

NOTICE OF PUBLIC MEETING

AGENDA

LEON VALLEY CITY COUNCIL MEETING

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

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

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

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

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

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

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

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

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

Consent Agenda

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

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

Regular Agenda

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

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

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

Discussion Agenda

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

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

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

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

Budget, September 18, 7 p.m.

Adopt the City of Leon Valley Economic Development Corporation's

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

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

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

14. Citizens to be Heard.

15. Announcements by the Mayor and Council Members.

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

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

Executive Session

- 16. The City Council of the City of Leon Valley reserves the right to adjourn into Executive Session at any time during the course of this meeting to discuss any of the matters listed on the posted agenda, above, as authorized by the Texas Government Code Sections 551.071 (consultation with attorney), 551.072 (deliberations about real property),

551.073 (deliberations about gifts and donations, 551.074 (personnel matters), 551.076 (deliberations about security devices), and 551.087 (economic development).

17. Adjourn.

I hereby certify that the above NOTICE OF PUBLIC MEETING AND AGENDA OF THE LEON VALLEY CITY COUNCIL were posted on the Bulletin Board at City Hall, 6400 El Verde Road, Leon Valley, Texas, on Thursday, August 30, 2012, by 6:00 p.m., and remained posted until after the meeting hereby posted concluded. This notice was likewise posted on the City website at www.leonvalleytexas.gov. This building is wheelchair accessible. Any request for sign interpretive or other services must be made 48 hours ahead of the meeting. To make arrangements call (210) 684-1391, Ext. 216.


Janie Willman, City Secretary

