIDENT. This chapter does not impose a tax on a person who has the right to use or possess a room in a hotel for at least 30 consecutive days, so long as there is no interruption of payment for the period.

Acts 1981, 67th Leg., p. 1686, ch. 389, Sec. 1, eff. Jan. 1, 1982.
Amended by Acts 1991, 72nd Leg., ch. 328, Sec. 4, eff. Aug. 26, 1991.

Sec. 156.102. EXCEPTION - RELIGIOUS, CHARITABLE, OR EDUCATIONAL ORGANIZATION. (a) This chapter does not impose a tax on a corporation or association that is organized and operated exclusively for a religious, charitable, or educational purpose if no part of the

net earnings of the corporation or association inure to the benefit of a private shareholder or individual.

(b) For purposes of this section:

(1) a corporation or association that is organized and operated exclusively for the cleaning of beaches and that has no part of its net earnings inure to the benefit of a private shareholder or individual is organized and operated exclusively for a charitable purpose; and

(2) a public or private institution of higher education is organized and operated exclusively for an educational purpose only if the institution is defined as a Texas institution of higher education or as a Texas private or independent institution of higher education under any subdivision of Section 61.003, Education Code.

Acts 1981, 67th Leg., p. 1686, ch. 389, Sec. 1, eff. Jan. 1, 1982.
Amended by Acts 1999, 76th Leg., ch. 1359, Sec. 2, eff. Sept. 1, 1999; Acts 1999, 76th Leg., ch. 1467, Sec. 2.48, eff. Oct. 1, 1999; Acts 2001, 77th Leg., ch. 1420, Sec. 18.011, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 209, Sec. 29, eff. Oct. 1, 2003.

Sec. 156.103. EXCEPTI ON- - STATE AND FEDERAL GOVERNMENT. (a)

This chapter does not impose a tax on:

(1) the United States;

(2) a governmental entity of the United States; or

(3) an officer or employee of a governmental entity of the United States when traveling on or otherwise engaged in the course of official duties for the governmental entity.

(b) This state, or an agency, institution, board, or commission of this state other than an institution of higher education shall pay the tax imposed by this chapter and is entitled to a refund of the amount of tax paid in accordance with Section 156.154.

(c) A state officer or employee of a state governmental entity described by Subsection (b) who is entitled to reimbursement for the cost of lodging and for whom a special provision or exception to the general rate of reimbursement under the General Appropriations Act is not applicable shall pay the tax imposed by this chapter. The state governmental entity with whom the person is associated is entitled

under Section 156.154 to a refund of the tax paid.

(d) A state officer or employee of a state governmental entity described by Subsection (b) for whom a special provision or exception to the general rate of reimbursement under the General Appropriations Act applies and who is provided with photo identification verifying the identity and exempt status of the person is not required to pay the tax and is not entitled to a refund. The photo identification of a state officer or employee described by this section may be modified for the purposes of this section.

(e) In this section, "institution of higher education" has the meaning assigned by Section 61.003, Education Code.

Added by Acts 1989, 71st Leg., ch. 504, Sec. 1, eff. Sept. 1, 1989.
Amended by Acts 1995, 74th Leg., ch. 454, Sec. 2, eff. Sept. 1, 1995; Acts 1999, 76th Leg., ch. 1467, Sec. 2.49, eff. Oct. 1, 1999.

Sec. 156.104. EXEMPTION CERTIFICATE. (a) The right to use or possess a room or space in a hotel is exempt from taxation under this chapter if the person required to collect the tax receives, in good faith from a guest, a properly completed exemption certificate stating that the guest is qualified for an exemption under Section 156.102 or 156.103. An exemption certificate must be supported by the documentation required under rules adopted by the comptroller.

(b) The comptroller shall produce and maintain a list of entities that have been provided a letter of exemption from the state hotel occupancy tax under Section 156.102. The comptroller shall make the list available on the comptroller's Internet website.

Added by Acts 2003, 78th Leg., ch. 209, Sec. 30, eff. Oct. 1, 2003.

SUBCHAPTER D. REPORTS AND PAYMENTS

Sec. 156.151. REPORT AND PAYMENT. (a) A person required to collect the tax imposed by this chapter shall pay the comptroller the tax collected during the preceding reporting period and at the same time shall file with the comptroller a report stating:

(1) the total amount of the payments made for rooms at the person's hotel during the preceding reporting period;

(2) the amount of the tax collected by the person during the preceding reporting period; and

(3) other information that the comptroller requires to be in the report.

(b) Except as provided by Subsection (c), each calendar month is a reporting period and the taxes imposed by and collected under this chapter are due and payable to the comptroller on or before the 20th day of the month following the end of each calendar month.

(c) If a taxpayer owes less than \$500 for a calendar month or \$1,500 for a calendar quarter, the taxpayer qualifies as a quarterly filer having a reporting period of a calendar quarter and the taxes are due and payable on the 20th day after the end of the calendar quarter.

Acts 1981, 67th Leg., p. 1687, ch. 389, Sec. 1, eff. Jan. 1, 1982.
Amended by Acts 1993, 73rd Leg., ch. 486, Sec. 5.02, eff. Oct. 1, 1994.

Sec. 156.152. ACCESS TO BOOKS AND RECORDS. After the comptroller gives reasonable notice to a person that the comptroller intends to inspect the books or records of the person, the comptroller has access to the person's books or records necessary for the comptroller to determine the correctness of a report filed under this chapter or the amount of taxes due under this chapter.

Acts 1981, 67th Leg., p. 1687, ch. 389, Sec. 1, eff. Jan. 1, 1982.

Sec. 156.153. REIMBURSEMENT FOR TAX COLLECTION. The person required to file a report under this chapter may deduct and withhold from the taxes otherwise due to the state on the monthly or quarterly return, as reimbursement for the cost of collecting the tax, one percent of the amount of the tax due as shown on the report. If taxes due under this chapter are not paid to the state within the time required or if the person required to file a report fails to file the report when due, the person forfeits the claim to reimbursement that could have been taken if the tax had been paid or the report filed when due.

Added by Acts 1981, 67th Leg., p. 2779, ch. 752, Sec. 11, eff. Jan. 1, 1982. Amended by Acts 1993, 73rd Leg., ch. 486, Sec. 5.03, eff. Oct. 1, 1994.

Sec. 156.154. REFUND. (a) A governmental entity that is entitled under Section 156.103 to a refund of taxes paid under this chapter must file a refund claim with the comptroller.

(b) The claim must be filed on a form provided by the comptroller and contain the information required by the comptroller.

(c) A claim for a refund may be filed only for each fiscal year quarter for all reimbursements accrued during that quarter.

Added by Acts 1995, 74th Leg., ch. 454, Sec. 3, eff. Sept. 1, 1995. Amended by Acts 2001, 77th Leg., ch. 1158, Sec. 91, eff. Sept. 1, 2001.

SUBCHAPTER E. ENFORCEMENT

Sec. 156.201. INTEREST ON DELINQUENT TAXES. A tax imposed by this chapter that is not paid to the comptroller when it is due draws interest as provided by Section 111.060 of this code.

Acts 1981, 67th Leg., p. 1687, ch. 389, Sec. 1, eff. Jan. 1, 1982.

Sec. 156.202. PENALTY. (a) If the person who is required to pay to the comptroller the tax imposed by this chapter fails to file a report or does not pay the tax when it is due, the person shall forfeit to the state a penalty of five percent of the amount of tax due.

(b) If the person who is required to pay the tax to the comptroller does not pay the tax within 30 days after it is due, the person shall forfeit to the state a penalty of an additional five percent of the amount of tax due.

(c) The minimum penalty under Subsections (a) and (b) is \$1.

(d) In addition to any other penalty authorized by this section, a person who fails to file a report as required by this chapter shall pay a penalty of \$50. The penalty provided by this subsection is assessed without regard to whether the taxpayer

subsequently files the report or whether any taxes were due from the taxpayer for the reporting period under the required report.

Acts 1981, 67th Leg., p. 1687, ch. 389, Sec. 1, eff. Jan. 1, 1982.

Amended by:

Acts 2011, 82nd Leg., 1st C.S., Ch. 4, Sec. 14.06, eff. October 1, 2011.

Sec. 156.203. CRIMINAL PENALTY. (a) A person commits an offense if the person fails to file a report with the comptroller, collect a tax for the state, or pay a tax to the comptroller as the person is required to do by this chapter.

(b) An offense under this section is a misdemeanor punishable by a fine of not less than \$100 or more than \$1,000.

Acts 1981, 67th Leg., p. 1687, ch. 389, Sec. 1, eff. Jan. 1, 1982.

Sec. 156.204. TAX COLLECTION ON TERMINATION OF BUSINESS. (a) If a person who is liable for the payment of an amount under Section 156.151 of this code is the owner of the hotel and sells the hotel, the successor to the seller or the seller's assignee shall withhold an amount of the purchase price sufficient to pay the amount due until the seller provides a receipt from the state comptroller showing that the amount has been paid or a certificate stating that no amount is due.

(b) The purchaser of a hotel who fails to withhold an amount of the purchase price as required by this section is liable for the amount required to be withheld to the extent of the value of the purchase price.

(c) The purchaser of a hotel may request that the comptroller issue a certificate stating that no tax is due or issue a statement of the amount required to be paid before a certificate may be issued. The comptroller shall issue the certificate or statement within 60 days after receiving the request or within 60 days after the day on which the records of the former owner of the hotel are made available for audit, whichever period expires later, but in either event the comptroller shall issue the certificate or statement within 90 days after the date of receiving the request.

(d) If the comptroller fails to mail the certificate or statement within the applicable period provided by Subsection (c) of this section, the purchaser is released from the obligation to withhold the purchase price or pay the amount due.

(e) The period of limitation during which the comptroller may assess tax against the purchaser under this section is four years from the date when the former owner of the hotel sells the hotel or when a determination is made against the former owner, whichever event occurs later. At any time within three years after a deficiency determination against the purchaser has become due and payable the comptroller may bring an action in a district court of Travis County or a court of any other state of the United States in the name of the people of Texas to collect the delinquent amounts together with penalties and interest.

Added by Acts 1983, 68th Leg., p. 302, ch. 65, Sec. 1, eff. May 3, 1983.

SUBCHAPTER F. DISPOSITION OF REVENUE

Sec. 156.251. REVENUE DEPOSITED IN GENERAL REVENUE FUND. (a) The revenue from the tax imposed by this chapter shall be deposited in the state treasury to the credit of the general revenue fund.

(b), (c) Expired.

(d) An amount equal to the amount of revenue derived from the collection of taxes imposed by this chapter at a rate of one-half of one percent shall be allocated in the general revenue fund to be used for media advertising and other marketing activities of the Tourism Division of the Texas Department of Commerce. Section 403.094(h), Government Code, does not apply to funds described in this section. This subsection takes effect October 1, 1994.

Acts 1981, 67th Leg., p. 1688, ch. 389, Sec. 1, eff. Jan. 1, 1982.
Amended by Acts 1985, 69th Leg., ch. 651, Sec. 8, eff. Aug. 26, 1985; Acts 1987, 70th Leg., 2nd C.S., ch. 5, art. 5, Sec. 2; Acts 1993, 73rd Leg., ch. 986, Sec. 34, eff. Sept. 1, 1993.

Sec. 156.2511. ALLOCATION OF CERTAIN REVENUE. (a) Not later

than the last day of the month following a calendar quarter, the comptroller shall:

(1) compute the amount of revenue derived from the collection of taxes imposed under this chapter at a rate of two percent and received from hotels located in an eligible coastal municipality that has created a park board of trustees to administer public beaches under Chapter 306, Local Government Code; and

(2) issue to the eligible coastal municipality a warrant drawn on the general revenue fund in the amount computed under Subdivision (1).

(b) An eligible coastal municipality may use money received under this section only to clean and maintain public beaches in that municipality.

(c) Section 403.094(h), Government Code, does not apply to funds described by Subsection (a).

(d) In this section:

(1) "Eligible coastal municipality" has the meaning assigned by Section 351.001.

(2) "Clean and maintain" has the meaning assigned by Section 61.063, Natural Resources Code.

Added by Acts 1995, 74th Leg., ch. 454, Sec. 4, eff. Sept. 1, 1995.

Sec. 156.2512. ALLOCATION OF REVENUE TO CERTAIN MUNICIPALITIES. (a) Not later than the last day of the month following a calendar quarter, the comptroller shall:

(1) compute the amount of revenue derived from the collection of taxes imposed under this chapter at a rate of one percent and received from hotels located on barrier islands in an eligible barrier island coastal municipality; and

(2) issue to the eligible barrier island coastal municipality a warrant drawn on the general revenue fund in the amount computed under Subdivision (1).

(b) An eligible barrier island coastal municipality may use money received under this section only:

(1) to clean and maintain public beaches in that municipality; and

(2) for an erosion response project in that municipality.

(c) In this section:

(2) "Clean and maintain" has the meaning assigned by Section 61.063, Natural Resources Code.

(3) "Erosion response project" has the meaning assigned by Section 33.601, Natural Resources Code.

(1) "Eligible barrier island coastal municipality" means a municipality:

(A) that borders on the Gulf of Mexico;

(B) that is located wholly or partly on a barrier island; and

(C) the boundaries of which are within 30 miles of the United Mexican States or include:

(i) a portion of a national seashore; or

(ii) a national estuarine research reserve.

Added by Acts 1999, 76th Leg., ch. 1359, Sec. 1, eff. Sept. 1, 1999.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. [1192](#), Sec. 1, eff. June 15, 2007.

Acts 2009, 81st Leg., R.S., Ch. [667](#), Sec. 1, eff. July 1, 2009.

Sec. 156.2513. ALLOCATION OF REVENUE TO CERTAIN MUNICIPALITIES AND COUNTIES. Not later than the last day of the month following a calendar quarter, the comptroller shall:

(1) compute the amount of revenue, excluding penalties and interest and amounts paid under protest, derived from the collection of taxes imposed by this chapter that resulted from documentation or other information described by Section 351.008 or 352.008; and

(2) issue a warrant drawn on the general revenue fund in the amount of 20 percent of the revenue computed under Subdivision (1) to the municipality or county that provided the documentation or other information.

Added by Acts 2011, 82nd Leg., R.S., Ch. [1152](#), Sec. 1, eff. September 1, 2011.



TEXAS MUNICIPAL LEAGUE

President **Leonard Reed**, Mayor, Willis
Executive Director **Bennett Sandlin**

July 13, 2012

MEMORANDUM

TO: TML Member Cities
TML Regional Officers
TML Affiliate Presidents

FROM: Bennett Sandlin, Executive Director

SUBJECT: Resolutions for the 2012 TML Annual Conference

In order to facilitate the development of policy, the TML Constitution provides a resolutions process that allows input from TML member cities, regions, and affiliates. It is through this process that issues most important to the cities of Texas are identified and decisions are made regarding the allocation of the League's legislative and administrative resources.

The TML Constitution states that resolutions for consideration at the Annual Conference must be submitted to the TML headquarters 45 calendar days prior to the first day of the Annual Conference. For 2012, this provision means that resolutions from any member city, TML region, or TML affiliate must arrive at the TML headquarters no later than **October 1, 2012**.

The TML Board of Directors has adopted several procedures governing the resolutions process. Please review the following items carefully and thoroughly.

1. No resolution can be considered by the TML Resolutions Committee unless it has prior approval of: (a) the governing body of a TML member city; (b) the governing body or membership of a TML affiliate; **or** (c) the membership of a TML region at a regional meeting.
2. TML member cities, regions, and affiliates that wish to submit a resolution **must** complete a resolution cover sheet. The cover sheet to be used is attached. Please feel free to make as many copies of this cover sheet as needed. The cover sheet must be attached to the resolution throughout each step of the resolutions process.
3. Resolutions submitted will be thoroughly discussed at the TML Annual Conference. The Resolutions Committee is appointed by the TML

President and is made up of city officials from TML member cities across the state.

4. The city or other entity that submits a resolution is encouraged to send a representative to the Resolutions Committee meeting to explain the resolution. The Resolutions Committee will meet at **2:00 p.m.** on **Tuesday, November 13, 2012,** at the **Gaylord Texan Convention Center** in **Grapevine.**

If the procedures described above are not followed for any given resolution, that resolution is likely to be referred to some other TML committee for further study. In that case, the resolution would not be adopted during the 2012 conference.

You should also be aware that under the TML Constitution, resolutions received after the deadline of October 1, 2012, must not only have the attached cover sheet, but also must “state the reason precluding timely submission.” These late resolutions can be considered by the TML Resolutions Committee at the Annual Conference only if two-thirds of the Committee members present and voting agree to suspend the submission rule and consider the resolution.

Resolutions may be submitted by mail, fax, or by e-mail (resolutions@tml.org).

If you have any questions or would like any assistance, please call Bennett Sandlin, at any time – (512) 231-7400.

cc: TML Board of Directors

**2012
TML RESOLUTION COVER SHEET**

Sponsoring Entity: _____
(City, TML Affiliate, and/or TML Region)

Brief Background: _____

What the Resolution is Intended to Accomplish: _____

How the Resolution is City-Related/How it Addresses a Municipal Issue: _____

Statewide Importance: _____

Submitted By: Name: _____
Title: _____
City: _____
Telephone: _____

PLEASE DO NOT WRITE ON THE BACK OF THIS FORM

MAYOR AND COUNCIL COMMUNICATION

DATE: September 4, 2012
M&C: # 09-05-12

TO: MAYOR AND CITY COUNCIL

SUBJECT: DISCUSS AND CONSIDER ACTION ON THE LEON VALLEY HISTORICAL SOCIETY'S (LVHS) REQUEST

PURPOSE

The Leon Valley City Council received an Annual Report by the Leon Valley Historical Society (LVHS) at its April 17, 2012 Regular City Council Meeting in keeping with its Lease Agreement. The LVHS made a formal request for consideration by the City Council, to-wit:

- A. Award of a \$2,400 Matching Grant to the LVHS for Payment of a Portion of Architectural Costs and Staff Fees Associated with Fulfilling Best Practices Requirements for the Dismantling of the Collapsed Farm Shed on Bandera Road Frontage.

The City Council at its May 15, 2012 Regular City Council Meeting directed that this item be brought back with an explanation regarding why this amount was not included in the previous grant match request in December 2011.

FISCAL IMPACT

As may be authorized by the City Council.

RECOMMENDATION

Not applicable.

S.E.E IMPACT STATEMENT

Social Equity – Local governments that practice transparency and due diligence as a part of their administrative and governance practices ensure optimal Social Equity and services for their residents, business owners, and community stakeholders. The Historic Huebner-Onion Homestead and the Natural Area are considered among Leon Valley’s cultural and historical amenities provided to the City’s citizens, businesses, and community stakeholders.

Economic Development – Local governments that provide cultural and historical amenities attract and retain quality Economic Development.

Environmental Stewardship – The City of Leon Valley has, in its mission and value statements, a commitment to Environmental Stewardship. Environmentally stabilizing the Historic Huebner-Onion Homestead and the Natural Area along Bandera Road demonstrates the City Council’s commitment to Environmental Stewardship and ensures this Leon Valley cultural and historical amenity for perpetuity.

APPROVED: _____

DISAPPROVED: _____

APPROVED WITH THE FOLLOWING COMMENTS: _____

Agenda Item 10

ATTEST:

Janie Willman, City Secretary

Leon Valley Historical Society

Reports

1—Bank Statement for July 2012

2—Financial Report

3—Tax Return for 2008

4—Tax Return for 2009

5—Tax Return for 2010

6—Tax Return for 2011



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HISTORICAL SOCIETY OF LEON VALLEY
HUEBNER-ONION HOMESTEAD
PO BOX 380644
SAN ANTONIO TX 78268-7644

Questions?

Available by phone 24 hours a day, 7 days a week:

1-800-CALL-WELLS (1-800-225-5935)

TTY: 1-800-877-4833

En español: 1-877-337-7454

Online: wells Fargo.com/biz

Write: Wells Fargo Bank, N.A. (808)
Post Office Box 266000
Dallas, TX 75326

Your Business and Wells Fargo

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*2002-2010 Community Reinvestment Act government data. Equal Housing Lender.

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A check mark in the box indicates you have these convenient services with your account. Go to wells Fargo.com/biz or call the number above if you have questions or if you would like to add new services.

- Business Online Banking
- Rewards for Business Check Card
- Online Statements
- Business Bill Pay
- Business Spending Report
- Overdraft Protection

Activity summary

Beginning balance on 6/28	\$22,597.49
Deposits/Credits	48,936.98
Withdrawals/Debits	- 36,466.73
Ending balance on 7/27	\$35,067.74

Average ledger balance this period \$31,086.83

Account number: |

**HISTORICAL SOCIETY OF LEON VALLEY
HUEBNER-ONION HOMESTEAD**

Texas/Arkansas account terms and conditions apply

For Direct Deposit and Automatic Payments use
Routing Number (RTN):

For Wire Transfers use
Routing Number (RTN):

Overdraft Protection

This account is not currently covered by Overdraft Protection. If you would like more information regarding Overdraft Protection and eligibility requirements please call the number listed at the top of your statement or visit your Wells Fargo branch.

DCDF11DTQ7 031147 NNNNNNNNNNN NNN NNN 001 002 808 147641 10325142.1.1

Leon Valley Historical Society

Financial Report

August 29, 2012

Wells Fargo Checking Account:	
Balance of August 29, 2012	\$ 34,650.64
Expenses for Remainder of 2012:	
Architects Balance	\$ 28,575.00
Consultant	1,000.00
Electrical	100.00
Insurance	491.52
Lawn Service	300.00
Printing Service	300.00
Festival in Oct.	615.00
Bank Charge	<u>20.00</u>
Total Expenses for Remainder of 2012	\$ 31,401.52

12:39 PM

1/10/09

Cash Basis

Leon Valley Historical Society
Profit & Loss
January through December 2008

Jan - Dec 08

Ordinary Income/Expense	
Income	
Donations	1,482.43
Income-Auction at Dinner	1,976.00
Income - Hueb Onion Dinner Ads	1,505.00
Income - Jewelry Sale	38.00
Income - Raffel at Dinner	340.00
Income - T Shirt Sale	205.00
Income Huebner Onion Dinner	6,456.99
Membership Dues	1,115.00
Memorial - Donation	575.00
Total Income	13,693.42
Expense	
Convention or Meeting Expense	515.00
Donation	50.00
Equipment Rental and Maintenanc	288.47
Flowers	138.00
Hoebner Onion Dinner - Supplies	154.68
Huebner Onion Dinner - Outback	1,650.00
Insurance	2,592.28
Jewelry Payment	70.00
Maintenance and Repairs	929.75
Membership Expense	230.00
Other Miscellaneous Expenses	82.00
Photos	195.00
Postage and Delivery	152.80
Printing and Reproduction	1,151.48
Professional Services fees	3,920.00
Sign for HOHome	1,628.48
Stamps	63.00
Utilities	100.55
Web Site Services	233.92
Total Expense	14,145.41
Net Ordinary Income	-451.99
Other Income/Expense	
Other Income	
Grant Money (S.A. Area Foundati	5,000.00
Interest Earned	837.10
Total Other Income	5,837.10
Net Other Income	5,837.10
Net Income	5,385.11

9:16 AM

04/11/09

Accrual Basis

Leon Valley Historical Society
Balance Sheet
As of December 31, 2008

	<u>Dec 31, 08</u>
ASSETS	
Current Assets	
Checking/Savings	
Huebner-Onion Homestead Account	15,357.29
Leon Valley Historical Society	2,532.69
Leon Valley Natural Area	45.96
Savings Account #1	11,282.32
Savings Account #2	10,832.01
Savings Account #3	10,445.77
Total Checking/Savings	<u>50,496.04</u>
Total Current Assets	<u>50,496.04</u>
TOTAL ASSETS	<u><u>50,496.04</u></u>
LIABILITIES & EQUITY	
Equity	
Opening Balance Equity	44,848.79
Retained Earnings	262.14
Net Income	5,385.11
Total Equity	<u>50,496.04</u>
TOTAL LIABILITIES & EQUITY	<u><u>50,496.04</u></u>

Short Form
Return of Organization Exempt From Income Tax
 Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code
 (except black lung benefit trust or private foundation)

Open to Public Inspection

Department of the Treasury
 Internal Revenue Service

▶ Sponsoring organizations of donor advised funds and controlling organizations as defined in section 512(b)(13) must file Form 990. All other organizations with gross receipts less than \$1,000,000 and total assets less than \$2,500,000 at the end of the year may use this form.

