



**CITY OF LEON VALLEY
CITY COUNCIL REGULAR MEETING**
Leon Valley City Council Chambers
6400 El Verde Road, Leon Valley, TX 78238
Tuesday, October 6, 2020

MINUTES

5:15 PM Call to Order; Determine a Quorum is Present, Pledge of Allegiance.

Attendee Name	Organization	Title	Status	Arrived
Chris Riley	City of Leon Valley	Mayor	Present	
Monica Alcocer	City of Leon Valley	Mayor Pro-Tem, Council Place 3	Remote	
Donna Charles	City of Leon Valley	Council Place 1	Remote	
Catherine Rodriguez	City of Leon Valley	Council Place 2	Present	
Matthew Hodde	City of Leon Valley	Council Place 4	Present	
Will Bradshaw	City of Leon Valley	Council Place 5	Present	

Also present was City Manager Kelly Kuentler, ACM/HR Director Crystal Caldera, ACM/LVPD Chief Joseph Salvaggio, City Secretary Saundra Passailaigue, Assistant, LVPD Assistant Chief David Gonzalez, LVFD Fire Chief Michael Naughton, Planning & Zoning Director Brandon Melland, Public Works Director Melinda Moritz, Public Works Executive Administrative Clerk Yvonne Acuna, Library Director Regina Reed, Assistant Library Director Theresa Brader, Assistant Finance Director Floyd Messick, Special Events Coordinator Maribel Mendoza and various LVPD and LVFD staff.

City Attorney Charles E. Zech remoted into the meeting.

Mayor Chris Riley welcomed everyone and asked Richard Blackmore to lead the Pledge of Allegiance.

Mayor Riley asked for all cell phones to be silenced and reminded everyone that “the Council Chambers is a place where we’re treated with respect and dignity. Citizens, Councilors, staff, and visitors alike. Mayor Riley stated that there would be a new rule and that is that everyone in attendance must wear a mask which must cover the nose.

Anyone desiring to speak shall be first recognized by the presiding officer, that’s me, so please raise your hand-Council, staff, citizens and visitors alike. This way we’ll keep it to a more manageable meeting. Now for the Councilors that are on the line, I will certainly call on you on every agenda item except on Point of Order, if you want to speak please let Crystal or Saundra know just so that we can have an orderly progression and so that I can recognize you, I would appreciate that. City Councilors, staff and members of the public

shall not shout, display unruly behavior, distract with side conversations, use profanity, threat of violence, or disrupt the orderly conduct of the meeting. This includes speaking or commenting from your seat or using foul language as you exit the chambers. I would suggest if you feel you may have a difficult time controlling yourself, please sit in the foyer. No personal attacks on staff, City Councilors or members of the public shall be allowed. The presiding officer will warn the person that he or she will be required to leave the building if the disruption continues. I cannot see or hear all that goes around in Chambers especially with this mask on but the Rules of Decorum also allow each Councilor to help monitor the situation by calling a Point of Order. I hope we do not have to go there. Let's again be civil and treat each other with respect and dignity and thank you very much for your cooperation."

Mayor Riley added that no citizen comment or any other form of correspondence will be read from any person who is removed from the meeting for any of the reasons stated above.

Lastly, Mayor Riley added the newly adopted rules associated with video recording in Chambers as stated in Resolution No. 20-037R.

REGULAR AGENDA

Discussion and Possible Action to Approve a Resolution Accepting a Bid, in the Amount of \$240,924.05, With 25% for Contingency, and Authorizing the City Manager to Enter into a Contract with Garren Construction for the Community Center Upgrade Project (M&C # 2020-10-06-02 M. Moritz and Frank Haas, Lead Estimator of Garren Construction)

Public Works Melinda Moritz presented a resolution accepting a bid in the amount of \$240,924.05, with 25% for contingency, and authorizing the City Manager to enter into a contract with Garren Construction, for the Community Center Upgrade Project.

- Dan Parker asked about asbestos testing; and about the rotting lumber behind the stucco.
- Frank Haas spoke about the flooring.

A motion was made by Councilor Will Bradshaw and seconded by Councilor Catherine Rodriguez to approve the resolution with the Base Bid plus Alternate 1 and 2.

