

# NOTICE OF PUBLIC MEETINGS

## AGENDA

### LEON VALLEY CITY COUNCIL MEETINGS

JUNE 4, 2013, 5:30 P.M.

LEON VALLEY CITY HALL, CITY COUNCIL CHAMBERS

6400 EL VERDE ROAD, LEON VALLEY, TEXAS 78238

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#### SPECIAL MEETING OF THE CITY OF LEON VALLEY CITY COUNCIL, 5:30 P.M.

1. Call the Leon Valley Special City Council Meeting to Order, and Determine a Quorum is Present. (Mayor Riley)
  2. Executive Session in Accordance with the Texas Government Code
    - A. The City Council will convene in Executive Session pursuant to Section 551.074, Personnel Matters – To Conduct Interviews with Prospective Board Candidates for the Leon Valley Economic Development Corporation (LVEDC), M&C # 06-01-13.
    - B. The City Council will reconvene into Open Session and consider any possible actions resulting from the Executive Session;
      - 1) Action on an Ordinance Regarding the Appointment of a Member to the LVEDC, M&C # 06-01-13.1.
      - 2) Authorize the staff to take action as directed in the Executive Session.
      - 3) Take no action at this time.
  3. Adjourn.
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#### REGULAR MEETING OF THE CITY OF LEON VALLEY CITY COUNCIL, 7 P.M.

1. Call the City of Leon Valley Regular City Council Meeting to Order, Determine a Quorum is Present, and Pledge of Allegiance. (Mayor Riley)
2. Firewise Communities USA Designation and Presentation. (Interim Fire Chief Valdez / Patrick Allen, Firewise Coordinator, Texas A&M University Forest Service)
3. Citizens to be Heard and Time for Objections to the Consent Agenda.

“Citizens to be Heard” is for the City Council to receive information on issues that may be of concern to the public. The purpose of this provision of the Open Meetings Act is to ensure that the public is always given appropriate notice of the items that will be discussed by the Council. Should a member of the public bring an item to the Council for which the subject was not posted on the agenda of that meeting, the Council may receive the information, but cannot act upon it at that meeting. They may direct staff to contact the requestor or request that the issue be placed on a future agenda for

discussion by the Council.

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

#### Consent Agenda

4. **Consider Approval of the Special and Regular City Council Meeting Minutes of May 21, 2013. (Willman)**
  - A. Special City Council Meeting of May 21, 2013, 5:30 p.m.
  - B. Special City Council Meeting of May 21, 2013, 6:15 p.m.
  - C. Regular City Council Meeting of May 21, 2013, 7:00 p.m.
5. **Consider Action on City Board, Commission, and Committee Appointments, M&C # 06-02-13. (Willman)**
6. **Consider Action Approving an Ordinance Adopting the Texas Department of Transportation's (TxDOT) Quality Assurance Program for Consideration (QAP) for the Purpose of Obtaining Future Transportation Related Grant Funds from TxDOT, M&C # 06-03-13. (Longoria)**

#### Regular Agenda

7. **Election of the Mayor Pro Tem, M&C # 06-04-13. (Mayor and City Council)**
8. **Consider Action Amending Ordinance No. 12-008 that Established the 2012 Bond Program Oversight Committee, Amending the Committee Structure and Membership, Appointing Two City Council Liaisons to the Bond Oversight Committee, and Appointing a Chairperson to the Bond Oversight Committee, M&C # 06-05-13. (Longoria)**

#### Discussion Agenda

9. **City Manager's Report. (Longoria)**
  - A. **Presentation Reporting on the Weekend Flooding in the City of Leon Valley and Discussion of Drainage Problems. (Vick/Valdez/Wallace)**
  - B. **Report on Upcoming Training Opportunities.**
  - C. **Report on City Branding.**
  - D. **Future Agenda Items.**
    - (1) Next Quarterly Update and Dialogue between the City Council and the Leon Valley Economic Development Board of Directors, June.
    - (2) Bandera Road Site – CAG Presentation, June 18.
    - (3) Appointments to the 2012 Bond Oversight Committee and the Leon Valley Economic Development Corporation Board of Directors, June.
    - (4) Report on the Pilot Recycling Project from The Ridge Homeowners Association, June – July.
11. **Citizens to be Heard.**
12. **Announcements by the Mayor and Council Members.**

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

### Executive Session

13. 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).
14. **Adjourn.**

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

It is anticipated that members of other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of other boards, commissions and/or committees of the City, whose members may be in attendance. The members of other city boards, commissions and/or committees may not participate in discussions on the items listed on the agenda, which occur at the meeting, and no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that city board, commission or committee subject to the Texas Open Meetings Act. [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 were posted on the Bulletin Board at City Hall, 6400 El Verde Road, Leon Valley, Texas, on Friday, May 31, 2013, by 11:45 a.m. and remained posted until after the meeting(s) hereby posted concluded. This notice was likewise 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 ahead of the meeting. To make arrangements call (210) 684-1391, Ext. 216.



  
\_\_\_\_\_  
Janie Willman, City Secretary

**Agenda Item 2.A. & 2.B.  
Executive Session**

**MAYOR AND COUNCIL COMMUNICATION**

**DATE: June 4, 2013  
M&C # 06-01-13**

**TO: MAYOR AND CITY COUNCIL**

**SUBJECT: THE CITY COUNCIL WILL CONVENE IN EXECUTIVE SESSION,  
PURSUANT TO SECTION 551.074, PERSONNEL MATTERS, TO  
CONDUCT INTERVIEWS WITH PROSPECTIVE BOARD CANDIDATES  
FOR THE ECONOMIC DEVELOPMENT CORPORATION**

**PURPOSE**

The City Council will interview applicants for possible appointment to the Leon Valley Economic Development Corporation (LVEDC) Board of Directors in Executive Session. With the election of former LVEDC Board Chairman, Abraham Diaz to Leon Valley City Council Member Place 3, a vacancy LVEDC Place 2 was created. When the appointment is made, the appointee will serve until September 30, 2014.

**FISCAL IMPACT**

There is no fiscal impact.

**S.E.E. IMPACT**

**Social** – The process of continuance of government is inherent to providing social equity for all Leon Valley community members and stakeholders. Appointing members to the LVEDC Board of Directors ensures the ongoing provision of quality economic development services to the City of Leon Valley, its residents and businesses. The continuance of quality board leadership is the demonstration of the City Council's commitment to representative social equity.

**Economic** – Responsible city governments that uphold the tradition of good governance do and will provide a diverse and versatile business environment that supports a healthy economy by attracting viable businesses.

**Environmental** – N/A

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

APPROVED WITH THE FOLLOWING COMMENTS: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Janie Willman, City Secretary

**Agenda Item 2.A. & 2.B.  
Executive Session**

**MAYOR AND COUNCIL COMMUNICATION**

**DATE: June 4, 2013  
M&C # 06-01-13.1**

**TO: MAYOR AND CITY COUNCIL**

**SUBJECT: THE CITY COUNCIL WILL RECONVENE INTO OPEN SESSION AND CONSIDER ACTION ON AN ORDINANCE REGARDING THE APPOINTMENT OF A MEMBER TO THE LEON VALLEY ECONOMIC DEVELOPMENT CORPORATION (LVEDC)**

**PURPOSE**

The City Council will reconvene into Open Session and consider any possible actions resulting from the Executive Session;

- 1) Action on an Ordinance regarding the appointment of a member to the LVEDC
- 2) Authorize the staff to take action as directed in the Executive Session
- 3) Take no action at this time

Prospective Board members were interviewed during Executive Session. LVEDC Board Place 2 has a vacancy effective with the installation of Abraham Diaz to City Council Member, Place 3.

The term of the newly appointed director will expire on September 30, 2014.

**FISCAL IMPACT**

There is no fiscal impact.

**S.E.E. IMPACT**

**Social** – The process of continuance of government is inherent to providing social equity for all Leon Valley community members and stakeholders. Appointing members to the LVEDC Board of Directors ensures the ongoing provision of quality economic development services to the City of Leon Valley, its residents and businesses. The continuance of quality board leadership is the demonstration of the City Council’s commitment to representative social equity.

**Economic** – Responsible city governments that uphold the tradition of good governance do and will provide a diverse and versatile business environment that supports a healthy economy by attracting viable businesses.

**Environmental** – N/A

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

APPROVED WITH THE FOLLOWING COMMENTS: \_\_\_\_\_

ATTEST:

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Janie Willman, City Secretary

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LEON VALLEY PROVIDING FOR THE APPOINTMENT OF A MEMBER TO THE BOARD OF DIRECTORS OF THE LEON VALLEY ECONOMIC DEVELOPMENT CORPORATION (LVEDC)**

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

**WHEREAS**, the Leon Valley Economic Development Corporation (LVEDC), created to administer the revenues received from the economic development sales tax, has operated in furtherance of the purposes of the Corporation; and

**WHEREAS**, the City Council finds and determines that the staggering of terms of office for the Members of the Board of Directors is in the best interest of continuity and stability on the Board to ensure its continued effectiveness and efficiency; and

**WHEREAS**, a vacancy was created on the LVEDC Board of Directors in Place 2 following the May 11, 2013 General Election; and

**WHEREAS**, the City Council finds it in the best interest of the City to continue and complete its appointments initiated on September 20, 2011 with Ordinance 11-022;

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

1. In order to continue and complete appointments with the staggered terms of office of the Members of the LVEDC Board as established in Ordinance 11-022, the term of office of the Member herein appointed who shall serve in Place 2, shall expire on September 30, 2014.
2. That the following individual is appointed as a Member of the Board of Directors to the Leon Valley Economic Development Corporation as follows by Place Number:

Place 2 - \_\_\_\_\_

3. After the staggered term of office of the appointment herein authorized has been completed, Members of the LVEDC Board of Directors shall continue to be appointed to serve two-year terms from the date of appointment or re-appointment, as established in Ordinance 11-022, to provide for stability and

continuity of governance, with terms expiring on September 30 of even-numbered years in Places 2, 4 and 6, with terms expiring on September 30 of odd-numbered years in Places 1, 3, 5, and 7.

PASSED and APPROVED this 4<sup>th</sup> day of June, 2013.

APPROVED:

ATTEST:

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Chris Riley, Mayor

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Janie Willman, City Secretary

APPROVED AS TO FORM:

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Charles E. Zech, City Attorney



1 Batterymarch Park, Quincy, Massachusetts 02169-7471  
Phone: 617-770-3000 • Fax: 617-984-7056 • www.firewise.org

May 8, 2013



FWC/USA ID#: 01156

Luis Valdez  
6400 El Verde Rd  
Leon Valley, TX 78238

Dear Mr. Valdez:

Congratulations on achieving Firewise Communities/USA recognition status! It is with great pleasure that I welcome Leon Valley to the growing assembly of communities working to become safer from wildland fire hazards.

The national Firewise program will be providing you information and support as you continue maturing as a Firewise community. I am pleased to provide you with a Firewise Communities/USA Media Toolkit. The enclosed folder contains sample press releases, program fact sheets, media tips, a CD-Rom with electronic versions of all the materials and the Firewise Communities/USA logo artwork. You'll be receiving additional materials soon, including two Firewise Communities/USA signs, constructed for outdoor use, to be placed at the entries to your community. You'll find enclosed two 2012 decals that can be affixed to these signs. Each year when you renew your status, you will receive decals for that year.

Your hard work is already improving wildfire safety in Leon Valley. If you are seeking assistance to do more, your recognition status can help. Recognized Firewise Communities/USA sites get priority status in consideration for the Federal Emergency Management Agency's pre-disaster mitigation planning and project grants. Please note your identification number as shown in the upper right corner of this letter. This identifies Leon Valley as a unique participant in the recognition program.

I'd like to invite you to post information about your community to the Firewise website by contacting our staff at [firewise@nfpa.org](mailto:firewise@nfpa.org) with a short write-up and photos. You can also use Firewise networks on Facebook ([www.facebook.com/firewise](http://www.facebook.com/firewise)) to connect with experts and other communities.

My staff and I look forward to working with you. Please feel free to contact the national office at [tthorpe@nfpa.org](mailto:tthorpe@nfpa.org) or 617-984-7494 should you need any type of information or assistance. Again, congratulations on your work to achieve national recognition status.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Michele Steinberg".

Michele Steinberg  
Project Manager, Firewise Communities

cc: Patrick Allen, Firewise Liaison  
Tom Boggus, State Forester

**CITY COUNCIL MEETING OF THE CITY OF LEON VALLEY, TEXAS  
MAY 21, 2013**

The City Council of the City of Leon Valley, Texas, met on the 21<sup>st</sup> day of May, 2013, at 5:30 p.m. at the Leon Valley City Council Chambers, at 6400 El Verde Road, Leon Valley, Texas, for the purpose of the following business, to-wit:

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

1. **Call the Leon Valley Special City Council Meeting to Order, and Determine a Quorum is Present.** Mayor Riley called the Special City Council Meeting to order at 5:32 p.m. with the following City Council Members in attendance: Hill, Reyna, Baldrige, Dean, and Bieber.

City staff in attendance: City Manager Longoria, City Secretary Willman, and Special Projects Manager Smith.

2. **Executive Session in Accordance with the Texas Government Code**
  - A. The City Council convened in Executive Session at 5:32 p.m. pursuant to Section 551.074, Personnel Matters: To discuss and conduct an annual performance evaluation of City Manager Manuel Longoria, Jr., as required by the City of Leon Valley's Employment Contract, M&C # 05-06-13.
  - B. The City Council reconvened into Open Session at 6:27 p.m. and considered possible actions resulting from the Executive Session.

Motion by Councilman Reyna and second by Councilman Bieber to modify the City Manager's (Manuel Longoria, Jr.) contract to increase his contract from \$107,100 to \$110,000, to increase his car allowance to \$700 [per month], to pay any increase in his health insurance, and to change his accrued leave clause to match that of the rest of the employees of Leon Valley. Motion was made by Councilman Reyna and seconded by Councilman Bieber. Voting Aye: Hill, Reyna, Baldrige, Dean, and Bieber. Voting Nay: None. Mayor Riley announced the motion carried.

