

NOTICE OF PUBLIC MEETING

LEON VALLEY CITY COUNCIL

MONDAY, JANUARY 13, 2014

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CITY OF LEON VALLEY

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CITY SECRETARY

*REGULAR MEETING OF THE CITY COUNCIL-7:00 P.M.*

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

## **AGENDA**

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### **Regular City Council Meeting Agenda**

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

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

### **CONSENT AGENDA**

3. Approval of the December 9, 2013 and December 16, 2013 Regular & Special City Council Meeting Minutes, and Minutes from the December 14, 2013 Coffee with Mayor and Council. (Callanen)
4. An ordinance designating the Commercial Recorder, the San Antonio Express News, and The Echo as the Official Newspapers to publish required legal notices for the City of Leon Valley for FY 2014, pursuant to Local Government Code section 52.04. (Callanen)

## REGULAR AGENDA

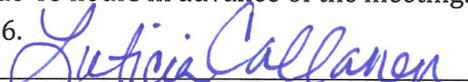
5. Report by Mr. Jess Swaim, P.E., VP of IDS Engineering Group, on the public input meeting held January 9, 2014, for the Proposed Huebner Creek Hike and Bike Trail, and any appropriate action arising out of citizen input. (Moritz)
6. An ordinance adopting revisions to the Boards and Commissions Appointment Process and Procedure Policy. (Callanen)
7. Public Hearing and possible action on an Amendment to the City Zoning regulations moving Section 14.02.501, "Landscaping," Subsection (j), "Tree Preservation", from the zoning regulations to a new Chapter 15 titled "Tree Preservation." (Flores)
8. An ordinance amending the City Code of Ordinances Chapter 15 Tree Preservation to provide a variance process for political subdivisions of the state to serve a public purpose. (Longoria)
9. Discussion regarding the Open Meetings Act application to the monthly Coffee with the Mayor and Council and possible direction to the City Attorney for a legal opinion. (Requested by Mayor Chris Riley)
10. Discussion and possible action on amendment to Resolution No. 10-016 related to the rules of conduct for the City Council and rules of parliamentary procedures for City Council meetings. (Requested by Councilmember Art Reyna and Councilmember Abraham Diaz)
11. City Manager's Report
  - a. Annual Town Hall Meeting/Update of 2010 Strategic Plan, scheduled Saturday, February 1, 2014, at the Leon Valley Conference Center. (8:30 a.m.- 12:30 p.m.)
  - b. Monthly Departmental Reports.
  - c. Approved Minutes from Boards, Commission and Committees.
  - d. Future Agenda Items:
    - City Council Decision on Final Huebner Creek Hike & Bike Trail Route (February)
    - Consideration of CPS Franchise Agreement.
    - Meeting of Leon Valley Crime Control & Prevention District declaring that the City Council shall be the Crime Control and Prevention District (CCPD) Board of Directors. (February)
    - Resolution of City Council approving the City Council to serve as CCPD Board of Directors. (February)
    - Approval of Maximum Price Guarantee with Bartlett-Cocke General Contractors for the Municipal Facilities Project. (February)
    - Call for General Election. (February/March)
12. Citizens to be Heard.

13. Announcements by the Mayor and Council Members. At this time, reports about items of community interest, which no action will be taken may be given to the public as per Chapter 551.0415 of the Government Code, such as: expressions of thanks, congratulations or condolence, information regarding holiday schedules, reminders of social, ceremonial, or community events organized or sponsored by the governing body or that was or will be attended by a member of the Leon Valley City Council or a City official.
14. Executive Session. The City Council of the City of Leon Valley reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on the posted agenda, above, as authorized by the Texas Government Code, Sections 551.071 (consultation with attorney), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations), 551.074 (personnel matters), 551.076 (deliberations about security devices), and 551.087 (economic development).
15. Adjourn.

**Attendance by Other Elected or Appointed Officials:**

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

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

  
Leticia Callanen, Interim City Secretary



**LEON VALLEY CITY COUNCIL  
REGULAR MEETING –7:30 P.M.  
MONDAY, DECEMBER 9, 2013  
LEON VALLEY CITY COUNCIL CHAMBERS  
6400 EL VERDE ROAD, LEON VALLEY, TEXAS 78238**

**MINUTES**

At 7:31 P.M. Mayor Riley called the meeting to order, after it was determined that a quorum of the City Council was present. Mayor Riley led the Pledge of Allegiance, and thanked everyone involved in the annual Christmas Tree Lighting, which took place immediately prior to the Council Meeting.

At this time, Mayor Riley discussed the procedures for citizens to be heard portion of the agenda, whereby, citizens wishing to address an item on the agenda have up to three (3)3 minutes to speak. She further requested that all citizens speak into the microphone listing their name and home address for the recording device.

City Council Present: Ruiz, Reyna, Diaz, Dean, Biever

Staff Present: Longoria, Callanen, Caldera, V. Wallace, Smith, Flores, Mora, Valdez

\* \* \*

*Item 1* Presentation and Consideration of the 2014 Parks and Open Space Master Plan as Recommended by the City of Leon Valley Parks Commission. (Bert Thomas) **M&C 2013-12-09-2**

Ms. Melinda Smith, Public Works Director and liaison to the Leon ValleyParks Commission, provided an introduction of Mr. Bert Thomas, Chairman of the Leon ValleyParks Commission. Mr. Thomas provided a thorough PowerPoint presentation that outlined updates made to the Parks Master Plan:

- Update and remove obsolete information
- Establish goals
- Review latest citizen surveys
- Physically visit each Park Zone
- New Recommendations

Discussion between the Mayor and the Leon Valley Parks Commission Chairman ensued regarding background information and the basis of survey data that was presented, and whether the Commission coordinated their planning efforts with the Leon Valley Historical Society.

Further discussion ensued related to the current budget and the request by the Mayor to prioritize initiatives and conduct a cost analysis of the goals listed in the Master Plan.

\* \* \*

Mr. Al Uvietta, 6923 Sunlight Drive, spoke to Regional Park planning for the natural areas and to his support of the park plan being updated. He further spoke to budgetary issues that have never before come before the Leon Valley Parks Commission in the past, and to his objection to the Leon Valley Historical Society being consulted with since the parkland is owned by the City.

Mr. Bieber stated that it is an ideal time to discuss the working relationships of Leon Valley Parks Commission and staff, and encouraged working together to move forward with this current budget.

Councilman Bieber made a motion to approve the Master Plan. Mr. Reyna seconded the motion. Voting Aye: Ruiz, Reyna, Diaz, Dean, Bieber. Voting Nay: None. The motion passed.

\* \* \*

*Item 2* The Leon Valley Economic Development Corporation (LVEDC) will provide a status report on current board activity and the proposed façade and signage program. (Stephen Ynostrosa/Herman Segovia) **M&C 2013-12-09-3**

Mr. Ynostrosa spoke to the great team that has developed with the Board, City Council and staff. He proceeded to report on the new façade and signage program. Mr. Ynostrosa commented on the eligibility criteria and the two (2) application periods – February 1 through March 15, and June 1 through July 15. Mr. Herman Segovia then presented information on attending ICSC conferences and working with The Retail Coach. He commented on the successful meetings with prospective retailers at the Dallas conference. In addition, Mr. Segovia explained how The Retail Coach provided good information and advice to the LVEDC and staff to prepare for the meetings with retailers. Ms. Mora, staff liaison to the LVEDC, then discussed the strategic planning process, and gave a budget update.

Councilman Bieber complimented the LVEDC and stated this is the direction that he had hoped to see. He then asked how the façade and signage program would work for a property owner (of a strip mall) who wanted to make improvements to his property. Specifically, would the matching funds be limited to \$10,000? Mr. Ynostrosa explained that the LVEDC would work with one business, and then work with the property owner to seek other interested businesses so that they could maximize use of the program. Each application would be considered on a case by case basis.

Councilman Diaz asked who will be reviewing the applications. Mr. Ynostrosa responded that staff would review the applications as they are received; then, they will be presented to the LVEDC. When asked about the timetable for review, the response was 45 days, to keep it open and a 30-day review period. After that time, applications would be considered by the Board. Councilman Diaz then asked how much money is set aside for program. Ms. Mora indicated that at this time, the Board did not want to restrict the amount in order to launch the program since there are not any competing projects.

Councilman Reyna asked if the LVEDC Board had considered requiring a guarantee from the property owner that rent does not get raised once the renovations are complete. Mr. Ynostrosa replied that the Board had not considered it; however, that being a great recommendation, he will bring up at the next Board meeting so that the Board could explore working with the property owners on this matter. Councilman Reyna commented that the presentation was the best economic development and LVEDC presentation he has seen.

Mayor Riley asked how the LVEDC will invest the funds; whether it would be in bonds. Mr. Ynostrosa stated that the LVEDC will not relinquish the funds for anyone to handle; that the Board will make sure that funds on hand are securely deposited within the constraints of public fund investment. The Mayor then asked for an approximate amount of sales tax deposited into the LVEDC account each month. Ms. Mora replied that, on average, approximately \$16,000 to \$23,000 has been collected each month in 2013. She also commented that there has been an approximate increase of 7% in sales tax collected in 2013 over the previous year. The Mayor asked what the license plate study revealed. Ms. Mora replied that busiest retail center in Leon Valley is the HEB Marketplace, and that it is attracting vehicles from outside LV. When asked when The Retail Coach contract was ending, Ms. Mora replied the work will finish this month and the LVEDC will make the final payment in January.

\* \* \*

Mr. Benny Martinez stated that he doesn't feel that the City and the LVEDC are moving fast enough with economic development. He asked about the Kinman House and when El Sol Bakery was coming to Leon Valley. Mr. Martinez then commented that in past meetings people have mentioned the (ugly) train car located just outside the city limits. He recommended that the City annex that area to square off the city and to clean it up.

\* \* \*

Ms. Mora stated that economic development does not occur overnight -- it takes time. In addition, she said that the City and LVEDC are planning for the future by working on an economic development strategic plan. Ms. Mora reported that El Sol Bakery has indicated that they are not looking to expand and will be staying at their current location.

\* \* \*

*Item 4*                    **Citizens to Be Heard and Time for Objections to the Consent Agenda.**

Mr. Geraghty, 7315 Ellerby Point, discussed roadway signs with the city population to reflect current census data. Mr. Geraghty also spoke to the traffic on Bandera at Grissom Road, and suggested having TxDot make a welcome sign on the ramp off 410 to indicate Leon Valley "business district".

Mr. Olen Yarnell, 7230 Sulky Lane, spoke to language on the agenda regarding quorums of other elected or appointed board members being present at Council meetings and whether the statement precludes individuals from speaking on agenda items.

Ms. Judith Green, representing Texas Parks and Wildlife, discussed the importance of conserving acres of the natural area.

Ms. Carolina Macias, 6602 Huebner Rd., shared her appreciation of City staff and Council for actively addressing her water ponding on her street.

Ms. Lynn Joseph, 6424 Trotter, spoke to her concerns related to the panhandler issue occurring in front of Whataburger; graffiti in the Evers Road area; and potential flooding in the proposed hike and bike pathways which could impact the deer population.

\* \* \*

Councilman Reyna made a motion to approve the Consent Agenda in total. Councilman Diaz seconded the motion. The motion passed through consensus vote.

### **CONSENT AGENDA**

*Item 5* Approval of the November 18, 2013 Regular City Council Meeting Minutes.  
(Callanen)

*Item 6* Approval of the tax roll for the City of Leon Valley, Texas, for the 2013 tax year.  
(V. Wallace) **M&C 2013-12-09-6**

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### **REGULAR AGENDA**

*Item 7* Presentation of the Development Process for the Huebner Creek Hike and Bike Trail (Jess Swaim, P.E./Smith) **M&C 2013-12-09-7**

Mr. Jess Swaim, VP, IDS Engineering, provided a brief description of his professional background and introduced his fellow colleague, Mr. Thong Le, who were present to discuss their recent working efforts related to the Huebner Creek Hike and Bike Trail.

- January 9, 2014 a public meeting to get citizen input
- January 13 will discuss at council meeting

Following the presentation, discussion ensued between Mayor Riley and Mr. Swaim regarding the timeline for when he was contracted and began working on draft schematics presented; budget and expenditures; and communication issues.

City Manager Longoria discussed the work that is being done concurrently with the Bexar County LC 17 project. However, access to the Bexar County property will not occur until 2016-2017. In response to budgetary questions, Mr. Longoria also stated that the intent is to not seek any additional funds over what has already been budgeted.

Further discussion ensued among City Council and the consultant regarding the stages of the study needed to address environment impact questions, such as whether there are any protected plants or animal species that may be impacted.

In reply to a question posed by Councilman Ruiz, Mr. Swaim explained that his team has not yet coordinated with Fire and Police but will be doing as emergency service is critical when planning a project.

Mr. Benny Martinez, 6319 Rue Sophie, spoke against any encroachment into the natural area, and further spoke in opposition of any kind of motor vehicle allowed in a natural area.

Mr. Darby Riley, 6939 Forest Way, representing the Leon Valley Historical Society, spoke to the 10-year lease with the City and proposed to work with the City to come up with a way to leave the natural area as is.

Ms. Ann Gramling, 6113 Rue Sophie, spoke to her experience living near the natural area since 1970, and spoke in opposition to paved trails.

Dr. Otis Burnside, 6938 Forest Way, spoke in support of maintaining the natural area and wildlife, and to concerns with other public parks that have high bike traffic.

Ms. Kristina Koger, 6727 Sunlight Drive, spoke in opposition of concrete paths.

Ms. Rita Burnside, 6938 Forest Way, spoke to a brochure about Leon Valley and a concern with the direction the City is moving, and further spoke in opposition to the trail.

Ms. Irene Baldrige, 6360 Parsley Hill, spoke in support of the idea of placing "Welcome to Leon Valley" signage; and in opposition to adding concrete to the natural area.

Ms. Lynn Joseph, 6423 Trotter, spoke in support of placing the trails along the exterior of the natural areas, and in opposition to paved trails.

Mr. Charles Biasioli, 8701 Stirrup Circle, spoke to his concerns with budget and associated costs.

Mr. Matt Hodde, 5813 El Verde, asked if any consideration has been given to how the routes would be designed near the homes on El Verde, which he believes could be nice, but is concerned if it is routed along the exterior of the natural area, the trails would be even closer to front doors of residences on El Verde.

Mrs. Carol Poss, 7201 Huebner Road, spoke of her involvement with the Leon Valley Historical Society and giving tours to Boy Scouts that earn badges for identifying wildlife, and to her concern that proposed trails would wash away in rain.

\* \* \*

Mayor Riley read from a local ordinance regarding the natural areas that can serve as spaces for passive activities, and referenced a section regarding changes to the use of the park that is thought to require an election by the citizens.

Mr. Swaim addressed the question of moving a trailway near the front doors of residences and explained that there are things that can be done to maintain privacy on El Verde, and that residential concerns would be taken into account when developing the design of the trail.

Mayor Riley spoke to her concerns with the timeline.

\* \* \*

Mr. Olen Yarnell asked why the City is doing this before the Bexar County project is complete, and stated that he doesn't understand the rush.

\* \* \*

Mr. Longoria responded that he doesn't feel that we are rushing the process, considering it is 2014 money and we are just at the start of the process. He further stated that any concern related to the timeline, Mayor and Council could extend the process beyond January; however, as part of the process the first meeting we are having is the conversation tonight. Mr. Longoria also clarified for the public that there is not a "proposed trail" as of yet.

In responses to questions regarding the impact of delaying the process, Mr. Longoria explained the background of the Bexar County LC 17 project.

Mayor clarified that based on her understanding of the MPO funding process, that there is not a rush to expend the funds, and stated that projects can be requested to be moved forward without losing funding. Mayor clarified for the record, that this was a conceptual design and showed a map of the trail alignment that she has used in conversations with the public.

Councilman Diaz discussed his knowledge of the project and understands the purpose of the public meeting on January 9th, and would like to see the item to come back in February to deliberate, which provides the engineer enough time to gather citizen input.

City Manager Longoria reiterated that we are at the beginning of the process, and doesn't want any misconception that there have been any decisions on the routes.

Councilman Biever discussed that the plan that was presented to the MPO was a conceptual plan used for the proposal.

Councilman Reyna asked what action will be proposed at the January 13th meeting.

In reply to Councilman Reyna, City Manager Longoria explained that after the public meeting on the 9th, the idea is to come back to council on the 13th to provide two options of how to proceed. In the meantime, Mr. Longoria stated he will be developing costs associated with the options.

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Vickie Jamvold, 7203 Poss Road, resident since 1968, spoke in opposition to the idea of a hike and bike trail.

Ms. Monica Donahue Alcocer, 5985 Aids Rd., requested information as to what will be presented on January 9th.

Mr. Swaim stated that he is planning on preparing large schematic drawings and will provide forms for citizens to fill out to provide feedback. Mr. Swaim will compile the comments and report back to City Council at the January 13th City Council Meeting.

In conclusion, Mr. Longoria clarified that the item on January 13th meeting will be used to hear the citizen feedback, and then take that feedback and come back in February for a final decision by City Council on the final trail routes.

\* \* \*

*Item 8* Report and Possible Action on Feral Cat/Spay-Neuter-Release Initiative (R. Wallace) **M&C 2013-12-09-8**

Chief Wallace presented a PowerPoint presentation in which he recommended a method for implementing a Feral Cat-Spay-Neuter-Release Program for the City of Leon Valley to control the increased feral cat population.

Discussion ensued regarding the costs associated with the proposed veterinary options evaluated by staff.

Mayor Riley spoke to her experience to helping feral cats at her office downtown.

Councilman Diaz spoke to his observations of the local feral cat problem and asked questions related to cats that may be trapped yet have homes, and also asked about the facility proposed to temporarily hold spayed/neutered cats. Chief Wallace explained that the program would be for cats that appear to not have owners or homes, and that the facility to be used would be a holding area to keep the cats in their carrying cages, and out of the elements for the 24-hour required recovery period.

Councilman Diaz further spoke in support of other feral cat colony efforts such as those managed in the City of San Antonio.

\* \* \*

Lyn Joseph, 6423 Trotter, posed a question about the facility and the potential for volunteers.

Judith Green, representing Texas Parks and Wildlife, referenced a white paper available on their website related to feral cats and the impact to natural areas.

Vickie Jamvold, 7203 Poss Road, spoke in support of the benefits of this program.

Ms. Ann Gramling, 6113 Rue Sophie, as a member of the cat coalition, spoke to responsible ownership.

Councilman Reyna asked for clarification of the action being requested by Council.

Chief Wallace stated that staff was seeking direction to proceed with the recommended program for one year.

\* \* \*

Nicole Poor, 5614 Red Canyon, San Antonio Cat Coalition, explained that a Trap Neuter Release program is not a perfect solution; however, it is working in the City of San Antonio and other towns are realizing the benefits.

\* \* \*

Councilman Reyna made a motion to approve the recommendation by staff for a one year trial. Councilman Dean seconded the motion. The motion passed by consensus vote.

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*Item 9* Presentation and discussion on Boards and Commissions Policy  
(Callanen/Longoria) **M&C 2013-12-09-9**

Interim City Secretary provided a PowerPoint presentation of a proposed policy for handling board appointments, as directed by Council at the September 2013 City Council Meeting.

After the presentation, discussion ensued regarding the merits of the policy to streamline the process and provide a fair and equitable way to consider appointments and reappointments.

Councilman Reyna, spoke in opposition of the recommendations of adding term limits for Boards and Commissions, and spoke in support of all other recommendations, and requested an evaluation of the number people serving on each board and current vacancies.

Councilman Biever spoke to Tier I Boards and Commissions and his opinion that for only this tier, relatives should be ineligible to serve on the same board.

Mayor Riley discussed her role as Mayor and being solely responsible for recommending Boards and Commission member appointments for Council's approval, and to the privilege of appointing members as the Mayor and stated her disagreement with this switch to having it up to the full City Council. Mayor Riley also spoke in opposition to term limits and limiting spouses serving on boards other than Tier I boards and commissions. Mayor Riley spoke in favor of less restrictive residency requirements to allow for a broader base of expertise.

Councilman Reyna spoke in favor of the policy and the opportunities for members of the community who could be considered those who live and work in the city, but perhaps other can be ex-officio, or non-voting members, of a board or commission. Councilman Reyna further spoke to his confidence in staff to take the guidance given by Council to find other efficiencies in drafting a process.

Further discussion ensued related to holdover provisions and the impetus for this recommended policy; and to recruitment, the ethics and open meetings act training requirements for appointed members, as well as suggestions made for voluntary training opportunities.

Councilman Biever spoke in response to the Mayor's comments about the recruitment process and stated that he doesn't foresee the recruitment methods changing from individual recruitment efforts.

\* \* \*

Mr. Olen Yarnell spoke to his concern that this is addressing a problem that really hasn't been identified.

City Manager Longoria discussed the direction that was received from City Council to address inconsistencies in the current process.

Mr. Esquivel provided his observations and professional experience and suggested that the term performance plans shouldn't be used.

Direction was given to staff to incorporate input by City Council and bring policy back at the January 13<sup>th</sup> City Council Meeting.

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*Item 10* At 12:05 a.m., Tuesday, November 10, 2014, the Council convened into closed session for the purpose of holding a discussion related to a proposed moratorium on non-charted financial institutions, as authorized by the Texas Government Code, Sections 551.071 (consultation with attorney).

The Mayor reconvened the regular City Council meeting at 12:34 a.m., and announced that no action was taken.

Ms. Flores, Community Development Director, provided a PowerPoint presentation related to the number of payday loan establishments in the City of Leon Valley, and provided information on the requirements in order to order a moratorium.

Chairman Guerra of the Zoning Commission provided recommendations by Zoning Commission. Further discussion ensued related to the next steps required to proceed and ideas for collaboration with TML and Bexar County Commission of Mayors to prepare for the Legislative Session.

Mayor Riley opened Public Hearing on Proposed Moratorium on Non-Chartered Financial Institutions at 12:40 a.m. at which time, there were no citizens wishing to speak.

Mayor Riley closed the public hearing at 12: 40 a.m.

Discuss and consider an ordinance adopting a moratorium on issuance of certificates of occupancy for Non-Chartered Financial Institutions pursuant to Chapter 51 of the Texas Local Government Code.

Councilman Reyna made a motion to approve the first reading the ordinance. Councilman Bieber seconded the motion. Voting Aye: Ruiz, Reyna, Diaz, Dean, Bieber. Voting Nay: None. The motion carried.

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There being no further business, Mayor Riley adjourned the meeting at 12:45 a.m., Tuesday, December 10, 2014.

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Mayor Riley

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Leticia Callanen

Interim City Secretary

**NOTICE OF PUBLIC MEETING**  
**LEON VALLEY CITY COUNCIL**  
**REGULAR MEETING -5:30 P.M.**  
**WEDNESDAY, DECEMBER 18, 2013**  
**LEON VALLEY CITY COUNCIL CHAMBERS**  
**6400 EL VERDE ROAD, LEON VALLEY, TEXAS 78238**

**MINUTES**

Mayor Riley convened the meeting at 5:30 P.M. and led the pledge of allegiance.

Council in attendance: Ruiz, Reyna, Biever. Absent and excused: Councilman Diaz, and Councilman Dean

Staff in Attendance: City Manager Longoria, L. Callanen, Interim City Secretary, and K. Flores, Community Development Director

*Item 1* Second Reading and action on an ordinance adopting moratorium on Non-Chartered Financial Institutions pursuant to Chapter 212 of the Texas Local Government Code. (Flores) M&C 2013-12-18-01

Ms. Flores gave a brief presentation of the item before City Council.

The reading of the reading of the ordinance was completed with Councilman Biever making a motion to approve. Councilman Reyna seconded the motion. The second reading of the ordinance was approved.

There being no further business, Mayor Riley adjourned the meeting at approximately 5:07 p.m.

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Mayor Riley

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Leticia Callanen

Interim City Secretary

MINUTES

COFFEE WITH MAYOR AND CITY COUNCIL

The Kinman House

6421 Evers Road

Leon Valley, TX 78238

**Saturday, December 14, 2013**

**9:00 A.M. – 11:00 A.M.**

The Leon Valley City Council hosted a citizen meeting at the Kinman House on Saturday, December 14, 2013.

Mayor Riley called the meeting to order at approximately 9:00 a.m.

All members of council were present, as was City Manager Longoria.

Discussions took place individually with residents on topics of general interest, to include but not limited to:

Hike and Bike Trail, and parliamentary procedures for meetings.

No action was taken at the meeting.

Mayor Riley adjourned the meeting at approximately 11:00 a.m.

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Mayor Riley

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Leticia Callanen  
Interim City Secretary

## **MAYOR AND COUNCIL COMMUNICATION**

**M&C# 2014-01-13-04**

**DATE:** JANUARY 13, 2014  
**TO:** MAYOR AND CITY COUNCIL  
**FROM:** Leticia Callanen, Interim City Secretary  
**THROUGH:** Manuel Longoria, Jr., City Manager  
**SUBJECT:** Official Newspaper Designation

### **PURPOSE**

Request to amend the Leon Valley Code of Ordinances Chapter 2 “General Provisions,” Section 2.401 “Official Newspaper” by designating the Daily Commercial Recorder, the San Antonio Express News, and The Echo as the official newspapers to publish required notices for the City of Leon Valley for Fiscal Year 2013-2014 pursuant to Local Government Code §52.004.