Councilor Monica Alcocer offered an amendment to include input from Public Works on what portion of the project they could do. Councilor Bradshaw and Councilor Rodriguez both accepted the amendment.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Will Bradshaw, Council Place 5
SECONDER:	Catherine Rodriguez, Council Place 2
AYES:	Alcocer, Charles, Rodriguez, Hodde, Bradshaw

Presentation and Discussion of an Ordinance Authorizing Budget Adjustments, for a Total Amount of \$2,207,724, with Funds for Contingencies, for Carryover Capital Projects from the FY '20 to the FY '21 General, Enterprise, and Stormwater Fund Budgets (1st Read as Required by City Charter) (M&C #2020-10-06-01 M. Moritz)

Public Works Director Melinda Moritz proposed an ordinance seeking authorization from City Council for budget adjustments for the FY 2020-2021 General Fund, Enterprise, and Stormwater budgets, in the amount of \$2,289,240.00, with contingencies, to fund Capital Improvement projects which had been funded in FY 2019-2020, but were not completed in that fiscal year.

RESULT:	FIRST READ
----------------	-------------------

Discussion and Possible Action Authorizing the City Manager to Enter into a Contract for Information Technology Services Provider with Techlead (M&C # 2020-10-06-03 C. Caldera)

ACM/HR Director Crystal Caldera presented to authorize the City Manager to enter into a one-year contract with an automatic renewal for professional Information Technology services with Techlead, as the City's IT provider.

- Evan Bohl asked for clarification on the vender vs. the IT person
- Erick from Techlead spoke of the service his company provides.
- Justin Pulliam spoke about the cost. (Mr. Pulliam held his camera at the podium)
- Benny Martinez spoke negatively about Barcom and spoke about his own company. (Mr. Martinez wore his body worn camera at the podium)
- Johnny Garrett asked about "e-citations" or ticket writers and asked how much they cost and what the maintenance cost.

A motion was made by Councilor Will Bradshaw and seconded by Councilor Monica Alcocer to approve the item as presented.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Will Bradshaw, Council Place 5
SECONDER:	Monica Alcocer, Mayor Pro-Tem, Council Place 3
AYES:	Alcocer, Charles, Rodriguez, Hodde, Bradshaw

CITIZENS TO BE HEARD

- Carol Poss spoke about her mail-in ballot and the proposed Charter amendments.
- Sandy Caldwell Martinez spoke about Domestic Violence Awareness.

- Bradon Joel spoke about John Grey's arrest.
- Benny Martinez spoke about the Lion's Roar Policy.
- Evan Bohl spoke about what he says the citizens really want to hear about.
- Justin Pulliam wanted to speak but Mayor Riley informed him that Councilor Hodde reminded her of Resolution No. 20-037R regarding cameras and told him he would not be allowed his camera at the podium. Mr. Pulliam asked for a microphone to be brought to him at his seat.

Councilor Will Bradshaw asked for City Attorney Zech's input on Texas Government Code §551.023. City Attorney Zech replied that the Texas Government Code also states that the City Council can adopt reasonable rules with respect to the recording of both video and audio recording so to the extent that you have adopted a rule that provides were that can take place, that's the rule in place.

Councilor Bradshaw then asked Attorney Zech about "a rule under subsection b" and if he was "going to unreasonably impair this person from exercising his right to record? That is exactly the type of...that's why that's put in here, because these are unreasonable rules that this council created because they're so afraid of being recorded for what they're doing. If we don't allow Mr. Pulliam to bring his camera and record, it's going to be another lawsuit for the City. That's what I foresee."

Mayor Riley read Resolution No. 20-037R out loud for all to hear again.

Councilor Hodde said, he can record from his seat. Nobody said he couldn't record.

Mayor Riley informed Mr. Pulliam that he was welcome to come to the podium to speak for his three minutes but the camera(s) must be left at his seat.

Councilor Will Bradshaw said that "the police are not in charge, that is your job Mayor to call out disturbances, not the police to be following and targeting certain individuals."

LVPD Chief Salvaggio replied that it is the duty of the police to enforce the laws of the City. Mr. Pulliam is not being stopped from speaking; he can come up without his cameras."

Councilor Donna Charles suggesting moving forward with the meeting as this issue has already been voted on by City Council.

Mayor Riley read a citizen e-mail submitted by:

- Kathy Hill which was entered into the record.
- Erick Matta spoke about a lawsuit article in the Lion's Roar; about Mr. Pulliam and his camera issue this evening; about the LVPD Chief removing him from a meeting.