3. **Adjourn.** Councilman Reyna made a motion for adjournment at 6:29 p.m. Mayor Riley adjourned the meeting without objection at 6:29 p.m.
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**SPECIAL MEETING OF THE CITY OF LEON VALLEY CITY COUNCIL, 6:15 P.M.**

1. **Call the Leon Valley Special City Council Meeting to Order, and Determine a Quorum is Present.** Mayor Riley called the Special City Council Meeting to order at 6:29 p.m. with the following City Council Members in attendance: Hill, Reyna, Baldrige, Dean, and Bieber.

City staff in attendance: City Manager Longoria, City Secretary Willman, Community Development Director Flores, Finance Director Wallace, Interim Fire Chief Valdez, Interim Assistant Fire Chief Lawson, Human Resources Director Caldera, Library Director Trent, Police Chief Wallace, Public Works Director Vick, Special Projects Manager Smith, and the Mayor's Liaison Trejo.

**CITY COUNCIL MEETING OF THE CITY OF LEON VALLEY, TEXAS  
MAY 21, 2013**

**2. Recognition of Council Member Kathy Hill and Council Member Irene Baldrige.**

Mayor Riley presented Council Member Kathy Hill with a clock inscribed with her service and service dates; Kathy Hill, City Council Member, 2011-2013 and Mayor Pro Tem, 2012-2013. Mayor Riley expressed the City Council's appreciation for Ms. Hill's service.

Mayor Riley stated that Council Member Irene Hill has served as her mentor, based on her 10 years' service as Mayor from 1984 to 1994. The Mayor noted that Mrs. Baldrige had been a rock [of stability] during the six years of their service together. Mayor Riley presented Council Member Irene Baldrige with a clock inscribed with her service and service dates; Irene Baldrige, City Council Member, 2007-2013 and Mayor Pro Tem, 2009-2010. Mayor Riley expressed her appreciation for Councilwoman Hill's service and Councilwoman Baldrige's service.

Council Member Irene Baldrige extended her appreciation to all the citizens for their confidence in allowing her to be of service over the years.

Council Member Kathy Hill expressed her appreciation, noting that it has been her privilege to be the citizens' elected official in Leon Valley and to work with such an excellent staff in Leon Valley. She concluded by promising to be involved in whatever way the citizens need her involvement.

**3. Consider Action on a Resolution Canvassing the Results of the May 11, 2013 City of Leon Valley General Election for the Purpose of Electing City Council Members to Council Places No. 1, 3, and 5, M&C # 05-07-13.**

City Secretary Willman made a presentation based on the Canvass results of the May 11, 2013 General Election.

Motion by Councilman Dean and second by Councilwoman Hill to adopt the Resolution canvassing the results of the May 11, 2013 City of Leon Valley General Election. Voting Aye: Hill, Reyna, Baldrige, Dean, and Bieber. Voting Nay: None. Mayor Riley announced the motion carried.

**Adopted Resolution No. 13-004** – A Resolution of the City Council of the City of Leon Valley Canvassing the Election Returns of the Joint, General, and Special Election Held in Conjunction with Bexar County on May 11, 2013, For the Purpose of Electing Three Council Members, at Large, for the City Council, One City Council Member Place No. 1, One City Council Member Place No. 3, and One City Council Member Place No. 5, and Declaring Elected City Council Members in Council Place Nos. 1, 3, and 5; and Providing an Effective Date.

**4. Present Certificates of Election to Council Members-Elect in Place 1, 3, and 5, M&C # 05-08-13.** Mayor Riley presented the Certificates of Election to Council Member-Elect Ricardo Ruiz in Council Place 1, to Council Member-Elect Abraham Diaz in Council Place 3, and to Council Member Paul K. Bieber in Council Place 5.

**CITY COUNCIL MEETING OF THE CITY OF LEON VALLEY, TEXAS  
MAY 21, 2013**

5. **Installation of Council Members; Council Member-Elect Ricardo Ruiz, Council Place No. 1; Council Member-Elect Abraham Diaz, Council Place No. 3; and Council Member Paul K. Bieber, Council Place No. 5, M&C # 05-09-13..** The Honorable Judge Larry Noll, administered the Oath of Office to Council Member-Elect Place No. 1 Ricardo Ruiz, to Council Member-Elect Place No. 3 Abraham Diaz, and to Council Member Place No. 5 Paul K. Bieber.

City Councilman Ricardo Ruiz, City Councilman Abraham Diaz, and City Councilman Paul K. Bieber took their places at the dais and began their respective terms of office.

6. **Adjourn.** The meeting was adjourned without objection at 6:51 p.m. Mayor Riley announced the assembly was invited to a short reception honoring Council Members in Places 1, 3, and 5 in the Leon Valley City Hall Foyer immediately following the adjournment of this Special Meeting until 7:15 p.m.
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**REGULAR MEETING OF THE CITY OF LEON VALLEY CITY COUNCIL, 7 P.M.**

1. **Call the City of Leon Valley Regular City Council Meeting to Order, Determine a Quorum is Present, and Pledge of Allegiance.** Mayor Riley called the Regular City Council Meeting to Order at 7:22 p.m. with the following City Council Members present: Ruiz, Reyna, Diaz, Dean, and Bieber.

Mayor Riley called for a moment of silence in respect to those persons who lost their lives in the tornado that occurred in Moore, Oklahoma. Mayor Riley asked if it would be possible to direct persons via the City's website as to how to donate or provide assistance to the many persons affected by the tornado. City Manager Longoria noted that there is a special Internet website set up to do that or that persons desiring to assist may donate money through the American Red Cross.

City staff in attendance: City Manager Longoria, City Attorney Zech, City Secretary Willman, Community Development Director Flores, Finance Director Wallace, Interim Fire Chief Valdez, Interim Assistant Fire Chief Lawson, Human Resources Director Caldera, Library Director Trent, Police Chief Wallace, Public Works Director Vick, Assistant to the Public Works Director Flores, Special Projects Manager Smith, and the Mayor's Liaison Trejo.

Councilman Diaz led the assembly in the Pledge of Allegiance.

2. **Proclamation Declaring May 19-25, 2013 National Public Works Week.** Mayor Riley presented a proclamation to Public Works Director Byron Vick and Marisa Flores, Assistant to the Public Works Director, declaring May 19-25 as National Public Works Week. Mr. Vick noted the many public works employees who have great longevity in serving the residents of Leon Valley.

3. **Citizens to be Heard and Time for Objections to the Consent Agenda.** There were no citizens to come forward to address the City Council during this agenda item.

**CITY COUNCIL MEETING OF THE CITY OF LEON VALLEY, TEXAS  
MAY 21, 2013**

**Consent Agenda**

Motion by Councilman Reyna and second by Councilman Dean to approve the Consent Agenda Items 4, 5, 6, 7, and 8. Voting Aye: Ruiz, Reyna, Diaz, Dean, and Bieber. Voting Nay: None. Mayor Riley announced the motion carried.

4. **Consider Approval of the Regular City Council Meeting Minutes of May 7, 2013.** Approved the meeting minutes of the May 7, 2013 Regular City Council Meeting.
5. **Consider Approval of the Special City Council Meeting Minutes of May 10, 2013.** Approved the meeting minutes of the May 10, 2013 Special City Council Meeting.
6. **Consider Action on City Board, Commission, and Committee Appointments, M&C # 05-10-13.** Appointed Benay Cacciatore to the Festival Subcommittee by minute order.
7. **Consider a Request to Accept the Bid and Award the Contract for the 2012-2013 (Fiscal Year 2013) Bituminous Slurry Seal Project to Intermountain Slurry Seal and Authorize the City Manager to Sign the Contract and Change Orders Up to an Additional 25 Percent of the Bid Amount, M&C # 05-11-13.** Accepted the Bid and awarded the Contract for the 2012-2013 (FY2013) Bituminous Slurry Seal Project to Intermountain Slurry Seal and authorized the City Manager to sign the contract and change orders up to an additional 25 percent of the bid amount by minute order.
8. **Consider Action Authorizing the City Manager to Negotiate and Enter into a Contract for Insurance Agent of Record of Services with Gallagher Benefit Services, Inc., for the City's Employee Group Health Insurance Plans, M&C # 05-12-13.** Authorized the City Manager to negotiate and enter into a contract for Insurance Agent of Record of Services with Gallagher Benefit Services, Inc., for the City's employee group health insurance plans by minute order.

**Regular Agenda**

Motion by Councilman Reyna and second by Councilman Dean to suspend the regular order of business in order for the City Council to consider Agenda Item 9 between Agenda Items 13 and 14.

City Council discussion ensued regarding whether the two agenda items, Agenda Items 9 and 14, would require some discussion with the City Attorney in Executive Session. Mayor Riley noted that there were persons in the City Council Chambers desiring to speak on at least one of the agenda items. There was some discussion about the executive session language and the determination of the order of the City Council Agenda. Following the City Attorney's guidance regarding the Executive Sessions, the City Council took action on the motion on the floor.

Voting Aye: Ruiz, Reyna, Diaz, Dean, and Bieber. Voting Nay: None. Mayor Riley announced the motion carried.

**CITY COUNCIL MEETING OF THE CITY OF LEON VALLEY, TEXAS  
MAY 21, 2013**

10. **Consider a Request by Northside Independent School District School Museum for a Variance to Chapter 3, "Building Regulations," Article 3.04, "Signs," Section 3.04.011, "On-Premise Signs, "Subsection c(1), "Number and Location," to Allow an Existing Free-Standing Sign Generally Located at 6632 Bandera Road, M&C # 05-14-13.** Following a presentation by Community Development Director Kristie Flores, Caroline Wernli, Ed.D., President of the Northside Independent School District School Museum, addressed the City Council. She spoke to the purpose of the request.

Motion by Councilman Diaz and second by Councilman Bieber to approve the variance request. Voting Aye: Ruiz, Diaz, Dean, and Bieber. Voting Nay: None. Abstaining: Reyna due to his board membership on the Northside Education Foundation. Mayor Riley announced the motion carried.

11. **Consider Action on an Ordinance Authorizing the City Manager to Enter into a Purchase Agreement and Other Related Contractual Agreements with Huebner Dirt Investments, LTD., for a 3.83 Acre Tract Known as the Murchison Remainder Tract located on Huebner Road Adjacent to the Leon Valley Huebner Water Well, M&C # 05-15-13.** Following a presentation by the City Manager, the City Council considered action on the ordinance.

Motion by Councilman Dean and second by Councilman Reyna to adopt the ordinance authorizing the City Manager to enter into the purchase agreement and other related contractual agreements with Huebner Dirt Investments, LTD., for a 3.83 acre tract known as the Murchison Remainder Tract located on Huebner Road adjacent to the Leon Valley Huebner Water Well. Voting Aye: Ruiz, Reyna, Diaz, Dean, and Bieber. Voting Nay: None. Mayor Riley announced the motion carried.

**Adopted Ordinance No. 13-021** – An Ordinance of the City Council of the City of Leon Valley Authorizing the City Manager to Enter Into and Execute Three Contractual Agreements for Acquisition of a 3.83 Acre Tract Adjacent to Leon Valley Huebner Water Well; Purchase Agreement (Deed Without Warranty), Sewer Line Easement Agreement, and the Drainage Easement and Detention Basin Agreement

12. **Consider Action Authorizing the City Manager to Negotiate and Execute a Contract with Galvan Neighborhood Management Company for the Operation of the Leon Valley Pool for the 2013 Summer Season, M&C # 05-16-13.** Following a presentation by Human Resources Director Caldera, the City Council considered action on an ordinance.

Motion by Councilman Reyna and second by Councilman Dean to adopt the ordinance authorizing the City Manager to negotiate and execute the contract with Galvan Neighborhood Management Company for the operation of the Leon Valley Pool for the 2013 Summer Season. Voting Aye: Ruiz, Reyna, Diaz, Dean, and Bieber. Voting Nay: None. Mayor Riley announced the motion carried.

**Adopted Ordinance No. 13-022** - An Ordinance of the City Council of the City of Leon Valley Authorizing the City Manager to Execute the Agreement with Galvan

**CITY COUNCIL MEETING OF THE CITY OF LEON VALLEY, TEXAS  
MAY 21, 2013**

Neighborhood Management Company to Operate the City Owned Pool at 6600 Strawflower, Leon Valley, Texas, for the 2013 Swim Season (From Memorial Day Through Labor Day)

- 13. Consider Action Authorizing the City Manager to Negotiate a Construction Manager at Risk Contract with Bartlett Cocke General Contractors for the Construction of a Fire Station, Police Station and Municipal Offices and Authorize the City Manager to Execute the Negotiated Contract; and Providing an Effective Date, M&C # 05-17-13.** Following a presentation by the City Manager, the City Council considered a resolution authorizing the City Manager to negotiate a Construction Manager at Risk Contract with Bartlett Cocke General Contractors.

Motion by Councilman Reyna and second by Councilman Diaz to approve the amended resolution as follows; to include all rankings by staff [in the body of the resolution.] Voting Aye: Ruiz, Reyna, Diaz, Dean, and Bieber. Voting Nay: None. Mayor Riley announced the motion carried.

**Adopted Resolution No. 13-005, as Amended** – A Resoution of the City Council of the City of Leon Valley, Texas, Authorizing the City Manager to Negotiate a Construction Manager at Risk Contract for the Construction of a Fire Station, Police Station and Municipal Offices and Authorize the City Manager to Execute the Negotiated Contract; and Providing an Effective Date, with Section 3. amended to read “That the Mayor and City Council hereby authorize the City Manager to begin negotiations with the highest ranked responder, Bartlett-Cocke General Contractors, and if an agreement cannot be reached in said negotiations end, to begin negotiations with the next highest ranked responders in order of ranking: Turner Construction Company, Guido Brothers Construction, and Joeris General Contractors, until an agreement can be reached.”