To designate an “Official Newspaper” as required to meet Local Government Code (LGC) Chapter 52, Section 52.004, requirements; at the beginning of each fiscal year, a Type A municipality must designate its official newspaper through resolution or ordinance and contract with that paper to publish required notices. All material required to be published must be published in the official newspaper regardless of where else it is published. The official newspaper(s) of the City would be used for publishing ordinances, official notices, or other matters as required by law or ordinance to be published.

Currently, the City Code names “The San Antonio Express News”, “The Daily Commercial Recorder”. Staff is recommending that in addition to designating these newspapers for FY 2014, we add The Echo to the list to better serve our publication needs in the future.

The costs for advertising in the publications are detailed in Exhibit A.

### **S.E.E. IMPACTS**

Social Equity – The use of recognized publications in the greater San Antonio Area will allow residents, business partners, and other interested parties to become informed of the City’s legal publications.

Economic Development – The City of Leon Valley will ensure it meets its legal publication requirements including many of which involve Economic Development information required to be published and posted in a timely and legal manner.

Environmental Stewardship – Not applicable.

**FISCAL IMPACT**

Costs for publications are included in the FY 2013-2014 Adopted Budget. Staff will endeavor to keep its advertising and publication costs within allowed budgetary constraints.

**RECOMMENDATION**

Staff recommends the approval of the attached Ordinance designating “The San Antonio Express News”, “The Daily Commercial Recorder” and “The Echo” as official newspapers of the City of Leon Valley retroactive to October 1, 2013.

APPROVED: \_\_\_\_\_ DISAPPROVED: \_\_\_\_\_

APPROVED WITH THE FOLLOWING AMENDMENTS:

\_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Leticia Callanen, Interim City Secretary

AN ORDINANCE \_\_\_\_\_ 2014-01-13-xx

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AN ORDINANCE AMENDING CHAPTER 1, ARTICLE 1.02, SECTION 1.02.001-2.401 "OFFICIAL NEWSPAPERS" OF THE LEON VALLEY CODE OF ORDINANCES CHAPTER 2, "GENERAL PROVISIONS", TO DESIGNATE THE SAN ANTONIO EXPRESS NEWS, THE DAILY COMMERCIAL RECORDER, AND THE ~~HELOTES~~-ECHO AS "OFFICIAL NEWSPAPERS" OF THE CITY OF LEON VALLEY; PROVIDING A CUMULATIVE CLAUSE AND AN EFFECTIVE DATE

WHEREAS, Section 2051.044 of the Government Code sets forth the requirements of newspapers in which official public notices ~~pertain~~pertaining to city business must be published; and

WHEREAS, Chapter 52 of the Local Government Code requires the City to designate at least one newspaper meeting the criteria in section 2051.044 Government Code as the City's official newspaper in which public notices pertaining to city business are to be published; and

WHEREAS, the City Council hereby designates the following newspapers as official newspapers of general circulation in compliance with applicable law.

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

1.

4. ~~—Chapter 1, Article 1.02, Section 1.02.001 2.401, "Official Newspapers" of Chapter 2, "General Provisions" of the City of Leon Valley's —CCode of Ordinances —~~is hereby amended to hereafter read as follows:

"Sec. 1.02.001 Official newspapers§ 2.400 MISCELLANEOUS

2.401—OFFICIAL NEWSPAPER

*The San Antonio Express News, the Daily Commercial Recorder, and The ~~Helotes~~-Echo are hereby designated as official newspapers of the City for the publication of all notices, ordinances, captions and summaries of ordinances required to be published by law, and of any other matter required to be published or desired to be published by the City Council. It shall be sufficient if any such publication is made in any one of the designated official newspapers."*

II.

This Ordinance shall be cumulative of all provisions of ordinances of the City of Leon Valley, Texas, except where the provisions of the Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

III.

This Ordinance shall become effective immediately upon passage.

~~This ordinance shall become effective immediately upon passage and approval for all official and legal publications in Fiscal Year 2014.~~

**PASSED** and **APPROVED** this the 13th day of January 2014.

\_\_\_\_\_  
Mayor Chris Riley

ATTEST:

\_\_\_\_\_  
Leticia Callanen, Interim City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

January 8, 2014

City of Leon Valley  
Attn: Leticia Callanen

Re: Request for Proposals for the Publication of Legal Notices in the San Antonio Express-News, Daily Commercial Recorder (DCR) and the Northwest Weekly.

Dear Ms. Callanen,

The San Antonio Express-News has reviewed your request and submits for your review rates and deadlines for the aforementioned publications.

**SAN ANTONIO EXPRESS-NEWS** (Legal Rates)

Distribution: Home and rack delivery to Bexar and surrounding counties.

**Rates:**

Monday – Saturday	\$13.80 per line
Sunday	\$16.27 per line
Online (14 days)	\$40.00 flat rate
Publisher's Affidavit	\$50.00 flat rate

**Deadlines:**

***Liners:***

5:00 p.m. day prior for weekday publication

10:00 a.m. on Friday for Saturday & Sunday publication

***Display:***

Classified – 4:00 p.m. two days prior to publication

ROP – 4:00 p.m. three days prior to publication (Main News, Metro, Sports, etc.)

## **DAILY COMMERCIAL RECORDER (DCR)**

Distribution: Published Monday – Friday with distribution mainly through print and online subscription. Also available for purchase at 301 Avenue E @ Third Street.

### **Rates:**

\$2.18 per line

\$21.80 per column inch (Display)

### **Deadlines:**

*Liners* – 2:00 p.m. day prior to publication

**Display** – 2:00 p.m. two days prior to publication

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## **NORTHWEST WEEKLY**

Distribution: Each Thursday to select households in the following targeted zip codes:

78006, 78015, 78023, 78238, 78240, 78249, 78250, 78251, 78253,  
78254, 78255, 78256, 78257

### **Rates:**

\$12.50 per column inch (Liners and Display)

### **Deadlines:**

*Liners:* 1:30 p.m. Friday prior to publication

*Display:* 2:00 p.m. Thursday prior to publication

## **LEGAL REQUIREMENTS FOR PUBLICATIONS**

The San Antonio Express-News and Daily Commercial Recorder meet all of the legal requirements for a 'Newspaper of Record'. The Northwest Weekly also meets these requirements, as the San Antonio Express-News acts as the source of delivery.

- 1) Devote not less than 25% of its total lineage to general interest items
- 2) Be published at least once each week
- 3) Be entered as a second-class postal matter in the county where published
- 4) Have been published regularly and continuously for at least 12 months before the governmental entity or representative publishes notice.
  - (a) A weekly newspaper has been published regularly and continuously under Subsection (b) if the newspaper omits not more than two issues in the 12 month period.
  - (c) This section does not apply to the publication of notice to which Section 2051.0441 applies.

Respectfully submitted,

Mary Castaneda  
Legal Coordinator

(210) 250-2327  
mcastaneda@express-news.net

January 8, 2014

City of Leon Valley

Attn: Leticia Callanen

Re: Request for Proposals for the Publication of Legal Notices in The Echo.

Dear Ms. Callanen,

The Echo has reviewed your request and submits for your review rates and deadlines for the aforementioned publication.

**The Echo**

Distribution: Each Wednesday to select households in the following targeted zip codes: 78023, 78238, 78240, 78249, 78250, 78251, 78253, 78254, 78255,

**Rates:**

\$7.70 per column inch (Liners and Display)

**Deadlines:**

**Liners:** Noon. Monday prior to publication

**Display:** Noon. Friday prior to publication

**LEGAL REQUIREMENTS FOR PUBLICATIONS**

The Echo meet all of the legal requirements for a 'Newspaper of Record'.

- Devote not less than 25% of its total lineage to general interest items
- Be published at least once each week
- Be entered as a second-class postal matter in the county where published
- Have been published regularly and continuously for at least 12 months before the governmental entity or representative publishes notice.
  - A weekly newspaper has been published regularly and continuously under Subsection (b) if the newspaper omits not more than two issues in the 12 month period. (c) This section does not apply to the publication of notice to which Section 2051.0441 applies.

Respectfully submitted,

James Lee

Editor/owner

Helotes Echo

# **City of Leon Valley**

## **Official Newspaper Designation**

**January 13, 2014**

# Purpose

- To approve an Ordinance to renew its designation of the San Antonio Express News and the Daily Commercial Recorder, and to include The Echo, for the City of Leon Valley's required legal publication notices for the Fiscal Year 2014
  - Pursuant to Local Government Code §52.004
  - Note: San Antonio Express News acts as the source of publication and delivery for the Northwest Weekly, which also meets the legal requirements even though it is a supplement and not a standalone newspaper

# Fiscal Impact

- Costs for publications are included in the FY 2013-2014 Adopted Budget.
- Staff will endeavor to keep its advertising and publication costs within allowed budgetary constraints.

# Recommendation

- Staff Recommends approval

# **City of Leon Valley**

## **Official Newspaper Designation**

**January 13, 2014**

## MAYOR AND COUNCIL COMMUNICATION

M&C #2014-1-13-05

**DATE:** JANUARY 13, 2014  
**TO:** MAYOR AND CITY COUNCIL  
**FROM:** MELINDA MORITZ, PUBLIC WORKS DIRECTOR  
**THROUGH:** MANUEL LONGORIA, JR., CITY MANAGER  
**SUBJECT:** PRESENTATION OF RESULTS OF PUBLIC MEETING FOR THE PROPOSED LEON VALLEY HIKE & BIKE TRAIL

### **PURPOSE**

To inform the City Council of the results of the January 9, 2014 Public Meeting for the proposed Hike & Bike Trail, as presented by Jess Swaim, P.E. of IDS Engineering Group, Inc.

### **BACKGROUND**

The City applied for an MPO STP-MM grant to construct a hike & bike trail, from Evers Road to Shadow Mist. The grant was awarded and in October of 2013, the City selected IDS Engineering Group, Inc. to design and engineer the trail. One of the TxDOT requirements for funding is to hold public meetings, inviting comments from the public regarding the project.

IDS Engineering met with the Park Commission on November 12, 2013 and December 3, 2013, presented at the City Council meeting of December 16, 2013, and met with the President and a regular member of the Leon Valley Historical Society on January 2, 2014. Additionally, 3,277 postcards informing the residents of the public meeting were sent to homes in Leon Valley and the meeting notice was posted to the City's website, and distributed via E-News.

A Public Meeting will be held January 9, 2014, from 6:30 pm to 8:00 pm, at Leon Valley City Hall, at which Jess Swaim, P.E. of IDS Engineering Group, Inc. will present exhibits depicting three options for trail alignment. Mr. Swaim will explain each of the exhibits and give a preliminary cost estimate for each choice. The attendees at the meeting will be given comment cards to complete and submit regarding their preferences for the trail alignment. The results of the comment cards will be presented to City Council by Mr. Jess Swaim.

### **FISCAL IMPACT**

None.

### **RECOMMENDATION**

Presentation only - ***No Council Action is required.***

## **S.E.E. IMPACT STATEMENT**

**Social Equity** – The trail will provide additional outdoor recreation opportunities for all citizens.

**Economic Development** – Maintaining attractive recreational resources provides additional incentive for citizens and businesses to relocate or stay in Leon Valley.

**Environmental Stewardship** – A Hike & Bike Trail is a prudent use of natural resources and assures the highest and best use of our floodplain/way properties.

## **STRATEGIC GOALS STATEMENT**

### **Item 2 (b) Examine Parks system to incorporate LC-17 and the Silo property**

Development of the hike and bike trail is consistent with City Council goals for the incorporation of the LC-17 lands and for community involvement.

ATTEST:

\_\_\_\_\_  
Leticia Callanen, Interim City Secretary

City of Leon Valley  
Hike & Bike Trail Public Meeting Results

City Council Meeting  
January 13, 2014

# Purpose

- To inform the City Council of the results of the January 9, 2014 Public Meeting for the proposed Hike & Bike Trail
- Presented by Jess Swaim, P.E. of IDS Engineering Group

# Background

- IDS Engineering contracted in October of 2013 to design & engineer a Hike & Bike Trail, from Evers Road to Shadow Mist
- One of the TxDOT requirements for funding is to hold public meetings
- Nov 12, 2013 - IDS Engineering met with Park Commission
- Dec 3, 2013 - IDS Engineering met with Park Commission
- Dec 9, 2013 - IDS Engineering presented at the City Council meeting
- Jan 2, 2014 - IDS Engineering met with President & 1 member of Historical Society

# Public Meeting

- Additionally, 3,277 postcards, informing the residents of the public meeting, were sent to homes in Leon Valley
- Meeting notice was posted to the City's website and distributed via E-News
- Public Meeting to be held January 9, 2014, from 6:30 pm to 8:00 pm, at Leon Valley City Hall
- Jess Swaim, P.E. of IDS Engineering Group, Inc. will present exhibits depicting 3 options for trail alignment with cost estimates at the public meeting
- Results of the comment cards will be presented to City Council

# Recommendation

- None
- City Council to make final decision on trail alignment at the February 10, 2014 City Council meeting

# S.E.E. Statement

- Social Equity – The trail will provide additional outdoor recreation opportunities for all citizens
- Economic Development – Maintaining attractive recreational resources provides additional incentive for citizens and businesses to relocate or stay in Leon Valley
- Environmental Stewardship – A Hike & Bike Trail is a prudent use of natural resources and assures the highest and best use of our floodplain/way properties

City of Leon Valley  
Hike & Bike Trail Public Meeting Results

City Council Meeting  
January 13, 2014

## MAYOR AND COUNCIL COMMUNICATION

M&C# 2014-01-13-06

**DATE:** JANUARY 13, 2014  
**TO:** MAYOR AND CITY COUNCIL  
**FROM:** Leticia Callanen, Interim City Secretary  
**THROUGH:** Manuel Longoria, Jr., City Manager  
**SUBJECT:** Boards and Commissions Policy Adoption

### **PURPOSE**

The purpose of this agenda item is to have City Council adopt a policy setting procedural guidelines for the application and appointment process for all individuals wishing to serve on a Leon Valley Board, Commission, Corporation, or Committee.

### **BACKGROUND**

During the September 17, 2013, City Council Meeting, direction was given to staff to develop a policy for a board and commission appointment process that can be applied consistently to all future appointments. The parameters for this policy address boards and commissions where the establishing documents require appointments to be made by Mayor and City Council, and will not apply to individuals that volunteer for special events. A list of the subject boards and commissions are attached as Exhibit A.

This item was presented to City Council in draft form for consideration on December 9, 2013. City Council provided comments on the proposed policy and recommended revisions that have been incorporated into the final draft.

### **Applicability**

The term of "Boards and Commissions" shall cover all Advisory Boards, statutory Boards and Commissions, Ad-hoc and Standing Committees, and Corporations. These Boards and Commissions have been categorized into the following three tiers:

Tier I – Statutory Boards, Commissions and Corporations (Policy Making Authority)

Tier II– Standing Advisory Boards (Serve in an Advisory Capacity)

Tier III- Ad-Hoc and Committees that are called up for a specific task or project. *Committees that fall under this tier could automatically dissolve/sunset upon completion of its charge, or the time prescribed by the City Council. City Council may dissolve/sunset by official action.*

During the December 9th City Council Meeting, comments were made by Mayor and Council supporting and objecting to some of the recommendations. In response, staff proposes the following revisions.

Revisions Made to Categories I, II, and III	
Tier I	Tier II and III
No relatives serving on same board	Relatives may serve on same board
No Term Limits	No Term Limits
Residency Requirements as outlined in establishing documents	Residency Requirements, flexibility to add non-resident members
Ethics and Open Meeting/Open Records Training Required	Ethics and Open Meeting/Open Records Training (Voluntary)

Below is the policy with other revisions incorporated as requested by the Mayor and Council.

### **Application Process**

The following recommended steps are proposed that will create a consistent process and allow for thorough outreach in the event of an unforeseen board or commission vacancy.

1. Tier I and Tier II Board appointments and reappointments will be conducted by Mayor and Council two times per year, in January and June, which coincide with 1) the beginning of the calendar year; and 2) Mayor and Council terms.
  - a. The Chairperson of a Tier I and Tier II Board may request consideration of appointments for a vacancy outside of the appointment schedule if there is a critical need for immediate consideration.
  - b. Appointments for Tier III Committees will be on-going, do not require interviews and will be scheduled for City Council consideration at regular monthly City Council meetings.
2. Vacancies and call for applications will be publicized through existing City communications (i.e. newsletter, website, email announcement), and shall include a deadline for submission of an application by a date and standardized timeframe, i.e. Regular Business Hours of 7:30 a.m. to 5:30 p.m., Monday through Thursday, and 7:30 a.m. to 11:30 a.m. on Friday.
3. All applications will be submitted to the City, through the City Secretary, and shall be time and date stamped upon receipt by staff, if delivered in person. Applications submitted by fax or email must arrive by the defined deadline listed in the notice calling for applications.
4. A slate of applicants with their applications that are received by the advertised deadline will be forwarded to the Mayor and Council for review.
5. Interviews will be conducted for first time applicants for Tier I Boards and Commissions only; and will be scheduled during a work session of the full City Council; and will appear on the Regular Agenda as an action item.
  - a. Sitting board members who wish to serve an additional term will be required to submit an updated application by the advertised deadline to be considered for reappointment; however, an interview will not be required.

### **Performance Measures**

Staff was directed to recommend performance measures for the Mayor and Council to use when deliberating appointments. Below are suggested measures to be included in the policy:

1. Attendance shall be tracked on an attendance log and kept by the staff liaison, and readily available to view by City Council.
2. All approved meeting minutes shall be included in the City Council agenda packet for review, and will be placed on the website.
3. Staff liaisons must track and report to the City Secretary any problem noted as soon as possible with the following issues:
  - a. A member misses three (3) consecutive meetings of all regular meetings in a 12-month period
  - b. If a board member has any changes to their contact information, address, employment, etc.
  - c. If a board is failing to meet for any reason for more than six months
  - d. If a board member resigns
4. Members that are absent for three consecutive meetings, except for illness or disability, without first being excused by the Chairperson, shall be deemed to have vacated the position and the City Council may appoint a new member to fill the unexpired term during the next board and commission work session, or as requested by the Chairperson.
5. A member who is automatically removed from a board or commission for failure to meet the attendance requirement is ineligible to seek appointment to any board or commission for a period of one calendar year from the date of the member's automatic removal.
6. The Mayor and Council may request that some boards and commissions conduct an annual review and work plan. Council will designate which boards will conduct an annual review by December 31<sup>st</sup> of each year. The report will be due during the first quarter of the following year. The staff liaison is responsible for making sure that the review is done and the report is filed in a timely manner.

Other considerations that staff recommended have been revised and will be added to the appropriate sections of the final policy:

- The applicant provides information on the application regarding criminal background and will be subject to a criminal background check. (*Application Process*)
- **Tier I** members shall follow the same requirements set for Mayor and Council, regarding the completion of a sanctioned training course on the Texas Public Information Act and Open Meetings Act, within a reasonable timeframe after appointment. (*Performance Measures*)

### **FISCAL IMPACT**

There is no financial impact associated with this proposed action.

### **RECOMMENDATION**

This proposed policy is consistent with the 2013-2014 Mayor and Council Strategic Goals,

specifically, Goal #3 Strengthen Communications to the Community, by increasing awareness of the value Boards and Commissions bring to the City, and providing opportunities for members of the community to serve in that capacity.

Staff recommends approval of this policy.

APPROVED: \_\_\_\_\_ DISAPPROVED: \_\_\_\_\_

APPROVED WITH THE FOLLOWING AMENDMENTS: \_\_\_\_\_

\_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Leticia Callanen, Interim City Secretary

**Exhibit “A”**  
**Boards and Commissions Categories**

**Tier I Boards and Commissions**  
**(Interviews Conducted for Applicants)**

Board of Adjustment  
Leon Valley Economic Development Corporation  
Zoning and Land Use Commission

**Tier II Boards and Commissions**

Community Events  
Earthwise Living Committee  
Leon Valley 2012 Bond Oversight Committee  
Library Board  
Parks Commission  
Stormwater Management Program  
Tree Advisory Board

**Tier III Boards and Commissions**

Bandera Road Site - Community Advisory Group (CAG)  
Branding Committee  
Business Owners and Managers' Alliance (BOMA) - *inactive*  
Communications Committee  
Festival Committee

An Ordinance \_\_\_\_\_

AN ORDINANCE ADOPTING A POLICY MEASURES TO BE INCORPORATED INTO A  
“BOARDS AND COMMISSIONS APPLICATION AND APPOINTMENT PROCESS”

**Applicability**

The term of “Boards and Commissions” shall cover all Advisory Boards, statutory Boards and Commissions, Ad-hoc and Standing Committees, and Corporations. These Boards and Commissions have been categorized into the following three tiers:

Tier I – Statutory Boards, Commissions and Corporations (Policy Making Authority)

Tier II– Standing Advisory Boards (Serve in an Advisory Capacity)

Tier III- Ad-Hoc and Committees that are called up for a specific task or project. *Committees that fall under this tier could automatically dissolve/sunset upon completion of its charge, or the time prescribed by the City Council. City Council may dissolve/sunset by official action.*

**Application Process**

In order to maintain a consistent method of outreach and appointment of members, the following process shall be followed.

1. Tier I and Tier II Board appointments and reappointments will be conducted by Mayor and Council two times per year, in January and June, which coincide with 1) the beginning of the calendar year; and 2) Mayor and Council terms.
  - a. The Chairperson of a Tier I and Tier II Board may request consideration of appointments for a vacancy outside of the appointment schedule if there is a critical need for immediate consideration.
  - b. Appointments for Tier III Committees will be on-going, do not require interviews and will be scheduled for City Council consideration at regular monthly City Council meetings.
2. Vacancies and call for applications will be publicized through existing City communications (i.e. newsletter, website, email announcement), and shall include a deadline for submission of an application by a date and standardized timeframe, i.e. Regular Business Hours of 7:30 a.m. to 5:30 p.m., Monday through Thursday, and 7:30 a.m. to 11:30 a.m. on Friday.
3. All applications will be submitted to the City, through the City Secretary, and shall be time and date stamped upon receipt by staff, if delivered in person. Applications submitted by fax or email must arrive by the defined deadline listed in the notice calling for applications.
4. The applicant shall provide information on the application regarding criminal background and will be subject to a criminal background check.
5. A slate of applicants with their applications that are received by the advertised deadline will be forwarded to the Mayor and Council for review.
6. Interviews will be conducted for first time applicants for Tier I Boards and Commissions only; and will be scheduled during a work session of the full City Council; and will appear on the Regular Agenda as an action item.

- a. Sitting board members who wish to serve an additional term will be required to submit an updated application by the advertised deadline to be considered for reappointment; however, an interview will not be required.

### **Performance Measures**

Below are measures to be included in the policy for use by Mayor and Council when evaluating appointments and re-appointments to its Boards and Commissions.

1. Attendance shall be tracked on an attendance log and kept by the staff liaison, and readily available to view by City Council.
2. All approved meeting minutes shall be included in the City Council agenda packet for review, and will be placed on the website.
3. Staff liaisons must track and report to the City Secretary any problem noted as soon as possible with the following issues:
  - a. A member misses three (3) consecutive meetings of all regular meetings in a 12-month period
  - b. If a board member has any changes to their contact information, address, employment, etc.
  - c. If a board is failing to meet for any reason for more than six months
  - d. If a board member resigns
4. Members that are absent for three consecutive meetings, except for illness or disability, without first being excused by the Chairperson, shall be deemed to have vacated the position and the City Council may appoint a new member to fill the unexpired term during the next board and commission work session, or as requested by the Chairperson.
5. A member who is automatically removed from a board or commission for failure to meet the attendance requirement is ineligible to seek appointment to any board or commission for a period of one calendar year from the date of the member's automatic removal.
6. The Mayor and Council may request that some boards and commissions conduct an annual review and work plan. Council will designate which boards will conduct an annual review by December 31<sup>st</sup> of each year. The report will be due during the first quarter of the following year. The staff liaison is responsible for making sure that the review is done and the report is filed in a timely manner.
7. **Tier I** members shall follow the same requirements set for Mayor and Council, regarding the completion of a sanctioned training course on the Texas Public Information Act and Open Meetings Act, within a reasonable timeframe after appointment.

Ordinance \_\_\_\_\_

AN ORDINANCE AMENDING THE CITY'S CODE OF ORDINANCES BY ADOPTING A POLICY FOR THE APPOINTMENT OF CITY BOARDS AND COMMISSIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR A SAVINGS CLAUSE AND EFFECTIVE DATE

**WHEREAS**, the City Council is responsible for appointing various boards and commissions; and

**WHEREAS**, the City currently does not have a policy regarding the appointment of individuals to City boards and Commissions; and

**WHEREAS**, the City Council desires to have a fair and consistent policy for purposes of appointments to City boards and commissions.

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

- 1. That the City's Code of Ordinances Chapter 1 General Provisions is amended by adding Section 1.06.005, "Appointment of Boards and Commissions" as follows:**

**(a) Applicability**

The term of "Boards and Commissions" shall cover all Advisory Boards, statutory Boards and Commissions, Ad-hoc and Standing Committees, and Corporations. These Boards and Commissions have been categorized into the following three tiers:

Tier I – Statutory Boards, Commissions and Corporations (Policy Making Authority)

Tier II– Standing Advisory Boards (Serve in an Advisory Capacity)

Tier III- Ad-Hoc and Committees that are called up for a specific task or project. *Committees that fall under this tier could automatically dissolve/sunset upon completion of its charge, or the time prescribed by the City Council. City Council may dissolve/sunset by official action.*

The Tiers of current boards and commission are as provided for in the attached Exhibit "A". Exhibit "A" may amended by Resolution as determined necessary by City Council from time to time.