▶ The organization may have to use a copy of this return to satisfy state reporting requirements.

A For the 2008 calendar year, or tax year beginning , 2008, **and ending** , 20

B Check if applicable:
 Address change
 Name change
 Initial return
 Termination
 Amended return
 Application pending

C Name of organization, number and street, city, town, state, and ZIP code
 Please use IRS label or print or type. See Specific Instructions.
 LEON VALLEY PAGEANT ASSOC
 DBA HISTORICAL SOCIETY OF LEON VALL
 PO BOX 380644
 SAN ANTONIO TX 78268-7644

D Employer identification number
 74-2295892

E Telephone number
 210-681-5889

F Group Exemption Number ▶

G Accounting method: Cash Accrual
 Other (specify) ▶

H Check if the organization is not required to attach Sch. B (Form 990, 990-EZ, or 990-PF).

I Website: ▶ LEONVALLEYHISTORICALSOCIETY. OR

J Organization type (check only one) - 501(c)(3) ◀ (insert no.) | 4947(a)(1) or | 527

K Check if the organization is not a section 509(a)(3) supporting organization and its gross receipts are normally not more than \$25,000.
 A return is not required, but if the organization chooses to file a return, be sure to file a complete return.

L Add lines 5b, 6b, and 7b, to line 9 to determine gross receipts; if \$1,000,000 or more, file Form 990 instead of Form 990-EZ. ▶ \$ 19,530.

Part I Revenue, Expenses, and Changes in Net Assets or Fund Balances		(See the instructions.)	
Revenue	1 Contributions, gifts, grants, and similar amounts received	1	7,057.
	2 Program service revenue including government fees and contracts	2	
	3 Membership dues and assessments	3	1,115.
	4 Investment income	4	837.
	5 a Gross amount from sale of assets other than inventory	5a	
	b Less: cost or other basis and sales expenses	5b	
	c Gain or (loss) from sale of assets other than inventory (Subtract line 5b from line 5a) (attach schedule).	5c	
	6 Special events and activities (complete applicable parts of Schedule G). If any amount is from gaming, check here <input type="checkbox"/>		
	a Gross revenue (not including \$ _____ of contributions reported on line 1)	6a	10,521.
b Less: direct expenses other than fundraising expenses	6b	1,875.	
c Net income or (loss) from special events and activities (Subtract line 6b from line 6a)	6c	8,646.	
7 a Gross sales of inventory, less returns and allowances	7a		
b Less: cost of goods sold	7b		
c Gross profit or (loss) from sales of inventory (Subtract line 7b from line 7a)	7c		
8 Other revenue (describe ▶ _____)	8		
9 Total revenue Add lines 1, 2, 3, 4, 5c, 6c, 7c, and 8	9	17,655.	
Expenses	10 Grants and similar amounts paid (attach schedule)	10	
	11 Benefits paid to or for members	11	
	12 Salaries, other compensation, and employee benefits	12	
	13 Professional fees and other payments to independent contractors	13	3,920.
	14 Occupancy, rent, utilities, and maintenance	14	1,030.
	15 Printing, publications, postage, and shipping	15	1,367.
	16 Other expenses (describe ▶ SEE STMT)	16	5,952.
17 Total expenses Add lines 10 through 16	17	12,269.	
Net Assets	18 Excess or (deficit) for the year (Subtract line 17 from line 9)	18	5,386.
	19 Net assets or fund balances at beginning of year (from line 27, column (A)) (must agree with end-of-year figure reported on prior year's return)	19	332,988.
	20 Other changes in net assets or fund balances (attach explanation)	20	
	21 Net assets or fund balances at end of year. Combine lines 18 through 20	21	338,374.

Part II Balance Sheets. If Total assets on line 25, column (B) are \$2,500,000 or more, file Form 990 instead of Form 990-EZ.
 (See the instructions.)

	(A) Beginning of year	(B) End of year
22 Cash, savings, and investments	46,459.	50,496.
23 Land and buildings	278,055.	279,404.
24 Other assets (describe ▶ SEE STMT)	8,474.	8,474.
25 Total assets	332,988.	338,374.
26 Total liabilities (describe ▶ _____)		
27 Net assets or fund balances (line 27 of column (B) must agree with line 21)	332,988.	338,374.

For Privacy Act and Paperwork Reduction Act Notice, see the instruction for Form 990.

Part V Other Information (Note the statement requirements in the instructions for Part VI.)

		Yes	No
33	Did the organization engage in any activity not previously reported to the IRS? If "Yes," attach a detailed description of each activity		X
34	Were any changes made to the organizing or governing documents but not reported to the IRS? If "Yes," attach a conformed copy of the changes		X
35	If the organization had income from business activities, such as those reported on lines 2, 6a, and 7a (among others), but not reported on Form 990-T, attach a statement explaining your reason for not reporting the income on Form 990-T.		
a	Did the organization have unrelated business gross income of \$1,000 or more or section 5033(e) notice, reporting, and proxy tax requirements?		X
b	If "Yes," has it filed a tax return on Form 990-T for this year?		
36	Was there a liquidation, dissolution, termination, or substantial contraction during the year? If "Yes," complete applicable parts of Schedule N		X
37a	Enter amount of political expenditures, direct or indirect, as described in the instructions.	37a	0
b	Did the organization file Form 1120-POL for this year?	37b	
38a	Did the organization borrow from, or make any loans to, any officer, director, trustee, or key employee or were any such loans made in a prior year and still unpaid at the start of the period covered by this return?	38a	X
b	If "Yes," complete Schedule L, Part II and enter the total amount involved	38b	
39	Section 501(c)(7) organizations. Enter:		
a	Initiation fees and capital contributions included on line 9	39a	
b	Gross receipts, included on line 9, for public use of club facilities	39b	
40a	Section 501(c)(3) organizations. Enter amount of tax imposed on the organization during the year under:		
	section 4911; section 4912; section 4955		
b	Section 501(c)(3) and (4) organizations. Did the organization engage in any section 4958 excess benefit transaction during the year or did it become aware of an excess benefit transaction from a prior year? If "Yes," complete Schedule L, Part I	40b	X
c	Enter amount of tax imposed on organization managers or disqualified persons during the year under sections 4912, 4955, and 4958		
d	Enter amount of tax on line 40c reimbursed by the organization		
e	All organizations. At any time during the tax year, was the organization a party to a prohibited tax shelter transaction? If "Yes," complete Form 8886-T.	40e	X
41	List the states with which a copy of this return is filed.		
42a	The books are in care of <u>BARBARA FRYER</u> Telephone no. <u>210-684-0885</u> Located at <u>7205 HUEBNER RD TX SAN ANTONIO</u> ZIP + 4 <u>78240-3122</u>		
b	At any time during the calendar year, did the organization have an interest in or a signature or other authority over a financial account in a foreign country (such as a bank account, securities account, or other financial account)? If "Yes," enter the name of the foreign country: _____ See the instructions for exceptions and filing requirements for Form TD F 90-22.1, Report of Foreign Bank and Financial Accounts.	42b	X
c	At any time during the calendar year, did the organization maintain an office outside of the U.S.? If "Yes," enter the name of the foreign country: _____	42c	X
43	Section 4947(a)(1) nonexempt charitable trusts filing Form 990-EZ in lieu of Form 1041 - Check here <input type="checkbox"/> and enter the amount of tax-exempt interest received or accrued during the tax year	43	
44	Did the organization maintain any donor advised funds? If "Yes," Form 990 must be completed instead of Form 990-EZ	44	X
45	Is any related organization a controlled entity within the meaning of section 512(b)(13)? If "Yes," Form 990 must be completed instead of Form 990-EZ	45	X

Part VI Section 501(c)(3) organizations only. All section 501(c)(3) organizations must answer questions 46 - 49 and complete the tables for lines 50 and 51.

- 46 Did the organization engage in direct or indirect political campaign activities on behalf of or in opposition to candidates for public office? If "Yes," complete Schedule C, Part I Yes No
 - 47 Did the organization engage in lobbying activities? If "Yes," complete Schedule C, Part II Yes No
 - 48 Is the organization operating a school as described in section 170(b)(1)(A)(ii)? If "Yes," complete Schedule E Yes No
 - 49a Did the organization make any transfers to an exempt non-charitable related organization? Yes No
 - 49b If "Yes," was the related organization(s) a section 527 organization? Yes No
- 50 Complete this table for the five highest compensated employees (other than officers, directors, trustees and key employees) who each received more than \$100,000 of compensation from the organization. If there is none, enter "None."

(a) Name and address of each employee paid more than \$100,000	(b) Title and average hours per week devoted to position	(c) Compensation	(d) Contributions to employee benefit plans & deferred compensation	(e) Expense account and other allowances
NONE				

Total number of other employees paid over \$100,000 ▶

51 Complete this table for the five highest compensated independent contractors who each received more than \$100,000 of compensation from the organization. If there is none, enter "None."

(a) Name and address of each independent contractor paid more than \$100,000	(b) Type of service	(c) Compensation
NONE		

Total number of other independent contractors each receiving over \$100,000 ▶

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.

Sign Here 07/31/2009
 Signature of officer Date
 DARBY RILEY PRESIDENT
 Type or print name and title.

Paid Preparer's Use Only
 Preparer's signature Date
07/30/2009
 Check if self-employed
 Preparer's Identifying No. (See instr.) P00395583
 Firm's name (or yours if self-employed), address, and ZIP + 4 JOHN G GAINES CPA PC
 PO BOX 1229
 HELOTES TX 78023-1229
 EIN ▶ 74-2858903
 Phone no. ▶ 210-695-3221

May the IRS discuss this return with the preparer shown above? See instructions ▶ Yes No

Part II Support Schedule for Organizations Described in Sections 170(b)(1)(A)(iv) and 170(b)(1)(A)(vi)

(Complete only if you checked the box on line 5, 7, or 8 of Part I.)

Section A. Public Support

Calendar year (or fiscal year beginning in) ▶	(a) 2004	(b) 2005	(c) 2006	(d) 2007	(e) 2008	(f) Total
1 Gifts, grants, contributions, and membership fees received. (Do not include any "unusual grants.")	29868.	3905.	6691.	7648.	3172.	51284.
2 Tax revenues levied for the organization's benefit and either paid to or expended on its behalf						
3 The value of services or facilities furnished by a governmental unit to the organization without charge						
4 Total. Add lines 1-3	29868.	3905.	6691.	7648.	3172.	51284.
5 The portion of total contributions by each person (other than a governmental unit or publicly supported organization) included on line 1 that exceeds 2% of the amount shown on line 11, column (f)						
6 Public support. Subtract line 5 from line 4.						
						51284.

Section B. Total Support

Calendar year (or fiscal year beginning in) ▶	(a) 2004	(b) 2005	(c) 2006	(d) 2007	(e) 2008	(f) Total
7 Amounts from line 4	29868.	3905.	6691.	7648.	3172.	51284.
8 Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources	2.	89.	926.	926.	837.	2780.
9 Net income from unrelated business activities, whether or not the business is regularly carried on						
10 Other income. Do not include gain or loss from the sale of capital assets (Explain in Part IV.)						
11 Total support. Add lines 7 through 10						54064.
12 Gross receipts from related activities, etc. (see instructions)						12
13 First five years. If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and stop here	<input type="checkbox"/>					

Section C. Computation of Public Support Percentage

14 Public support percentage for 2008 (line 6, column (f) divided by line 11, column (f))	14	94.86 %
15 Public support percentage from 2007 Schedule A, Part IV-A, line 26f	15	98.70 %
16a 33 1/3% support test - 2008. If the organization did not check the box on line 13, and line 14 is 33 1/3% or more, check this box and stop here. The organization qualifies as a publicly supported organization	<input checked="" type="checkbox"/>	
b 33 1/3% support test - 2007. If the organization did not check a box on line 13 or 16a, and line 15 is 33 1/3% or more, check this box and stop here. The organization qualifies as a publicly supported organization	<input type="checkbox"/>	
17a 10% facts-and-circumstances test - 2008. If the organization did not check a box on line 13, 16a or 16b, and line 14 is 10% or more, and if the organization meets the "facts-and-circumstances" test, check this box and stop here. Explain in Part IV how the organization meets the "facts-and-circumstances" test. The organization qualifies as a publicly supported organization	<input type="checkbox"/>	
b 10% facts-and-circumstances test - 2007. If the organization did not check a box on line 13, 16a, 16b, or 17a, and line 15 is 10% or more, and if the organization meets the "facts-and-circumstances" test, check this box and stop here. Explain in Part IV how the organization meets the "facts-and-circumstances" test. The organization qualifies as a publicly supported organization	<input type="checkbox"/>	
18 Private foundation. If the organization did not check a box in line 13, 16a, 16b, 17a or 17b, check this box and see instructions	<input type="checkbox"/>	

US 990

Other Assets

2008

Description	Beginning of year book value	End of year book value	FMV
4 WOODEN TABLES, SPEKARE PLATFORM	2,500.	2,500.	2,500.
20 CEDAR POSTS & SIGNS-NATURAL AREA	957.	957.	957.
ELECTRICAL INSTALLATION	1,612.	1,612.	1,612.
TEXAS HISTORICAL COMMISSION	100.	100.	100.
HISTORICAL PLAQUE	1,500.	1,500.	1,500.
DESIGN LOGO	1,500.	1,500.	1,500.
SOUTHWELL CO. MOLASSES PRESS PLAQUE	305.	305.	305.
	8,474.	8,474.	8,474.

US 990

Other Expenses

2008

Description	Expenses per books	Net investment income	Adjusted net income	Charitable purposes
MEETING EXPENSE	515.			515.
DONATION	50.			50.
EQUIPMENT RENTAL	288.			288.
FLOWERS	138.			138.
INSURANCE	2,592.			2,592.
MEMBERSHIP	230.			230.
MISCELLANEOUS	82.			82.
PHOTOS	195.			195.
SIGN FOR HUEBNER-ONION HOUSE	1,628.			1,628.
WEB SITE	234.			234.
	5,952.			5,952.

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01/17/10
Cash Basis

Leon Valley Historical Society
Profit & Loss
January through December 2009

	<u>Jan - Dec ...</u>
Ordinary Income/Expense	
Income	
Donations	14,271.05
Income-Auction at Dinner	50.00
Income - Hueb Onion Dinner Ads	825.00
Income - T Shirt Sale	105.00
Income Huebner Onion Dinner	8,008.00
Membership Dues	460.00
Memorial - Donation	60.00
Total Income	<u>23,779.05</u>
Expense	
Convention or Meeting Expense	509.00
Equipment Rental and Mainten...	385.00
Hoebner Onion Dinner - Supplies	122.07
Huebner-Onion Dinner	1,721.00
Insurance	1,298.25
Jewelry Payment	46.00
Maintenance and Repairs	613.70
Membership Expense	115.00
Other Miscellaneous Expenses	350.11
Postage and Delivery	386.60
Printing and Reproduction	960.95
Professional Services fees	4,510.00
Stamps	38.00
Supplies and Materials	472.44
Utilities	139.48
Web Site Services	233.92
Total Expense	<u>11,901.52</u>
Net Ordinary Income	11,877.53
Other Income/Expense	
Other Income	
Interest Earned	357.29
Total Other Income	<u>357.29</u>
Net Other Income	<u>357.29</u>
Net Income	<u><u>12,234.82</u></u>

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04/16/09

Cash Basis

Leon Valley Historical Society
Balance Sheet
As of April 16, 2009

	Apr 16, 09
ASSETS	
Current Assets	
Checking/Savings	
Huebner-Onion Homestead Account	13,645.64
Leon Valley Historical Society	2,599.30
Leon Valley Natural Area	40.88
Savings Account #1	11,282.32
Savings Account #2	10,872.66
Savings Account #3	10,484.98
Total Checking/Savings	<u>48,925.78</u>
Total Current Assets	<u>48,925.78</u>
TOTAL ASSETS	<u>48,925.78</u>
LIABILITIES & EQUITY	
Equity	
Opening Balance Equity	44,848.79
Retained Earnings	5,647.25
Net Income	-1,570.26
Total Equity	<u>48,925.78</u>
TOTAL LIABILITIES & EQUITY	<u>48,925.78</u>

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04/16/09

Cash Basis

Leon Valley Historical Society
Profit & Loss
January 1 through April 16, 2009

Jan 1 - Apr 16, 09

Ordinary Income/Expense	
Income	
Donations	1,310.50
Income - T Shirt Sale	60.00
Membership Dues	200.00
Memorial - Donation	60.00
	<hr/>
Total Income	1,630.50
Expense	
Convention or Meeting Expense	509.00
Equipment Rental and Maintenan	100.00
Insurance	415.08
Jewelry Payment	23.00
Maintenance and Repairs	50.00
Printing and Reproduction	147.89
Professional Services fees	1,950.00
Stamps	38.00
Utilities	47.65
	<hr/>
Total Expense	3,280.62
Net Ordinary income	-1,650.12
Other Income/Expense	
Other Income	
Interest Earned	79.86
	<hr/>
Total Other Income	79.86
Net Other Income	79.86
	<hr/>
Net Income	<u><u>-1,570.26</u></u>

Short Form
Return of Organization Exempt From Income Tax
 Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code
 (except black lung benefit trust or private foundation)

Open to Public Inspection

Department of the Treasury
 Internal Revenue Service

▶ Sponsoring organizations of donor advised funds and controlling organizations as defined in section 512(b)(13) must file Form 990. All other organizations with gross receipts less than \$500,000 and total assets less than \$1,250,000 at the end of the year may use this form.
 ▶ The organization may have to use a copy of this return to satisfy state reporting requirements.

A For the 2009 calendar year, or tax year beginning , 2009, and ending , 20

<p>B Check if applicable:</p> <p>Address change</p> <p>Name change</p> <p>Initial return</p> <p>Termination</p> <p>Amended return</p> <p>Application pending</p>	<p>Please use IRS label or print or type. See Specific Instructions.</p>	<p>C Name of organization, number and street, city, town, state, and ZIP code</p> <p>LEON VALLEY PAGEANT ASSOC DBA HISTORICAL SOCIETY OF LEON VALL PO BOX 380644 SAN ANTONIO TX 78268-7644</p>	<p>D Employer identification number</p> <p>74-2295892</p> <p>E Telephone number</p> <p>210-681-5889</p> <p>F Group Exemption Number ▶</p>
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• **Section 501(c)(3) organizations and 4947(a)(1) nonexempt charitable trusts must attach a completed Schedule A (Form 990 or 990-EZ).**

I Website: ▶ LEONVALLEYHISTORICALSOCIETY.ORG

J Tax-exempt status (check only one) - 501(c)(3) ◀ (insert no.) 4947(a)(1) or 527

K Check ▶ if the organization is not a section 509(a)(3) supporting organization and its gross receipts are normally not more than \$25,000. A 990-EZ or Form 990 return is not required, but if the organization chooses to file a return, be sure to file a complete return.

L Add lines 5b, 6b, and 7b, to line 9 to determine gross receipts; if \$500,000 or more, file Form 990 instead of Form 990-EZ. ▶ \$ 24,136.

Part I Revenue, Expenses, and Changes in Net Assets or Fund Balances (See the instructions for Part I.)

Revenue	1	Contributions, gifts, grants, and similar amounts received	1	14,331.
	2	Program service revenue including government fees and contracts	2	
	3	Membership dues and assessments	3	460.
	4	Investment income	4	357.
	5 a	Gross amount from sale of assets other than inventory	5 a	
		b Less: cost or other basis and sales expenses	5 b	
		c Gain or (loss) from sale of assets other than inventory (Subtract line 5b from line 5a)	5 c	
	6	Special events and activities (complete applicable parts of Schedule G). If any amount is from gaming, check here ▶ <input type="checkbox"/>		
		a Gross revenue (not including \$ of contributions reported on line 1)	6 a	8,163.
	b Less: direct expenses other than fundraising expenses	6 b	1,891.	
	c Net income or (loss) from special events and activities (Subtract line 6b from line 6a)	6 c	6,272.	
	7 a Gross sales of inventory, less returns and allowances	7 a		
	b Less: cost of goods sold	7 b		
	c Gross profit or (loss) from sales of inventory (Subtract line 7b from line 7a)	7 c		
	8 Other revenue (describe ▶ SALE OF ADVERTISING)	8	825.	
	9 Total revenue. Add lines 1, 2, 3, 4, 5c, 6c, 7c, and 8	9	22,245.	
Expenses	10	Grants and similar amounts paid (attach schedule)	10	
	11	Benefits paid to or for members	11	
	12	Salaries, other compensation, and employee benefits	12	
	13	Professional fees and other payments to independent contractors	13	4,510.
	14	Occupancy, rent, utilities, and maintenance	14	2,436.
	15	Printing, publications, postage, and shipping	15	2,207.
	16	Other expenses (describe ▶ SEE STMT)	16	857.
	17 Total expenses. Add lines 10 through 16	17	10,010.	
Net Assets	18	Excess or (deficit) for the year (Subtract line 17 from line 9)	18	12,235.
	19	Net assets or fund balances at beginning of year (from line 27, column (A)) (must agree with end-of-year figure reported on prior year's return)	19	338,374.
	20	Other changes in net assets or fund balances (attach explanation)	20	
	21	Net assets or fund balances at end of year. Combine lines 18 through 20	21	350,609.

Part II Balance Sheets. If Total assets on line 25, column (B) are \$1,250,000 or more, file Form 990 instead of Form 990-EZ.

		(See the instructions for Part II.)		(A) Beginning of year	(B) End of year
22	Cash, savings, and investments			50,496.	22
23	Land and buildings			279,404.	23
24	Other assets (describe ▶ SEE STMT)			8,474.	24
25	Total assets			338,374.	25
26	Total liabilities (describe ▶)				26
27	Net assets or fund balances (line 27 of column (B) must agree with line 21)			338,374.	27
					8,474.

Part V Other Information (Note the statement requirements in the instructions for Part V.)

		Yes	No
33	Did the organization engage in any activity not previously reported to the IRS? If "Yes," attach a detailed description of each activity		X
34	Were any changes made to the organizing or governing documents? If "Yes," attach a conformed copy of the changes		X
35	If the organization had income from business activities, such as those reported on lines 2, 6a, and 7a (among others), but not reported on Form 990-T, attach a statement explaining why the organization did not report the income on Form 990-T.		
a	Did the organization have unrelated business gross income of \$1,000 or more or was it subject to section 6033(e) notice, reporting, and proxy tax requirements?		X
b	If "Yes," has it filed a tax return on Form 990-T for this year?		
36	Did the organization undergo a liquidation, dissolution, termination, or significant disposition of net assets during the year? If "Yes," complete applicable parts of Schedule N		X
37a	Enter amount of political expenditures, direct or indirect, as described in the instructions	37a	0
b	Did the organization file Form 1120-POL for this year?	37b	
38a	Did the organization borrow from, or make any loans to, any officer, director, trustee, or key employee or were any such loans made in a prior year and still outstanding at the end of the period covered by this return?	38a	X
b	If "Yes," complete Schedule L, Part II and enter the total amount involved	38b	
39	Section 501(c)(7) organizations. Enter:		
a	Initiation fees and capital contributions included on line 9	39a	
b	Gross receipts, included on line 9, for public use of club facilities	39b	
40a	Section 501(c)(3) organizations. Enter amount of tax imposed on the organization during the year under: section 4911; section 4912; section 4955		
b	Section 501(c)(3) and 501(c)(4) organizations. Did the organization engage in any section 4958 excess benefit transaction during the year or is it aware that it engaged in an excess benefit transaction with a disqualified person in a prior year, and that the transaction has not been reported on any of the organization's prior Forms 990 or 990-EZ? If "Yes," complete Schedule L, Part I	40b	X
c	Section 501(c)(3) and 501(c)(4) organizations. Enter amount of tax imposed on organization managers or disqualified persons during the year under sections 4912, 4955, and 4958		
d	Section 501(c)(3) and 501(c)(4) organizations. Enter amount of tax on line 40c reimbursed by the organization		
e	All organizations. At any time during the tax year, was the organization a party to a prohibited tax shelter transaction? If "Yes," complete Form 8886-T	40e	X
41	List the states with which a copy of this return is filed		
42a	The organizations books are in care of <u>BARBARA FRYER</u> Telephone no. <u>210-684-0885</u> Located at <u>7205 HUEBNER RD TX SAN ANTONIO</u> ZIP + 4 <u>78240-3122</u>		
b	At any time during the calendar year, did the organization have an interest in or a signature or other authority over a financial account in a foreign country (such as a bank account, securities account, or other financial account)? If "Yes," enter the name of the foreign country: See the instructions for exceptions and filing requirements for Form TD F 90-22.1, Report of Foreign Bank and Financial Accounts.	42b	X
c	At any time during the calendar year, did the organization maintain an office outside of the U.S.? If "Yes," enter the name of the foreign country:	42c	X
43	Section 4947(a)(1) nonexempt charitable trusts filing Form 990-EZ in lieu of Form 1041 - Check here <input type="checkbox"/> and enter the amount of tax-exempt interest received or accrued during the tax year	43	
44	Did the organization maintain any donor advised funds? If "Yes," Form 990 must be completed instead of Form 990-EZ	44	X
45	Is any related organization a controlled entity of the organization within the meaning of section 512(b)(13)? If "Yes," Form 990 must be completed instead of Form 990-EZ	45	X

Form 990-EZ (2009)

Part VI Section 501(c)(3) organizations and section 4947(a)(1) nonexempt charitable trusts only.