Mayor Riley read the captions for Agenda Items 9 and 14 and announced that the City Council would convene in Executive Session pursuant to the Texas Government Code, Section 551.071, Consultation with City Attorney, related to Agenda Items 9 and 14. The City Council convened in Executive Session at 8:13 p.m. The City Council reconvened into Open Session following the Executive Session at 9:13 p.m.

- 9. Presentation and Report by the City Attorney on the Process to Evaluate Possible Breaches of Contract Regarding the Lease Between the Leon Valley Historical Society and the City of Leon Valley Regarding the Natural Area Park as Requested by the City Council, M&C # 05-13-13.**

Motion by Councilman Reyna and second by Councilman Dean to authorize and direct the City Attorney to research the two ítems discussed in Executive Session related to this agenda matter. Voting Aye: Ruiz, Reyna, Diaz, Dean, and Bieber. Voting Nay: None. Mayor Riley announced the motion carried.

- 14. Presentation by the City Attorney Regarding the Regulation of Short Term Financial Lending Institutions, M&C # 05-18-13.**

No action was taken arising out of the Executive Session related to this agenda ítem.

**CITY COUNCIL MEETING OF THE CITY OF LEON VALLEY, TEXAS  
MAY 21, 2013**

**Discussion Agenda**

**15. City Manager's Report. (Longoria)**

- A. Report on the Status of the Evers and Huebner Roads Traffic Improvements Project.** City Manager Longoria reported that the Phase A work is scheduled to be completed by May 31. The City Council raised a question about whether a determination had been reached regarding withholding the issuance of the final Certificate of Occupancy until all of the work is completed in both Phases A and B. The City Attorney interjected that the City Manager and he had studied the Development Agreement. The determination was reached that the City cannot withhold issuing a final Certificate of Occupancy based on the off-site traffic improvements specified in the Development Agreement.
- B. Policy for the Handling of Found Personal Property.** City Manager Longoria informed the City Council that reporters for various media outlets continue to call the City to determine the outcome of whether the funds located by a CPS employee would be returned to the finder. He noted that the City Council may expect to continue to hear media stories slanted towards a perception that the City of Leon Valley intends to keep the found money rather than to return it to the finder. City Attorney Zech informed the City Council that the Leon Valley Police Department had used the Code of Criminal Procedures in handling the funds until the City could determine a policy for handling such matters. Mr. Zech noted further that there are various issues related to handling such property or monies lost and turned into the City. He concluded by stating that he will continue to work with staff to develop a comprehensive policy that answers the questions raised and protects the City of Leon Valley. The policy drafted will be brought before the City Council for its consideration at a future meeting.
- C. City Council Retreat and Possible Direction to Staff.** The City Manager announced that the City Council Retreat is scheduled for Friday, May 31 between 12:30 p.m. and 4:30 p.m. in a public meeting at the Leon Valley Conference Center. The City Council was directed to submit its issues for consideration to the City Manager so that an agenda may be posted for the meeting. Mayor Riley asked that the last two year's goals and last year's agenda be included in the Retreat agenda packet.
- D. Financial Statement for April 2013.** Finance Director Vickie Wallace presented the Financial Statement for the month of April 2013.
- E. Approved Board, Committee, and Commission Meeting Minutes.** There were no comments made regarding the approved board, committee, and commission meeting minutes.
- (1) Leon Valley Park Commission Meeting Minutes for March 11, 2013 and April 8, 2013.
- (2) 2012 Bond Program Oversight Committee Meeting Minutes for March 28, 2013.
- F. Monthly Departmental Reports.** There were no comments made regarding the Monthly Departmental Reports.
- G. Future Agenda Items.**
- (1) Next Quarterly Update and Dialogue between the City Council and the Leon Valley Economic Development Board of Directors, June.
- (2) Election of Mayor Pro Tem, June.

**CITY COUNCIL MEETING OF THE CITY OF LEON VALLEY, TEXAS  
MAY 21, 2013**

(3) Bandera Road Site – CAG Presentation, June 18.

(4) Appointments to the 2012 Bond Oversight Committee and the Leon Valley Economic Development Corporation Board of Director, June.

**16. Citizens to be Heard.** There were no citizens to come forward to address the City Council during this agenda item.

**17. Announcements by the Mayor and Council Members.**

Councilman Ruiz thanked the Mayor and City Council and the assembly for their support. He noted that his first meeting tonight was overwhelming and a very humbling experience. He thanked Councilwoman Kathy Hill and Councilwoman Irene Baldrige for their time and their service.

Councilman Reyna updated the assembly on the City's legislative initiative. He congratulated the newly elected Council Members and stated he brought congratulations from former City Councilman Manea to the new Council Members.

Councilman Diaz thanked the voters for the opportunity to be part of the City Council. He stated it is an honor and a privilege to sit on Council.

City Attorney Zech reminded the Mayor and City Council about the upcoming Hogwild legal event. He detailed the speakers and their presentations. Mayor Riley asked if the event presentations would be available on disk as she will be out of town that week. Mr. Zech stated the information can certainly and will be provided to the Mayor.

Councilman Dean welcomed the two new Council persons and stated a big thank you for the two Council persons that left.

Councilman Biever stated his congratulations to the two new City Council Members and noted that he had enjoyed working with Kathy Hill and Irene Baldrige. He thanked Council Members Hill and Baldrige, noting that they had taught him a lot and that he appreciated working with both Council Members Hill and Baldrige. He said he is looking forward to a very good year.

Mayor Riley thanked Community Development Director Kristie Flores (who had left the meeting earlier) who traveled to Lansing, Michigan, sent by the Alamo Forestry Service, to a statewide Arbor Day event. Ms. Flores gifted the Mayor with a tee shirt. Ms. Flores noted that persons at the event complimented the City of Leon Valley for doing so many tree-related events including the plan to plant 10,000 trees and being awarded the Tree USA designation. Mayor Riley announced an invitation to the Ice Cream Social to benefit the Huebner-Onion Homestead from 2 p.m. to 5 p.m. on Sunday. Mayor Riley announced that the City of Leon Valley's Low Impact Development (LID) Project drew the largest number of teams (8). Each project will pay \$15,000 to the winning team selected. The deadline for the announcement of the winning teams is a gathering on July 10 at The Pearl. She thanked City Manager Longoria and Marisa Flores, Assistant to the Public Works Director, for their participation in the LID Project.

**CITY COUNCIL MEETING OF THE CITY OF LEON VALLEY, TEXAS  
MAY 21, 2013**

Mayor Riley stated it is her privilege to serve as Mayor of Leon Valley. She noted that as always she respects the people's choices for City Council and especially this year in Places 1, 3, and 5. However, she stated that she is deeply concerned about the allegations of corruption mailed to all of the City's citizens against two of our former City Council Members as well as a possible implication of our dedicated staff. This reflects on our City's reputation just as we are trying to update our branding and image in Bexar County. These allegations, I am sure will be thoroughly examined but we just can't afford for people to believe political claims which in my estimation are untrue. With that said, I'm committed to working with the new Council and look forward to a productive year ahead. As always, I'm honored to be your Mayor and will work diligently for the prosperity of our citizens and the mission of our City which is to provide superior quality of life by balancing social equity, environmental stewardship, and economic development to achieve sustainability.

**Executive Session**

18. 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).

Two Executive Sessions were conducted, one immediately following the other, pursuant to Section 551.071, consultation with attorney, related to Agenda Items 9 and 14.

19. **Adjourn.** Mayor Riley made a motion for adjournment at 9:40 p.m., there being no objection, Mayor Riley adjourned the meeting at 9:40 p.m.

---

Mayor Chris Riley

ATTEST:

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Janie Willman, City Secretary

**MAYOR AND COUNCIL COMMUNICATION**

DATE: **June 4, 2013**  
M&C # **06-02-13**

**TO: MAYOR AND CITY COUNCIL**

**SUBJECT: TO APPOINT MEMBERS TO THE CITY'S BOARDS, COMMITTEES, AND COMMISSIONS**

**PURPOSE**

This appointment being requested for consideration by the Mayor and City Council is to ensure and facilitate full communication and participation by all affected community stakeholders.

**Branding/Identity Subcommittee:**  
Herman Segovia

**Festivals Subcommittee:**  
Kathy Hill

**S.E.E IMPACT**

**Social Equity** – Residents, business owner/operators, and other stakeholders volunteer to actively participate in the decision-making processes affecting City services.

**Economic Development** – Not applicable.

**Environmental Stewardship** – Not applicable.

**FISCAL IMPACT**

Not applicable.

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

APPROVED WITH THE FOLLOWING AMENDMENTS:

\_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Janie Willman, City Secretary

each month at 7:00 p.m. at City Hall. There are nine (9) members on this commission.

- Tree Advisory Board:** This seven member (7) Board with three (3) alternate members will meet to oversee the Leon Valley Tree Challenge and work toward the City's goal to plant 10,000 trees by the year 2020. Board members serve a term co-terminus with the Mayor. This Board began meeting in July 2009 and holds meetings monthly at 6:30 p.m. in Council Chambers on the 3<sup>rd</sup> Wednesday of the month.
- Zoning Commission:** The Zoning Commission (ZC) acts as an advisory board to the City Council on land use and zoning matters. The Commission holds public meetings on all matters relating to:
  - creation of zoning districts
  - enforcement of zoning regulations
  - amendments to all zoning ordinances
  - any other matter within the scope of the zoning power
 Meetings are held on the fourth Tuesday of each month at 6:30 p.m. at City Hall. There are seven (7) members and three (3) alternates.

.....

**Ad-Hoc Committees Formed from January 2013 Town Hall Meeting**

Please check the box to the left of the Committee to indicate your interest. Thank you.

<input checked="" type="checkbox"/>	<b>City Branding/Identity</b> - To help determine the City's branding, logos, and identity for recommendation to the City Council
<input type="checkbox"/>	<b>City Communications</b> - To help determine the best uses of the City's resources for enhanced communications for recommendation to the City Council
<input type="checkbox"/>	<b>City Festival(s)</b> - To help determine and define options for future City Festivals for recommendation to the City Council

- .....
- I would like to serve on the Committee(s) I have checked above. Please contact me with further information regarding meetings and appointment.
  - I'm not able to volunteer at this time, but perhaps in the future.

<b>Name</b> <i>Herman Segovia</i>	<b>Address</b> <i>118 E Ashby Place San Antonio, TX 78212</i>
<b>Phone Number</b> <i>(210) 944-1593</i>	<b>E-mail Address</b>
<b>Alternate Phone Number</b>	

- I have felony convictions.
  - I do not have felony convictions.
- This information will not disqualify you from consideration.*
- .....

**Return your application:** Mail, email, or drop off your application in care of the Mayor's Office at Leon Valley City Hall, 6400 El Verde Road, Leon Valley, Texas 78238-2399, fax your application to (210) 684-4476, or email to [Mayorriley@leonvalleytexas.gov](mailto:Mayorriley@leonvalleytexas.gov).

each month at 7:00 p.m. at City Hall. There are nine (9) members on this commission.

**Tree Advisory Board:** This seven member (7) Board with three (3) alternate members will meet to oversee the Leon Valley Tree Challenge and work toward the City's goal to plant 10,000 trees by the year 2020. Board members serve a term co-terminus with the Mayor. This Board began meeting in July 2009 and holds meetings monthly at 6:30 p.m. in Council Chambers on the 3<sup>rd</sup> Wednesday of the month.

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- creation of zoning districts
- enforcement of zoning regulations
- amendments to all zoning ordinances
- any other matter within the scope of the zoning power

Meetings are held on the fourth Tuesday of each month at 6:30 p.m. at City Hall. There are seven (7) members and three (3) alternates.

**2012 Bond Oversight Committee:** The 2012 Bond Oversight Committee is a special committee established by the City Council in 2012 seated for the express work related to the \$7 Million Bond authorized by the Leon Valley voters for the construction of municipal facilities related to Fire, Police, & City Administration support services. Applications are accepted upon vacancy and call by the Mayor & City Council for appointment consideration.

.....

### City Council Sub-Committees Formed from January 2013 Town Hall Meeting

Please check the box to the left of the Committee to indicate your interest. Thank you.

<input type="checkbox"/>	City Branding/Identity - To help determine the City's branding, logos, and identity for recommendation to the City Council
<input type="checkbox"/>	City Communications - To help determine the best uses of the City's resources for enhanced communications for recommendation to the City Council
<input checked="" type="checkbox"/>	City Festival(s) - To help determine and define options for future City Festivals for recommendation to the City Council

I would like to serve on the Committee(s) I have checked above. Please contact me with further information regarding meetings and appointment.

I'm not able to volunteer at this time, but perhaps in the future.

<b>Name</b>	<b>Address</b>
Kathy Hill	6326 Mary Jamison, Leon Valley, TX 78238
<b>Phone Number</b>	<b>E-mail Address</b>
210-595-8099	
<b>Alternate Phone Number</b>	

I have felony convictions.                       I do not have felony convictions.  
*This information will not disqualify you from consideration.*

.....

**MAYOR AND COUNCIL COMMUNICATION**

**DATE: June 4, 2013  
M&C # 06-03-13**

**TO: MAYOR AND CITY COUNCIL**

**SUBJECT: APPROVE AN ORDINANCE ADOPTING THE TEXAS DEPARTMENT OF TRANSPORTATION'S (TxDOT) QUALITY ASSURANCE PROGRAM FOR CONSTRUCTION (QAP) FOR THE PURPOSE OF OBTAINING FUTURE TRANSPORTATION RELATED GRANT FUNDS FROM TxDOT**

**PURPOSE**

While in the process of requesting funding for the construction of a proposed hike and bike trail, it was discovered that in order to apply for funding for any transportation related project through TxDOT, the City must either create or adopt the guidelines in TxDOT's Quality Assurance Program for Construction (QAP). This program ensures that materials and workmanship pertaining to soils, cement, and other aggregates that are incorporated into highway construction projects, are in reasonable conformity with the requirements of approved plans and specifications. The QAP specifically addresses:

- Sampling and testing, materials to be tested, and the frequency and location thereof; and
- Testing equipment, laboratories, personnel, and reporting.