**(b) Application Process**

In order to maintain a consistent method of outreach and appointment of members, the following process shall be followed.

1. Tier I and Tier II Board appointments and reappointments will be conducted by Mayor and Council two times per year, in January and June, which coincide with 1) the beginning of the calendar year; and 2) Mayor and Council terms.
  - a. The Chairperson of a Tier I and Tier II Board may request consideration of appointments for a vacancy outside of the appointment schedule if there is a critical need for immediate consideration.
  - b. Appointments for Tier III Committees will be on-going, do not require interviews and will be scheduled for City Council consideration at regular monthly City Council meetings.
2. Vacancies and call for applications will be publicized through existing City communications (i.e. newsletter, website, email announcement), and shall include a deadline for submission of an application by a date and standardized timeframe, i.e. Regular Business Hours of 7:30 a.m. to 5:30 p.m., Monday through Thursday, and 7:30 a.m. to 11:30 a.m. on Friday.
3. All applications will be submitted to the City, through the City Secretary, and shall be time and date stamped upon receipt by staff, if delivered in person. Applications submitted by fax or email must arrive by the defined deadline listed in the notice calling for applications.
4. The applicant shall provide information on the application regarding criminal background and will be subject to a criminal background check.
5. A slate of applicants with their applications that are received by the advertised deadline will be forwarded to the Mayor and Council for review.
6. Interviews will be conducted for first time applicants for Tier I Boards and Commissions only; and will be scheduled during a work session of the full City Council; and will appear on the Regular Agenda as an action item.
  - a. Sitting board members who wish to serve an additional term will be required to submit an updated application by the advertised deadline to be considered for reappointment; however, an interview will not be required.

### **(c) Performance Measures**

Below are measures to be included in the policy for use by Mayor and Council when evaluating appointments and re-appointments to its Boards and Commissions.

1. Attendance shall be tracked on an attendance log and kept by the staff liaison, and readily available to view by City Council.
2. All approved meeting minutes shall be included in the City Council agenda packet for review, and will be placed on the website.
3. Staff liaisons must track and report to the City Secretary any problem noted as soon as possible with the following issues:
  - a. If a member misses three (3) consecutive meetings of all regular meetings in a 12-month period
  - b. If a board member has any changes to their contact information, address, employment, etc.
  - c. If a board is failing to meet for any reason for more than six months
  - d. If a board member resigns
4. Members that are absent for three consecutive meetings, except for illness or disability, without first being excused by the Chairperson, shall be deemed to have vacated the position and the City Council may appoint a new member to fill the unexpired term

- during the next board and commission work session, or as requested by the Chairperson.
5. A member who is automatically removed from a board or commission for failure to meet the attendance requirement is ineligible to seek appointment to any board or commission for a period of one calendar year from the date of the member's automatic removal.
  6. The Mayor and Council may request that some boards and commissions conduct an annual review and work plan. Council will designate which boards will conduct an annual review by December 31<sup>st</sup> of each year. The report will be due during the first quarter of the following year. The staff liaison is responsible for making sure that the review is done and the report is filed in a timely manner.
  7. **Tier I** members shall follow the same requirements set for Mayor and Council, regarding the completion of a sanctioned training course on the Texas Public Information Act and Open Meetings Act, within a reasonable timeframe after appointment.
2. **This Ordinance shall be cumulative of all provisions of ordinances of the City except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. Nothing contained in this Ordinance generally or this chapter specifically shall be construed to allow the violation of any residential deed restriction.**
  3. **Should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are declared to be severable.**
  4. **This ordinance shall become effective on and after its passage, approval and publication as prescribed by law.**

**PASSED and APPROVED** this 13th day of January, 2014.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

**Exhibit "A"**  
**Boards and Commissions Categories**

**Tier I Boards and Commissions**  
**(Interviews Conducted for Applicants)**

Board of Adjustment  
Leon Valley Economic Development Corporation  
Zoning and Land Use Commission

**Tier II Boards and Commissions**

Community Events  
Earthwise Living Committee  
Leon Valley 2012 Bond Oversight Committee  
Library Board  
Parks Commission  
Stormwater Management Program  
Tree Advisory Board

**Tier III Boards and Commissions**

Bandera Road Site - Community Advisory Group (CAG)  
Branding Committee  
Business Owners and Managers' Alliance (BOMA) - *inactive*  
Communications Committee  
Festival Committee

# **Boards and Commissions Policy**

**City Council Meeting**

**January 13, 2014**

# Purpose

- The purpose of this agenda item for City Council to adopt procedural guidelines for the application and appointment process for all individuals wishing to serve on a Leon Valley Board, Commission, Corporation, or Committee.
  - Proposed policy applies to appointments (and reappointments) that require approval by Council, and will not apply to volunteers for special events.

# Background

- September 17, 2013, direction was given to staff to develop a policy for a board and commission appointment process.
- December 9, 2013, item was presented to City Council in draft form for consideration.

# Boards and Commissions

## Tier I Boards and Commissions

(Interviews Conducted for Applicants)

Statutory Boards,  
Commissions, and  
Corporations w/Policy  
Making Authority

Board of Adjustment

Leon Valley Economic Development Corporation

Zoning and Land Use Commission

## Tier II Boards and Commissions

Standing Boards that  
serve in an Advisory  
Capacity

Community Events

Earthwise Living Committee

Leon Valley 2012 Bond Oversight Committee

Library Board

Parks Commission

Stormwater Management Program

Tree Advisory Board

## Tier III Boards and Commissions

Ad-hoc Committees &  
Subcommittees called for a  
task or project-once complete,  
Council may dissolve/sunset

Bandera Road Site - Community Advisory Group (CAG)

Branding Committee

Business Owners and Managers' Alliance (BOMA) - inactive

Communications Committee

Festival Committee

# SUMMARY OF REVISIONS

<b>Revisions Made to Categories I, II, and III</b>	
<b>Tier I</b>	<b>Tier II &amp; III</b>
<b>No relatives serving on same board</b>	<b>Relatives may serve on same board</b>
<b>No Term Limits</b>	<b>No Term Limits</b>
<b>Residency Requirements as outlined in establishing documents</b>	<b>Residency Requirements, flexibility to add non-resident members</b>
<b>Ethics and Open Meeting/Open Records Training- Required</b>	<b>Ethics and Open Meeting/Open Records Training- Voluntary</b>

# Application Process

Tier I – Policy Making  
Statutory Boards,  
Commissions, and  
Corporations

Tier II –Advisory  
Standing Boards that  
serve in an Advisory  
capacity

- **Tier I & II** –Appointments and reappointments:
  - Approved two times a year: January and June
  - Chairperson may request consideration of appointments outside of the appointment schedule if there is a critical need for immediate consideration
- Vacancies and call for applications:
  - Publicized through existing City communications: newsletter, website, email announcement
  - Shall include a deadline for submission by a designated date and time
- Applications will be submitted to the City Secretary, and shall be time and date stamped upon receipt
- A slate of qualified applicants that are received by the advertised deadline will be forwarded to the Mayor and Council

# Application Process (cont'd)

Tier I – Policy Making  
Statutory Boards,  
Commissions, and  
Corporations

- Interviews will be conducted for first time applicants for **Tier I** Boards and Commissions only.
- Interviews will be scheduled during a work session of the full City Council, and will appear on the Regular Agenda as an action item.
- Sitting board members who wish to serve an additional term will be required to submit an updated application by the advertised deadline to be considered for reappointment; an interview will not be required.

# Application Process (cont'd)

Tier II –Advisory  
Standing Boards that  
serve in an Advisory  
capacity

- **Tier II** applications will be coordinated with the Department that staffs the respective boards.
- Applications will follow the same application process for Tier I prior to the items appearing on the Regular Agenda for Council Consideration, except interviews will not be scheduled.
- Sitting board members who wish to serve an additional term will be required to submit an updated application by the advertised deadline to be considered for reappointment.

# Application Process (cont'd)

Tier III –Ad Hoc  
Committees and  
Subcommittees called for a  
task or project.

- **Tier III** appointments for Committees will be on-going throughout the year
- **Tier III** applications will be coordinated with the Department that staffs the respective boards
- Scheduled for Council consideration at regular City Council Meetings

# Performance Measures

1. Attendance shall be tracked on an attendance log and kept by the staff liaison, and readily available to view by City Council.
2. All approved meeting minutes shall be included in the City Council agenda packet for review, and will be placed on the website.
3. Staff liaisons must track and report to the City Secretary any problem noted as soon as possible with the following issues:
  - a. If a member misses three (3) consecutive meetings of all regular meetings in a 12-month period
  - b. If a board member has any changes to their contact information, address, employment, etc.
  - c. If a board is failing to meet for any reason for more than six months
  - d. If a board member resigns

# Performance Measures (cont'd)

4. Members that are absent for three (3) consecutive meetings, except for illness or disability, without first being excused by the Chairperson, shall be deemed to have vacated the position and the City Council may appoint a new member to fill the unexpired term during the next board and commission work session, or as requested by the Chairperson.
5. A member who is automatically removed from a board or commission for failure to meet the attendance requirement is ineligible to seek appointment to any board or commission for a period of one calendar year from the date of the member's automatic removal.

# Performance Measures (cont'd)

6. The Mayor and Council *may* request that some boards and commissions conduct an annual review and work plan. Council will designate which boards will conduct an annual review by December 31st of each year.
  - *The staff liaison is responsible for making sure that the report is completed & filed in a timely manner, within the first quarter of the following year*

# Other Considerations

- The applicant provides information on the application regarding criminal background and will be subject to a criminal background check.  
*(Application Process)*
- **Tier I** members shall follow the same requirements set for Mayor and Council, regarding the completion of a sanctioned training course on the Texas Public Information Act and Open Meetings Act, within a reasonable timeframe after appointment. *(Performance Measures)*

# Staff Recommendation

- This proposed policy is consistent with the 2013-2014 Mayor and Council Strategic Goal #3 Strengthen Communications to the Community:
  - by increasing awareness of the value Boards and Commissions bring to the City
  - by providing opportunities for members of the community to serve in a board capacity
- Staff recommends approval of this policy.

# Next Steps

Finalize the Policy with direction given by Mayor and Council ✓

Review with City Attorney ✓

✓  
Revise Application Form



Create Information Flyer and 3x5 interest cards for Mayor and Council to hand out



Develop Training & Orientation Schedule for all Board and Commission Members



Revise Webpage for Boards and Commissions

*Target Date: February 1, 2014, Town Hall Meeting*

# **Boards and Commissions Policy**

**City Council Meeting**

**January 13, 2014**

## MAYOR AND COUNCIL COMMUNICATION

M&C# 2014-01-13-07

**DATE:** JANUARY 13, 2014

**TO:** MAYOR AND CITY COUNCIL

**FROM:** KRISTIE FLORES, DIRECTOR OF COMMUNITY DEVELOPMENT

**THROUGH:** MANUEL LONGORIA JR., CITY MANAGER

**SUBJECT:** PUBLIC HEARING WITH ATTACHED ORDINANCE TO CONSIDER AN AMENDMENT TO THE CITY ZONING REGULATIONS MOVING SECTION 14.02.501, "LANDSCAPING," SUBSECTION (j), "TREE PRESERVATION," FROM THE ZONING REGULATIONS TO A NEW CHAPTER 15 TITLED "TREE PRESERVATION."

### **PURPOSE**

Complete a zoning amendment that originated from October 2013. The Zoning Commission reviewed a staff initiated request to change the reviewing body in regard to tree variances from the Board of Adjustment as prescribed by the Zoning Ordinance to the Tree Advisory Board (TAB) for a recommendation and then final determination by City Council. It appeared logical that the TAB should review requests relating to trees because the Board was created to be stewards of the City's existing and future trees and they also had members on the Board with the expertise to evaluate such requests such as an Arborist and Forester.

When this zoning amendment was in the process of being forwarded to City Council for final determination it was noted by the city attorney that procedurally this amendment could not be made because the Texas Local Government Code, Section 211, which provides for the City's zoning authority is very specific in stating that the Board of Adjustment is the only Board that can consider variances to regulations prescribed by the zoning ordinance.

The city attorney noted that there were two (2) alternatives to accomplish the original task: 1) make the tree preservation regulations a stand lone document (Chapter 15), or 2) add the tree preservation regulations to the Subdivision Code (Chapter 10). Staff felt that it would be better to create a new Chapter rather than alter an existing Chapter and presented the request to the Zoning Commission. Thus, the zoning amendment proposed is to move the tree preservation regulations from the zoning ordinance to a new Chapter 15 title "Tree Preservation."

### **FISCAL IMPACT**

The publication fees required to public the proposed zoning amendment in an approved newspaper of general circulation was \$44.46.

### **RECOMMENDATION**

The Zoning Commission recommended approval of the Zoning Amendment removing the Tree Preservation regulations from the Zoning Code and creating new Chapter 15, "Tree Preservation" on January 7, 2014 by a roll call vote of 5-2.

### **S.E.E STATEMENT**

*Social Equity-* It is equitable to create Chapter 15, "Tree Preservation," so that the Tree Advisory Board may provide professional recommendations to the City Council regarding matters concerning tree preservation such as tree variances.

*Economic Development-* Trees and their preservation are beneficial to the marketing and subsequent purchase and location/relocation of businesses into Leon Valley. Research indicates that trees can significantly increase the value of property.

*Environmental Stewardship*- The tree preservation regulations will remain in tact; they will simply have their own Chapter and Articles. The environment will not be impacted by the amendment.

APPROVED:\_\_\_\_\_ DISAPPROVED:\_\_\_\_\_

APPROVED WITH THE FOLLOWING AMENDMENTS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Secretary



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

**January 7, 2014**

The Special Meeting of the Leon Valley Zoning Commission convened at 6:30 p.m. on Tuesday, January 7, 2014, in City Council Chambers at 6400 El Verde Road, Leon Valley, Texas.

**I. ROLL CALL**

Present were Chairman Claude Guerra III, 1<sup>st</sup> Vice-Chair Wendy Phelps, 2<sup>nd</sup> Vice-Chair Olen Yarnell, and Members Pedro Esquivel, Carmen Sanchez, and Alternate Members Phyllis McMillan and Carlos Fernandez. Absent and properly excused were, Member Hal Burnside and Alternate Member Nicole Monsibais. Also present was Kristie Flores, Director of Community Development, acting as recording secretary.

Commissioner Phyllis McMillan was seated as a voting Member in the absence of Commissioner Hal Burnside.

**II. APPROVAL OF MINUTES – December 3, 2013**

2<sup>nd</sup> Vice-Chair Olen Yarnell made a motion to approve the minutes of December 3, 2013 as written. 1<sup>st</sup> Vice-Chair Wendy Phelps seconded the motion, and the motion passed unanimously by voice vote.

*(At this time, Commissioner Mike Davis Jr., arrived at the meeting as noted for the record by Chairman Guerra III.)*

**III. CONSIDER AN AMENDMENT TO CHAPTER 14, "ZONING," ARTICLE 14.02, "ZONING ORDINANCE" SECTION 14.02.501, "LANDSCAPING," SUBSECTION (j), "TREE PRESERVATION," TO REMOVE SUBSECTION (j) IN ITS ENTIRETY FROM THE ZONING ORDINANCE**

- A. Public Hearing**
- B. Zoning Commission Recommendation**

Chairman Claude Guerra III opened the discussion of the proposed zoning amendment at 6:34p.m. Staff presented the details noting that the zoning amendment to remove the tree preservation regulations from the zoning ordinance was continued business of the Commission as the result of a zoning amendment presented to the Commission in October 2013 which would alter the language of the zoning ordinance to give authority to the Tree Advisory Board (TAB), instead of the Board of Adjustment (BOA) to review tree variance requests and then forward their recommendation to City Council; much like the process followed by the Zoning Commission. Staff indicated that the biggest difference was that the Board of Adjustment was quasi-judicial and their decision would be final and would not go to the City Council and could only be appealed to a court of law. Staff noted that at the meeting of October 29<sup>th</sup> the Zoning Commission recommended approval of the zoning amendment directing that variances regarding trees would first be considered and recommended upon by the TAB and then forwarded to Council for final determination. Staff explained that in the discussion of the Commission that evening the Commission felt that it was a logical progression for the TAB to consider such requests and then forward them to Council especially with their knowledge of trees, the fact that they had been appointed by Council to be stewards for trees in the City and also had regular assistance by Certified Arborist and the Texas Forest Service. Staff then noted that when the amendment was forwarded for consideration by Council in November when it was screened by the

City Attorney it was noted that per State law only the Board of Adjustment could consider variances in the Zoning Code and language in the Zoning Code could not be arbitrarily changed to direct a different reviewing body. Staff explained that this was why the Commission was meeting again in order to properly amend the zoning ordinance in such a way as to legally allow tree variances to be considered by the TAB and then be forwarded to City Council. Staff noted that the city attorney had offered two (2) options: 1) create an entirely new section for "tree preservation," or 2) add the "tree preservation" section to the Subdivision Ordinance. Staff explained that the first suggestion was followed because it was easier in staff's opinion to create a new ordinance rather than add to an already existing code which was already properly intact. Staff stated that the legal protocol was followed for consideration of the zoning amendment as follows: it was published in newspaper of general circulation (10 days prior), the agenda was posted (more than 72 hours prior), the Zoning Commission was attending to the discussion of the matter and the public hearing which would result in a recommendation that would be forwarded to Council for final determination.

Staff then reviewed the proposed new Chapter 15, "Tree Preservation," noting that the entire tree preservation section was simply cut from Chapter 14, "Zoning Ordinance," and was pasted to a new document to create Chapter 15. Staff further explained that the only changes made were to numbering and any references to "zoning" or "Zoning Administrator" which were replaced with "code" and "Community Development Director." Staff also noted that the section pertaining to tree variances reflected the language that the Commission had previously seen for the initial zoning amendment request.

Commissioner Phyllis McMillan asked how the proposal to change the reviewing Board for tree variances occurred. Staff noted that in reviewing the tree preservation regulations for meetings with the Tree Advisory Board and considering tree permit removals staff recalled a similar situation that arose with a sign variance request that was part of the zoning overlay that could only be considered by the Board of Adjustment (BOA). Staff explained that because the BOA is quasi-judicial Board their decisions could only be appealed to a court of law. So as a result, staff initiated the present amendment so that the Tree Advisory Board, the stewards of the City's trees could make a recommendation to the City Council for final determination which was the same as the format that the Zoning Commission followed.

Commissioner Phyllis McMillan asked if there were any pending tree variance cases or any that were coming up. Staff noted that there were no pending cases and the only potential cases may be Ancira and the Bexar County Flood Management Project (LC-17) where the County is expanding the creek along El Verde Road.

2<sup>nd</sup> Vice-Chair Olen Yarnell noted that he does not see any haste in getting the item addressed. He noted that in his opinion the amendment is not an emergency and he is weary of such quick actions by staff for reasons that he does not feel are valid. He explained that to him the meeting could have waited until the regular meeting date.

Commissioner Mike Davis Jr., noted that it was his opinion that the meeting was improperly called. He noted that the Commission are all volunteers and are accustomed to a regular date and when special meetings are called there are members that cannot attend. He explained that he has always noted his concerns regarding meetings outside of the regularly scheduled meetings. He further stated that he felt the amendment was a work in progress from a draft. He also noted that he felt that staff did not follow the protocol in the outlined in the Code where only the Chairman can call the meeting.

Staff noted that Mr. Davis Jr., noted his concerns before the meeting and that the staff received the legal counsel and direction of the City Attorney that the meeting was legal and could be held in the presence of a quorum and posted agenda. Staff noted that the zoning amendment was published in the newspaper as prescribed by law and the agenda was posted 72 hours in advance of the meeting.

Commissioner Pedro Esquivel noted that the Chairman obviously agreed to the meeting and the meeting could properly be held per the City Attorney. It is the Chair's choice to follow through with Commission business.

Commissioner Carmen Sanchez noted the attorney advised that the meeting was legal and the amendment could be considered and noted that she did not see why they could not proceed with the item at hand.

Commissioner Davis Jr., asked what happened if the Zoning Commission approved the request as it was on the agenda just removing the section. His concern was that there would be no tree preservation regulations and if the Council did not approve Chapter 15 then there were no protects for trees in the City.

Commissioner Pedro Esquivel noted that the removing of the section and creation of the new Chapter as was being discussed in the meeting was logical and one action was inclusive of the other as the recommendation of the Commission.

Being no further discussion, Chairman Guerra III opened the public hearing at 7:24p.m.

Monica Alcocer, 5985 Aids Drive, addressed the Commission and noted that the City was rushing things and explained that there were other instances such as the hike and bike meeting on Thursday when residents would be given two (2) alternatives and it appeared that the proposed trail was already approved and would go through the natural area with a large concrete trail. She explained that she felt the Commission could wait on the amendment until it was necessary and that the amendment should not be added to the Monday Council meeting.

Patty Manea, 6103 Britania Court, addressed the Commission and noted that she too had concerns about the hike and bike trail and noted that trees in the City needed to be protected. She asked why Tree City USA signs had not been installed in the City as it was difficult to get the designation and it should be displayed. Staff noted that Public Works was working on the installation.

Ms. Manea encouraged the City to look at the policies for Balcones and Alamo Heights and then make a recommendation. She noted that she hoped the Commission would not be hasty in the process.

Being no further discussion, the public hearing was closed at 7:32 p.m.

Staff noted that the zoning amendment was not associated with the hike and bike trail and noted that the hike and bike trail alternative that was selected would be a Council action and staff was not sure that a tree variance would be required as part of that action.

Commissioner Phyllis McMillan asked if the Tree Advisory Board was statutory and if not why tree variance requests could not continue to be considered by the Board of Adjustment. Staff noted that the TAB was not a statutory Board and that the Board of Adjustment (BOA) could remain the deciding body but they would be unaccustomed to hearing such requests. Staff explained that the Tree Advisory Board has Members that have arbor and forestry backgrounds and experience, and BOA decisions could only be appealed to a court of law.

Commissioner Pedro Esquivel recommended approval of the proposed zoning amendment to remove the tree preservation regulations from the Zoning Ordinance and create new and stand alone Chapter 15, "Tree Preservation." Commissioner Carmen Sanchez, seconded the motion and the motion passed by voice vote, 5-2.

IN FAVOR OF THE MOTION

Pedro Esquivel  
Carmen Sanchez  
Phyllis McMillan  
Wendy Phelps  
Claude Guerra III

OPPOSED TO THE MOTION

Mike Davis Jr.  
Olen Yarnell

**IV. EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS LOCAL GOVERNMENT CODE**

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

**VI. ADJOURN**

Commissioner Pedro Esquivel made a motion to adjourn, seconded by 2<sup>nd</sup> Vice-Chair Olen Yarnell. The motion carried by voice vote and the meeting was adjourned at 7:45 p.m.

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**CHAIR**

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**STAFF**

DRAFT

## **AN ORDINANCE**

### **REMOVING THE CITY'S TREE PRESERVATION REGULATIONS FROM THE CITY'S ZONING REGULATIONS AND CREATING CHAPTER 15, "TREE PRESERVATION; PROVIDING FOR A CUMLUATIVE CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, the City has previously deemed it necessary and desirable to adopt tree preservation standards to provide for the orderly development and the proper environmental stewardship of properties within the City in order to promote the public health, safety, morals and general welfare of the residents of the City, and

**WHEREAS**, the City's current tree preservation standards are located within the City's zoning regulations; and

**WHEREAS**, a public hearing was held by the Zoning Commission on the 7th day of January, 2014 and on such date all persons were given an opportunity to appear and express their opinion concerning the proposed amendment to remove the "tree preservation" regulations from Chapter 14, "Zoning," and make them a stand alone document by creating Chapter 15, "Tree Preservation" and after consideration of all such testimony, the Zoning Commission made a final report recommending the amending of the Zoning Regulations; and

**WHEREAS**, the Zoning Commission of the City of Leon Valley has recommended approval of the zoning amendment to remove the "tree preservation" regulations from Chapter 14, "Zoning," and make them a stand alone document by creating Chapter 15, "Tree Preservation"; and

**WHEREAS**, the City Council of the City of Leon Valley held a public hearing on the 13<sup>th</sup> day of January, 2014 at which all persons were given an opportunity to appear and express their opinion concerning the proposed amendment to remove the "tree preservation" regulations from Chapter 14, "Zoning," and make them a stand alone document by creating Chapter 15, "Tree Preservation"; and

**WHEREAS**, this City Council, after consideration of the testimony received at the public hearing; the report received from the Zoning Commission, the recommendations of City Staff, and due deliberation finds that the amendment removing the "Tree Preservation" regulations from the City's zoning will not adversely affect the character or spirit of the City's zoning regulations and will still adequately address the Tree Preservation regulations in a separate Chapter of the Code of Ordinances which will promote the general health, safety and welfare of the public.

