

**RESOLUTION No.**

**A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A DEVELOPMENT AGREEMENT WITH BURKETT MEDIA MANAGEMENT, LLC, TO ALLOW A DOUBLE-SIDED DIGITAL BILLBOARD ADJACENT TO LOOP 410 AT 5902 BANDERA IN EXCHANGE FOR A \$100,000 BEAUTIFICATION IMPACT COST.**

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**WHEREAS**, pursuant to Chapter 380 of the Texas Local Government Code ("Chapter 380"), the City may establish and provide for the administration of an economic development program to advance economic growth, while also stimulating business and commercial activity within the City; and

**WHEREAS**, Company has applied to the City for permission to post a double-sided digital billboard adjacent to Loop 410 in Leon Valley at 5902 Bandera Road in the City (the "Property"), such billboard being no taller than 60 feet in height above the adjacent max grade of Loop 410 at the Site, or the maximum height allowed by the Texas Department of Transportation ("TXDOT"), with advertising displays measuring 672 square feet in area ("Digital Billboard" or "Company's Digital Billboard"); and

**WHEREAS**, on March 19, 2024, the City Council of the City unanimously approved two (2) variances to Chapter 3 Building Regulations, Article 3.04 Signs, Section 3.04.012 Off Premises Sigs, (a) New Off-Premises Signs and (12) Emitting Diode Signs Light to allow construction of the off-premise Digital Billboard by Company (collectively the "Variance"); and

**WHEREAS**, on March 25, 2024, the City, by its Planning and Zoning Director, issued a letter formally approving the Variance; and

**WHEREAS**, the Digital Billboard would be 14 ft high by 48ft wide; and

**WHEREAS**, Company has obtained a permit from TXDOT to construct an off-premise advertising sign on the Property; and

**WHEREAS**, the Company shall Construct on the Property, a Digital Billboard, which will include a monopole back-to-back structure directly embedded into a drilled foundation and comply with the Variance and City Development and Building Code Standards;

**WHEREAS**, the Company is willing to Construct and pay for the Digital Billboard, including the beautification costs necessary to offset the impact of the Digital Billboard, in exchange for the City's approval of the Digital Billboard subject to the terms and conditions of this Agreement; and

**WHEREAS**, the City of Leon Valley wishes to encourage and assist economic

development in the City and the greater Leon Valley area by using the Company's Digital Billboard as an introduction to the City to advertise city-sponsored events in communities outside of the City; and

**WHEREAS**, the City wishes to encourage and assist economic development in the City and the greater Leon Valley area by using the Company's Digital Billboard to advertise proposed developments and other opportunities for commercial investment in the City;

**WHEREAS**, the City has the authority to enter into this Agreement and this Agreement sets up a structured arrangement wherein the City will have use of the Company's Digital Billboard;

**WHEREAS**, the Company will pay a one-time beautification and impact fee of one hundred thousand dollars (\$100,000) upon issuance of the City permit and all state permits required by TXDOT to build and operate the Digital Billboard. Such payment shall be made payable to "City of Leon Valley, Texas" and shall be paid at the time of issuance of any and all City and state TXDOT permits needed for the Digital Billboard;

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

**SECTION 1.** This grant agreement for the distribution of general funds for street outreach is made and entered by and between the **CITY OF LEON VALLEY** and **Burkett Media** agree to the terms illustrated in the agreement attached herein.

**SECTION 2.** It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Resolution are severable, and if any phrase, clause, sentence, or section of this Resolution shall be declared unconstitutional or invalid by any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any other remaining phrase, clause, sentence, paragraph or section of this Resolution.

**SECTION 3.** The repeal of any Resolution or part of Resolutions effectuated by the enactment of this Resolution shall not be construed as abandoning any action now pending under or by virtue of such Resolution or as discontinuing, abating, modifying or altering any penalty accruing or to accrue, or as affecting any rights of the municipality under any section or provisions at the time of passage of this Resolution.

**SECTION 4.** This Resolution shall become effective immediately upon its passage and publication as required by law.

**PASSED, ADOPTED AND APPROVED** by the City Council of the City of Leon Valley this the 7th day of May 2024.

**APPROVED**

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**CHRIS RILEY**  
MAYOR

Attest:

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**CRYSTAL CALDERA, PhD**  
CITY MANAGER

Approved as to Form:

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**ARTURO D. "ART" RODRIGUEZ**  
CITY ATTORNEY