**FISCAL IMPACT**

None

**RECOMMENDATION**

It is recommended that the City Council approve an Ordinance adopting TxDOT's Quality Assurance Program for Construction.

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

**Social Equity** - Allows the City of Leon Valley to compete with other suburban cities for federal grant funding and assures City projects are constructed with full adherence to federal and local laws regarding quality of highway project construction.

**Economic Development** - Transportation enhancement projects attract businesses, which further Leon Valley's economic health and well-being.

Environmental Stewardship - An environmental impact study is usually required by TxDOT prior to funding any project, which assures responsible environmental stewardship.

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

APPROVED WITH THE FOLLOWING AMENDMENTS:

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

ATTEST:

\_\_\_\_\_  
Janie Willman, City Secretary

ATT: Proposed Ordinance  
TxDOT Quality Assurance Program for Construction

**AN ORDINANCE**

**APPROVING AND ADOPTING THE TEXAS DEPARTMENT OF TRANSPORTATION'S (TXDOT) QUALITY ASSURANCE PROGRAM FOR CONSTRUCTION FOR THE PURPOSE OF ENTERING INTO FUTURE TXDOT FEDERAL HIGHWAY GRANT PROGRAMS**

**WHEREAS** the City of Leon Valley endeavors to improve the citizen's quality of life by creating, extending, and expanding multimodal methods of transportation throughout the city; and

**WHEREAS** the City of Leon Valley may desire to enter into Local Project funding grants and agreements with the Metropolitan Planning Organization and the Texas Department of Transportation for the purpose of funding such multimodal transportation projects;

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

- 1. That the City Council of the City of Leon Valley approves and adopts the Texas Department of Transportation's Quality Assurance Program for Construction.

This ordinance shall take effect immediately upon its approval, passage, and the meeting of all publication requirements under law.

**PASSED** and **APPROVED** this the 4<sup>th</sup> day of June, 2013.

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

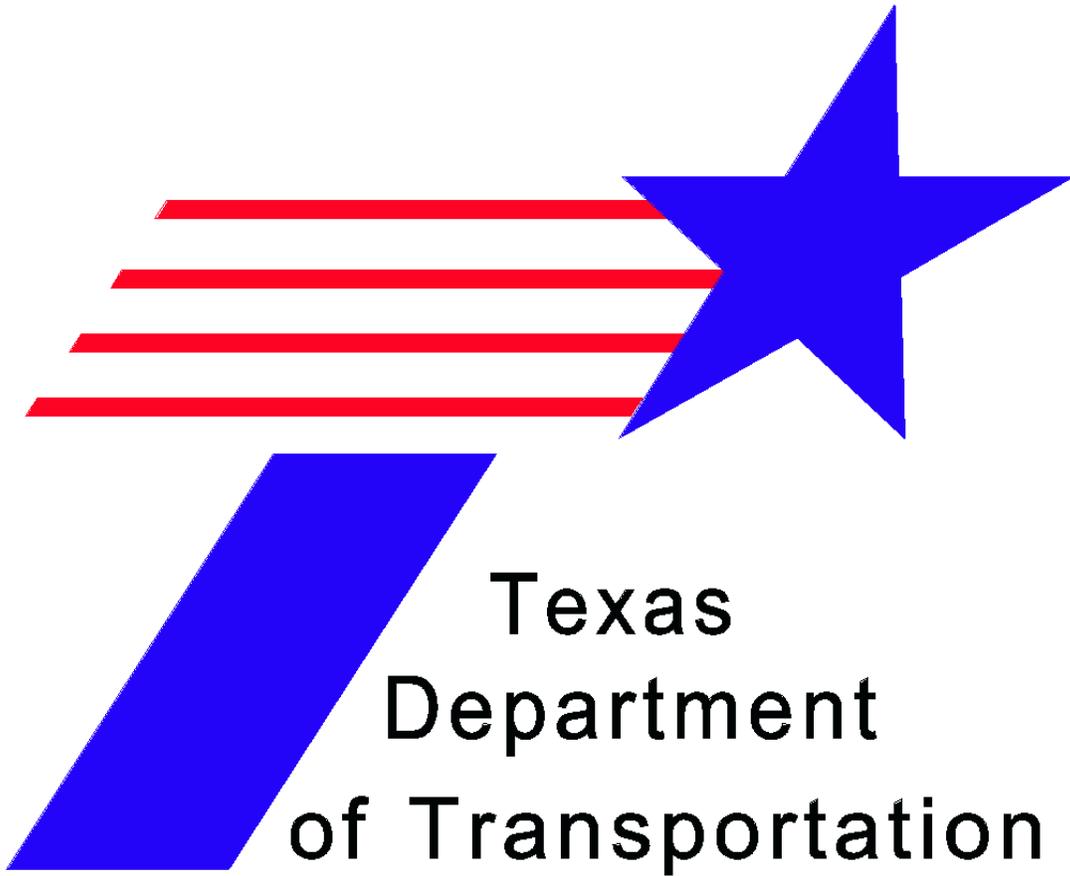
ATTEST:

\_\_\_\_\_  
Janie Willman, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Charlie Zech, City Attorney

# QUALITY ASSURANCE PROGRAM FOR CONSTRUCTION



JUNE 2005

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# TABLE OF CONTENTS

<b>SECTION 1 - INTRODUCTION</b> .....	<b>3</b>
1.1 Overview .....	3
1.2 Definitions .....	3
1.3 Remarks.....	4
<b>SECTION 2 - ACCEPTANCE PROGRAM</b> .....	<b>5</b>
2.1 Overview .....	5
2.2 Sampling and Testing Frequency and Location .....	5
2.3 Quality Control Sampling and Testing .....	5
2.4 Dispute Resolution System .....	5
<b>SECTION 3 - INDEPENDENT ASSURANCE PROGRAM</b> .....	<b>6</b>
3.1 Overview .....	6
3.2 Sampling and Testing Frequency.....	6
3.3 Testing Equipment .....	6
3.4 Testing Personnel .....	7
3.5 Comparing Test Results.....	7
3.6 Annual Report of IA Program Results .....	7
<b>SECTION 4 - MATERIALS CERTIFICATION</b> .....	<b>8</b>
4.1 Overview .....	8
<b>SECTION 5 - CONFLICT OF INTEREST</b> .....	<b>9</b>
5.1 Overview .....	9
<b>SECTION 6 - SAMPLING AND TESTING PERSONNEL QUALIFICATION PROGRAM</b> ..	<b>10</b>
6.1 Purpose.....	10
6.2 Personnel Qualification .....	10
6.3 Who Must Be Qualified?.....	14
6.4 Who Can Qualify Sampling and Testing Personnel?.....	14
6.5 Qualification Procedure .....	14
6.6 Documentation .....	15
6.7 Disqualification .....	15
<b>SECTION 7 - LABORATORY QUALIFICATION PROGRAM</b> .....	<b>17</b>
7.1 Purpose.....	17
7.2 Laboratories to be Qualified .....	17
7.3 Laboratory Qualification Responsibility .....	17
7.4 Qualification Process.....	17
7.5 Calibration Standards and Frequencies for Laboratory Equipment.....	18
7.6 Frequency for Laboratory Qualification .....	18
7.7 Non-Compliance .....	18
7.8 Documentation .....	18

7.9 Dispute Resolution ..... 18

**SECTION 8 - ACCEPTABLE TOLERANCE LIMITS FOR INDEPENDENT ASSURANCE 19**

8.1 Acceptable Tolerance Limits ..... 19

**SECTION 9 - FREQUENCY FOR SYSTEM APPROACH INDEPENDENT ASSURANCE TESTING ..... 22**

9.1 Overview ..... 22

9.2 Required Frequencies and Activities ..... 22

# SECTION 1 - INTRODUCTION

## 1.1 Overview

The Texas Department of Transportation (TxDOT) established the Quality Assurance Program (QAP) to ensure that materials and workmanship incorporated into any highway construction project are in reasonable conformity with the requirements of the approved plans and specifications, including any approved changes. This program conforms to the criteria in 23 CFR 637(b). It consists of an "Acceptance Program" and "Independent Assurance (IA) Program" based on test results obtained by qualified persons and equipment.

The QAP allows for the use of validated contractor-performed quality control (QC) test results as part of an acceptance decision. It also allows for the use of test results obtained by commercial laboratories in the IA program, as well as in acceptance decisions. The acceptance of all materials and workmanship shall be the responsibility of the engineer.

## 1.2 Definitions

The following terms and definitions are referenced in this document and have the meanings set forth below:

**Abuse** shall mean intentional deviations from the approved procedures.

**Acceptance Program** shall mean as all factors that comprise the State highway agency's (SHA) determination of the quality of the product as specified in the contract requirements. These factors include verification sampling, testing, and inspection and may include results of quality control sampling and testing.

**Independent Assurance Program** shall mean activities that are an unbiased and independent evaluation of all the sampling and testing procedures used in the acceptance program. Test procedures used in the acceptance program, which are performed in the SHA's central laboratory, would not be covered by an Independent Assurance Program.

**Neglect** shall mean unintentional deviations from approved procedures that may or may not cause erroneous results.

**Proficiency samples** shall mean homogenous samples that are distributed and tested by two or more laboratories and/or personnel. The test results are compared to assure that the laboratories and/or personnel are obtaining the same results.

**Qualified laboratories** shall mean laboratories capable as defined by appropriate programs established by the SHA. As a minimum, the qualification program shall include provisions for checking testing equipment, and the laboratory shall keep records of calibration checks.

**Qualified sampling and testing personnel** shall mean personnel who are capable as defined by appropriate programs established by the SHA.

Quality assurance shall mean all those planned and systematic actions necessary to provide confidence that a product or service will satisfy given requirements for quality.

Quality control shall mean all contractor/vendor operational techniques and activities that are performed or conducted to fulfill the contract requirements.

Vendor shall mean a supplier of project-produced material that is not the contractor.

Verification sampling and testing shall mean sampling and testing performed to validate the quality of the product.

### 1.3 Remarks

For more information regarding the information and procedures in the manual, contact the Materials & Pavements Section of the Construction Division (512-506-5803).

## SECTION 2 - ACCEPTANCE PROGRAM

### 2.1 Overview

Materials incorporated into any highway construction project shall be subject to verification sampling and testing, as well as quality control (QC) sampling and testing when required by the specifications.

### 2.2 Sampling and Testing Frequency and Location

Verification sampling and testing shall be performed at the location and frequency established in the [Guide Schedule of Sampling and Testing](#) or in the specifications specific to each project.

### 2.3 Quality Control Sampling and Testing

Contractor-performed QC sampling and testing may be used as part of an acceptance decision when required or allowed by specification.

These QC sampling and testing personnel, laboratories, and equipment shall be qualified according to the "Sampling and Testing Personnel Qualification Program" and the "Laboratory Qualification Program" and shall be evaluated under the "Independent Assurance Program" in this document.

These QC test results shall be validated by verification test results obtained from independently taken samples. Qualified TxDOT personnel or their designated agents shall perform verification sampling and testing.

### 2.4 Dispute Resolution System

When QC test results are used in the acceptance decision, testing disputes arising between TxDOT, or its designated agents, and the contractor shall be resolved in a reliable, unbiased manner by referee testing or evaluation performed by the Construction Division, Materials & Pavements Section (CST/M&P) central laboratory. The decision by the CST/M&P central laboratory will be final.

## SECTION 3 - INDEPENDENT ASSURANCE PROGRAM

### 3.1 Overview

The Independent Assurance (IA) program evaluates all sampling and testing procedures, personnel, and equipment used as part of an acceptance decision.

The IA program evaluates the qualified sampling and testing personnel and testing equipment and is established using the system approach. The system approach bases frequency of IA activities on time, regardless of the number of tests, quantities of materials, or numbers of projects tested by the individual being evaluated.

### 3.2 Sampling and Testing Frequency

Perform IA sampling and testing at the frequency established in 'Required Frequencies and Activities.'

NOTE: Testing procedures performed at the Construction Division, Materials & Pavements Section (CST/M&P) central laboratory are not subject to the IA program.

### 3.3 Testing Equipment

CST/M&P will qualify district laboratory testing equipment used for IA sampling and testing, according to the "Laboratory Qualification Program."

The district laboratory will qualify all other department testing equipment and AASHTO accredited commercial laboratory equipment used for IA sampling and testing. (*Note: Any commercial laboratory used for IA sampling and testing must be AASHTO accredited.*)

Qualify testing equipment according to these guidelines:

- A. Frequency for qualifying IA sampling and testing equipment will not exceed one year.
- B. Calibration/verification is required whenever the laboratory or equipment is moved.
- C. IA equipment shall be other than that used for performing verification or quality control (QC) testing.

Any equipment used to perform verification and/or QC sampling and testing in making an acceptance decision will be evaluated by IA sampling and testing personnel. This evaluation includes calibration checks and split or proficiency sample tests. The requirements for, and frequency of, equipment calibrations are shown in TxDOT's test procedures, as referenced in 'Calibration Standards and Frequencies for Laboratory Equipment.' Acceptable tolerance limits for the comparison of test results from split or proficiency samples are shown in "Acceptable Tolerance Limits for Independent Assurance."

### 3.4 Testing Personnel

CST/M&P qualifies district laboratory personnel performing IA sampling and testing, according to the "Sampling and Testing Personnel Qualification Program."