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

1. That the City’s Code of Ordinances Chapter 14 Zoning is amended by deleting Section 14.02.501, “Landscaping,” Subsection (j), “Tree Preservation.
2. That the City’s Code of Ordinances is amended by adding Chapter 15, Tree Preservation to read as follows:

<p style="text-align: center;"><b>CHAPTER 15</b></p> <p style="text-align: center;"><b>TREE PRESERVATION</b></p>
--

**ARTICLE 15.01 GENERAL PROVISIONS<sup>\*</sup>**

(Reserved)

**ARTICLE 15.02 TREE PRESERVATION ORDINANCE<sup>†</sup>**

**Division 1. Generally**

**Sec. 15.02.001 Title**

These regulations shall be known as [article 15.02](#) of the city code of Leon Valley, Texas and will be referred to herein as “this article.” (1972 Code, sec. 30.101)

**Sec. 15.02.002 Purpose and effect**

(1) Purpose. It is the policy of the City of Leon Valley to preserve existing trees and habitat to the greatest extent possible and add to the tree population of the city, while allowing reasonable development of land. The terms and provisions of this section are intended to accomplish the following public purposes:

(A) Establish rules and regulations governing the protection and preservation of native and established trees within the City of Leon Valley and achieve the maximum preservation of trees;

(B) Preserve trees as an important public resource that enhances the quality of life, protects habitat and the general welfare of the city, its unique character and physical, historical and aesthetic environment;

(C) Protect healthy trees and provide for the replacement and/or replanting of trees that are necessarily removed during construction, development or redevelopment; and

(Ordinance 07-034, sec. 3, adopted 8/8/07)

(D) Prevent the clear-cutting of land; and

(E) Address oak wilt disease and its prevention.

(i) Purpose and scope. The purpose of the oak wilt prevention ordinance is to identify measures that city staff, hired contractors and their sub-contractors and property owners who remove or trim trees shall take to prevent the spread of oak wilt.

(ii) Definition.

*Oak wilt disease.* A tree disease caused by the fungus, *Ceratocystis fagacearum*. The fungus infects the vascular system of a tree. The vascular system contains vessels which transport moisture throughout the tree. The vessels of an infected tree effectively become blocked by the infection of the fungus and cannot transport adequate moisture to sustain a healthy or living tree and the end result is often the death of the tree.

(iii) Prevention policy.

a. Anyone causing a wound to an oak tree, whether from ground maintenance equipment, trimming, cutting or pruning at any time of the year shall paint the wounded tree with permanent sealant or non-phytotoxic tree wound dressing within thirty (30) minutes to prevent contact with contaminated nitidulid beetles. Any wound to an oak tree caused by weather conditions, such as a windstorm, is also to be painted with permanent sealant or non-phytotoxic tree wound dressing as soon as possible after a weather incident.

b. Any person who discovers or suspects the presence of oak wilt should report the infected oak tree to the community development department to be examined by a member of the Texas Forest Service for proper diagnosis and subsequent care.

c. Whenever possible, persons should avoid trimming or pruning live oaks and red oaks (Spanish, Shumard, Texas Red and Blackjack oaks) from March 1 to June 1.

d. An annual permit with proof of liability insurance and two (2) hours of professional training is required for

commercial contractors providing tree cutting or pruning services. See [section 15.02.501\(j\)](#), tree preservation, for additional permit requirements, tree removal guidelines and any applicable exemptions.

(iv) Disposal [of] oak trees.

a. Red oak tree disposal. Removal or disposal of red oaks with oak wilt disease must be taken more seriously because they can form highly contagious fungal mats. Their quick and proper disposal is important and necessary to prevent other oaks from being exposed or infected.

If a red oak tree is diagnosed with oak wilt, the diseased red oak tree shall be promptly removed and disposed as recommended by the Texas Forest Service.

b. Other oaks do not require special disposal (i.e. live oaks and white oaks).

(v) Education and management program.

a. The tree advisory board (TAB) is directed to implement, as resources permit, measures aimed at education and prevention of oak wilt.

b. The tree advisory board shall use the “Eight Step Program to Oak Wilt Management” by the Texas Forest Service to promote oak wilt prevention.

c. The code enforcement officer shall be responsible for enforcement of this article and for checking all tree trimming and/or cutting performed in the city.

(Ordinance 10-013, sec. 1, adopted 4/20/10)

**Sec. 15.02.003 Scope**

(a) The provisions of this article shall apply to the construction, alteration, moving, repair and use of any building or parcel of land within this jurisdiction.

(b) Where, in any specific case, different sections of this article specify different requirements, the more restrictive shall govern. Where there is conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(c) The provisions of this article shall not apply to property belonging to the city; or to property used to provide public utilities; or work located primarily in or on a public way, public utility towers and poles, or public utility easements, unless specifically mentioned in this article; provided that in the erection of buildings or other structures, the city and utility companies shall attempt to conform in architectural design or otherwise as nearly as possible to the buildings permitted in the district in which they are being erected.

(d) If any portion of this article is held invalid for any reason, the remaining portions herein shall not be thereby affected.

(1972 Code, sec. 30.103)

#### **Sec. 15.02.004 Compliance**

Except as provided in this article, no building shall be erected, reconstructed or structurally altered, nor shall any building or land be used for any purpose other than is permitted in the district in which such building or land is located; no building shall be erected, reconstructed or structurally altered to exceed the height or bulk limit herein established for the district in which such building is located; no lot area shall be so reduced or diminished that the yards or other open spaces shall be smaller than prescribed by this article, nor shall the yard or open spaces provided about any building for the purpose of complying with the provisions of this article be considered as providing a yard or open spaces for any other building. (1972 Code, sec. 30.104)

#### **Sec. 15.02.005 Penalties for violations**

Each violation of this article shall be punishable by a fine of not less than five dollars (\$5.00), nor more than two thousand dollars (\$2,000.00), unless some other fine is specifically prescribed for a particular violation. Each day any violation occurs or continues to occur shall be considered a separate offense. (1972 Code, sec. 30.105)

#### **Secs. 15.02.007–15.02.050 Reserved**

### **Division 2. Rules of Construction, Definitions and Administration**

#### **Sec. 15.02.051 Words and phrases, rules of construction**

(a) Words, phrases and terms defined in this article shall be given the defined meaning.

(b) Words, phrases and terms not defined in this article but defined in the building code found in chapter 3 of the Leon Valley City Code (“this code”), shall be construed as defined in the building code.

(c) Words, phrases and terms defined neither in this article nor in the building code adopted in chapter 3, shall be given their usual and customary meanings except where the context clearly indicates a different meaning.

- (d) The text of this article shall control captions, titles and maps.
- (e) The word “shall” is mandatory and not permissive; the word “may” is permissive and not mandatory.
- (f) Words used in the singular include the plural, and words used in the plural include the singular.
- (g) Words used in the present tense include the future tense, and words used in the future tense include the present tense.

(1972 Code, sec. 30.201)

### **Sec. 15.02.052 Definitions**

*Arborist, certified.* An individual who has a current and valid designation of “ISA Certified Arborist” by the International Society of Arboriculture. (Ordinance 07-034, sec. 1, adopted 8/8/07)

*Boundary street.* A public street which is adjacent to and abutting one or more sides of the proposed site.

*Buffer zone.* An area zoned so as to separate conflicting uses by zoning such property with a use which is compatible with both. For example, an office district might reasonably separate a single-family residential district from a commercial district. Dedicated park lands may shield a planned office development from nearby residential areas.

(1972 Code, sec. 30.202)

*Buildable area.* The area of a lot remaining after the minimum yard and open space requirements of this code and [article 10.02](#) (subdivision ordinance) have been met. For recreational property or uses such as golf courses and baseball, soccer, football or similar athletic facilities, and public works projects such as water or wastewater treatment plants, pump stations, storage tanks, and public streets and drainage improvements, the buildable area of the property shall include that portion of the property necessary for the construction of such recreational and public works improvements, including sufficient adjacent area to allow the normal operation of construction equipment. (Ordinance 07-034, sec. 1, adopted 8/8/07)

*Building.* Any structure used or intended for supporting or sheltering any use or occupancy. The word “building” includes the word “structure.”

*Building code.* [Article 3.02, division 2](#) of the Leon Valley City Code, which incorporates the International Building Code.

*Building code.* The International Building Code, promulgated by the International Code Council and adopted by the City of Leon Valley.

*Building, construction.* A building used temporarily for the storage of construction materials and equipment incidental and necessary to on-site permitted construction of utilities, or other community facilities, or used temporarily in conjunction with the sale of property within a subdivision under construction.

*Building, front of.* That part of a building nearest the front property line.

*Building height.* The vertical distance above the average existing grade measured to the highest point of the building. The height of a stepped or terraced building is the maximum height of any segment of the building.

*Building line, front.* A line established under this article or [article 3.02, division 2](#) of the Leon Valley City Code measured from the perimeter of that portion of a building nearest the front property line to the curblineline or edge of the sidewalk and parallel thereto, or in the case of a corner lot, the side of such building if also parallel to a curblineline or edge of a sidewalk, but in any case such measurement shall exclude open steps, terraces, cornices and other ornamental features projecting from the wall of the building.

*Building line, rear.* A line established under this article or [article 3.02, division 2](#) of the Leon Valley City Code measured from the perimeter of that portion of a building nearest the rear property line of such property. Such measurement shall exclude open steps, terraces, cornices and other ornamental features projecting from the wall of the building.

*Building line, side.* A line established under this article or [article 3.02, division 2](#) of the Leon Valley City Code measured from the perimeter of that portion of a building nearest the side property line of such property. Such measurement shall exclude open steps, terraces, cornices and other ornamental features projecting from the wall of the building.

*Building, main.* A building in which the principal use of the site is conducted.

*Building permit.* Authorization required for erection, construction, enlargement, alteration, repair, movement, improvement, removal, conversion, or demolition of any building.

*Building restrictions.* Regulations or restrictions under this article or [article 3.02, division 2](#) of the Leon Valley City Code upon the materials allowed in the construction of buildings and any provisions of federal or state law, or other City of Leon Valley ordinances implanting [implementing] the federal emergency management act or the duties of the city for floodplain regulation, applicable to the property.

*Building specialty store.* Any retail facility, the primary use of which is the sale or lease of specialized building materials; such as roofing, tile, or doors.

*Building, temporary.* A structure which is designed or intended to be used on a nonpermanent basis, authorized for a specific period of time through a specific use permit. Includes prefabricated structures and manufactured/mobile housing which are not used for living space.

(1972 Code, sec. 30.202)

*Caliper.* The diameter of a tree four feet (4') above the natural grade measured with a tree caliper instrument or a flexible tape. If a tape is used, the circumference of the tree is measured and the result divided by 3.14 to determine diameter.

*Caliper of multi-trunk trees.* The caliper of the largest trunk at a point four feet (4') above the natural grade added to half of the sum of the calipers of the remaining trunks measured at the same height. If branching occurs less than four feet (4') above the natural grade, the diameter of the trunk may be measured below the branching for a single measurement.

(Ordinance 07-034, sec. 1, adopted 8/8/07)

*Canopy.* A roofed structure constructed of fabric or other material supported by the building or by support extending to the ground directly under the canopy placed so as to extend outward from the building providing a protective shield for doors, windows and other openings.

*Canopy tree.* A self-supporting woody plant with one (1) well-defined trunk and a distinct and definite formed crown, which attains a height of at least twenty-five (25) feet.

*City.* The City of Leon Valley, Bexar County, Texas.

*Commercial.* Relates to or is connected with trade and traffic or commerce in general; occupied with business and commerce.

*Curb.* A stone or concrete or alternative edge asphalt boundary usually marking the edge of a roadway or paved area. Refer to [article 10.02](#) (subdivision ordinance) for further details.

*Curbline.* A line differentiating between the street and the edge of real property, marking the edge of the roadway, and contiguous to the roadway, not intended for normal vehicular traffic. Such property may include a berm, but may or may not be built up or raised.

*Density.* The number of dwelling units which are allowed on an area of land or the number of persons allowed in a specific unit.

*Depth of the lot.* The linear measurement from the front property line to the rear property line of a lot.

*Dripline.* The area of ground surrounding the trunk of the tree considered essential to protecting the root structure of a tree. For the purposes of this ordinance, the dripline shall be calculated at one foot (1') for every one inch (1") of caliper width measured at four feet (4') above natural grade level, i.e., a twelve-inch (12") tree would require a dripline with a twelve-foot (12') radius (producing an area twenty-four feet (24') in diameter). (Ordinance 07-034, sec. 1, adopted 8/8/07)

*Driveway.* A private road giving access from a public way to a building on abutting grounds.

*Easement.* That portion of a lot or lots reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement may be for use under, on, or above said lot or lots.

*Encroachment, landscape.* Any protrusion of a vehicle into a landscaped area from a parking space, display area or accessway.

*Extended drip line.* An imaginary line on the ground equal to one point three (1.3) times the distance from the tree trunk to the drip line. In no case shall the drip line be less than fifteen (15) feet from the trunk of the tree.

*Fence.* A hedge, structure, or partition, erected for the purpose of enclosing a piece of land, or to divide a piece of land into distinct portions, or to separate two (2) contiguous properties. An enclosure around a field or other space, or around any object; especially an enclosing structure of wood, iron or other materials, intended to prevent intrusion from without or straying from within. See [article 3.05](#) of the Leon Valley City Code for other specific regulations.

*Frontage.* The width of a lot or parcel abutting a public right-of-way measured at the front property line.

*Grade.* The average elevation of the land around a building, or the percent rise or descent of a sloping surface.

*Grade, finished.* The final elevation of the average ground level adjoining a building at all exterior walls after development.

*Grade, level.* Roads, buildings, or structures built on the ground.

*Grade, natural.* The elevation of the ground level in its natural state, before construction, filling or excavation.

*Gross floor area (GFA).* The gross floor area of a building or lease space. The sum of the horizontal areas of floors of a building measured from the exterior face of exterior walls or, if appropriate, from the centerline of dividing walls; this includes courts and decks or porches when covered by a roof.

Gross leasable area (GLA). The gross leasable area is the total floor area designed for both tenant occupancy and exclusive use, including both owned and leased areas.

Ground cover. Plants, other than turf grass, normally reaching an average maximum height of not more than twenty-four (24) inches at maturity.

Horticulture. The science of growing fruits, vegetables, flowers or ornamental plants.

(s).

Landscaped area. Areas of a lot, land parcel or building site devoted to and consisting of plant material, including but not limited to turf grasses, grasses-bunch, trees, shrub forms, flowers, vines and other ground cover, native plant materials, planters, brick pavers, stone, natural forms, water forms, public art forms, stone aggregate and other landscape features, but excluding smooth concrete, asphalt or paving for vehicular traffic; provided that the use of brick, stone aggregate or other inorganic materials shall not be greater in total area than that of organic plant material.

Landscaping. The modification or ornamentation of a natural landscape by altering the plant cover. Landscaping shall consist of any of the following, or combination thereof: material such as, but not limited to, grass, ground covers, shrubs, vines, hedges, trees, or palms; and nonliving durable material commonly used in landscaping, such as, but not limited to, rocks, pebbles, sand, walls or fences - but excluding paving.

Lot. Any portion, piece, division or parcel of land, fractional part or subdivision of block, according to plat or survey. A single parcel of land. A measured parcel of land having fixed boundaries. The word "lot" includes the word "plot."

Lot, corner. A lot abutting on two (2) intersecting or intercepting streets, where the interior angle of intersection or interception does not exceed 135 degrees.

Lot frontage. The length of the front lot line, measured at the street right-of-way line, from one corner of the property to the other.

Lot, interior. A lot other than a corner lot.

Lot, irregular. A lot whose opposing property lines are generally not parallel, such as a pie-shaped lot on a cul-de-sac, or where the side property lines are not parallel to each other.

Lot of record. A lot which is part of a subdivision, the plat of which has been recorded in the office of the county clerk of Bexar County, or a parcel of land, the deed for which was recorded in the office of the county clerk of Bexar County prior to the original adoption of this article on September 21, 1965.

Lot width. The distance between the side lot lines, measured at right angles to the lot depth at the minimum front building (setback) line.

Maintenance. To preserve from failure or decline.

Native plant. A plant species with a geographic distribution indigenous to the Bexar County region which is capable of sustaining growth and reproduction under local climatic conditions.

Naturalized plant. A plant species introduced to the region which is capable of sustaining growth and reproduction under local climatic conditions.

Open space. A land area that is not occupied by a building, structure, parking area, street, alley or required yard.

Park. A public or private area of land, with or without buildings, intended for outdoor active or passive recreational uses.

Park and ride facilities. Parking lots or structures located along public transit routes designed to encourage transfer from private automobile to mass transit or to encourage carpooling for purposes of commuting, or for access to recreation areas.

Planter. A raised area containing plant material defined by a hard edge such as walls, large pots and other similar physical containment design.

Plat/plot. A plat of a lot, drawn to scale, showing the actual measurements, the size and location of any existing buildings or buildings to be erected, the location of the lot in relation to abutting streets, and other such information.

Primary use. The primary or predominant use of any lot or parcel.

Public trees. Any trees, shrubs, bushes and all woody vegetation on city-owned property and rights-of-way, city parks, and in all areas owned by the city to which the public has access. (Ordinance 10-048, sec. 1, adopted 11/16/10)

Public way. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

Quorum. The number of member(s) or alternate(s) of a body that when duly assembled, is legally competent to transact business.

Screening. A method of visually shielding or obscuring one abutting or nearby structure or use from another by a barrier or device constructed of metal, wood, brick, stone, block, or other suitable materials, singly or in combination. See also [article 3.05](#) of the Leon Valley City Code.

Setback. See “building line.”

Site plan. A plan which outlines the use and development of any tract of land.

Street. Any street, avenue, boulevard, road, parkway, viaduct, drive, or other roadway in a city, town, or village, generally paved, and lined or intended to be lined by structures on each side. It includes all urban ways which can be and are generally used for travel, but does not normally include service entrances or driveways leading off from the street onto adjoining premises.

Street presumption. The condition of a street (classification and carrying capacity) as it will exist [exist] after final improvement as proposed by the city’s major thoroughfare plan or the capacity indicated by the right-of-way acquired by city on any boundary street.

Street, private. A right-of-way or easement in private ownership not dedicated or maintained as a public street, which affords the principal means of access to two (2) or more sites.

Street yard area. The area of a lot which lies between the property line at a dedicated street right-of-way and the actual front wall line of the building, or, if no building, to the rear property line. Such building wall lines extend from the outward corners of the buildings as illustrated in “Appendix A” [Appendix B] of this article.

Structure. Any construction, or any production or piece of work artificially built up or composed of parts joined together in some definite manner. That which is built or constructed; an edifice or building of any kind.

Study area boundary. The limits of the area in which analysis is conducted or for which information is provided. This area is determined by the property owner or its representative based on the size of the development and the peak hour trips projected to be generated by the proposed development. In the case of a Level 1 or 2 traffic impact analysis, this area may include the site, and the area within a distance no greater than 1/4 mile along the boundary streets from the boundary of the site. In the case of a Level 3 traffic impact analysis, this area will be determined by the property owner based on sound engineering judgment and agreed to by the city, but in all cases shall be less than the area contained in a one-mile radius from the site. In those instances where the property owner has neither submitted preliminary plans nor applied for an initial development permit prior to the effective date of this ordinance; the determination of the area to be studied by the property owner must be approved by the city engineer for all levels of traffic impact analyses; and before granting approval of a Level 2 traffic impact analysis, the city engineer may require the area of the study to exceed the maximum area prescribed above by 1/4 mile.

Subdivision. The division of a tract, lot or parcel of land into two (2) or more lots, plats, sites or other divisions of land.

Tree, heritage. Any tree that has been designated by the city council, after public hearing and due notice to the owner of the tree, as a tree of notable interest and value to the City of Leon Valley because of its location, size, age, or historical association with the community or having a diameter of twenty-four inches (24") or greater.

Tree, large. Trees of any species that are twelve inches (12") or larger in diameter.

Tree, living. Trees having at least fifty percent (50%) of the total normal canopy intact and in a healthy condition.

Tree, medium. Trees that are eight inches (8") in diameter or larger, up to twelve inches (12").

Tree, multi-trunk. A tree having two (2) or more trunks arising from the root collar or main trunk.

Tree, small. Trees that are four to seven inches (4 to 7") in diameter, sometimes providing an underlying layer of tree canopy for medium to large and heritage trees.

(Ordinance 07-034, sec. 1, adopted 8/8/07)

Trees, shrub forms, vines, ground covers, turf grasses and grasses-bunch. Shall be defined as any of the above, such as those listed within this article. Tree is additionally defined. In order to qualify under the provisions of this code as a tree, said tree, when planted, must be at least two (2) inches in diameter at a height no less than twelve (12) inches above the ground. The tree diameter must be determined from a single trunk.

Turf. Continuous plant coverage consisting of grass species such as bermuda, buffalo, zoysia or any other native species of grass, designed to be drought tolerant to the South Texas area.

Understory tree. A self-supporting wood plant with one (1) or more trunks which attains a height of no taller than fifteen (15) feet.

Unnecessary hardship. Special circumstances applicable to a piece of property, whereby a property owner may be deprived of privileges commonly enjoyed by other properties in the same vicinity and zone, and which may result in a disparity of privileges. Also known as "undue hardship."

Use. The activity occurring on a lot or parcel for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied, including all accessory uses.

Variance. An authorization to a property owner to depart from literal requirements of code regulations in utilization of his property in cases in which strict enforcement of the code regulations would cause undue hardship because of special circumstances applicable

to it, where the property owner is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone, and which adjustment remedies disparity in privileges.

Xeriscape. A landscaping method that employs drought-resistant plants and landscaping arrangements in an effort to conserve resources, especially water. (Ordinance 07-034, sec. 1, adopted 8/8/07)

Yard. An open, unoccupied space on a lot, other than a court, which is unobstructed from the ground upward by buildings or structures except as otherwise provided in this article.

Yard, front. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto.

Yard, rear. A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and a line parallel thereto.

Yard, side. An open, unoccupied space on the same lot with the building and between the building line and the side lot line.

#### **Secs. 15.02.053–15.02.100 Reserved**

#### **Sec. 15.02.101 Permits, pruning, processes and restrictions**

##### **(1) Permit required.**

(A) The removal or replanting of any trees shall require the issuance of an approved tree removal or planting permit, with the exception of the following:

(i) In the event that any tree is determined by the city to be in a hazardous or dangerous condition so as to endanger the public health, welfare or safety, and requires immediate removal without delay, written authorization for removal may be given by the zoning administrator, and such tree may then be removed without obtaining a written permit as herein required.

(ii) With the recommendation of a certified arborist, a tree determined by the city to be diseased, dying or dead may be removed.

(iii) During the period of an emergency, such as a tornado, storm, flood or other act of God, the requirements of this section may be waived as may be deemed necessary by the city council.

(iv) All licensed plant or tree nurseries shall be exempt from the terms and provisions of this section only in relation to those trees planted and growing on the premises of said licensee, that are so planted and growing

for the sale or intended sale to the general public in the ordinary course of said licensed business.

(v) Utility companies franchised or otherwise authorized to provide utility service may remove trees that endanger public safety and welfare by interfering with utility service provided that the applicant demonstrates to the zoning administrator and public works director that the removal is the minimum necessary for the utilities to function properly and no other alternative is available.

(vi) The partial mowing, clearing and grubbing of brush located within or under the drip lines of trees shall be allowed, provided such mowing, clearing or grubbing is accomplished by hand or by mowers. The use of bulldozers, loaders or other construction or earth-moving equipment for this purpose shall not be allowed.

(vii) The zoning administrator may exempt certain easements and rights-of-way included on an approved plat, provided that the applicant, or city engineer in the case of a city project, demonstrates that the removal is necessary for the rights-of-way and easements to function properly and no other alternative is available.

(viii) Platted lots occupied by an occupied single-family residence designated as a homestead and located in an area zoned residential are exempted from these requirements except for provisions pertaining to the protection of heritage trees. However, builders, contractors and owners are subject to all requirements established herein for all new construction prior to any person moving into and living on the homestead.

(ix) The regulations in this division shall not apply to the clearing of understory necessary to perform boundary surveying of real property or to conduct tree surveys or inventories. Clearing for surveying may not exceed a width of two (2) feet for general survey (i.e. of easement boundary, etc.) and eight (8) feet for survey of property boundary lines. Except for surveys done in connection with residential development, no tree ten (10) inches or larger may be removed in any manner during such boundary or general surveying.

(B) Trees to be removed, replanted or planted in a right-of-way and/or easement shall require prior approval from the city, state or utility agency having authority of or in said right-of-way or easement.

(C) Permit fees shall be as set forth in Leon Valley City Code, [appendix A](#), Fee Schedule.

(2) Tree removal or planting permit process.

(A) The permit application for tree removal or planting shall state or depict the following information:

(i) Location of all existing or proposed structures, improvements such as streets, alleyways, etc. and site uses, properly dimensioned and referenced to property lines, setback and yard requirements.

(ii) Date, scale, north point, and the names, addresses and telephone numbers of both property owner and the person preparing the plan.

(iii) Location of existing and proposed utility easements and drainage easements on the lot.

(iv) Location and dimensions of visibility triangles on the lot.

(v) Point of contact information/responsible party information to include address, telephone number and any state registration or license numbers in the event of a violation (i.e., P.E. RPLS).

(vi) A survey identifying the building footprint, buildable area, existing topographical information, easements, rights-of-way, setbacks, property lines and all trees over four inches (4") in diameter shall be submitted. Trees to remain shall be designated by a circle. Trees to be removed shall be designated by an "X". Each tree shall be numbered referencing a legend specifying the caliper or diameter, common name, and whether it is small, medium, large or "heritage." Drip lines shall be indicated for trees to remain. The number of small trees shall be provided at the end of the legend by species. Tree information required above shall be summarized in legend form on the plan and shall include the reason for any removals.

(vii) Tree relocation plan. The plan shall exhibit the current location of all small, medium, large and heritage trees proposed for replanting and indicate the proposed replanting location for each. The plan shall include the proposed building footprint, driveways, parking lots, topographical information, easements, rights-of-way, setbacks, and property lines.