All section 501(c)(3) organizations and section 4947(a)(1) nonexempt charitable trusts must answer questions 46 - 49b and complete the tables for lines 50 and 51.

- | | | Yes | No |
|---|-----|--------------------------|-------------------------------------|
| 46 Did the organization engage in direct or indirect political campaign activities on behalf of or in opposition to candidates for public office? If "Yes," complete Schedule C, Part I | 46 | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 47 Did the organization engage in lobbying activities? If "Yes," complete Schedule C, Part II | 47 | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 48 Is the organization a school as described in section 170(b)(1)(A)(ii)? If "Yes," complete Schedule E | 48 | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 49a Did the organization make any transfers to an exempt non-charitable related organization? | 49a | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b If "Yes," was the related organization a section 527 organization? | 49b | <input type="checkbox"/> | <input type="checkbox"/> |
- 50 Complete this table for the organization's five highest compensated employees (other than officers, directors, trustees and key employees) who each received more than \$100,000 of compensation from the organization. If there is none, enter "None."

(a) Name and address of each employee paid more than \$100,000	(b) Title and average hours per week devoted to position	(c) Compensation	(d) Contributions to employee benefit plans & deferred compensation	(e) Expense account and other allowances
NONE				

f Total number of other employees paid over \$100,000 ▶ _____

51 Complete this table for the organization's five highest compensated independent contractors who each received more than \$100,000 of compensation from the organization. If there is none, enter "None."

(a) Name and address of each independent contractor paid more than \$100,000	(b) Type of service	(c) Compensation
NONE		

d Total number of other independent contractors each receiving over \$100,000 ▶ _____

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.

Sign Here

Signature of officer: _____ Date: 05/28/2010
 Type or print name and title: _____

Paid Preparer's Use Only	Preparer's signature	Date	Check if self-employed <input type="checkbox"/>	Preparer's Identifying No. (See instr.)
	Firm's name (or yours if self-employed), address, and ZIP + 4			EIN
				Phone no.

May the IRS discuss this return with the preparer shown above? See instructions ▶ Yes No

SCHEDULE A
(Form 990 or 990-EZ)

Department of the Treasury
Internal Revenue Service

Public Charity Status and Public Support
Complete if the organization is a section 501(c)(3) organization or a section 4947(a)(1) nonexempt charitable trust.

▶ Attach to Form 990 or Form 990-EZ. ▶ See separate instructions.

OMB No. 1545-0047

2009

Open to Public
Inspection

Name of the organization: **LEON VALLEY PAGEANT ASSOC** Employer identification number: **74-2295892**

Part I Reason for Public Charity Status (All organizations must complete this part.) See instructions.

The organization is not a private foundation because it is: (For lines 1 through 11, check only one box.)

- 1 A church, convention of churches, or association of churches described in section 170(b)(1)(A)(i).
- 2 A school described in section 170(b)(1)(A)(ii). (Attach Schedule E.)
- 3 A hospital or a cooperative hospital service organization described in section 170(b)(1)(A)(iii).
- 4 A medical research organization operated in conjunction with a hospital described in section 170(b)(1)(A)(iii). Enter the hospital's name, city, and state: _____
- 5 An organization operated for the benefit of a college or university owned or operated by a governmental unit described in section 170(b)(1)(A)(iv). (Complete Part II.)
- 6 A federal, state, or local government or governmental unit described in section 170(b)(1)(A)(v).
- 7 An organization that normally receives a substantial part of its support from a governmental unit or from the general public described in section 170(b)(1)(A)(vi). (Complete Part II.)
- 8 A community trust described in section 170(b)(1)(A)(vi). (Complete Part II.)
- 9 An organization that normally receives: (1) more than 33 1/3 % of its support from contributions, membership fees, and gross receipts from activities related to its exempt functions - subject to certain exceptions, and (2) no more than 33 1/3 % of its support from gross investment income and unrelated business taxable income (less section 511 tax) from businesses acquired by the organization after June 30, 1975. See section 509(a)(2). (Complete Part III.)
- 10 An organization organized and operated exclusively to test for public safety. See section 509(a)(4).
- 11 An organization organized and operated exclusively for the benefit of, to perform the functions of, or to carry out the purposes of one or more publicly supported organizations described in section 509(a)(1) or section 509(a)(2). See section 509(a)(3). Check the box that describes the type of supporting organization and complete lines 11e through 11h.
 a Type I b Type II c Type III - Functionally integrated d Type III - Other
- e By checking this box, I certify that the organization is not controlled directly or indirectly by one or more disqualified persons other than foundation managers and other than one or more publicly supported organizations described in section 509(a)(1) or section 509(a)(2).

f If the organization received a written determination from the IRS that it is a Type I, Type II or Type III supporting organization, check this box

g Since August 17, 2006, has the organization accepted any gift or contribution from any of the following persons?

	Yes	No
(i) A person who directly or indirectly controls, either alone or together with persons described in (ii) and (iii) below, the governing body of the supported organization?.....	11g(i)	
(ii) A family member of a person described in (i) above?	11g(ii)	
(iii) A 35% controlled entity of a person described in (i) or (ii) above?	11g(iii)	

h Provide the following information about the supported organization(s).

(i) Name of supported organization	(ii) EIN	(iii) Type of organization (described on lines 1-9 above or IRC section (see instructions))	(iv) Is the organization in col. (i) listed in your governing document?		(v) Did you notify the organization in col. (i) of your support?		(vi) Is the organization in col. (i) organized in the U.S.?		(vii) Amount of support
			Yes	No	Yes	No	Yes	No	

Total

Part II Support Schedule for Organizations Described in Sections 170(b)(1)(A)(iv) and 170(b)(1)(A)(vi)

(Complete only if you checked the box on line 5, 7, or 8 of Part I.)

Section A. Public Support

Calendar year (or fiscal year beginning in) ▶	(a) 2005	(b) 2006	(c) 2007	(d) 2008	(e) 2009	(f) Total
1 Gifts, grants, contributions, and membership fees received. (Do not include any "unusual grants.")	3905.	6691.	7648.	8172.	14791.	41207.
2 Tax revenues levied for the organization's benefit and either paid to or expended on its behalf						
3 The value of services or facilities furnished by a governmental unit to the organization without charge						
4 Total. Add lines 1 through 3	3905.	6691.	7648.	8172.	14791.	41207.
5 The portion of total contributions by each person (other than a governmental unit or publicly supported organization) included on line 1 that exceeds 2% of the amount shown on line 11, column (f)						
6 Public support. Subtract line 5 from line 4.						41207.

Section B. Total Support

Calendar year (or fiscal year beginning in) ▶	(a) 2005	(b) 2006	(c) 2007	(d) 2008	(e) 2009	(f) Total
7 Amounts from line 4	3905.	6691.	7648.	8172.	14791.	41207.
8 Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources	89.	926.	926.	837.	357.	3135.
9 Net income from unrelated business activities, whether or not the business is regularly carried on					8163.	8163.
10 Other income. Do not include gain or loss from the sale of capital assets (Explain in Part IV.)						
11 Total support. Add lines 7 through 10						52505.
12 Gross receipts from related activities, etc. (see instructions)					12	
13 First five years. If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and stop here						<input type="checkbox"/>

Section C. Computation of Public Support Percentage

14 Public support percentage for 2009 (line 6, column (f) divided by line 11, column (f))	14	78.48 %
15 Public support percentage from 2008 Schedule A, Part II, line 14	15	98.70 %
16a 33 1/3% support test - 2009. If the organization did not check the box on line 13, and line 14 is 33 1/3% or more, check this box and stop here. The organization qualifies as a publicly supported organization	<input checked="" type="checkbox"/>	
b 33 1/3% support test - 2008. If the organization did not check a box on line 13 or 16a, and line 15 is 33 1/3% or more, check this box and stop here. The organization qualifies as a publicly supported organization	<input type="checkbox"/>	
17a 10% facts-and-circumstances test - 2009. If the organization did not check a box on line 13, 16a, or 16b, and line 14 is 10% or more, and if the organization meets the "facts-and-circumstances" test, check this box and stop here. Explain in Part IV how the organization meets the "facts-and-circumstances" test. The organization qualifies as a publicly supported organization	<input type="checkbox"/>	
b 10%-facts-and-circumstances test - 2008. If the organization did not check a box on line 13, 16a, 16b, or 17a, and line 15 is 10% or more, and if the organization meets the "facts-and-circumstances" test, check this box and stop here. Explain in Part IV how the organization meets the "facts-and-circumstances" test. The organization qualifies as a publicly supported organization	<input type="checkbox"/>	
18 Private foundation. If the organization did not check a box on line 13, 16a, 16b, 17a, or 17b, check this box and see instructions	<input type="checkbox"/>	

Application for Extension of Time To File an Exempt Organization Return

OMB No. 1545-

▶ **File a separate application for each return.**

- If you are filing for an **Automatic 3-Month Extension**, complete only Part I and check this box ▶
 - If you are filing for an **Additional (Not Automatic) 3-Month Extension**, complete only Part II (on page 2 of this form).
- Do not complete Part II unless you have already been granted an automatic 3-month extension on a previously filed Form 8868.**

Part I Automatic 3-Month Extension of Time. Only submit original (no copies needed).

A corporation required to file Form 990-T and requesting an automatic 6-month extension - check this box and complete Part I only ▶
 All other corporations (including 1120-C filers), partnerships, REMICs, and trusts must use Form 7004 to request an extension of time to file income tax returns.

Electronic Filing (e-file). Generally, you can electronically file Form 8868 if you want a 3-month automatic extension of time to file one of the returns noted below (6 months for a corporation required to file Form 990-T). However, you cannot file Form 8868 electronically if (1) you want the additional (not automatic) 3-month extension or (2) you file Forms 990-BL, 6069, or 8870, group returns, or a composite or consolidated Form 990-T. Instead, you must submit the fully completed and signed page 2 (Part II) of Form 8868. For more details on the electronic filing of this form, visit www.irs.gov and click on e-file for Charities & Nonprofits.

Type or print File by the due date for filing your return. See instructions.	Name of Exempt Organization LEON VALLEY PAGEANT ASSOC	Employer identification number 74-2295892
	Number, street, and room or suite no. If a P.O. box, see instructions. PO BOX 380644	
	City, town or post office, state, and ZIP code. For a foreign address, see instructions. SAN ANTONIO TX 78268-7644	

Check type of return to be filed (file a separate application for each return):

- | | | |
|---|---|------------------------------------|
| <input type="checkbox"/> Form 990 | <input type="checkbox"/> Form 990-T (corporation) | <input type="checkbox"/> Form 4720 |
| <input type="checkbox"/> Form 990-BL | <input type="checkbox"/> Form 990-T (sec. 401(a) or 408(a) trust) | <input type="checkbox"/> Form 5227 |
| <input checked="" type="checkbox"/> Form 990-EZ | <input type="checkbox"/> Form 990-T (trust other than above) | <input type="checkbox"/> Form 6069 |
| <input type="checkbox"/> Form 990-PF | <input type="checkbox"/> Form 1041-A | <input type="checkbox"/> Form 8870 |

- The books are in the care of ▶ **BARBARA FRYER**
 Telephone No. ▶ **210-684-0885** FAX No. ▶ _____
- If the organization does not have an office or place of business in the United States, check this box ▶
- If this is for a Group Return, enter the organization's four digit Group Exemption Number (GEN) _____. If this is for the whole group, check this box ▶ . If it is for part of the group, check this box ▶ and attach a list with the names and EINs of all members the extension will cover.

1 I request an automatic 3-month (6 months for a corporation required to file Form 990-T) extension of time until **AUG 15**, 20 **10**, to file the exempt organization return for the organization named above. The extension is for organization's return for:
 ▶ calendar year **2009** or
 ▶ tax year beginning _____, 20 _____, and ending _____, 20 _____

2 If this tax year is for less than 12 months, check reason: Initial return Final return Change in accounting period

3a If this application is for Form 990-BL, 990-PF, 990-T, 4720, or 6069, enter the tentative tax, less any nonrefundable credits. See instructions.	3a	\$
b If this application is for Form 990-PF or 990-T, enter any refundable credits and estimated tax payments made. Include any prior year overpayment allowed as a credit.	3b	\$
c Balance Due. Subtract line 3b from line 3a. Include your payment with this form, or, if required, deposit with FTD coupon or, if required, by using EFTPS (Electronic Federal Tax Payment System). See instructions.	3c	\$

Caution. If you are going to make an electronic fund withdrawal with this Form 8868, see Form 8453-EO and Form 8879-EO for payment instructions.

For Privacy Act and Paperwork Reduction Act Notice, see Instructions.

Form **8868** (Rev. 4

STAPLES

Leon Valley Historical Society
Profit & Loss
January through December 2010

	Jan - Dec 10
Ordinary Income/Expense	
Income	
Donations	6,573.00
Earned Revenues	605.00
Grants	14,500.00
Income-Auction at Dinner	1,883.00
Income - Hueb Onion Dinner Ads	1,050.00
Income - Jewelry Sale	38.00
Income - T Shirt Sale	45.00
Income Huebner Onion Dinner	4,205.00
Membership Dues	395.00
Total Income	29,294.00
Expense	
Advertising	75.00
Convention or Meeting Expense	689.00
Dues	50.00
Equipment Rental and Maintenance	135.00
Huebner Onion Dinner - Supplies	46.42
Huebner-Onion Dinner	1,192.50
Insurance	2,279.43
Jewelry Payment	10.00
Maintenance and Repairs	1,395.80
Medals	635.00
Membership Expense	115.00
Other Miscellaneous Expenses	5,673.43
Printing and Reproduction	1,070.18
Professional Services fees	3,310.00
Sign for HOHome	128.00
Stamps	371.78
Utilities	142.04
Web Site Services	239.88
Total Expense	17,558.46
Net Ordinary Income	11,735.54
Other Income/Expense	
Other Income	
Interest Earned	149.35
Total Other Income	149.35
Net Other Income	149.35
Net Income	11,884.89

4:45 PM
02/18/11
Cash Basis

Leon Valley Historical Society
Balance Sheet
As of December 31, 2010

	<u>Dec 31, 10</u>
ASSETS	
Current Assets	
Checking/Savings	
Huebner-Onion Homestead Account	26,624.97
Leon Valley Historical Society	1,007.49
Leon Valley Natural Area	120.88
Savings Account #1	25,419.58
Savings Account #2	10,918.67
Savings Account #3	10,524.16
Total Checking/Savings	<u>74,615.75</u>
Total Current Assets	<u>74,615.75</u>
TOTAL ASSETS	<u><u>74,615.75</u></u>
LIABILITIES & EQUITY	
Equity	
Opening Balance Equity	44,848.79
Retained Earnings	17,882.07
Net Income	11,884.89
Total Equity	<u>74,615.75</u>
TOTAL LIABILITIES & EQUITY	<u><u>74,615.75</u></u>

IRS e-file Signature Authorization for an Exempt Organization

For calendar year 2010, or fiscal year beginning 2010, & ending 2010

OMB No. 1545-1878

Department of the Treasury Internal Revenue Service

Do not send to the IRS. Keep for your records. See instructions.

2010

Name of exempt organization LEON VALLEY PAGEANT ASSOCIATION

Employer identification number 74-2295892

Name and title of officer DARBY RILEY PRESIDENT

Part I Type of Return and Return Information (Whole Dollars Only)

Check the box for the return for which you are using this Form 8879-EO and enter the applicable amount, if any, from the return. If you check the box on line 1a, 2a, 3a, 4a, or 5a, below, and the amount on that line for the return being filed with this form was blank, then leave line 1b, 2b, 3b, 4b, or 5b, whichever is applicable, blank (do not enter -0-). But, if you entered -0- on the return, then enter -0- on the applicable line below. Do not complete more than 1 line in Part I.

Table with 5 rows (1a-5a) and 2 columns (b Total revenue, b Total tax, b Tax based on investment income, b Balance Due). Includes handwritten values like 22,559.

Part II Declaration and Signature Authorization of Officer

Under penalties of perjury, I declare that I am an officer of the above organization and that I have examined a copy of the organization's 2010 electronic return and accompanying schedules and statements and to the best of my knowledge and belief, they are true, correct, and complete. I further declare that the amount in Part I above is the amount shown on the copy of the organization's electronic return. I consent to allow my intermediary service provider, transmitter, or electronic return originator (ERO) to send the organization's return to the IRS and to receive from the IRS (a) an acknowledgment of receipt or reason for rejection of the transmission, (b) the reason for any delay in processing the return or refund, and (c) the date of any refund. If applicable, I authorize the U.S. Treasury and its designated Financial Agent to initiate an electronic funds withdrawal (direct debit) entry to the financial institution account indicated in the tax preparation software for payment of the organization's federal taxes owed on this return, and the financial institution to debit the entry to this account. To revoke a payment, I must contact the U.S. Treasury Financial Agent at 1-888-353-4537 no later than 2 business days prior to the payment (settlement) date. I also authorize the financial institutions involved in the processing of the electronic payment of taxes to receive confidential information necessary to answer inquiries and resolve issues related to the payment. I have selected a personal identification number (PIN) as my signature for the organization's electronic return and, if applicable, the organization's consent to electronic funds withdrawal.

Officer's PIN: check one box only

I authorize JOHN G GAINES CPA PC to enter my PIN as my signature. Enter five numbers, but do not enter all zeros.

As an officer of the organization, I will enter my PIN as my signature on the organization's tax year 2010 electronically filed return. If I have indicated within this return that a copy of the return is being filed with a state agency(ies) regulating charities as part of the IRS Fed/State program, I will enter my PIN on the return's disclosure consent screen.

Officer's signature: Barbara Jupa - Treasurer Date: 05/12/2011

Part III Certification and Authentication

ERO's EFIN/PIN. Enter your six-digit electronic filing identification number (EFIN) followed by your five digit self-selected PIN. do not enter all zeros

I certify that the above numeric entry is my PIN, which is my signature on the 2010 electronically filed return for the organization indicated above. I confirm that I am submitting this return in accordance with the requirements of Pub. 4163, Modernized e-File (MeF) Information for Authorized IRS e-File Providers for Business Returns.

ERO signature Date: 05/12/2011

ERO Must Retain This Form - See Instructions Do Not Submit This Form To the IRS Unless Requested To Do So

IRS e-file Signature Authorization for an Exempt Organization

For calendar year 2010, or fiscal year beginning _____, 2010, & ending _____, 20

OMB No. 1545-1878

Department of the Treasury Internal Revenue Service

Do not send to the IRS. Keep for your records. See instructions.

2010

Name of exempt organization LEON VALLEY PAGEANT ASSOCIATION

Employer identification number 74-2295892

Name and title of officer DARBY RILEY PRESIDENT

Part I Type of Return and Return Information (Whole Dollars Only)

Check the box for the return for which you are using this Form 8879-EO and enter the applicable amount, if any, from the return. If you check the box on line 1a, 2a, 3a, 4a, or 5a, below, and the amount on that line for the return being filed with this form was blank, then leave line 1b, 2b, 3b, 4b, or 5b, whichever is applicable, blank (do not enter -0-). But, if you entered -0- on the return, then enter -0- on the applicable line below. Do not complete more than 1 line in Part I.

Table with 5 rows (1a-5a) and 5 columns (b Total revenue, b Total revenue, b Total tax, b Tax based on investment income, b Balance Due) and 5 sub-columns (1b-5b). Row 2b contains the value 22,559.

Part II Declaration and Signature Authorization of Officer

Under penalties of perjury, I declare that I am an officer of the above organization and that I have examined a copy of the organization's 2010 electronic return and accompanying schedules and statements and to the best of my knowledge and belief, they are true, correct, and complete. I further declare that the amount in Part I above is the amount shown on the copy of the organization's electronic return. I consent to allow my intermediate service provider, transmitter, or electronic return originator (ERO) to send the organization's return to the IRS and to receive from the IRS (a) an acknowledgment of receipt or reason for rejection of the transmission, (b) the reason for any delay in processing the return or refund, and (c) the date of any refund. If applicable, I authorize the U.S. Treasury and its designated Financial Agent to initiate an electronic funds withdrawal (direct debit) entry to the financial institution account indicated in the tax preparation software for payment of the organization's federal taxes owed on this return, and the financial institution to debit the entry to this account. To revoke a payment, I must contact the U.S. Treasury Financial Agent at 1-888-353-4537 no later than 2 business days prior to the payment (settlement) date. I also authorize the financial institutions involved in the processing of the electronic payment of taxes to receive confidential information necessary to answer inquiries and resolve issues related to the payment. I have selected a personal identification number (PIN) as my signature for the organization's electronic return and, if applicable, the organization's consent to electronic funds withdrawal.

Officer's PIN: check one box only

[X] I authorize JOHN G GAINES CPA PC to enter my PIN _____ as my signature. ERO firm name. Enter five numbers, but do not enter all zeros.

on the organization's tax year 2010 electronically filed return. If I have indicated within this return that a copy of the return is being filed with a state agency(ies) regulating charities as part of the IRS Fed/State program, I also authorize the aforementioned ERO to enter my PIN on the return's disclosure consent screen.

[] As an officer of the organization, I will enter my PIN as my signature on the organization's tax year 2010 electronically filed return. If I have indicated within this return that a copy of the return is being filed with a state agency(ies) regulating charities as part of the IRS Fed/State program, I will enter my PIN on the return's disclosure consent screen.

Officer's signature _____ Date 05/12/2011

Part III Certification and Authentication

ERO's EFIN/PIN. Enter your six-digit electronic filing identification number (EFIN) followed by your five digit self-selected PIN.

do not enter all zeros

I certify that the above numeric entry is my PIN, which is my signature on the 2010 electronically filed return for the organization indicated above. I confirm that I am submitting this return in accordance with the requirements of Pub. 4163, Modernized e-File (MeF) Information for Authorized IRS e-file Providers for Business Returns.

ERO signature _____ Date 05/12/2011

ERO Must Retain This Form - See Instructions

Do Not Submit This Form To the IRS Unless Requested To Do So

For Paperwork Reduction Act Notice, see instructions.

Short Form

Return of Organization Exempt From Income Tax

Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code (except black lung benefit trust or private foundation)
 Sponsoring organizations of donor advised funds and controlling organizations as defined in section 512(b)(13) must file Form 990. All other organizations with gross receipts less than \$500,000 and total assets less than \$1,250,000 at the end of the year may use this form.
 The organization may issue to use a copy of this return to satisfy state reporting requirements.