The district laboratory qualifies all other department personnel and AASHTO accredited commercial laboratory personnel performing IA sampling and testing.

Individuals performing IA sampling and testing will be other than those performing verification or QC testing.

IA sampling and testing personnel will evaluate any individual performing verification or QC sampling and testing. This evaluation includes observations and split or proficiency sample testing. Acceptable tolerance limits for the comparison of test results for split or proficiency samples are shown in "Acceptable Tolerance Limits for Independence Assurance."

### 3.5 Comparing Test Results

The engineer performs a prompt comparison of the test results obtained by the individual being evaluated and the IA tester. Acceptable tolerance limits for comparing test results from split and proficiency samples are shown in "Acceptable Tolerance Limits for Independence Assurance."

If the comparisons of the test results do not comply with the tolerances, an engineering review of the test procedures and equipment will be performed immediately to determine the source of the discrepancy.

Identify and incorporate corrective actions as appropriate.

Document and report test results from all samples involved in the IA Program in the appropriate district or project files.

### 3.6 Annual Report of IA Program Results

CST/M&P will compose and submit an annual report to the Federal Highway Administration (FHWA) Division Administrator summarizing the results of TxDOT's systems approach IA program. This report identifies:

- A. Number of sampling and testing personnel evaluated by the systems approach IA testing;
- B. Number of IA evaluations found to be acceptable;
- C. Number of IA evaluations found to be unacceptable; and
- D. Summary of any significant system-wide corrective actions taken.

## SECTION 4 - MATERIALS CERTIFICATION

### 4.1 Overview

A materials certification, conforming in substance to the example, '[Letter of Certification of Materials Used](#),' shall be submitted to the Federal Highway Administration (FHWA) Division Administrator for each construction project that is subject to FHWA construction oversight activities.

## SECTION 5 - CONFLICT OF INTEREST

### 5.1 Overview

To avoid an appearance of a conflict of interest, any qualified non-TxDOT laboratory shall perform only one of the following types of testing on the same project:

- A. Verification testing;
- B. Quality control testing; or
- C. Independent Assurance (IA) testing.

## SECTION 6 - SAMPLING AND TESTING PERSONNEL QUALIFICATION PROGRAM

### 6.1 Purpose

This program provides uniform statewide procedures for sampling and testing personnel qualification to ensure that tests required by the specifications are performed according to the prescribed sampling and testing methods.

### 6.2 Personnel Qualification

Sampling and testing personnel will be qualified to perform tests for the acceptance of materials in the areas of Portland cement concrete, soils and aggregates, and bituminous materials.

The test methods for which individuals can be qualified include, but are not limited to, the following. (\* Denotes tests on which annual split or proficiency sample evaluations are required.)

#### 6.2.1 Soils (100-E Series)

- A. Tex-100-E, "Surveying and Sampling Soils for Highways"
- B. Tex-101-E, "Preparing Soil and Flexible Base Materials for Testing"
- C. Tex-102-E, "Determining Slaking Time"
- D. Tex-103-E, "Determining Moisture Content in Soil Materials"
- E. Tex-104-E, "Determining Liquid Limit of Soils" \*
- F. Tex-105-E, "Determining Plastic Limit of Soils" \*
- G. Tex-106-E, "Calculating the Plasticity Index of Soils" \*
- H. Tex-107-E, "Determining the Bar Linear Shrinkage of Soils" \*
- I. Tex-108-E, "Determining the Specific Gravity of Soils"
- J. Tex-110-E, "Particle Size Analysis of Soils" \*
- K. Tex-111-E, "Determining the Amount of Material in Soils Finer than 75 µm (No. 200) Sieve"
- L. Tex-113-E, "Laboratory Compaction Characteristics and Moisture-Density Relationship of Base Materials"
- M. Tex-114-E, "Laboratory Compaction Characteristics and Moisture-Density Relationship of Subgrade and Embankment Soils"
- N. Tex-115-E, "Field Method for Determining In-Place Density of Soils and Base Materials"
- O. Tex-116-E, "Ball Mill Method for Determining the Disintegration of Flexible Base Material"
- P. Tex-117-E, "Triaxial Compression Tests for Disturbed Soils and Base Materials"
- Q. Tex-120-E, "Soil-Cement Testing"

- R. Tex-121-E, "Soil-Lime Testing"
- S. Tex-126-E, "Molding, Testing, and Evaluating Bituminous Black Base Materials"
- T. Tex-127-E, "Lime Fly-Ash Compressive Strength Test Methods"
- U. Tex-128-E, "Determining Soil pH"
- V. Tex-129-E, "Measuring the Resistivity of Soil Materials"
- W. Tex-140-E, "Measuring the Thickness of Pavement Layer"
- X. Tex-142-E, "Laboratory Classification of Soils for Engineering Purposes"
- Y. Tex-145-E, "Determining Sulfate Content in Soils – Colorimetric Method"
- Z. Tex-146-E, "Conductivity Test for Field Detection of Sulfates in Soil"

### 6.2.2 Bituminous (200-F Series)

- A. Tex-200-F, "Sieve Analysis of Fine and Coarse Aggregate" \*
- B. Tex-201-F, "Bulk Specific Gravity and Water Absorption of Aggregate"
- C. Tex-202-F, "Apparent Specific Gravity of Material Finer than 180  $\mu\text{m}$  (No. 80) Sieve"
- D. Tex-203-F, "Sand Equivalent Test" \*
- E. Tex-204-F, "Design of Bituminous Mixtures"
- F. Tex-205-F, "Laboratory Method of Mixing Bituminous Mixtures"
- G. Tex-206-F, "Compacting Test Specimens of Bituminous Mixtures" \*
- H. Tex-207-F, "Determining Density of Compacted Bituminous Mixtures" \*
- I. Tex-208-F, "Test for Stabilometer Value of Bituminous Mixtures"
- J. Tex-210-F, "Determining Asphalt Content of Bituminous Mixtures by Extraction"
- K. Tex-211-F, "Recovery of Asphalt from Bituminous Mixtures by the Abson Process"
- L. Tex-212-F, "Determining Moisture Content of Bituminous Mixtures"
- M. Tex-213-F, "Determining Hydrocarbon-Volatile Content of Bituminous Mixtures"
- N. Tex-217-F, "Determining Deleterious Material and Decantation Test for Coarse Aggregates"
- O. Tex-221-F, "Sampling Aggregate for Bituminous Mixtures, Surface Treatments, and Limestone Rock Asphalt"
- P. Tex-222-F, "Sampling Bituminous Mixtures"
- Q. Tex-224-F, "Determining Flakiness Index"
- R. Tex-225-F, "Random Selection of Bituminous Mixture Samples"
- S. Tex-226-F, "Indirect Tensile Strength Test"
- T. Tex-227-F, "Theoretical Maximum Specific Gravity of Bituminous Mixtures" \*
- U. Tex-228-F, "Determining Asphalt Content of Bituminous Mixtures by the Nuclear Method"

- V. Tex-229-F, "Combined HMAC Cold-Belt Sampling and Testing Procedure"
- W. Tex-233-F, "Preparing Control Charts for Asphaltic Concrete Paving Projects"
- X. Tex-235-F, "Determining Draindown Characteristics in Bituminous Materials"
- Y. Tex-236-F, "Determining Asphalt Content from Asphalt Paving Mixtures by the Ignition Method" \*
- Z. Tex-239-F, "Asphalt Release Agent"
- AA. Tex-241-F, "Superpave Gyrotory Compacting of Test Specimens of Bituminous Mixtures"
- BB. Tex-242-F, "Hamburg Wheel-Tracking Test"
- CC. Tex-243-F, "Tack Coat Adhesion"
- DD. Tex-244-F, "Thermal Profile of Hot Mix Asphalt"
- EE. Tex-245-F, "Cantabro Loss"
- FF. Tex-246-F, "Permeability or Water Flow of Hot Mix Asphalt"
- GG. Tex-280-F, "Determining Flat and Elongated Particles"

### 6.2.3 Aggregates (400-A Series)

- A. Tex-400-E, "Sampling Stone, Gravel, Sand, and Mineral Aggregates"
- B. Tex-401-A, "Sieve Analysis of Fine and Coarse Aggregate" \*
- C. Tex-402-A, "Fineness Modulus of Fine Aggregate"
- D. Tex-403-A, "Saturated Surface Dry Specific Gravity and Absorption of Aggregates"
- E. Tex-404-A, "Determining Unit Mass (Weight) of Aggregates"
- F. Tex-405-A, "Determining Percent Solids and Voids in Concrete Aggregates"
- G. Tex-406-A, "Material Finer than 75  $\mu\text{m}$  (No. 200) Sieve in Mineral Aggregates (Decantation Test for Concrete Aggregates)"
- H. Tex-408-A, "Organic Impurities in Fine Aggregate for Concrete"
- I. Tex-409-A, "Free Moisture and Water Absorption in Aggregate for Concrete"
- J. Tex-410-A, "Abrasion of Coarse Aggregate Using the Los Angeles Machine"
- K. Tex-411-A, "Soundness of Aggregate by Using Sodium Sulfate or Magnesium Sulfate"
- L. Tex-413-A, "Determining Deleterious Materials in Mineral Aggregates"
- M. Tex-425-A, "Determining Moisture Content in Fine Aggregate by the 'Speedy' Moisture Method"
- N. Tex-460-A, "Determining Crushed Face Particle Count"
- O. Tex-461-A, "Degradation of Coarse Aggregates by Micro-Deval Abrasion"

#### 6.2.4 Concrete (400-A Series)

- A. Tex-407-A, "Sampling Freshly Mixed Concrete"
- B. Tex-414-A, "Air Content of Freshly Mixed Concrete by the Volumetric Method" \*
- C. Tex-415-A, "Slump of Portland Cement Concrete" \*
- D. Tex-416-A, "Air Content of Freshly Mixed Concrete by the Pressure Method" \*
- E. Tex-417-A, "Unit Weight, Yield, and Air Content (Gravimetric) of Concrete"
- F. Tex-418-A, "Compressive Strength of Cylindrical Concrete Specimens" \*
- G. Tex-422-A, "Measuring Temperature of Freshly Mixed Portland Cement Concrete"
- H. Tex-423-A, "Determining Pavement Thickness by Direct Measurement"
- I. Tex-424-A, "Obtaining and Testing Drilled Cores of Concrete"
- J. Tex-426-A, "Estimating Concrete Strength by the Maturity Method"
- K. Tex-427-A, "Correlating Concrete Strength Tests"
- L. Tex-430-A, "Slump Loss of Hydraulic Cement Concrete"
- M. Tex-436-A, "Measuring Texture Depth by the Sand Patch Method"
- N. Tex-437-A, "Test for Flow of Grout Mixtures (Flow Cone Method)"
- O. Tex-440-A, "Initial Time of Set of Fresh Concrete"
- P. Tex-447-A, "Making and Curing Concrete Test Specimens"
- Q. Tex-448-A, "Flexural Strength of Concrete Using Simple Beam Third-Point Loading" \*
- R. Tex-450-A, "Capping Cylindrical Concrete Specimens"
- S. Tex-472-A, "Uniformity of Concrete"

#### 6.2.5 Asphalt (500-C Series)

- A. Tex-502-C, "Penetration of Bituminous Materials" (refer to AASHTO T 49)
- B. Tex-530-C, "Effect of Water on Bituminous Paving Mixtures"
- C. Tex-531-C, "Prediction of Moisture-Induced Damage to Bituminous Paving Materials Using Molded Specimens"

#### 6.2.6 Special Procedures (100-S Series)

- A. Tex-1000-S, "Operating Pavement Profilograph and Evaluating Profiles"
- B. Tex-1001-S, "Operating Inertial Profilers and Evaluating Pavement Profiles"

There may be other tests, not listed above, that are routinely performed in specific geographical locations of the state for which applicable TxDOT districts may require qualification.

### 6.3 Who Must Be Qualified?

Any individual who performs tests on materials for acceptance must be qualified.

NOTE: Reciprocity may be granted to individuals who have been successfully qualified under another state's program. These situations will be considered on a case-by-case basis and must meet the approval of the Construction Division director.

### 6.4 Who Can Qualify Sampling and Testing Personnel?

The following personnel may qualify an individual to perform the required sampling and testing of materials:

- A. Construction Division, Materials & Pavements Section (CST/M&P) personnel;
- B. Qualified district materials engineer/laboratory supervisor;
- C. Qualified district laboratory personnel who have been authorized by the district material engineer/laboratory supervisor to qualify others;
- D. Other TxDOT personnel who have been qualified to perform a specific test (may be authorized only by the district material engineer/laboratory supervisor to qualify others); and
- E. Other independent sources, such as the Texas Asphalt Pavement Association (TxAPA) or the American Concrete Institute (ACI). Certifications received from these institutions may be used to satisfy the written exam and observation part of the "Sampling and Testing Personnel Qualification Program."

Each district laboratory will maintain a minimum of one individual qualified by CST/M&P for each test procedure performed within the district.

### 6.5 Qualification Procedure

To qualify, an individual must successfully perform the specific test and the necessary calculations required to determine specification compliance in the presence of an authorized evaluator. Successful performance is defined as demonstrating the ability to properly perform the key elements for each test method. If the individual fails to demonstrate the ability to perform a test, the individual will be allowed one retest per test method at the evaluator's convenience.

After successful performance of a test method, the individual must also pass a written examination (minimum score of 80%) administered by an authorized evaluator. An individual failing the written examination may request a retest. The retest must be scheduled and administered within thirty days of notification of failure. Failure to pass the second written examination shall be considered as failing the entire qualification.

If an individual fails to qualify on a specific test method or the qualification is revoked, the individual must obtain additional training before the individual can retest on that specific test.