(viii) Tree replacement plan. The plan shall exhibit the location of proposed replacement trees and remaining small, medium, large and heritage trees. It shall include a legend indicating the common name, caliper or diameter size and height of proposed replacement trees. Replacement trees shall be designated by a square. Remaining small, medium, large and heritage trees shall be designated by a circle. Species to be removed and/or remain shall be designated with the same symbols. The plan shall include the proposed building footprint, driveways, parking lots, topographical information, easements, rights-of-way, setbacks, and property lines.

(B) Application review. Upon receipt of proper application, the Community Development Director shall review for compliance with the provisions of this division. Said review will include a field inspection of the site by the zoning administrator prior to the issuance of a permit. The application may be referred to the city engineer and/or city manager as deemed appropriate for review and recommendations.

(i) An application for a tree planting or removal permit will not be accepted until the following is submitted, with the application, to the zoning administrator:

a. Application fee; and

b. An amount sufficient to recover all of the city's costs for the services of a contract professional, that are directly incurred by the city for review of the application.

c. The original tree survey for a tract that is provided with the original application for a tree removal permit shall be the reference by which all subsequent tree removal permits for the tract or portions of the tract shall be considered. An applicant may not circumvent the minimum preservation requirements set forth in this ordinance for the tract through the filing of multiple tree removal applications.

(3) Tree pruning restrictions.

(A) No tree shall be pruned in such a manner that would reasonably lead to the death of the tree.

(B) The city may approve pruning of a large or heritage tree in cases where it must be strategically pruned to allow construction or demolition of a structure. All pruning of trees by franchise utility companies to insure the safe operation of utility services shall be allowed. When allowed, all pruning shall be by approved arboricultural techniques. This section is not intended to require a permit for reasonable pruning performed by the owner of the tree when unrelated to construction activity.

(C) The city shall have the right to prune trees overhanging which interfere with visibility of any traffic-control device or sign or as necessary to preserve the public safety.

(D) It shall be unlawful as a normal practice for any person, firm or city department to severely cut back limbs to stubs larger than three inches (3") in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other acts of

God, or certain trees under obstructions where other pruning practices are impractical may be exempted from this ordinance at the determination of the Community Development Director.

(E) All broken branches and exposed roots one-half inch (1/2") in diameter or greater of small, medium, large, heritage and relocated and replacement trees shall be cut cleanly. In the case of oak species, in order to prevent infection by oak wilt spores, wounds must be painted with an acceptable wound dressing within thirty (30) minutes of any cutting.

(F) When roots of a tree planted within the planting area damage city curbs, gutters and sidewalks (including driveway ramps), the city shall be responsible for appropriate corrective measures which are least damaging to the tree.

(G) Where sidewalk or curb damage due to tree roots occurs, every effort shall be made to correct the problem without removing or damaging the tree. The public works director shall be responsible for developing or approving corrective measures in consultation with the city engineer. Corrective actions taken shall be reported to the Community Development Director.

(Ordinance 07-034, sec. 3, adopted 8/8/07)

(H) The city and/or its designee(s) shall have the responsibility, to plant, prune, maintain and remove trees, plants and shrubs within the public right-of-way of all streets, alleys, avenues, lanes, squares, parks, and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. This shall include the removal of trees that may threaten electrical, telephone, gas, or any municipal water or sewer line, or any tree that is affected by fungus, insect, or other pest disease.

(I) Every owner of any tree or shrub overhanging any street or right-of-way within the city shall, in accordance with the tree pruning restrictions, will be responsible for the pruning of branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection; will not obstruct the passage of pedestrians on sidewalks; will not obstruct vision of traffic signs; and will not obstruct the view of any street or alley intersection. If the property owner fails to do so, the city and/or its designee(s) shall have the right to remove or prune any tree or shrub on private property which threatens the safety of those who may use a city street or city park.

(Ordinance 10-048, sec. 2, adopted 11/16/10)

(4) Preservation requirements.

The minimum tree preservation requirements below establishes the minimum diameter inches of small, medium, large and heritage trees that must be preserved or

mitigated. For single-family dwellings, developers and builders may elect to preserve trees at the platting or permitting stage; if a developer or builder elects to preserve at the platting stage, this method must be used throughout completion of the project. Exceptions, where authorized, may be granted and variances to the city's development regulations may be recommended to maximize the preservation of existing trees.

Type of Tree	Regulation
Small trees	For each tree removed, at least two trees of three (3") or more inches in diameter must be planted within each platted lot, excluding street rights-of-way and easements.
Medium trees	For each tree removed, at least two trees of six (6) or more inches in diameter must be planted within each platted lot, excluding rights-of-way and easements.
Large trees	For each tree removed, at least three trees of eight (8") inches or more in diameter must be planted within each platted lot, excluding rights-of-way and easements.
Heritage trees	None can be removed.
100-year floodplain(s)	50% of small, medium and large trees and 100% of all heritage trees within the floodplain must be preserved, which shall not apply toward preservation requirements on the remainder of the lot.
Mitigation maximum	Up to 20% of medium and large trees may be mitigated rather than preserved. Up to 25% of small trees may be mitigated.

(Ordinance 07-034, sec. 3, adopted 8/8/07)

(5) Removal, replacement, relocation of small, medium, and large trees.

(A) Residential properties are exempted from these requirements except for provisions pertaining to the protection of heritage trees and letter “(C)” and “(D)” as specified hereafter in this subsection (6). However, builders, contractors and owners are subject to all requirements established herein for all new construction prior to any person moving into and living on the homestead.

(B) No person, directly or indirectly, shall cut down, destroy, remove or effectively destroy through damaging, any small, medium or large tree on any real property within the City of Leon Valley without first obtaining a permit, except as permitted herein.

(C) Under no circumstances shall the clear-cutting of small, medium or large trees on any real property within the City of Leon Valley be allowed prior to the issuance of a tree removal permit for said tree(s). Clear-cutting is herein defined as the indiscriminate cutting or removal of more than 25 percent of all living trees on the subject property. The definition does not include dead trees or oak trees with severe oak wilt disease or other readily discernable diseased trees. Notwithstanding the foregoing percentages, property owners may remove up to two trees which are not heritage trees on the subject property without permit as long as the subject property remains in compliance with the two tree minimum.

(D) No more than 20% of small, medium or large trees may be removed in the 100-year floodplain as defined by FEMA.

(E) Site plans should accommodate medium and large trees six inches (6") in diameter or greater by: providing islands in parking lots; grading and landscaping to allow preservation of more such trees; and, reasonable revision of the location of planned structures, driveways and parking lots so as to preserve as many trees of this size as possible.

(Ordinance 08-006, sec. 1, adopted 2/5/08)

(6) Replacement trees required.

It shall be the responsibility of any person obtaining a tree removal permit for a tree to provide replacement tree(s).

(A) Such replacement trees shall:

(i) Have a minimum diameter of three inches (3");

(ii) Have a minimum height of at least four feet (4') when planted;

(iii) When mature shall have a crown of at least fifteen feet (15') in diameter or substituted by a grouping of smaller species so as to create at maturity a crown of at least fifteen feet (15'); and,

(iv) Be planted in locations shown on the approved tree replacement plan.

(B) No more than thirty-five (35%) percent of replacement trees may be of the same species.

(C) A replacement tree that dies within two (2) years of the date it was planted must be replaced by another tree in compliance with this ordinance. A new two-year warranty period starts for a tree used to replace a dead replacement tree.

(D) Replacement trees shall be dispersed throughout the site, particularly in parking lots.

(E) Small trees that meet the specifications of replacement trees may and are encouraged to be used in lieu of new plantings.

(F) Only those tree species found on in appendix "A" of this article shall satisfy the tree planting and replacement standards and requirements of this section.

(7) Mitigation in lieu of replacement.

Money may be paid to the City of Leon Valley instead of providing the replacement trees required by this section.

(A) This provision is limited to twenty percent (20%) of the required tree replacement.

(B) Any such payments shall be deposited to the tree mitigation and replacement fund.

(C) The per-diameter-inch cash value for replacement trees and planting is \$50.00 per caliper inch tree. The city shall maintain a record of the current cash value of replacement trees and planting.

(8) Penalties for unauthorized removal of small, medium and large trees.

If any small, medium, or large trees are removed from any real property, or injured due to failure to follow required tree protection measures such that the tree(s) die or may reasonably be expected to die, the city shall have the authority to enact any or all of the following administrative and civil penalties on the developer and/or owner of the property:

(A) A monetary penalty of one hundred dollars (\$100.00) per diameter inch of tree removed, payable to the City of Leon Valley. Funds paid to the City of Leon Valley as tree removal penalties shall be deposited in the tree mitigation and replacement fund.

(B) Requirement to replace trees. Replacement trees shall have a minimum of at least a diameter width of three inches (3") and a

minimum height of five feet (5'). All other replacement requirements for medium and large trees shall apply.

(C) If the precise diameter of a tree cannot be determined, the cost of replacement shall be established by a certified arborist based on the arborist's estimate of the caliper of the removed or damaged tree.

(9) Replanting of protected trees.

No person, directly or indirectly, shall replant, relocate, transfer or move from one location to another any tree on any real property within the City of Leon Valley without first obtaining a permit, except as otherwise provided herein.

(A) Only trees that meet and are replanted in compliance with appendix A of this article and the American National Standards Institute A300 guidelines, shall satisfy the tree replanting requirements contained herein.

(B) Any person replanting, relocating, transferring or moving from one location to another any trees on any real property within the City of Leon Valley, without first obtaining a permit, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in this ordinance.

(10) Heritage tree removal not allowed.

No person, directly or indirectly, shall cut down, destroy, remove or effectively destroy through damaging a heritage tree on any real property within the City of Leon Valley.

(A) Penalties for removal of heritage trees. If any heritage trees are removed from any real property, or if a heritage tree is injured because of failure to follow required tree protection measures such that the tree dies or may reasonably be expected to die, the city shall have the authority to enact the following administrative and civil penalties on the developer and/or owner of the property:

(i) A monetary penalty of one hundred dollars (\$100.00) per caliper inch of heritage tree(s) removed, payable to the City of Leon Valley. Funds paid to the City of Leon Valley as tree removal penalties shall be deposited in the tree mitigation and replacement fund; and/or

(ii) Replacement with tree(s) having a total tree caliper equal to that of the removed tree(s). Such replacement trees shall have a minimum diameter of three inches (3") and a minimum height of at

least five feet (5'). All other replacement requirements for trees shall apply.

(11) Tree protection measures.

The following tree protection measures shall be required:

(A) Prior to construction or land development, the developer shall establish and maintain a root protection zone and install four-foot-high (4') plastic (or equivalent) safety fencing outside the drip line of existing and replacement trees for the duration of the construction and development. Warranty for the survival of the trees may not be accepted in lieu of a root zone that is less than the area within the dripline. Trees may not be pruned to reduce the root zone.

(B) During construction, the developer shall prohibit the cleaning of equipment or materials and/or the disposal of any waste material, including, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, etc., under the canopy or drip line of any existing or replacement tree or group thereof.

(C) No attachments or wires of any kind, other than those of a protective nature, shall be attached to any tree.

(D) With major grade changes of six inches (6") or greater, a retaining wall or tree well of rock, brick, landscape timbers or other approved materials shall be constructed around the tree no closer than the drip line of the tree. The top of the retaining wall or tree well shall be constructed at the new grade. The area contained within the first one thousand five hundred feet (1500') of the root zone must be left in a pervious condition after construction and development is completed.

(E) Unless otherwise approved by the city, no construction or construction-related activity shall occur under the drip line of any existing or replacement tree or group thereof. Furthermore, if a foundation, street or alley pavement, utility line, on-site sewerage facility, pool, tennis court, patio, sidewalk, drive or parking lot must be constructed within the drip line of said trees, it shall be constructed no closer than five feet (5') from the trunk of such trees; and, provided further, that the portion of any driveway or parking lot constructed within the drip line of any existing or replacement tree or group thereof shall be constructed of pervious materials, such as pervious paverstone or ecocrete, approved by both the Community Development Director and city engineer.

(F) Any trees removed during land development, construction, or construction-related activities are encouraged to be chipped or hauled off-site.

(Ordinance 07-034, sec. 3, adopted 8/8/07)

(G) No person shall remove, destroy, damage or cause the removal or destruction of a tree on city property or in any city park without first having obtained written permission for such removal or destruction from the community development department. City work crews are excepted from the requirement of obtaining written permission. (Ordinance 10-048, sec. 3, adopted 11/16/10)

(12) Approved tree lists.

[Appendix A](#), “Landscape Plantings” attached hereto, will be periodically updated. The list shall be maintained and distributed to the public as guides for the identification and selection of tree species that meet the various standards and requirements of this section. Trees included on these tree species lists are selected on the basis of one or more of the following criteria or factors: hardiness, resistance to disease, suitability relative to local climate and soil conditions, adaptability for transplantation, longevity, adaptability to various landscape conditions, resistance to drought, aesthetic qualities, shade provision, windbreak provision, screening qualities, improvement of the city tree canopy, and/or contribution to the diversity of the city forest.

(13) Enforcement.

The Community Development Director is hereby charged with the responsibility for the enforcement of this ordinance and may serve notice to any person in violation thereof or institute legal proceedings as may be required, and the city attorney is hereby authorized to institute appropriate proceedings to that end.

(14) Tree mitigation/replacement fund.

(A) The city manager will maintain a dedicated account to be entitled tree mitigation and replacement fund (hereinafter the “fund”). Civil penalties collected pursuant to these regulations shall be recorded in the fund created pursuant to this section, unless expressly prohibited by law. Likewise, all funds received from the payment of mitigation fees pursuant to these regulations shall be recorded in the fund.

(B) Use of funds. The funds collected from civil penalties and mitigation fees in the fund shall be utilized solely to pay for the planting and maintenance of trees, the funding of tree preservation and planting programs within the City of Leon Valley and/or to support supplemental landscape plantings in public areas of Leon Valley and/or acquiring

wooded property that shall remain in a naturalistic state in perpetuity, to be administered by the public works director who shall report annually to the city council with respect to the balance of the fund and the expenditures that have been made from the fund.

(C) Funds to be kept separate. The balance of this fund shall not be transferred to the general fund at the end of each budget year, but rather, the balance remaining in the fund at the close of the city's fiscal year shall roll over and become the beginning balance for the next fiscal year. The balance within the fund shall be recorded and accounted for in a manner that distinguishes them from other general funds of the city and shall be disbursed in a manner that is consistent with the purposes for which this fund has been established.

(15) Variances, appeals and special exceptions.

(A) Variances to the terms of this ordinance may be granted after consideration and recommendation by the Tree Advisory Board to the City Council for final determination where a literal enforcement of the provisions of this ordinance will result in unnecessary hardship. A variance request must be submitted to the Community Development Director in writing setting out the basis for the request along with the payment as set forth in L.V.C.C., appendix A, Fee Schedule. No variance can be granted unless:

- (i) Such variance will not be contrary to public interest;
- (ii) Such variance will be in harmony with the spirit and purposes of this ordinance;
- (iii) The variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial; and
- (iv) The variance will not substantially weaken the general purposes of this ordinance.

(16) Liability.

(A) Nothing in this ordinance shall be deemed to impose any liability for damages or a duty of care and maintenance upon the city or upon any of its officers or employees. The person in possession of public property or the owner of any private property shall have a duty to keep the trees upon the property and under their control in a safe, healthy condition. Any person who feels a tree located on property possessed, owned or

controlled by them is a danger to the safety of themselves, others or structural improvements on-site or off-site shall have an obligation to secure the area around the tree or support the tree, as appropriate to safeguard both persons and improvements from harm.

(17) Informational assistance.

(A) In furtherance of the purposes and provisions hereof, the city may develop, distribute to persons making application for permits, and make available to the general public an informational pamphlet identifying appropriate the spirit and purposes of this ordinance; and useful facts, guidelines and how-to information relative to the preservation, protection and replanting of trees, on the Leon Valley city website.

(B) The city may also develop, maintain and make available to applicants for permits and to the general public a tree species reference book to provide more detailed information concerning tree care in general and the characteristics, soil and growth requirements and other traits of specific tree species identified in appendix A.

(C) A current edition of the American Standard for Nursery Stock as published by the American Nursery and Landscape Association, as applicable to the tree species in appendix A, shall be maintained by the city and made available to applicants for building permits, tree removal permits or tree replanting permits and to the general public, as only those trees meeting and planted or replanted compliance with the American Nursery and Landscape Association, “American Standard for Nursery Stock” and ANSI Z60.1-2004 and ANSI A300 “Tree Care Standards” guidelines shall satisfy the tree planting, replanting and/or replacement standards and requirements contained herein.

Secs. 15.02.502–15.02.550 Reserved

- 3. This Ordinance shall be cumulative of all provisions of ordinances of the City except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. Nothing contained in this Ordinance generally or this chapter specifically shall be construed to allow the violation of any residential deed restriction.**
- 4. Should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are declared to be severable.**

5. That all rights and privileges of the City of Leon Valley are expressly saved as to any and all violations of the provision of any Ordinances effected by this Ordinance; and any such accrual of said ordinances at the time of the effective date of this Ordinance; and, as to such accrued violation and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.
6. This ordinance shall become effective on and after its passage, approval and publication as prescribed by law.

**PASSED** and **APPROVED** this 13th day of January, 2014.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney



# **City of Leon Valley City Council**

Public Hearing to Consider an Amendment to the City Zoning regulations moving Section 14.02.501, "Landscaping," Subsection (j), "Tree Preservation", from the zoning regulations to a new Chapter 15 titled "Tree Preservation"

January 13, 2014



## **Purpose**

- October 29, 2013 - ZC recommended approval of an amendment with language directing the Tree Advisory Board to review Tree Variance requests and then forward the request to the CC



## Purpose

- Why Amend in the first place?
  - Tree Advisory Board are stewards of tree preservation and have qualified individuals to review tree related requests.



## Purpose

- November 2013 – ready to forward to Council but City Attorney reviewed information and noted that per State statute on the Board of Adjustment can review variances to items in the Zoning Code



## Purpose

- Two (2) Alternatives by Attorney
  - 1-Move Tree Preservation and create a stand alone Chapter; OR
  - 2-Add to Subdivision regulations (Ch.10)



## Zoning Recommendation

- On January 7, 2014 the Zoning Commission recommended approval of the zoning amendment and subsequent creation of Chapter 15, “Tree Preservation,” by a vote of 5-2.



# **City of Leon Valley City Council**

Public Hearing to Consider an Amendment to the City Zoning regulations moving Section 14.02.501, "Landscaping," Subsection (j), "Tree Preservation", from the zoning regulations to a new Chapter 15 titled "Tree Preservation"

January 13, 2014

**MAYOR AND COUNCIL COMMUNICATION**

**M&C# 2014-01-13-08**

**DATE:** JANUARY 13, 2014  
**TO:** MAYOR AND CITY COUNCIL  
**FROM:** MANUEL LONGORIA JR., CITY MANAGER  
**SUBJECT:** AMENDING CHAPTER 15 OF THE CITY’S CODE OF ORDINANCE PROVIDING FOR ALTERNATIVE VARIANCE PROVISIONS FOR PUBLIC ENTITIES; PROVIDING FOR A CUMLUATIVE CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

**PURPOSE**

The City currently provides a variance process for individuals to request variances from the City’s tree preservation regulations and is intended to balance the needs and desires of various public entities and public interest groups. Often times a need arises that necessitate an alternative variance process to facilitate public improvement projects that protect the health, safety and welfare of the community.

In light of the previous City Council action to create Chapter 15, “Tree Preservation”, the variance process will be amended to include a section for “Variances, appeals and special exceptions” that allow variances for political subdivisions of the state to serve a public purpose.

The request for a political subdivision of the state variance request must be submitted to the Community Development Director in writing setting out the basis for the request along with the payment as set forth in L.V.C.C., appendix A, Fee Schedule. The final determination for a variance of this type will be the City Manager and the issuance of a variance using this provision will be reported to the Mayor and the City Council in a timely manner.

**FISCAL IMPACT**

There is no fiscal impact resulting from this amendment.

**RECOMMENDATION**

Staff recommends approval of this amendment.

**S.E.E STATEMENT**

*Social Equity-* It is equitable to create Chapter 15, “Tree Preservation,” so professional recommendations are made regarding matters concerning tree preservation such as tree variances.

*Economic Development-* Trees and their preservation are beneficial to the marketing and subsequent purchase and location/relocation of businesses into Leon Valley.

*Environmental Stewardship-* The tree preservation regulations and mitigation will remain intact. The environment will not be impacted by the amendment.

APPROVED: \_\_\_\_\_ DISAPPROVED: \_\_\_\_\_

APPROVED WITH THE FOLLOWING AMENDMENTS:

\_\_\_\_\_  
ATTEST:

\_\_\_\_\_  
Interim City Secretary

## AN ORDINANCE

### AMENDING CHAPTER 15 OF THE CITY'S CODE OF ORDINANCE PROVIDING FOR ALTERNATIVE VARIANCE PROVISIONS FOR PUBLIC ENTITIES; PROVIDING FOR A CUMLUATIVE CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE

**WHEREAS**, the City has previously deemed it necessary and desirable to adopt tree preservation standards to provide for the orderly development and the proper environmental stewardship of properties within the City in order to promote the public health, safety, morals and general welfare of the residents of the City, and

**WHEREAS**, it is important to balance the needs and desires of various public entities and public interest groups; and

**WHEREAS**, the City currently provides a variance process for individuals to request variances from the City's tree preservation regulations; and

**WHEREAS**, it is often times necessary, as result of the need to protect the health safety and welfare of the community or for other public purposes; to provide alternative variance processes to facilitate that public purpose; and

**WHEREAS**, the City Council of the City of Leon Valley finds and determines that an alternative variance process should be created for the need of a political subdivision to meet a public purpose and to ensure the appropriate protection of the City's tree preservation standards is balanced with the need to assist political subdivisions of the State with carrying out their public purpose.

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

1. **That the City's Code of Ordinances Chapter 15, section 15.02.052 Definitions is amended as follows:**

*Variance.* An authorization to a property owner to depart from ~~the literal~~ requirements of these ~~code~~ regulations in utilization of his property ~~in cases in which strict enforcement of the code regulations would cause undue hardship because of special circumstances applicable to it, where the property owner is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone, and which adjustment remedies disparity in privileges.~~

2. **That the City's Code of Ordinances Chapter 15, section 15.02.101 Permits, pruning, processes and restrictions is amended as follows:**

(15) Variances, appeals and special exceptions.

(A) Except as provided for in subsection (B) below, variances to the terms of this ordinance may be granted only after consideration and recommendation by the Tree Advisory Board to the City Council for final determination where a literal enforcement of the provisions of this ordinance will result in unnecessary hardship. A variance request must be submitted to the Community Development Director in writing setting out the basis for the request along with the payment as set forth in L.V.C.C., appendix A, Fee Schedule. No variance can be granted unless:

- (i) Such variance will not be contrary to public interest;
- (ii) Such variance will be in harmony with the spirit and purposes of this ordinance;
- (iii) The variance is sought is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial; and
- (iv) The variance will not substantially weaken the general purposes of this ordinance.

(B) Political Subdivisions of the State may, by submitting to the City Manager in writing the basis for its request, be granted a variance to the requirements of these regulations if it is established that the purpose of the request is to further a public purpose. The City Manager, after reviewing the request to ensure it is necessary to further a public purpose may grant the variance. The City Manager shall report the issuance of a variance under this provision to the Mayor and City Council.

- 3. This Ordinance shall be cumulative of all provisions of ordinances of the City except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. Nothing contained in this Ordinance generally or this chapter specifically shall be construed to allow the violation of any residential deed restriction.**
- 4. Should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are declared to be severable.**
- 5. That all rights and privileges of the City of Leon Valley are expressly saved as to any and all violations of the provision of any Ordinances effected by this Ordinance; and any such accrual of said ordinances at the time of the**

**effective date of this Ordinance; and, as to such accrued violation and all pending litigation, both civil and criminal, whether pending in court or not, under such Ordinances, same shall not be affected by this Ordinance but may be prosecuted until final disposition by the courts.**

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

**PASSED and APPROVED** this 13th day of January, 2014.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

**MAYOR AND COUNCIL COMMUNICATION**

**M&C #2014-1-13-09**

**DATE:** JANUARY 13, 2014  
**TO:** MAYOR AND CITY COUNCIL  
**FROM:** LETICIA CALLANEN, INTERIM CITY SECRETARY  
**THROUGH:** MANUEL LONGORIA, JR., CITY MANAGER  
**SUBJECT:** Request for Item on the Agenda

**PURPOSE**

This item was placed on the City Council agenda at the request of Mayor Riley through a letter, dated December 30, 2012, addressed to the City Attorney.

The subject of the request relates to the Texas Open Meetings Act and its applicability to the monthly Coffee with the Mayor and Council events.

**Attachments:**

- Letter of Request
- References to Texas Open Meetings Act

## **Subchapter C. Notice of Meetings**

### **§ 551.041. Notice of Meeting Required**

A governmental body shall give written notice of the date, hour, place, and subject of each meeting held by the governmental body.

### **§ 551.0411. Meeting Notice Requirements in Certain Circumstances**

(a) Section 551.041 does not require a governmental body that recesses an open meeting to the following regular business day to post notice of the continued meeting if the action is taken in good faith and not to circumvent this chapter. If an open meeting is continued to the following regular business day and, on that following day, the governmental body continues the meeting to another day, the governmental body must give written notice as required by this subchapter of the meeting continued to that other day.