OMB No. 1545-1150

2009

Open to Public Inspection

Department of the Treasury
Internal Revenue Service

A For the 2009 calendar year, or tax year beginning **2009**, and ending **20**

B Check if applicable:
 Address change
 Name change
 Initial return
 Reorganization
 Amended return
 Application pending

Please use IRS label or print or type:
 Initial
 Change
 Final

C Name of organization, number and street, city, town, state, and ZIP code
**LEON VALLEY PAGEANT ASSOC
 DBA HISTORICAL SOCIETY OF LEON VALL
 PO BOX 380644
 SAN ANTONIO TX 78268-7644**

D Employer identification number
74-2295892

E Telephone number
210-681-5889

F Group Exemption Number... **▶**

G Accounting Method: Cash Accrual
 Other (specify) **▶**

H Check if the organization is not required to attach Sch. B (Form 990, 990-EZ, or 990-PF).

I Website: **▶ LEONVALLEYHISTORICALSOCIETY. OR**

J Tax-exempt status (check only one): 501(c)(3) 4947(a)(1) or 527

K Check if the organization is not a section 509(a)(3) supporting organization and its gross receipts are normally not more than \$25,000.
 A 990-EZ or Form 990 return is not required, but if the organization chooses to file a return, be sure to file a complete return.

L Add lines 2b, 5c, and 7c, to line 8 to determine gross receipts; if \$500,000 or more, file Form 990 instead of Form 990-EZ. **▶ \$ 24,136.**

Part I Revenue, Expenses, and Changes in Net Assets or Fund Balances (See the instructions for Part I)

Line	Description	Amount
1	Contributions, gifts, grants, and similar amounts received	14,331.
2	Program service revenue including government fees and contracts	
3	Membership dues and assessments	460.
4	Investment income	357.
5a	Gross amount from sale of assets other than inventory	
5b	Less: cost or other basis and sales expenses	
5c	Gain or (loss) from sale of assets other than inventory (Subtract line 5b from line 5a)	
6	Special events and activities (complete applicable parts of Schedule G). If any amount is from gaming, check here <input type="checkbox"/>	
6a	Gross revenue (not including \$ of contributions reported on line 1)	8,163.
6b	Less: direct expenses other than fundraising expenses	1,891.
6c	Net income or (loss) from special events and activities (Subtract line 6b from line 6a)	6,272.
7a	Gross sales of inventory, less returns and allowances	
7b	Less: cost of goods sold	
7c	Gross profit or (loss) from sales of inventory (Subtract line 7b from line 7a)	
8	Other revenue (describe ▶ SALE OF ADVERTISING)	825.
9	Total revenue. Add lines 1, 2, 3, 4, 5c, 6c, 7c, and 8	22,245.
10	Grants and similar amounts paid (attach schedule)	
11	Benefits paid to or for members	
12	Salaries, other compensation, and employee benefits	
13	Professional fees and other payments to independent contractors	4,510.
14	Occupancy, rent, utilities, and maintenance	2,436.
15	Printing, publications, postage, and shipping	2,207.
16	Other expenses (describe ▶ SEE STMT)	857.
17	Total expenses. Add lines 10 through 16	10,010.
18	Excess or (deficit) for the year (Subtract line 17 from line 9)	12,235.
19	Net assets or fund balances at beginning of year (from line 27, column (A)) (must agree with end-of-year figure reported on prior year's return)	338,374.
20	Other changes in net assets or fund balances (attach explanation)	
21	Net assets or fund balances at end of year. Combine lines 18 through 20	350,609.

Part II Balance Sheets. If total assets on line 25, column (B) are \$1,250,000 or more, file Form 990 instead of Form 990-EZ. (See the instructions for Part II.)

Line	Description	(A) Beginning of year	(B) End of year
22	Cash, savings, and investments	50,496.	
23	Land and buildings	279,404.	
24	Other assets (describe ▶ SEE STMT)	8,474.	8,474.
25	Total assets	338,374.	8,474.
26	Total liabilities (describe ▶)		
27	Net assets or fund balances (line 27 of column (B) must agree with line 21)	338,374.	8,474.

For Privacy Act and Paperwork Reduction Act Notice, see the separate instruction.

Part V Other Information (Note the statement requirements in the instructions for Part V.)

		Yes	No
33	Did the organization engage in any activity not previously reported to the IRS? If "Yes," attach a detailed description of each activity		
34	Were any changes made to the organizing or governing documents? If "Yes," attach a conformed copy of the changes		X
35	If the organization had income from business activities, such as those reported on lines 2, 6a, and 7a (among others), but not reported on Form 990-T, attach a statement explaining why the organization did not report the income on Form 990-T.		X
a	Did the organization have unrelated business gross income of \$1,000 or more or was it subject to section 6033(e) notice, reporting, and proxy tax requirements?		
b	If "Yes," has it filed a tax return on Form 990-T for this year?		X
35a			
35b			
36	Did the organization undergo a liquidation, dissolution, termination, or significant disposition of net assets during the year? If "Yes," complete applicable parts of Schedule N		X
37a	Enter amount of political expenditures, direct or indirect, as described in the instructions	37a	0
b	Did the organization file Form 1120-POL for this year?		
37b			
38a	Did the organization borrow from, or make any loans to, any officer, director, trustee, or key employee were any such loans made in a prior year and still outstanding at the end of the period covered by this return?		
b	If "Yes," complete Schedule L, Part II and enter the total amount involved	38a	X
39	Section 501(c)(7) organizations. Enter:	38b	
a	Initiation fees and capital contributions included on line 9	39a	
b	Gross receipts, included on line 9, for public use of club facilities	39b	
40a	Section 501(c)(3) organizations. Enter amount of tax imposed on the organization during the year under: section 4911; section 4912; section 4955		
b	Section 501(c)(3) and 501(c)(4) organizations. Did the organization engage in any section 4958 excess benefit transaction during the year or is it aware that it engaged in an excess benefit transaction with a disqualified person in a prior year, and that the transaction has not been reported on any of the organization's prior Forms 990 or 990-EZ? If "Yes," complete Schedule L, Part I	40b	X
c	Section 501(c)(3) and 501(c)(4) organizations. Enter amount of tax imposed on organization managers or disqualified persons during the year under sections 4912, 4955, and 4958		
d	Section 501(c)(3) and 501(c)(4) organizations. Enter amount of tax on line 40c reimbursed by the organization		
e	All organizations. At any time during the tax year, was the organization a party to a prohibited tax shelter transaction? If "Yes," complete Form 8886-T	40e	X
41	List the states with which a copy of this return is filed		
42a	The organization's books are in care of <u>BARBARA FRYER</u> Telephone no. <u>210-684-0885</u> Located at <u>7205 HUEBNER RD TX SAN ANTONIO</u> ZIP +4 <u>78240-3122</u>		
b	At any time during the calendar year, did the organization have an interest in or a signature or other authority over a financial account in a foreign country (such as a bank account, securities account, or other financial account)? If "Yes," enter the name of the foreign country: _____ See the instructions for exceptions and filing requirements for Form TD F 90-22.1, Report of Foreign Bank and Financial Accounts.	42b	X
c	At any time during the calendar year, did the organization maintain an office outside of the U.S.? If "Yes," enter the name of the foreign country: _____	42c	X
43	Section 4947(a)(1) nonexempt charitable trusts filing Form 990-EZ in lieu of Form 1041 - Check here and enter the amount of tax-exempt interest received or accrued during the tax year	43	
44	Did the organization maintain any donor advised funds? If "Yes," Form 990 must be completed instead of Form 990-EZ	44	X
45	Is any related organization a controlled entity of the organization within the meaning of section 512(b)(13)? If "Yes," Form 990 must be completed instead of Form 990-EZ	45	X

Part VI Section 501(c)(3) organizations and section 4947(a)(1) nonexempt charitable trusts only.

All section 501(c)(3) organizations and section 4947(a)(1) nonexempt charitable trusts must answer questions 46-49b and complete the tables for lines 50 and 51.

46	Did the organization engage in direct or indirect political campaign activities on behalf of or in opposition to candidates for public office? If "Yes," complete Schedule C, Part I	Yes	No
47	Did the organization engage in lobbying activities? If "Yes," complete Schedule C, Part II		X
48	Is the organization a school as described in section 170(b)(1)(A)(ii)? If "Yes," complete Schedule E		X
49a	Did the organization make any transfers to an exempt non-charitable related organization?		X
49b	If "Yes," was the related organization a section 527 organization?		

Complete this table for the organization's five highest compensated employees (other than officers, directors, trustees and key employees) who each received more than \$100,000 of compensation from the organization. If there is none, enter "None."

(a) Name and address of each employee paid more than \$100,000	(b) Title and average hours per week devoted to position	(c) Compensation	(d) Contributions to employee benefit plans & deferred compensation	(e) Expense account and other allowances
ONE				

f Total number of other employees paid over \$100,000 ▶

Complete this table for the organization's five highest compensated independent contractors who each received more than \$100,000 of compensation from the organization. If there is none, enter "None."

(a) Name and address of each independent contractor paid more than \$100,000	(b) Type of service	(c) Compensation
ONE		

g Total number of other independent contractors each receiving over \$100,000 ▶

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.

Signature of officer _____ | 05/28/2010
Date

Type or print name and title _____

Preparer's signature: JOHN G GAINES CPA | Date: 05/24/2010 | Check if self-employed: | Preparer's identifying No. (See instr.): P00039558

Firm's name (or yours if self-employed): JOHN G GAINES CPA PC | EIN: 74-2858903

address, and ZIP + 4: PO BOX 1229 HELOTES TX 78023-1229 | Phone no.: 210-695-3221

Did you discuss this return with the preparer shown above? See instructions ▶ Yes No

Part II Support Schedule for Organizations Described in Sections 170(b)(1)(A)(iv) and 170(b)(1)(A)(vi)
 (Complete only if you checked the box on line 5, 7, or 8 of Part I.)

Section A. Public Support

Calendar year (or fiscal year beginning in) ▶	(a) 2005	(b) 2006	(c) 2007	(d) 2008	(e) 2009	(f) Total
1 Gifts, grants, contributions, and membership fees received. (Do not include any "unusual grants.")	3905.	6691.	7648.	8172.	14791.	41207.
2 Tax revenues levied for the organization's benefit and either paid to or expended on its behalf						
3 The value of services or facilities furnished by a governmental unit to the organization without charge						
4 Total. Add lines 1 through 3	3905.	6691.	7648.	8172.	14791.	41207.
5 The portion of total contributions by each person (other than a governmental unit or publicly supported organization) included on line 1 that exceeds 2% of the amount shown on line 11, column (f)						
6 Public support. Subtract line 5 from line 4.						41207.

Section B. Total Support

Calendar year (or fiscal year beginning in) ▶	(a) 2005	(b) 2006	(c) 2007	(d) 2008	(e) 2009	(f) Total
7 Amounts from line 4	3905.	6691.	7648.	8172.	14791.	41207.
8 Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources	89.	926.	926.	837.	357.	3135.
9 Net income from unrelated business activities, whether or not the business is regularly carried on					8163.	8163.
10 Other income. Do not include gain or loss from the sale of capital assets (Explain in Part IV.)						
11 Total support. Add lines 7 through 10						52505.
12 Gross receipts from related activities, etc. (see instructions)					12	
13 First five years. If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and stop here						<input type="checkbox"/>

Section C. Computation of Public Support Percentage

14 Public support percentage for 2009 (line 6, column (f) divided by line 11, column (f))	14	78.48 %
15 Public support percentage from 2008 Schedule A, Part II, line 14	15	98.70 %
16a 33 1/3% support test - 2009. If the organization did not check the box on line 13, and line 14 is 33 1/3% or more, check this box and stop here. The organization qualifies as a publicly supported organization	<input checked="" type="checkbox"/>	
b 33 1/3% support test - 2008. If the organization did not check a box on line 13 or 16a, and line 15 is 33 1/3% or more, check this box and stop here. The organization qualifies as a publicly supported organization	<input type="checkbox"/>	
17a 10% facts-and-circumstances test - 2009. If the organization did not check a box on line 13, 16a, or 16b, and line 14 is 10% or more, and if the organization meets the "facts-and-circumstances" test, check this box and stop here. Explain in Part IV how the organization meets the "facts-and-circumstances" test. The organization qualifies as a publicly supported organization	<input type="checkbox"/>	
b 10%-facts-and-circumstances test - 2008. If the organization did not check a box on line 13, 16a, 16b, or 17a, and line 15 is 10% or more, and if the organization meets the "facts-and-circumstances" test, check this box and stop here. Explain in Part IV how the organization meets the "facts-and-circumstances" test. The organization qualifies as a publicly supported organization	<input type="checkbox"/>	
18 Private foundation. If the organization did not check a box on line 13, 16a, 16b, 17a, or 17b, check this box and see instructions	<input type="checkbox"/>	

US 990

Other Assets

2009

Description	Beginning of year book value	End of year book value	2009 FMV
TABLES, SPEAKERS, PLATFORM, TOOLS	2,500.	2,500.	
20 CEDAR POSTS FOR NATURAL AREA	957.	957.	
ELECTRICAL INSTALLATION HUEBNER	1,612.	1,612.	
TEXAS HISTORICAL COMMISSION	100.	100.	
HISTORICAL PLAQUE	1,500.	1,500.	
DESIGN LOGO	1,500.	1,500.	
SOUTHWELL CO-MOLASES PRESS PLAQUE	305.	305.	
	8,474.	8,474.	

US 990

Other Expenses

2009

Description	Expenses per books	Net investment income	Adjusted net income	Charitable purposes
CONVENTION & MEETING EXPENSE	509.			509.
MEMBERSHIP EXPENSE	115.			115.
WEB SITE SERVICES	233.			233.
	857.			857.

8:16 PM
01/25/12
Cash Basis

Leon Valley Historical Society
Profit & Loss
January through December 2011

	<u>Jan - Dec ...</u>
Ordinary Income/Expense	
Income	
Donations	1,785.00
Earned Revenues	25.00
Income-Auction at Dinner	1,096.00
Income-Huebner Memorial Run	2,630.44
Income - Hueb Onion Dinner ...	1,120.00
Income - Jewelry Sale	298.00
Income - T Shirt Sale	15.00
Income Huebner Onion Dinner	3,570.00
Membership Dues	325.00
Memorial - Donation	175.00
Total Income	<u>11,039.44</u>
Expense	
Advertising	64.86
Convention or Meeting Expense	369.00
Hoebner Onion Dinner - Suppl...	90.00
Huebner-Onion Dinner	1,374.00
Huebner-Onion Memorial Run	2,031.84
Insurance	1,872.08
Jewelry Payment	229.00
Leon Valley History Book	1,077.51
Maintenance and Repairs	1,848.35
Membership Expense	115.00
Other Miscellaneous Expenses	-10.99
Postage and Delivery	110.40
Printing and Reproduction	648.91
Professional Services fees	3,310.00
Stamps	84.00
Utilities	152.96
Web Site Services	239.88
Total Expense	<u>13,606.80</u>
Net Ordinary Income	<u>-2,567.36</u>
Net Income	<u><u>-2,567.36</u></u>

8:12 PM
01/25/12
Cash Basis

Leon Valley Historical Society
Balance Sheet
As of December 31, 2011

	<u>Dec 31, 12</u>
ASSETS	
Current Assets	
Checking/Savings	
Huebner-Onion Homestead Acco...	25,185.98
Savings Account #1	46,862.41
Total Checking/Savings	<u>72,048.39</u>
Total Current Assets	<u>72,048.39</u>
TOTAL ASSETS	<u><u>72,048.39</u></u>
LIABILITIES & EQUITY	
Equity	
Opening Balance Equity	44,848.79
Retained Earnings	27,199.60
Total Equity	<u>72,048.39</u>
TOTAL LIABILITIES & EQUITY	<u><u>72,048.39</u></u>

IRS e-file Signature Authorization for an Exempt Organization

Department of the Treasury Internal Revenue Service

For calendar year 2011, or fiscal year beginning _____, 2011, & ending _____, 20

Do not send to the IRS. Keep for your records.

See instructions.

2011

Name of exempt organization LEON VALLEY PAGEANT ASSOCIATION

Employer identification number 74-2295892

Name and title of officer DARBY RILEY PRESIDENT

Part I Type of Return and Return Information (Whole Dollars Only)

Check the box for the return for which you are using this Form 8879-EO and enter the applicable amount, if any, from the return. If you check the box on line 1a, 2a, 3a, 4a, or 5a, below, and the amount on that line for the return being filed with this form was blank, then leave line 1b, 2b, 3b, 4b, or 5b, whichever is applicable, blank (do not enter -0-). But, if you entered -0- on the return, then enter -0- on the applicable line below. Do not complete more than 1 line in Part I.

Table with 5 rows (1a-5a) and 2 columns (b Total revenue, b Total tax, b Tax based on investment income, b Balance Due) and 2 columns (1b-5b) for amounts.

Part II Declaration and Signature Authorization of Officer

Under penalties of perjury, I declare that I am an officer of the above organization and that I have examined a copy of the organization's 2011 electronic return and accompanying schedules and statements and to the best of my knowledge and belief, they are true, correct, and complete.

Officer's PIN: check one box only

I authorize JOHN G GAINES CPA to enter my PIN as my signature

Enter five numbers, but do not enter all zeros

on the organization's tax year 2011 electronically filed return. If I have indicated within this return that a copy of the return is being filed with a state agency(ies) regulating charities as part of the IRS Fed/State program, I also authorize the aforementioned ERO to enter my PIN on the return's disclosure consent screen.

As an officer of the organization, I will enter my PIN as my signature on the organization's tax year 2011 electronically filed return. If I have indicated within this return that a copy of the return is being filed with a state agency(ies) regulating charities as part of the IRS Fed/State program, I will enter my PIN on the return's disclosure consent screen.

Officer's signature Barbara Fayer Date 04/04/2012

Part III Certification and Authentication

ERO's EFIN/PIN. Enter your six-digit electronic filing identification number (EFIN) followed by your five-digit self-selected PIN.

74610641011 do not enter all zeros

I certify that the above numeric entry is my PIN, which is my signature on the 2011 electronically filed return for the organization indicated above. I confirm that I am submitting this return in accordance with the requirements of Pub. 4163, Modernized e-File (MeF) Information for Authorized IRS e-file Providers for Business Returns.

ERO's signature Date 04/04/2012

ERO Must Retain This Form - See Instructions

Do Not Submit This Form To the IRS Unless Requested To Do So

For Paperwork Reduction Act Notice, see instructions.

Annual Summary and Transmittal of U.S. Information Returns

2014

Department of the Treasury Internal Revenue Service

FILER'S name

Leon Valley Pageant Association DBA Leon Valley Historical Assn.

P.O. Box 380644

OMB No. 1545-0046

Name of person to contact: Barbara Fryer Telephone number: 210 684-0885

For Official Use Only

Email address: Fax number:

1 Employer identification number: 23-7387148 2 Social security number: 3 Total number of forms: 3 4 Federal income tax withheld: \$ 4,088.35 5 Total amount reported with this Form 1096: \$

Table with 14 columns for different form types (1097-1099, 3921, 3922, 5498) and checkboxes for each.

Return this entire page to the Internal Revenue Service. Photocopies are not acceptable.

Under penalties of perjury, I declare that I have examined this return and accompanying documents, and, to the best of my knowledge and belief, they are true, correct, and complete.

Signature: Barbara Fryer

Title: Treasurer

Date: 1-30-12

Instructions

Reminder. The only acceptable method of filing information returns with Enterprise Computing Center—Martinsburg (ECC—MTB) is electronically through the FIRE system. See Pub. 1220, Specifications for Filing Forms 1097, 1098, 1099, 3921, 3922, 5498, 8935, and W-2G Electronically.

Purpose of form. Use this form to transmit paper Forms 1097, 1098, 1099, 3921, 3922, 5498, and W-2G to the Internal Revenue Service. Do not use Form 1096 to transmit electronically. For electronic submissions, see Pub. 1220.

Caution. If you are required to file 250 or more information returns of any one type, you must file electronically. If you are required to file electronically but fail to do so, and you do not have an approved waiver, you may be subject to a penalty. For more information, see part F in the 2011 General Instructions for Certain Information Returns.

Who must file. The name, address, and TIN of the filer on this form must be the same as those you enter in the upper left area of Forms 1097, 1098, 1099, 3921, 3922, 5498, or W-2G. A filer is any person or entity who files any of the forms shown in line 6 above.

Preaddressed Form 1096. If you received a preaddressed Form 1096 from the IRS with Package 1096, use it to transmit paper Forms 1097, 1098, 1099, 3921, 3922, 5498, and W-2G to the Internal Revenue Service. If any of the preprinted information is incorrect, make corrections on the form.

If you are not using a preaddressed form, enter the filer's name, address (including room, suite, or other unit number), and TIN in the spaces provided on the form.

When to file. File Form 1096 as follows.

- With Forms 1097, 1098, 1099, 3921, 3922, or W-2G, file by February 28, 2012.
With Form 5498, file by May 31, 2012.

Where To File

Send all information returns filed on paper with Form 1096 to the following:

If your principal business, office or agency, or legal residence in the case of an individual, is located in

Use the following three-line address

Alabama, Arizona, Arkansas, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Massachusetts, Mississippi, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Texas, Vermont, Virginia, West Virginia

Department of the Treasury Internal Revenue Service Center Austin, TX 73301

Short Form
Return of Organization Exempt From Income Tax
 Under section 501(c), 527, or 4947(a)(1) of the Internal Revenue Code
 (except black lung benefit trust or private foundation)

2011

Open to Public Inspection

▶ Sponsoring organizations of donor advised funds, organizations that operate one or more hospital facilities, and certain controlling organizations as defined in section 512(b)(13) must file Form 990 (see instructions).
 All other organizations with gross receipts less than \$200,000 and total assets less than \$500,000 at the end of the year may use this form.

▶ The organization may have to use a copy of this return to satisfy state reporting requirements.

Department of the Treasury
 Internal Revenue Service

A For the 2011 calendar year, or tax year beginning , 2011, and ending , 20

B Check if applicable:	<input type="checkbox"/> Address change	C Name of organization LEON VALLEY PAGEANT ASSOCIATION DBA HISTORICAL SOCIETY OF LEON VALL	D Employer identification number 74-2295892	
	<input type="checkbox"/> Name change			
	<input type="checkbox"/> Initial return	Number and street (or P.O. box, if mail is not delivered to street address)	Room/suite	E Telephone number 210-681-5889
	<input type="checkbox"/> Terminated	PO BOX 380644		F Group Exemption Number ▶
	<input type="checkbox"/> Amended return	City or town, state or country, and ZIP + 4 SAN ANTONIO TX 78268-7644		

G Accounting Method: Cash Accrual Other (specify) ▶

H Check if the organization is not required to attach Schedule B (Form 990, 990-EZ, or 990-PF).

I Website: ▶

J Tax-exempt status (check only one) - 501(c)(3) 501(c)() ◀ (insert no.) 4947(a)(1) or 527

K Check if the organization is not a section 509(a)(3) supporting organization and its gross receipts are normally not more than \$50,000.
 A Form 990-EZ or Form 990 return is not required though Form 990-N (e-postcard) may be required (see instructions). But if the organization chooses to file a return, be sure to file a complete return.

L Add lines 5b, 6c, and 7b, to line 9 to determine gross receipts. If gross receipts are \$200,000 or more, or if total assets (Part II, line 25, column (B) below) are \$500,000 or more, file Form 990 instead of Form 990-EZ. ▶ \$ **11,039.**

Part I Revenue, Expenses, and Changes in Net Assets or Fund Balances (See the instructions for Part I.)