Councilor Donna Charles called a Point of Order. Erick Matta responded, "Please don't interrupt me." Mayor Riley responded, "Excuse me this is citizens to be heard, they can speak." Councilor Charles attempted to reply but Mayor Riley said "Go ahead, Go ahead." Mr. Matta spoke over Councilor Charles. Councilor Charles said "but he is attacking....".

Mayor Riley said firmly, “Excuse me Ms. Charles, he’s speaking. I’ll give you another 10 seconds or 15 seconds on your time. Go ahead.” Mr. Matta continued to speak about hypocrisy and telling the Chief of Police what the problems are with his department saying it was with the leadership.

- Richard Blackmore spoke about Leon Valley’s “fine police department and its excellent leadership” saying it was one of the best in the state; about the district attorney; about rumors going on about him and his relationships with members of council being started by candidates; warned the Mayor about “losing control” to her “own team members”; and about be a republican.
- Johnny Garrett explained relationships to everyone; and about domestic violence.

City Secretary Sandra Passailaigue read a citizen e-mail submitted by:

- Dustin Fuggee and then began reading another from Monica Greeno but then was reminded that since Ms. Greeno is not a resident of Leon Valley her e-mail would not be read. Both e-mails were entered into the record.

ORDINANCE

Discussion and Possible Action on an Ordinance Amending Ordinance 2020-34 and Repealing Ordinance 10-019 Regarding the Specific Use Permit of 999 Shadow Mist; Generally Located on the East Side of Shadow Mist Road at the Intersection of Shadow Mist Road and Avedisian Drive for Entertainment-Outdoor Purposes; and a Public Hearing on Said Request (1st Read was Held on 09-15-20) (M&C # 2020-10-06-04 B. Melland)

A motion was made by Councilor Will Bradshaw and seconded by Councilor Catherine Rodriguez to adopt the ordinance as presented.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Will Bradshaw, Council Place 5
SECONDER:	Catherine Rodriguez, Council Place 2
AYES:	Monica Alcocer, Donna Charles, Catherine Rodriguez, Matthew Hodde, Will Bradshaw

Presentation, Discussion and Possible Action on Adopting an Ordinance Adopting Texas Governor Abbott's Executive Order GA-29, Governor's Executive Order GA-30 and Bexar County Judge Wolff's Executive Order NW-15, And Amending the Emergency Disaster Ordinance Local Emergency Declaration 2020-40 (M&C # 2020-10-06-05 J. Salvaggio)

A motion was made by Councilor Donna Charles and seconded by Councilor Monica Alcocer to adopt the ordinance as recommended by staff.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Donna Charles, Council Place 1
SECONDER:	Monica Alcocer, Mayor Pro-Tem, Council Place 3
AYES:	Monica Alcocer, Donna Charles, Catherine Rodriguez, Matthew Hodde
NAYS:	Will Bradshaw

CONSENT AGENDA

Councilor Donna Charles asked to pull Consent Agenda Item 8.7 for discussion.

Councilor Will Bradshaw asked to pull Consent Agenda Item 8.1.b. for discussion.

A motion was made by Councilor Monica Alcocer and seconded by Councilor Catherine Rodriguez to approve Consent Agenda Items 8.1.a, 8.2, 8.3, 8.4, and 8.6 as presented.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Monica Alcocer, Mayor Pro-Tem, Council Place 3
SECONDER:	Catherine Rodriguez, Council Place 2
AYES:	Monica Alcocer, Donna Charles, Catherine Rodriguez, Matthew Hodde, Will Bradshaw

Consideration of the Following City Council Minutes:

- a. **Regular Meeting- February 4, 2020 6:00 PM**
- c. **Special Meeting- September 29, 2020 5:30 PM**

Acceptance of Board/Commission/Committee Minutes:

- **02-04-2019 Zoning Commission Minutes**
- **06-22-2020 Tree Advisory Committee Minutes**
- **08-11-2020 Zoning Commission Minutes**
- **08-31-2020 Ethics Review Board Minutes**
- **09-03-2020 Zoning Commission Minutes**

Presentation of a Proclamation Declaring October 4 - 10, 2020 as "Fire Prevention Week" in the City of Leon Valley, Texas (Mayor Chris Riley)

Discussion and Possible Action to Consider Rescheduling or Cancelling the October 24, 2020 Coffee with the Mayor & City Council (M&C # 2020-10-06-08 S. Passailaigue)

Discussion and Possible Action on Cancelling the 2021 Earthwise Living Day Event (M&C # 2020-10-06-09 Y. Acuna)

Discussion and Possible Action on a Resolution Appointing Kelly Kuenstler as the Ethics Review Board Staff Liaison (M&C # 2020-10-06-10 K. Kuenstler)

Consideration of the Following City Council Minutes:**Regular Meeting- September 15, 2020 4:00 PM*****Item Removed from Consent for Discussion***

Councilor Will Bradshaw read from his notes and asked that the September 15, 2020 stating that what his notes say and what the presented minutes say do not match. Mayor Riley asked if that was the section when the Council came out of Executive Session to which Councilor Bradshaw said it was.