(b) A governmental body that is prevented from convening an open meeting that was otherwise properly posted under Section 551.041 because of a catastrophe may convene the meeting in a convenient location within 72 hours pursuant to Section 551.045 if the action is taken in good faith and not to circumvent this chapter. If the governmental body is unable to convene the open meeting within those 72 hours, the governmental body may subsequently convene the meeting only if the governmental body gives written notice of the meeting as required by this subchapter.

(c) In this section, "catastrophe" means a condition or occurrence that interferes physically with the ability of a governmental body to conduct a meeting, including:

- (1) fire, flood, earthquake, hurricane, tornado, or wind, rain, or snow storm;
- (2) power failure, transportation failure, or interruption of communication facilities;
- (3) epidemic; or
- (4) riot, civil disturbance, enemy attack, or other actual or threatened act of lawlessness or violence.

### **§ 551.0415. Governing Body of Municipality or County: Reports About Items of Community Interest Regarding Which No Action Will be Taken**

(a) Notwithstanding Sections 551.041 and 551.042, a quorum of the governing body of a municipality or county may receive from staff of the political subdivision and a member of the governing body may make a report about items of community interest during a meeting of the governing body without having given notice of the subject of the report as required by this subchapter if no action is taken and, except as provided by Section 551.042, possible action is not discussed regarding the information provided in the report.

(b) For purposes of Subsection (a), "items of community interest" includes:

- (1) expressions of thanks, congratulations, or condolence;
- (2) information regarding holiday schedules;
- (3) an honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in the status of a person's public office or public employment is not an honorary or salutary recognition for purposes of this subdivision;
- (4) a reminder about an upcoming event organized or sponsored by the governing body;
- (5) information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is

scheduled to be attended by a member of the governing body or an official or employee of the political subdivision; and

(6) announcements involving an imminent threat to the public health and safety of people in the political subdivision that has arisen after the posting of the agenda.

**§ 551.042. Inquiry Made at Meeting**

(a) If, at a meeting of a governmental body, a member of the public or of the governmental body inquires about a subject for which notice has not been given as required by this subchapter, the notice provisions of this subchapter do not apply to:

(1) a statement of specific factual information given in response to the inquiry; or a recitation of existing policy in response to the inquiry.

(b) Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.

December 30, 2013

Charles Zech  
Jameene Banks  
City Attorney, City of Leon Valley  
2517 N. Main Ave.  
San Antonio, TX. 78214

Email: charles.zech@rampage-sa.com  
jameene.banks@rampage-sa.com

Dear Counsel:

I have reviewed the Texas Attorney General's website on the Open Meetings Act. It seems to say that the only allowed response by a council member to public comment at a Coffee with the Mayor and City Council (where there is no specific agenda) is either 1) a statement of fact or policy in response to an inquiry or 2) that the item will be put on the Agenda for a specific meeting (Government Code, §551.042).

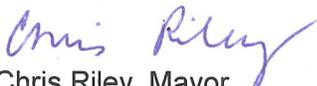
Please respond in writing as to what restrictions, if any, apply to these coffees in terms of City Council deliberation, consideration, discussion or dialogue with citizens on issues raised by the citizens at the coffee. As the presiding officer, I need to rely on your written legal opinion. As Councilman Reyna pointed out at the last Coffee, all of us are subject to penalties if we violate the Open Meetings Act.

I also need to know if it is allowed for three councilmembers to meet with a citizen in another room during the coffee, as happened at the last meeting. This seems to have at least the appearance of impropriety under the Open Meetings Act. Please express your written opinion on whether this behavior is permissible under the Open Meetings Act.

Additionally, there are no written rules of conduct for Coffees as we have for regular city council meetings such as length of time a citizen can talk or how citizens conduct themselves (I was accused of lying at the last Coffee). Should some guidelines be developed?

I would like to have this information by the next Coffee, which will be January 11, 2014. Thank you for your cooperation.

Sincerely,



Chris Riley, Mayor  
City of Leon Valley

Cc: Manny Longoria, city manager  
Councilman Art Reyna

C

Effective:[See Text Amendments]

Vernon's Texas Statutes and Codes Annotated Currentness

Government Code(Refs &amp; Annos)

Title 5. Open Government; Ethics (Refs &amp; Annos)

Subtitle A. Open Government

▣ Chapter 551. Open Meetings (Refs &amp; Annos)

▣ Subchapter C. Notice of Meetings

→→ § 551. 042. Inquiry Made at Meeting

(a) If, at a meeting of a **governmental** body, a member of the public or of the **governmental** body inquires about a subject for which notice has not been given as required by this subchapter, the notice provisions of this subchapter do not apply to:

(1) a statement of specific factual information given in response to the inquiry; or

(2) a recitation of existing policy in response to the inquiry.

(b) Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda for a subsequent meeting.

CREDIT(S)

Added by Acts 1993, 73rd Leg., ch. 268, § 1, eff. Sept. 1, 1993.

HISTORICAL AND STATUTORY NOTES

2012 Main Volume

Prior Laws:

Acts 1969, 61st Leg., p. 674, ch. 227, § 1.

Acts 1971, 62nd Leg., p. 1789, ch. 527, § 1.

Acts 1973, 63rd Leg., p. 47, ch. 31, § 3.

Acts 1977, 65th Leg., p. 1674, ch. 659, § 1.

Acts 1987, 70th Leg., ch. 549, § 5.

Vernon's Ann.Civ.St. art. 6252-17, § 3A(a).

#### LIBRARY REFERENCES

##### 2012 Main Volume

Administrative Law and Procedure 124, 394, 452.

Westlaw Topic No. 15A.

C.J.S. Public Administrative Law and Procedure §§ 32 to 35, 168 to 170, 185 to 190, 193, 199, 205, 251 to 256.

#### RESEARCH REFERENCES

##### 2013 Electronic Pocket Part Update

##### Encyclopedias

TX Jur. 3d Drains and Sewers § 26, Charges for Service--Notice of Hearing Setting Charges.

##### Forms

2 West's **Texas** Forms § 6:32, Notice of Meetings Required Under **Texas** Open Meetings Act ("TOMA").

#### NOTES OF DECISIONS

In general 1

Construction and application 2

Notice 4

Purpose 3

1. In general

President of school district board of trustees did not violate **Texas** Open Meetings Act by allowing transcript of trustee's telephone conversation, containing controversial and offensive comments, to be read during report period of

school district meeting, where board had long established practice of allowing trustees to make reports, even though issue was not specifically listed on meeting's agenda. *Peavy v. Dallas Independent School Dist.*, N.D.Tex.1999, 57 F.Supp.2d 382. Education ↪93

## 2. Construction and application

“Public comment” provides sufficient notice under the Open Meetings Act of the subject matter of “public comment” sessions where the general public addresses the **governmental** body about its concerns and where the **governmental** body does not comment or deliberate except as authorized by section **551. 042** of the **Government Code**. “Employee briefing” or “staff briefing” does not give adequate notice of subjects presented to a **governmental** body by employees or staff members. *Tex. Atty. Gen. Op.*, No. JC-0169 (2000).

## 3. Purpose

Purpose of the Open Meetings Act exemption for a response to an inquiry about a subject for which notice was not given is to authorize a **governmental** body to make a limited response to an inquiry about a subject not included in the posted notice while preventing deliberation or making a decision about the subject matter of the inquiry. *Hays County Water Planning Partnership v. Hays County, Texas* (App. 3 Dist. 2001) 41 S.W.3d 174, rehearing overruled , review denied , rehearing of petition for review denied. *Municipal Corporations* ↪92

## 4. Notice

Under statutory exception to Open Meetings Act, the Act's notice requirements did not apply to school board discussion on subject of teen pregnancies, in which board only gave information about the curriculum, made only general comments about the pregnancy rate, and considered only whether to place matter on agenda for next meeting, even though subject was not listed as an agenda item on notice of that meeting. *Gardner v. Herring* (App. 7 Dist. 2000) 21 S.W.3d 767, rehearing overruled. Education ↪93

V. T. C. A., **Government Code § 551. 042**, TX GOVT § **551. 042**

Current through the end of the 2013 Third Called Session of the 83rd Legislature

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END OF DOCUMENT

## MAYOR AND COUNCIL COMMUNICATION

M&C #2014-1-13-10

**DATE:** JANUARY 13, 2014  
**TO:** MAYOR AND CITY COUNCIL  
**FROM:** LETICIA CALLANEN, INTERIM CITY SECRETARY  
**THROUGH:** MANUEL LONGORIA, JR., CITY MANAGER  
**SUBJECT:** Request for Item on the Agenda – Two Member Request

### **PURPOSE**

This item was placed on the City Council agenda at the request of Councilmembers Art Reyna and Abraham Diaz, pursuant to Resolution No. 10-016.

The subject of the request relates to the current rules of conduct for City Council meetings, as outlined in Resolution No. 10-016, and proposed amendments to this resolution with regard to parliamentary procedures for City Council Meetings and Coffee with Mayor and Council events.

### **Attachments:**

- Letter(s) of Request
- Resolution No. 10-016

## Leticia Callanen

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**From:** Manny Longoria  
**Sent:** Wednesday, January 08, 2014 9:08 AM  
**To:** Leticia Callanen  
**Subject:** FW: Request for Agenda Item for Action

---

**From:** Art Reyna  
**Sent:** Thursday, January 02, 2014 12:59 PM  
**To:** Manny Longoria; Abraham Diaz  
**Subject:** Request for Agenda Item for Action

Manny, welcome back!

I am respectfully requesting an item to be placed on the regular agenda of our next business meeting. Obviously, you and the city attorney will determine the wording of the posted agenda. The item relates to local rules of parliamentary procedure for our business meetings on Mondays and our coffees on Saturdays.

The foundation for the proposed changes is the calls received from residents after our last business meeting. They were unable to speak at the meeting because they had to leave before their agenda item was called.

I propose the following for business meetings:

1. Persons who wish to provide public input will sign in to speak. Perhaps individual witness cards similar to those used in the Legislature would be better so that persons can continue to sign in up until their agenda item is called, as opposed to a list on one or two sheets of paper.
2. Citizen input for items not on the agenda will be at the beginning and end of each meeting. Each person may speak for up to three minutes, with a maximum time of 30 minutes at the beginning and 30 minutes at the end of each meeting. Alternatively, we can have one hour at the beginning of each meeting, which is when more visitors are present.
3. For those wishing to address council regarding an agenda item (consent, regular and discussion), persons will be allowed up to two minutes each, for a total of ten minutes for the agenda item.
4. The rule regarding groups designating one spokesperson will remain with the addition that the speaker will be allowed twice the time (six or four minutes) allotted individuals.
5. Ceremonial items and informational presentations, if any, will be placed on a 6:30 agenda prior to each 7:00 business meeting.

I propose the following for coffees:

1. No time limit for those wishing to speak with members of council.

For both types of meetings, I would like clarification of how Robert's Rules of Order apply to each.

Abraham said he would be the second signature needed to place this on the agenda. If he has changes then I am open to them, as I am to any suggestions from you or the city attorney. If Charlie has a presentation on parliamentary procedure, maybe that would work well for us. Thanks.

Sincerely,  
Art Reyna  
Councilman, Place 2  
210-232-1677

*My goal is to ensure that our city is fair to all, efficient in its efforts, consistent in its application of rules, effective in its work, with laser-like focus on its main business.*

## Leticia Callanen

---

**From:** Manny Longoria  
**Sent:** Wednesday, January 08, 2014 9:09 AM  
**To:** Leticia Callanen  
**Subject:** FW: Request for Agenda Item for Action

2<sup>nd</sup> from Diaz.

---

**From:** Abraham Diaz  
**Sent:** Thursday, January 02, 2014 3:31 PM  
**To:** Manny Longoria  
**Cc:** Art Reyna  
**Subject:** Re: Request for Agenda Item for Action

Manny,

Please add Art's request to the agenda.

Abraham

Sent from my iPad

On Jan 2, 2014, at 12:58 PM, "Art Reyna" <[art.reyna@leonvalleytexas.gov](mailto:art.reyna@leonvalleytexas.gov)> wrote:

Manny, welcome back!

I am respectfully requesting an item to be place on the regular agenda of our next business meeting. Obviously, you and the city attorney will determine the wording of the posted agenda. The item relates to local rules of parliamentary procedure for our business meetings on Mondays and our coffees on Saturdays.

The foundation for the proposed changes is the calls received from residents after our last business meeting. They were unable to speak at the meeting because they had to leave before their agenda item was called.

I propose the following for business meetings:

1. Persons who wish to provide public input will sign in to speak. Perhaps individual witness cards similar to those used in the Legislature would be better so that persons can continue to sign in up until their agenda item is called, as opposed to a list on one or two sheets of paper.
2. Citizen input for items not on the agenda will be at the beginning and end of each meeting. Each person may speak for up to three minutes, with a maximum time of 30 minutes at the beginning and 30 minutes at the end of each meeting. Alternatively, we can have one hour at the beginning of each meeting, which is when more visitors are present.
3. For those wishing to address council regarding an agenda item (consent, regular and discussion), persons will be allowed up to two minutes each, for a total of ten minutes for the agenda item.

4. The rule regarding groups designating one spokesperson will remain with the addition that the speaker will be allowed twice the time (six or four minutes) allotted individuals.

5. Ceremonial items and informational presentations, if any, will be placed on a 6:30 agenda prior to each 7:00 business meeting.

I propose the following for coffees:

1. No time limit for those wishing to speak with members of council.

For both types of meetings, I would like clarification of how Robert's Rules of Order apply to each.

Abraham said he would be the second signature needed to place this on the agenda. If he has changes then I am open to them, as I am to any suggestions from you or the city attorney. If Charlie has a presentation on parliamentary procedure, maybe that would work well for us. Thanks.

Sincerely,  
Art Reyna  
Councilman, Place 2  
210-232-1677

*My goal is to ensure that our city is fair to all, efficient in its efforts, consistent in its application of rules, effective in its work, with laser-like focus on its main business.*

**RESOLUTION**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY AMENDING THE RULES OF CONDUCT FOR CITY COUNCIL ESTABLISHED IN RES. NO. 07-009**

**WHEREAS**, the purpose of a City Council meeting is to insure that the business of government is conducted in a fair, timely, and orderly manner while allowing the citizens to participate effectively; and

**WHEREAS**, the City Council recognizes the need for rules to allow for an orderly and fair process for its citizens to address the Council and for Council to conduct its business; and

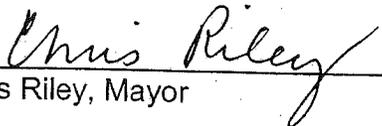
**WHEREAS**, the City Council reviewed "Rules of Conduct for Council" at a City Council Workshop on June 19, 2010.

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

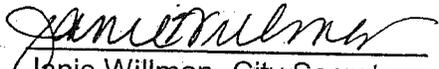
1. The "Citizens-to-be-Heard" portion of the agenda will allow citizens to address Council on items on the agenda and not on the agenda prior to the beginning and at the end of City Council deliberation;
2. Citizens will be allowed a maximum of five (5) minutes to provide comments during the "Citizens to be Heard" portion of the agenda;
3. Sign-up sheets will not be required for the "Citizens-to-be-Heard" portion of the Council meeting;
4. A citizen wishing to address an item on the agenda that was not covered in the scheduled time, the presiding officer may permit the citizen to speak up to three (3) minutes;
5. Groups sharing a common opinion should designate a spokesperson when addressing the Leon Valley City Council;
6. In an effort to conduct "Public Hearings" in an efficient and expedient manner sign-in sheets will be required;
7. Citizens will be allowed a maximum of five (5) minutes to provide comments during the Public Hearing;

8. A Councilmember who has spoken should refrain from speaking again until each Councilmember has had an opportunity to speak;
9. Any item to be placed on the agenda requires the signatures of two Councilmembers or the Mayor; **agenda item documentation is needed by noon on Wednesday;**
10. Meeting protocol will be posted on the City's website and posted on the City Hall bulletin board, where meeting agendas are posted; and
11. Robert's Rules of Order will take precedence for conduct not covered by these Council meeting rules.

**PASSED** and **APPROVED** this 6<sup>th</sup> day of July 2010

  
Chris Riley, Mayor

ATTEST:

  
Janie Willman, City Secretary



RESOLUTION

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY AMENDING THE RULES OF CONDUCT FOR CITY COUNCIL ESTABLISHED IN RES. NO. 10-016**

**WHEREAS**, the purpose of a City Council meeting is to ensure that the business of government is conducted in a fair, timely, and orderly manner while allowing the citizens to participate effectively; and

**WHEREAS**, the City Council recognizes the need for rules to allow for an orderly and fair process for its citizens to address the Council and for Council to conduct its business; and

**WHEREAS**, the City Council will review "Rules of Conduct for Council" and amend the "Rules of Conduct for Council" that were approved on July 6, 2010 regular City Council Meeting.

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

The following rules will apply for citizen participation:

1. A person shall complete a sign-up card, in order to be recognized by the presiding officer to *hold the floor* and provide input.
2. Citizens may address the City Council during the "Citizen-to-be-Heard" portion of the meeting:
  - The "Citizens-to-be-Heard" portion of the agenda will allow citizens to address Council on items that are not on the agenda.
  - Citizens will be allowed a maximum of three (3) minutes to provide comments during the "Citizens-to-be-Heard" portion of the agenda.
  - The "Citizens-to-be-Heard" portion of the meeting will be:
    - i. prior to the beginning of the meeting; and
    - ii. at the end of each meeting.
  - The "Citizens-to-be-Heard" portion will be no longer than thirty (30) minutes at the beginning and end of each meeting.
    - i. The presiding officer may allow an additional thirty (30) minutes when high attendance is present.

3. Citizens will be allowed to address Council on items listed on the agenda, through a completed sign-up card.
  - Citizens who wish to address an item on the agenda will be allowed a maximum of two (2) minutes to comment; and
  - A maximum of ten (10) minutes per agenda item will be allotted during this time.
4. Groups sharing a common opinion should designate a spokesperson when addressing the Leon Valley City Council and will be allowed twice the time allotted (six or four minutes) for an individual.
5. All ceremonial items and informational presentations, if any, will be placed thirty (30) minutes prior to each scheduled business meeting.
6. A Councilmember who has spoken should refrain from speaking again until each Councilmember has had an opportunity to speak.
7. Any item to be placed on the agenda requires the signatures of two (2) Councilmembers or the Mayor; **agenda item documentation is needed 72 hours prior to the agenda being posted.**
8. Meeting protocol will be posted on the City's website and City Hall bulletin board, where meeting agendas are displayed.
9. Robert's Rules of Order will take precedence for conduct not covered by these Council meeting rules.

**PASSED and APPROVED** this 13<sup>th</sup> day of January 2014

\_\_\_\_\_  
Chris Riley, Mayor

ATTEST:

\_\_\_\_\_  
Leticia Callanen, Interim City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

**CITY MANAGER'S REPORT**



CITY OF LEON VALLEY  
FINANCIAL STATEMENT  
DECEMBER 2013



# General Fund

	FY 2013-2014 BUDGET		FY 2013-2014 Y-T-D ACTUAL		FY 2012-2013 Y-T-D	
<b>REVENUE</b>						
Ad Valorem	\$ 3,237,200	25.0%	\$ 942,870	29.1%	\$ 1,301,031	42.2%
Sales Taxes	1,855,346	25.0%	152,835	8.2%	133,084	7.4%
Franchise Taxes	707,181	25.0%	192,931	27.3%	184,330	25.4%
Licenses,Permits,Fees,Fines	1,011,551	25.0%	200,760	19.9%	217,050	21.1%
Miscellaneous	138,390	25.0%	80,615	58.3%	23,866	19.9%
<b>TOTAL REVENUE</b>	<b>\$ 6,949,668</b>	<b>25.0%</b>	<b>\$ 1,570,010</b>	<b>22.6%</b>	<b>\$ 1,859,361</b>	<b>27.5%</b>
<b>EXPENDITURES</b>						
Business Office	\$ 154,139	25.0%	\$ 29,252	19.0%	\$ 38,990	23.4%
Finance	221,690	25.0%	58,438	26.4%	58,126	27.1%
Council & Manager	422,832	25.0%	94,589	22.4%	63,192	20.6%
Police	2,296,157	25.0%	552,362	24.0%	521,420	24.2%
Fire	2,301,695	25.0%	666,343	29.0%	528,092	24.0%
Public Works	1,177,784	25.0%	359,418	30.5%	262,473	24.0%
Community Development	205,275	25.0%	48,779	23.8%	68,458	23.6%
Economic Development	161,088	25.0%	59,397	36.9%	27,089	21.7%
Special Events	13,000	25.0%	1,436	11.1%	11,057	62.8%
Parks & Recreation	213,266	25.0%	29,713	13.9%	19,003	17.0%
Library	287,199	25.0%	60,597	21.1%	66,319	8.0%
Other Sources/Uses	13,000	25.0%	-			
<b>TOTAL EXPENDITURES</b>	<b>\$ 7,467,125</b>	<b>25.0%</b>	<b>\$ 1,960,323</b>	<b>26.3%</b>	<b>\$ 1,664,219</b>	<b>22.0%</b>



# Water and Sewer Fund

	FY 2013-2014 BUDGET		FY 2013-2014 Y-T-D ACTUAL		FY 2012-2013 Y-T-D	
<b><u>REVENUE</u></b>						
Water Sales	\$ 1,500,000	25.0%	\$ 282,476	18.8%	\$ 268,905	16.9%
Sewer Sales	1,647,000	25.0%	334,474	20.3%	256,139	15.9%
Connection & Platting	2,500	25.0%	225	9.0%	225	9.0%
Customer Fees	43,300	25.0%	12,255	28.3%	13,130	30.3%
Tapping Fees	16,000	25.0%	3,226	20.2%	3,510	21.9%
Miscellaneous	48,800	25.0%	33,391	68.4%	6,975	14.3%
<b>TOTAL REVENUE</b>	<b>\$ 3,257,600</b>	<b>25.0%</b>	<b>\$ 666,048</b>	<b>20.5%</b>	<b>\$ 548,883</b>	<b>16.6%</b>
<b><u>EXPENDITURES</u></b>						
Business Office	662,323	25.0%	133,111	20.1%	126,297	20.0%
Water System	1,270,283	25.0%	248,406	19.6%	249,940	21.6%
Sewer System	1,265,754	25.0%	262,201	20.7%	224,543	16.1%
Storm Water	381,581	25.0%	51,529	13.5%	45,930	12.5%
<b>TOTAL EXPENDITURES</b>	<b>\$ 3,579,941</b>	<b>25.0%</b>	<b>\$ 695,248</b>	<b>19.4%</b>	<b>\$ 646,710</b>	<b>18.2%</b>



# Community Center Fund

	FY 2013-2014 <u>BUDGET</u>		FY 2013-2014 <u>Y-T-D ACTUAL</u>		FY 2012-2013 <u>Y-T-D</u>	
<b><u>REVENUE</u></b>						
Hotel/Motel Taxes	83,082	25.0%	7,890	9.5%	7,642	10.1%
<b>RENTAL FEES:</b>						
Community Center	48,751	25.0%	8,592	17.6%	10,395	21.8%
Conference Center	34,800	25.0%	5,769	16.6%	6,608	25.0%
<b>Miscellaneous:</b>						
CDBG Grant	-		-		-	
CPS Energy Rebate	-		-		-	
<b>TOTAL REVENUE</b>	<b>\$ 166,633</b>	<b>25.0%</b>	<b>\$ 22,251</b>	<b>13.4%</b>	<b>\$ 24,645</b>	<b>16.5%</b>
<b>TOTAL EXPENDITURES</b>	<b>\$ 173,600</b>	<b>25.0%</b>	<b>\$ 40,805</b>	<b>23.5%</b>	<b>\$ 25,182</b>	<b>17.4%</b>



# Street Maintenance Sales Tax

	Actual FY 2012	Actual FY 2013	Budget FY 2014	Actual FY 2014
Revenues	443,738	475,884	457,050	38,258
Transfers In	-			
<b>TOTAL REVENUES</b>	<b>443,738</b>	<b>475,884</b>	<b>457,050</b>	<b>38,258</b>
Expenditures	546,311	10,720	955,799	298,141
<b>TOTAL EXPENDITURES</b>	<b>546,311</b>	<b>10,720</b>	<b>955,799</b>	<b>298,141</b>
<b>FUND BALANCE</b>	<b>401,699</b>	<b>866,863</b>	<b>368,114</b>	<b>606,980</b>