Check if the organization used Schedule O to respond to any question in this Part I

Revenue	1 Contributions, gifts, grants, and similar amounts received	1	1,960.
	2 Program service revenue including government fees and contracts	2	
	3 Membership dues and assessments	3	325.
	4 Investment income	4	
	5 a Gross amount from sale of assets other than inventory	5a	
	b Less: cost or other basis and sales expenses	5b	
	c Gain or (loss) from sale of assets other than inventory (Subtract line 5b from line 5a)	5c	
	6 Gaming and fundraising events		
	a Gross income from gaming (attach Schedule G if greater than \$15,000)	6a	
b Gross income from fundraising events (not including \$ of contributions from fundraising events reported on line 1) (attach Schedule G if the sum of such gross income and contributions exceed \$15,000)	6b	8,754.	
c Less: direct expenses from gaming and fundraising events	6c	3,724.	
d Net income or (loss) from gaming and fundraising events (add lines 6a and 6b and subtract line 6c)	6d	5,030.	
7 a Gross sales of inventory, less returns and allowances	7a		
b Less: cost of goods sold	7b		
c Gross profit or (loss) from sales of inventory (Subtract line 7b from line 7a)	7c		
8 Other revenue (describe in Schedule O)	8		
9 Total revenue. Add lines 1, 2, 3, 4, 5c, 6d, 7c, and 8	9	7,315.	
Expenses	10 Grants and similar amounts paid (list in Schedule O)	10	
	11 Benefits paid to or for members	11	
	12 Salaries, other compensation, and employee benefits	12	
	13 Professional fees and other payments to independent contractors	13	3,310.
	14 Occupancy, rent, utilities, and maintenance	14	3,873.
	15 Printing, publications, postage, and shipping	15	832.
	16 Other expenses (describe in Schedule O)	16	1,867.
	17 Total expenses. Add lines 10 through 16	17	9,882.
Net Assets	18 Excess or (deficit) for the year (Subtract line 17 from line 9)	18	(2,567.)
	19 Net assets or fund balances at beginning of year (from line 27, column (A)) (must agree with end-of-year figure reported on prior year's return)	19	83,090.
	20 Other changes in net assets or fund balances (explain in Schedule O)	20	
	21 Net assets or fund balances at end of year. Combine lines 18 through 20	21	80,523.

IRS e-file Signature Authorization for an Exempt Organization

For calendar year 2011, or fiscal year beginning _____, 2011, & ending _____, 20

2011

Department of the Treasury Internal Revenue Service

Do not send to the IRS. Keep for your records.

See instructions.

Name of exempt organization LEON VALLEY PAGEANT ASSOCIATION

Employer identification number 74-2295892

Name and title of officer DARBY RILEY PRESIDENT

Part I Type of Return and Return Information (Whole Dollars Only)

Check the box for the return for which you are using this Form 8879-EO and enter the applicable amount, if any, from the return. If you check the box on line 1a, 2a, 3a, 4a, or 5a, below, and the amount on that line for the return being filed with this form was blank, then leave line 1b, 2b, 3b, 4b, or 5b, whichever is applicable, blank (do not enter -0-). But, if you entered -0- on the return, then enter -0- on the applicable line below. Do not complete more than 1 line in Part I.

Table with 5 rows (1a-5a) and 2 columns (b Total revenue, b Total tax, b Tax based on investment income, b Balance Due) and 2 columns (1b-5b) for amounts.

Part II Declaration and Signature Authorization of Officer

Under penalties of perjury, I declare that I am an officer of the above organization and that I have examined a copy of the organization's 2011 electronic return and accompanying schedules and statements and to the best of my knowledge and belief, they are true, correct, and complete. I further declare that the amount in Part I above is the amount shown on the copy of the organization's electronic return. I consent to allow my intermediate service provider, transmitter, or electronic return originator (ERO) to send the organization's return to the IRS and to receive from the IRS (a) an acknowledgment of receipt or reason for rejection of the transmission, (b) the reason for any delay in processing the return or refund, and (c) the date of any refund. If applicable, I authorize the U.S. Treasury and its designated Financial Agent to initiate an electronic funds withdrawal (direct debit) entry to the financial institution account indicated in the tax preparation software for payment of the organization's federal taxes owed on this return, and the financial institution to debit the entry to this account. To revoke a payment, I must contact the U.S. Treasury Financial Agent at 1-888-353-4537 no later than 2 business days prior to the payment (settlement) date. I also authorize the financial institutions involved in the processing of the electronic payment of taxes to receive confidential information necessary to answer inquiries and resolve issues related to the payment. I have selected a personal identification number (PIN) as my signature for the organization's electronic return and, if applicable, the organization's consent to electronic funds withdrawal.

Officer's PIN: check one box only

I authorize JOHN G GAINES CPA to enter my PIN as my signature. Enter five numbers, but do not enter all zeros.

on the organization's tax year 2011 electronically filed return. If I have indicated within this return that a copy of the return is being filed with a state agency(ies) regulating charities as part of the IRS Fed/State program, I also authorize the aforementioned ERO to enter my PIN on the return's disclosure consent screen.

As an officer of the organization, I will enter my PIN as my signature on the organization's tax year 2011 electronically filed return. If I have indicated within this return that a copy of the return is being filed with a state agency(ies) regulating charities as part of the IRS Fed/State program, I will enter my PIN on the return's disclosure consent screen.

Officer's signature

Date 04/04/2012

Part III Certification and Authentication

ERO's EFIN/PIN. Enter your six-digit electronic filing identification number (EFIN) followed by your five-digit self-selected PIN.

74610641011 do not enter all zeros

I certify that the above numeric entry is my PIN, which is my signature on the 2011 electronically filed return for the organization indicated above. I confirm that I am submitting this return in accordance with the requirements of Pub. 4163, Modernized e-File (MeF) Information for Authorized IRS e-file Providers for Business Returns.

ERO's signature

Date 04/04/2012

ERO Must Retain This Form - See Instructions Do Not Submit This Form To the IRS Unless Requested To Do So

SCHEDULE O
(Form 990 or 990-EZ)

Department of the Treasury
Internal Revenue Service

Supplemental Information to Form 990 or 990-EZ

Complete to provide information for responses to specific questions on
Form 990 or 990-EZ or to provide any additional information.

▶ Attach to Form 990 or 990-EZ.

OMB No. 1545-0047

2011

Open to Public
Inspection

Name of the organization

LEON VALLEY PAGEANT ASSOCIATION

Employer identification number

74-2295892

SCHEDULE O

DETAILS OF OTHER EXPENSES

Handwritten: COPY

Part IV

Supplemental Information. Complete this part to provide the explanations required by Part II, line 10; Part II, line 17a or 17b; or Part III, line 12. Also complete this part for any additional information. (See instructions.)

FUNDRAISER HELD TO RAISE MONEY FOR THE CONTINUED RESTORATION OF THE HUEBNER-ONION HISTORICAL HOUSE.

2011
April
10th

Copy

Part II Support Schedule for Organizations Described in Sections 170(b)(1)(A)(iv) and 170(b)(1)(A)(vi)

(Complete only if you checked the box on line 5, 7, or 8 of Part I or if the organization failed to qualify under Part III. If the organization fails to qualify under the tests listed below, please complete Part III.)

Section A. Public Support

Calendar year (or fiscal year beginning in)	(a) 2007	(b) 2008	(c) 2009	(d) 2010	(e) 2011	(f) Total
1 Gifts, grants, contributions, and membership fees received. (Do not include any "unusual grants.")	7648.	8172.	14791.	16073.	1960.	48644.
2 Tax revenues levied for the organization's benefit and either paid to or expended on its behalf						
3 The value of services or facilities furnished by a governmental unit to the organization without charge						
4 Total. Add lines 1 through 3	7648.	8172.	14791.	16073.	1960.	48644.
5 The portion of total contributions by each person (other than a governmental unit or publicly supported organization) included on line 1 that exceeds 2% of the amount shown on line 11, column (f)						
6 Public support. Subtract line 5 from line 4.						48644.

Section B. Total Support

Calendar year (or fiscal year beginning in)	(a) 2007	(b) 2008	(c) 2009	(d) 2010	(e) 2011	(f) Total
7 Amounts from line 4	7648.	8172.	14791.	16073.	1960.	48644.
8 Gross income from interest, dividends, payments received on securities loans, rents, royalties and income from similar sources						
9 Net income from unrelated business activities, whether or not the business is regularly carried on						
10 Other income. Do not include gain or loss from the sale of capital assets (Explain in Part IV.)					9079.	9079.
11 Total support. Add lines 7 through 10						57723.
12 Gross receipts from related activities, etc. (see instructions)						

13 First five years. If the Form 990 is for the organization's first, second, third, fourth, or fifth tax year as a section 501(c)(3) organization, check this box and stop here

Section C. Computation of Public Support Percentage

14 Public support percentage for 2011 (line 6, column (f) divided by line 11, column (f))	14	0.00	%
15 Public support percentage from 2010 Schedule A, Part II, line 14	15	0.00	%

- 16a 33 1/3% support test - 2011. If the organization did not check the box on line 13, and line 14 is 33 1/3% or more, check this box
- and stop here. The organization qualifies as a publicly supported organization
- b 33 1/3% support test - 2010. If the organization did not check a box on line 13 or 16a, and line 15 is 33 1/3% or more, check this box
- and stop here. The organization qualifies as a publicly supported organization
- 17a 10% facts-and-circumstances test - 2011. If the organization did not check a box on line 13, 16a, or 16b, and line 14 is 10% or more, and if the organization meets the "facts-and-circumstances" test, check this box and stop here. Explain in Part IV how the organization meets the "facts-and-circumstances" test. The organization qualifies as a publicly supported organization
- b 10%-facts-and-circumstances test - 2010. If the organization did not check a box on line 13, 16a, 16b, or 17a, and line 15 is 10% or more, and if the organization meets the "facts-and-circumstances" test, check this box and stop here. Explain in Part IV how the organization meets the "facts-and-circumstances" test. The organization qualifies as a publicly supported organization
- 18 Private foundation. If the organization did not check a box on line 13, 16a, 16b, 17a, or 17b, check this box and see instructions

SCHEDULE A
(Form 990 or 990-EZ)

Department of the Treasury
Internal Revenue Service

Public Charity Status and Public Support

Complete if the organization is a section 501(c)(3) organization or a section 4947(a)(1) nonexempt charitable trust.

▶ Attach to Form 990 or Form 990-EZ.

▶ See separate instructions.

OMB No. 1545-0047

2011

Open to Public
Inspection

Name of the organization

LEON VALLEY PAGEANT ASSOCIATION

Employer identification number

74-2295892

Part I

Reason for Public Charity Status

(All organizations must complete this part.) See instructions.

The organization is not a private foundation because it is: (For lines 1 through 11, check only one box.)

- 1 A church, convention of churches, or association of churches described in section 170(b)(1)(A)(i).
- 2 A school described in section 170(b)(1)(A)(ii). (Attach Schedule E.)
- 3 A hospital or a cooperative hospital service organization described in section 170(b)(1)(A)(iii).
- 4 A medical research organization operated in conjunction with a hospital described in section 170(b)(1)(A)(iii). Enter the hospital's name, city, and state: _____
- 5 An organization operated for the benefit of a college or university owned or operated by a governmental unit described in section 170(b)(1)(A)(iv). (Complete Part II.)
- 6 A federal, state, or local government or governmental unit described in section 170(b)(1)(A)(v).
- 7 An organization that normally receives a substantial part of its support from a governmental unit or from the general public described in section 170(b)(1)(A)(vi). (Complete Part II.)
- 8 A community trust described in section 170(b)(1)(A)(vi). (Complete Part II.)
- 9 An organization that normally receives: (1) more than 33 1/3 % of its support from contributions, membership fees, and gross receipts from activities related to its exempt functions - subject to certain exceptions, and (2) no more than 33 1/3 % of its support from gross investment income and unrelated business taxable income (less section 511 tax) from businesses acquired by the organization after June 30, 1975. See section 509(a)(2). (Complete Part III.)
- 10 An organization organized and operated exclusively to test for public safety. See section 509(a)(4).
- 11 An organization organized and operated exclusively for the benefit of, to perform the functions of, or to carry out the purposes of one or more publicly supported organizations described in section 509(a)(1) or section 509(a)(2). See section 509(a)(3). Check the box that describes the type of supporting organization and complete lines 11e through 11h.
 a Type I b Type II c Type III - Functionally integrated d Type III - Other
- e By checking this box, I certify that the organization is not controlled directly or indirectly by one or more disqualified persons other than foundation managers and other than one or more publicly supported organizations described in section 509(a)(1) or section 509(a)(2).
- f If the organization received a written determination from the IRS that it is a Type I, Type II or Type III supporting organization, check this box _____
- g Since August 17, 2006, has the organization accepted any gift or contribution from any of the following persons?
 (i) A person who directly or indirectly controls, either alone or together with persons described in (ii) and (iii) below, the governing body of the supported organization? Yes No
 (ii) A family member of a person described in (i) above? 11g(i) 11g(ii) 11g(iii)
 (iii) A 35% controlled entity of a person described in (i) or (ii) above? Yes No

h Provide the following information about the supported organization(s).

(i) Name of supported organization	(ii) EIN	(iii) Type of organization (described on lines 1-9 above or IRC section (see instructions))	(iv) Is the organization in col. (i) listed in your governing document?		(v) Did you notify the organization in col. (i) of your support?		(vi) Is the organization in col. (i) organized in the U.S.?		(vii) Amount of support
			Yes	No	Yes	No	Yes	No	
(A)									
(B)									
(C)									
(D)									
(E)									
Total									

For Paperwork Reduction Act Notice, see the Instructions for Form 990 or Form 990-EZ.

46 Did the organization engage, directly or indirectly, in political campaign activities on behalf of or in opposition to candidates for public office? If "Yes," complete Schedule C, Part I

	Yes	No
46		X

Part VI Section 501(c)(3) organizations and section 4947(a)(1) nonexempt charitable trusts only.

All section 501(c)(3) organizations and section 4947(a)(1) nonexempt charitable trusts must answer questions 47-49b and 52, and complete the tables for lines 50 and 51.

Check if the organization used Schedule O to respond to any question in this Part VI

47 Did the organization engage in lobbying activities or have a section 501(h) election in effect during the tax year? If "Yes," complete Schedule C, Part II

	Yes	No
47		X
48		X
49a		X
49b		

48 Is the organization a school as described in section 170(b)(1)(A)(ii)? If "Yes," complete Schedule E.

49a Did the organization make any transfers to an exempt non-charitable related organization?

b If "Yes," was the related organization a section 527 organization?

50 Complete this table for the organization's five highest compensated employees (other than officers, directors, trustees and key employees) who each received more than \$100,000 of compensation from the organization. If there is none, enter "None."

(a) Name and title of each employee paid more than \$100,000	(b) Title and average hours per week devoted to position	(c) Reportable compensation (Forms W-2/1099-MISC)	(d) Health benefits, contributions to employee benefit plans, and deferred compensation	(e) Estimated amount of other compensation
NONE				

f Total number of other employees paid over \$100,000

51 Complete this table for the organization's five highest compensated independent contractors who each received more than \$100,000 of compensation from the organization. If there is none, enter "None."

(a) Name and address of each independent contractor paid more than \$100,000	(b) Type of service	(c) Compensation
NONE		

f Total number of other independent contractors each receiving over \$100,000

52 Did the organization complete Schedule A? Note: All section 501(c)(3) organizations and 4947(a)(1) nonexempt charitable trusts must attach a completed Schedule A

Yes No

Under penalties of perjury, I declare that I have examined this return, including accompanying schedules and statements, and to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than officer) is based on all information of which preparer has any knowledge.

Sign Here	Signature of officer DARBY RILEY		Date 04/04/2012		
	Type or print name and title PRESIDENT				
Paid Preparer Use Only	Print/Type preparer's name JOHN G GAINES CPA	Preparer's signature	Date 04/04/2012	Check <input type="checkbox"/> if self-employed	PTIN P00395583
	Firm's name JOHN G GAINES CPA PC	Firm's EIN 74-2858903		Phone no. 210-695-3221	
	Firm's address HELOTES TX 78023-1229				

Part V Other Information (Note the Schedule A and personal benefit contract statement requirements in the instructions for Part V.) Check if the organization used Schedule O to respond to any question in this Part V.

		Yes	No
33	Did the organization engage in any activity not previously reported to the IRS? If "Yes," attach a detailed description of each activity in Schedule O		X
34	Were any significant changes made to the organizing or governing documents? If "Yes," attach a conformed copy of the amended documents if they reflect a change to the organization's name. Otherwise, explain the change on Schedule O (see instructions)		X
35a	Did the organization have unrelated business gross income of \$1,000 or more during the year from business activities (such as those reported on lines 2, 6a, and 7a, among others)?		X
35b	If "Yes," to line 35a, has the organization filed a Form 990-T for the year? If "No," provide an explanation in Schedule O.		
35c	Was the organization a section 501(c)(4), 501(c)(5), or 501(c)(6) organization subject to section 6033(e) notice, reporting, and proxy tax requirements during the year? If "Yes," complete Schedule C, Part III		
36	Did the organization undergo a liquidation, dissolution, termination, or significant disposition of net assets during the year? If "Yes," complete applicable parts of Schedule N		X
37a	Enter amount of political expenditures, direct or indirect, as described in the instructions <input type="checkbox"/> 37a 0		
37b	Did the organization file Form 1120-POL for this year?		
38a	Did the organization borrow from, or make any loans to, any officer, director, trustee, or key employee or were any such loans made in a prior year and still outstanding at the end of the tax year covered by this return?		X
38b	If "Yes," complete Schedule L, Part II and enter the total amount involved.		
39	Section 501(c)(7) organizations. Enter:		
39a	a Initiation fees and capital contributions included on line 9		
39b	b Gross receipts, included on line 9, for public use of club facilities		
40a	Section 501(c)(3) organizations. Enter amount of tax imposed on the organization during the year under: section 4911 <input type="checkbox"/> ; section 4912 <input type="checkbox"/> ; section 4955 <input type="checkbox"/>		
40b	b Section 501(c)(3) and 501(c)(4) organizations. Did the organization engage in any section 4958 excess benefit transaction during the year, or did it engage in an excess benefit transaction in a prior year, that has not been reported on any of its prior Forms 990 or 990-EZ? If "Yes," complete Schedule L, Part I		X
40c	c Section 501(c)(3) and 501(c)(4) organizations. Enter amount of tax imposed on organization managers or disqualified persons during the year under sections 4912, 4955, and 4958 <input type="checkbox"/>		
40d	d Section 501(c)(3) and 501(c)(4) organizations. Enter amount of tax on line 40c reimbursed by the organization <input type="checkbox"/>		
40e	e All organizations. At any time during the tax year, was the organization a party to a prohibited tax shelter transaction? If "Yes," complete Form 8886-T		X
41	List the states with which a copy of this return is filed. <input type="checkbox"/>		
42a	The organizations books are in care of <u>BARBARA FRYER</u> Telephone no. <u>210-684-0885</u> Located at <u>7205 HUEBNER ROAD TX SAN ANTONIO</u> ZIP + 4 <u>78240-</u>		
42b	b At any time during the calendar year, did the organization have an interest in or a signature or other authority over a financial account in a foreign country (such as a bank account, securities account, or other financial account)? If "Yes," enter the name of the foreign country: <input type="checkbox"/>		X
42c	See the instructions for exceptions and filing requirements for Form TD F 90-22.1, Report of Foreign Bank and Financial Accounts.		X
43	c At any time during the calendar year, did the organization maintain an office outside of the U.S.? If "Yes," enter the name of the foreign country: <input type="checkbox"/>		
43	Section 4947(a)(1) nonexempt charitable trusts filing Form 990-EZ in lieu of Form 1041 - Check here <input type="checkbox"/> and enter the amount of tax-exempt interest received or accrued during the tax year <input type="checkbox"/> 43		
44a	Did the organization maintain any donor advised funds during the year? If "Yes," Form 990 must be completed instead of Form 990-EZ		X
44b	b Did the organization operate one or more hospital facilities during the year? If "Yes," Form 990 must be completed instead of Form 990-EZ		X
44c	Did the organization receive any payments for indoor tanning services during the year?		X
44d	d If "Yes" to line 44c, has the organization filed a Form 720 to report these payments? If "No," provide an explanation in Schedule O		
45a	Did the organization have a controlled entity within the meaning of section 512(b)(13)?		X
45b	Did the organization receive any payment from or engage in any transaction with a controlled entity within the meaning of section 512(b)(13)? If "Yes," Form 990 and Schedule R may need to be completed instead of Form 990-EZ (see instructions)		X

MAYOR AND COUNCIL COMMUNICATION

DATE: September 4, 2012

M&C: # 09-06-12

TO: MAYOR AND CITY COUNCIL

SUBJECT: CONSIDER A REQUEST BY BRIAN LUMBATIS, OF COMPLETE SIGNS LLC., ON BEHALF OF RAISING CANE, PROPERTY OWNER, FOR A VARIANCE TO CHAPTER 14, "ZONING," SECTION 14.02.305, "REGULATIONS FOR ALL DISTRICTS, SUBSECTION (m), "OVERLAY DISTRICTS," APPENDIX C, SECTION G.2 (b.), "MONUMENT SIGNS," TO ALLOW A 30-FOOT TALL POLE SIGN WITH A SIGN FACE MEASURING 128 SQUARE FEET AT 7020 BANDERA ROAD

PURPOSE

The applicant believes that due to the existing sign clutter, power lines, the line of sight and business location a monument sign will not be adequate to advertise their business, so they are asking for a pole sign with a 128 square foot sign face that measures 30-feet in height. In order to give the pole sign a monument look they have additionally proposed a 3-foot masonry base that matches the building and a pole design that has 5-foot wide oval cladding.

The applicant began with a number of variance requests but has worked with staff to reduce the variance requests to one (1).

The Sustainability Overlay allows only monument signage for new construction along Bandera Road (see attached monument regulations).

If the pole sign is allowed per the standards used for properties along Loop 410 and the flyover, the proposed sign is well under both the sign height maximum of 45-feet and the sign face area of 300 square feet (see attached pole sign regulations).

The applicant will be required to landscape around the sign if the proposed pole sign is approved.

FISCAL IMPACT

\$100 was paid for consideration of the sign variance request. If approved, the sign permit fee will be \$100.

RECOMMENDATION

Any action in regard to the sign variance is at the discretion of the City Council. Each variance request is on a case by case basis for consideration. Staff notes however, that if the trend is continued with pole signs along Bandera Road and outside the parameters of Loop 410 and the flyover the visible change that the Council and public are looking for along Bandera Road will take longer to achieve or may never be achieved. Additionally they have inadvertently noted via an exhibit to demonstrate landscaping, that they can utilize very nice monument signs on their business properties (see attached monument sign).

As a side note, Bush's Chicken is the only new construction within the City that has fully

Agenda Item 11

constructed their building and signage within the confines of the Sustainability Overlay (adopted November 2010) without a request for a variance.

S.E.E

Social Equity – Variance consideration for the property owner encourages their collaborative participation in working with the City.

Environmental Stewardship – There is not an environment impact per say as the sign is not using bright or flashy lighting. There will be a 4-foot landscape buffer around the sign if it is approved.

Economic Development – Approval of the variance assists the property owner in advertising their new business in Leon Valley to promote patronage and economic development.

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS: _____

ATTEST:

Janie Willman, City Secretary

G. Signs

1. Intent.

These standards are primarily for new projects and reflect the reduced need for large extensive signage that has resulted in the past from buildings that were constructed towards the rear of the site with large set backs from the street.

The intent of this Section is to establish architectural controls, limit clutter and regulate commercial and locational signage. It is also intended to help enliven retail and restaurant mixed-use areas.

While it is the intent to allow for ongoing regular maintenance of existing non-conforming signs based on existing sign ordinance regulations for non-conforming signs (Section 3.04.007), generally, sign improvements should not significantly prolong the life of a non-conforming sign.

2. Proposed additions and changes to current standards

a. Freestanding Signs

- i. All Freestanding business or development identification signs must be Monument Signs, except adjacent to Loop 410 and the flyover.

b. Monument Signs

- i. A maximum of 7 feet in height and a total structure size of 98 s.f.
- ii. The maximum sign face area shall be 60 s.f.
- iii. Signs shall have a minimum one-foot masonry base measured from the ground to the bottom edge of the sign
- iv. Signs shall have a minimum 6-inch border on each side and the top.
- v. Building materials and colors utilized for construction of monument bases, side borders, caps, and sign frames shall be constructed of the same materials found on the main

building on the lot, unless otherwise approved by the City Council.

c. Pole Signs

- i. Pole Signs shall only be permitted on properties immediately adjacent to, and fronting, Loop 410 and the Flyover.
- ii. Maximum Height and Sign Area shall be as follows:

	Height	Sign Area
Single	45 ft.	300
Dual	45 ft.	375
Multiple	50 ft.*	500

* An additional 10 feet of overall height may be added if the elevation of the adjacent roadway grade is determined to cause particular visibility problems.

