

MAYOR AND COUNCIL COMMUNICATION

DATE: March 05, 2024

TO: Mayor and Council

FROM: Dr. Crystal Caldera, City Manager

SUBJECT: Discussion and Possible Action on an Ordinance Amending Article 4.03 Alcoholic Beverages by Amending Section 4.03.034 Late Hours Permit, Amending Section 4.03.035 City Fees Levy, Section 4.03.036 Beverage Fee Due Date, Amending Section 4.03.038 Display of Receipt, Amending Section 4.03.041 Definitions and Section A17.011 BYOB Establishments (1st Read was Held 02-20-2024)

PURPOSE & BACKGROUND

Effective September 1, 2023, the 88th Legislature amended Chapter 437 of the Health and Safety Code by adding the following:

*Sec. 437.01235. **FEES FOR PREMISES WITH ALCOHOLIC BEVERAGE PERMIT OR LICENSE.** A county or a municipality with a public health district that charges a fee for the issuance or renewal of a permit under Section 437.012 or 437.0123 for premises located in the county or municipality and permitted or licensed by the Texas Alcoholic Beverage Commission may not also charge a fee under Section 11.38 or 61.36, Alcoholic Beverage Code, for issuance of an alcoholic beverage permit or license for the premises.*

Under resolution number 22-007R, the City of Leon Valley falls under Bexar County's Public Health District.

This means the City of Leon Valley cannot charge for both a Health Inspection and an Alcohol beverage permit.

Further, under Division 3. Bring Your Own Bottle Establishments (BYOB) under Section 4.03.041 Definitions, a definition for the term operator was added. Section A17.011 BYOB Establishments, the application of \$50.00 did not cover the cost of the background checks and staff time to process; therefore, we are requesting an increase from \$50.00 to \$80.00 to cover these costs.

FISCAL IMPACT

The revenue loss is an estimated \$10,000.

RECOMMENDATION

Recommend Approval

APPROVED: _____ DISAPPROVED: _____

APPROVED WITH THE FOLLOWING AMENDMENTS:

ATTEST:

SAUNDRA PASSAILAIGUE, TRMC
City Secretary