

AN ORDINANCE OF THE CITY OF LEON VALLEY, TEXAS CITY COUNCIL AUTHORIZING A FISCAL YEAR 2023-2024 BUDGET ADJUSTMENT TO THE ENTERPRISE FUND – STORMWATER IN THE AMOUNT OF \$100,740 FOR THE PURPOSE OF PERFORMING EMERGENCY REPAIRS TO HUEBNER CREEK AT POSS AND CHERRYLEAF ROADS TO PREVENT A ROADWAY COLLAPSE; PROVIDING FOR REPEALER, SEVERABILITY AND SAVINGS CLAUSES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City is responsible for the maintenance of its creeks and drainageways and budgets annually for routine maintenance of both; and

WHEREAS, recent heavy rains have caused Huebner Creek to rapidly erode and undermine Poss Road at Cherryleaf Street; and

WHEREAS, the City Engineer has deemed repairs to this area of the creek an emergency as the roadway is in danger of collapse; and

WHEREAS, the Leon Valley City Charter, Section 3.11 Ordinances, states that any ordinance necessary to protect the public's peace, health, safety and general welfare, may be passed as an emergency and become effective at once upon one (1) reading of the City Council, upon the approval of a majority vote of the City Council members that it is an emergency at said reading and the finding of an emergency shall be stated within the ordinance.

WHEREAS, it is necessary to adjust the Stormwater Fund Budget in the amount of \$100,740 in order to pay for these emergency repairs;

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

SECTION 1. The City's Enterprise Fund Stormwater budget is hereby adjusted in the amount of \$100,740 to fully fund the emergency repairs to Huebner Creek at Poss and Cherryleaf Roads.

SECTION 2. The financial allocations in this Ordinance are subject to approval by the Director of Finance. The Director of Finance may, subject to concurrence by the City Manager or the City Manager's designee, correct allocations to specific accounts as necessary to carry out the purpose of this Ordinance.

SECTION 3. It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, or section of this Ordinance 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 Ordinance.

SECTION 4. The repeal of any Ordinance or part of Ordinances effectuated by the enactment of this Ordinance shall not be construed as abandoning any action now pending under or by virtue of such Ordinance 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 Ordinance.

SECTION 5. This Ordinance 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 19th day of March 2024.

APPROVED

CHRIS RILEY
MAYOR

Attest: _____
SAUNDRA PASSAILAIGUE, TRMC
City Secretary

Approved as to Form: _____
City Attorney