- iii. One freestanding sign shall be permitted on each street frontage, as follows:
 - a) Less than 250 feet of frontage: One (1) sign.
 - b) 250 feet or more of frontage: One (1) sign per 200 feet of frontage when approved by a master sign plan.
- iv. No off-site advertising shall be allowed.
- v. Landscape buffer. Unless an alternate method of providing traffic and pedestrian safety is approved through the master sign plan, each freestanding sign shall be placed within a landscaped area extending a minimum four (4) feet from the sign in each direction. Such measurements shall begin at the sign base or at the edge of any overhang within 20 feet of the ground, whichever requires the greater barrier. Xeriscaping is encouraged.

d. Wall Signs

- i. A maximum of 1.5 square feet of wall sign shall be allowed for each one (1) linear foot of primary building face.



COMPLETE SIGNS LLC

P. O. Box 8861 Dothan, Al. 36304 P 888.823.9005
F 334.556.0218 signs@completesigns.net www.completesigns.net

8.21.12

Ref: Variance request to the current sign code.

Address: Raising Cane's 7020 Bandera Rd

As Raising Cane's sign company Complete Signs is representing them for their request to be allowed additional and or different signage than the current sign code allows.

Variance 1

Cane's strongly feels that strict application of the sign code (in regards to monuments only) to their property will cause them great hardship as it relates to sales of their product.

Cane's hardship would be caused by the customer's inability to identify Cane's from any distance other than directly in front of the store. If their signage cannot be seen from a distance than a customer that knows Cane's and would prefer to patronize Cane's may settle for another product, because they are unaware that Cane's is just a little ways farther down the road.

Cane's location seems to be one of, if not the last vacant lot within a mile or two (see attachment "overhead"). All the other businesses (some of which are direct competitors) have large signs (see Pic 1-3) and therefore have good visibility. In fact when we visited the site it appeared that no other business on the street had a monument sign, all were pylons, and some were very large.

Please see attachments approach 1-3. When you view these three photos it becomes very clear that a 7' high monument would from a distance not even be seen above oncoming cars.

Please see attachment approach 2, our building will almost be completely blocked from view by the What a Burger building. Without a large enough sign customers will not know that Cane's is just down the road.

Please see Attachments "next door" and "next door 2" These are the two signs that will be on both sides of our business.

The attached drawing "Pylon" is the sign we feel would be in keeping with the other signs on the street, and next to our business... and would allow us to have equal visibility compared to other businesses.

Thank You
Brian Lumbatis

Complete Signs LLC

COM·PLETE "a.1 lacking nothing 2 finished 3 thorough; perfect

To see all the details that are visible on the screen, use the "Print" link next to the map.



BANDERA BOWL
by ELECTRONIC LANES

DOLLAR GENERAL

GIANT
DISCOUNT APPLIANCES & TV
NEW • SCRATCH & DENT • OVERSTOCK

[Blank sign]

TUESDAY MORNING

BUDGET FINANCE TEXAS
SIGNATURE LOANS SEAFOOD GRILL

JACKSON
JEWELRY REPAIRS

LCD'S • PLASMAS • DLPS
TVs 4 Less
SALES • PARTS • REPAIR • 647-0660

VALERO
cornerstore
UNLEAD **3.19⁹**
UNLEAD PLUS **3.34⁹**
UNLEAD SUPER **3.48⁹**
DIESEL **3.55⁹**

TEXAS SEAFOOD GRILL

BANDERA PLAZA

BANDERA SQUARE

PRINT & COPY

RED NAILS
FACIAL - WAXING
SPA PEDICURE

BEAUTY SALON

SOCCER GURU

LEON VALLEY
TAILOR &
ALTERATION

AVON

TITAN

6820

Peter Piper Pizza

**MOVIE
EXCHANGE**

**Payless
ShoeSource**

ALL YOU CAN EAT
WEEKDAY LUNCH
BUFFET ONLY \$5.49

**SPEEDY
CASH**

PAYDAY & TITLE

LOANS

CASH 4 GOLD
CHECKS CASHED

CD EXCHANGE

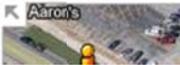
MUSIC • MOVIES • GAMES





Bandera Rd

Bandera Rd







24 HR



Bandera Heights

6960 - 7098

HOBBY LOBBY

Hancock Fabrics

 **Cici's Pizza**

WOMEN'S Super Fitness

Petland

LIQUOR

 **Window World**
"Simply the Best for Less"

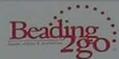
BEADS 2 GO

 **COLORTYME**

ATLANTIS DISCOVERED

SALLY BEAUTY SUPPLY

KIM WAH CHINESE B.B.Q

 **Beading 2go**

 **AMES**
TOOLS • SUPPLIES • SERVICE

DYSON'S EMBROIDERY

HEALING MASSAGE

JOLLY DENTAL

Because... CARDS & GIFTS

WORLD FINANCE LOANS

LIQUOR

STYLE AMERICA

SILVA CHIROPRACTIC

Laurie's NAILS

Handbags & Accessories

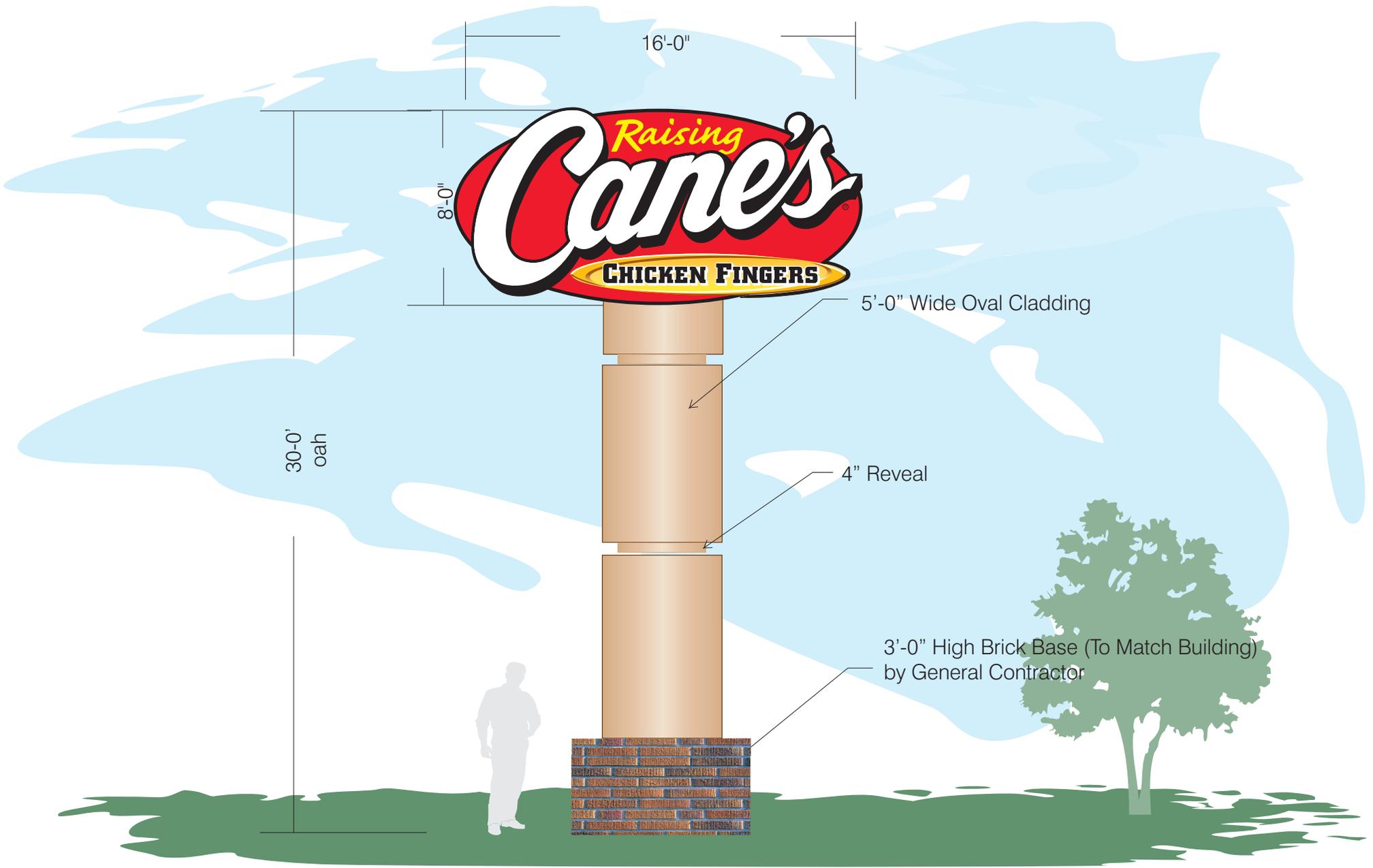
Taqueria Jalisco

Marcella's HANDBAGS

FRÜZEN YOGURT

Public Storage
APPLIANCES





Color renderings are for presentation only and should not be considered as manufacturing drawings.



City of Leon Valley City Council

Consider a Sign Variance – A Request
to allow a Pole Sign rather than a
Monument Sign at 7020 Bandera Road

September 4, 2012



Purpose

- Applicant: Brian Lumbatis, Complete Signs, LLC., on Behalf of Raising Cane
- Variance to Chapter 14, “Monument Signs”
 - to Allow a Pole Sign at 7020 Bandera Road



Purpose

- Ordinance Allows Monument Signs only for New Construction projects within the Sustainability Overlay
 - maximum of 7-feet high and a total structure size of 98 square feet
 - maximum sign face of 60 square feet



Purpose

- Monument Guidelines
 - one (1) foot masonry base
 - six (6) inch border
 - building materials and colors for construction of base/sides/caps and frames to match building









BANDERA BOWL
50 ELECTRONIC LANES

DOLLAR GENERAL

GIANT
DISCOUNT APPLIANCES & TV
NEW • SCRATCH & DENT • OVERSTOCK

[Blank sign]

TUESDAY MORNING

BUDGET FINANCE TEXAS
SIGNATURE LOANS SEAFOOD GRILL

JACKSON
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LCD'S • PLASMAS • DLPS
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UNLEAD SUPER **3.48**⁹
DIESEL **3.55**⁹

BANDERA
PLAZA

BANDERA
SQUARE

RED NAILS
FACIAL • WAXING
SPA PEDICURE

SOCER
GURU

AVON

LEON VALLEY
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TEXAS SEAFOOD GRILL

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**MOVIE
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SPEEDY CASH
PAYDAY & TITLE

LOANS

CASH 4 GOLD
CHECKS CASHED

CD EXCHANGE
MUSIC • MOVIES • GAMES



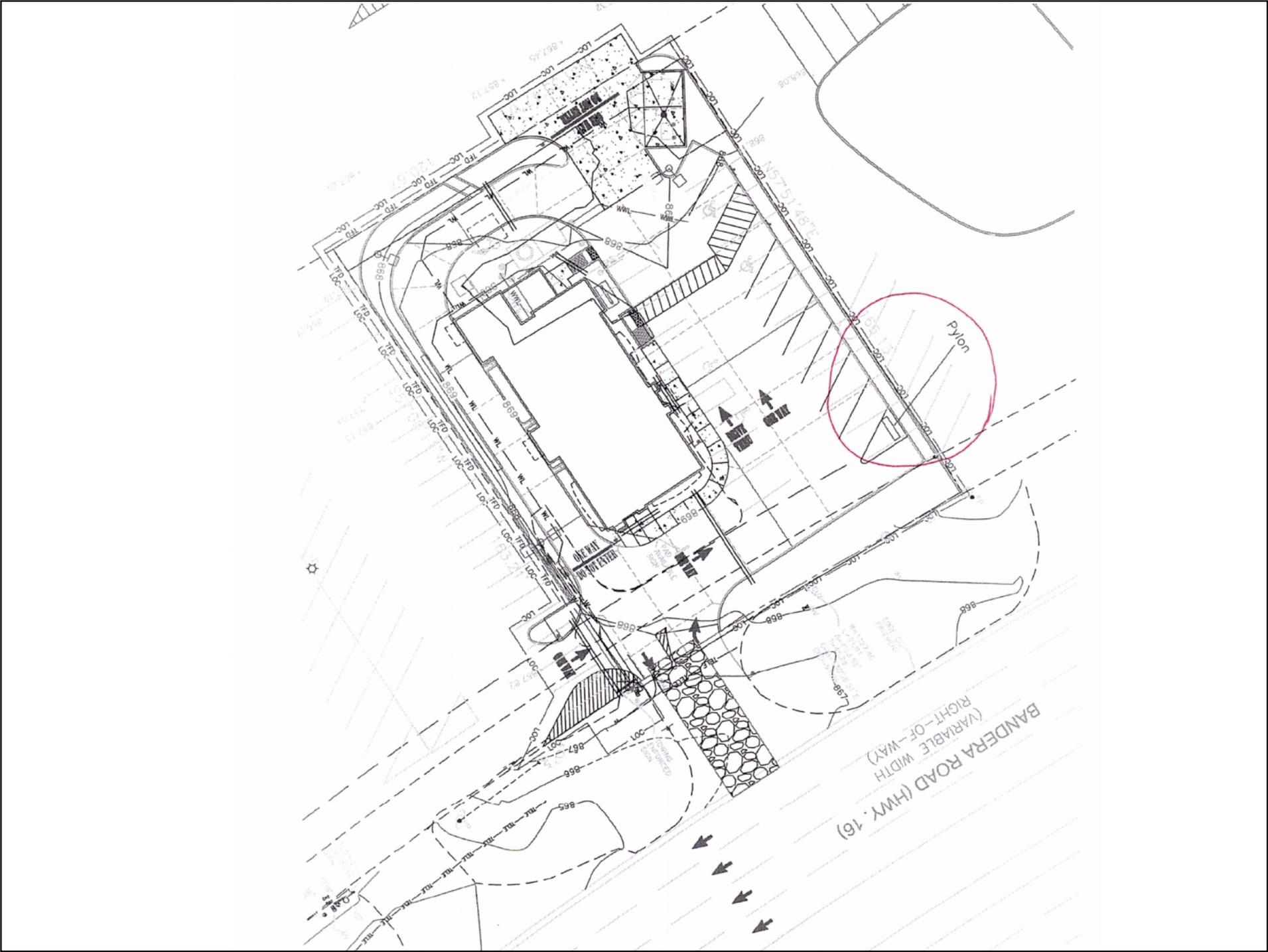
Purpose

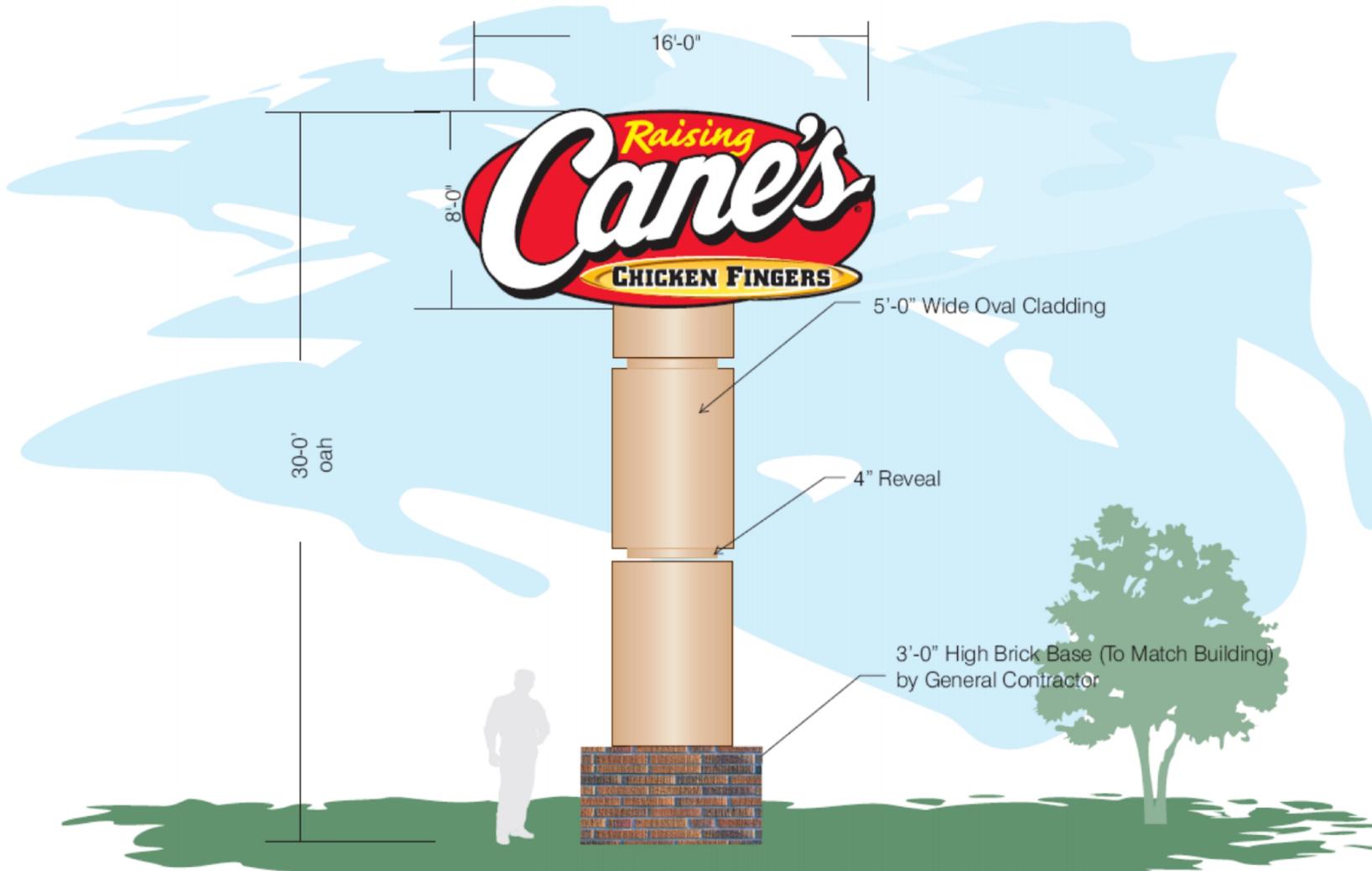
- Overlay Pole Sign Guidelines for properties adjacent to Loop 410 and the flyover
 - maximum height 45-feet and sign area of 300 square feet
 - one (1) sign for 250-feet of frontage
 - no off-site advertising
 - landscape buffering of 4-feet



Purpose

- Proposed Sign
 - thirty (30) feet tall
 - plastic sign face (128 square feet)
 - five (5) foot oval cladding
 - three (3) foot masonry base to match bldg





Color renderings are for presentation only and should not be considered as manufacturing drawings.

COMPLETE SIGNS LLC
 P.O. Box 8861 Dothan, AL 36304 P 888.823.9005
 F 413.294.7536 signs@completesigns.net www.completesigns.net

Raising Canes
 Pylon

Customer: Cones
 Created: 04/18/07
 Revised:
 Dwg: Pylon
 Scale: 3/16" = 1'-0"
 Illustrated by: Roland

Raising
Cane's
CHICKEN FINGERS





Fiscal Impact

- \$100 paid for sign variance consideration
- If approved, \$100 for sign permit



City of Leon Valley City Council

Consider a Sign Variance – A Request
to allow a Pole Sign rather than a
Monument Sign at 7020 Bandera Road

September 4, 2012



MAYOR AND COUNCIL COMMUNICATION

DATE: September 4, 2012

M&C: #09-07-12

TO: MAYOR AND CITY COUNCIL

SUBJECT: CONDUCT PUBLIC HEARING TO CONSIDER AN AMENDMENT – WITH ATTACHED ORDINANCE - TO CHAPTER 14, “ZONING” APPENDIX 2, “OVERLAY BOUNDARIES,” MAP AND APPENDIX 2A, “SUSTAINABILITY OVERLAY,” MAP AND 2C, “COMMERCIAL/INDUSTRIAL OVERLAY,” MAP TO MOVE 6300 AND 6320 BANDERA ROAD, BEING LOT 5 AND NW IRR 285 FEET OF LOT 6, BLOCK 1, LINCOLN MERCURY SUBDIVISION, CB 4429H AND LOT 2 AND NE 25.10 FEET OF SE 387.74 FEET OF LOT 6, BLOCK 1, CB 4429H, B-3 (COMMERCIAL) ZONED PROPERTIES FROM THE SUSTAINABILITY OVERLAY TO THE COMMERCIAL/INDUSTRIAL OVERLAY AND PROVIDING A PENALTY OF UP TO TWO THOUSAND DOLLARS (\$2000)

PURPOSE

The attached memo from the City Manager to the Zoning Commission outlines the requested change and the reasons for the request.

There is a developer interested in investing approximately \$7 million into the former Fiesta Dodge location and in order to utilize the property has asked the City to consider moving the property from the Sustainability Overlay to the Commercial/Industrial Overlay.

The property will still be protected by overlay regulations, however the Commercial/Industrial Overlay will allow for automotive sales/rentals.

FISCAL IMPACT

Not applicable.

RECOMMENDATION

On August 28, 2012 the Zoning Commission recommended approval of the amendment moving 6300 and 6320 Bandera Road from the Sustainability Overlay to the Commercial/Industrial Overlay with an addendum to include a Memorandum by Jim Carrillo of Half Associates to be by a vote of 6-1.

S.E.E IMPACT STATEMENT

Social Equity – this change encourages collaborative participation by businesses and stakeholders with the City.

Environmental Stewardship – the property will be revitalized and beautified with streetscape and landscape.

Economic Development – removing these two (2) properties from the overlay will promote economic development by allowing the properties to be utilized and leased; supporting ad valorem taxes, revenue generation and business progress in the City.

APPROVED: _____

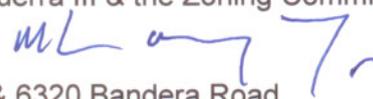
DISAPPROVED: _____

APPROVED WITH THE FOLLOWING COMMENTS: _____

ATTEST:

Janie Willman, City Secretary

City of Leon Valley Memorandum

Date: August 21, 2012
To: Zoning Commission Chair Claude Guerra III & the Zoning Commission
From: Manuel Longoria Jr., City Manager 
RE: Overlay Revision Concerning 6300 & 6320 Bandera Road
(former Fiesta Dodge site)

After two recent executive session meetings regarding the above noted site the Mayor and City Council have directed me to initiate an overlay change which would take this property out of the Sustainability Overlay and move it into the Commercial/Industrial Overlay for a user that is interested in investing approximately \$7 million into the site.

The development of the site would include: primary owner Enterprise Rental (commercial side of the company), either a local car dealership or one from Austin, Texas, and a family-style restaurant like the Willie's concept already established in San Antonio. The goal is to make the restaurant a destination location due to the property's accessibility and proximity to the flyover (see attached exhibit). The development would conform to the Commercial/Industrial Overlay standards and the site would be enhanced with streetscape and landscape. Additionally, because of their interest in the property and their desire to locate in Leon Valley the developer has indicated that as a community partner \$125,000 would be donated to Leon Valley to connect the trail system from the Fiesta property, to the Ridge, and into the creek here adjacent to City Hall (see attached exhibit). The developer would also take care of any drainage concerns on the property. The buildings would not be demolished but would be enhanced to meet the Commercial/Industrial Overlay Standards.

The Mayor, City Council and I are aware that great time, detail and excitement went into the Revitalization Charrette for the former Fiesta Dodge, however in practical use of the property, its commercial feasibility, discussions with the Economic Development Department, and inquiries into the site; Enterprise and the other businesses that they would like to bring to the area are acceptable end-users for the property.