FINANCIAL STATEMENT - UNAUDITED

AS OF: DECEMBER 31ST, 2013

100-General Fund

FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
<b>REVENUE SUMMARY</b>							
-----							
AD VALOREM TAXES	3,237,200.00	642,843.34	0.00	942,869.59	0.00	2,294,330.41	29.13
SALES TAXES	1,855,346.00	152,834.52	0.00	152,834.52	0.00	1,702,511.48	8.24
FRANCHISE FEES	707,181.00	4,340.56	0.00	192,930.65	0.00	514,250.35	27.28
LICENSE, PERMITS, FEES, FINE	1,011,551.00	67,171.94	0.00	200,759.90	0.00	810,791.10	19.85
MISCELLANEOUS	138,390.00	58,038.73	0.00	80,615.04	0.00	57,774.96	58.25
<b>TOTAL REVENUE</b>	<b>6,949,668.00</b>	<b>925,229.09</b>	<b>0.00</b>	<b>1,570,009.70</b>	<b>0.00</b>	<b>5,379,658.30</b>	<b>22.59</b>
	=====	=====	=====	=====	=====	=====	=====
<b>EXPENDITURE SUMMARY</b>							
-----							
<b>Business Office</b>							
-----							
PERSONNEL SERVICES	79,009.00	2,916.94	0.00	14,706.43	0.00	64,302.57	18.61
SUPPLIES	8,230.00	3,018.35	0.00	3,419.34	0.00	4,810.66	41.55
CONTRACTUAL SERVICES	66,900.00	5,170.82	0.00	11,126.01	0.00	55,773.99	16.63
<b>TOTAL Business Office</b>	<b>154,139.00</b>	<b>11,106.11</b>	<b>0.00</b>	<b>29,251.78</b>	<b>0.00</b>	<b>124,887.22</b>	<b>18.98</b>
<b>Finance</b>							
-----							
PERSONNEL SERVICES	133,468.00	8,982.35	0.00	33,716.13	0.00	99,751.87	25.26
SUPPLIES	6,800.00	282.81	0.00	779.57	2,381.00	3,639.43	46.48
CONTRACTUAL SERVICES	71,422.00	7,985.16	0.00	21,561.31	0.00	49,860.69	30.19
CAPITAL OUTLAY	10,000.00	0.00	0.00	0.00	0.00	10,000.00	0.00
<b>TOTAL Finance</b>	<b>221,690.00</b>	<b>17,250.32</b>	<b>0.00</b>	<b>56,057.01</b>	<b>2,381.00</b>	<b>163,251.99</b>	<b>26.36</b>
<b>City Manager &amp; Council</b>							
-----							
PERSONNEL SERVICES	207,644.00	12,306.27	0.00	42,324.34	0.00	165,319.66	20.38
SUPPLIES	18,640.00	460.53	0.00	1,170.99	134.96	17,334.05	7.01
CONTRACTUAL SERVICES	196,548.00	17,478.19	0.00	50,958.43	0.00	145,589.57	25.93
<b>TOTAL City Manager &amp; Council</b>	<b>422,832.00</b>	<b>30,244.99</b>	<b>0.00</b>	<b>94,453.76</b>	<b>134.96</b>	<b>328,243.28</b>	<b>22.37</b>

FINANCIAL STATEMENT - UNAUDITED

AS OF: DECEMBER 31ST, 2013

100-General Fund

FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
<b>Police Administration</b>							
-----							
PERSONNEL SERVICES	319,979.00	20,959.37	0.00	77,113.00	0.00	242,866.00	24.10
SUPPLIES	6,500.00	702.35	0.00	1,680.09	0.00	4,819.91	25.85
CONTRACTUAL SERVICES	56,971.00	732.08	0.00	13,249.26	0.00	43,721.74	23.26
TOTAL Police Administration	383,450.00	22,393.80	0.00	92,042.35	0.00	291,407.65	24.00
<b>Police Crime Prevention</b>							
-----							
TOTAL Police Crime Prevention	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Police Patrol</b>							
-----							
PERSONNEL SERVICES	1,145,721.00	79,633.83	0.00	287,403.23	159.00	858,158.77	25.10
SUPPLIES	83,400.00	4,774.46	0.00	15,963.92	92.97	67,343.11	19.25
CONTRACTUAL SERVICES	9,700.00	0.00	0.00	732.77	0.00	8,967.23	7.55
TOTAL Police Patrol	1,238,821.00	84,408.29	0.00	304,099.92	251.97	934,469.11	24.57
<b>Police Communications</b>							
-----							
PERSONNEL SERVICES	276,193.00	14,677.89	0.00	55,413.18	0.00	220,779.82	20.06
SUPPLIES	2,200.00	0.00	0.00	119.60	0.00	2,080.40	5.44
CONTRACTUAL SERVICES	2,900.00	0.00	0.00	108.95	0.00	2,791.05	3.76
TOTAL Police Communications	281,293.00	14,677.89	0.00	55,641.73	0.00	225,651.27	19.78
<b>Police Investigations</b>							
-----							
PERSONNEL SERVICES	308,883.00	20,662.45	0.00	76,862.61	0.00	232,020.39	24.88
SUPPLIES	2,600.00	0.00	0.00	172.20	0.00	2,427.80	6.62
CONTRACTUAL SERVICES	5,500.00	505.00	0.00	631.80	0.00	4,868.20	11.49
TOTAL Police Investigations	316,983.00	21,167.45	0.00	77,666.61	0.00	239,316.39	24.50
<b>Police Narcotics TF</b>							
-----							
PERSONNEL SERVICES	75,474.00	5,852.13	0.00	22,637.47	0.00	52,836.53	29.99
CONTRACTUAL SERVICES	136.00	0.00	0.00	22.25	0.00	113.75	16.36
TOTAL Police Narcotics TF	75,610.00	5,852.13	0.00	22,659.72	0.00	52,950.28	29.97

FINANCIAL STATEMENT - UNAUDITED

AS OF: DECEMBER 31ST, 2013

100-General Fund

FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
<b>Police Reserves</b>							
-----							
TOTAL Police Reserves	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Fire Administration</b>							
-----							
PERSONNEL SERVICES	216,827.00	13,483.91	0.00	49,169.61	0.00	167,657.39	22.68
SUPPLIES	4,914.00	151.11	0.00	1,688.46	348.82	2,876.72	41.46
CONTRACTUAL SERVICES	35,346.00	616.27	0.00	7,492.53	0.00	27,853.47	21.20
TOTAL Fire Administration	257,087.00	14,251.29	0.00	58,350.60	348.82	198,387.58	22.83
<b>Fire Reserves</b>							
-----							
TOTAL Fire Reserves	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Fire Operations</b>							
-----							
PERSONNEL SERVICES	1,643,875.00	101,084.21	0.00	387,285.53	0.00	1,256,589.47	23.56
SUPPLIES	31,237.00	848.47	0.00	5,483.25	2,056.75	23,697.00	24.14
CONTRACTUAL SERVICES	70,830.00	878.14	0.00	16,343.66	8,465.42	46,020.92	35.03
CAPITAL OUTLAY	190,480.00	0.00	0.00	0.00	163,900.00	26,580.00	86.05
TOTAL Fire Operations	1,936,422.00	102,810.82	0.00	409,112.44	174,422.17	1,352,887.39	30.13
<b>Fire Prevention</b>							
-----							
TOTAL Fire Prevention	0.00	0.00	0.00	0.00	0.00	0.00	0.00
<b>Fire EMS</b>							
-----							
SUPPLIES	39,610.00	101.59	0.00	3,351.76	3,255.65	33,002.59	16.68
CONTRACTUAL SERVICES	68,576.00	1,225.14	0.00	17,501.23	0.00	51,074.77	25.52
TOTAL Fire EMS	108,186.00	1,326.73	0.00	20,852.99	3,255.65	84,077.36	22.28
<b>Public Works M&amp;O</b>							
-----							
PERSONNEL SERVICES	671,134.00	41,458.65	0.00	180,117.22	0.00	491,016.78	26.84
SUPPLIES	147,000.00	8,190.78	0.00	31,508.28	144.62	115,347.10	21.53
CONTRACTUAL SERVICES	229,650.00	5,979.74	0.00	47,736.91	0.00	181,913.09	20.79
CAPITAL OUTLAY	130,000.00	309.75	0.00	9,334.39	90,577.00	30,088.61	76.85
TOTAL Public Works M&O	1,177,784.00	55,938.92	0.00	268,696.80	90,721.62	818,365.58	30.52



C I T Y O F L E O N V A L L E Y  
 FINANCIAL STATEMENT - UNAUDITED  
 AS OF: DECEMBER 31ST, 2013

100-General Fund  
 FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
OTHER FINANCING SOURCES (USES)							
=====							
TOTAL OTHER SOURCES/USES	0.00	0.00	0.00	0.00	0.00	0.00	0.00
=====							
NET GAIN OR (LOSS)	( 504,457.00)	500,564.77	0.00	( 118,582.47)	( 271,731.18)	( 114,143.35)	
=====							

\*\*\* END OF REPORT \*\*\*

FINANCIAL STATEMENT - UNAUDITED

AS OF: DECEMBER 31ST, 2013

200-Water & Sewer

FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
<b>REVENUE SUMMARY</b>							
-----							
MISCELLANEOUS	48,800.00	0.00	0.00	33,390.87	0.00	15,409.13	68.42
WATER SALES	1,500,000.00	113,495.62	0.00	282,476.36	0.00	1,217,523.64	18.83
SEWER SALES	1,647,000.00	144,508.40	0.00	334,474.27	0.00	1,312,525.73	20.31
CONNECTION & PLATTING	2,500.00	150.00	0.00	225.00	0.00	2,275.00	9.00
CUSTOMER FEES	43,300.00	3,497.26	0.00	12,255.17	0.00	31,044.83	28.30
TAPPING FEES	16,000.00	1,829.88	0.00	3,226.18	0.00	12,773.82	20.16
<b>TOTAL REVENUE</b>	<b>3,257,600.00</b>	<b>263,481.16</b>	<b>0.00</b>	<b>666,047.85</b>	<b>0.00</b>	<b>2,591,552.15</b>	<b>20.45</b>
	=====	=====	=====	=====	=====	=====	=====

EXPENDITURE SUMMARY

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Business Office

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PERSONNEL SERVICES	540,221.00	33,316.27	0.00	115,795.96	0.00	424,425.04	21.43
SUPPLIES	33,750.00	1,315.58	0.00	3,815.58	0.00	29,934.42	11.31
CONTRACTUAL SERVICES	88,352.00	1,995.72	0.00	13,499.58	0.00	74,852.42	15.28
<b>TOTAL Business Office</b>	<b>662,323.00</b>	<b>36,627.57</b>	<b>0.00</b>	<b>133,111.12</b>	<b>0.00</b>	<b>529,211.88</b>	<b>20.10</b>

Water System

-----

PERSONNEL SERVICES	331,189.00	21,426.77	0.00	87,879.07	0.00	243,309.93	26.53
SUPPLIES	82,500.00	3,598.42	0.00	20,342.37	10,110.52	52,047.11	36.91
CONTRACTUAL SERVICES	476,594.00	2,183.58	0.00	33,135.93	0.00	443,458.07	6.95
CAPITAL OUTLAY	380,000.00	0.00	0.00	96,938.50	0.00	283,061.50	25.51
<b>TOTAL Water System</b>	<b>1,270,283.00</b>	<b>27,208.77</b>	<b>0.00</b>	<b>238,295.87</b>	<b>10,110.52</b>	<b>1,021,876.61</b>	<b>19.56</b>

Sewer System

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PERSONNEL SERVICES	127,604.00	6,922.29	0.00	39,726.29	0.00	87,877.71	31.13
SUPPLIES	4,751.00	0.00	0.00	0.00	0.00	4,751.00	0.00
CONTRACTUAL SERVICES	1,133,399.00	0.00	0.00	222,475.15	0.00	910,923.85	19.63
<b>TOTAL Sewer System</b>	<b>1,265,754.00</b>	<b>6,922.29</b>	<b>0.00</b>	<b>262,201.44</b>	<b>0.00</b>	<b>1,003,552.56</b>	<b>20.72</b>

FINANCIAL STATEMENT - UNAUDITED

AS OF: DECEMBER 31ST, 2013

200-Water & Sewer

FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
Construction							
-----							
TOTAL Construction	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Storm Water							
-----							
PERSONNEL SERVICES	198,081.00	9,044.71	0.00	34,710.81	0.00	163,370.19	17.52
SUPPLIES	18,500.00	0.00	0.00	73.00	741.39	17,685.61	4.40
CONTRACTUAL SERVICES	165,000.00	564.20	0.00	16,003.75	0.00	148,996.25	9.70
TOTAL Storm Water	381,581.00	9,608.91	0.00	50,787.56	741.39	330,052.05	13.50
*** TOTAL EXPENDITURES ***	3,579,941.00	80,367.54	0.00	684,395.99	10,851.91	2,884,693.10	19.42
	=====	=====	=====	=====	=====	=====	=====
** REVENUE OVER (UNDER) EXPENDITURES *	( 322,341.00)	183,113.62	0.00	( 18,348.14)	10,851.91	( 293,140.95)	90.94
	=====	=====	=====	=====	=====	=====	=====
OTHER FINANCING SOURCES (USES)							
=====							
TOTAL OTHER SOURCES/USES	0.00	0.00	0.00	0.00	0.00	0.00	0.00
NET GAIN OR (LOSS)	( 322,341.00)	183,113.62	0.00	( 18,348.14)	10,851.91	( 293,140.95)	
	=====	=====	=====	=====	=====	=====	

\*\*\* END OF REPORT \*\*\*

FINANCIAL STATEMENT - UNAUDITED

AS OF: DECEMBER 31ST, 2013

710-Community Center

FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
<b>REVENUE SUMMARY</b>							
-----							
TAXES	83,082.00	3,753.27	0.00	7,889.97	0.00	75,192.03	9.50
FEES	83,551.00	4,979.00	0.00	14,361.00	0.00	69,190.00	17.19
TOTAL REVENUE	166,633.00	8,732.27	0.00	22,250.97	0.00	144,382.03	13.35
=====							
<b>EXPENDITURE SUMMARY</b>							
-----							
Community Center Operations							
-----							
PERSONNEL SERVICES	86,670.00	5,640.60	0.00	21,067.01	0.00	65,602.99	24.31
SUPPLIES	10,400.00	872.71	0.00	1,623.74	69.03	8,707.23	16.28
CONTRACTUAL SERVICES	66,530.00	10,908.68	0.00	18,044.95	0.00	48,485.05	27.12
CAPITAL OUTLAY	10,000.00	0.00	0.00	0.00	0.00	10,000.00	0.00
TOTAL Community Center Operations	173,600.00	17,421.99	0.00	40,735.70	69.03	132,795.27	23.51
Visitor Services							
-----							
TOTAL Visitor Services	0.00	0.00	0.00	0.00	0.00	0.00	0.00
-----							
*** TOTAL EXPENDITURES ***	173,600.00	17,421.99	0.00	40,735.70	69.03	132,795.27	23.51
=====							
** REVENUE OVER (UNDER) EXPENDITURES *	( 6,967.00)	( 8,689.72)	0.00	( 18,484.73)	( 69.03)	11,586.76	166.31-
=====							
OTHER FINANCING SOURCES (USES)							
-----							
TOTAL OTHER SOURCES/USES	0.00	0.00	0.00	0.00	0.00	0.00	0.00
-----							
NET GAIN OR (LOSS)	( 6,967.00)	( 8,689.72)	0.00	( 18,484.73)	( 69.03)	11,586.76	
=====							

\*\*\* END OF REPORT \*\*\*

FINANCIAL STATEMENT - UNAUDITED

AS OF: DECEMBER 31ST, 2013

720-Street Maintenance Tax

FINANCIAL SUMMARY

	CURRENT BUDGET	CURRENT PERIOD	PRIOR YEAR PO ADJUST.	Y-T-D ACTUAL	Y-T-D ENCUMBRANCE	BUDGET BALANCE	% OF BUDGET
<b>REVENUE SUMMARY</b>							
-----							
Revenues	457,050.00	38,203.38	0.00	38,258.09	0.00	418,791.91	8.37
TOTAL REVENUE	457,050.00	38,203.38	0.00	38,258.09	0.00	418,791.91	8.37
	=====	=====	=====	=====	=====	=====	=====
<b>EXPENDITURE SUMMARY</b>							
-----							
Street Maintenance Tax							
-----							
CONTRACTUAL SERVICES	955,799.00	113.85	0.00	298,141.40	0.00	657,657.60	31.19
TOTAL Street Maintenance Tax	955,799.00	113.85	0.00	298,141.40	0.00	657,657.60	31.19
	=====	=====	=====	=====	=====	=====	=====
*** TOTAL EXPENDITURES ***	955,799.00	113.85	0.00	298,141.40	0.00	657,657.60	31.19
	=====	=====	=====	=====	=====	=====	=====
** REVENUE OVER (UNDER) EXPENDITURES *	( 498,749.00)	38,089.53	0.00	( 259,883.31)	0.00	( 238,865.69)	47.89
	=====	=====	=====	=====	=====	=====	=====
<b>OTHER FINANCING SOURCES (USES)</b>							
-----							
TOTAL OTHER SOURCES/USES	0.00	0.00	0.00	0.00	0.00	0.00	0.00
	=====	=====	=====	=====	=====	=====	=====
NET GAIN OR (LOSS)	( 498,749.00)	38,089.53	0.00	( 259,883.31)	0.00	( 238,865.69)	
	=====	=====	=====	=====	=====	=====	

\*\*\* END OF REPORT \*\*\*

<p style="text-align: center;"><b>Monthly Report</b> Finance December 2013</p>
--

***Sales Tax Revenue***

- ❖ Sales tax revenue of \$152,835 was received from the State Comptroller's office in December. After consideration of the December sales tax payment, year-to-date sales tax revenues are 14.84% higher than this time last year.

***Street Maintenance Sales Tax Revenue***

- ❖ \$38,302 was received from the State Comptroller's office in December.

***Ad Valorem Taxes***

- ❖ Ad valorem tax collections of \$1,739,891 were received from the Tax Assessor/Collector's office in December. Collections for December 2012 were \$1,395,784.



# COMMUNITY DEVELOPMENT MONTHLY REPORT

Page 1 of 2

## BUILDING PERMIT ACTIVITY

There were 90 visitors/customers to the Community Development Office in November 2013.

There were seven (7) building permits issued valued at \$182,890. Revenue collected was \$2,247.

The overall permits (fence, roof, HVAC, electrical, plumbing, sewer, swimming pool, etc...) issued in November 2013 totaled 92. The revenue generated was \$12,160.

Eight (8) applications were made for Certificates of Occupancy by the following:

H&S CHAMPS MEDICAL	5415 BANDERA	512
GAMELOT LLC	7088 BANDERA	#4
KS FASHION JEWELRY	6812 HUEBNER RD	
PIPELINE PLUMBING	5504 BANDERA	617
ENVIRO MASTER	5504 BANDERA	510
EMPHASIS FLORAL SUPPLY	5504 BANDERA	508
SALON BY A&E INC	6521 BANDERA	
SAMSONS CARPET CARE INC	5504 BANDERA	307

The total revenue for the Certificate of Occupancies was \$480.

## INSPECTIONS/REVIEWS

### BUILDING

A total of 59 Building and Plumbing Inspections and Plan Reviews were conducted in November 2013. The total amounts of fees paid were \$1,770.

### HEALTH

Steve Barscewski conducted 22 inspections in November 2013 at a fee of \$994.

- 05 Food Service Establishment
- 10 Retail Food Store
- 05 Complaints
- 02 Certificates of Occupancy

## OTHER COMMUNITY DEVELOPMENT ACTIVITIES

- **5th Annual Arbor Day + 5K** – November 9
- **City Council Meeting** – November 18
- Sign variance Ancira & Wing Daddy's-APPROVED
- **Tree Advisory Meeting** – November 19
- **Zoning Commission** – NO MEETING

## ZONING & LAND

- No cases to report for November 2013. The Zoning Commission continues to work on Master Plan revisions.

**November 2013**



## **COMMUNITY DEVELOPMENT MONTHLY REPORT**

**Page 2 of 2**

### **COMMUNITY & CONFERENCE CENTER RENTALS**

#### **COMMUNITY CENTER RENTALS**

- November 2013 – Four (4)  
\* November 2012 – Four (4)

**REVENUE November 2013 - \$3,400**

#### **CONFERENCE CENTER RENTALS**

- November 2013 – Seven (7)  
\*November 2012 – Six (6)

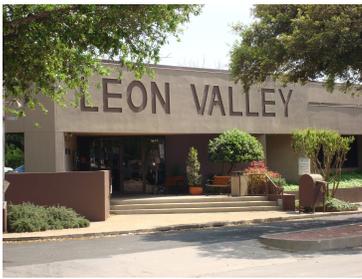
**REVENUE November 2013 - \$4,292**

**HOTEL/MOTEL REVENUE - \$ 4,016**

\* Previous November 2013 - \$ 3,715

#### **Other Events Held:**

- The American Backflow – November 14
- Early Voting – November 1



# COMMUNITY DEVELOPMENT MONTHLY REPORT

Page 1 of 2

## BUILDING PERMIT ACTIVITY

**There were 147 visitors/customers to the Community Development Office in October 2013.**

There were thirteen (13) building permits issued valued at \$924,654. Revenue collected was \$4,568.

The overall permits (fence, roof, HVAC, electrical, plumbing, sewer, swimming pool, etc...) issued in October 2013 totaled 148. The revenue generated was \$11,363.

Nine (9) applications were made for Certificates of Occupancy by the following:

PLANET FITNESS BANDERA	6700 HUEBNER	101
ALPHA ELITE CHEER	5415 BANDERA	509
CARE GIVERS HOME HEALTH	5413 BANDERA	401
HALLOWEEN COSTUME WAREHOUSE	5601 BANDERA	120
METRO PCS	5630 NW LOOP	410 102
TRI COLOR AUTO SALES	6300 BANDERA RD.	
TEXAS PRIDE INSURANCE	6541 BANDERA	
D&K DISTRIBTING LLC	5504 BANDERA	206
FIVE STAR PLUMBING	5504 BANDERA	408

The total revenue for the Certificate of Occupancies was \$540.

## INSPECTIONS/REVIEWS

### BUILDING

A total of 109 Building and Plumbing Inspections and Plan Reviews were conducted in October 2013. The total amounts of fees paid were \$3,270.

### HEALTH

Steve Barszewski conducted 24 inspections in October 2013 at a fee of \$958.

- 07 Food Service Establishment
- 02 Retail Food Store
- 06 Complaints
- 02 Certificates of Occupancy
- 07 Temporary Events

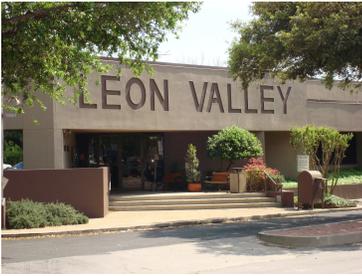
## OTHER COMMUNITY DEVELOPMENT ACTIVITIES

- **Tree Advisory Mtg** – October 16th
- **City Council Mtg** – October 14th  
-Arbor Day Proclamation
- **Zoning Commission** – October 29th

## ZONING & LAND

- No cases to report for October 2013. The Zoning Commission considered an amendment to the Zoning Code to change the reviewing body for tree variances from the Board of Adjustment to the Tree Advisory Board – **ZC recommended approval of the amendment.**

**October 2013**



**COMMUNITY DEVELOPMENT  
MONTHLY REPORT  
Page 2 of 2**

**COMMUNITY & CONFERENCE  
CENTER RENTALS**

**COMMUNITY CENTER RENTALS**

- October 2013 – Two (2)  
\* October 2012 – Six (6)

**REVENUE October 2013 - \$1,700**

**CONFERENCE CENTER RENTALS**

- October 2013 – One (1)  
\*October 2012 – Four (4)

**REVENUE October 2013 - \$696**

**HOTEL/MOTEL REVENUE - \$ 121**

\* Previous October 2012 - \$0

**Other Events Held:**

- American Back Flow – October 10
- Los Leones Art Festival – October 18, 19
- CAG Meeting – October 24
- NW Senior's Health Fair – October 30



MINUTES OF THE MEETING OF THE  
LEON VALLEY ECONOMIC DEVELOPMENT CORPORATION

November 13, 2013

A special meeting of the Leon Valley Economic Development Corporation (LVEDC) convened at 6:30 p.m. on **Wednesday, November 13, 2013**, in the City Council Chambers at 6400 El Verde Road, Leon Valley, Texas.

**I. Call to Order and Determine if Quorum is Present.**

Present were Board President Stephen Ynostrosa, Board Vice President Herman Segovia, Board Treasurer Mike McCarley, Board Secretary Dave Gannon, Board Member Claude Guerra and Board Member Georgia Zannaras. Also present was Economic Development Director Claudia Mora, acting as staff support and recording secretary.

**II. The LVEDC will receive comments and conduct discussion on any and all public comments related to the proposed DRAFT guidelines for the Façade and Signage Program.**

Staff Liaison Mora reported that over 400 postcards were mailed to sales tax generating businesses in Leon Valley. Approximately 25 were returned as undeliverable. The proposed DRAFT guidelines for the Façade and Signage Program were posted on the City of Leon Valley's website. Postcards were distributed at the October networking luncheon of the Leon Valley Area Chamber of Commerce. As of 5:30 p.m. on November 13, no comments had been received.

Ms. Mora reminded the Board that there were two (2) items in the guidelines that the Board hoped to get input on from the area businesses. One item was the dollar limit on the amount of the grant. The other item was the length of time between the initial funding application submission and a resubmission.

Mr. Herman Murray of Ancira addressed the Board. He commented that the program was a good idea and he hoped it would do well. He also commented that there were several businesses in Leon Valley that would benefit from the program. He asked questions regarding the 50% match and grant limit as well as the timing of the program. Board President Ynostrosa replied that the goal was to get the program in place by January. Other Board Members also provided comment and information to Mr. Murray and thanked him for his time, interest and support.

The Board discussed next steps in the process and finalizing the guidelines. Ms. Mora commented that other than the usual means of promoting the program (website, newsletters, etc.), she thought that another postcard mail out would be beneficial since it was the most direct way to get word to the businesses.

Final comments on the guidelines will be discussed at the next Board meeting so that the guidelines can be completed and ready for January.