In addition, for tests that CST/M&P determines to require a split/proficiency sample evaluation, the individual must participate in split/proficiency samples given by the qualification authority to validate the qualification. CST/M&P determines the qualification authority for the split/proficiency sample. The results of the samples will be evaluated with acceptable tolerance limits. If the comparisons of the test results do not comply with the tolerances, an engineering review of the test procedures and equipment will be performed immediately to determine the source of the discrepancy. Corrective actions must be identified and incorporated as appropriate, prior to the individual performing additional testing on that test method.

Under unique circumstances, the qualification authority may grant a verbal examination upon request. The reason(s) for requesting a verbal examination must be presented and documented prior to the individual being allowed to take the examination.

Unless otherwise stated, qualification of an individual is valid for not more than three years, after which the individual must be re-qualified. Under the Independent Assurance (IA) system approach, interim evaluations will be required as specified in "Frequency of System Approach Independent Assurance Testing."

## 6.6 Documentation

CST/M&P and the district material engineer/laboratory supervisor are responsible for maintaining documentation of all individuals qualified under their authority who perform required tests for acceptance of materials. Area offices must also maintain copies of the certificates for individuals performing testing on projects under their supervision.

Documentation to be maintained by CST/M&P and the district material engineer/laboratory supervisor includes:

- A. Sampling and testing personnel qualification form—a form for each individual listing all the tests the individual has been qualified to perform;
- B. Qualification worksheet—a form listing the key elements of the test method (The evaluator conducting the observation uses the form to record the results.);
- C. Copy of qualification certificates issued; and
- D. Copies of written examinations.

Documentation retention will be for the life of the qualification. Qualification authority must be shown on the certificate given to each individual.

## 6.7 Disqualification

Accusations of neglect or abuse of the rights and responsibilities are made to the district engineer. The difference between neglect and abuse is intent and shall be determined by the district engineer.

Penalties are implemented upon recommendation by the district engineer, and the penalties range from a minimum of ninety days suspension to a maximum of permanent revocation of the certification.

- A. The first instance of neglect results in a ninety-day suspension; any subsequent instance shall be considered and treated the same as abuse.
- B. The first instance of abuse results in a six-month suspension.
- C. The second instance of abuse results in permanent revocation of the certification.
- D. Permanent revocation of a certification results in that individual being ineligible for certification at any level.

Certifications are considered as statewide; therefore, any suspensions and/or revocations will apply statewide.

## SECTION 7 - LABORATORY QUALIFICATION PROGRAM

### 7.1 Purpose

This program provides uniform statewide procedures to ensure that laboratory facilities and equipment are adequate for the performance of required sampling and testing methods.

### 7.2 Laboratories to be Qualified

All laboratories performing testing for TxDOT require qualification. These include, but are not limited to the following:

- A. Construction Division, Materials & Pavements Section (CST/M&P) central laboratory;
- B. District laboratories;
- C. Area/project laboratories (including field laboratories);
- D. CST/M&P field laboratories;
- E. Commercial laboratories;
- F. Contractor laboratories; and
- G. Vendor laboratories (material suppliers).

### 7.3 Laboratory Qualification Responsibility

CST/M&P central laboratory will be accredited under the AASHTO Laboratory Accreditation Program.

CST/M&P is responsible for overseeing the statewide laboratory qualification program and for qualifying district laboratories. At the district level, the qualifying authority will be the district material engineer/laboratory supervisor. However, the district material engineer/laboratory supervisor may authorize other TxDOT personnel to perform laboratory qualification activities.

### 7.4 Qualification Process

The laboratory qualifying authority will:

- A. Identify the scope of testing to be performed;
- B. Verify that manuals and/or test methods used to perform tests are available and up-to-date;
- C. Document that the laboratory has the required equipment to perform the tests; and
- D. Check the calibration/verification records for each piece of equipment, to include:
  - a. Description of equipment;
  - b. Identification of any traceable standard used;

- c. Frequency of calibration;
- d. Date of calibration;
- e. Date of last calibration;
- f. Date of next calibration;
- g. Calibrating technician;
- h. Procedure used to calibrate/verify equipment; and
- i. Detailed results of calibration.

In addition, all equipment may be subjected to calibration verification or other inspection by the qualifying authority.

## **7.5 Calibration Standards and Frequencies for Laboratory Equipment**

The standards for calibration and the frequencies for laboratory equipment calibrations are shown in Tex-198-E, "Minimum Standards for Acceptance of a Laboratory for Soils and Flexible Base Testing;" Tex-237-F, "Minimum Standards for Acceptance of a Laboratory for Hot Mix Testing;" and Tex-498-A, "Minimum Standards for Acceptance of a Laboratory for Concrete and Aggregate Testing."

## **7.6 Frequency for Laboratory Qualification**

Laboratories are qualified at an interval not to exceed three years. Calibration/verification is required whenever the laboratory or equipment is moved. Equipment used in IA sampling and testing will be verified at intervals not to exceed one year.

## **7.7 Non-Compliance**

A laboratory that does not meet the above requirements is subject to disqualification. Any equipment in a qualified laboratory failing to meet specified equipment requirements for a specific test method will not be used for that test method.

## **7.8 Documentation**

All districts are responsible for verifying that laboratories are qualified to perform TxDOT testing. Documentation will be required to be kept by the qualified laboratory and district laboratory. Calibration records will be maintained for three years, unless another agency requires a longer period.

## **7.9 Dispute Resolution**

The next higher qualification authority will resolve disputes concerning calibration and verification of equipment. For disputes that cannot be resolved at the district level, CST/M&P will be the final authority.

## SECTION 8 - ACCEPTABLE TOLERANCE LIMITS FOR INDEPENDENT ASSURANCE

### 8.1 Acceptable Tolerance Limits

The following table indicates the acceptable tolerance limits for the specified material.

PROCEDURE	TEST METHOD	TOLERANCE
<b>Embankment</b>		
In-Place Density	Tex-115-E	± 2.5% Field Density
<b>Untreated &amp; Treated Sub-Base and Base Courses</b>		
In-Place Density	Tex-115-E	± 2.5% Field Density
Gradation:	Tex-110-E	
> No. 4 sieve		± 5%
≤ No. 4 sieve		± 3%
Liquid Limit	Tex-104-E	15% of the mean *
Plasticity Index	Tex-106-E	20% of the mean *
* The difference between compared test results shall not exceed the indicated percentage of the mean of the compared test results where the mean is the average of the two test results.		
<b>Asphalt Stabilized Base</b>		
Gradation:	Tex-200-F	
> No. 4 sieve		± 5%
≤ No. 4 sieve		± 3%
Liquid Limit	Tex-104-E	15% of the mean *
Plasticity Index	Tex-106-E	20% of the mean *
Percent Asphalt	Tex-210-F	± 0.3%
	Tex-228-F	± 0.3%
	Tex-126-E	± 0.3%
	Tex-229-F	± 0.3%
	Tex-236-F	± 0.3%
In-Place Density (Cores)	Tex-207-F	± 1% Field Density
* The difference between compared test results shall not exceed the indicated percentage of the mean of the compared test results where the mean is the average of the two test results.		
<b>Surface Treatment Aggregates</b>		
Gradation:	Tex-200-F	
> No. 4 sieve		± 5%
≤ No. 4 sieve		± 3%
<b>Portland Cement Concrete Coarse Aggregate</b>		
Gradation:	Tex-401-A	
> No. 4 sieve		± 5%
≤ No. 4 sieve		± 3%

PROCEDURE	TEST METHOD	TOLERANCE
<b>Portland Cement Concrete Fine Aggregate</b>		
Gradation (3/8"–No. 200)	Tex-401-A	± 3%
Sand Equivalent	Tex-203-F	± 10
<b>Portland Cement Concrete Complete Mixture</b>		
Flexural Strength Compressive	Tex-448-A	20% of the mean *
	Tex-418-A	20% of the mean *
Slump	Tex-415-A	± 1"
Entrained Air	Tex-414-A	± 1%
	Tex-416-A	± 1%
* The difference between compared test results shall not exceed the indicated percentage of the mean of the compared test results where the mean is the average of the two test results.		
<b>Asphaltic Concrete Coarse Aggregate</b>		
Gradation:	Tex-200-F	
> No. 10 sieve		± 5%
≤ No. 10 sieve		± 3%
Deleterious Material	Tex-217-F	± 0.3%
Decantation	Tex-217-F	20% of the mean *
* The difference between compared test results shall not exceed the indicated percentage of the mean of the compared test results where the mean is the average of the two test results.		
<b>Asphaltic Concrete Fine Aggregate</b>		
Gradation (No. 1–No. 200)	Tex-200-F	± 3%
Bar Linear Shrinkage	Tex-107-E	± 2
<b>Asphaltic Concrete Combined Aggregate</b>		
Gradation:	Tex-200-F	
> 5/8"		± 5%
5/8"–No. 200		± 3%
Passing No. 200		± 1.5%
Sand Equivalent	Tex-203-F	± 10
<b>Asphaltic Concrete Complete Mixture</b>		
Asphalt Content	Tex-210-F	± 0.3%
	Tex-228-F	± 0.3%
	Tex-229-F	± 0.3%
	Tex-236-F	± 0.3%
Maximum Theoretical Specific Gravity	Tex-227-F	± 0.020
Laboratory Molded Density	Tex-207-F	± 1.0%
Laboratory Molded Bulk Specific Gravity	Tex-207-F	± 0.020
Stability	Tex-208-F	5 points
Moisture	Tex-212-F	± 0.0 ml
In-Place Air Voids (Core)	Tex-207-F	± 1.0%

NOTE: The above tolerances are to be used when comparison of test results is by split samples. A tolerance of plus or minus two standard deviations shall be used when comparison of test results is by proficiency samples.

EXAMPLE: Plasticity Index	
Job Control test value	18
IA Test value	22
Mean	20
20% difference	4

Both values are within 20% of the mean.

## SECTION 9 - FREQUENCY FOR SYSTEM APPROACH INDEPENDENT ASSURANCE TESTING

### 9.1 Overview

The system approach for Independent Assurance (IA) requires IA activities to occur on a time basis, as opposed to occurring on a quantity of material or project basis.

### 9.2 Required Frequencies and Activities

The following frequencies and activities are required for evaluating sampling and testing personnel and equipment under the system approach to IA.

TIME	ACTIVITY
Prior to performing acceptance sampling and testing	Qualification is required under the "Sampling and Testing Personnel Qualification Program" and the "Laboratory Qualification Program"
Within 12 months after Observation and Qualification	Each qualified technician is required to participate in one proficiency or split sample test for each test method requiring IA. Results must compare to the IA test results to within the established tolerance.
Within 24 months after Observation and Qualification	Each qualified technician is required to participate in one proficiency or split sample test for each test method requiring IA. Results must compare to the IA test results to within the established tolerance.
Within 36 months of qualification	Qualification is again required under the "Sampling and Testing Personnel Qualification Program and the "Laboratory Qualification Program"

NOTE: For American Concrete Institute (ACI) certification, Field Technician Grade I, the above frequency is extended to five years.

Maintaining technician qualification under the IA systems approach requires continuation of the above cycle of qualification and successful split or proficiency sample testing.

The background features a large, faded circular seal. The outer ring of the seal contains the text "CITY OF LEON VALLEY" at the top and "VALLEY OF THE LIONS" at the bottom. Inside this ring is a shield-shaped emblem. At the top of the shield, it says "IN THE LONG TRIP STATE". The central part of the shield depicts a lion rampant, a symbol of strength and courage. The seal is rendered in a light gray color, serving as a watermark for the presentation.

**City of Leon Valley  
Adoption of TxDOT's  
Quality Assurance Program  
June 4, 2013**



# Purpose

- To approve an ordinance adopting guidelines set out by Texas Department of Transportation (TxDOT) for quality assurance in the materials used in TxDOT & Federal Highway Administration (FHWA) funded transportation projects



# Background

- Proposing to construct Hike & Bike Trail
- Project accepted at Metropolitan Planning Organization's (MPO) 2012 Call for Projects
- Funding from City (20%) & FHWA (80%), through TxDOT (oversight responsibility)
- Must create or adopt TxDOT's Quality Assurance Program (QAP) in order to qualify



# Background

- Relates to:
- Sampling & testing of materials used in highway related projects (soils, concrete, aggregates)
- Governs testing equipment, laboratories used, personnel requirements & reporting