We understand that this is not the highest and best use of the property as the charrette would indicate, but it does generate activity and property use in this area. The property will be dropping from the tax roll in the near future, which is a loss to the City of approximately \$30,000 per year in ad valorem taxes. Thus the zoning overlay change is a reasonable request for a viable user that will revitalize the site, bring attention to the area, and most importantly keep the property on the tax roll and generate sales tax. It is also important to note that if the property is kept on the tax roll this is \$30,000, plus there is an approximate return on investment of \$15,000+ for a total of \$45,000+ in ad valorem taxes annually for the City, not including potential sales tax revenues. This is an important revitalization project for a property which has been vacant for 4 years, has been trespassed on and is regularly vandalized with graffiti. Rather than having an eyesore on Bandera Road this project can turn the property into a gem for the City resulting in economic development by similar investors who look for positive revitalization such as this.

Chairman and Commission we thank you for your careful consideration and we look forward to receiving your recommendation concerning the overlay change for the September 4th City Council Meeting.

Should you have any questions please feel free to contact me at 210-684-1391, extension 219.





**CONCEPTUAL PLAN
 OF
 LEON VALLEY
 HIKE AND BIKE
 TRAIL**

PREPARED BY

SIA ENGINEERING, INC.
 6977 SAN PEDRO AVE.
 SAN ANTONIO, TEXAS 78216-6243
 (210) 341-5900 FAX (210) 308-0662

MEMORANDUM

To: Ms. Kristie Flores, Director of
Community Development,
City of Leon Valley

From: Jim Carrillo, FAICP, ASLA
Halff Associates Inc.

Date: August 13, 2012

**Halff Project
Number:** 27055A

Subject: Considerations Regarding Redevelopment of the Fiesta Dodge Site and Permitted Uses Allowed by the Leon Valley Sustainability Overlay

Introduction: The Sustainability and Commercial Overlay Districts Ordinance was enacted by the City of Leon Valley in 2010, and it has since been used to guide improvements to non-residential properties within Leon Valley, primarily along Bandera Road.

A key redevelopment opportunity within the City is the site of the former Fiesta Dodge dealership, located along the south side of Bandera Road in the vicinity of the new flyover to Loop 410. In this memorandum the site will be referred to as the Fiesta Dodge site. This property has been unoccupied since the closing of the dealership in 2008. The site's size and location make it a highly visible redevelopment opportunity, but challenges to access to the site caused by the flyover and the rolling topography of the site have delayed redevelopment of the site so far. None the less, this site remains one of the largest and most prominent redevelopment opportunities within the entire City of Leon Valley.

Under the Sustainability Overlay, automotive uses are restricted within the Overlay district. Consideration has been given as to whether the development of automotive uses on the site might allow the Fiesta Dodge site (a former automotive dealership) to redevelop more quickly. Potential automotive uses for the site include its redevelopment as an automobile dealership or its use as a car rental facility. This memorandum addresses concerns regarding redevelopment of the site and potential mechanisms that could be used to expand the range of development opportunities for the site.

This being said, there are two considerations to expand the uses for the site:

Option 1: Adjustment the boundaries of the Sustainability Overlay and the Commercial Overlay districts to add the Fiesta Dodge Site to the Commercial Overlay District – while both overlay districts have similar requirements, the Commercial Overlay District has a wider range of permitted uses. Its current boundaries are very near the Fiesta Dodge site, and it may be beneficial to adjust the boundaries to place the Fiesta Dodge site in the Commercial Overlay District. Car rentals may have to added as an allowed use to the Commercial Overlay District ordinance.

Option 2: Use of a Development Agreement to Ensure that the City's Intent Regarding the Site is followed – specific agreements with property owners are used to ensure that a proper understanding of the roles, expectations and responsibilities of both the governing entity and the property developer are clearly outlined. Such an agreement for this site should be considered, but would still need to fall under the requirements of the Overlay District(s).

You may note that Options 1 and 2 can be utilized in conjunction with each other to protect the site further.

Conclusion - Key considerations in the redevelopment of the Fiesta Dodge site

The following items should be considered regarding the subject site:

1. In all cases, the impact on adjacent existing land uses should be considered. These adjacent uses include an office tower and some residential. These uses were developed after the Fiesta Dodge site was first utilized for automobile sales, but if the new site plan does not provide adequate buffering and aesthetic treatments, it may now impact those adjacent properties.
2. In addition, the site continues to have significant long term re-development potential for Leon Valley. Therefore, the City of Leon Valley should consider the impact of any short term redevelopment on that long term potential. Any actions undertaken by the City should ultimately be helpful to that long term redevelopment and not hinder it.
3. Additional landscaping along Bandera Road and along the edges of the property should be included in any redevelopment scheme for the property. If the existing buildings on the site continue to be used, they should be upgraded to meet or exceed the intent of the Overlay district(s). If new buildings are included, they should also meet or exceed the requirements of the overlay district.



300 East Sonterra Blvd., Ste. 230
San Antonio, Texas 78258
(210) 798-1895
Fax (210) 798-1896

The City of Leon Valley may want to consider the following course of action:

1. Consider adding the Fiesta Dodge site to the Commercial Overlay district; and/or
2. Create a specific development agreement with the property owner that discusses long term development strategies for the property so that other development opportunities for the site can be maximized.

End of Memorandum

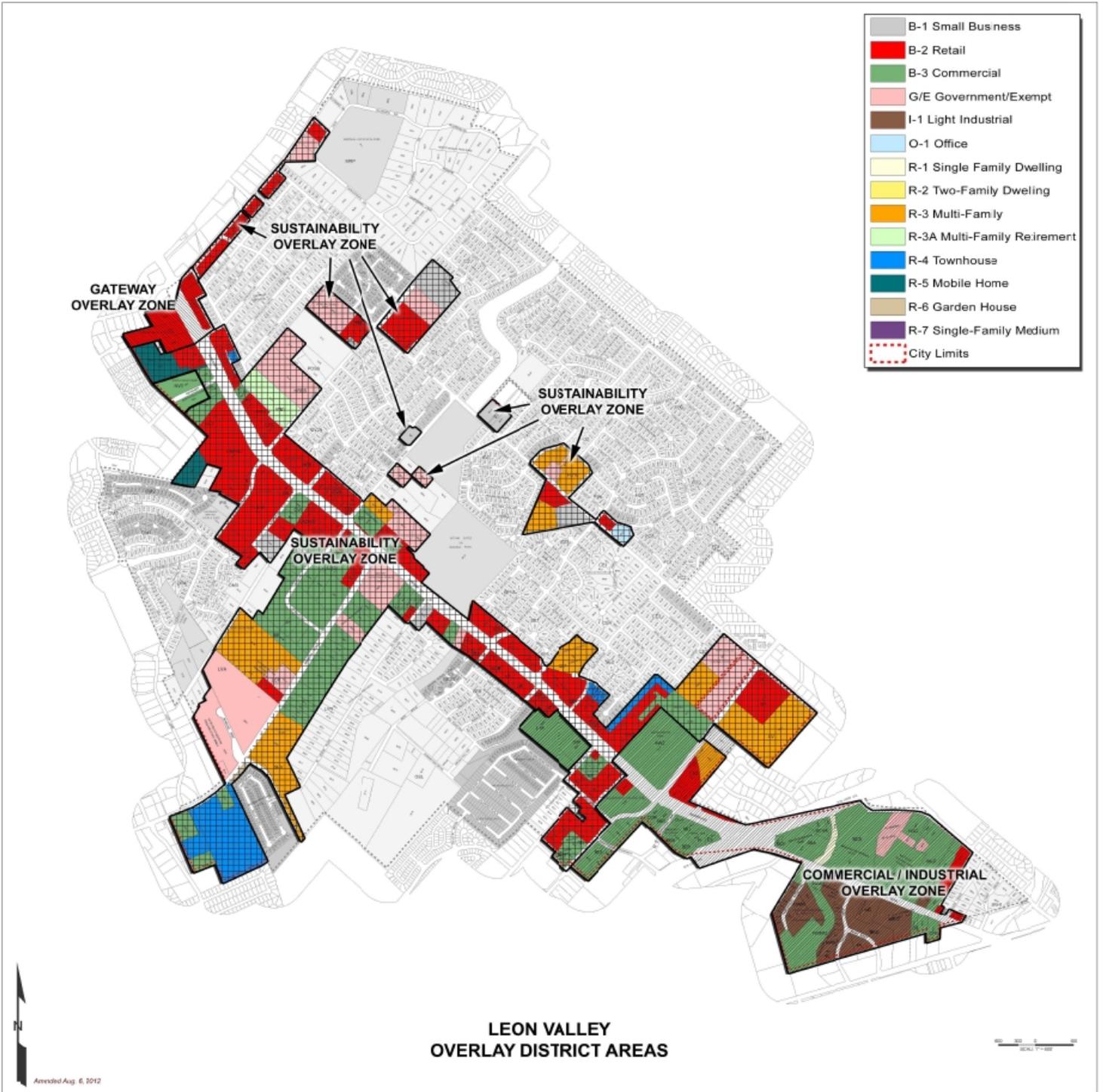
AN ORDINANCE

**AMENDING CHAPTER 14, "ZONING," CHAPTER 14, "ZONING"
APPENDIX 2, "OVERLAY BOUNDARIES," APPENDIX 2A,
"SUSTAINABILITY OVERLAY," AND APPENDIX 2C,
"COMMERCIAL/INDUSTRIAL OVERLAY," AND PROVIDING A
PENALTY OF UP TO TWO THOUSAND DOLLARS (\$2000)**

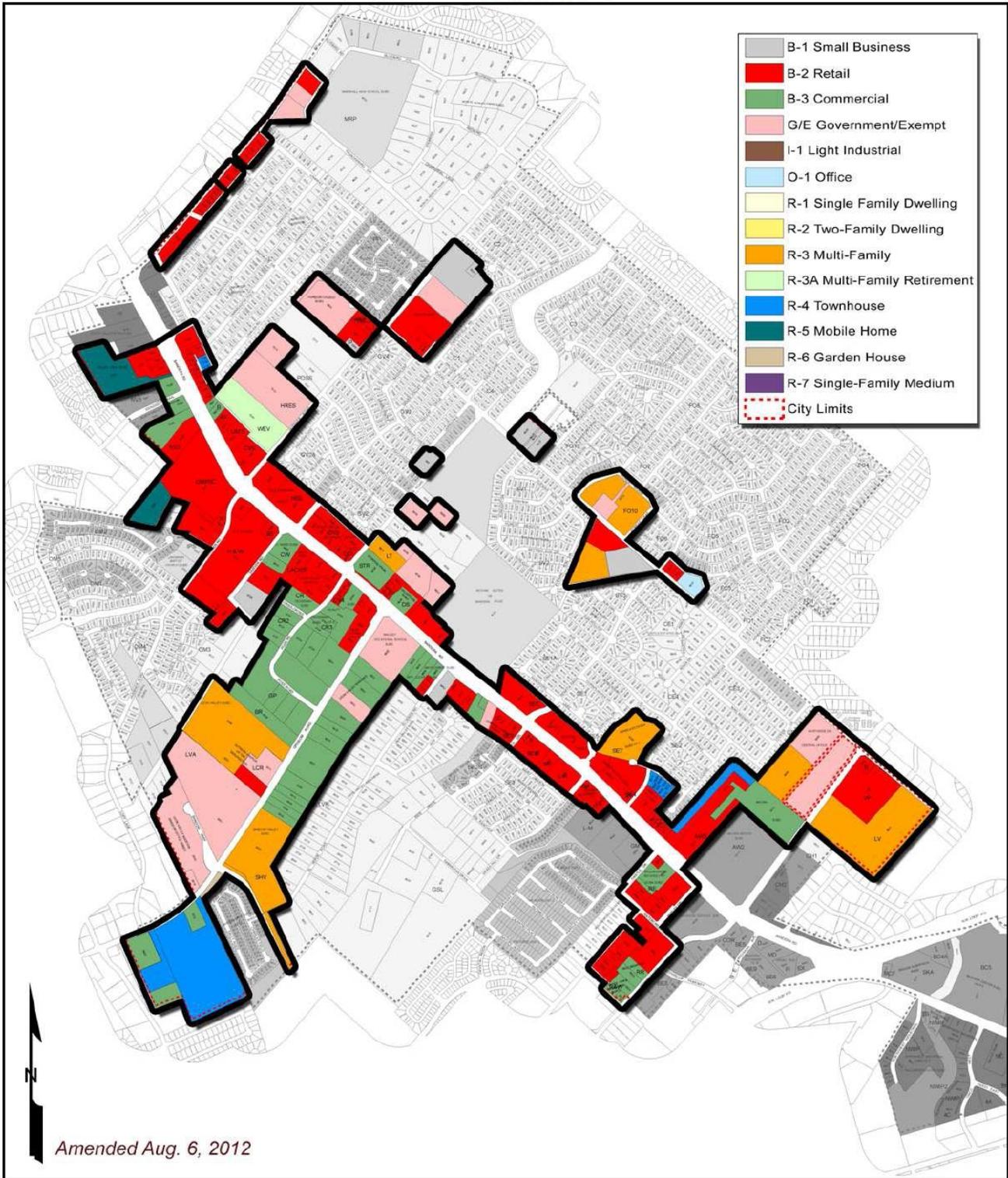
**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
OF LEON VALLEY, TEXAS THAT:**

1. Chapter 14, "Zoning," Appendix 2, "Overlay Boundaries," and Appendix 2A, "Sustainability Overlay," and 2C, "Commercial/Industrial Overlay," are amended as follows:

“Appendix 2 Overlay Boundaries

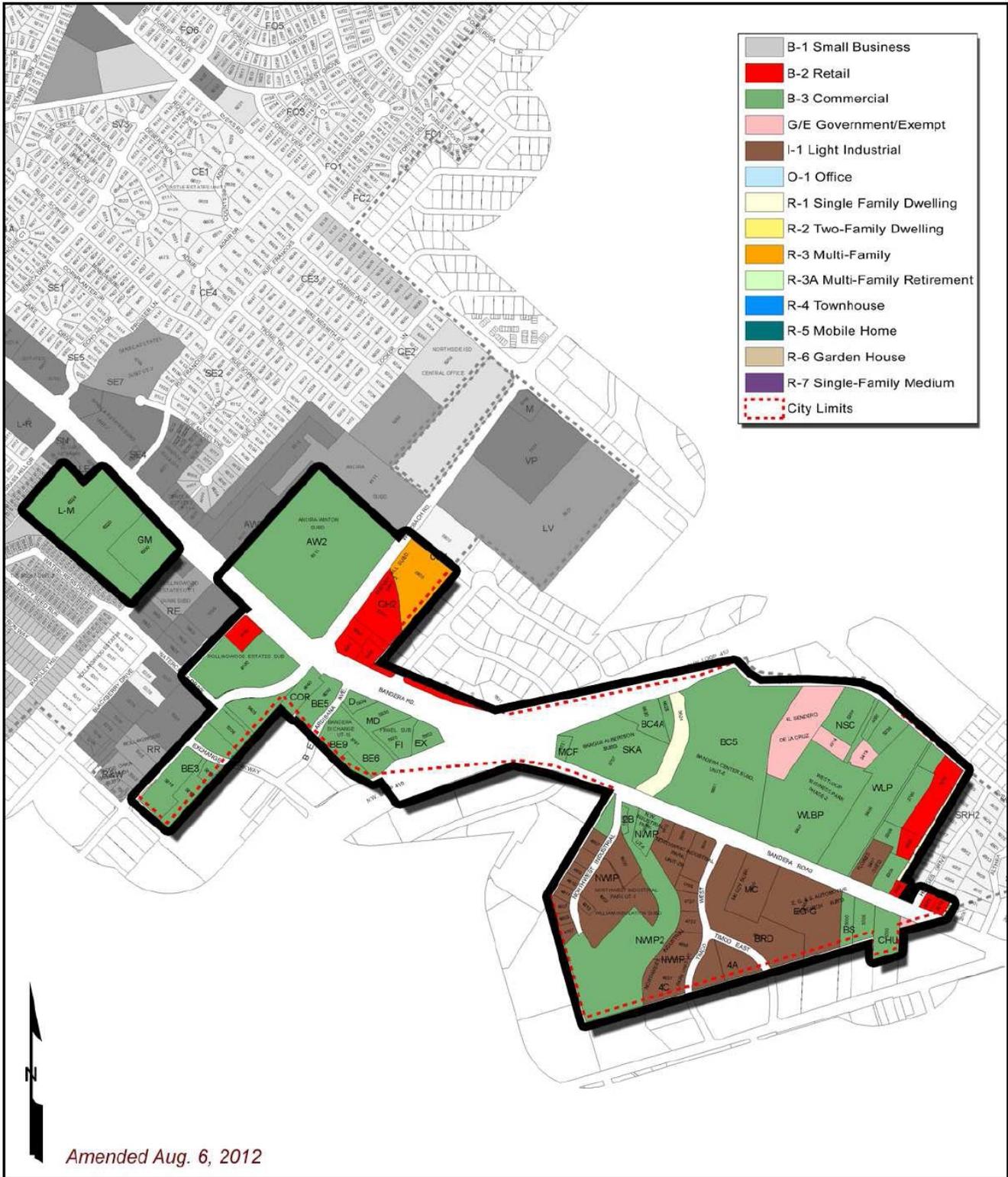


Appendix 2A Sustainability Overlay



Amended Aug. 6, 2012

Appendix 2C Commercial/Industrial Overlay



2. Each violation of this article shall be punishable by a fine of up to two thousand dollars (\$2000), unless some other fine is specifically prescribed for a particular violation.
3. This ordinance shall become effective on and after its passage, approval and publication as prescribed by law.

PASSED AND APPROVED this 4th day of September, 2012.

Mayor Chris Riley

ATTEST:

Janie Willman, City Secretary

APPROVED AS TO FORM:

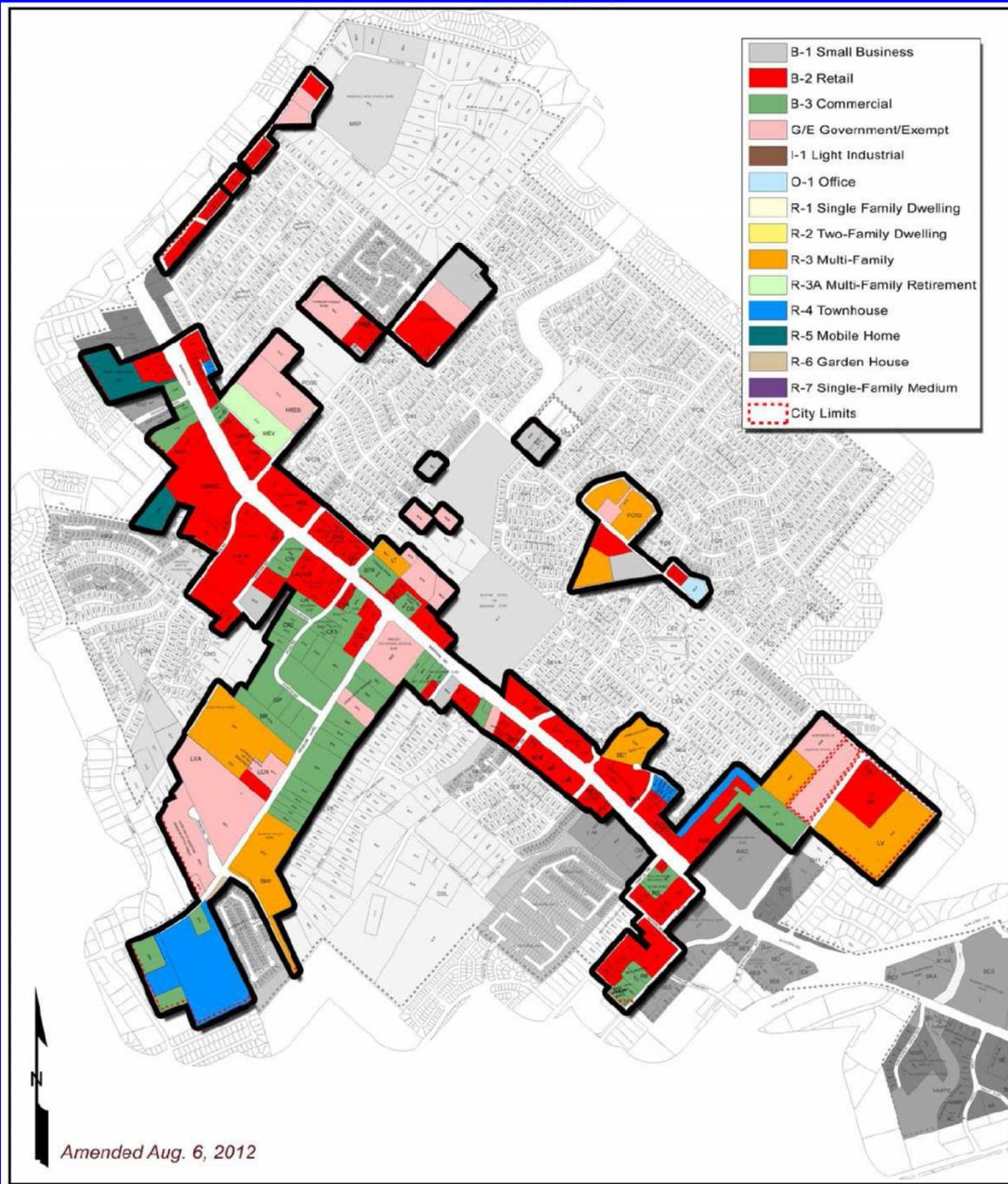
City Attorney Mick McKamie



City of Leon Valley City Council

Consideration of a Map
Amendments to
Chapter 14, "Zoning"

September 4, 2012





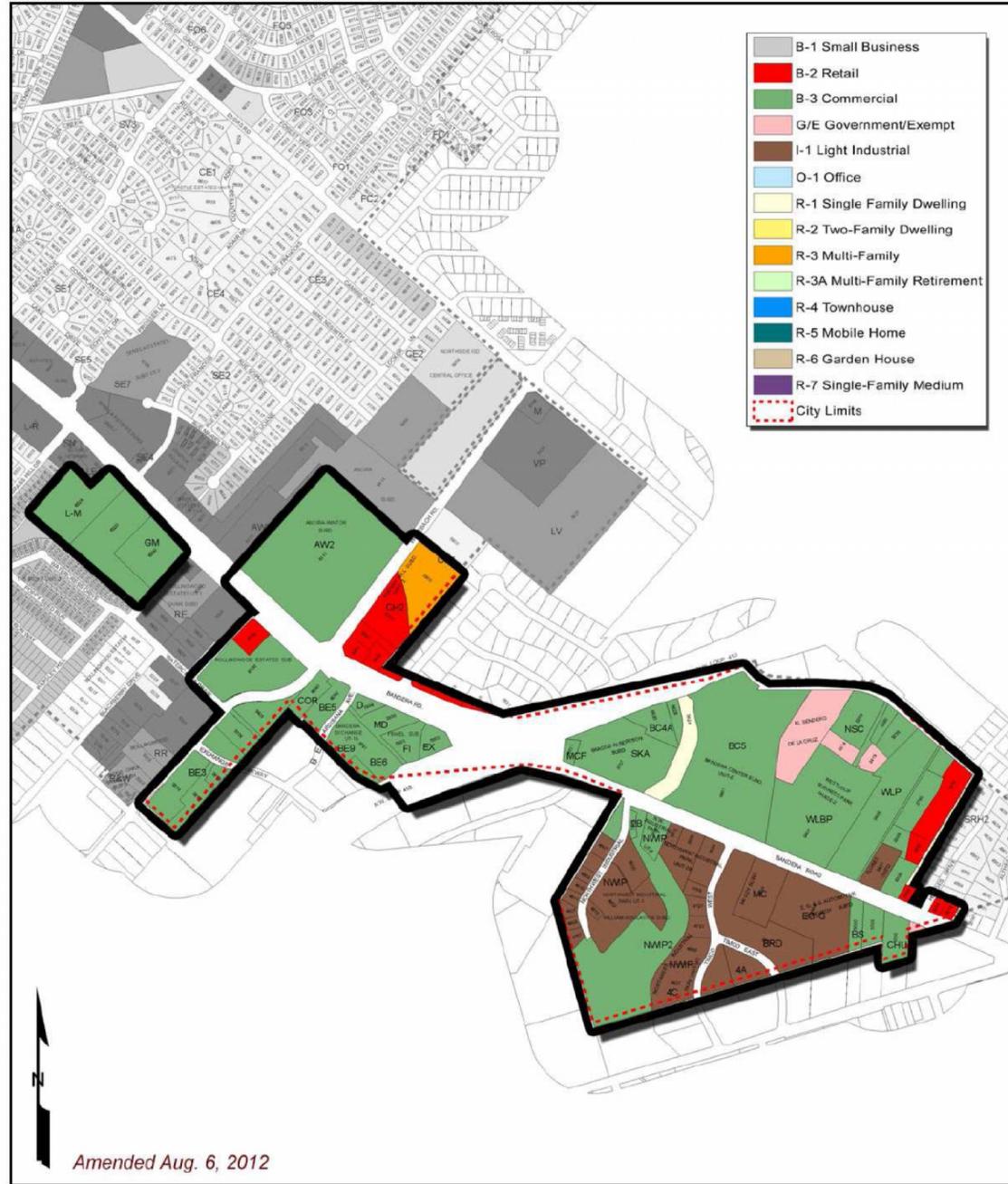
**LEON VALLEY
OVERLAY DISTRICT AREAS**



Amended Aug. 6, 2012



DRAFT



Amended Aug. 6, 2012



City of Leon Valley City Council

Consideration of a Map
Amendments to
Chapter 14, "Zoning"

September 4, 2012



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

August 28, 2012

The meeting of the Leon Valley Zoning Commission convened at 6:30 p.m. on Tuesday, August 28, 2012, in City Council Chambers at 6400 El Verde Road, Leon Valley, Texas.