A motion was made by Councilor Will Bradshaw and seconded by Councilor Matthew Hodde to have the September 15, 2020 "re-reviewed and amended".

City Manager Kelly Kuenstler asked for a Point of Order which Mayor Riley responded, "Excuse me. You don't have a Point of Order. You're not a councilor." City Manager Kuenstler replied, "Mayor I have a question. I'm sorry." Mayor Riley responded, "I wanted that clarified. Excuse me. You are recognized." City Manager stated that she "did not understand the motion to amend the minutes but to review the minutes in case they are inaccurate."

Councilor Bradshaw stated, "Review and amend. I might have said it wrong. Review and amend and bring it back if it was inaccurate."

Discussion and Possible Action to Change the Tuesday, November 3, 2020 Regular City Council Meeting to Monday, November 2, 2020 (M&C # 2020-10-06-11 K. Kuenstler) *Item Removed from Consent for Discussion*

Mayor Riley presented this item saying she added it to the agenda because she thought it would be more convenient for the citizens being that it is Election Day.

A motion was made by Councilor Donna Charles and seconded by Councilor Will Bradshaw to cancel the first meeting in November.

- Evan Bohl spoke in opposition of the proposed cancellation but to maybe move it to the Monday before.
- Benny Martinez suggested holding the meeting the next Wednesday in order to welcome the "council-elect".

Councilor Monica Alcocer asked the city manager if a meeting would be necessary for second readings of ordinances from tonight.

City Manager Kuenstler replied that it was a good question and would ask the Council to consider postponing this item as the answer is unknown at this time.

Councilor Donna Charles withdrew her motion and Councilor Will Bradshaw withdrew his second.

Councilor Catherine Rodriguez asked “to remove agenda item 5.2 because two or three meetings ago we had said we were going to go ahead and move that item to November 17th”. Mayor Riley responded to Councilor Rodriguez asking if she could take it up after this because she had a statement to read and that she could postpone it again if she would like. As you can see it is “re-urged” so I would like for you to reconsider it, so that’s what that means.”

PRESENTATIONS

Presentation and Discussion of the Monthly Financial Report Ending August 31, 2020 and C.A.R.E.S. Act Report (Floyd Messick, Assistant Finance Director)

Assistant Finance Director Floyd Messick presented the Monthly Financial Report ending August 31, 2020 as well as a report on the CARES Act expenditures as of September 30, 2020.

RESULT:	PRESENTED
----------------	------------------

Presentation and Discussion of The Difference Between Leon Valley Government Under General Law and Under the Current Home Rule Charter (Re-Urged) (Mayor Chris Riley)

Mayor Chris Riley gave a statement about her reasons for adding this item to the agenda.

Councilor Catherine Rodriguez stated that City Council had previously determined to postpone this item to the November 17, 2020 agenda.

Councilor Donna Charles agreed and motioned to leave it on the November 17, 2020 agenda. Councilor Catherine Rodriguez seconded the motion.

- Benny Martinez spoke in opposition of postponing the item.
- Erick Matta also spoke in opposition of postponing the item.

City Secretary Sandra Passailaigue read a citizen e-mail submitted by:

- Liz Maloy which was entered into the record.

Councilor Donna Charles Called the Vote.

Councilor Will Bradshaw called a Point of Order and told Mayor Riley that Call the Vote would require a vote.

Mayor Riley asked City Secretary Sandra Passailaigue to take a roll call vote on Calling the Vote.

City Secretary Passailaigue proceeded with a roll call vote to which the City Council replied: Councilor Donna Charles - Aye; Councilor Catherine Rodriguez - Aye; Councilor Monica Alcocer - Aye; Councilor Matthew Hodde - Nay; and Councilor Will Bradshaw - Nay.