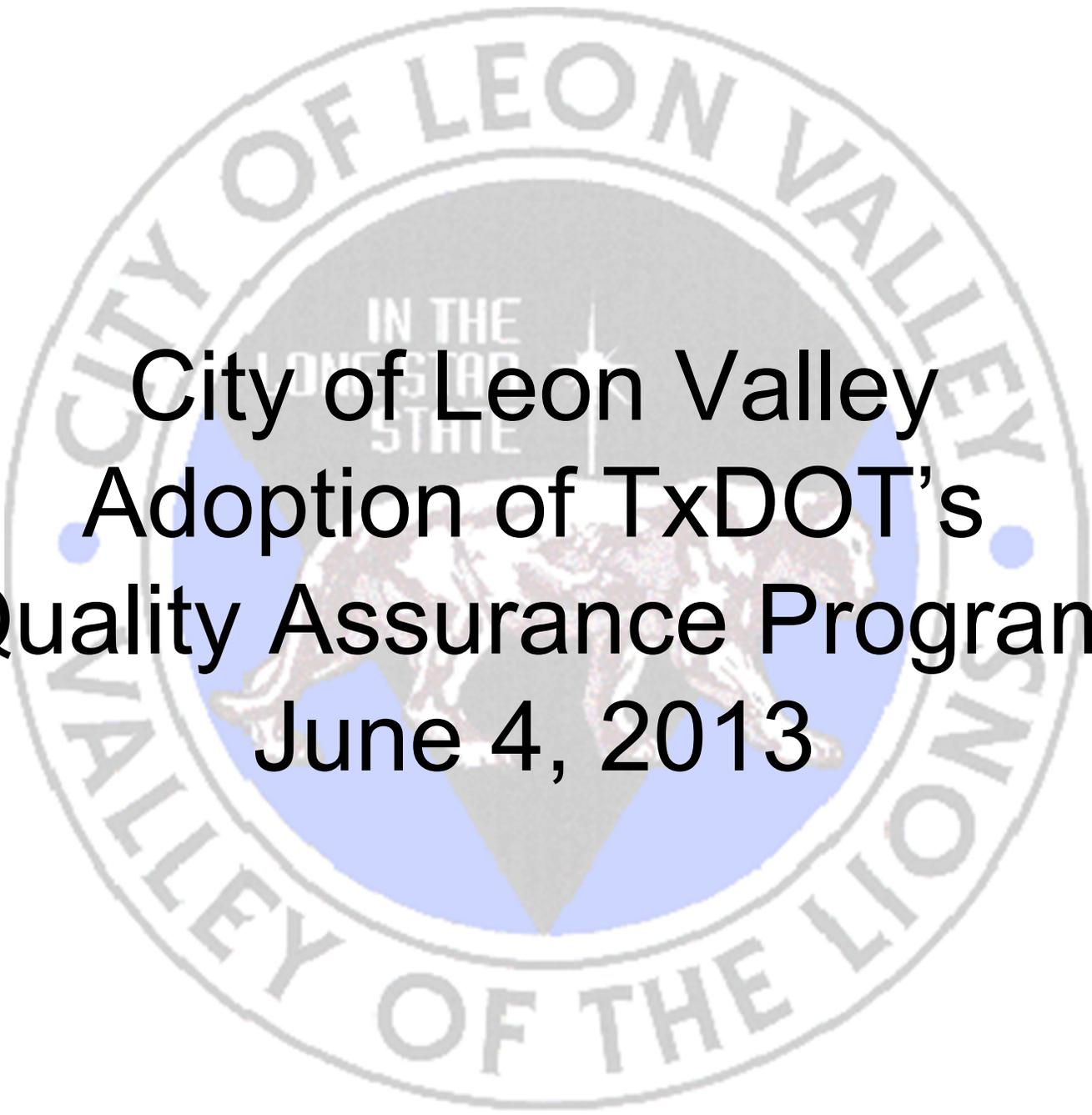
# Recommendation

- Approve Ordinance adopting TxDOT's Quality Assurance Program



# S.E.E. Impact Statement

- Social Equity – allows City to compete with other urban cities for federal funding of highway related projects & assures projects are constructed properly
- Economic Development – Transportation enhancement projects improve Leon Valley's overall attraction to new businesses
- Environmental Stewardship – an environmental impact study is typically required for all TxDOT related projects

The background features a large, faded circular seal. The outer ring of the seal contains the text "CITY OF LEON VALLEY" at the top and "VALLEY OF THE LIONS" at the bottom. Inside the ring, there is a central emblem depicting a lion standing on a pedestal. Above the lion, the text "IN THE LONG STAR STATE" is visible. The seal is rendered in a light gray color.

**City of Leon Valley  
Adoption of TxDOT's  
Quality Assurance Program  
June 4, 2013**

**Agenda Item 7**

**MAYOR AND COUNCIL COMMUNICATION**

DATE: **June 4, 2013**  
M&C # **06-04-13**

**TO: MAYOR AND CITY COUNCIL**  
**SUBJECT: ELECTION OF A MAYOR PRO TEM.**

**PURPOSE**

The City Council votes from amongst its membership each year after the canvass and seating of the new City Council following the May Elections. This item will allow the City Council to consider the election of a mayor pro tem by minute order.

The mayor pro tem(pore) is a member of the Council who performs the mayor's duties during the mayor's incapacity or absence. The mayor pro tem is selected by majority vote of the Council from among its own membership. The mayor pro tem's term is one year. The mayor pro tem retains the right to vote on all matters before the Council (and not just to break a tie) while performing the duties of the mayor.

The selected mayor pro tem will serve for a one-year term effective June 5, 2013.

**S.E.E IMPACT**

**Social Equity** – Not applicable.

**Economic Development** – Not applicable.

**Environmental Stewardship** – Not applicable.

**FISCAL IMPACT**

Not applicable.

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

APPROVED WITH THE FOLLOWING AMENDMENTS:

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ATTEST:

\_\_\_\_\_  
Janie Willman, City Secretary

**Agenda Item 8**

MAYOR AND COUNCIL COMMUNICATION

**DATE: June 4, 2013  
M&C # 06-05-13**

**TO: MAYOR AND CITY COUNCIL**

**SUBJECT: CONSIDER ACTION AMENDING ORDINANCE NO. 12-008 THAT ESTABLISHED THE 2012 BOND PROGRAM OVERSIGHT COMMITTEE, AMENDING THE COMMITTEE STRUCTURE AND MEMBERSHIP, APPOINTING TWO CITY COUNCIL LIAISONS TO THE BOND OVERSIGHT COMMITTEE, AND APPOINTING A CHAIRPERSON TO THE BOND OVERSIGHT COMMITTEE**

**PURPOSE**

The 2012 Bond Program Oversight Committee was created with the adoption of Ordinance No. 12-008 on June 19, 2012. The language in Ordinance No. 12-008 related to the committee membership and structure contemplated and named as the two City Council Liaisons City Council Members who had worked through the initial processes with the staff and ad-hoc committee members. Following the May 11, 2013 General Election for City Council, changes to the City Council membership have occurred.

In order to ensure the Bond Oversight Committee continues to work in an effective and progressive manner, the City Council is being requested to consider amending Ordinance 12-008 and the Bond Oversight Committee's Charter to accommodate the following:

- The need to make City Council Liaison changes which can occur following annual May elections.
- The need to minimize loss of the City Council Liaison's work and knowledge, in particular, as it relates to the complex issues involved in oversight work of the Bond Oversight Committee.

The amending ordinance language consists of the following:

- 1) in the Committee's structure and membership section (Section B) from *Councilman Jack Dean and Councilwoman Kathy Hill* to **two City Council Liaisons**
- 2) Appointing two City Council Liaisons from amongst the City Council membership by naming the actual two City Council Liaisons
- 3) Appointing a new chairperson to the Bond Oversight Committee
- 4) The final change that needs to be made is to amend the 2012 Bond Program Oversight Committee Charter to reflect the changes authorized in the amending ordinance.

Staff was informed prior to the City Council packet being finalized that two City Council Members have volunteered to serve in the capacity of the two City Council Liaisons; Councilman Jack Dean and Councilman Abraham Diaz.

Former Councilwoman Kathy Hill, who served as one of the two City Council Liaisons prior to the May elections, has submitted her application for service on the Bond Oversight Committee for the City Council's consideration. A copy of her application for service follows this document.

**Agenda Item 8**

**FISCAL IMPACT**

Not applicable.

**S.E.E. IMPACT**

**Social** – To ensure good stewardship of taxpayer monies by having a Committee, which reports directly to the Mayor and Council, oversee the 2012 Bond Program

**Economic** – N/A

**Environmental** – N/A

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

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

APPROVED WITH THE FOLLOWING COMMENTS: \_\_\_\_\_

\_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Janie Willman, City Secretary

each month at 7:00 p.m. at City Hall. There are nine (9) members on this commission.

**Tree Advisory Board:** This seven member (7) Board with three (3) alternate members will meet to oversee the Leon Valley Tree Challenge and work toward the City's goal to plant 10,000 trees by the year 2020. Board members serve a term co-terminus with the Mayor. This Board began meeting in July 2009 and holds meetings monthly at 6:30 p.m. in Council Chambers on the 3<sup>rd</sup> Wednesday of the month.

**Zoning Commission:** The Zoning Commission (ZC) acts as an advisory board to the City Council on land use and zoning matters. The Commission holds public meetings on all matters relating to:

- creation of zoning districts
- enforcement of zoning regulations
- amendments to all zoning ordinances
- any other matter within the scope of the zoning power

Meetings are held on the fourth Tuesday of each month at 6:30 p.m. at City Hall. There are seven (7) members and three (3) alternates.

**2012 Bond Oversight Committee:** The 2012 Bond Oversight Committee is a special committee established by the City Council in 2012 seated for the express work related to the \$7 Million Bond authorized by the Leon Valley voters for the construction of municipal facilities related to Fire, Police, & City Administration support services. Applications are accepted upon vacancy and call by the Mayor & City Council for appointment consideration.

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### City Council Sub-Committees Formed from January 2013 Town Hall Meeting

Please check the box to the left of the Committee to indicate your interest. Thank you.

<input type="checkbox"/>	City Branding/Identity - To help determine the City's branding, logos, and identity for recommendation to the City Council
<input type="checkbox"/>	City Communications - To help determine the best uses of the City's resources for enhanced communications for recommendation to the City Council
<input checked="" type="checkbox"/>	City Festival(s) - To help determine and define options for future City Festivals for recommendation to the City Council

I would like to serve on the Committee(s) I have checked above. Please contact me with further information regarding meetings and appointment.

I'm not able to volunteer at this time, but perhaps in the future.

<b>Name</b>	<b>Address</b>
Kathy Hill	6326 Mary Jamison, Leon Valley, TX 78238
<b>Phone Number</b>	<b>E-mail Address</b>
210-595-8099	
<b>Alternate Phone Number</b>	

I have felony convictions.                       I do not have felony convictions.  
*This information will not disqualify you from consideration.*

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**CITY OF LEON VALLEY  
2012 BOND PROGRAM OVERSIGHT COMMITTEE CHARTER**

**Committee's Charge**

On May 12, 2012, the citizens of the City of Leon Valley approved a \$7,000,000 Bond Issue. The Issuance was specifically earmarked for designing, acquiring, constructing, improving, renovating, demolishing, expanding, and equipping a Public Safety and Support Services Complex to house police, fire, municipal court, and City administration service departments, and expenses incidental and necessary to the foregoing (including necessary utility relocation, acquisition of easements, rights-of-way, and other real property interests, landscaping, and streetscape modification and improvements).

The Leon Valley City Council desires to have citizen input and oversight on the effective, efficient, and lawful use of the 2012 Bond proceeds. Therefore, the creation of the 2012 Bond Program Oversight Committee will establish a mechanism to encourage greater accountability. The Committee's charge is to monitor the construction projects funded by the 2012 Bond proceeds and help interested resident of Leon Valley stay informed about construction and renovation projects funded by the 2012 Bonds.

The Committee is an independent citizens Committee that is responsible to the Mayor and City Council of Leon Valley and to the general public. Its purpose is to monitor performance in order to confirm that the City of Leon Valley implements the 2012 Bond Program work in conformance with the program approved by the voters. The Committee counsels and provides input to the Mayor and City Council, but it does not have management or policy-setting responsibilities.

**Committee Structure and Membership**

- a) The Committee has seven (7) voting members appointed by the Mayor and City Council. Appointments to the Committee will be for the duration of the project outlined in the Committee's Charge. The Committee will consist of a Chairperson, Vice Chairperson, Secretary, and four members.
- b) Two City Council Members will serve as City Council Liaisons to the Committee.
- c) The Chairperson will be appointed by the Mayor and City Council.
- d) The Vice Chairperson and Secretary will be elected by the Committee members and will take place within 30 days of the initial appointment of the Committee by the Mayor and City Council.

- e) All members of the Committee shall be considered to be volunteers of the City of Leon Valley. The Committee shall function in an advisory capacity only and shall have no authority over City of Leon Valley employees.
- f) The Committee members receive no direct or indirect compensation from the City of Leon Valley for their services as members of the Committee.
- g) The Committee members may not have an active or pending contract with the City of Leon Valley.
- h) The Committee may not include any employee or official of the City of Leon Valley, or any vendor or contractor of the City of Leon Valley. The Fire and Police Chiefs will be non-voting participants of the Committee.
- i) A Committee member serves at the pleasure of the Mayor and City Council of Leon Valley. If a Committee member resigns, violates the Ethics Policy contained herein, fails to attend two consecutive Committee meetings without reasonable excuse, or otherwise becomes unable to serve on the Committee, the Chairperson may declare the position on the Committee to be vacant and request that the Mayor and City Council appoint another qualified person to the Committee. Future appointments will follow the process as outlined in this Charter.

### **Duties and Responsibilities**

- a) The Committee shall be available to inform the public concerning the City of Leon Valley's expenditure of bond proceeds.
- b) The Committee will review all phases of the project to verify compliance with the purposes set forth in the 2012 Bond Program as approved by the voters.
- c) The Committee may coordinate with the Mayor and City Council to visit City facilities and grounds for which bond proceeds have been or will be expended, in accordance with any necessary access procedures.
- d) The Committee may review copies of other bond reports published by the City of Leon Valley.
- e) The Committee may recommend improvements or make other suggestions regarding the effective and efficient use of bond proceeds to the City Manager.

- f) The Committee will periodically give status reports to the Leon Valley City Council, when deemed to be appropriate by the Mayor or when recommended by the Chairman of the Committee and approved by the Mayor.
  
- g) The Committee is not responsible for:
  - (1) approval of construction contracts;
  - (2) approval of construction change orders;
  - (3) appropriation of construction funds;
  - (4) handling of legal matters;
  - (5) approval of construction plans and schedules;
  - (6) approval of the City of Leon Valley's maintenance plan;
  - (7) approval of the sale of bonds;
  - (8) the establishment of priorities and order of construction for the bond projects;
  - (9) the selection of architects, engineers, construction managers, project managers, and such other professional service firms;
  - (10) the approval of the design for each project including exterior materials, paint color, interior finishes, site plan and construction means or methods;
  - (11) the selection of independent audit firm(s), performance audit consultants and such other consultants as are necessary to support the performance of the Bond Program;
  - (12) Setting or approving schedules of design and construction activities;
  - (13) Directing the activities of staff or consultants; or
  - (14) Activities, roles or responsibilities that have been designated to staff or consultants, or any policy-making responsibilities.