I. Roll Call

Present were Chairman Claude Guerra III, Vice-Chair Wendy Phelps, 2nd Vice-Chair Olen Yarnell, and Members Mike Davis, Jr., Hal Burnside, Pedro Esquivel and Carmen Sanchez and Alternate Members Phyllis McMillan, Nicole Monsibais, and new Alternate Member Carlos Fernandez. Also present was Kristie Flores, Director of Community Development, acting as recording secretary.

Also present was Economic Development Director Claudia Mora.

Chairman Guerra III welcomed new Alternate Member Carlos Fernandez.

II. Approval of Minutes – July 24, 2012

2nd Vice-Chair Olen Yarnell made a motion to approve the minutes as written. Commissioner Pedro Esquivel seconded the motion, and the motion passed unanimously by voice vote.

**III. Discussion of the Master Plan Revisions for the following Neighborhood Area –
3N Old Mill Area and 6N Grass Valley Area**

Chairman Claude Guerra III opened the discussion of the Master Plan Revisions for 3N Old Mill Area and 6N Grass Valley Area. Staff addressed the audience and noted that the Zoning Commission reviews the Master Plan every 4 years to update it with current information and trends. Staff further noted that the Master Plan was a policy guide and was to be considered in board terms and not as law. Staff turned the discussion of the Old Mill Area to Commission Member Phyllis McMillan. She noted the following regarding Old Mill Area: the area is in good condition and the existing Neighborhood Matrix lets the reader/developer know what land uses are desirable to this area; the primary part of this area is zoned R-1 and R-6 with some retail along Huebner and Bandera roads; the proposed zoning is consistent and compatible with the area and allows for a good community/residential development; the existing zoning and development regulations are acceptable for the area and the R-1 and R-6 areas are completely developed; there are standard sidewalks and appropriate signage for the pedestrian and car traffic in the neighborhood; Code Enforcement of the area needs to continue as it is an older neighborhood; there were no obvious flood issues noted in the review of this neighborhood; Economic Development could benefit this area by developing empty B-2 plots of land along Huebner Road and encouraging businesses to inhabit empty buildings that are in B-2; the residential part of the Strategic plan is developed and is adequate; and there were no Capital Improvements noted for Old Mill.

Concluding the review of Old Mill, Commissioner Hal Burnside began the discussion of the Grass Valley Area. He noted the following in his presentation: Considering the age of this area, it is in good condition; the Neighborhood Matrix clearly defines this area as R-1 and R-2 with the pool area at Poss Road and Peach Tree being zoned as B-1; the zoning in this area is consistent and compatible with the developed community; no other zoning districts need to be considered for this area and the existing development regulations implement the plan for this community; there appear to be

sidewalks throughout the area. However as a Community Service to the area, pedestrian crossing signs should be installed at the existing crosswalk at Peach Tree and Poss, this crosswalk needs better definition (marks in the street) and improvement to make it safe and more obvious to drivers on Poss; the area generally looks good however, some existing fences viewed from along the streets need improved maintenance, overgrowth was found along the easement behind 6823 Grass Valley, and the alley behind the Grass Valley Shopping Center has become a dumping place for large discarded items and has large potholes; there are no obvious flooding areas here with the possible exception of the plots of residential property along Larksong that back up to Poss Road, at times park flooding might affect this area and other areas further down Poss; Economic Development would not benefit this area as it is primarily residential; the Strategic Plan, as written, is adequate for this area, and no Capital Improvements are suggested.

2nd Vice-Chair Yarnell noted that when attending a City Council meeting he heard the concern of a neighbor to Council noting that there were flooding problems in the area. He further explained that the concerned resident noted that water went all the way up the driveway and Public Works often had to assist by placing bags of sand along the property to keep it from flooding.

Commissioner Hal Burnside noted that he went out to Grass Valley on a Sunday after a Saturday night rain and there was no flooding at that time but water was definitely rushing down the street heavily.

Staff noted that Carol Smith of 7230 Grass Valley had called earlier in the day and was not able to attend the meeting but wanted the Commission to know that there is flooding at her home on Grass Valley as a result of the deterioration of curbs along Evers Road.

Chairman Guerra III opened the public discussion portion of the public meeting. He noted that there were no members of the audience to speak regarding Old Mill and the public discussion of Grass Valley began.

Staff noted that approximately 500 mail outs were sent between Old Mill and Grass Valley. Only three (3) residents were in the audience.

Carolyn Gabriel, 6814 Forest Bend, addressed the Commission and noted that she does not live in Grass Valley, but she was in attendance to speak for the pool. She noted that the notice sent out and the way it was worded gave the appearance that the pool was being sold and encouraged rezoning to residential. She explained that this made it difficult to promote and market the pool when they struggled this past year to keep it open and operating. She further explained that it was a nice pool with great shade trees and fresh, clear water.

Staff noted that the pool was not being sold and that there was no rezoning of the area occurring. Staff noted that the Master Plan was a policy guide to assist in future development of the property in the event it is ever sold, changes ownership or a developer attempts to rezone it if it ceases to be a pool. Staff further explained that a B-2 (Retail) use or even a more intense zoning classification such as B-3 (Commercial) could be considered unless otherwise specified in the Master Plan. Staff noted to Ms. Gabriel and the Commission that the sentence pertaining to the zoning considerations and potential selling of the pool could be rephrased to eliminate misconceptions. Ms. Gabriel noted that she appreciated the revision of the sentence and that it was clear to hear as part of the clarifying discussion that the meeting was simply a routine update.

Alejandro Vega, 6730 Cherryleaf, addressed the Commission and asked where the existing R-2 was located and whether there would be more R-2 developed. Staff indicated the location of the R-2 on

the zoning map and indicated that there was no more R-2 planned for the area, especially since the area was built out.

Mr. Vega also recommended consideration of a street light at Cherryleaf and Huebner noting that it would help traffic as well as assist the crossing guards by allowing them to utilize the light to safely get children across the street.

Being no further discussion Chairman Claude Guerra III thanked those in attendance for their participation and ended the public meeting discussion.

IV. Public Hearing to Consider an Amendment to Chapter 14, "Zoning," Appendix 2, "Overlay Boundaries," Map and Appendix 2A, "Sustainability Overlay" Map and 2C "Commercial/Industrial Overlay," Map to Move 6300 & 6320 Bandera Road, Being Lot 5 and NW IRR 285 feet of Lot 6, Block 1, Lincoln Mercury Subdivision, CB 4429H and Lot 2 and NE 25.10 feet of SE 387.74 feet of Lot 6, Block 1, CB 4429H, B-3 (Commercial) zoned properties from the Sustainability Overlay to the Commercial/Industrial Overlay

Staff noted that under the direction of City Manager Manuel Longoria, Jr., this request was being forwarded to the Zoning Commission for consideration. Staff explained that the request was simply to move 6300 and 6320 Bandera Road out of the Sustainability Overlay and into the Commercial/Industrial (CI) Overlay. It was noted that this was a staff-initiated request as the result of inquiries with a developer that would like to invest approximately \$7 million dollars in the development of this area. Staff noted that the property was zoned for commercial use and moving it into the Commercial/Industrial Overlay was consistent with properties already in the CI Overlay. It was explained that within the CI the property would allow for more commercial uses such as automotive which was one element that the property was being considered for in addition to the commercial headquarters for Enterprise, an auto dealership, and a destination family-oriented restaurant. Additional considerations for the overlay change were: the property's commercial feasibility, its accessibility and proximity to the flyover, the fact that an overlay would still guide development of the property, a memo from Jim Carrillo of Half Associates noting that the change was an alternative for the property with the notation that a development agreement could be created to further protect the property.

The City Manager's memorandum also noted that the property value could be maintained if the property was occupied and ad valorem taxes continued to be collected, the developer was interested in assisting with the park system connection and drainage improvements on the property, and some of the activities proposed onsite would generate sales tax. The memo noted that the existing property could go from an eyesore that is often trespassed on and vandalized with graffiti to a revitalization project for the City that would attract similar investors that look for positive activities on vacant properties such as this.

Staff addressed questions that resulted in an email from 2nd Vice-Chair Yarnell noting that: the overlay change request is within the authority of the City to initiate and for the Zoning Commission and City Council to consider, staff noted that the process that was occurring was the appropriate procedure (staff noted this was similar to the request to remove Reindeer Trail from the Sustainability Overlay).

Another question noted that the Fiesta Dodge property had been in an executive session of Council and how the request had proceeded when no action resulted from executive session. Staff noted that the statement was correct and no action resulted from executive session.

There was also question as to whether the donation proposed for the trail system was similar to park land dedication or fees collected in lieu thereof as part of a development. Staff noted that this was not

park land dedication since the property was already developed. Staff further explained that in conversation regarding activities throughout the City with the developer such as the grant received to connect El Verde to the natural area and Raymond Rimkus it was noted that there were also phases of the project proposed from the Fiesta Dodge property through the Ridge and Seneca West to the creek at El Verde and Enterprise being a large proponent of parks and trees noted the contribution they could make as a good faith gesture and community partner to demonstrate their interest in the City and the property development.

2nd Vice-Chair Olen Yarnell noted that his questions were sufficiently answered via the presentation and responses.

Economic Development Director Claudia Mora was asked if she had located the potential developer. She explained that the developer came to the City. She stated that the developer was SRS, a company originally owned by Roger Staubach. She expounded noting that Mr. Staubach was no longer primary owner of the company, but part owner along with some other partners. She expressed confidence in the investors because they had a personal stake in the company success. She elaborated on the destination restaurant possibilities noting that at least eleven (11) different franchises were being contacted about development on-site such as: Chilis, Cheddars, Olive Garden, Mama Margie's, and Phil's Ice House (Amy's Ice Cream potentially as part of Phil's).

Being no additional discussion, Chairman Guerra III opened the public hearing at 7:38 p.m.

Alejandro Vega, 6730 Cherryleaf, addressed the Commission and asked if the developer had asked for tax abatements. Ms. Mora responded that they did not ask for Economic Development assistance or tax abatements.

Being no additional discussion, Chairman Guerra III closed the public hearing at 7:38 p.m.

Chairman Claude Guerra III noted that initially he had reservations about the requested change but in retrospect and with the information prepared and presented he saw that this proposal could result in a much needed project for the City in this location, especially with the challenges surrounding the property such as drainage, accessibility and proximity to the flyover. He further expressed that a vacant property is never a good property and it does not give a positive view of the City for those looking to develop here. He also pointed out that a \$7 million investment in the City could not be ignored. In closing he noted that the memorandum from Jim Carrillo of Halff Associates regarding the alternatives for the property was also very insightful and had important information to impart.

Commissioner Pedro Esquivel agreed with Chairman Claude Guerra III's remarks and made a motion to recommend approval of moving 6300 and 6320 Bandera Road from the Sustainability Overlay to the Commercial/Industrial Overlay with an addendum including Jim Carrillo's memo in the motion stating that the proposed change was consistent with zoning of the area and compatible with businesses. 2nd Vice-Chair Olen Yarnell seconded the motion.

Commissioner Mike Davis Jr. noted that he was going to remain consistent with his comments regarding the overlays all along and vote "no" to any changes in that regard. He noted that the Sustainability Overlay has a purpose for this property and he would like to see the Plan remain the same until it has had an opportunity to show progress for the City. He explained that he has concerns that the Enterprise business will move out and with the change another automobile dealership will move in, thus there will never be anything different at that location.

Staff took a roll call vote and the motion passed by a vote of 6-1.

In Favor of the Motion
Commissioner Carmen Sanchez
Commissioner Pedro Esquivel
Commissioner Hal Burnside
2nd Vice-Chair Olen Yarnell
1st Vice-Chair Wendy Phelps
Chairman Claude Guerra III

Opposed to the Motion
Commissioner Mike Davis

V. Nominations & Election of Zoning Commission Officers

Chairman Claude Guerra III noted that the election of officers on the Zoning Commission occurs concurrently with the Mayor's Re-Election which transpired in May 2012. He noted that the positions for consideration were: Chair, Vice-Chair and 2nd Vice-Chair.

Being no new nominations, Commission Pedro Esquivel made a motion by acclamation to reappoint the presiding officers Claude Guerra III, as Chair, Wendy Phelps, Vice-Chair and Olen Yarnell, 2nd Vice-Chair Wendy Phelps by acclamation. The motion was seconded by Mike Davis Jr., and the motion passed unanimously by voice vote, 7-0.

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

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

VII. Adjourn

Commissioner Pedro Esquivel made a motion to adjourn, seconded by Commissioner Hal Burnside. The motion carried by voice vote and the meeting was adjourned at 7:58 p.m.

CHAIR

STAFF

**Earthwise Living Committee Meeting
City of Leon Valley**

Date: Tuesday, May 1, 2012
Time: 6:00 PM
Location: Leon Valley Public Works, 6427 Evers, Leon Valley, TX 78238
Staff Liaison: Valerie Siat
Members Present: Erica Alamarez, Thomas Benavides, Rita Burnside, Jean Johnson, Sandra Keller, and Mary Key
Members Absent: Gene Marck, Tom Kusiak, Shirley Owen, Susan Price, Chris Riley, Brenda Sarmiento, Marty Tome, and Sharon Wyeth

1. Call to Order and Determine a Quorum is Present.

- Meeting called to order at 6:05PM and Quorum was met.

2. Approval of minutes for March 13, 2012.

- Minutes approved.

Note: Valerie provided 2012 Budget Report (\$1,213.38 is the current balance).

3. Discuss EARTHDAY at Woodlawn Lake held on April 21, 2012; Air Quality Stewardship Awards.

- EWL Committee had a good turnout (Chris, Valerie, Rita, Jean, Gene, Erica, Tom B., Tom K., and Andrea).

- Chris received the 2012 Air Quality Stewardship Award (Governmental Category) from AACOG on behalf of the City.

- Pictures can be viewed via the Leon Valley webpage.

4. Prepare for Taste of Leon Valley event: Volunteers, Supplies, T-Shirt Order.

- Event will be held on May 20th from 2:00PM to 6:00PM.

- Will provide attendees with recycled napkins, utensils, and plastic Leon Valley Earthwise Living Day cups.

- Committee members present at this meeting went to the EWL storage and staged supplies.

- No T-Shirts will be ordered for this event.

- Tom B. will wash the cups to be given away.

- We will have one Table w/cloth and the camel back banner.

- Volunteers for the event are as follows:

-- Jean (Setup) 12:00PM to 2:00PM

-- Rita (Setup) 12:00PM to 1:00PM

-- Valerie (Setup) 1:00PM to 3:00PM

-- Mary (Take Down) 3:00PM to 6:00PM

-- Tom B. (Take Down) 3:00PM to 6:00PM

- An e-mail will be sent out to EWL committee see if anyone else would like to volunteer.

5. Discuss Summer Break: June, July, resume in August.

- This year's summer break will be in June and July. Meetings will resume in August.

- Any educational outreach and/or participation in city events will be communicated via e-mail during the break.

-- Chris, Gene, and Rita provided a recycling presentation to the residents of the Villas of Leon Valley.

-- Tom B. will research the recycling requirements at city facilities and report back to the EWL committee.

6. Discuss July 4th parade attendance.

- We will communicate via e-mail to determine what the committee will do for the July 4th parade.

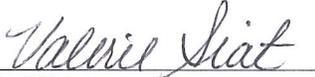
Note: Pet Parade will be held at the Conference Center from 10:00AM to Noon on Saturday, May 19th.

7. Adjourn.

**Earthwise Living Committee Meeting
City of Leon Valley**

- Andrea Nocito resigned from the committee.
- Meeting adjourned at 7:05PM.
- Next meeting will be on Tuesday, August 14, 2012 (6:00PM), at Leon Valley Public Works, 6427 Evers, Leon Valley, TX 78238.


Chairwomen or Secretary


Staff Liaison



**MINUTES OF THE MEETING OF THE
LEON VALLEY ECONOMIC DEVELOPMENT CORPORATION**

July 25, 2012

The regular meeting of the Leon Valley Economic Development Corporation (LVEDC) convened at 6:30 p.m. on **Wednesday, July 25, 2012** in City Council Chambers at 6400 El Verde Road, Leon Valley, Texas.

I. ROLL CALL

Present were President Abraham Diaz, Treasurer Michael McCarley, Secretary Nancy Marin, Board Member Dr. Georgia Zannaras, and Board Member Herman Segovia. Vice President Stephen Ynostrosa and Board Member Claude Guerra, III were absent. President Diaz expressed condolences on the passing of Board Member Guerra's mother earlier in the week. Also present were Board Attorney Steven Peña and LVEDC Executive Director Claudia Mora acting as staff support and recording secretary.

President Diaz welcomed Mayor Chris Riley and City Manager Manuel Longoria to the meeting.

II. CITIZENS TO BE HEARD

Tony Flores, President of the Leon Valley Area Chamber of Commerce, presented a Chamber of Commerce membership plaque to the LVEDC Board. He stated his interest in developing a partnership with the Board to promote business development in Leon Valley.

III. CONSIDER LVEDC MINUTES – Special Joint Meeting of the City Council and LVEDC of June 19, 2012

President Diaz asked for a motion to approve the minutes. Board Member Segovia moved to accept the minutes. Board Member Zannaras seconded the motion. The motion carried.

IV. CONSIDER LVEDC MINUTES – June 27, 2012

President Diaz asked for a motion to approve the minutes. Board Member Segovia moved to accept the minutes. Board Member Zannaras seconded the motion. The motion carried.

V. FINANCIAL REPORT BY LVEDC TREASURER (MICHAEL MCCARLEY)

Treasurer McCarley reported the balance in the money market account at \$346,868.23 and the checking account at \$35,923.89, for a total of \$382,792.12. The Board obligations were reported as being \$3,511.31, representing the monthly payment to the City of Leon Valley and the ICSC reimbursement for President Diaz. The Board still has approximately \$12,000 in outstanding legal fees. Treasurer McCarley also reported the July economic development sales tax figure to be \$17,780.61. Also reported was the transfer of \$50,000 from the money market account to the checking account during the first week of July. President Diaz asked for a motion to accept the Treasurer's Financial Report. Board Member Segovia moved to accept the Treasurer's Financial Report. Board Member Marin seconded the motion. The motion carried.

VI. DISCUSSION OF THE LVEDC APPLICATION FOR \$80,000 SUBMITTED BY EL SOL BAKERY

President Diaz proposed removing this item from the agenda, reporting that the scoring of the application had not been completed. Board members and City Manager Longoria had questions, comments and other information that they wished to remark on related to this line item. This item was not removed from the agenda.

Board Member Segovia asked Board Attorney Peña whether the Board can make a contribution directly to the City to make improvements to a City facility.

City Manager Longoria addressed the Board to clarify some information regarding the funding request. He provided information on the proposed structure for funding the El Sol Bakery project: \$10,000 in an LVEDC grant, \$37,000 in the form of a loan from the LVEDC, and the balance of the funding for the project coming from the personal financing of the applicant.

Board Attorney Peña stated that he needed to know what the Board planned to do before he could render an opinion. He mentioned that there needs to be some type of promissory note and collateral. In addition, the Board should have a recapture provision. Finally, the money granted or loaned should be tied to the project.

Board Member Marin informed the Board that she requested additional information about the business. She indicated that documentation is needed stating El Sol's eligibility for a bank loan that includes both the amount that El Sol is looking to finance personally and the amount that LVEDC may be considering to loan.

Board Attorney Peña recommended that there be no direct grants to the applicant. Instead, he recommended that the grant money go to the contractor doing the work on the improvements to the facility.

Board Member Zannaras recommended that the changes made to the facility be such that they are able to be used by another business should the applicant's business venture fail.

President Diaz stated that the scoring should be completed before the next meeting.

VII. DISCUSSION AND CONSIDERATION OF ACTION WITH ATTACHED RESOLUTION 2012-010, A RESOLUTION OF THE LEON VALLEY ECONOMIC DEVELOPMENT CORPORATION (LVEDC) APPROVING THE PROPOSED BUDGET FOR FISCAL YEAR 2013

Executive Director Mora presented the proposed budget for fiscal year 2013. The Board made changes: Professional Services was increased to \$40,000; Contractual Services was reduced to \$41,153; EDC Project Funding was reduced to \$108,147. The Travel and Membership line items remained at \$10,000 and \$700, respectively. The total proposed budget for fiscal year 2013 is \$200,000.

Board Member Segovia moved to accept the proposed budget as changed. Board Member Marin seconded the motion. The motion carried.

The LVEDC Proposed Budget for Fiscal Year 2013 will be presented to the City Council at their next meeting on August 7, 2012.

VIII. REPORT ON BOARD APPOINTMENTS

Board Attorney Peña informed the Board that the terms for Board places 2, 4 and 6 expire in September 2012. When the Board members were last appointed, they were appointed so that their terms would be staggered. The terms for Board places 1, 3, 5 and 7 would expire in September 2013. City Council would need to either reappoint the current Board members or appoint new Board members. Board Attorney Peña also commented that should Board President Diaz, who currently occupies Board place 2, be reappointed then he would continue serving as Board President until the term for President expires. Mr. Peña suggested that the Board amend the bylaws, as they pertain to officer terms, so that officers are elected each year. This would help clarify the bylaws.

IX. FUTURE AGENDA ITEMS

The LVEDC Program Guidelines and a strategic plan were mentioned. Board President Diaz mentioned that Executive Director Mora would be providing draft guidelines, and other items requested, to the Board. Board Member Marin requested that staff be directed to look into the pros and cons of changing the current 501(c) status of the LVEDC to 501(c)3 so that the Board could take advantage of other funding opportunities. Staff was directed to do so.

X. ANNOUNCEMENTS

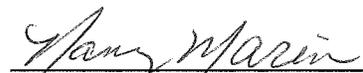
Executive Director Mora announced that there would be a groundbreaking ceremony for Raising Cane's Chicken Fingers on Friday, August 10, at 10 a.m. Ms. Mora also reminded the Board members that the City of Leon Valley volunteer applications and LVEDC Board applications were in the Board meeting packets. Ms. Mora stated she would like to have the applications for the three Board members by August 15.

XI. ADJOURN

Board Member Marin moved to adjourn, seconded by Board Member McCarley. The motion carried by voice vote and the meeting was adjourned at 7:48 p.m.



ABRAHAM DIAZ
BOARD PRESIDENT



NANCY MARIN
BOARD SECRETARY

Prepared by Staff Liaison: Claudia Mora