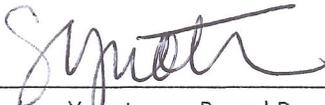
**III. The LVEDC will receive a staff report, and conduct discussion and possible action on financial services proposal information.**

Ms. Mora presented supplemental information on the Patterson and Associates proposal. In addition, she provided information on a proposal from Limestone Wealth, LLC. Both firms would provide assessment of the LVEDC finances, develop an investment plan, and train staff to do compliance reporting. Other financial services would be provided based on the Board's needs. The Board asked for clarification on the Limestone Wealth investment services fee after the initial assessment and plan development fee. In addition, the Board requested that Ms. Mora obtain a list of references from both Patterson and Limestone. The preference was that the references contain other economic development corporations. Finally, a request was made for an example of a compliance report.

Board Member Garcia asked for a side by side comparison of the proposals which included the services and the fees. Ms. Mora said she would gather the information and present it at the next Board meeting.

**IV. Adjourn**

Board Member Gannon moved to adjourn the meeting. Board Member Garcia seconded the motion. The meeting was adjourned by Board President Ynostrosa at 6:44 p.m.

  
\_\_\_\_\_  
Stephen Ynostrosa, Board President

  
\_\_\_\_\_  
David J. Gannon, Board Secretary



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

**October 23, 2013**

The regular meeting of the Leon Valley Economic Development Corporation (LVEDC) convened at 6:32 p.m. on **Wednesday, October 23, 2013**, in the City Council Chambers at 6400 El Verde Road, Leon Valley, Texas.

**I. Call to Order and Determine if Quorum is Present**

Present were Board President Stephen Ynostrosa, Board Vice President Herman Segovia, Board Treasurer Mike McCarley, Board Secretary Dave Gannon, Board Member Rudy Garcia, Board Member Claude Guerra and Board Member Georgia Zannaras. Also present were Board Attorney Steven Peña, and Economic Development Director Claudia Mora, acting as staff support and recording secretary.

**II. Closed Sessions in Accordance with the Texas Government Code**

The City of Leon Valley Economic Development Corporation Board convened in Closed Session at 6:33 p.m. for the following:

- A. Pursuant to Tex. Gov't Code Ann. § 551.087, Deliberation Regarding Economic Development Negotiations (1) to Discuss or Deliberate Regarding Commercial or Financial Information that the Governmental Body Seeks to Have Locate, Stay, or Expand in or Near the Territory of the Governmental Body and with Which the Governmental Body is Conducting Economic Development Negotiations; or (2) to Deliberate the Offer of a Financial or Other Incentive to a Business Prospect Described by Subdivision (1), Regarding El Sol Bakery.
- B. Tex. Gov't Code Ann. § 551.071(1),(2) update Little v. Leon Valley EDC;

The City of Leon Valley Economic Development Corporation Board reconvened into Open Session at 7:36 p.m. No action was taken on items A or B during closed session.

**III. Citizens to be Heard**

There were no citizens to be heard.

**IV. Consider LVEDC Minutes – September 25, 2013**

Board Member Gannon moved to approve the minutes of September 25. Board Member Guerra seconded the motion. The motion carried by voice vote.

**V. Financial Report by LVEDC Treasurer and Consideration**

Board Treasurer McCarley reported that as of 4:30 p.m. on October 23, 2013, the LVEDC had \$453,254.35 in the money market account and \$50,639.65 in the public funds (checking) account. The total in the two accounts was \$503,894.00. Mr. McCarley also reported that the October sales tax receipts deposited into the checking account was \$18,401.29. The October expenses were \$9,222.99.

**VI. Discussion and Possible Action on El Sol Project**

In recognition of the October 1, 2013 letter from LVEDC Board Attorney Peña to attorney John Longoria representing El Sol Bakery, stating that the LVEDC Board intends to conclude consideration of the El Sol Bakery Project unless the LVEDC is notified of meaningful negotiations on their part prior to the LVEDC Board meeting on October 23, and absent any such notification, Board Member Gannon moved to accept Resolution #2014-01, which rescinds the offer of a grant and loan of up to \$37,500. Board Member Garcia seconded the motion. The motion carried by voice vote.

**VII. Discussion and Possible Action on Proposal from Patterson and Associates to Provide Investment Advisory Services to the LVEDC**

Staff Liaison Mora reported that she had obtained additional information to help clarify some items for the Board regarding the Patterson proposal. The advisory services proposed would include a comprehensive plan on the LVEDC's finances. Some of the services included in the comprehensive plan package include analysis of the current fiscal operations and financial situation of the Board's finances. The fee quoted for this was \$1,000 per month or \$12,000 per year. The \$200 per hour quote was for services performed that individually and not part of the comprehensive plan. She also reported that in her discussions with the City Manager and the City's Finance Director, the consensus was that the quoted fees were high. It was suggested that perhaps there were other firms that could provide the same services at a reduced cost. The Board asked Ms. Mora to research other firms.

The Board asked staff to find out from Ms. Patterson if the money management services would allow the Board to access money at any time to fund additional projects. In addition, the Board asked that clarification regarding compliance reporting be obtained. Ms. Mora offered to present an update and report at the November 13 meeting.

**VIII. Discussion and Action on a Resolution Authorizing the City of Leon Valley Economic Development Director and LVEDC Staff Liaison to Sign on the Credit Card Account for the LVEDC**

Ms. Mora provided a brief summary of what needed to be done in order for the LVEDC to have a credit card. She asked that this item be moved to the next Board meeting. Board Member Guerra moved to table agenda item VIII until the next regular board meeting. Board Member Segovia seconded the motion. The motion carried by voice vote.

**IX. Discussion and Consideration of Action on a Resolution Renewing the Support Services Contract with the City of Leon Valley**

Ms. Mora informed the Board that the LVEDC and the City of Leon Valley have an agreement for the City to provide administrative and support services to the LVEDC. The City has provided the services since 2009. Among the services provided to the LVEDC by the City are staff support, photocopies, bookkeeping, etc. In return for services, the LVEDC pays the City an agreed upon amount which is disbursed monthly. For the next contract period of December 1, 2013 through November 30, 2014, the LVEDC will pay the City of Leon Valley \$42,414, or \$3,534.50 monthly. If approved by the LVEDC Board, staff would present the contract to the City Council at their November meeting.

Board Member Gannon moved to approve the contract. Board Member Segovia seconded the motion. The motion carried by voice vote.

**X. Discussion on LVEDC Façade and Signage Program**

Staff reported that postcards were mailed to sales tax generating Leon Valley businesses. In addition, the proposed draft guidelines were posted on the City's website. To date, no comments had been received by staff. Reminders of the November 13 LVEDC meeting would be posted on the website and through Enews. The Board asked staff to contact the Leon Valley Area Chamber of Commerce to do an email blast to their membership to remind them of the proposed draft guidelines and the November 13 meeting.

**XI. Discussion and Action on November and December Dates for Regular LVEDC Board Meetings**

Staff reminded the Board that the fourth Wednesday of the month in November was the day before Thanksgiving, and in December it was Christmas Day. The Board reviewed calendars and discussed possible meeting dates for November and December. Board Member McCarley moved to schedule the regular monthly Board meetings for Tuesday, November 19, and Tuesday, December 17. Board Members Garcia and Zannaras seconded the motion. The motion carried by voice vote.

**XII. Staff Report on Economic Development Activity in Leon Valley**

Ms. Mora presented the first of a regular report on economic development activity in Leon Valley. She reported on the number of Certificate of Occupancy permits applied for in September and through the middle of October. In addition, she provided information on recently opened businesses which included Lisa's Taco Hut on Bandera and Huebner.

**XIII. Future Agenda Items**

A) Investment Policies, Financial Operations and Information on Banks – As presented earlier in the meeting, staff will collect supplemental information on the Patterson proposal as well as seek out possible other consultants.

B) Work Session(s) on Façade and Signage Program – A special meeting of the LVEDC was scheduled for November 13 to hear comments from the Leon Valley business community on the proposed draft guidelines.

C) Work Session(s) on Strategic Plan – The Board was reminded that the process would begin in January.

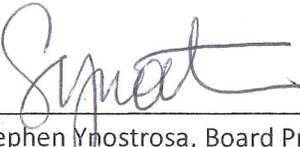
D) ICSC Texas – Board President Ynostrosa and Board Vice President Segovia would be attending the conference along with Ms. Mora and Economic Development Administrative Assistant Rene' Raynes in November.

**XIV. Announcements**

The Board was reminded of the November and December meeting dates.

**XV. Adjourn**

Board Member Guerra moved to adjourn the meeting. Board Member Zannaras seconded the motion. The motion passed by voice vote. Board President Ynostrosa adjourned the meeting at 8:46 p.m.

  
\_\_\_\_\_  
Stephen Ynostrosa, Board President

  
\_\_\_\_\_  
David J. Gannon, Board Secretary



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

**September 25, 2013**

The regular meeting of the Leon Valley Economic Development Corporation (LVEDC) convened at 6:30 p.m. on **Wednesday, September 25, 2013**, in the City Council Chambers at 6400 El Verde Road, Leon Valley, Texas.

**I. Call to Order and Determine if Quorum is Present**

Present were Board President Stephen Ynostrosa, Board Vice President Herman Segovia, Board Treasurer Mike McCarley, Board Secretary Dave Gannon, Board Member Garcia, Board Member Guerra. Board Member Zannaras was excused. Also present were Board Attorney Steven Peña, and Economic Development Director Claudia Mora, acting as staff support and recording secretary.

**II. Closed Sessions in Accordance with the Texas Government Code**

The City of Leon Valley Economic Development Corporation Board convened in Closed Session at 6:32 p.m. for the following:

- A. Pursuant to Tex. Gov't Code Ann. § 551.087, Deliberation Regarding Economic Development Negotiations (1) to Discuss or Deliberate Regarding Commercial or Financial Information that the Governmental Body Seeks to Have Locate, Stay, or Expand in or Near the Territory of the Governmental Body and with Which the Governmental Body is Conducting Economic Development Negotiations; or (2) to Deliberate the Offer of a Financial or Other Incentive to a Business Prospect Described by Subdivision (1), Regarding El Sol Bakery.
- B. Tex. Gov't Code Ann. § 551.071(1),(2) update Little v. Leon Valley EDC;

The City of Leon Valley Economic Development Corporation Board reconvened into Open Session at 7:08 p.m. No action was taken on items A or B during closed session.

**III. Citizens to be Heard**

There were no citizens to be heard.

**IV. Consider LVEDC Minutes – August 28, 2013**

Board Member Guerra moved to approve the minutes of August 28. Board Member Gannon seconded the motion. The motion carried by voice vote.

**V. Financial Report by LVEDC Treasurer and Consideration**

Board Treasurer McCarley reported that the September sales tax deposit was \$19,121.15. For the fiscal year, a total of \$195,315.42 had been deposited. Mr. McCarley reported that as of September 25, the balance in both accounts amounted to \$491,229.02; \$31,369.71 in the checking account and \$459,859.31 in the money market account.

**VI. Discussion and Possible Action on El Sol Project**

Board Member Gannon moved to table this agenda item. Board Member McCarley seconded the motion. The motion carried by voice vote.

**VII. Discussion and Possible Action on Proposal from Patterson and Associates to Provide Investment Advisory Services to the LVEDC**

Staff Liaison Mora presented a summary of the proposal from Patterson and Associates to provide investment advisory services to the LVEDC. There were two fees quoted based on the services to be provided. For a fee of \$1,000 per month, Patterson and Associates would provide full investment advisory/management services which include all investment monthly and quarterly reporting, and all work with banking proposals. On an "as needed basis", Patterson and Associates would provide services in investment alternatives, investment placement, consulting for treasury functions such as banking, policies and controls. This option would be provided on an hourly basis at \$200 per hour.

Discussion ensued. The Board asked staff to contact Ms. Patterson and clarify the services. In addition, the Board wanted clarification on whether the services would include assistance with the IRS and the 501(c)(6) designation, and the completion and filing of the IRS Form 990 due in February. The supplemental information is requested for the next LVEDC Board meeting.

Board Member Gannon moved to table this agenda item. Board Member Garcia seconded the motion. The motion carried by voice vote.

#### **VIII. Discussion on LVEDC Façade and Signage Program**

Ms. Mora presented an update on the changes made to the draft program guidelines as provided by the LVEDC Board at the previous meeting. Discussion ensued on the amount of the matching grant. The consensus was that the matching grant be up to 50%; however, the maximum dollar amount was not decided. The suggestions ranged from \$3,000 to \$10,000. Discussion ensued regarding whether the dollar amount for signage should be different from façade. The consensus was to not distinguish between the two and wait for public input on the proposed draft guidelines.

Additional discussion focused on new language changes. Board Attorney Peña informed the Board that he would work on the language regarding obligation of the LVEDC to fund projects. Also, Board Member Guerra commented that the re-application period was too long at 12 months. There was no consensus on a term for this section. The Board opted to leave that discussion for the time, and wait until public comment was made on the guidelines.

The Board asked staff to send copies of the draft program guidelines to Leon Valley businesses along with a letter signed by the Board president informing them of the program and inviting the businesses to provide comment. The Board asked that this be done by October 15. They also requested that a special meeting be set up so that businesses have an opportunity to address the Board and provide comments on the draft guidelines. Ms. Mora indicated that she would schedule a meeting for November 12 or 13.

Board Member Gannon moved to table this agenda item and asked for staff to provide an update on the email and specific dates for gathering the comments, including a meeting date in November. Board Member Garcia seconded the motion. The motion carried by voice vote.

#### **IX. Future Agenda Items**

As items A and B had already been discussed in Agenda Items VII and VIII, they were not discussed here. Item C, Work Session on Strategic Plan was discussed. Board Member Gannon said the Board would wait for the final report from The Retail Coach in December. The strategic plan process would begin in January.

Staff was asked to check with the State Comptroller's Office on whether the Board could sponsor different events in the community.

**X. Announcements**

Ms. Mora informed the Board that she would send a link on the TEDC Annual Conference to the board members attending: Board President Ynostrosa, Board Vice President Segovia, Board Treasurer McCarley and Board Member Garcia.

Also, Board Member Garcia, Board Member Guerra, and Board President Ynostrosa were reminded about the sales tax training on October 15.

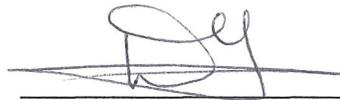
**XI. Adjourn**

Board Member Guerra moved to adjourn the meeting. Board Member McCarley seconded the motion. The motion carried by voice vote. The meeting was adjourned at 8:49 p.m.



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Stephen Ynostrosa, Board President



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David J. Gannon, Board Secretary

# LEON VALLEY

T E X A S

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

December 3, 2013

The Special Meeting of the Leon Valley Zoning Commission convened at 6:30 p.m. on Tuesday, December 3, 2013, in City Council Chambers at 6400 El Verde Road, Leon Valley, Texas.

### I. ROLL CALL

Present were Chairman Claude Guerra III, 2<sup>nd</sup> Vice-Chair Olen Yarnell, and Members Mike K. Davis Jr., Pedro Esquivel and Carmen Sanchez, and Alternate Member Nicole Monsibais. Absent and properly excused were 1<sup>st</sup> Vice-Chair Wendy Phelps, Member Hal Burnside, Alternate Members Phyllis McMillan and Carlos Fernández. Also present was Kristie Flores, Director of Community Development, acting as recording secretary.

### II. APPROVAL OF MINUTES – October 29, 2013

2<sup>nd</sup> Vice-Chair Olen Yarnell made a motion to approve the minutes of October 29, 2013 as written. Commissioner Pedro Esquivel seconded the motion, and the motion passed unanimously by voice vote.

### III. CONSIDERATION AND PUBLIC HEARING OF A 90-DAY MORATORIUM ON THE CONSTRUCTION, RECONSTRUCTION, OR OTHER ALTERATION OR IMPROVEMENT OF ANY UNDEVELOPED, DEVELOPED, AND PARTIALLY-DEVELOPED NON-RESIDENTIAL PROPERTY FOR USE AS A NON-CHARTERED FINANCIAL INSTITUTION LOCATED WITHIN DEFINED GEOGRAPHIC BOUNDARIES WITHIN THE CITY LIMITS; PROVIDING FOR THE TEMPORARY SUSPENSION OF THE ACCEPTANCE, REVIEW AND APPROVAL OF PERMITS FOR THE CONSTRUCTION, RECONSTRUCTION, OR OTHER ALTERATION OR IMPROVEMENT OF PROPERTY FOR THE PURPOSE OF USE AS A NON-CHARTERED FINANCIAL INSTITUTIONS LOCATED WITHIN THE DEFINED GEOGRAPHIC BOUNDARIES WITHIN THE CITY LIMITS; PROVIDING FINDINGS OF FACT; PROVIDING EXEMPTIONS; PROVIDING AN APPEAL PROCESS; PROVIDING A WAIVER PROCEDURE; PROVIDING FOR A TERMINATION DATE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE WITH AN EXHIBIT DEFINING THE GEOGRAPHIC BOUNDARIES INCLUDED IN THIS MORATORIUM.

- A. Public Hearing
- B. Zoning Commission Recommendation

Chairman Claude Guerra III opened the discussion of the moratorium consideration at 6:32p.m. Staff presented the details noting that the moratorium was for a period of 90-days as allowed by Chapter 212 of the Texas Government Code with proper findings, an effective date, exemptions, appeals process, and waiver procedure. Staff explained that the Zoning Commission was appointed by the Mayor and Council and under Chapter 212 of the Local Government Code were required to conduct a public hearing for the consideration of the moratorium. Staff noted that this was one (1) of two (2) public hearings that were required. The second public hearing was scheduled for Monday, December 9<sup>th</sup> before the City Council.

Staff further explained that the Zoning Commission is charged with investigating matters relating to protection, enhancement and perpetuation of land uses and developments. Staff noted that the moratorium would allow the Zoning Commission and other City Official the opportunity to examine the effects of saturation of Non-Chartered Financial Institutions in Leon Valley and would temporarily stop any new developments. Staff noted that the goal was also to allow time to see what the Texas Legislature as well as examine the measures if any that the Legislature takes in regard to Non-Chartered Financial Institutions. Staff explained that a moratorium was justified if it appeared that existing development ordinances, regulations or other applicable laws need to be strengthened. Staff also noted the evidence and findings as follows: the location of non-charted financial institutions have negative impacts on nearby

property values, contribute to increase crime levels, negatively affect the general perception of the viability of commercial areas in which they are located, utilize on site advertising techniques which are generally incompatible with the general commercial areas where they are located and provide for an unattractive appearance, and displacement of conventional and traditional banks. Staff noted that per the Credit Access Bureau information there were thirteen (13) un-chartered lending institutions in Leon Valley; not including the institutions which may not be legally registered.

Staff further explained that the moratorium would cover new development, partial development and renovation but to ensure that occupancy permits were addressed an ordinance based on Chapter 51 and the City's general policing authority would be considered by Council in collaboration with the moratorium ordinance. Staff concluded the presentation and remained available for questions.

Chairman Guerra III noted that he supported the action but that it would be very important to work with other communities such as the Bexar County Council of Mayors on this matter to develop a unified effort to address non-chartered financial institutions. He further explained that the Texas Legislature has not addressed the matter and it is important to get momentum in addressing the issue by getting together with other communities.

Commissioner Hal Burnside asked if the City was hindered by being a general-law city versus a home-rule city. Staff noted that the authority making abilities of each form of government did make a difference. Commissioner Nicole Monsibais noted that Council had considered the difference between home-rule and general-law and their benefits and limitations.

2<sup>nd</sup> Vice-Chair Olen Yarnell noted that the Texas Municipal League may also be another good resource in addressing non-chartered financial institutions. He also asked what was going to happen after the 90-day moratorium expired. Staff noted that either an actionable item would be provided for consideration or a request for extension of the moratorium would be made.

Commissioner Pedro Esquivel asked that since most of the documentation that supported the moratorium was out of State what the City would do if the ordinance was challenged. Staff noted that the Council and City Attorney would determine how to proceed at that time. Staff additionally noted that there was other information in the documented research from places such as Brownsville and Garland, Texas which took a different approach to regulating non-chartered financial institutions like requiring additional registration, specific use permits, number within a certain distance and zoning district limitations.

Chairman Guerra III opened the public hearing at 6:56p.m., being no public comment Chairman Guerra III closed the public hearing at 6:57p.m.

Commissioner Pedro Esquivel recommended approval of the proposed 90-day moratorium for Non-Chartered Financial Institutions noting it protected the health, safety and welfare of the general public. 2<sup>nd</sup> Vice-Chair Olen Yarnell, seconded the motion and the motion passed unanimously by voice vote, 6-0.

#### IV. EXECUTIVE SESSION IN ACCORDANCE WITH THE TEXAS LOCAL GOVERNMENT CODE

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

#### VI. ADJOURN

2<sup>nd</sup> Vice-Chair Olen Yarnell made a motion to adjourn, seconded by Commissioner Pedro Esquivel. The motion carried by voice vote and the meeting was adjourned at 6:59 p.m.

  
CHAIR

  
STAFF

## **Supplemental Items of Interest**



# BEXAR APPRAISAL DISTRICT

Michael A. Amezquita  
Chief Appraiser

411 N. Frio, P.O. Box 830248  
San Antonio, TX 78283-0248  
Phone (210) 224-8511  
Fax (210) 242-2451

BOARD OF DIRECTORS

JIM G. MARTIN  
Chairman  
TOMAS URESTI  
Vice-Chairman  
CHERI BYROM  
Secretary

J. KEITH HUGHEY  
SERGIO RODRIGUEZ -  
COMMISSIONER, PCT 1  
ALBERT URESTI, MPA

December 18, 2013

VIA CERTIFIED MAILER

7013 2630 0001 2356 0445

The Honorable Chris Riley, Mayor  
City of Leon Valley  
6400 El Verde Rd.  
San Antonio, TX 78238

RE: Results of Election of Bexar Appraisal District Board of Directors for 2014-2015

The Honorable Mayor Riley:

Voting resolutions and ballots were required to be submitted before December 15 and have since been received and tallied. Thank you to those taxing units that cast their votes for the Directors of the Bexar Appraisal District for the 2014-2015 terms.

As required by Section 6.03(k), Texas Property Tax Code, the Chief Appraiser has counted the votes and declared the five candidates who received the largest cumulative vote totals elected. Enclosed are the voting results.

The 2014-2015 members of the Bexar Appraisal District Board of Directors are: Cheri Byrom (*Nominated by Southwest ISD*), Keith Hughey (*Nominated by North East ISD*), Jim Martin (*Nominated by Northside ISD*), Commissioner Sergio "Chico" Rodriguez (*Nominated by Bexar County*) and Roberto C. Trevino (*Nominated by City of San Antonio & San Antonio ISD*).

If you have any questions regarding these results, please contact me or my Executive Assistant, Jennifer Rodriguez, at (210) 242-2406.

Sincerely,

  
Michael A. Amezquita

Enclosures

CC Via Regular Mail w/Enclosures: Mr. Manuel Longoria Jr, City Manager



2014 - 2015 Bexar Appraisal District Board of Directors Votes

	Jack Burton Jr	Cheri Byrom	Keith Hughey	Denver McClendon	Jose Macias	Juan Mancha	Jim Martin	Sergio "Chico" Rodriguez	Leo Salas	Rick A. Schroder	Roberto C. Trevino
Alamo Community College District			12	337							
City of Alamo Heights											
Alamo Heights I.S.D.											
City of Balcones Heights	3							658			
Bexar County											
Boerne I.S.D.		36									
City of Castle Hills	2									3	
Cornal I.S.D.					50						
City of Converse				6	5						
East Central I.S.D.		31	30								
Edgewood I.S.D.					30						
Fair Oaks Ranch		4									
Harlandale I.S.D.						40					6
City of Helotes											
City of Hill Country Village											
Town of Hollywood Park			5								
Judson I.S.D.		199									
City of Kirby					3						
City of Leon Valley							9				9
City of Live Oak											
Medina Valley I.S.D.							7				
North East I.S.D.		25	862								
Northside I.S.D.		206					835				
City of Olmos Park											
City of San Antonio											914
San Antonio I.S.D.											367
City of Schertz				1							
S.C.U.C. I.S.D.											
City of Selma					3						
City of Shavano Park							6				
City of Somerset											
Somerset I.S.D.									10		
South San Antonio I.S.D.											
Southside I.S.D.								19			
Southwest I.S.D.		44									
City of St. Hedwig											
City of Terrell Hills			10								12
City of Universal City											
City of Windcrest											
<b>Totals</b>	5	545	919	344	91	40	857	677	10	30	1281

ABSTAINED

LAW OFFICES OF  
HERMAN H. SEGOVIA

118 E. ASHBY AT N. MAIN  
SAN ANTONIO, TEXAS 78212

HERMAN H. SEGOVIA  
BOARD CERTIFIED - FAMILY LAW  
TEXAS BOARD OF  
LEGAL SPECIALIZATION  
—  
MEDIATOR

(210) 737-2200

FACSIMILE  
(210) 737-2500

**January 8, 2014**

*Via Facsimile (210) 684-4476  
and Regular Mail*

**Chris Riley**

Mayor of Leon Valley  
6400 El Verde Road  
Leon Valley, Texas 78238

**Manuel Longoria, Jr.**

City Manager of Leon Valley  
6400 El Verde Road  
Leon Valley, Texas 78238

Dear Mayor Riley and Mr. Longoria,

Due to the time demands from my practice, I am no longer able to serve on the Leon Valley Economic Development Corporation Board. I therefore submit my resignation from the board effective this date.

Thank you for the opportunity to serve the city of Leon Valley.

Very truly yours,

  
HERMAN H. SEGOVIA