## Committee Meetings

- a) The Committee shall meet, at the discretion of the Chairperson, to review the City of Leon Valley's Bond Program status and related information, and to perform other duties as provided herein.
- b) All Committee meetings shall be held within the City of Leon Valley geographic boundaries.
- c) All information received the Committee will be available to the public under the terms of the Texas Open Records Act and will be retained pursuant to the rules of the Texas State Archives and Library Commission and the City of Leon Valley.
- d) A quorum of the Committee shall consist of fifty percent (50%) of the currently appointed members plus one (1). A quorum must be present to decide on any action items presented to the Committee.
- e) Minutes of the previous meeting and agenda of the upcoming meeting should be sent to the Committee members no later than three business days before the upcoming meeting. Whenever possible, an explanation of agenda items shall accompany the notification. Members who are absent shall receive all materials distributed at missed meetings.
- f) A copy of the agenda must be presented to the City Secretary (3) three business days prior to the 72 hours posting requirements pursuant with Texas Local Government Code Section 551.043.
- g) A copy of the minutes of the previous meeting must be given to the City Secretary within (10) days of the approval of the minutes by the Committee.
- h) If the Chairperson or their designee determines with reasonable knowledge that a quorum of the City of Leon City Council will present at the Committee's meeting, the City Secretary shall be notified within (3) business days prior to the 72 hours posting requirement so that the Committee's agenda, posted in conformance of Texas Local Government Code 551.043, may reflect this.
- i) The current Rules of Conduct for the Leon Valley City Council shall govern the parliamentary procedures, disciplinary proceedings, and rules for the conduct of meetings, so long as not inconsistent with these Bylaws. No action of the Committee shall be invalidated, or the legality thereof affected, by the failure or omission to observe or follow the Rules of Conduct.

## City of Leon Valley Support

- a) The City of Leon Valley shall provide to the Committee necessary technical and administrative assistance as follows:
  - (1) provision of a meeting room, including any necessary audio/visual equipment;
  - (2) preparation and copies of any documentary meeting materials, such as agendas and reports; and distribution of those materials to the committee in a timely manner.
  - (3) retention of Committee meeting records, and providing public access to such records on an Internet website maintained by the City of Leon Valley
- b) City of Leon Valley staff and/or City of Leon Valley consultants shall attend Committee proceedings in order to report on the status of bond projects . (Neither the Committee nor any individual Committee member has the authority to direct the work of City staff or consultants.)

## Ethics Policy

This Ethics Policy provides general guidelines for Committee members to follow in carrying out their roles. Not all ethical issues that Committee members face are covered in this Policy. However, this Policy captures some of the critical areas that help define ethical and professional conduct for Committee members. The provisions of this Policy were developed from existing laws, rules, policies and procedures as well as from concepts that define generally accepted good business practices. Committee members are expected to strictly adhere to the provisions of this Ethics Policy.

**CONFLICT OF INTEREST.** A Committee member shall not make or influence a City of Leon Valley decision related to: (1) any contract funded by bond proceeds; or (2) any construction project which will benefit the Committee member's outside employment, business, or provide a financial benefit to a family member, such as a spouse, child, parent or sibling.

**OUTSIDE EMPLOYMENT.** A Committee member shall not use his or her authority over a particular matter to negotiate future employment with any person or organization that relates to: (1) any contract funded by bond proceeds; or (2) any construction project. A Committee member shall not make or influence a City of Leon Valley decision related to any construction project involving the interest of a person with whom the member has an agreement concerning current or future employment, or remuneration of any kind. For a period of one (1) year after leaving the Committee, a former Committee member

may not represent any person or organization for compensation in connection with any matter pending before the City of Leon Valley that, as a Committee member, he or she participated in personally and substantially. Specifically, for a period of one (1) year after leaving the Committee, a former Committee member and the companies and businesses for which the member works shall be prohibited from contracting with the City of Leon Valley with respect to: (1) bidding or proposing to provide services on projects funded by the bond proceeds; and/or (2) any construction project funded by the City of Leon Valley

**COMMITMENT TO UPHOLD LAW.** A Committee member shall uphold the federal and Texas Constitutions, the laws and regulations of the United States and the State of Texas, and the policies, procedures, rules and regulations of the City of Leon Valley.

**COMMITMENT TO THE CITY OF LEON VALLEY.** A Committee member shall place the interests of the City of Leon Valley above any personal or business interest of the member.

#### **Committee Termination**

The City of Leon Valley 2012 Bond Oversight Committee will sunset following completion of the 2012 Bond Project.

**AN ORDINANCE**

**AMENDING ORDINANCE NO. 12-008, CHAPTER 1 “GENERAL PROVISIONS, ARTICLE 1.06 “BOARDS, COMMISSIONS AND COMMITTEES” OF THE CITY OF LEON VALLEY CODE OF ORDINANCES, SECTION 1.06.03, 2012 BOND PROGRAM OVERSIGHT COMMITTEE; AMENDING THE COMMITTEE STRUCTURE AND MEMBERSHIP, APPOINTING TWO CITY COUNCIL LIAISONS, AND APPOINTING A CHAIRPERSON**

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

- 1. The Leon Valley City Code, Chapter 1, “GENERAL PROVISIONS, ARTICLE 1.06, SECTION 1.06.03 2012 Bond Program Oversight Committee, is hereby amended as follows:

**Committee Structure and Membership**

- 1) Section “B” of Ordinance No. 12-008 is amended as follows: Two City Council Members shall be appointed as Liaisons from the City Council;
- 2) Council Member \_\_\_\_\_ and Council Member \_\_\_\_\_ are hereby appointed to serve as the BOC Committee Liaisons.
- 3) Effective with the adoption of this ordinance amendment, the Chairperson shall be \_\_\_\_\_.
- 4) The 2012 Bond Program Oversight Committee Charter is hereby amended to reflect the changes authorized in this ordinance.

This ordinance shall take effect immediately upon its approval and adoption.

**PASSED and APPROVED** this the 4<sup>th</sup> of June, 2013

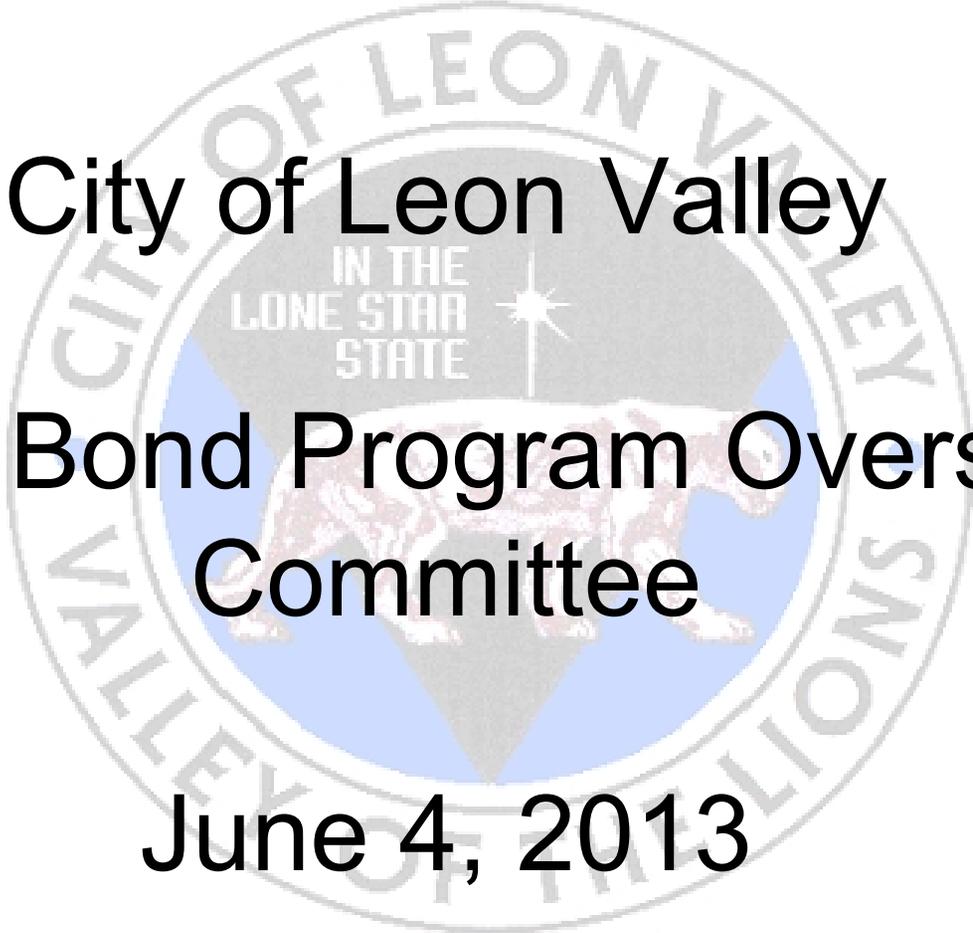
\_\_\_\_\_  
Mayor Chris Riley

ATTEST:

\_\_\_\_\_  
Janie Willman, City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Charles Zech, City Attorney



**City of Leon Valley**

**2012 Bond Program Oversight  
Committee**

**June 4, 2013**



# History

- May 12, 2012 Leon Valley Voters approved the issuance of \$7,000,000 in Bonds
  - specifically earmarked for designing, acquiring, constructing, improving, renovating, demolishing, expanding, and equipping a Public Safety and Support Services



# History & Committee Creation

- On June 5, 2012, the City Council was briefed and advised to proceed as recommended
- The Committee was established with the adoption of Ordinance No. 12-008 on June 19, 2012



# Committee Duties

- The Committee's charge is to monitor the construction projects funded by the 2012 Bond proceeds and help interested Leon Valley residents stay informed about construction and renovation projects funded by the 2012 Bonds
  - Reports to Mayor, City Council and Citizens of Leon Valley



# Committee Members

- The Committee has seven (7) members
  - One (1) Chairperson – appointed by Mayor and City Council
  - One (1) Vice Chairperson and one (1) Secretary – elected by members within 30 days of Committee creation
  - Three (3) members



# Governance of Committee

- Committee has a Charter which establishes the following;
  - Charge
  - Structure and Membership
  - Duties and Responsibilities
  - City support
  - Ethics Policy
  - Termination of Committee



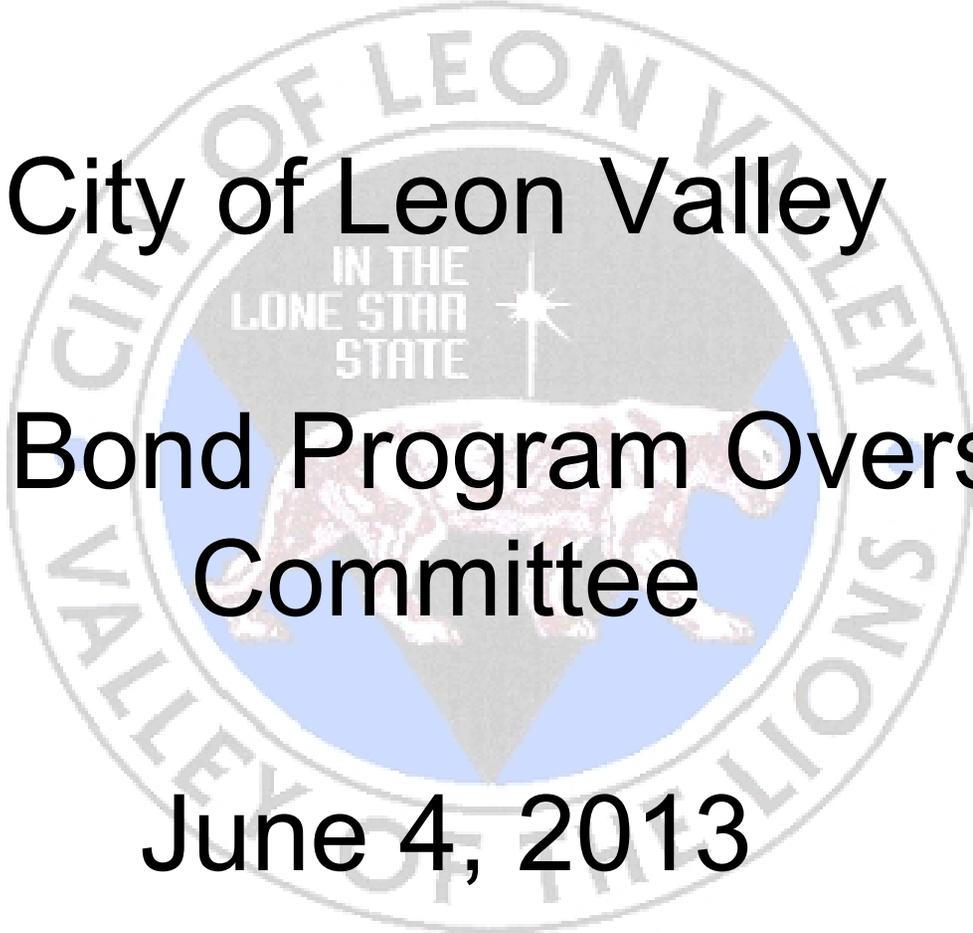
# Ordinance Amendment Recommendations

- Following the May 11, 2013 General Election for City Council, changes to the City Council membership necessitate a number of changes to the 2012 Bond Program Oversight Committee Ordinance & Charter



# Ordinance Amendment Recommendations

- Change to the ordinance language:
  - Committee Structure and Membership
    - b) Two City Council Members shall be appointed as Liaisons from the City Council; Council Member Place No. \_\_\_\_\_ and Council Member Place No. \_\_\_\_\_ will serve as the Committee's Liaisons with the Mayor and City Council
    - c) The Chairperson will be appointed by the Mayor and City Council. Effective with the adoption of the Ordinance amendment, the Chairperson shall be \_\_\_\_\_.



**City of Leon Valley**

**2012 Bond Program Oversight  
Committee**

**June 4, 2013**