Upon a vote of three (3) for and two (2) opposed, Mayor Riley announced the motion carried.

Mayor Riley asked City Secretary Sandra Passailaigue to take a roll call vote on motion.

City Secretary Passailaigue proceeded with a roll call vote to which the City Council replied: Councilor Donna Charles - Aye; Councilor Catherine Rodriguez - Aye; Councilor Monica Alcocer - Aye; Councilor Matthew Hodde - Aye; and Councilor Will Bradshaw - Nay.

Upon a vote of four (4) for and one (1) opposed, Mayor Riley announced the motion carried.

Presentation and Discussion on Forensic Investigative Report on Disruption of April 7, 2020 Council Meeting (M&C # 2020-10-06-06 J. Salvaggio)

ACM/LVPD Chief Joseph Salvaggio introduced Jacob Stauffer, CISSP who presented the Forensic Investigative Report on the Disruption of the April 7, 2020 City Council meeting.

- Evan Bohl asked about the scope of the investigation.
- Erick Matta spoke of his concerns with Mr. Stauffer's notation of Benny Martinez.
- Benny Martinez asked the details in the report as they relate to him.
- Johnny Garrett asked about the contract with Mr. Stauffer.
- Pat Martinez asked why Mr. Stauffer singled out Benny Martinez.

There was a brief discussion.

RESULT:	PRESENTED
----------------	------------------

Presentation and Possible Action on Hosting a Halloween Drive Through Event at the Community & Conference Center Parking Lots. (M&C # 2020-10-06-07 K. Kuenstler)

City Manager Kelly Kuenstler presented this item on behalf of Special Events Coordinator Maribel Mendoza for consideration on the idea of the City of Leon Valley hosting a "Halloween Drive Through Event" at the Community & Conference Center parking lots. Families can drive through several stations and get goodies; not having to leave their vehicle & without being exposed to a COVID 19 risk. The event would be sponsored by the City of Leon Valley and several local businesses.

A motion was made by Councilor Monica Alcocer and seconded by Councilor Matthew Hodde to go forward with the event on Saturday, October 31, 2020, from 5:30 PM until 7:30 PM or until all goodie bags have run out.

RESULT:	APPROVED [4 TO 1]
MOVER:	Monica Alcocer, Mayor Pro-Tem, Council Place 3
SECONDER:	Matthew Hodde, Council Place 4
AYES:	Monica Alcocer, Donna Charles, Catherine Rodriguez, Matthew Hodde
NAYS:	Will Bradshaw

CITY MANAGER'S REPORT

Upcoming Important Events:

- **Next Regular City Council Meeting, Tuesday, October 20, 2020, at 5:15 p.m. in Council Chambers.**
- **Fire Prevention Week, Sunday, October 04, 2020 through Saturday, October 10, 2020.**
- **League of Women Voters Candidates Forum, Wednesday, October 7, 2020 from 6:00-8:00 p.m., at the Leon Valley Conference Center.**
- **Early voting, Tuesday, October 13, 2020 through Friday, October 30, 2020.**
- **Election Day, Tuesday, November 03, 2020.**
- **Miscellaneous other events and announcements.**

A motion was made by Councilor Catherine Rodriguez and seconded by Councilor Will Bradshaw to postpone the City Manager's Report and Announcements by the Mayor and City Council to October 20th.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Catherine Rodriguez, Council Place 2
SECONDER:	Will Bradshaw, Council Place 5
AYES:	Monica Alcocer, Donna Charles, Catherine Rodriguez, Matthew Hodde, Will Bradshaw

ANNOUNCEMENTS BY THE MAYOR AND COUNCIL MEMBERS

A motion was made by Councilor Catherine Rodriguez and seconded by Councilor Will Bradshaw to postpone the City Manager's Report and Announcements by the Mayor and City Council to October 20th.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Catherine Rodriguez, Council Place 2
SECONDER:	Will Bradshaw, Council Place 5
AYES:	Monica Alcocer, Donna Charles, Catherine Rodriguez, Matthew Hodde, Will Bradshaw

CITIZENS TO BE HEARD


None

ADJOURNMENT

Mayor Riley announced that the meeting adjourned at 9:49 PM.

These minutes approved by the Leon Valley City Council on the 20th of October, 2020.

APPROVED


CHRIS RILEY
MAYOR

ATTEST: 
SAUNDRA PASSAILAIGUE, TRMC
CITY SECRETARY

